

Written Testimony of  
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Submitted to the  
Subcommittee on Government Operations and Border Management of the  
U.S. Senate Committee on Homeland Security and Governmental Affairs

*“Chief Human Capital Officers at 20: What is Needed to Empower CHCOs to Ensure HR Practices Support Agencies’ Mission Success”*

March 2, 2022

Chairman Sinema, Ranking Member Lankford, members of the Committee, thank you for the opportunity to testify before you today on this important topic.

My name is Michael Rigas and I served as both the Acting Director of the Office of Personnel Management (OPM) and the Acting Deputy Director for Management at the Office of Management and Budget (OMB). In those capacities, I had the privilege of serving as both the chair and the vice chair of the Chief Human Capital Officers (CHCO) Council.

People are the most important resource of any organization. I have worked in the private sector, non-profit sector, and in state and federal government and that principle holds true no matter what the organization.

The federal government has some of the most dedicated public servants Americans could ask for, providing diligent and competent service to the American people every day. But as we are here to discuss today, we still fall short as a government when it comes to attracting and retaining the best and brightest to federal service and ensuring that poor performance and misconduct are effectively addressed.

From my experience working with the CHCO council over my three years at OPM, first as Deputy Director and then as Acting Director, I can say they are a valuable resource and advisor to the OPM Director. They provide important feedback about the positive and negative impacts of federal personnel law and regulations on the work of their agencies and suggestions for improvements to those policies. The missions and workforces of each agency the council members represent are as broad and diverse as the country they serve. And while their advice, recommendations and feedback to the OPM Director help shape personnel policy, there are real limits to what they or OPM can do. Here’s why:

First there must be a realization that OPM does not oversee the entire federal workforce. Congress has created numerous carve outs and exceptions to Title 5, placing entire categories of employees and agencies outside the purview of OPM.

The CHCO Council is thus limited by Congress in that it provides advice to the OPM Director, who does not have authority over the entire federal workforce.

Second, because of those exceptions and continued creation of new authorities, the landscape for managing federal personnel has become overly complex and bureaucratic.

Third, over time, the level of seniority of individuals designated by their agency heads as Chief Human Capital Officers has become less senior. For example, if you look at the composition of the CHCO council from its first annual report FY 2003, you will see that the CHCO council comprised largely of Presidentially Appointed, Senate confirmed officials such as the Undersecretary for Personnel and Readiness from the Department of Defense and Assistant Secretaries for Management and Administration from other cabinet agencies. That is no longer the case.

But, even in the current environment, with all its complexities and limitations, real progress can be made with respect to improving how the federal government manages its most important resource, its people.

Here are a few examples of recent actions that yielded positive results and can be built upon to continue improve how we manage personnel and federal agencies that serve the American people. With the right leadership from Congress and the Executive Branch, substantial progress and reform can continue to be made.

As Deputy Director and then Acting Director of OPM, and as Acting Deputy Director for Management at OMB, I oversaw multiple efforts to address the underlying issues inhibiting the federal workforce from being viewed as a first-in-class employer while advancing Merit Systems Principles and strengthening the state of the civil service.

When our team came to OPM, significant challenges existed with the personnel vetting mission. We were experiencing the largest background investigation backlog in history with an inventory of 725,000 cases, and timeliness that exceeded a year to receive a top-secret clearance<sup>1</sup>. This situation made it difficult for Agencies to carry out their missions as the backlog hampered their ability to recruit qualified employees to serve in a timely manner. Because of the tireless efforts of both our career and non-career leadership, we were able to eliminate the backlog and safely reduce the amount of time it takes to conduct and adjudicate a background investigation.

OPM, working with the Director of the Office of National Intelligence and other key stakeholders, simultaneously spearheaded an effort to fundamentally transform

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<sup>1</sup> You May Have to Wait 2 Years to Get That Security Clearance, *Government Executive*, Lindy Kyzer, May 2, 2018 <https://www.govexec.com/management/2018/05/you-may-have-wait-2-years-get-security-clearance/147859/>

personnel vetting. This effort resulted in an increase of continuous vetting enrollments from 300,000 to over 2.4 million individuals by the end of 2020, a quantum leap forward for security and efficiency. This enabled the government to get trusted individuals hired faster, and improved the ability of the workforce to move among agencies, something which was previously much more difficult.

OPM was also able to successfully pilot a hiring process that reduced the candidate selection time from 45 to 16 days.<sup>2</sup> By utilizing subject matter experts during the assessment process and working with agency HR specialists, rather than relying on applicant self assessments, agencies were able to vastly improve the quality of the candidate pool and yield qualified candidates to hire. This methodology should be more widely used as hiring efforts which rely on self assessments often yield lists of candidates hiring managers do not deem qualified for the job, resulting in cancellation of the posting, frustrating both candidates and hiring managers.

The failure to find qualified candidates often leads to agencies asking for Direct Hire authority, which provides some limited flexibility - but does not in fact address the underlying issue of poor candidate assessments or sustainably shortening time to hire.

Moving to a skills-based assessment in the hiring process is an effort CHCOs can spearhead in their own agencies today.

As Acting Director of OPM, I advocated the expanded use of shared certificates to make them available government-wide, which would allow qualified candidates who are not hired at one agency to be hired immediately by another agency looking for qualified candidates for that same type of position. This pilot has been in place at The Department of Health and Human Services (HHS) and should be expanded across the government. This simple fix would greatly reduce the amount of time to hire from weeks to days by allowing agencies to hire candidates who have already been deemed qualified. It will save time and money for agencies, greatly improve the experience of job applicants, and demonstrate merit systems principles hiring can be effective and efficient.

This effort, already underway at HHS, can be undertaken by CHCOs at their respective agencies without waiting for OPM to deliver a government-wide solution.

While at OPM I also made clear that our mission was to support other agencies and do everything we could to help them execute on their mission. One great example of that was our work with the Department of Veterans Affairs as we responded to the global pandemic. In 2020 alone the Department of Veterans Affairs (VA) was able to hire over 50,000 employees, including doctors, nurses and front line responders to

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<sup>2</sup> OPM – USDS Pilot on Subject Matter Expert Qualification Assessments  
<https://www.usds.gov/projects/smeqa>

the pandemic because of actions we took at OPM to provide the VA the flexibilities and authorities it needed to move quickly.

Other agencies facing similar exigent needs for immediate increases in their workforces to meet mission critical needs can follow this model working with OPM to meet their needs.

We also promoted and instituted policies and Executive Orders to hire the best and to bring accountability to the Federal Workforce. To ensure the most qualified person is hired, we helped agencies rely on skills-based assessments instead of self-assessments and other means that do not accurately measure skills. When fully implemented, these new assessments will make it easier to recruit and retain the best and brightest consistent with Merit Systems Principles.<sup>3</sup>

We also worked hard to be responsive to those concerns from federal employees and the public, and under the leadership of the President, acted to address them by recognizing and rewarding high performing employees and holding poor performing employees accountable.

Unfortunately those Executive Orders which directly responded to and support the concerns of federal employees have been rescinded by the current administration, and there is not any effort I am aware of to address the legitimate concerns federal employees have expressed about how the government deals with poor performers.

Nevertheless, CHCOs can and should do more to support the managers and supervisors in their agencies in holding poor performers accountable. This can be achieved with additional trainings and coaching for managers and supervisors, and support from CHCOs. We owe it to the vast majority of federal employees who work hard every day to provide service to taxpayers to hold those who do not meet those standards accountable. Federal Employees themselves indicate in their responses to the Federal Employee Viewpoint Survey (FEVS) that they do not believe enough is done in their work unit to deal with poor performers. This has consistently been among the lowest scores, if not the lowest score, employees give agencies on the FEVS.

As a direct result of our actions to improve the civil service, increase accountability, and support merit systems principles, job satisfaction among the Federal Workforce rose each year from 2017 reaching a record high number in 2020. It is clear from the data, that federal employees themselves recognized the work we did, in concert with our CHCOs, to make substantial improvements in the workplace.

With leadership from Congress and the executive branch that is willing to focus on addressing these challenges, and listening to federal employees as well as agency

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<sup>3</sup> White House prioritizes skills-based federal hiring in executive order, FedScoop, Billy Mitchell, June 26, 2020 <https://www.fedscoop.com/white-house-skills-based-federal-hiring-executive-order/>

leadership, there is much that can be done. We know what works, and we have demonstrated how concrete improvements can be achieved for taxpayers, agencies and federal employees.

I am extremely proud of what we were able to accomplish at OPM, working with the CHCOs across government and with the CHCO council. I hold the work of those at OPM and the CHCOs who worked to support these important accomplishments in the highest regard.

I am encouraged by the bipartisan legislation you have sponsored in the Chance to Compete Act which codifies many of these reform efforts to improve federal hiring and personnel practices.

Thank you for the opportunity to testify before you today. I look forward to answering questions and working alongside you to strengthen the efforts I was proud to help lead during my time as Chairman of the CHCO Council.