

U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness

Report of a Special Study

**OPPORTUNITY LOST:
OPENNESS IN THE
EMPLOYMENT PROCESS**

APRIL 1999

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I. EXECUTIVE SUMMARY

The merit system principles state "that recruitment should be from qualified individuals from all segments of society ... after fair and open competition which assures that all receive equal opportunity." Providing public notice of available employment opportunities is central to achieving fair and open competition. Public announcement of merit promotion vacancies acquired even greater importance when downsizing in the Federal sector resulted in the development of an "empowered employee" outplacement model. This approach provided displaced employees with consideration priority for agency merit promotion vacancies and noncompetitive actions such as reinstatement. To exercise their priority, however, displaced employees must be able to learn of available opportunities, and public notice was mandated for filling most vacancies in the competitive service.

To determine the extent to which vacancies subject to this requirement are actually made known to the public, we conducted a study of FY 1997 placement actions made by Federal agencies subject to public notice requirements. Using a computer matching program and statistical sampling techniques, the study showed that:

- Federal agencies do not announce a significant portion of the vacancies as required, compromising merit principles and denying the general public and displaced Federal employees the opportunity to apply.
- One third of all personnel actions which require public notice through the U.S. Office of Personnel Management's Governmentwide Automated Employment Information System (now known as USAJOBS) were not posted as required in FY 1997.
- Of those personnel actions for which posting to USAJOBS was required, one-half of those made by the Department of Defense and one quarter of those made by non-Defense agencies were not posted as required in FY 1997.
- Time-limited appointments were half as likely to be posted to USAJOBS when required as were career or career conditional appointments in FY 1997.
- Many agencies do not appear to fully understand their responsibilities to provide public notice, do not understand how to submit vacancy information to OPM, or have been unknowingly unsuccessful in entering information to the Automated Employment Information System.
- To improve agency compliance with requirements and meet the intent of the merit principles, additional guidance and heightened emphasis to Federal agencies is needed to ensure that agencies fully understand and execute their responsibility to make

employment information available to the general public and interested displaced Federal employees.

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II. INTRODUCTION

BACKGROUND

The first Merit System Principle, in section 2301 of title 5, United States Code, states:

Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force 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.

To achieve fair and open competition, agencies must give citizens the opportunity to compete for Federal positions. Therefore, most competitive service appointments must be preceded by formal vacancy announcements. To accomplish this, agencies are required to notify the U.S. Office of Personnel Management (OPM) when seeking applications of individuals from outside the Federal service. The notification requirement to OPM was enacted into law on October 13, 1978 in section 309 of the *Civil Service Reform Act* and may be found in section 3327 of title 5, United States Code.¹

Fourteen years later, through the enactment of the *Defense Appropriations Act for Fiscal Year 1993* on October 23, 1992, the public notice requirement was expanded to cover competitive service vacancies for which applications were being accepted not only from outside the Federal work force, but also from outside individual agencies' work forces. This includes vacancies that may be filled by "non-competitive" appointments, such as transfers and reinstatements. The requirement may be found in section 3330 of title 5, United States Code, and it states that OPM shall maintain a list of all such vacancies. This requirement was primarily intended to assist Defense Department employees facing downsizing and base closures in finding other Federal employment.

Approximately two years later, on September 1, 1995, the President issued a memorandum mandating career transition assistance for displaced Federal employees during a period of severe Federal downsizing taking place in both Defense and non-Defense agencies. To implement the President's memorandum, OPM published interim regulations for the Interagency Career Transition Assistance Program (ICTAP), which became effective on February 29, 1996. Final ICTAP regulations, with a few changes, became effective in 5 CFR 330.707 on July 9, 1997, and are currently due to expire on September 30, 1999, unless extended by OPM. With some exceptions, these regulations require agencies to

¹See Appendix A of this report for title 5 statutory and regulatory citations concerning vacancy notification requirements.

report all competitive service vacancies to OPM when accepting applications from outside the agency, unless they elect to fill a position with a surplus or displaced employee from another agency who meets the ICTAP eligibility requirements for selection priority. The ICTAP regulations empower surplus or displaced Federal employees in their job search by providing them special selection priority for vacancies for which they are well-qualified. However, they must apply for specific vacancies to receive such employment consideration; therefore, it is necessary that the vacancies be advertised. Also, these regulations require agencies to provide OPM with an electronic file of the vacancy announcement or recruiting bulletin for all vacancies reported.

To satisfy statutory and regulatory notification requirements to OPM, agencies are responsible for entering vacancy announcements into the Federal Jobs Database, which results in the vacancy announcement being listed in the USAJOBS Governmentwide Automated Employment Information System. USAJOBS has replaced the Federal Job Opportunity Board (FJOB). Although many agencies were already inputting the data themselves, OPM announced that all agencies would be responsible for entering the vacancy announcements to the Federal Jobs Database after May 1, 1996.

During recent oversight reviews, OPM found that some vacancies that should have been announced on USAJOBS were not. However, OPM could not gauge the governmentwide scope of the problem from these findings. Therefore, given the central role of USAJOBS vacancy announcements in providing fair and open competition and in assisting displaced and surplus Federal employees in their job searches, it was important that OPM determine systematically the extent of governmentwide non-compliance with statutory and regulatory requirements, explore the possible causes, and recommend solutions.

METHODOLOGY

FY 1997 General Schedule and Federal Wage System personnel actions subject to public notice were identified in OPM's Central Personnel Data File (CPDF) to serve as the basis of the study.² Using an OPM developed computer program, these placements were matched against a list of all vacancies entered into the USAJOBS Federal Jobs Database in FY 1996 and FY 1997. The comparison program tested for a match using the following data elements: pay plan, series, grade, agency, agency subelement, location and effective date of the CPDF action with the opening date of the posting. If a match was identified, i.e., a vacancy announcement was identified that matched the placement action on all seven data elements, we assumed that public notice had been given for that placement action.

The comparison resulted in a list of actions for which there was no apparent match to a vacancy announcement. Since the two databases (CPDF and USAJOBS) being compared

²See Appendix B for the specific types of personnel actions included in the study.

were designed for different purposes, there were different data standards for some of the data elements. This necessitated that we verify the accuracy of the matching process. We randomly selected a sample³ of 1,500 personnel actions identified by the computer comparison program as without an apparent corresponding notice on the USAJOBS system. The sample results were used to estimate the overall numbers of FY 1997 CPDF actions where public notice requirements were not met.

For the survey sample, we sent the personnel office of record responsible for each of those personnel actions a letter requesting information to verify that a corresponding vacancy announcement had been posted on the Federal Jobs Database and, if it had not been entered into the database, requesting the reason it was not entered.⁴ We received 1,116 responses to our survey letter, which provided a reliable sample from which to draw conclusions about the level of compliance with requirements and the reasons individual actions were not posted.

Our computer matching methodology gave the benefit of the doubt to the hiring agency, i.e., the computer searched back one full year for a corresponding vacancy announcement and assumed that any match on the seven data elements was indeed the corresponding vacancy announcement. Therefore, we are confident that our estimates of non-compliance with public notice are conservative.

³Population and sample data are included in Appendix C. Additional information on sampling methodology is contained in Appendix D.

⁴See Appendix E for a sample letter and agency response form.

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III. FINDINGS

COMPLIANCE STUDY RESULTS

- Our computer inquiry identified 122,777 placement actions in FY 1997 which potentially required public notice on USAJOBS.
- Using the methodology described in Section II of this report, we found that almost 33 percent of the placement actions requiring vacancy announcements on USAJOBS were not posted in the Federal Jobs Database.⁵ Chart 1 displays these results and compares Defense and non-Defense agency results.

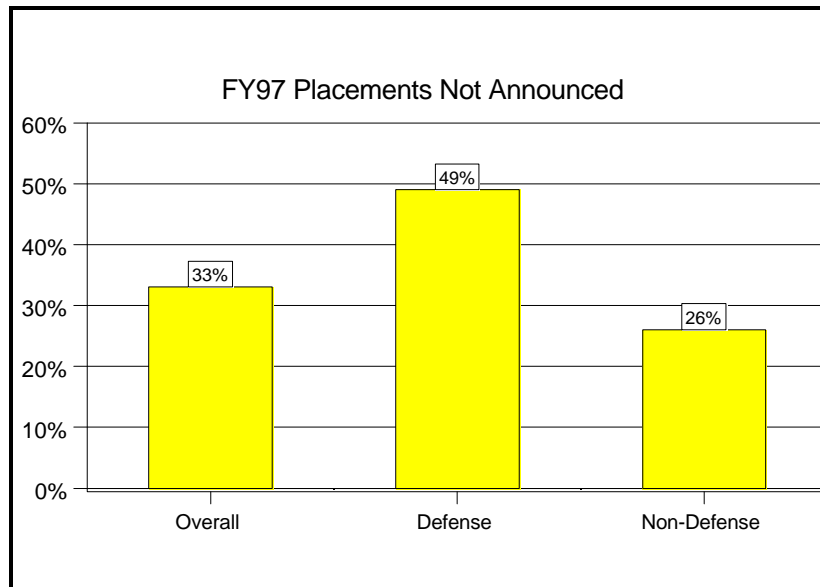


Chart 1

- Chart 1 illustrates that there is a significant difference in the percentages of non-compliance with public notice requirements between Defense (49%) and non-Defense (26%) agencies. We cannot attribute this difference to any single cause.

⁵Findings are at a 95 percent confidence level and with a margin of error of plus or minus 1.8 percent. See Appendix C for statistical information.

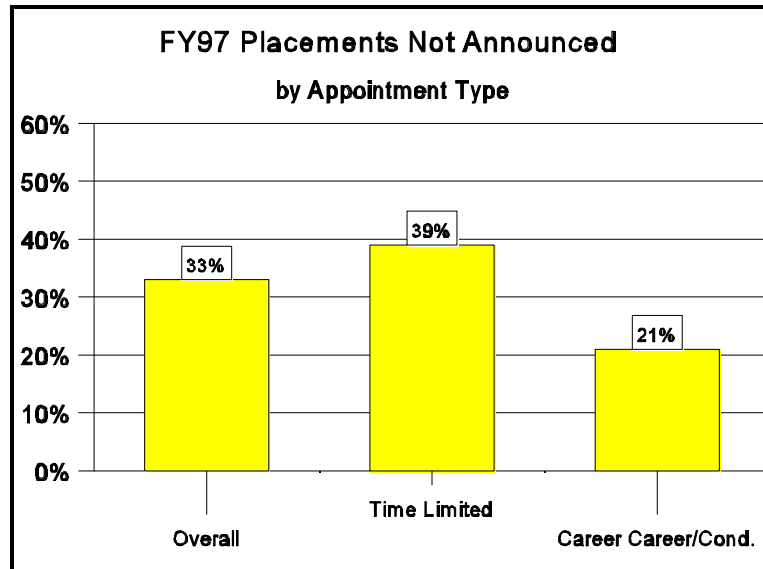


Chart 2

- We also found significant differences in the level of non-compliance by appointment types. Public notice requirements were not met for 39 percent of time-limited appointments, while they were not met for 21 percent of the career and career-conditional appointments, as shown in Chart 2.
- Both temporary and term appointments are included in the category of time-limited appointments. At the 95 percent confidence level, the estimated rate of non-compliance for temporary appointments alone is 41 percent, with a margin of error of plus or minus 2.6 percent. We did not estimate the non-compliance rate for term appointments because there were too few of these actions in the sample to arrive at a reliable conclusion.
- We also did not estimate the non-compliance rate for other categories, such as by other appointment types, agencies, job series, and/or grade level ranges, due to the small numbers in the sample, resulting in unacceptable margins of error for each category.

REASONS CITED FOR NON-POSTING

- Of the 1,116 agency responses to our statistical sample inquiry, we determined that 598 placement actions in that group should have had vacancy announcements on USAJOBS, but did not. Although the numbers are too small to draw statistically reliable conclusions as to why vacancies were not posted when required, the agency responses

provided some insight.⁶ In some cases, agencies gave multiple reasons why vacancies were not posted on USAJOBS prior to the placement actions. In each of these cases, we categorized the action based on what we identified to be the primary reason for the failure to post. Chart 3 shows the reasons given as to why USAJOBS posting requirements were not met for the 598 placement actions.

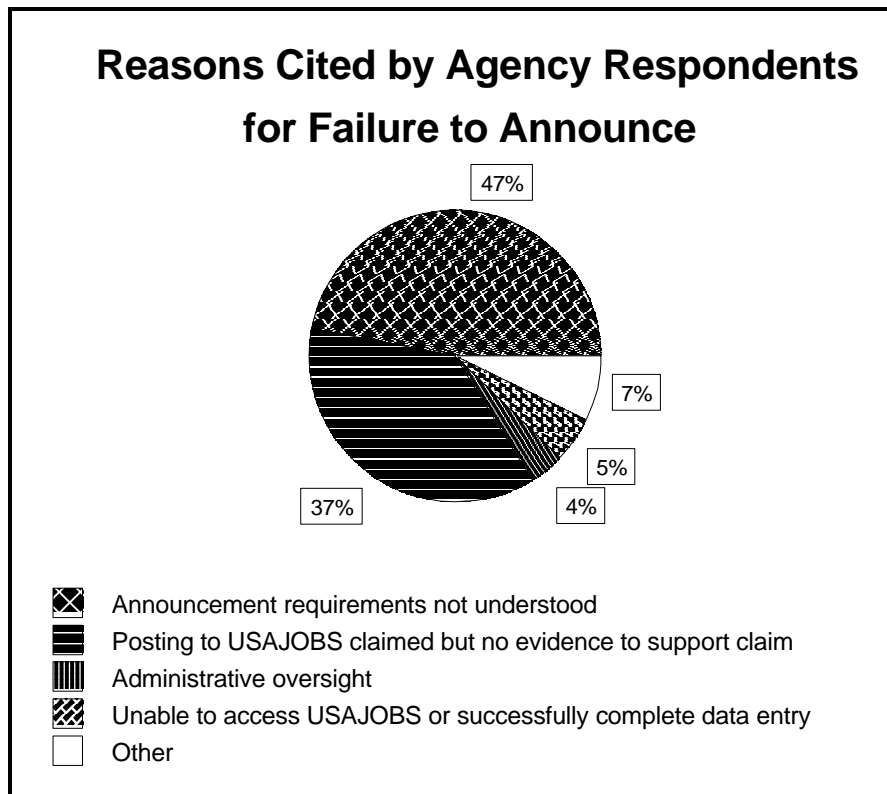


Chart 3

- In almost half of the cases, agencies apparently failed to understand the requirements to announce vacancies on the USAJOBS system.
- In 37 percent of the sample cases, agencies claimed that the vacancies were posted on the USAJOBS system, but there was no evidence to support their claims. In some cases, installations entered vacancy postings to their internal posting system and assumed the vacancies would be automatically uploaded to the Federal Jobs Database, which did not occur. In other cases, the installations responded that they either mailed or sent facsimile copies to OPM, expecting that OPM would enter the announcement on the Federal Jobs Database. In a number of other cases, installations stated that

⁶See Appendix F for reasons frequently cited for not posting vacancies to the USAJOBS system.

another organization, either within the same agency or in a different agency was responsible for posting the vacancy.

- The “Other” category in Chart 3, which accounts for 7 percent of the placement actions in the sample, includes actions for which the agencies had not kept any records of actions, and, therefore, could not give us any information. It also includes a few actions which may have been incorrectly coded, and, if they had been coded correctly, would not have required prior public notice.
- In 5 percent of the cases, the responding agencies stated that the vacancies were not posted because they were unable to access the system for job entry or successfully enter the required information. Some agencies stated that they did not have the technical capability, while others stated that they had problems with successfully making the required entries.
- Agencies stated that vacancies were not announced on the USAJOBS system due to administrative error/oversight in 4 percent of the cases. They were aware of the requirements.
- Chart 4 displays a further analysis of the reasons agencies gave as to why they believed they were not required to announce their vacancies for the category "Announcement Requirements Not Understood."

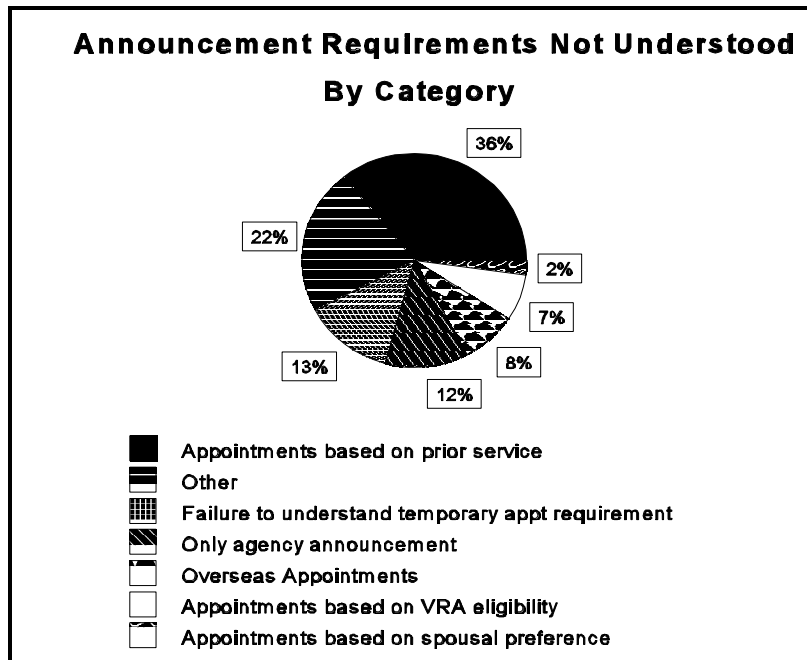


Chart 4

- The most common reason agencies cited for not posting vacancy announcements on the USAJOBS system was that the person hired had previous Federal experience. Reasons included in this category are: appointments were based upon reinstatement eligibility; prior temporary service; and the reemployment of annuitants. Prior to the ICTAP regulations, these “non-competitive” placement actions would not typically have required that the vacancy be announced on USAJOBS; however, under current regulations, because the positions were filled outside of each agency’s own work force, the vacancies must be announced.
- In approximately 22 percent of the cases, agencies asserted that they were not required to post the vacancy on the USAJOBS system but gave no rationale. These cases are included in the “Other” category. Also included in this category are two cases for which the agencies stated that they were not required to post the positions because they were “Outstanding Scholar” appointments.
- Thirteen percent of the failure, to announce vacancies as required were due to agencies’ failure to understand the requirement to post temporary positions on the USAJOBS system. Generally, the agencies involved did not post their temporary vacancies on USAJOBS because they erroneously believed that there was no requirement to post temporary vacancies. Since successful performance in a temporary position frequently permits the development of skills, knowledge, and experience that increase the potential for selection to a permanent position, failure to post temporary positions indirectly impacts the fair treatment of applicants for permanent positions as well.
- Agencies issued their own vacancy announcements in 12 percent of the cases without also entering announcements on the Federal Jobs Database. This happened most frequently in making temporary appointments or in hiring former or current competitive service employees through reinstatement and transfer. In both cases, the omissions may exist due to past practices in announcing vacancies. In the past, agencies met public notice requirements for temporary “outside the register” appointments by sending hard copies of their vacancy announcements to local OPM service centers (formerly area offices) and to the appropriate state employment offices. However, notification to OPM of a vacancy now means entry on the Federal Jobs Database. In the case of reinstatements and transfers, prior to February 29, 1996, agencies were not required to enter their vacancy announcements when opening recruitment to persons with reinstatement or transfer eligibility because they were not recruiting outside the Federal government. Now, however, agencies are required to announce these vacancies on the USAJOBS system in order to provide opportunities to displaced or surplus Federal employees.
- Eight percent of the placement actions in this group were not preceded by postings on USAJOBS because the positions were located overseas. This category includes all

types of overseas appointments: overseas limited appointments; other temporary and term appointments; career and career-conditional appointments; transfers and reinstatements. The responding agencies stated that because the positions were located overseas, posting to USAJOBS was not required. Some survey respondents stated that the area of consideration was local (i.e., within the overseas community). Although the USAJOBS posting requirement may seem impractical for certain types of vacancies, such as temporary positions, there is no exemption from posting these positions on the USAJOBS system for the sole reason that they are located overseas.

- In seven percent of the cases, agencies stated that because the temporary or term appointments were based on the appointees' eligibility for Veterans Readjustment Authority (VRA) appointments, which are Excepted appointments and do not require posting, the temporary or term vacancies need not be announced. This is a misconception. Even though the appointee's eligibility for a temporary or term appointment is based on VRA eligibility, the temporary or term positions are in the competitive service, and thus the vacancy must be posted to USAJOBS.
- In a small percentage of the cases, 2 percent, agencies cited spouse preference as a reason why they failed to announce vacancies on the USAJOBS system. However, the appointment of an individual with spouse preference does not eliminate public notice requirements.

IV. RECOMMENDATIONS

OPM will:

Emphasize public notice to agencies

The requirement to provide public notice information for vacancies is longstanding. Reduced agency hiring and the need to identify opportunities for displaced Federal employees has substantially increased the importance of placing vacancies in the public view. OPM's Employment Service has faxed out periodic reminders to all agency users of its USAJOBS entry systems. However, the agencies' obligation needs to be further reinforced by OPM and attention directed to the agencies who are failing to post vacancies as required. This will be accomplished through written and electronic means as well as direct communication through the Interagency Advisory Group of Personnel Directors.

Consolidate relevant guidance into a single document

Recent changes to the public notice requirements have been publicized through letters and other informative materials and distributed incrementally; however, there needs to be an up-to-date definitive statement of agency requirements. Since some confusion still exists about which actions require notice, a single comprehensive reference guide would assist agencies when determining if a planned personnel action requires posting. OPM will develop and issue such a document, both in hard copy and electronically, to all Federal agencies.

Emphasize public notice coverage in all future OPM evaluations

Oversight in this area will address problems that specific agencies and/or installations are having in meeting public notice requirements. It will also heighten agencies' awareness of those requirements. Compliance with public notice requirements is one of many items that evaluators review when looking at staffing actions, and it needs additional focused attention to highlight its importance. Reviewing a significant sample of personnel actions that are subject to prior public notice, exclusively for compliance with the requirements to post, will result in improvements.

Address computer related problems

While to a lesser degree, installations reported difficulty in gaining access due to problems with their own computer systems and OPM's system. Employment Service operates a fully-staffed Help Desk in OPM's Macon Staffing Service Center to support routine entry inquiries; staff in OPM's Employment Information Office provide agencies with job-entry

program support. Also, OPM works with an Interagency Advisory Group work group on Employment Information to discuss issues and requirements. Despite these efforts, some users reported technology-related problems as their primary barrier to posting. To resolve these problems, OPM needs to continue to pro-actively solicit user complaints and problems at the job entry level and resolve them working in partnership with the parent agencies.

OPM is:

Re-examining its policy

OPM is re-examining its regulations regarding which types of vacancies shall be subject to mandatory posting on the Governmentwide Automated Employment Information System (USAJOBS). This review includes an assessment of the practicality of requiring public notice for overseas appointments.

Federal Agencies should:

Communicate posting requirements to responsible employees

Our study indicates that in many instances the staff members who make the critical decisions about whether a vacancy must be posted on USAJOBS are not knowledgeable about the requirements. Therefore, agencies need to ensure that full and clear information about the posting requirements, particularly those that have been identified in this study as likely to be misunderstood, is provided to the operating personnel office employees who are charged with making day to day decisions on which positions are posted and which ones are not posted. In many instances, the person making these decisions is a journeyman personnel specialist or support employee.

Use agency accountability systems to ensure compliance

Since fair and open competition is a key element in sustaining a merit system, public notice should be addressed through agency accountability systems. Agency internal assessments should incorporate oversight of the open competition and recordkeeping issues associated with public notice.

Review available computer systems

The systems requirements for posting vacancies are not technologically complex, but individual installations continue to report limitations based on computer access. Agencies should review requirements and provide equipment and training at the operating level as necessary. If installations are unable to acquire and operate the necessary technology, they will need to arrange for other agencies to submit input on their behalf.

APPENDIX A LEGAL AND REGULATORY CITATIONS

5 U.S.C. 3327(b). Subject to such regulations that the Office may issue, each agency shall promptly notify the Office and the employment offices of the United States Employment Service of--

- (1) each vacant position in the agency which is in the competitive service or the Senior Executive Service and for which the agency seeks applications from persons outside the Federal service, and
- (2) the period during which applications will be accepted.

5 U.S.C. 3330(b). The Office of Personnel Management shall establish and keep current a comprehensive list of all announcements of vacant positions in the competitive service within each agency that are to be filled by appointment for more than one year and for which applications are being (or will soon be) accepted from outside the agency's work force.

5 CFR 330.102(a)(1). Under 5 U.S.C. 3327, Federal agencies must notify OPM promptly of:

- (A) Open competitive examinations;
- (B) Vacancies in the competitive service to be filled under direct hire procedures of part 333 of this chapter;...

5 CFR 330.102(b)(1). *Notice Required.* Under 5 U.S.C. 3330, OPM must maintain, and make available to the public, a list of agency vacancy announcements for positions in the competitive service. Under section 330.707 of this chapter, agencies must notify OPM promptly of competitive service vacancies to be filled for more than 120 days⁷ when the agency will accept applications from individuals outside the agency's own work force.

5 CFR 330.707.

(a) Agencies are required to report all competitive service vacancies to OPM when accepting applications from outside the agency (including applications for temporary positions lasting 121⁸ or more days), except when they elect to fill a position by the

⁷The 120-day maximum was effective July 7, 1997. It expanded the 90-day maximum found in the interim ICTAP regulations which had taken effect February 29, 1996.

⁸*Ibid.*

transfer or reassignment of an ICTAP eligible from another agency. (b) *Content*. ...In addition, for all positions reported, agencies are required to provide OPM with an electronic file of the complete vacancy announcement or recruiting bulletin...

5 CFR 333.102. Under 5 U.S.C. 3327 and 3330, agencies are required to report job announcements to OPM when recruiting outside the register. This requirement is implemented through section 330.102 of this chapter.

5 CFR 335.105. Under 5 U.S.C. 3330, agencies are required to report job announcements to OPM for vacancies for which an agency will accept applications from outside the agency's work force. This requirement is implemented through section 330.102 of this chapter.

APPENDIX B PERSONNEL ACTIONS SUBJECT TO PUBLIC NOTICE REQUIREMENTS

This appendix contains the list of personnel action types by Notice of Action Codes (NOACs) and Legal Authority Codes (LACs) that we included in this Study. Generally, the types of personnel actions identified by the combinations of NOACs and LACs in the list require that the vacancies filled by those types of placement actions be announced on the USAJOBS system to meet public notice and/or ICTAP notice requirements. However, the types of placement actions listed do not always require that the vacancies be announced on USAJOBS. Specific circumstances may eliminate the announcement requirements, such as the reemployment of former injured employees who have been determined restored to earning capacity by the Office of Workers' Compensation Programs.

Conversely, this list does not contain all types of placement actions that require announcements on USAJOBS. The types of actions listed are the types of placement actions made in FY 1997 to the competitive service that we identified to be included in this Study. Therefore, this list should be used with caution. It is not intended to be a definitive source of information regarding vacancy announcement requirements.

Personnel Actions Subject to Public Notice Requirements								
By Nature of Action Code and Legal Authority Codes ⁹								
NOAC	LA1	LA2	NOAC	LA1	LA2	NOAC	LA1	LA2
100		ACM	100	BNP		101		ZJK
100		LHM	100	BWA		101		ABK
100		BWM	100	BWA	ACM	101		BWM
100	ABK	AYM	100	BWA	BWM	101		ZLM
100	ACA		100	BWA	ZLM	101		ZSP
100	ACM		100	BWM		101	ABK	
100	ACM	ZLM	100	K1M		101	ABK	AYM
100	AYM		100	LEM		101	ABK	BWM
100	AYM	ABK	100	LHM		101	ABK	ZLM
100	AYM	ABL	100	LJM		101	ACA	
100	AYM	ZLM	100	LKM		101	ACA	ABK
100	AYM	ZSP	100	LKP		101	ACM	
100	A2M		100	VHM		101	ACM	ABK
100	BBM		100	VJM		101	ACM	ABL
100	BDN		100	V8L		101	ACM	ABM
100	BFS		100	ZLM		101	ACM	BWA
100	BFS	BWM	100	ZQM		101	ACM	BWM
100	BFS	ZLM	100	ZQM	ZLM	101	ACM	ZLM
100	BKM		100	ZTU		101	ACM	ZSK
100	BLM					101	ALM	
100	BNM		101		ACM	101	AYM	
100	BNN		101		BWA	101	AYM	ABK
100	BNN	ZLM	101		LHM	101	AYM	ABL

⁹Based on personnel actions entered into CPDF in FY-97

Personnel Actions Subject to Public Notice Requirements By Nature of Action Code and Legal Authority Codes								
NOAC	LA1	LA2	NOAC	LA1	LA2	NOAC	LA1	LA2
101	AYM	ABM	101	BWA	BWM	101	ZLM	ZLM
101	AYM	ACM	101	BWA	ZLM	101	ZLM	ZSK
101	AYM	BWM	101	BWA	ZSP	101	ZQM	
101	AYM	ZLM	101	BWM		101	ZTU	
101	AYM	ZSP	101	BWM	ABK			
101	A2M		101	BWM	ABM	108		ACM
101	BBM		101	BWM	ZLM	108		BWA
101	BDN		101	BYM		108		BWM
101	BEA		101	K1M		108		ZLM
101	BFS		101	LEM		108	ACM	
101	BFS	ACM	101	LHM		108	ACM	ABL
101	BFS	BWM	101	LJM		108	ACM	ABM
101	BFS	ZLM	101	LKP		108	ACM	ACM
101	BLM		101	LKP	ZLM	108	ACM	ZLM
101	BNE		101	V8L		108	AYM	
101	BNE	BWM	101	V8L	BWA	108	AYM	ABK
101	BNM		101	ZJK		108	AYM	BWM
101	BNN		101	ZJK	ZLM	108	AYM	ZLM
101	BNN	ZSK	101	ZJK	ZSK	108	AYM	ZSP
101	BNP		101	ZJM		108	BFS	
101	BWA		101	ZLM		108	BFS	BWM
101	BWA	ABK	101	ZLM	ACM	108	BFS	ZLM
101	BWA	ABL	101	ZLM	BFS	108	BWA	
101	BWA	ABM	101	ZLM	BWA	108	BWA	ABL
101	BWA	ACM	101	ZLM	ZJK	108	BWA	BWM

Personnel Actions Subject to Public Notice Requirements								
By Nature of Action Code and Legal Authority Codes								
NOAC	LA1	LA2	NOAC	LA1	LA2	NOAC	LA1	LA2
108	BWA	ZLM	112	MAM	AYM	115	BWA	
108	BWA	ZSP	112	MBM		115	BWA	ACM
108	BWM		112	MBM	ZLM	115	BWA	BWM
108	MCM		112	ZLM		115	BWA	ZLM
108	MCM	ABK				115	BWM	
108	MCM	ACM	115		ACM	115	CTM	
108	MCM	BWA	115		AYM	115	KLM	
108	MCM	ZLM	115		KLM	115	MXM	
108	MEM		115		MXM	115	MXM	CTM
108	MEM	BWM	115		NAM	115	MXM	NEM
108	MEM	ZSP	115		ZJK	115	MXM	ZLM
108	MGM		115		BWM	115	MXM	ZSK
108	MGM	ZLM	115		ZLM	115	M6M	
108	MJM		115	ACM		115	M6M	M6M
108	MJM	ZLM	115	ACM	ABL	115	M6M	ZSP
108	MLL		115	ACM	BWA	115	M8M	
108	MLM		115	ACM	ZLM	115	NAM	
108	MMM		115	AYM		115	NCM	
108	VJM		115	AYM	ABK	115	NCM	ZLM
108	V8L		115	AYM	ZSP	115	NEL	
108	ZJK		115	BFS		115	NEM	
108	ZLM		115	BFS	ABL	115	SZX	
108	ZTM		115	BFS	ACM	115	SZX	ABM
			115	BFS	BWM	115	V8L	
112	MAM		115	BFS	ZLM	115	ZJK	

Personnel Actions Subject to Public Notice Requirements								
By Nature of Action Code and Legal Authority Codes								
NOAC	LA1	LA2	NOAC	LA1	LA2	NOAC	LA1	LA2
115	ZJK	ZLM				190	ACM	
115	ZLM		140		KQM	190	ACM	
115	ZTM		140	KQM		190	AYM	
			140	KQM	ABL	190	BWA	
120	HNM		140	KQM	ABM	190	MXM	
			140	KQM	BWM	190	MXM	CTM
122	HNM		140	KQM	ZSP	190	M6M	
122	HNM	ZLM	140	SZW		190	M8M	
122	HRM		140	ZLM		190	NCM	
122	H3M		140	ZLM	BWM	190	NEM	
						190	ZJK	
¹⁰ 130		KTM	141	ABS		190	ZLM	
130		KVM	141	KQM				
130		KXM	141	KQM	BWM	500		
130	KTM		141	ZLM		500		LHM
130	KTM	ZSP				500	ACA	
130	KVM					500	ACM	
130	KVM	ZSP				500	ACM	ABL
130	KXM					500	ACM	ZSK
130	KXM	KXM				500	AYM	
130	KXM	ZSP				500	AYM	ABK
130	SZT							

¹⁰Excluding transfers within DoD

Personnel Actions Subject to Public Notice Requirements								
By Nature of Action Code and Legal Authority Codes								
NOAC	LA1	LA2	NOAC	LA1	LA2	NOAC	LA1	LA2
500	AYM	ABL	500	ZLM		501	BFS	BWM
500	AYM	ZSP	500	ZQM		501	BFS	ZLM
500	A2M		500	ZTU		501	BLM	
500	BBM					501	BLM	BWA
500	BDN		501		ZJK	501	BNM	
500	BFS		501		BWM	501	BNM	ZSK
500	BFS	BWM	501		ZLM	501	BNN	
500	BLM		501	ABK	AYM	501	BNN	ZLM
500	BNM		501	ACA		501	BWA	
500	BNM	ZLM	501	ACA	ABL	501	BWA	ABL
500	BNN		501	ACM		501	BWA	ACM
500	BWA		501	ACM	ABL	501	BWA	BWM
500	BWA	BWM	501	ACM	ABM	501	BWA	ZLM
500	BWA	ZLM	501	ACM	BWA	501	BWA	ZSP
500	BWA	ZSP	501	ACM	ZLM	501	BWM	
500	BWM		501	ACM	ZSK	501	BWM	ZLM
500	BWM	ZLM	501	AYM		501	BYM	
500	BYM		501	AYM	ABK	501	K1M	
500	K1M		501	AYM	ABL	501	LEM	
500	LHM		501	AYM	BWM	501	LHM	
500	LJM		501	AYM	ZLM	501	LJM	
500	LKM		501	AYM	ZSP	501	LSM	
500	LSM	ACM	501	BDN		501	LSM	ACM
500	VHM		501	BFS		501	LSM	BWA
500	VJM		501	BFS	ACM			

Personnel Actions Subject to Public Notice Requirements								
By Nature of Action Code and Legal Authority Codes								
NOAC	LA1	LA2	NOAC	LA1	LA2	NOAC	LA1	LA2
501	ZJK		508	MCM		515		BWM
501	ZJK	ZLM	508	MCM	ABK	515		ZSK
501	ZLM		508	MCM	BWM	515	ACM	
501	ZLM	BWA	508	MCM	ZLM	515	AYM	
501	ZLM	ZSK	508	MEM		515	AYM	ZSP
501	ZQM		508	MEM	ABL	515	BFS	
			508	MEM	ZLM	515	BFS	ACM
508		BWM	508	MGM		515	BFS	BWM
508		ZLM	508	MGM	BWM	515	BWA	
508	ACM		508	MGM	ZLM	515	BWA	ACM
508	ACM	ABL	508	MJM		515	BWA	BWM
508	ACM	BWA	508	MLK		515	BWA	ZLM
508	ACM	MCM	508	MLL		515	MXM	
508	ACM	ZLM	508	MLM		515	MXM	ABM
508	AYM		508	MMM		515	MXM	CTM
508	AYM	ABK	508	VJM		515	MXM	ZLM
508	AYM	ZLM	508	ZJK		515	M6M	
508	AYM	ZSP	508	VJK	ABL	515	M6M	ZLM
508	BFS		508	ZLM		515	M8M	
508	BFS	BWM	508	ZLM	ZLM	515	NAM	
508	BWA					515	NAM	ABM
508	BWA	BWM	512	MAM		515	NCM	
508	BWA	ZLM	512	MAM	AYM	515	NCM	NEM
508	BWM		512	MBM		515	NCM	ZLM

Personnel Actions Subject to Public Notice Requirements								
By Nature of Action Code and Legal Authority Codes								
NOAC	LA1	LA2	NOAC	LA1	LA2	NOAC	LA1	LA2
515	NEM		590	ACM	ZLM			
515	SZX		590	AYM				
515	SZX	ABM	590	MXM				
515	VJM		590	MXM	CTM			
515	ZJK		590	M6M				
515	ZJK	ABM	590	M8M				
515	ZJK	ZLM	590	NCM				
515	ZLM		590	NEM				
			590	ZLM				
520	HNM							
520	HRM							
522	HNM							
522	HNM	ZLM						
522	HRM							
522	H3M							
540		KQM						
540	KQM							
540	KQM	ZSP						
540	ZLM							
541	KQM							
541	ZLM							

APPENDIX C

Public Notice Study Survey Results

Subpopulation	Total CPDF Actions	Computer Derived Mismatches	Mismatch Sample	True Mismatch Sample Result	True Mismatch Percent of Sample
Overall	122,777	75,554	1,116	598	53.58%
Defense	35,273	27,451	427	270	63.23%
Non-Defense	87,504	48,103	689	328	47.61%
C/CC Appt.	41,615	24,944	367	128	34.88%
Time Limited Appt.	66,704	42,322	633	393	62.09%
Temp. Appt.	56,297	36,418	558	357	63.98%
Term Appt.	10,407	5,904	75	36	48.00%
Reinstatement	7,566	4,836	70	41	58.57%
Grade 1-8	101,107	63,530	952	502	52.73%
Grade 9-15	21,107	11,583	161	96	59.63%

See Appendix D for Sampling Methodology. Information on this study's statistical methodology is available upon request to OPM's Office of Merit Systems Oversight.

COLUMN DEFINITIONS

Subpopulation	Placement action categories.
Total CPDF Actions	The total number of placement actions in the Central Personnel Data File subject to Public Notice included in this Study.
Computer Derived Mismatches	The total number of placement actions in the Central Personnel Data File identified as without corresponding vacancy announcement by the computer matching program which compared placement actions with announcements in the USAJOBS database.
Mismatch Sample	Number of actions in the random sample of Computer Derived Mismatches used to test and verify the results of the computer matching program.
True Mismatch Sample Result	The actual number of mismatches established by the random sample verification.
True Mismatch Percent of Sample	The percent of accuracy of the Computer Derived Mismatches established by the random sample.

Public Notice Study Point Estimates

Subpopulation	Total CPDF Actions	Total Computer Derived Mismatches	Estimated Number of True Mismatches	Estimated Percentage of True Mismatches Relative to:	
				All Mismatches	All CPDF Actions
Overall	122,777	75,554	40,485	53.58%	32.97%
Defense	35,273	27,451	17,358	63.23%	49.21%
Non-Defense	87,504	48,103	22,900	47.61%	26.17%
C/CC Appt.	41,615	24,944	8,700	34.88%	20.91%
Time Limited Appt.	66,704	42,322	26,276	62.09%	39.39%
Temp. Appt.	56,297	36,418	23,300	63.98%	41.39%
Term Appt.	10,407	5,904	2,834	48.00%	27.23%
Reinstatement	7,566	4,836	2,833	58.57%	37.44%
Grade 1-8	101,107	63,530	33,500	52.73%	33.13%
Grade 9-15	21,107	11,583	6,907	59.63%	32.72%

COLUMN DEFINITIONS

Total CPDF Actions The total number of placement actions in the Central Personnel Data File subject to Public Notice included in this Study.

Computer Derived Mismatches The total number of placement actions in the Central Personnel Data File identified as without corresponding vacancy announcement by the computer matching program which compared placement actions with announcements in the USAJOBS database.

Mismatch Sample Number of actions in the random sample of Computer Derived Mismatches used to test and verify the results of the computer matching program.

True Mismatch Sample Result The actual number of mismatches established by the random sample verification.

True Mismatch Percent of Sample The percent of accuracy of the Computer Derived Mismatches established by the random sample.

Estimated Number of True Mismatches The estimate of the number of personnel actions in the computer mismatch file which did not receive proper public notice based on the random sample verification.

Estimated Percentage of True Mismatches relative to:

All Mismatches The percent of true mismatches in the computer generated mismatch population.

All CPDF Actions The percent of true mismatches in population of CPDF placement actions subject to the study.

APPENDIX D

SAMPLING METHODOLOGY

Population Parameters

The *FY 1997 CPDF Actions in Study* is equal to the 122,777 personnel actions in FY 1997 that required public notice to USAJOBS. This was derived by identifying data in the CPDF for personnel actions associated with competitive service placements as reported by Federal agencies.

The *Computer Derived Mismatches* is equal to the 75,554 personnel actions that required public notice to USAJOBS but for which there was no supporting evidence that the public notice to USAJOBS requirement was met. This was derived using the OPM-developed computer matching program comparing the CPDF data file with the Federal Jobs data file. The comparison program matched the following data elements: pay plan, series, grade, agency, agency subelement, location and effective date.

Assumptions

1. All personnel actions that matched a vacancy announcement using the comparison program were posted to USAJOBS.
2. A portion of the personnel actions that did not match with a vacancy announcement using the comparison program were posted to USAJOBS

Sample Size

To determine the extent of non-compliance, a random sample of 1,500 personnel actions was selected from the computer generated non-matches population and sent to agency personnel offices. The intent was to verify those actions that were not posted to USAJOBS. These sample survey results were used to estimate overall numbers of FY 1997 CPDF actions in the study where public notice to USAJOBS requirement was not met.

A sample size of 1,500 was chosen based on assuring a return rate that would sustain a confidence level of 95 percent and a margin of error of about 3 percent. In addition, a sample of this size would allow for limited comparisons of categories within the sample while retaining a confidence interval of 95 percent and a margin of error around 5 percent.

Additional information about this study's statistical methodology is available upon request to OPM's Office of Merit Systems Oversight.

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APPENDIX E

United States
**Office of
Personnel Management**

Chicago Oversight Division
230 South Dearborn, 30th Floor
Chicago, Illinois 60604-1687

Ms. H.R. Manager
Personnel Officer
Address

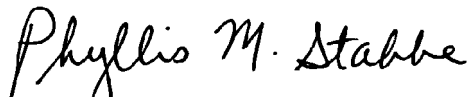
In Reply Refer To:
Your Reference:

The Office of Personnel Management is conducting a study to assess the extent to which agencies are complying with the requirements to announce competitive service vacancies to the public and the Federal community. To meet these requirements, agencies must post vacancies to OPM's Federal jobs database, now known as USAJOBS. The information gathered in the study will be used to help us identify problems that agencies may be experiencing in providing public notice and to develop recommendations for systemic improvement.

The actions listed in the enclosed form(s) were identified by a computer program which selected personnel actions in the Central Personnel Data File (CPDF) for fiscal year 1997 which appear to be subject to public notice requirements. We are contacting the personnel office which serviced each vacancy to learn more about the action, and to determine if the vacancy was announced using the USAJOBS database. Please complete the questions about the specific identified personnel actions on the enclosed form(s) and return in the enclosed postage-paid envelope, or fax it to us at (312) 353-8479, by **August 7, 1998**. No corrective action will be required on individual appointments as a result of your response. If your office is unable to respond to this inquiry, complete the appropriate section of the enclosure(s).

If you have any questions about this inquiry, please contact Ms. Marge Chambers or Mr. Thomas Ristow of the Chicago Oversight Division at (312) 353-0387. Thank you for your assistance in this study.

Sincerely,



Phyllis M. Stabbe
Director
Chicago Oversight Division

Enclosures

Agency Code XXXX

Case: XXXX

AGENCY RESPONSE

Please answer the questions about the personnel action identified below, print your name and title, sign, and return this form to us in the enclosed self-addressed return envelope or fax to us at (312) 353-8479 by **August 7, 1998.**

PART I - PERSONNEL ACTION INFORMATION (From CPDF)	
Employee Name:	EMPLOYEE, FEDERAL
Action:	TERM APPOINTMENT NOT-TO-EXCEED (DATE)
Effective Date:	07/07/1997
Nature of Action Code:	108
Legal Authority Code(s):	NCM
Position Title:	SECRETARY
Pay Plan, Series, & Grade:	GS-0318-05
Duty Location:	FT PEACETIME (Location code: XXXXXXXXX)

PART II - AGENCY RESPONSE

Please check the appropriate box below concerning the personnel action identified above.

- 1. The vacancy was posted on *USAJOBS*. I have attached a screen print or have noted the OPM Control Number, Agency Vacancy Announcement Number, and opening and closing dates. (Skip the remaining questions in this Part, and proceed to Part III of this form.)
- 2. The vacancy was not posted on *USAJOBS*. The reason is checked below.
 - A. We did not know *USAJOBS* posting was required.
 - B. We believe it was not necessary to post this vacancy on *USAJOBS*, because (Please print or type reason here.) _____

 - C. Other -- (Please print or type reason here.) _____

- 3. **We are unable to respond to these questions, because this office does not have access to this information. Please contact the person identified below for the requested information:**

Please Print or Type

Contact's Name: _____

Title: _____

Address: _____

Telephone Number: (____) _____

PART III - INFORMATION ABOUT THE INDIVIDUAL COMPLETING THIS FORM:

Please Print or Type

Your Name: _____

Your Title: _____

Your Address: _____

Your Telephone Number: (____) _____

Your Signature: _____

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Appendix F

Reasons Frequently Cited For Not Posting

Confusion related to reinstatement eligibility

“This action was not a recruitment action. This action was an extension of a previous temporary appointment. The incumbent was a non-competitive Re-employed annuitant. The command desired to extend his appointment for an additional year”.

“Employee has been eligible for non-competitive rehire per Regulation 316.402(b) (3) since 1979 and has been employed on temporary appointments every year since then.”

“Individual was a summer rehire therefore no announcement was necessary.”

“Management name requested Mr. _____ for the vacancy based on prior temporary employment under provisions of 5 CFR part 333.”

“The employee was initially hired using the Summer Appointment Authority (1994). Has been rehired each “Summer Period” (May-September) using Legal authority 316.402(b)(3).”

“The employee was a recall (5 CFR 316.402 (b)(3) from the previous year. Therefore no bulletin was opened.”

“This was a rehire of a 1039 hour temporary appointment. Our understanding is: not required to post for rehires in USAJOBS.”

Unable to comply for technological reasons

“We did not have the proper equipment to utilize the system. Therefore, no vacancy announcements were entered during that time period.”

“Staff members had not received training needed to utilize the system. Training has now been accomplished and we have been posting on USAJOBS since 1/97.”

“USAJOBS was not available to us because of our infrastructure.”

“Computer/Modems were not available. Having problems with the system, currently have a P/C and working with the problems.”

“At the time our system would not allow us to send electronically and we were under the impression that we did not need to until we had the capability. We did send local announcements to our region. We now have the equipment and knowledge.”

“We know of the requirements to post on USAJOBS, however have not been successful in entering. Vacancy announcements are sent to OPM and local employment office.”

“This office was not able to successfully register with USAJOBS until assistance was provided by OPM Hawaii in August of 1998. However, merit promotion announcements did include ICTAP applicants.”

“Continual difficulty gaining access through our system. Our ADP service has not successfully assisted us.”

“We are unable to access the system.”

“Systemic computer problems wherein we were unable to transfer data files. Problem corrected 8/97.”

“This announcement was forwarded to the department for ICTAP/CTAP consideration. Our service did not have the electronic capability of forwarding to USAJOBS. Electronic capability now in effect.”

“We had recently received instructions on posting of jobs and they were not fully implemented until June of 1997.”

Mistakenly believed sending hard copy to OPM would satisfy public notice requirement

“Job opportunity announcements faxed to OPM to be uploaded to bulletin board.”

“Hard copy announcements were mailed to OPM.”

“We faxed or mailed to OPM as we were having problems or not knowledgeable on how to post. We do post now and are knowledgeable with posting to USAJOBS electronically.”

“OPM Service Center has announced positions for us when needed. They said these positions were not announced due to a change in procedures.”

“Vacancy announcement was mailed to OPM due to our inability to electronically access USAJOBS.”

Confusion relating to temporary appointments

“OPM memorandum states “ ‘Agencies are not required to list temporary merit promotion jobs to be filled for one year or less’ ”

“This position was welfare to work. The center is very instrumental in working with applicants from this program”

“It was a temporary job”

“The position was filled through the applicant supply file. Temporary positions filled through this source are not required to be uploaded to USAJOBS.”

“Taper appointment selected from our applicant supply file.”

“Summer hire.”

“This was a noncompetitive conversion type appointment.”

“This was a student employment program position.”

“This was a summer student position filled through the Mayor’s Youth Program in connection with the state employment development department.”

Appointments based on VRA eligibility (but not given a VRA appointment)

“Position was filled non-competitively with a VRA eligible”

“We used a non-competitive appointment authority (VRA).”

“The individual is a 30% compensable disabled veteran selected from VRA files, matched against the DOD priority placement program.”

“When this appointment was made, our interpretation of 5 CFR 330, Subpart G and 5 CFR 335.102 was that appointments NTE based on VRA eligibility were an exception.”

“This position was only open to applicants eligible under VRA. Therefore it was not posted on USAJOBS.”

Appointments based on spouse preference (E.O. 12721)

“This position was filled as a name request. Ms. ---was a Executive Order 12721 eligible and was appointed without competition under that order.”

“Employee was appointed through Spouse Preference Program.”

“Non-competitive action based on Executive Order 12721 eligible.”

Overseas area of consideration

“This was a local announcement, the area of consideration was Iwakuni-wide.”

“OPM Service Center Letter 95-5 states agencies are not required to list jobs to be filled under local hire Overseas Limited Appointing Authority.”

“Area of Consideration Overseas limited NTE”

“Vacancy was advertised under a merit promotion announcement with an area of consideration limited to Yokosuka area only, and not including moving and transportation expenses.”