

IFPTE Recommendations to H.R. 3268, *The Government  
Accountability Office Act of 2007*

The text and summary of H.R. 3268 as introduced in the House of Representatives can be read [here](#).

**Sec. 1: Short Title; Reference**

The IFPTE has no recommendation on this section.

**Sec. 2: Appointment Processes**

The IFPTE has no recommendation for this Section, subsection (a) but disapproves of changes to subsection (b) and maintains that the Congress should confirm the Deputy Comptroller General, should it decide to fill the position. There is currently no Deputy Comptroller General at GAO and there has not been a Deputy Comptroller General since 1980.

In the event of a vacancy in the office of the Comptroller General, the Deputy Comptroller General assumes the office until such time that a new Comptroller General has been appointed.

**Sec. 3: Inspector General**

IFPTE believes that the proposed statutory authority for the GAO IG is not sufficiently independent of the CG, particularly as it relates to the CG's ability to hire, supervise and fire the IG.

IFPTE therefore suggests the following additions/changes to this section:

- **Chapter 705 (b) (1) (2) – Independence of the Inspector General:**

The provision for the appointment, supervision, and removal of the office of the GAO Inspector General did not provide independence from the Comptroller General. Consequently, the lack of independence could impair the objectivity and integrity of the oversight duties performed by the OIG. The office of the Inspector General should be appointed, supervised and removed by an independent entity or Oversight Committee and Appropriations Committees. The budget for the IG office shall be a separate line item within the GAO appropriations providing specified FTE and/or salaries and expenses.

- **Chapter 705 (d) (2) – Confidentiality of employee's complaints:**

The provision for allowing the Inspector General to disclose the employee's identity did not specify conditions and did not put into place adequate safeguards. The criteria that allow the Inspector General to determine unavoidable disclosure during the course of the investigation needs to be specified unambiguously in writing and the consequences for

disclosure of the employee's identity without meeting such criteria must be clearly spelled out. Without adequate strong determinative criteria and adequate safeguards, the employee's confidentiality may be breached and he or she may face the possibility of future management reprisal. Additionally, the type of complaint needs to be clearly defined since there are several agency entities that handle complaints, such as the Personnel Appeals Board (PAB) and the Office of Opportunity and Inclusiveness.

- **Chapter 705 (e) – Recipients of the Inspector General's semiannual report.**

Along with the CG, legislative provisions for submission of semiannual reports should designate the Legislative Branch Appropriations subcommittees and the Federal Workforce Subcommittees, as the primary recipients of the report. This provision allows stronger oversight of GAO activities.

- **Chapter 705 (g) (2) & (3) – Hiring of experts and consultants**

Because, much of the business of the GAO-OIG is "inherently governmental," the GAO OIG should be able to hire its own career staff to carry out its oversight business. Should special circumstances require the use of outside experts, the hiring of these outside experts and consultants should be done on an exception and temporary basis.

- **Chapter 705 (b) – Continual service of the incumbent IG**

IFPTE believes that the incumbent IG recompetes for the position and should include confirmation by an independent entity or Oversight Committee.

#### **Sec. 4: Administering Oaths**

The IFPTE has no recommendation on this section.

#### **Sec. 5: Comptroller General Reports**

The IFPTE supports this section. The union feels that it better enables the GAO workforce to gather information in a timely and efficient manner.

#### **Sec. 6: Reimbursement of Audit Costs**

Because of concerns about maintaining GAO's independence when auditing Executive Branch Agencies, the IFPTE does not support the proposed change to this Section.

#### **Sec. 7: Conforming Amendment**

If Section 6 recommendation is adopted, then there is no need for Sec: 7.

#### **Sec. 8: Financial Disclosure Requirements**

*See IFPTE Added Section (Section 17) on Compensation (should Congress bring Locality Pay at GAO in line with the GS schedule system, this section will be mute).*

### **Sec. 9: Additional Authorities**

IFPTE believes that the GAO should demonstrate to Congress that it does not have the necessary existing expertise among its current staff before hiring outside persons and/or consulting services for the positions requested in this section. In addition GAO should provide to Congress the purpose and time period, assuming it is more than one year in duration, for which they are needed.

- Section 731(3)(i), strike the word “entertainment”

### **Sec. 10: Highest Basic Pay Rate**

The IFPTE supports the provisions lifting the cap for Band III workers at GAO. However, in conjunction with the lifting of the Band III cap, IFPTE recommends the following:

- That Congress ensures that Band III increases do not negatively impact the pay pool monies across the board. In particular, IFPTE recommends that authorizers specifically set aside monies for the Band III increase;
- The IFPTE believes that Congress should require that GAO remove the speed bump in the GAO pay range for Band IIB employees, while also removing the pay cap for Band IIA employees, resulting in one pay range for all Band II employees.

### **Sec. 10.1 Employee Compensation (Newly Added by IFPTE)**

- FY06, FY07 Back COLAs w/Locality Pay: This Section shall guarantee COLAs, with locality pay, interest and appropriate retroactive retirement contributions, to all GAO employees that were denied full or partial COLAs due to pay-caps, speed bumps, or management decision for any reason, in FY06 and/or FY07.
- Permanent Fix to Annual Worker COLAs: This Section should also permanently guarantee the annual congressionally mandated Civil Service COLAs to all GAO workers. Approval of this measure in this legislation would ensure that appropriators do not have to guarantee the COLAs each year through their Legislative Branch spending measure.
- Bring GAO Locality Pay in Line with the General Schedule: GAO should explicitly include an annual adjustment for locality pay not less than the adjustments made for federal employees under the general schedule (GS) for each locality where GAO employees are based. GAO's current pay system is based on a GAO contracted 2005 geographic zone analysis which makes percentage adjustments to the salaries of employees not based in D.C. In this system, GAO locality pay is incorporated in the base salary, using the DC metro area as a baseline from which other regions are adjusted for their locality (either up or

down). The zone adjustments used in the current GAO system are not consistent with the GS locality pay adjustments and GAO does not make explicit annual adjustments in accordance with changes in the GS locality adjustments. These deficiencies in the GAO pay system lead to many GAO staff receiving less in locality pay adjustments than other federal employees living in the same locality.

The suggested changes should not affect the locality pay adjustments made to GAO employees where GAO has determined that it needs to make a greater locality adjustment than that provided under the GS system to attract and retain employees.

- Effective Date: The effective date for COLAs and locality pay shall be the beginning of the first pay period in January. In the event of a Continuing Resolution, COLAs and Locality Pay should be retroactively paid in accordance with the effective date.
- PFPE Effective Date (II): Pay for Performance calculations and adjustments to employees' pay shall take effect prior to the effective date of COLA payments.
- Newly Hired and Newly Promoted Employees After 2006: Up until 2006, GAO employee pay was tied to the Office of Personnel Management's General Schedule. Employees at GAO's band II level received wages ranging from GS-13 step 1 to GS-14 step 10. Due to the change in the personnel system, many employees newly hired or newly promoted to the band II level received wages less than the GS-13 step 1 rate for their locality. IFPTE requests that Authorizers rectify this discrepancy through this bill by ensuring that all Band II employees are paid a salary no lower than the Office of Personnel Management's GS-13 step 1 rate for their locality, and to provide this relief retroactively back to their date of promotion or hire.
- Permanently Placed PDP: Employees that started or interned prior to May 2002 at GAO's band I level after finishing their developmental program and were certified to full performance received salary starting at GS-12 step 1. IFPTE suggests that anyone permanently placed in a team upon completion from the Professional Development Program (PDP) shall be raised to at least a minimum salary equal to a Grade 12, Step 1. IFPTE will work with GAO management to address any transitional issues in implementing this provision.

*Note: COLA is defined as the annual across the board increase Congress provides to federal employees under the general schedule (GS) system*

### **Sec. 11: Pay Adjustments**

The IFPTE has no recommendation.

### **Sec. 12: Comptroller General's Annuity**

At this time, the IFPTE has no recommendation.

### **Sec. 13: Placement in Senior Executive Service**

The IFPTE does not support making the Deputy Comptroller General a part of the Senior Executive Service. However, the IFPTE does support increasing the Deputy Comptroller General's compensation commensurate to that of Level II of the Executive Schedule.

#### **Sec. 14: Voluntary Separation Incentive Payments**

IFPTE is not in favor of this section, rather, it supports the existing provision that requires payment to the retirement fund whenever GAO provides an employee with a voluntary separation incentive payment.

#### **Sec. 15: Basic Pay for Retirement**

IFPTE supports applying employees' nonpermanent performance-based pay toward the calculation of their "high 3" for the purposes of calculating pensions and other benefits. However, this provision raises larger concerns, over which the GAO's Employee Organization, IFPTE will need to deliberate further. Under the current compensation system, the CG has the authority to split employees' performance-based pay between an increase to their base salary and a nonpermanent one-time bonus payout. IFPTE is concerned because, particularly over time, the use of bonuses in lieu of permanent pay increases has a detrimental effect on employees' ability to grow their base salaries throughout their careers. A consequence of this is that although the caps of pay bands may be higher, an employee's earning capacity is effectively reduced over time when compared to some of their counterparts in the GS system.

IFPTE's position is that the full amount of the employee's performance-based pay increase should be applied to the employee's base salary. If an employee reaches the top of a pay band, IFPTE supports applying any additional nonpermanent performance-based pay increase received (rather than placing the salary above the pay cap) toward the calculation of the employee's "high 3" for retirement purposes, and also applying it toward the determination of the amount of the employee's basic FEGLI coverage and the basis for the agency's contribution to the employee's TSP account.

#### **Sec. 18: Reorganization of the Personnel Appeals Board**

The IFPTE supports the reorganization of the Personnel Appeals Board to provide for greater independence in processing employee complaints. While IFPTE will provide Congress with a detailed reorganization proposal of the PAB at a later date, IFPTE supports the following immediate actions:

- Discontinue the GAO regulation or agreement requiring GAO management's presence when the PAB interviews an employee regarding a complaint; and,
- Provide a separate line item in the GAO appropriations to fund the PAB's budget including specified FTE and/or salaries and expenses.

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As this process moves along, IFPTE will provide lawmakers with a detailed PAB restructuring proposal.

### **Sec. 19: Reorganization of the Office of Opportunity and Inclusiveness**

The IFPTE supports the reorganization of the Office of Opportunity and Inclusiveness to provide for greater independence in processing employee complaints of discrimination.

At this time, IFPTE supports the following immediate actions:

- Assignment of sufficient resources to address employee complaints in a timely manner.
- Status of complaints filed on the Band II restructuring and timeframe for resolving these complaints.

As this process moves along, IFPTE will provide lawmakers with details of the IFPTE's position on this issue.

### **Sec. 20: Transparency & Accountability**

GAO management should make information, including data, available to GAO employees, in electronic form, in the same manner in which GAO expects agencies to comply with requests for data during GAO engagements. Such information may include, but are not limited to:

Comprehensive compensation and ratings data; employee professional development costs and related information; GAO budget requests, justifications, and ongoing obligations and balances; travel costs; and all aspects of ongoing or future workforce or compensation studies.

All information and data requested shall be provided with safeguards in order to protect employee privacy.

### **Sec. 21: Effective Dates**

The IFPTE recommends striking the effective date of October 1, 2009 in this Section.