

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Jeff Tien Han Pon to be
Director, Office of Personnel Management**

I. Nomination Process and Conflicts of Interest

1. Did the President give you specific reasons why you were nominated to be the next Director of the Office of Personnel Management (OPM), and if so, what were they?

No.

2. Were any conditions, expressed or implied, attached to your nomination? If so, please explain.

No.

3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Director? If so, what are they, and to whom were the commitments made?

No.

4. Are you aware of any business relationship, dealing, or financial transaction that could result in a possible conflict of interest for you or the appearance of a conflict of interest? If so, please explain what procedures you will use to recuse yourself or otherwise address the conflict. And if you will recuse yourself, explain how you will ensure your responsibilities are not affected by your recusal.

No.

II. Background of the Nominee

5. What specific background, experience, and attributes qualify you to be Director?

As a professional HR practitioner for over 20+ years both in public and private sectors, I have an in depth understanding of the role an HR office plays in any organization. In my roles I have developed an understanding about the Federal leadership and management challenges. In previous roles at OPM and as the head of HR for the Department of Energy I helped lead and standup contracts, contracting vehicles, service providers for shared services and policy changes, which will help me serve as Director if I am confirmed. Additionally, I have previous experience and relationships with Federal leaders in HR, Acquisition, Finance, IT, Unions, IGs, GAO, GSA and OMB which can be leveraged in carrying out the OPM mission. I have focused on mission driven efforts such as helping to hire transition military to civilian life and jobs and first-hand knowledge of how things work and don't work. This understanding of

how to develop and implement successful large scale change will be important in my role, if I am confirmed as Director.

6. Please describe:

a. Your leadership and management style.

My management style is highly collaborative. My imperatives for organization and teams: 1) always tell the truth; 2) work together as a team; 3) make the tough choices; 4) treat everyone with dignity and respect (and demand it back); 5) enhance the reputation and accomplishments of those around you (success is defined through the success and accomplishments of others); 6) value differences and 7) create an environment that energizes you and the team around you.

b. Your experience managing personnel.

I have managed both Federal and private sector teams for the most part having goals that were ambitious, time limited, and successful. I have built teams, revamped teams, and developed teams. Managing people and developing them is a key strength of mine. I understand the management of people includes: sourcing, recruiting, selecting, on-boarding, developing, managing performance, evaluating and sustaining total rewards, managing employee and labor relations, and separation management. I have deep knowledge of managing personnel from my experiences in helping to lead the HR Line of Business, my time as the Chief Human Capital Officer at Department of Energy, and consulting for many organizations in change management and HR as a team leader in consulting engagements for many Federal agencies and departments. Overwhelmingly, people on my teams have performed at high levels, and have enjoyed working on my teams. There are a few exceptions, where demands from dissatisfied employees were unreasonable, and I always ensured an amicable separation. Managing out is at times not done very well. I always practice how you manage people out speaks to your brand and whether they would want to work for you and your organization again. Where it looks as if removal may be necessary, either through a performance based action or an adverse action, I have honored the rules and proffered charges or made decisions (depending upon my role in the process) fairly and in consideration of the full record. I believe in treating people with respect throughout the process. Leading and managing personnel requires experience, patience, and judgement. I have been fortunate to have great managers, and experiences have lent opportunities for me to develop as a leader and manager.

c. What is the largest number of people that have worked under you?

The largest teams that worked under me ranged from 5 to 200. Those teams have impacted hundreds of thousands to millions of people.

7. In your past federal employment, how have you managed underperforming employees?

I have been fortunate to have had great teams in OPM eGOV, and HR at Department of Energy. There were no underperformers in our group of Project Managers for the six government-wide initiatives. My direct reports at the Department of Energy were some of the most experienced and seasoned leaders and managers in the Federal Government. Together we complemented each other's experiences and worked great as high performing teams. I have had underperformers in the private sector and I always ensured that there are clear roles, understandable goals, and resources and reasonable timeframes to complete the work. When work is not performed at an acceptable level, I give feedback as close as possible to the underperformance. If the performance does not change, then I have had a development meeting and an exchange so there is an opportunity to discuss what is expected and what is not currently being met. If it continues and affects productivity, teamwork, or accomplishment of goals, very rarely have I needed to write a formal performance improvement plan. When I have, most of the time, the team member has progressed to perform at an acceptable level. In HR, our function is to assist managers to manage performance and manage performance improvement, and at last resort separation.

8. Please describe any experience you have related to cybersecurity or information security management.

The eGov initiatives all had to have certifications and accreditations, now called authorizations to operate. While at OPM, I was a government-wide project manager, certified by OMB thru the CIO of OPM (ensuring required course work as well as experience). I had to manage and provide oversight for our teams that managed Enterprise Human Resource Integration (eOPF), USAJobs, ePayroll, eTraining and eClearance (eQIP, CVS). On our teams I implemented FISMA requirements and related NIST and OMB guidance, including NIST Special Publication 800-53, at that time and had CISSP and CISM (cybersecurity professionals) in the teams and on the audit teams, working with PA&E function, CIO, GAO, IG, and Hill staff.

9. Please describe any experience you have related to acquisitions, contract management, and the development of requirements.

For Federal experience, we at eTraining managed shared services for learning systems and content with such providers as GoLearn, NTIS, FedSource/FastTrack, DAU, and the Foreign Service Institute. At OPM, GoLearn was managed by my team and we let our IDIQs (with the attendant work on components of this process such as Requirements, RFI, RFP, Award, contract administration, user groups, dispute resolution, and feature development). All the initiatives had contracts and contractors working with our Federal project teams and their customers/stakeholders. We partnered with the contracting office and GC to help us operate and make available vital services for our Federal workforce. For the HRLOB our eGov team ran an A76 competition for Payroll and other transactional functions. I have been on both sides (the Federal side of contracting, and on the contractor (Booz Allen) side) and I have a good understanding of contracts, contracting vehicles, POPs, modifications, FFP, and

T&M contracts. I have experience with selection committees, developing requirements, awards, and bid protests.

III. Role of the Director of OPM

10. What do you consider to be the mission of OPM, and what would you consider to be your role and responsibilities, if confirmed as the Director?

The expiring strategic plan indicates that OPM's mission is to recruit, retain and honor a world-class workforce for the American people. I understand a new strategic plan is in the works, and I look forward to weighing in on it before it is adopted, if I have the opportunity. If confirmed as Director, my role will be to carry out the OPM mission for the administration as the Chief Human Capital Officer for agencies, Federal employees, and, ultimately, the general public, as a beneficiary of these efforts. This would mean consulting with each Federal agency on their needs and implementing the intent of Congress when relevant legislation is signed into law in accordance within the existing legal and regulatory framework.

11. Are there any activities currently in OPM's mission that you think would be appropriately located elsewhere in the federal government? Please explain.

No.

12. What do you anticipate will be your greatest challenges as OPM Director, and what will be your top priorities? What do you hope to accomplish during your tenure?

I believe my potential greatest challenge also provides an opportunity for great accomplishment, if I am confirmed as Director, in the area of IT modernization. Outside of work, Federal employees are able to access nearly any piece of information they need, from their bank accounts to student loans to car insurance, all on their phone. We need to work toward providing the employees of the Federal government with the same conveniences with regards to their employment within the Federal Government, with appropriate attention to information security, of course, and I would look forward to helping move our services to employees and retirees in that direction.

IV. Policy Questions

Management

13. What do you believe are the greatest personnel management challenges in the federal government, and as OPM director, what would you do to address them?

I believe there are two major challenges we face. First, not changing with the times. As the world has become more mobile, digital, and focused on team oriented performance, we have not adjusted people management to accommodate these critical changes in how the members of our Federal workforce work, live and play. Second is managing the

personnel system as it stands. We have not taken a thorough look for 39 years at the design of our Federal personnel system. There have been many changes to the workplace: teams, technology, the way people learn and work to perform tasks and activities. We must strive to achieve the right talent to meet the expectations and work performance levels that deliver the right services to our citizens. One example of how we can begin to solve both these challenges is through a mobile first strategy.

14. What role do you believe the Director should play in addressing the High Risk management weaknesses that have been identified by the Government Accountability Office (GAO) in its annual High-Risk report?

I believe the GAO high risk report is a useful tool to assist agencies with identifying programs that create a challenge to the Federal Government. I believe the Director of OPM plays a key role in assisting the Federal Government in addressing those areas that are in need of reform.

- a. What do you believe is the biggest impediment to addressing strategic human capital and ensuring it is removed from the GAO high-risk list?

The GAO noted in its report that OPM, the CHCO Council, and individual agencies, have strengthened their leadership in this area. However, the GAO indicated that more work needs to be done. I believe the biggest challenge is to obtain a consensus from agencies, with varied missions.

- b. What, if anything, would you do differently to address GAO's recommendations in the 2017 high-risk report?

If confirmed as Director, I will request a full briefing on the GAO's recommendations and the current status of actions being taken to address the recommendations. With a full understanding of the current plan I would set forth a strategy, with new ideas and directions as needed, to further progress in addressing the GAO's recommendations.

15. The Federal Employee Viewpoint Survey (FEVS) is conducted on an annual basis and has become a regular tool for agencies and employees in identifying and addressing workplace issues. What is your opinion of the FEVS, and what, if any, changes do you think are needed to improve its effectiveness?

I believe the FEVS is an important tool for agency leadership to gain an understanding and better identify the challenges and strengths of the workplace. To maximize employee performance, agency leaders needs to provide supervisors improved tools and conditions for success.

16. What is your opinion of the current state of labor relations in the federal government and how would you approach labor relations issues, both government-wide and within OPM, as Director?

I believe in cultivating a collaborative relationship with employee representatives and look forward to working with them, and others, in hearing their ideas, and welcome their input in advancing civil service reform.

17. OPM has management responsibility for several employee benefits programs, such as the Federal Employees Health Benefits Program. Are there any particular areas of concern or changes you would advocate for, if confirmed as Director?

FEHB is the largest employer-sponsored group health insurance program in the world, covering over 8 million lives. To maintain high-quality, comprehensive benefits at an affordable cost, OPM will need to continue its efforts in building OPM's capacity to measure health plan performance, and focusing on affordability, benefit design and quality.

18. The Inspector General has identified serious deficiencies in OPM's contract oversight, and in the 2016 Management Challenges report identified that work was still needed to improve internal controls through corrective actions plans. If confirmed, what would you do to ensure that forward progress is made in this area?

I am aware of the Inspector General's recommendations to OPM and will take them very seriously if I am confirmed. Effective contract oversight and internal controls are important to agency efficiency of operations. I understand OPM is making significant efforts to correct these issues, including training and development of staff, initiating contract file reviews, and initiating contract close out efforts. I support these efforts and, if confirmed as Director, will work with the Office of Procurement Operations to achieve their success.

19. As of August 2017, OPM had not met its strategic plan goal of adjudicating 90 percent of retirement cases within 60 days. If confirmed, how would you address claim processing delays?

OPM Retirement Services (RS) should continue to review its processes and evaluate whether it is working as fast as possible to service its customers while maintaining accuracy and quality. As of August 2017, RS processed 70% of new retirement claims in 60 days or less. This is the highest monthly percentage since March 2017. RS is preparing for the busy season to provide the best service possible for the tens of thousands of customers that send OPM their retirement applications in January and February. I understand OPM also continues to provide agency training so cases, as received from employing agencies, are more likely to be complete and ready to be processed when they arrive at RS. If I am confirmed as Director, I will continue making efforts to provide timely and quality service to retirees a priority.

Strategic Human Capital Planning

20. What do you believe is the role of OPM for government-wide strategic human capital management and policymaking?

I believe OPM's role for government-wide strategic human capital management and policymaking is to lead and assist agencies in adopting more strategic, data-driven approaches to enable them to meet their agencies' missions. Our work with agencies should include engaging and partnering with stakeholders to identify, develop, and share best practices across the government to assist with the development of analytical skills and technological infrastructure to help make fact-based decisions. Additionally, OPM should be engaged in aiding the President in recommending policy proposals, including legislative agenda items and executive actions, to further these goals.

21. What role do you believe OPM plays in helping agencies identify and address critical skills gaps, and if confirmed, how would you approach this issue?

OPM is the Human Resources agency for the Federal Government. As such, if confirmed, I will lead and support OPM engagement with agencies across the Government and other stakeholders to identify best practices to address critical skills gaps. Also, designing systems to assess the management of human capital (which would include how skill gaps are addressed) is a specific area where Congress has directed OPM to take the lead.

22. What do you believe is the appropriate role for service contracts in helping agencies meet their missions and what criteria do you believe federal agencies should use in evaluating the appropriate mix of contractors and federal employees?

I believe service contracts can help agencies meet their missions, when used appropriately. In some cases, contractors can provide services at a reduced cost or in a faster timeframe, especially if there is a short-term need or a specialized skill set required.

23. Do you believe the Senior Executive Service (SES) as currently structured is sufficient to meet the management needs of the federal government? If confirmed, are there any changes or specific reforms you would propose?

Agencies must be creative in their outreach when seeking executive talent. Agencies must make sure they are developing talent presently within their ranks as well as reaching out across various forums to find talent. This requires engagement and support by senior leadership at each agency. Agencies must see their senior cadre as an ongoing investment and recognize opportunities for senior executives to keep their skills up-to-date and continuing to grow. This can be accomplished through executive mentoring, training, and rotational opportunities. Finally, accountability must always be a focus for agencies. Performance standards for senior executives must be clearly aligned with each agency's mission and, ideally, should provide a basis for making meaningful distinctions in pay and awards based upon relative performance.

- a. If confirmed, how would you improve the oversight of SES bonuses and standardize the metrics used in determining which employees deserve such bonuses?

An agency must determine the content of SES performance plans, appraise and rate executives annually, and use the results as a basis for pay, awards, development, retention, removal and other personnel decisions. OPM must continue to assert the important oversight role OPM has been given by Congress to promote responsible and reasonable compensation.

24. A 2016 GAO report found that, in fiscal year 2013, roughly 99 percent of federal employees received performance appraisal ratings at or above "fully successful", with about 61 percent of employees receiving ratings of "outstanding" or "exceeds fully successful."

- a. Do you believe that OPM has provided sufficient guidance on performance evaluation to agencies?

OPM has put out extensive guidance on performance management, including performance evaluations and addressing poor performance. Sometimes there are challenges in effectively implementing policies and guidance from OPM. I look forward to working with agencies and the Chief Human Capital Officers Council in order to assess their performance management needs and how OPM can assist them, should I be confirmed. Managers have a responsibility to effectively communicate the standards each employee is expected to meet and to base evaluations on actual job performance for the designated period. I believe a supervisor should consistently communicate to the employee whether they are meeting these standards. A conversation about success or shortcomings in performance that happens only in an annual evaluation happens too infrequently. The communication and dialog should be an ongoing, continual process. OPM has the necessary expertise, tools, and guidance to help agencies in these areas, and I look forward to supporting the efforts to increase our effectiveness in performance management.

- b. As OPM Director, how would you assist agency managers in conducting purposeful performance evaluations of their employees?

Accountability measures should foster an environment where supervisors promptly pursue adverse or performance-based actions, when warranted and do so in a manner consistent with procedural rights conferred by Congress. If performance evaluations do not accurately address shortcomings, it does a disservice to the employee by inhibiting their professional growth, prevents managers from increasing the effectiveness of their employees, and creates a burden on the American taxpayer by concealing poor performance. If confirmed, I will leverage both my private and Federal experiences to employ effective performance management policies.

25. In the 2017 duplication report, GAO found that there were 105 different authorities that could be used by an agency to hire a person into the federal civil service, yet only 20 were commonly used.

- a. What experience do you have with the use of federal hiring authorities?

While serving at the Department of Energy, my HR team used Federal hiring authorities where we managed approximately 13,000 government employees. DOE had employees in multiple categories, including ES, SES, GS, EK, EJ, ST, SL, and ALJ.

- b. If confirmed, what specific improvements or innovations to the federal hiring process would you propose?

If confirmed, I will work closely with experts in OPM and agencies to identify current needs and ways to improve the Federal hiring process consistent with merit systems principles and applicable law, to meet their needs in an efficient, and proactive manner that is also fair to applicants.

- c. As OPM Director, how would you encourage agencies with staffing shortages to better use flexible hiring authorities?

If agencies have a genuine staffing shortage, agencies can consider asking for or using additional authorities, some of which can be used without OPM approval. These include the use of certain salary offset waivers (for a limited period of time), recruitment, retention, and relocation incentives, student loan repayment assistance, workplace flexibilities like telework, alternative work schedules, and leave flexibilities available to assist working families. I look forward to working with agencies to assist with meeting their staffing needs if I am confirmed.

26. Last year, Congress passed legislation that would reform the federal government's abuse of administrative leave (Pub. L. No. 114-328, Sec. 1138).

- a. What are your thoughts on this legislation to curb the abuse of administrative leave?

If confirmed, I look forward to studying this issue and the impacts of recent legislation. If there have been abuses, it is important to address them. I understand that OPM is developing regulations to ensure that agencies are in compliance with the new requirements under the law.

- b. What role does OPM play in ensuring each agency is complying with the recordkeeping requirements of the legislation?

OPM is currently developing regulations to implement the new categories of leave created by the statute.

27. A 2015 GAO report entitled *Improved Supervision and Better Use of Probationary Periods are Needed to Address Substandard Employee Performance* found that agencies are not properly utilizing the probationary period to make performance-related decisions about the employee.

- a. Do you believe the probationary period for new employees and new management/supervisors should be extended? Please explain.

Some agencies have longer probationary periods regardless of the position. For example, a two-year probationary period applies to new Department of Defense employees who are appointed to permanent positions in the competitive service. I understand that, pursuant to operative law, OPM, through presidential delegation, may issue rules concerning the length of probation. If confirmed, I look forward to considering this question further. However, it should be noted that 5 U.S.C. 7511(a)(1)(A) provides that full civil service protections apply to Federal employees (outside the Department of Defense) after one year of service, irrespective of the length of the probationary period set by OPM. OPM regulations extending the probationary period would thus have little practical effect on agency operations.

- b. Do you believe OPM could do more to ensure all agencies use computerized notice to remind them when an employee's probationary period is ending?

Yes.

- c. Do you think managers should be required to determine whether an employee has demonstrated successful performance and conduct prior to the end of the probationary period?

Yes, and I believe existing OPM regulation already requires agencies to determine fitness for the position throughout the period and to terminate employment if the agency determines that qualifications have not been fully demonstrated. I agree with that requirement.

- d. Do you have ideas for how the federal government could more effectively use the probationary period in federal employment?

Agencies can do a better job of training managers of how to use the probationary period to review employee performance.

Personnel Systems

28. Do you believe there needs to be additional Department-specific or government-wide personnel system reforms? If so, what reforms do you believe are necessary and why?

We need to re-examine our practices to make sure we are doing all that we can to attract, develop, and retain a workforce that is ready for the challenges this government currently faces. Hiring authorities, training, performance management systems, and total rewards should all be looked at government-wide. Department-specific reforms may make sense for certain situations, however we are still one single government and managing the government as effectively and efficiently as possible requires standardization, simplification, and unification. Separating out infrastructure and policy should be managed effectively by providers and a managing agency in conjunction with OPM, OMB and GSA.

29. What is your opinion about pay-for-performance systems in the federal government?

It is critical that any pay-for-performance system be supported by a performance measurement system that is trusted by managers and employees, recognizes top performers, and promotes accountability. The budget implications of any new system will have to be carefully examined and any system of compensation must be transparent and provide good value to the American taxpayer.

Security Clearance Investigations

30. The National Bureau of Background Investigations (NBIB) began operations less than a year ago as the central entity for conducting background investigations for the Federal government. What do you see as your role in ensuring that NBIB does not suffer the same security lapses as experienced over several years by OPM's Federal Investigative Services?

I understand that OPM, working with the Department of Homeland Security and other agency partners, has already taken a number of actions to enhance its cyber security posture agency-wide. I also understand that, pursuant to an Executive Order issued in 2016, and a bilateral agreement between OPM and DoD, DoD is building a new National Background Investigative System (NBIS), on behalf of OPM, that will eventually replace OPM's legacy system, support more efficient operations, and further enhance system security. My role, if confirmed as the Director, would be to promote all of these activities and work toward the expeditious completion of the design and implementation of NBIS.

31. Security clearance investigations are currently done on a fee-for-service basis. Do you believe that appropriations are necessary to address the existing backlog?

The value in fee-for-service is that it allows agencies to purchase security clearance investigations based on their needs. This forces agencies to be prudent about the number of positions designated as requiring a security clearance, while also preserving the greatest value for the American taxpayer by encouraging a more transparent accounting of how money is being spent on security clearance investigations. NBIB publishes its prices in advance of every Fiscal Year, so agencies are aware of the costs of security clearance investigations and are able to plan their workforce costs.

My understanding is that NBIB has not asked for additional appropriations to reduce the existing backlog. Presently, I believe NBIB is best situated to advise on that point. Should I be confirmed, I look forward to discussing resource needs with NBIB.

32. On August 22, 2017, the DoD issued an implementation plan for the potential transfer of security clearance background investigations back to DoD. What is your view of this plan?

With Section 951, Congress directed the Department of Defense (DoD) to draft an implementation plan for the potential shift of security clearance investigations for DoD entities back to DoD. I concur with the letter from OPM's Acting Director Kathleen M. McGettigan that was transmitted to Congress on September 6, 2017. This letter raises a number of important matters that should be considered before any transition plan is implemented.

33. OPM is currently working with DoD to develop a new system to serve as an end-to-end system for security clearance investigations. What do you see as the key considerations for OPM as this system is developed?

Key considerations going forward will be (1) protecting the security of OPM's legacy systems in any kind of data transfer; (2) containing costs in order to deliver the best value to the American taxpayer; and (3) fostering fair, open competition and transparency in the competition of any contracts entered into as a result of the development of the new system.

Information Technology & Cybersecurity

34. According to the FY16 Federal Information Security Modernization Act (FISMA) Report to Congress, only 13 of the 23 civilian CFO Act agencies have met government-wide performance goals. Overall, the Median Government-wide Maturity Model Rating is Level 2 (Level 5 is the highest). If confirmed, how would you assist agency Chief Information Officers in meeting their performance goals and raising their Maturity Model Rating?

I agree that the rating level should be higher. If confirmed, I will work with the OCIO to determine ways to assist in meeting their performance goals. I will work with the

OPM CIO, OPM CISO and the Federal CIO Council to explore ways to help agencies meet their performance goals within the FISMA guidelines.

35. There has been a high turnover rate of critical cybersecurity-related positions at OPM and significant regression in OPM's compliance with FISMA requirements.

a. If confirmed, what would you do to attract and retain cybersecurity talent to OPM?

If confirmed, I am committed to working with OPM's OCIO, agency hiring managers and human resources staff to help them identify skills gaps, if they exist, and find and recruit the best professionals to fill these positions.

b. If confirmed, how would you work to assist other federal agencies attract and retain cybersecurity talent?

If confirmed, I am committed to working with agency hiring managers and human resources staff to help them identify skills gaps and find and recruit the best professionals to fill these positions, consistent with applicable law and merit system principles.

c. What would be your strategy to first establish a culture of compliance and then transition to a culture of integrated security?

To complete the transition to a culture of integrated security additional efforts to increase employee awareness of threats and vulnerabilities will need to be expanded. Also, cybersecurity efforts need to continue to evolve from meeting a requirement at a point in time for compliance, to fully achieving real-time dynamic and continuous monitoring with continual, agile innovation in the technology supporting cybersecurity.

36. The OPM Office of Inspector General (OIG) has repeatedly warned about challenges that OPM faces regarding information security, including its most recent audit of OPM's compliance with the FISMA. The serious data breaches that affected OPM demonstrated the consequences of poor information security management—including the theft of personal information of millions of people. As Director, how would you improve the agency's cybersecurity and information security?

The security of OPM's systems is of the utmost importance, especially given the sensitivity of the data contained on those systems. OPM has made significant strides in safeguarding its systems and data. These steps include, centralizing the operations and budgeting for OPM enterprise Cybersecurity capability under the CISO, creating and implementing new and enhanced security policies, processes and procedures, taking proactive measures to educate OPM users about ways to reduce cybersecurity risk, and deploying modern security tools to protect the OPM environment. If confirmed as Director, I will work with the OCIO so that OPM continues to work to secure its systems.

37. What do you believe are the drivers of the current and historical challenges in the information technology (IT) programs at OPM and what would be your approach to improving its IT systems?

Upgrading OPM's IT infrastructure is a central component of OPM's risk mitigation strategy, to mitigate both cybersecurity risks and the operational risk posed by outdated and underperforming equipment.

38. Many of OPM's systems are still heavily paper-based and lead to backlogs and delays in processing. How would you address this issue?

Improving the reporting of Federal employee work records generated by employing organizations will improve the speed and accuracy of retirement calculations and better support background investigations. Collaboration between OPM business functions and the OCIO is ongoing in order to develop new and innovative solutions needed to better serve the American citizens.

Accountability and oversight

39. At any point during your career, has your conduct as a federal employee or federal contractor ever been the subject of an OIG, Government Accountability Office (GAO), or federal law enforcement investigation? Please explain.

No.

40. At any point during your career as a federal contractor, has your conduct ever led to you or your employer being subject to suspension or debarment proceedings by the federal government? Please explain.

No.

41. What role do you think the OPM Director should play in identifying, preventing and recovering improper payments in OPM's programs?

Notwithstanding OPM's low improper payment rates, I believe that more can always be done in this area and if I am confirmed I will work closely with the program offices as well as the Chief Financial Officer to continue to develop mechanisms that will enhance OPM's ability to prevent improper payments.

42. In its latest Management Challenges report, the OPM Inspector General has identified OPM's failure to use data mining to identify improper payments. Do you have experience with the use of data analytics? How can this tool be effectively used to curb improper payments?

I am aware of the importance of data analytics and its potential application to OPM programs generally. I understand that some data mining already occurs in some areas, such as the Federal Employees Health Benefits Program. If confirmed, I intend to assess OPM analytical capabilities and options for their use in areas such as this.

43. What is your view of the role of the OPM OIG? If confirmed, what steps would you take as Director to establish a working relationship with the OPM Inspector General?

I am aware of the important role of the OPM Office of Inspector General and was most impressed by a general briefing provided to me by that office regarding its roles and responsibilities. Combatting fraud, waste and abuse will be core objectives for OPM should I be confirmed. I look forward to working closely with that office to enhance OPM's efficiency in its operations and its accountability for achieving good results. My first order of business will be to review OIG findings and, as appropriate, assess the agency's progress in addressing identified challenges and priorities.

44. If confirmed, do you commit to ensuring that all recommendations made by the OPM OIG are reviewed, responded to, if necessary, and, unless the agency justifies its disagreements with the recommendations, implemented to the fullest extent possible within a reasonable time period?

Yes.

45. Protecting whistleblower confidentiality is of the utmost importance to this Committee.

- a. How do you plan to implement policies within the agency to encourage employees to bring constructive suggestions forward without the fear of reprisal?

If confirmed, I will review OPM training and communications practices and look for opportunities to implement them in a way that clearly communicates to employees how to constructively voice concerns and identify resolutions through appropriate channels or a specific internal mechanism, such as a human resource professional.

- b. If confirmed, what avenues will be available to employees to report waste, fraud, or abuse within OPM?

If confirmed, my intent is to sustain and develop further employee understanding of the importance to combat fraud, waste and abuse, and the available avenues for reporting such concerns, including within the agency and to the Inspector General and the Congress. In line with this intent, I will support OPM's continued compliance with statutory provisions requiring training about prohibited personnel practices and the rights available to employees.

- c. Do you commit without reservation to work to ensure that any whistleblower within OPM does not face retaliation?

Yes, if confirmed, I will emphasize to all managers and supervisors the importance of preventing retaliation against individuals who make protected communications and reiterate that such retaliation, if proven, will constitute a prohibited personnel practice, as prescribed within Federal Law.

- d. Do you commit without reservation to take all appropriate action if notified about potential whistleblower retaliation?

Yes, if confirmed, one of my statutory duties would be to help uphold all civil service laws, including whistleblower protections, on a government-wide basis. As the agency head, I intend to promote the same climate internally so that managers adhere to the statutory process governing disciplinary actions against employees who engage in misconduct in violation of civil service laws, such as retaliation.

46. Please describe specific examples regarding how you have worked to implement OIG and/or GAO recommendations during your tenure in government.

I. ELECTRONIC GOVERNMENT:

A. *Potential Exists for Enhancing Collaboration on Four Initiatives*

i. GAO-04-6: Published: Oct 10, 2003. Publicly Released: Nov 10, 2003.

ePayroll was identified as one of four initiatives that could benefit by addressing the policy effects of implementing ePayroll. eGov in partnership with OPM Policy developed the Requirements group that addressed potential impact of policy and systems implementation.

At the Department of Energy, the IG office identified the management of Human Capital as a risk. This helped the HR shop focus efforts in improving the management of people with each component through enhanced strategic human capital planning, budgeting, and evaluation of human capital programs. At times the Department of Energy IG office celebrated our accomplishments when our mission efforts led to positive outcomes while still guarding against waste, fraud, and abuse.

V. Relations with Congress

47. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Yes, I do.

48. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

Yes, I do.

49. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?

Yes, I do.

VI. Assistance

50. Are these answers your own? Have you consulted with OPM, or any other interested parties? If so, please indicate which entities.

While I consulted with OPM staff on background material to use in responding to these questions, the final answers are my own.

Chairman Ron Johnson
Supplemental Pre-hearing Questionnaire
For the Nomination of Jeff Tien Han Pon to be
Director, Office of Personnel Management

1. In a letter dated August 16, 2017, I requested information and materials from OPM regarding its 2013 regulation that enabled Members of Congress and their staff to purchase health insurance offered by a District of Columbia Small Business Health Options Plan (SHOP) exchange and receive an employer contribution. OPM responded to this letter in a letter dated September 1, 2017, but provided an incomplete document production to the Committee. I understand OPM continues to identify responsive material. If confirmed, will you commit without reservation to producing expeditiously all of the information and materials that I requested on August 16, 2017, as well as any other material concerning the 2013 regulation?

Yes Mr. Chairman, if confirmed, I look forward to working with you regarding the 2013 OPM regulation regarding Members of Congress and Congressional staff healthcare, which I understand is a top priority of yours. If confirmed, I would welcome meeting with you to gain a full understanding of your concerns on this issue, and the actions and responses that have been taken to date. If confirmed, I will give serious attention to this issue and will work closely with you to provide responses to your inquires, as I plan to do with all inquiries from the Committee.

**Minority
Supplemental Pre-hearing Questionnaire
For the Nomination of Jeff Tien Han Pon to be
Director, Office of Personnel Management**

I. Nomination Process and Conflicts of Interest

1. Has the President or his staff asked you to sign a confidentiality or non-disclosure agreement?

No

2. Has the President or his staff asked you to pledge loyalty to the President or the Administration?

No

3. Have you asked any federal employee or potential hire to pledge loyalty to the President, Administration or any other government official?

No

II. Background of Nominee

4. Do you seek out dissenting views and how do you encourage constructive critical dialogue with subordinates?

Always. I believe in asking the wise and the people. "A fool despises good counsel, but a wise man takes it to heart." I intend to do that. I learn and my team learns from different perspectives.

5. Please give examples of times in your career when you disagreed with your superiors and aggressively advocated your position. Were you ever successful?

After a couple of months, I observed the treatment and conduct of my co-worker as unacceptable in the treatment of people in our organization. I recommended removal but my boss disagreed since this co-worker was on an important special project. This was an example of a co-worker that performed high but left a wake of people issues to address. After some time, my boss finally had no choice but to separate this individual out. Although it took much longer, my boss realized keeping my co-worker on board created risk. I remained objective throughout this process by including other investigators (fresh set of eyes) to evaluate claims brought by several employees against this co-worker. I was not afraid to continue to press my boss on fighting for acceptable treatment by a co-worker to other staff. As

an executive and also as a human resources professional, it is your duty to ensure the ethical and moral treatment of yourself and others.

A technology company that I worked for had a tall organization, 13 layers. (CEO, COO, EVP, SVP, VP1, VP2, Exec Director, Senior Director, Director, Senior Manager, Manager, Lead, Line.) The management wanted to retain this tall structure. I felt it impeded speed, communication, and lateralization (collaboration across business units). Management had me conduct a benchmarking study with competition and others in the market space. Similar observations, recommendations and conclusions were drawn. This evidence-based approach enabled management to move quickly to a decision to delayer the organization while rearranging cost accounting and budget units in order to create P&Ls verses dozens of GLs, thus streamlining.

6. Please list and describe examples of when you made politically difficult choices that you thought were in the best interest of the country.

One example is eTraining content providers. Implementing a plan I supported, we went from \$150 per course per three month period for one person, to \$37 for 3500 courses for a year for one person, leveraging the size of the Federal Government to get volume pricing. This enabled us to save money, increase content and service, and reduce costs for the tax payers. Additionally, we changed ePayroll - going from 27 to 4 payroll systems. Many government stakeholders at first were very reluctant to "give up" their payroll functions and be serviced by NFC, NBC, GSA, and DFAS. Although at times unpopular to the people affected by this migration, it freed up resources and had considerable cost avoidance to the tax payer.

7. What would you consider your greatest successes as a leader?

The evidence of other leaders that I have enabled to be great servant principled-based leaders that serve others.

8. What would you consider your greatest career success overall?

Helping others to create environments that breed significant accomplishments and positive movement towards mission goals. Also shaping the future of HR, getting leaders together to work towards better outcomes for organizations through evolving practices of HR.

9. How has your previous work for the federal government, Booz Allen Hamilton, and the Society for Human Resource Management prepared you to serve as Director of OPM?

I have learned what it is to be a Federal manager of people and programs. I have learned how to manage large scale Federal change. I have learned how to have contractor teams tackle challenges with Federal teams and get results. I have learned from my colleagues across the profession of HR, what works, what doesn't,

what should we try, and what are we ready to do in our lifetime. I have learned to include many to be active participants in efforts, in particular, customers/end users/citizens, IGs, Unions, Congress, WHO, rural, urban, large and small.

I have a deeper appreciation of what an honor and humbling privilege it is to have a chance once again to serve this nation in the capacity of the Director of OPM. I appreciate the responsibility and expectations for the next Director of OPM.

III. Policy Questions

10. OPM has had serious challenges in administering its major contracts, to include its infrastructure modernization plan where the contractor walked away in the middle of performance and the FSAFEDS contract, where OPM extended the contract for 13 years without recompeting. What would you do to address these contract management performance issues?

OPO is actively working with the Office of the Chief Financial Officer (OCFO) to consider necessary improvements associated with both the contract writing and financial systems. This may include at a minimum increased functionality and synchronicity of existing systems, securing cross-agency support, or even on a much larger scale the replacement of the existing systems with a newer, more efficient and effective solution. Improvements in the agencies end to end systems will improve pre-award, award, and award administration efforts, data integrity, and impart greater efficiency and effectiveness into the procurement process. If confirmed, I will continue pursuing these initiatives.

11. One of the roles of OPM is to assist other Departments and agencies with their strategic human capital planning. What do you see as the greatest challenges facing federal agencies in their planning efforts and as Director how would you assist them in addressing those challenges?

One of the greatest risks is just to manage the system as it stands. We have not thoroughly taken a look for 39 years at the design of our Federal Personnel System. There have been many changes to the workplace: teams, technology, the way people learn and work to perform tasks and activities. We must strive to achieve the right talent to meet the expectations and work performance levels that ensure and deliver the right services to our citizens. One example of how we can begin to solve this challenges is through a mobile first strategy. If confirmed, I would pursue implementing a mobile first strategy to meet these challenges.

12. The Director of the Office of Management and Budget (OMB) recently issued a memorandum to the heads of executive branch departments and agencies asking for agencies to submit plans for reorganizing their agencies and reducing the size of the federal workforce. What human capital challenges do you foresee with the development

and implementation of these plans and how, as OPM Director, would you work with agencies to address them?

Like any good HR function, OPM needs to assist agencies in their reorganizations and what form the reorganization takes. It affects reporting structures, capability, capacity, efficiency, effectiveness. For employees, this may affect their employment status. Rolling out reorganization requires clear purpose, a transition plan, and a methodology for implementing that change. Most of all, it requires leadership to move towards a better organization for better outcomes.

13. What role should OPM play in assisting agencies that are looking at contracting out work that is currently performed by federal employees and insourcing work to federal employees that is currently performed by contractors?

I believe each agency should be responsible for determining its own workforce needs and the appropriate balance between Federal employees and contractor support.

14. One of the important roles of OPM is working with agencies to make sure that the federal workforce represents the diversity of the American people and agencies have inclusive policies to strengthen agencies' ability to meet their mission and ensure retention of employees.

- a. What do you believe is the role of the OPM Director in assisting agencies with their diversity and inclusion efforts?

As the agency that enforces civil service law and champions the merit system principles, we exhort agencies to draw from all segments of society through a comprehensive approach to recruitment. We draw on the wisdom of a workforce that is diverse on a variety of dimensions, so we are able to better understand and meet the needs of our customers and serve the public interest. Government-wide, we have achieved a highly diverse Federal workforce and we will continue efforts to sustain and build upon that accomplishment. Aside from hiring a diverse workforce, OPM must set an example in valuing inclusion to gain the maximum benefit from the diverse workforce.

- b. What role do you think OPM should play in specifically addressing employment of individuals with disabilities?

As the Nation's largest employer, the Federal Government has a special responsibility to lead by example in including people with disabilities in the workforce, consistent with the missions of the respective agencies and the directives Congress sets forth in law.

15. What is your opinion of the state of veterans' employment, including use of statutory and discretionary hiring authorities, in the federal government? If confirmed as Director, what would be your priorities in the area of veterans' employment?

OPM's prominent role in hiring Veterans in Federal employment has been extremely effective. With participation on the Interagency Council's Steering Committee, OPM can continue to utilize that leadership platform to perpetuate the return on the investment America makes in its armed forces. The Steering Commitment has enhanced employment opportunities for Veterans and helped agencies align our Veteran's skills, training, and leadership to meet critical staffing needs. If confirmed, I look forward to working with the other members of the Steering Committee to further the intent of the Veterans Employment Initiative.

16. What are your views with respect to the current hiring process within the Federal Government, and what improvements would you recommend?

I believe the hiring process can be improved. If confirmed, I will work closely with agencies and other stakeholders to identify their current needs and the best ways to improve the Federal hiring process to deliver an effective workforce on behalf of U.S. citizens.

17. How do you think the federal government, and OPM in particular, can better enhance employee morale within the construct of being a steward of taxpayer dollars? Are there any programs that you would consider instituting to enhance morale?

If confirmed, I look forward to working with OPM leadership to examine programs that enhance employee morale.

18. Over the years, various Departments and agencies have sought and received authorities to establish personnel systems outside of government-wide provisions and independent of OPM policies and oversight. What is your opinion about the patchwork of personnel systems and authorities that exist throughout the federal government?

We need to examine the "patchwork quilt" from the last 39 years and evaluate what is working and what is not. We may need to design our personnel systems so that we can update our policies and practices for today and tomorrow. In addition to serving as a policy maker and overseer, OPM seeks opportunities to work as a strategic partner with each agency, providing solutions, tools, best practices, and innovation. OPM has to lead as the President's agent and lead advisor on Federal Human Capital matters. People are the most important asset to running an effective government.

19. What is your opinion about the current state of workplace flexibilities in the federal government and the ability of agencies to use existing flexibilities to meet their missions?

There are over a hundred workplace flexibilities. Less than 25% are routinely used. In some cases the flexibility may not be utilized because it is not understood, it is too hard to use, or the effort to use versus the outcome is not advantageous. These flexibilities are at times “fixes” and set up exceptions to the rule. There should be an evaluation of the value obtained through flexibilities taking into account the purposes of the merit systems principles.

20. OPM, in coordination with OMB, sets government-wide personnel policies and priorities, and also operates a fee-for-service division that provides a range of human resources support through service contracts. What is your opinion of OPM’s role as a policy-making organization as well as operating as a service contract vehicle?

The scheme that Congress created contemplates that OPM achieves its mission through a policy, service, and oversight framework. Through regulations and policy, our HR Policy organization creates governance for organizations to administer their HR programs, consistent with Congressional laws and intent.

21. President Trump has repeatedly expressed a desire to reduce the size of the federal workforce. What role do you see OPM having in accomplishing the President’s stated objective while also ensuring that the federal government can operate in an effective and efficient manner?

Among the roles of OPM is to assist agencies to develop, and retain a workforce that is ready for the challenges this government faces. If confirmed, I look forward to working with each agency to ensure their needs are met.

22. What impact do you anticipate the President’s proposed changes to federal employees’ retirement benefits will have on recruitment and retention of federal employees as well as the delivery of services by the federal government?

I am unaware of any proposed changes, but if confirmed as Director I will work closely with each agency and this committee to discuss any potential changes.

III. Relations with Congress and the Public

23. If confirmed, how would you make certain that you respond in a timely manner to Member requests for information?

If confirmed, I will communicate my desire to respond in a timely manner to Congressional inquiries, and provide oversight of OPM staff to follow through on this commitment.

24. If confirmed, do you agree without reservation to reply to any reasonable request for information from the Ranking Member of any duly constituted committee of the Congress?

Yes, I do.

25. If confirmed, do you agree without reservation to reply to any reasonable request for information from members of Congress?

Yes. I do.

26. If confirmed, do you commit to take all reasonable steps to ensure that you and your agency comply with deadlines established for requested information?

Yes, I do.

27. On May 1, 2017, the Department of Justice Office of Legal Counsel (OLC) issued an opinion regarding how executive branch agencies should respond to requests from ranking members of congressional committees. The OLC opinion states that agencies have the “discretion” to respond to oversight requests from ranking members or individual members of Congress. The OLC opinion identifies that “the Executive Branch has historically exercised its discretion in determining whether and how to respond.” Do you believe this opinion to control the Office of Personnel Management in its communication with Congress? If so, please describe the factors you would weigh in evaluating the circumstances that warrant a response to a request by the Ranking Member of any duly constituted committee of Congress.

I believe it is important for OPM to be responsive and communicate with Congressional Committees. If confirmed, I will work to the fullest extent possible to respond to requests from Congress.

28. If confirmed, do you commit to protect subordinate officials or employees from reprisal or retaliation for any testimony, briefings or communications with members of Congress?

Yes, I do.

29. If confirmed, will you ensure that your staff fully and promptly provides information and access to appropriate documents and officials in response to requests made by the Government Accountability Office (GAO) and the Congressional Research Service?

Yes, I will, so long as they are made in the context of specific audits or engagements and production is compliant with applicable law.

30. If confirmed, will you agree to work with representatives from this Committee and the GAO to promptly implement recommendations for improving OPM’s operations and effectiveness?

If confirmed, I will take seriously all GAO recommendations and work toward resolving any problems that are identified, including adopting those recommendations as appropriate.

31. If confirmed, will you direct your staff to fully and promptly respond to Freedom of Information Act requests submitted by the American people?

Yes, I will, subject to appropriate consideration of burden and relevant exemptions under the law.

32. If confirmed, will you ensure that political appointees are not inappropriately involved in the review and release of Freedom of Information Act requests?

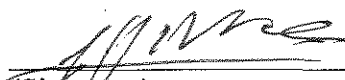
Yes, I will.

IV. Assistance

33. Are these answers your own? Have you consulted with GSA or any other interested parties? If so, please indicate which entities.

While I consulted with OPM staff on background material to use in responding to these questions, the final answers are my own.

I, Jeff T. H. Pon, hereby state that I have read the foregoing Pre-Hearing Questionnaire and Supplemental Questionnaires and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.


(Signature)

This 3rd day of October, 2017