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Description of document: Office of Personnel Management (OPM) Office of Inspector General (OIG) Evaluation of US International Trade Commission (USITC) human resources program 2017

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Source of document: Attention: FOIA Request
U.S. Office of Personnel Management
1900 E Street, N.W.
OPIM/FOIA Room 5H35
Washington, D.C. 20415-7900
Email: foia@opm.gov (preferred during COVID-19)

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UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

Merit System
Accountability and
Compliance

June 21, 2021

Subject: FOIA Tracking # 2021-03693

This letter is in response to your May 22, 2021 letter in which you requested the following: “A copy of the OPM report issued December 8, 2017 in which the OPM had conducted an evaluation of the US International Trade Commission’s strategic management of human capital, the efficiency and effectiveness of its human resources programs, and its compliance with merit system principles and other civil service laws and regulations.”

Your request was processed under the FOIA, 5 U.S.C. § 552.

A search for responsive records was conducted by the Merit System Accountability and Compliance office. A total of 21 pages of records responsive to your request were located. It has been determined that some information is being withheld under Exemption (b)(6). Exemption 6 protects information that pertains to an individual and the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. When applying Exemption 6, OPM weighs the privacy interest of an individual against any public interest in the records. In this case, information such as names would be an unwarranted invasion of privacy if released.

You have the right to appeal this determination. Should you wish to do so, pursuant to 5 CFR 294.110, you must send a copy of your initial request, a copy of the letter denying the request, and a statement as to why you believe the denying official erred within 90 days from the date of this letter to:

U.S. Office of Personnel Management
Office of General Counsel
1900 E Street, NW
Washington, DC 20415

Both the front of the envelope and the first page of your letter should be marked “FOIA Appeal.”

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The U.S. National Archives and Records Administration
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College Park, MD 20740-6001
Telephone: 202-741-5770 or 1-877-684-6448
Fax: 202-741-5769OGIS
Email: ogis@nara.gov

You may also seek additional assistance from OPM's Public Liaison. The OPM FOIA Public Liaison can be reached as follows:

Email: foia@opm.gov
Telephone Hotline: 202-606-1153

Sincerely,

**MICHAEL
QUINTO**

 Digitally signed by
MICHAEL QUINTO
Date: 2021.06.21
12:27:19 -04'00'

Michael V. Quinto
FOIA Officer
Merit System Accountability and Compliance

Enclosure: Responsive Records (21 pages)



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

DEC 08 2017

Merit System
Accountability and
Compliance

(b) (6)

Director, Office of Human Resources
U.S. International Trade Commission
500 E Street, SW, Room 220-E
Washington, DC 20436

Dear (b) (6)

This letter transmits findings from the compliance evaluation OPM conducted at the U.S. International Trade Commission (USITC) June 12 to July 13, 2017. The purpose of this evaluation was to assess USITC's strategic management of human capital, the efficiency and effectiveness of its human resources programs, and its compliance with merit system principles and other civil service laws and regulations.

Our evaluation encompassed two areas of the Human Capital Framework (HCF): Talent Management and Results-Oriented Performance Culture Systems. We also evaluated the USITC's Delegating Examining (DE) Unit. We reviewed policies and procedures; information from the Enterprise Human Resources Integration (EHRI) Data Warehouse; a selected sample of DE, merit promotion, excepted service case files; and various other actions, including awards and incentives. We also conducted interviews with human resources staff and selecting officials.

OPM finds that USITC's Human Capital Management Office generally operate in accordance with law and established regulations. Nonetheless, we have identified a number of areas in need of improvement for you to address within the two HCF systems evaluated to be considered to have an effective HC program. These areas include, but are not limited to, an outdated Merit Promotion Plan, the lack of a robust accountability/quality review program, and how veterans' preference is adjudicated.

The enclosed report contains our findings, including required and recommended actions designed to improve effectiveness of operations. Detailed findings pertaining to your DE operations are in Appendix A. Appendix B contains details of cases needing reconstruction, and Appendix C contains a summary of our required and recommended actions.

Please respond within 60 days with steps taken or planned to address the required and recommended actions presented in this report. We ask that you include any supporting documentation and action plans with timelines and deadlines. Address your response to Robert Trefault at robert.trefault@opm.gov or San Francisco Federal Building, 90 7th Street, Suite 13-300, San Francisco, CA 94103.

(b) (6)

We wish to express our appreciation to you and your staff, especially (b) (6), for all the assistance provided to our evaluation team throughout the evaluation process. If you have any questions concerning this evaluation, please contact Mr. Trefault by email or at (415) 281-7046.

Sincerely,



Ana A. Mazzi
Deputy Associate Director

Enclosure

cc: (b) (6)
Human Resources Specialist
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

(b) (6)

(b) (6)

Inspector General
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

(b) (6)

Sent by email to:

(b) (6)

No hard copy to follow.

Small Agency Compliance Review

U.S. International Trade Commission

Review Period October 2015 – September 2016

Executive Summary

OPM's Merit System Accountability and Compliance, Agency Compliance and Evaluation, conducted an evaluation June 12 to July 13, 2017, to determine the health and effectiveness of the U.S. International Trade USITC's human capital (HC) programs. The review focused on two systems of the Human Capital Framework (HCF): Talent Management and Results-Oriented Performance Culture Systems. Results of our review revealed that USITC's HC operations do largely support the mission effectively and generally are compliant with legal requirements but will need improvement to be considered an effective HC program.

Within the Talent Management System, we looked for evidence that USITC promotes a high-performing workforce, identifies and closes skills gaps, implements and maintains programs to attract, acquire, develop, promote, and retain quality and diverse talent, and ensures its delegated examining (DE) authority is properly executed. Our review of HC operations uncovered some issues in both external and internal hiring. Most significantly, we found extremely outdated policies, the lack of a robust accountability/quality review program, and a potentially illegal appointment involving the application of veterans' preference.

In reviewing USITC's Performance Culture System, we sought evidence USITC has systems in place that engage, develop, and inspire a diverse, high-performing workforce by creating, implementing, and maintaining effective performance management strategies, practices, and activities in support of support mission objectives. Our review of HC operations at USITC shows an effective performance management and employee awards program.

The required and recommended actions cited in this report will, and have already begun to, assist in improving HC service delivery at USITC.

Introduction

OPM’s Agency Compliance and Evaluation conducted an evaluation to determine the health and effectiveness of USITC’s HC programs June 12 to July 13, 2017. This evaluation focused on two of the four HCF systems: Talent Management and Results-Oriented Performance Culture. As part of the Talent Management System, we also evaluated USITC’s DE program to assess how well it supports mission accomplishment and complies with merit system principles, veterans’ preference, law and regulations, and the Interagency Delegated Examining Agreement (IDEA) between USITC and OPM. By looking at these two systems, OPM is able to gauge the effectiveness and level of compliance of USITC’s HC programs.

As part of the evaluation, OPM conducted a review of USITC’s policies, procedures, and other advance information received, as well as 2016 Federal Employee Viewpoint Survey (FEVS) results and information obtained from the Enterprise Human Resources Integration (EHRI) Data Warehouse. Additionally, onsite interviews were conducted with the HR Director, HR staff, and selecting officials. We also reviewed a sample of DE, merit promotion, excepted service, and various other actions, including awards, quality-step increases, and other incentives (see tables below). The review period for the reviewed samples covered October 1, 2015, through September 30, 2016.

Appointing Authorities Reviewed	Number of Cases in Sample
Delegated Examining	6
Merit Promotion	6
Pathways	2
Excepted Service	3

Other Types of Actions Reviewed	Number of Cases in Sample
Individual Cash Award (ratings-based)	4
Group Award	4
Individual Time-Off Award	4
Group Time-Off Award	2
Quality Step Increase	4
Retention Incentive	1

Source: Case sample based on EHRI Data (10/1/15 – 9/30/16)

This report presents OPM’s findings, identifies areas requiring corrective action, and offers recommendations to ensure efficient, effective, and compliant operations. Issues identified that affect USITC’s DE program are reported in Appendix A. Actions reviewed that require reconstruction are outlined in Appendix B and a summary of required and recommended actions are reported in Appendix C.

Talent Management System

In the Talent Management System, we looked for evidence USITC promotes a high-performing workforce, identifies and closes skills gaps, and implements and maintains programs to attract, acquire, develop, promote, and retain quality and diverse talent. We also reviewed the competitive examining program to ensure your DE authority is being properly executed. The FEVS results show that USITC exceeds other small agencies with regard to its Talent Management, Leadership and Knowledge Management and Employee Engagement Indices.

These three metrics, combined with USITC's commitment to using the FEVS results to inform its decision-making, ensures employees remain engaged and knowledge transfer occurs.

Overall, we found that USITC is generally compliant with applicable regulations and operates in a manner conducive to achieving its mission, but notable findings and required corrective actions are reported below.

Cross Cutting Findings

USITC has no formal career transition assistance plan (CTAP) to ensure intra-agency selection priority is given to its eligible surplus and displaced employees. Without a plan in place, USITC cannot meet its regulatory obligation to develop and maintain policies addressing current and former employees' use of transition services and facilities.

Required Action: Provide OPM actions taken or planned to establish a Career Transition Assistance Program for surplus and displaced USITC employees. [5 CFR 330.603 and 5 CFR 250.209]

Although corrected during our evaluation, a number of the actions reviewed contained errors in the Nature of Action (NOA) codes used to effectuate the actions. The importance of accuracy in coding hiring actions cannot be understated as it can have a longstanding impact to the affected employee. A simple coding error could result in hardship to the employee (especially if the employee changes agencies), impact Reduction-in-Force status, impact the employee's retirement, and resources needed for the HR staff to correct the error.

Pathways Programs

USITC uses the Pathways Programs effectively as tools to recruit and retain students and recent graduates. The programs are used strategically to bring high achieving individuals into mission-critical occupations. Overall, USITC's Pathways Programs are managed in accordance with applicable laws and regulations. However, during the course of the evaluation an issue was identified with how classification and qualification determinations were made for those appointed as recent graduates using 5 CFR 213.3402 (b).

When classifying positions for use in the Pathways Programs, distinction is made between intern positions and recent graduates positions. In the case of positions involving periods of pertinent formal education and periods of employment in a Federal agency, such as Pathways interns, the position should be classified as a student trainee position and use a student trainee occupational series ending in XX99. As outlined in the *Handbook of Occupational Groups and Families*, all positions classified to a student trainee series should be titled, "Student Trainee" followed by a parenthetical title consistent with the occupational field involved (e.g., Student Trainee (Human Resources Management)). Despite frequently being developmental in nature, recent graduates positions do not meet the definition of student trainee and should be classified using the applicable classification standard. This review found that both intern and recent graduates positions were classified as student trainee positions using the XX99 occupational series. By

misclassifying recent graduate positions, USITC increases its risk of making improper conversions at the conclusion of the program.

Required Actions: Provide OPM actions taken or planned to ensure recent graduates positions are classified according to the OPM classification standard for the occupation being filled. [5 U.S.C. 5107 and 5 CFR 250.209]

Provide copies of any recent graduates position descriptions in use to show they have been updated to reflect the correct OPM classification standard. [5 U.S.C. 5107 and 5 CFR 250.209]

When determining which qualification standard to use for appointments under the Pathways Programs, there is again a distinction made between intern positions and recent graduates positions. The *Group Coverage Qualification Standard for Pathways Internship Positions* is utilized when making qualification determinations for Pathways Interns. However, there is no specific standard for recent graduates, so you must use the OPM qualification standard for the occupation and grade level of the position being filled. USITC used the *Group Coverage Qualification Standard for Pathways Internship Positions* for both intern and recent graduates appointments. While no instances of qualification errors were found for the recent graduates appointments reviewed, USITC risks making improper conversions at the conclusion of the program by not using the prescribed qualification standard.

Required Action: Provide OPM actions taken or planned to ensure applicants to recent graduate announcements have their qualifications evaluated using the OPM qualification standard for the occupation and grade level of the position being filled. [5 CFR 362.303(d) and 5 CFR 250.209]

Merit Promotion

The Agency's Merit Promotion Plan, dated June 23, 1977, is out of date with current regulations, includes references to obsolete terms and forms, and does not reflect current USITC practices. This is a repeat finding from the 2009 and 2013 OPM evaluations. Maintaining accurate policies and current guidance helps HR staff communicate requirements to decision-makers and supports adherence to the merit system principles. It should be noted that since the time this finding was reported to USITC in the 2009 OPM evaluation report, the implementation of a revised Merit Promotion Plan has been in negotiations with AFGE Local 2211. USITC and AFGE Local 2211 reached an agreement on June 2, 2016, on a new Collective Bargaining Agreement (CBA), which includes an article pertaining to merit promotion. The CBA takes precedence over agency policy and could be used as the basis for policy revisions.

Required Action: Revise USITC's Merit Promotion Plan to conform to current regulatory requirements and practices, and submit a copy of the revised plan with your response. [5 CFR 335.103 and 5 CFR Part 250.209]

Although USITC's Merit Promotion Plan does contain provisions for assuring that selections for promotion are made in accordance with USITC policy and regulation, the only accountability

system in practice is a spot checking of work by the HR Officer. By not having a robust accountability system, USITC puts itself at risk of violating merit system principles and committing prohibited personnel practices. Additionally, USITC is missing an opportunity to identify areas in which improvements can be made to increase the effectiveness and efficiency of HR operations. The Agency's lack of an accountability system is discussed further in Appendix A.

Recommended Action: Incorporate provisions for a robust accountability system into the USITC's Merit Promotion Plan to ensure that selections are made in accordance with merit system principles.

Regulation requires agencies give due weight to performance appraisals and incentive awards in the merit promotion hiring process. USITC's job opportunity announcements (JOAs) do not require or suggest applicants submit any appraisal or awards documentation, and there is no guidance to indicate how the due weight requirement could be met.

Required Action: Ensure due weight is given performance appraisals and incentive awards in the merit promotion process. Provide OPM evidence of actions taken or planned to ensure compliance. [5 CFR 335.103(b)(3) and 5 CFR 250.209]

Recommended Actions: Establish and issue guidance on how performance appraisals and incentive awards may be considered in merit promotion actions.

In one case, veterans' preference points were added to applicants' assessment scores when generating a referral certificate. In merit promotion announcements, veterans' preference does not apply.

Required Action: Provide OPM actions taken or planned to ensure that veterans' preference is not applied when using merit promotion procedures. [5 CFR part 335 and 5 CFR 250.209]

Retention Incentives

When authorizing a retention incentive, an agency must consider many factors in determining whether the unusually high or unique qualifications of an employee or a special need of the agency for an employee's services makes it essential to retain the employee and that the employee would be likely to leave the Federal service in the absence of a retention incentive. Once an agency has made the decision that awarding a retention incentive meets the criteria outlined in 5 CFR 575.306, it must document in writing (1) the basis for determining that the unusually high or unique qualifications of the employee or a special need of the agency for the employee's services makes it essential to retain the employee, (2) the basis for determining that the employee would be likely to leave the Federal service in the absence of a retention incentive, and (3) the basis for establishing the amount and timing of the approved retention incentive payment and the length of the required service period.

While USITC's *Cash Recruitment and Retention Incentives Program Handbook* does include the requirement to document the reasons for approving a retention incentive, it does not address the requirement to document the basis for establishing the amount and timing of the approved retention incentive payment or the length of the required service period. The practice of fully documenting the justification of the retention incentive helps ensure the agency uses its resources and taxpayer dollars effectively and efficiently.

Recommended Action: Revise the *Cash Recruitment and Retention Incentives Program Handbook* to include the requirement to document the basis for establishing the amount and timing of the approved retention incentive payment and the length of the required service period.

During the review period, USITC awarded a retention incentive to ensure a highly valued employee would remain with the Agency allowing mission-critical work to continue uninterrupted. The memorandum provided to document this retention incentive outlines the remarkable contributions the employee has made and the rationale used to justify the use of a retention incentive. The rationale conflates the justification for the use of a retention incentive with the justification for granting a temporary duty station to the employee for personal reasons. The memorandum shows that the employee's main motivation for potentially leaving USITC was the location in which he lived. USITC did not show that, absent the retention incentive, the employee would be likely to leave Federal service. The requirements to award a retention incentive are not met because the employee was only likely to leave Federal service if he was not allowed to work from a temporary duty station.

Required Actions: Provide OPM actions taken or planned to ensure that prior to the approval of a retention incentive the employee would be likely to leave the Federal service in the absence of a retention incentive. [5 CFR 575.308 (b) (2) and 5 CFR 250.209]

During interviews with selecting officials, several individuals mentioned USITC's recent Mentorship Program was very successful and beneficial for mentees and mentors. With program design spanning organizational divisions, cross-functional mentor/mentee teams were able to foster relationships that may not have been possible otherwise. This knowledge sharing allows mentees to develop the skills and behaviors from mentors needed to advance to higher-responsibility positions. Mentorship programs can also increase employee engagement and have a positive impact on employee retention.

Results-Oriented Performance Culture System

In this system we looked for evidence USITC has systems in place that engage, develop, and inspire a diverse, high-performing workforce by creating, implementing, and maintaining effective performance management strategies, practices, and activities that support mission objectives. We found USITC is successfully managing its workforce by creating an environment that motivates and rewards employees. The FEVS results show USITC scores higher on the Results-Oriented Performance Culture Index than other small agencies. This, in conjunction

with scores higher than other small agencies in the areas of Employee Engagement and Job Satisfaction, are illustrative of the success USITC is having. Notable findings are as follows:

Performance Appraisal System

During interviews with selecting officials, several questions were asked to gauge satisfaction with USITC's performance appraisal system, and feedback received was largely positive. Specific examples are HR's tracking and follow-up to perform mid-year and end of year performance reviews and the bi-annual training on performance management policies.

Despite generally positive feedback, some areas of improvement were identified during interviews with selecting officials. There is some confusion regarding the performance rating levels and the distinction made between them in practice. USITC's performance management system calls for four levels of performance (Exceptional, Commendable, Effective, and Unacceptable), but in practice there exists a split within the commendable level to create a high-commendable and low-commendable rating. Although the use of a split commendable level was not seen during the review of performance appraisals associated with our review of award actions and was only described during interviews, if this practice is occurring, it could lead to inequities in the ratings received by employees.

Recommended Action: Ensure that USITC's performance management policies are followed, and offer additional training to supervisors on performance management to prevent any performance rating inequity.

Conclusion

The results of our review revealed that USITC's HC operations largely support the mission effectively and generally are compliant with legal requirements but will need improvement to be considered an effective HC program. Updates to the USITC Merit Promotion Plan will help HR staff communicate requirements to decision-makers and support adherence to the merit system principles. By establishing a more robust accountability system, USITC will mitigate the risk of violating merit principles and identify areas in which improvements can be made to its HR operations. Appendix A outlines findings specific to USITC's DE program and, most significantly, identifies a violation of veterans' preference resulted in an illegal appointment. By educating staff on the application of veterans' preference, the Agency will be able to prevent improper appointments and avoid the additional work that comes with the correction of such actions. With several policies being reviewed and a commitment to improving USITC's HC programs, the necessary pieces are in place for positive change. The required and recommended actions contained within this report will help USITC improve its HC operations and its level of compliance overall. Through ongoing partnership and collaboration, USITC and OPM can work together to increase the efficiency and effectiveness of USITC's HC programs.

Appendix A: Delegated Examining Evaluation Report

STANDARD: Delegated examining (DE) activities support mission accomplishment and are conducted efficiently, effectively, and in accordance with merit system principles and applicable law and regulations, including the Veterans Preference Act of 1944.

Applicable Merit System Principles: The following merit system principles are especially relevant to the Talent Management system (5 U.S.C. 2301):

- Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a workforce from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge and skills, after fair and open competition which assures that all receive equal opportunity. [5 U.S.C. 2301(b)(1)]
- All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights. [5 U.S.C. 2301(b)(2)]

Law: Veterans Preference Act of 1944 (as amended)

EVALUATION METHODOLOGY: USITC operates its own Delegated Examining Unit and performs all of its own DE work. From June 13-17, 2017, OPM reviewed 6 DE case files selected from the review period, October 1, 2015 to September 31, 2016. We also reviewed policies and procedures, conducted interviews with the HR Director and staff, and interviewed selecting officials. We looked at competitive examining as one of the tools the organization uses to recruit a high-performing, diverse workforce. This review included an assessment of how well the delegated examining program supports mission accomplishment and operates in accordance with the merit system principles. We also reviewed how well USITC ensures internal accountability for such results.

Expected Results	Assessment	Findings/Required or Recommended Actions
<p>1. The job analysis process is documented and identifies objective, assessable knowledge, skills, and abilities (KSA)/competencies related to important job duties, work outcomes, or work behaviors necessary for successful performance in the job being filled.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met</p>	
<p>2. Assessment criteria (e.g., rating plans, occupational questionnaires, tests, structured interviews) align with job analyses; make clear distinctions between creditable levels of qualifications; contain appropriate measures; and are uniformly applied.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met</p>	
<p>3. Job Opportunity Announcements (JOA) are posted on USAJOBS and contain information required by regulation. Use of links is appropriate. Justification for open periods of less than 5 calendar days is documented. JOAs are streamlined, written in plain language, and include clear filing instructions and meaningful definitions of qualifying specialized experience specific to the grade level(s) of the position being filled.</p>	<p><input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input checked="" type="checkbox"/> Not Met</p>	<p>One JOA reviewed limited the area of consideration to “Applicants residing in Washington DC commuting area only.” Residency is a non-merit factor, and including it in DE announcements violates the merit principle of open competition. By limiting the area of consideration the agency limits its applicant pool by taking into consideration non-merit factors which decreases the effectiveness of its recruitment efforts and puts the agency at risk for violating a merit system principal.</p> <p>Required Action: Provide OPM with the steps taken or planned to ensure that DE JOAs do not include non-merit factors such as residency requirements. [5 CFR Part 300.103(c) and 5 CFR 250.209]</p> <p>It was found that several JOAs open during the review period included poorly defined competencies that were not listed on the signed job analysis. By not aligning the JOA and the job analysis, the Agency reduces the effectiveness of its recruitment efforts.</p> <p>Required Action: Provide OPM with the steps taken or planned to ensure alignment between JOAs and job analyses and that proper documentation is</p>

Expected Results	Assessment	Findings/Required or Recommended Actions
		made a matter of record. [5 CFR 300.103 and 5 CFR 250.209]
4. Policies and procedures on acceptance and processing of applications are appropriate and consistently applied.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	
5. Applicants may apply by submitting a resume in the format of their choosing (cover letter optional) or completing a simple, plain language application.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	
6. Late applications are appropriately reviewed to determine if they meet valid exceptions and are processed accordingly and consistently. Late applications from CP, CPS, and XP preference eligibles are retained and referred for future vacancies as appropriate.	<input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input checked="" type="checkbox"/> Not Met	<p>USITC's <i>Delegated Examining Unit Policy Manual</i> does contain provisions regarding a "Veteran's Log" to account for unsolicited applications from 10-point veterans, but it does not account for late applications from 10-point veterans. In addition to violating regulation, USITC is potentially missing out on a candidate pool that can be used to efficiently fill vacancies.</p> <p>Required Action: Provide OPM with the steps taken or planned to ensure that late applications from CP, CPS, and XP preference eligibles are retained and referred for future vacancies. [5 CFR Part 332.311 and 5 CFR 250.209]</p>
<p>7. Appropriate qualification standards, including agency-developed standards approved by OPM, are used. Justification for use of selective factors is documented. Specialized experience requirements and selective factors, when used, align with job analysis.</p> <p>Note: Selective factors cannot require KSAs that could be learned readily during the</p>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	

Expected Results	Assessment	Findings/Required or Recommended Actions
normal period of orientation to the position or be so specific as to exclude applicants not having prior Federal experience.		
8. Qualification requirements are uniformly applied, and qualification determinations are documented and accurately made. Application includes transcripts, course listings, or other documentation sufficient to support qualification based on education.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	
9. Determinations regarding eligibility for veterans' preference (VP) are properly made.	<input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input checked="" type="checkbox"/> Not Met	<p>USITC misadjudicated veterans' preference in a one appointment action reviewed. This misadjudication resulted in lost consideration and illegal appointments (see Appendix B Case Listing).</p> <p>Required Action: Provide OPM evidence of actions taken or planned to ensure veterans' preference is properly adjudicated. [5 CFR 337.304 and 5 CFR 250.209]</p> <p>Recommended Action: Provide veterans' preference adjudication training to all DEU staff members.</p>
10. When a self-assessment rating instrument is used to rank candidates, responses from applicants who will be referred for selection on a certificate of eligibles are checked against other application materials for evidence supporting applicant ratings. Appropriate rating adjustments are made and fully documented.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	

Expected Results	Assessment	Findings/Required or Recommended Actions
<p>11. Displaced/surplus employees eligible under ICTAP, CTAP, or RPL are documented and given selection priority in accordance with legal and regulatory requirements. If ICTAP eligibles are found not well-qualified, independent second reviews are conducted, and written notification containing the specific reason(s) is provided.</p>	<p><input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable</p>	<p>USITC's <i>Delegated Examining Unit Policy Manual</i> does contain provisions regarding the consideration that CTAP eligibles must receive, but USITC has no formal Career Transition Assistance Plan in place for its surplus and displaced employees. Having a CTAP in place will help the Agency better provide assistance to any potential surplus employees resulting from a reduction-in-force.</p> <p>See required action under "Cross Cutting Findings" section of main report regarding the Career Transition Assistance Plan.</p>
<p>12. Category rating methodology is utilized unless OPM has granted an exception or the same standing register in use prior to the required usage of category rating is still active.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met</p>	
<p>13. Certification and merging procedures are appropriate and consistent with veterans' preference laws and applicable agency policies.</p>	<p><input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input checked="" type="checkbox"/> Not Met</p>	<p>As discussed in Blocks #9 above and # 15 below, a misadjudication of veterans' preference resulted in erroneous certification and selection.</p> <p>See Blocks #9 and 15 for required and recommended actions.</p>
<p>14. Established regulations and procedures for objections and veteran pass over requests are followed and appropriate actions (if any) are taken.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met</p>	<p>No objection or pass over requests were made during the review period. USITC does have policies in place addressing objection and pass over procedures.</p>
<p>15. Selections are properly made from candidates ranked in the highest quality category on a certificate of eligibles, in accordance with veterans' preference laws.</p>	<p><input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input checked="" type="checkbox"/> Not Met</p>	<p>In one case a veteran who provided appropriate documentation to support a CPS preference determination was erroneously adjudicated as a TP, resulting in lost consideration for the veteran and out of order selections of three non-preference eligibles.</p> <p>1. Required Action: Reconstruct and correct the certificate after applying category rating floating rules, and regularize any improper appointments. Provide OPM with a copy of all documentation relative</p>

Expected Results	Assessment	Findings/Required or Recommended Actions
		to regularizing the appointment(s) and providing priority consideration, including applicable SF-50(s). [5 CFR 337.304 and 5 CFR 250.209]
<p>16. Applicants are notified of the status of their application at key stages (i.e., application received; qualified/not qualified; referred/not referred; selected/not selected).</p> <p><u>Note:</u> Four separate notifications are not required; they may be combined into two.</p>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	
<p>17. Decisions to use pay flexibilities for hiring (recruitment, retention, relocation incentives, repayment of student loans, and superior qualifications and special needs pay setting authorities) are appropriately justified and documented.</p>	<input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met <input checked="" type="checkbox"/> Not Applicable	None of the DE hiring actions reviewed utilized pay flexibilities for hiring.
<p>18. Federal staff members conducting competitive examining have current DE certification from OPM. If contractors are used, the DEU has documentation of the contractors' completion of DE training within prescribed timeframes. Individuals administering written tests have been trained and certified by OPM.</p>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	All staff members had current DE Certifications during the review period
<p>19. Certificates are audited and documented by certified staff or trained contractors before appointee's entrance on duty. Certificates are properly annotated to document actions such as declination or failure to respond.</p>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	

Expected Results	Assessment	Findings/Required or Recommended Actions
20. Annual self-audits of DE activities are conducted by DE-certified staff or trained contractors who are not involved with the DEU's operations. A list of all discrepancies and corrective actions is maintained for a period of 3 years after each audit.	<input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input checked="" type="checkbox"/> Not Met	The USITC Delegated Examining Unit Policy Manual does contain provisions regarding an annual self-audit; however, the USITC did not conduct an annual self-audit the year prior to this review, as required. By not conducting an annual review of its DE operations the USITC is at risk of failing to identify improper or inefficient practices and potential illegal appointments. Required Action: Conduct an annual internal DE audits using certified staff or OPM-trained contractors external to your DE operations in accordance with your Interagency Delegated Examining Agreement (IDEA) with OPM. Maintain a list of all discrepancies and corrective actions, if any, for three years. Provide OPM evidence of actions taken or planned to ensure compliance. [5 CFR 250.1015 and CFR 250.103]
21. Appropriate corrective action is taken when cases of lost consideration or other types of violations are identified.	<input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met <input checked="" type="checkbox"/> Not Applicable	No other instances of lost consideration or other types of violations were identified during the review period.
22. The examining process can be fully reconstructed. Documentation stored in automated staffing systems is accessible or readily retrievable for third party review and case file reconstruction.	<input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	

Expected Results	Assessment	Findings/Required or Recommended Actions
<p>23. An accountability system is in place to assure compliance with MSPs and legal, regulatory, and Interagency Delegated Examining Agreement requirements and drive efforts to improve effectiveness and efficiency of DE operations.</p>	<p><input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input checked="" type="checkbox"/> Not Met</p>	<p>Agencies are required by their IDEAs with OPM to have accountability systems in place for DE operations. Although USITC’s <i>Delegated Examining Unit Policy Manual</i> does contain provisions for internal review and certificate review, the only accountability system in practice is a spot checking of work by the HR Officer. By not having a robust accountability system in place, USITC is at risk for violating merit system principles and committing prohibited personnel practices. Additionally, USITC is missing an opportunity to identify areas in which improvements can be made to increase the effectiveness and efficiency of DE operations.</p> <p>Required Action: Provide OPM with the steps taken or planned to ensure that an accountability system for DE operations designed to ensure compliance with applicable laws and regulations is in place and utilized. [5 CFR 250.209]</p>
<p>24. Agency responsibilities outlined in the Interagency Delegated Examining Agreement not otherwise specified as outcomes in this report are met.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met</p>	
<p>25. Security of examining records is proper; applicant information protected by the Privacy Act is properly maintained and safeguarded, and records are maintained in accordance with the retention schedule.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met</p>	
<p>26. Personnel action (SF-50) processing, Official Personnel Folder maintenance, and other administrative activities conform to regulatory and legal requirements.</p>	<p><input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input checked="" type="checkbox"/> Not Met</p>	<p>See required action under “Cross Cutting Findings” section of main report regarding Nature of Action coding errors.</p>

Appendix B: Case Listing

(b) (6)

VIN: 1533817

(b) (6)

In this case, (b) (6) was initially ranked in the Best Qualified category based on (b) (6) assessment score and claimed CPS preference. Upon review of (b) (6) application and assessment questionnaire, USITC found (b) (6) to be just minimally qualified and adjusted (b) (6) score, placing (b) (6) in the Good category. In addition, the Agency changed (b) (6) preference status from CPS to TP, making (b) (6) ineligible to float to the top of the certificate. OPM determined (b) (6) application materials supported (b) (6) claim of CPS preference, and the adjudication to TP preference was done in error. Category rating floating rules should have been applied, and (b) (6) should have floated to the top of the Best Qualified category. USITC selected three non-veteran applicants from the erroneous certificate.

Required Action: Reconstruct and correct the certificate after applying category rating floating rules and regularize any improper appointments. Provide OPM with a copy of all documentation relative to regularizing the appointment(s) and providing priority consideration, including applicable SF-50(s). [5 CFR 337.304 and 5 CFR 250.209]

Appendix C: Summary of Required & Recommended Actions

Required Actions

1. Provide OPM actions taken or planned to ensure that appropriate Nature of Action Codes are used when coding hiring actions. [5 U.S.C. 2951 and 5 CFR 250.1209]
2. Provide OPM actions taken or planned to establish a Career Transition Assistance Program for surplus and displaced USITC Employees. [5 CFR 330.603 and 5 CFR 250.209]
3. Provide OPM actions taken or planned to ensure recent graduates positions are classified according to the OPM classification standard for the occupation being filled. [5 U.S.C. 5107 and 5 CFR 250.103]
4. Provide copies of any recent graduates position descriptions in use to show they have been updated to reflect the correct OPM classification standard. [5 U.S.C. 5107 and 5 CFR 250.209]
5. Provide OPM actions taken or planned to ensure applicants to recent graduates announcements have their qualifications evaluated using the OPM qualification standard for the occupation and grade level of the position being filled. [5 CFR 362.303(d) and 5 CFR 250.209]
6. Revise USITC's Merit Promotion Plan to conform to current regulatory requirements and practices, and submit a copy of the revised plan with your response. [5 CFR 335.103 and 5 CFR Part 250.209]
7. Ensure due weight is given performance appraisals and incentive awards in the merit promotion process. Provide OPM evidence of actions taken or planned to ensure compliance. [5 CFR 335.103(b)(3) and 5 CFR 250.209]
8. Provide OPM actions taken or planned to ensure that veterans' preference is not applied when using merit promotion procedures. [5 CFR part 335 and 5 CFR 250.103]
9. Provide OPM with the steps taken or planned to ensure that DE JOAs do not include non-merit factors such as residency requirements. [5 CFR Part 300.103(c) and 5 CFR 250.209]
10. Provide OPM with the steps taken or planned to ensure alignment between JOAs and job analyses and that proper documentation is made a matter of record. [5 CFR 300.103 and 5 CFR 250.209]

11. Provide OPM with the steps taken or planned to ensure that late applications from CP, CPS, and XP preference eligibles are retained and referred for future vacancies. [5 CFR Part 332.311 and 5 CFR 250.209]
12. Provide OPM evidence of actions taken or planned to ensure veterans' preference is properly adjudicated. [5 CFR 337.304 and 5 CFR 250.209]
13. Conduct an annual internal DE audits using certified staff or OPM-trained contractors external to your DE operations in accordance with your Interagency Delegated Examining Agreement (IDEA) with OPM. Maintain a list of all discrepancies and corrective actions, if any, for three years. Provide OPM evidence of actions taken or planned to ensure compliance. [CFR 250.209]
14. Provide OPM with the steps taken or planned to ensure that an accountability system for DE operations designed to ensure compliance with applicable laws and regulations is in place and utilized. Your IDEA with OPM requires that an accountability system be in place. [5 CFR 250.209]
15. Reconstruct and correct the certificate after applying category rating floating rules, and regularize any improper appointments. Provide OPM with a copy of all documentation relative to regularizing the appointment(s) and providing priority consideration, including applicable SF-50(s). [5 CFR 337.304 and 5 CFR 250.209]

Recommended Actions

1. Incorporate provisions for a robust accountability system into the USITC's Merit Promotion Plan to ensure that selections are made in accordance with merit system principles.
2. Establish and issue guidance on how performance appraisals and incentive awards may be considered in merit promotion actions
3. Ensure that USITC's *Cash Recruitment and Retention Incentives Program Handbook* is revised to include the requirement to document the basis for establishing the amount and timing of the approved retention incentive payment and the length of the required service period.
4. Ensure that USITC's *Cash Recruitment and Retention Incentives Program Handbook* is followed; including the requirement to document an employee would be likely to leave the Federal service in the absence of a retention incentive.

5. Ensure adherence to USITC's performance management policies and offer additional training to supervisors on performance management to prevent any performance rating inequity.
6. Provide veterans' preference adjudication training to all DEU staff members.

Case Listing

1. Reconstruct and correct the certificate after applying category rating floating rules and regularize any improper appointments. Provide OPM with a copy of all documentation relative to regularizing the appointment(s) and providing priority consideration, including applicable SF-50(s). [5 CFR 337.304 and 5 CFR 250.209]