



SENIOR
EXECUTIVES
ASSOCIATION

The voice of career federal executives since 1980

March 9, 2023

The Honorable James Comer, Chairman
The Honorable Jamie Raskin, Ranking Member
Committee on Oversight & Accountability
U.S. House of Representatives
Washington, DC 20515

RE: SEA Written Testimony for OPM Operations Oversight Hearing

Dear Chairman Comer, Ranking Member Raskin, and Members of the Committee:

On behalf of the Senior Executives Association (SEA) – which represents the interests of over 10,000 career federal executives in the Senior Executive Service (SES), Senior Level (SL), Scientific and Professional (ST)– I write to offer the association’s perspective on the U.S. Office of Personnel Management (OPM), its operations, and key opportunity areas to improve the management of the federal government and uphold merit system principles.

OPM Capacity and Credibility Remains a Growing Concern

The federal government’s success executing the laws passed by Congress is dependent on the capability of the federal workforce. OPM is the federal government’s central human resources agency and is responsible for most of the federal workforce, covered under Title 5 of the U.S. Code. OPM is specifically responsible for cultivating the SES to serve as the government’s career leadership cadre.

The past decade of inconsistent leadership at the agency has accelerated concerns within SEA, and across the federal community, about OPM’s capacity, capability, and credibility to be the authoritative leader for federal human capital policy. The ongoing intervention of the Office of Management and Budget (OMB) in OPM’s operations and human capital policy has contributed to its challenges. The Government Accountability Office (GAO) issued a report just two weeks ago that gives credence to SEA’s central concern that insufficient attention directed to OPM’s internal management and culture problems impedes the success of the agency and the entire federal workforce¹. A few months ago, GAO documented that OPM may be allowing \$1 billion or more in annual improper payments to ineligible health beneficiaries and has allowed this for decades.²

SEA commends OPM Director Kiran Ahuja and recently confirmed Deputy Director Rob Shriver for providing much needed stability over the past two years. However, these GAO reports raise critical questions whether OPM is focusing sufficient leadership attention on optimizing the agency’s core operations and fulfilling statutory mission requirements. Our experience over the past two years – and two decades of the President’s Management Agenda (PMA) – suggests OPM has continued to

¹ [Federal Workforce: OPM Advances Efforts to Close Government-wide Skills Gaps but Needs a Plan to Improve Its Own Capacity | U.S. GAO](#)

² [Federal Employees Health Benefits Program: Additional Monitoring Mechanisms and Fraud Risk Assessment Needed to Better Ensure Member Eligibility | U.S. GAO](#)

become more politicized which severely impacts its operational effectiveness in best serving the federal workforce.

Three years ago, SEA and the Center for Organizational Excellence issued a report entitled: Transforming the Governance of Federal Human Capital Management Creating Capacity to Enable Effective Change.³ This report offered a comprehensive vision for updating OPM and the government's human capital management capacity. The National Academy of Public Administration (NAPA) echoed many of our recommendations in its congressionally charted report on OPM the following year.⁴ It has now been a year and a half since OPM issued its response to Congress on the NAPA report.⁵ The consensus is clear: OPM needs fundamental reforms.

Regulating the Federal Workforce

OPM chronically struggles to issue regulations in a timely manner to assist agencies in executing the laws and authorities provided by Congress. To SEA's knowledge, there is not an OPM official responsible for the agency's regulatory agenda. One critical example we bring to the committee's attention is OPM's neglect to issue even a proposed rule on the core elements of the Administrative Leave Act of 2016 – to codify investigative and notice leave.⁶ In the absence of regulations, there remains risk of employee rights being violated and waste of taxpayer funds through misuse of administrative leave. Examples of such have been shared with SEA.

SEA strongly recommends the Committee require OPM to identify an individual responsible for the agency's regulatory agenda and require timely action on fulfilling *all* outstanding statutory requirements.

Professionalizing Federal HR Workforce and Public Service Leadership

In over 40 years since Congress created the SES with the Civil Service Reform Act of 1978, too few meaningful federal workforce reforms have passed into law. Reforms Congress has enacted have often been piecemeal, further confusing federal personnel policy and creating arbitrary disparities between agencies and professions. In addition, OPM has been slow to issue clear regulations. The federal workforce needs an update—not just the agencies or professions of most interest. Currently, the federal government demands its over 2-million-person career workforce deliver 21st century results while continuing to operate within a 20th, and in some cases, 19th century statutory frameworks. This disadvantages federal agencies when seeking, acquiring, and retaining new talent for their future workforces. It also makes it challenging for those aspiring to careers within public service to choose federal civil service.

Meanwhile, OPM does not have statutory oversight over many disparate personnel systems. As society and the government emerges from the COVID-19 pandemic, it is increasingly clear the government must continue to focus on modernizing all aspects of operations, including how the federal workforce is selected, developed, and assessed. Furthermore, there must be one sponsor within the federal government to carry out government-wide change – SEA believes OPM must be that agency for strategic human capital management of the federal workforce.

³ [Transforming HCM Recommendat.pdf \(ymaws.com\)](#)

⁴ [OPM-Final-Report-National-Academy-of-Public-Administration.pdf \(amazonaws.com\)](#)

⁵ [Response to the National Academy of Public Administration Study: Report to Congress \(opm.gov\)](#)

⁶ [‘OPM sent a signal’: Still no final regulations on 2017 administrative leave law | Federal News Network](#)

The President's Management Agenda has sought to usher this change, but major gaps exist. Neither OPM nor the PMA focuses on two essential groups of federal employees: (1) public service leaders who are supervisors, managers, or executives, and (2) the federal human resources (HR) workforce. The minimal care and attention provided to career senior leaders and HR employees undervalues their roles in mission delivery and achieving governmentwide successes. For example, the federal acquisition workforce has mandated professional certification, ongoing training, and government-operated schoolhouses of the Federal Acquisition Institute (FAI) and the Defense Acquisition University (DAU). At stark contrast, federal human resource and senior leaders receive none and very little, respectively, of these type resources focused on ongoing professional development. This results in inconsistencies and inefficiencies within these two mission critical domains.

At a time when the federal government is undertaking massive transformation and modernization, public service leaders and HR professionals are essential to these processes, and must be prepared and supported, accordingly. An overwhelming body of research literature from the private sector finds managers are responsible for up to 70% of the variance in an employee's experience at work.⁷ Yet often agencies continue to be unintentional about selecting candidates for advancement into management, often promoting good subject matter experts into leadership, but without providing necessary support and development to enable them to effectively lead people. While some agencies are making meaningful improvements in this area, sustained government-wide attention and leadership from OPM is needed. In 2018 the Government Managers Coalition, led by SEA, wrote to the government operations subcommittee of this Committee that manager selection was the single most important area the government needs to focus attention on – and the need has only intensified since then.⁸

Federal supervisors, managers, and executives do not have robust ongoing, statutory professional development requirements. This means agencies frequently cut training for the workforce when budgets are tight, despite the clear evidence of such training's benefits.

SEA urges Congress to consider establishing dual tracks for career progression into technical fields and into management. Legislation introduced in prior sessions, the Federal Supervisor Training Act, would achieve this objective.⁹ This will allow the government to better identify and support its supervisors, managers, and executives and ensure their ongoing training and professional development. The Department of Defense agencies exercise an excellent education and training model for military members that SEA believes should be considered within civil service to address this matter more effectively. Agencies should also make much better use of the probationary period for both new hires as well as for new managers and executives.¹⁰

There is a significant body of evidence and research produced by the Merit Systems Protection Board (MSPB) over the years that reinforces the central role of managers in organizational success. MSPB surveys of thousands of federal managers found an agency's culture, degree of support provided by senior managers, and quality of service provided by HR were the three greatest barriers to addressing serious employee misconduct,¹¹ and the "key to addressing poor performance lies not in the language of the laws and regulations, but in effective implementation and having supervisors who are willing,

⁷ [How Influential Is a Good Manager? | Gallup](#)

⁸ [GMC civil service modernization letter to Chairman Meadows 7-16-18 \(00123920.DOCX;1\) \(fedmanagers.org\)](#)

⁹ [Text - S.3528 - 114th Congress \(2015-2016\): Federal Supervisor Training Act of 2016 | Congress.gov | Library of Congress](#)

¹⁰ [Agencies Could Weed Out Poor Managers Early, But They Rarely Do - Government Executive \(govexec.com\)](#)

¹¹ [Addressing Misconduct in the Federal Civil Service: Management Perspectives \(mspb.gov\)](#)

prepared, and permitted to address poor performance.”¹² MSPB research has found that effective hiring is the best way to prevent unacceptable performance in the workforce.¹³

As for the federal HR workforce, there is no clear single official responsible for the professional standards and ongoing development of these crucial employees. Several years ago, OPM disestablished its HR University.

Over a decade ago, this committee came together to lead Congress in passing the Federal Information Technology Acquisition Reform Act (FITARA). SEA strongly believes a similar law, coupled with a predictable ongoing oversight schedule, is essential to modernizing federal human capital management and elevating the capabilities of the federal HR workforce.

Absent a strong focus and attention to the government’s public service leaders and HR workforce, SEA has strong concerns regarding the sustainability of the administration’s PMA workforce initiatives and achieving successful outcomes.

SEA appreciates the committee’s attention to OPM and the federal workforce and stands ready to work together on improvements. Thank you for your consideration of SEA’s perspective. SEA Director of Policy and Outreach, Jason Briefel, serves as my point of contact on this matter and can be reached at jason.briefel@seniorexecs.org.

Sincerely,



Marcus L. Hill
Chairman
SEA Board of Directors

CC: Members of the House Committee on Oversight and Accountability

¹² [Issues of Merit August 2018 \(mspb.gov\)](#)

¹³ [Remedying Unacceptable Employee Performance in the Federal Civil Service \(mspb.gov\)](#)