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March 2, 2016

The Honorable Beth Cobert
Acting Director
Office of Personnel Management
1900 E Street, NW
Washington, DC 20415

Re: SEA comments on OPM draft Guidance on Qualifications Review Board Submissions Methods

Dear Acting Director Cobert:

Thank you for providing SEA an opportunity to provide comments on OPM's draft "Guidance on Qualifications Review Board Submissions Methods," which OPM has developed in accordance with the President's December 2015 Executive Order on Strengthening the Senior Executive Service (SES).

SEA commends OPM for developing this useful guidance document for agencies that serves a multi-purpose function of clarifying the statutory role and purpose of the Qualifications Review Board (QRB), addressing agency concerns and misunderstandings about the QRB, as well as highlighting the existing flexibilities available to agencies to streamline agency initial SES applications as well as appropriate QRB submission methods.

OPM is to be commended for clearly emphasizing the statutory requirements codified at 5 U.S.C. § 3131 and 5 U.S.C. § 3393, which are intended to ensure merit staffing procedures in career SES appointments and to maintain a career executive leadership system free from improper political interference. It is precisely for these very reasons that SEA has such strong support for the QRB process and why SEA adamantly opposes delegation of the QRB authority to agencies. SEA is aware of political pressure being placed on OPM to approve certain applicants, and if the QRB authority were to be delegated it would become more difficult for agencies to rebuff such pressure. QRB certification to the SES confers a government-wide standard and it is appropriate that OPM uphold that standard. SEA further believes this guidance will help agencies improve and operate their SES hiring processes in a manner consistent with law, including merit system principles. This will be particularly valuable for agencies to not only successfully bring top SES talent into agencies, but to do so in a way that will withstand the strong scrutiny of oversight by stakeholders, including Congress, Inspectors General, the Government Accountability Office (GAO), and others, and to enable accountability to the American people.

SEA commends OPM for developing alternative SES hiring methods that provide a range of options on streamlining the SES hiring process and striking a balance on how to apportion

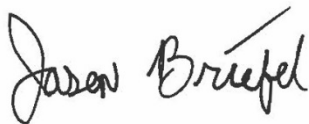
burden in the hiring process between applicants and hiring agencies, including providing some alternative methods that reduce a traditional reliance on written materials. SEA knows from the experience of its members and partnership efforts with OPM that alternative methods can be helpful to addressing specific problems, such as barriers or disincentives to applicants and administrative burden on agencies. However, SEA also strongly agrees with the observation made by OPM in this guidance that these alternative methods, while alleviating some challenges, commonly create new or different problems, such as significantly increasing applicant volume without a proportional increase in qualified applicants and shifting the burden from applicants to agencies. Consequently, SEA does not support a mandate forcing all agencies to adopt a single "one size fits all" method for SES hiring and QRB submission. SEA strongly emphasizes that each agency should continue to have the flexibility to implement a hiring process that best suits its situation and mission, as currently envisioned and authorized by law, consistent with the policies and standards set by OPM. This approach may also include opportunities for agencies to test different methods before deciding to adopt them. Where an agency does not operate an SES hiring program in an effective or efficient manner, or where the agency's SES hiring process is inconsistent with merit staffing requirements, OPM must of course intervene and order appropriate corrective action.

While SEA is supportive of efforts to streamline agency initial SES application requirements, we disagree that agencies should eliminate all Technical Qualifications (TQ) statements for executive positions. There are simply many executive level positions where knowledge of the technical portfolio of the organization is critical to the success of the candidate, and therefore the success of the organization in which the candidate is applying for a position. As noted in the guidance document, elimination of TQs is likely to lead to significantly increased administrative burden on agencies. Perhaps the guidance, or OPM at a later date, can help agencies find a better middle ground regarding TQs.

Lastly, SEA is eager to engage OPM, the Administration, and other stakeholders regarding the ongoing conversation concerning modernization of SES (and government-wide) hiring that maintains key principles of merit and protections against politicization.

Thank you again for the opportunity to provide feedback on this draft guidance, and for OPM's engagement of SEA as a critical stakeholder throughout this SES Executive Order process.

Sincerely,

A handwritten signature in black ink that reads "Jason Briefel". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

JASON BRIEFEL
Interim President