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TESTIMONY

of

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Before the

HOUSE SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE, AND
THE DISTRICT OF COLUMBIA

April 3, 2008



Chairman Davis and distinguished members of the Subcommittee:

The Senior Executives Association (SEA), the professional association representing the interests of members of the career Senior Executive Service (SES) and those holding equivalent positions, appreciates the opportunity to testify about HR 3774 and S 2148, the Senior Executive Service Diversity Assurance Act. We applaud your leadership on the important issue of achieving diversity in the career SES. SEA seeks to work with you and others who care about this issue, to assure that the SES of the future represents fully the diversity of America. It is not only the right thing to do, but achieving diversity will pay dividends by producing a government led by executives who are better able to respond to and provide services to all Americans.

SEA believes that, because of our close association with career Senior Executives, we can offer ideas based on practical experience that will help obtain a diverse executive corps. We are supportive of HR 3774 and S 2148, and we believe that we have some suggestions outlined below that can strengthen the bills.

We are especially delighted that the bills require effective oversight of the Senior Executive Service by the Office of Personnel Management. In the past OPM has had such an office and it worked effectively to monitor and manage the SES, government-wide. Currently, different offices within OPM share the responsibility for managing the SES with policy in one office and implementation of that policy in another office. In our opinion, the effect has been a diminishment in the effectiveness of the management of the government-wide SES corps. With respect to diversity, this means that agencies use different systems and standards for recruiting into the SES with varying outcomes on diversity resulting in different agencies. With one office to manage the SES, greater diversity is more likely to become a reality sooner than later.

SEA sees several areas where the government could dramatically improve diversity. First, improved, accessible and clear data needs to be developed. This can tell us which groups are under represented, and show how access to resources can be improved and barriers can be eliminated. Second, specific work needs to be done on building pipelines for career development to assure that minorities and women are actually in a place to be promoted to the Senior Executive Service. Finally, and necessary for the other factors to work, agencies must adopt a culture of leadership that emphasizes being fair to and inclusive of all employees. A centralized OPM SES office can provide effective oversight and management to assure that these parts of the diversity goal become a reality.

One provision of the bills does cause SEA some concern. This is the provision that requires diversity panels in the role of gate keepers to the SES. These diversity panels would consist of three career Senior Executives, one of whom must be a minority and one a woman. A vacancy announcement for an SES position could only be filled from candidates referred

by one of these panels. SEA believes that requiring diversity panels may not, by itself, be the best or only means of obtaining a diverse workforce. These panels could slow the already burdensome process of promoting General Schedule employees to the Senior Executive Service. This is particularly true in small agencies where satisfying the requirement for gender and ethnic representation may be difficult because of operational demands because of travel schedules and other operational demands. By mandating another layer of bureaucracy in what is already a cumbersome process, the SES diversity panels could further complicate and hinder the overall selection process, leaving crucial agency positions vacant for even longer than would otherwise be the case.

Also, past experience has shown that agencies should be allowed flexibility when appropriate. We do agree that something must be done, and we support requiring agencies using diversity selection panels for entry into the SES unless an agency adopts what we believe is an even more effective alternative, i.e., a demonstrated leadership commitment to diversity in the SES and in the SES pipeline.

SEA suggests that the current legislation be improved by allowing agencies to choose between the diversity selection panels as stated in the bills, or effective oversight and management of its SES selection process by creating diversity subcommittees of Executive Resources Boards with authority and responsibility to oversee the SES selection process. These subcommittees, which would consist entirely of career SES—a majority of whom must be minorities or women— would have veto and oversight power over SES selections. This would provide a strong mechanism to encourage diversity while not adding any bureaucratic hurdles to an already difficult process SES selection process. SEA recommends this alternative because it has proven to be effective. It was used in the 1990's at the Department of Energy under the leadership of then Secretary Bill Richardson. Those who served in the DOE ERB subcommittee tell SEA that it positively improved diversity in the SES and had a major impact on changing the culture to encourage the consideration of diversity in the selection process.

We encourage the amendment of HR 3774 and S 2148 to provide the alternative of diversity subcommittees to Executive Resources Boards. We have attached legislative language that we believe would accomplish that result. Most important, with the effective oversight of a reconstituted OPM SES office, agencies would know that they would either have to provide leadership to create and promote diversity or they would have to only appoint Senior Executives after the proper panels were constituted and acted upon applicants. We believe that either system would only work well if OPM actually did the oversight necessary to assure compliance.

One important reason we recommend that agencies be allowed to avoid being required to create diversity panels is to allow flexibility, but to require effective leadership in its place. Our members tell us that one of the most important impediments to diversity is the lack of an effective pipeline. The diversity subcommittees would have the authority and responsibility to develop pipelines, an important benefit that is lacking if the only requirement of the legislation is the creation of diversity panels as a prerequisite to entry into the SES.

We also believe that diversity will be helped along if Congress and the Administration constantly strive to assure that the SES is attractive as a career goal to all GS employees. This will assure that the most qualified candidates apply, including minority and women

applicants with impressive credentials. If quality GS employees are content to stay at the GS 14 or 15 levels because of pay compression and sense that the SES pay system is not being fairly implemented, diversity may be harder to achieve. The past February 12th, SEA testified on this particular issue and highlighted the results of a survey of Senior Executives where 47% of the respondents believed that GS 14's and 15's are losing interest in aspiring to SES positions. We also submitted at that earlier hearing our recommendations to change the SES pay system so that the Senior Executive Service would re-obtain its former stature and prestige.

The upcoming retirement bulge presents an excellent opportunity to get it right with respect to diversity in the SES. OPM projects that 90% of the current SES will retire over the next 10 years, with the largest number retiring in 2009. This is a chance to change the culture of the federal workplace to one that promotes diversity more effectively.

Lastly, achieving diversity in the senior ranks of government neither requires quotas nor does diversity warrant admission of unqualified applicants into public service. However, the diversity we seek does require that government agencies continue to be able to reach out and make a conscious effort to build healthy and diverse work environments appropriate for their missions. The success of sound government and the strength of our democracy depend on it.

I thank you again for the opportunity to testify before the Subcommittee. SEA looks forward to continuing to work with this committee and with agencies on what our organization sees as one of the most important matters facing our members. We hope to continue to be an effective voice of the federal government career executive leadership on this and other matters about the civil service.



In Section 3(a), insert, “and Executive Resource Boards’ diversity subcommittees,” after Establishment and Role of SES Evaluation Panels”.

Amend Section 3, subpart (a) (1) by replacing “(b) through (g)” with “(c) through (g)” and “(c) through (h)” with “(e) through (i)” and adding after “respectively”: “and redesignating subsection (b) as subsection (c)”.

Amend Section 3; subpart (a) (2) to read as follows:

“(2) by inserting after subsection (a) the following:

‘(b) When a vacancy announcement is posted for that position it shall conduct the merit staffing process for career executives by of the methods in subpart (d).’

and inserting after subsection (c):

‘(d) When a vacancy announcement is posted under subsection (b), the appointing authority shall utilize either or both of the following methods, as appropriate:

‘(1)

‘(A) Establish one or more Senior Executive Service evaluation panels, as appropriate, the members of which shall be appointed by the head of the agency (or his or her designee)---

‘(I) from among the employees of the agency or commissioned officers of the uniformed services of the uniformed services serving on active duty in such agency; or

‘(II) from among senior executives of or commissioned officers of the uniformed services serving on active duty in another agency, if—

‘ (i) subparagraph (d) could not (but for this clause) otherwise be satisfied; and

‘ (ii) the consent of the head of the other agency is obtained.



'(B) Each panel shall consist of three (3) members, of whom at least one (1) shall be a woman and one (1) other shall be a member of a racial or ethnic minority group. It shall be the function of a Senior Executive Service evaluation panel—

'(I) to review the executive qualifications of each candidate for a position to be filled by a career appointee; and

'(II) to certify to the appropriate executive resources board the names of candidates who, in the judgment of the panel, are best qualified for such position.

'(2)

'(A) 'Establish a permanent diversity subcommittee to any executive resource board established under subsection (c),

'(I) consisting of only career SES appointees,

'(II) a majority of whom are either women or minorities including at least one woman and one minority,

with the responsibility and the authority to review the actions of all SES selection panels to assure recruitment from a diverse and qualified pool of applicants and a selection process designed to promote diversity in the SES.

'(B) Any diversity subcommittees constituted under this provision shall,

'(I) have the authority to cancel, return or request justification for any proposed SES selection that the ERB diversity subcommittee believes is the result of inadequate outreach or a selection process that did not promote diversity in the SES; and,

'(II) be responsible for overseeing career development and succession planning strategies to assure the availability of a diverse pool of candidates for SES positions.



Amend Section 2, subpart (b) by replacing all language after “to read as follows:” with:

“(1) for which a vacancy is posted as described in subsection (b), either—

‘(A) review the executive qualifications of the three (3) candidates certified under subsection (d) (1);

‘(B) review the executive qualifications of each candidate for a position to be filled by a career appointee, subject to subsection (d) (2); or,

‘(C) provide other review as requested by appropriate appointing authority.’”

Amend Section 3, subpart (c) by replacing “(h)” with “(i)” and “(i)” with “(j)”.

Amend Section 3, subpart (d) (1), replacing “3393(e)” with “3393(f)”.

Amend Section 3, subpart (d) (2) (A), replacing “3393(c) and (d)” with “3393(c) and (e)” and “3393(e)” with “3393(f)”.

Amend Section 3, subpart (d) (2) (B) (i), replacing “3393(c) and (d)” with “3393(c) and (e)”.

Amend Section 3, subpart (d) (2) (B) (ii), replacing “3393(e)” with “3393(f)”

Amend Section 3, subpart (d) (3), replacing “3393(e)” with “3393(f)”

Amend Section 3, subpart (d) (4), replacing “3393(e)” with “3393(f)”

Amend Section 3, subpart (d) (5), replacing “3393(e)” with “3393(f)”