

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Michael Rigas to be
Deputy 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 Deputy 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 Deputy 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 Deputy Director?

I have over 20 years professional experience in the private, public and non-profit sectors. My private sector experience includes managing and turning around large organizations. I have also served as an appointee in the General Services Administration for President George W. Bush, where I helped improve the department scorecard from "red" to "green" for the Office of Small Business Utilization. Additionally, I have public policy experience working for The Heritage Foundation and an educational background in economics, international trade and public administration from The Harvard Kennedy School and Boston University.

6. Please describe:

- a. Your leadership and management style.

I would describe my leadership and management style as collaborative. I believe it is important for leadership within an organization to communicate the goals and priorities clearly to management and staff so they understand how they can contribute to helping the agency meet its objectives. I believe in an interactive process with management that begins with one on one meetings with your direct reports to understand what each manager's challenges and needs are, what agency leadership can do to support them, and what feedback they have and how they view their role in helping to achieve agency objectives. Once we have established a mutual understanding of our goals and objectives, I provide a fairly wide latitude to managers to achieve those objectives. I then have regular check-ins with managers to assess how we are progressing and provide additional guidance and advice as necessary to ensure we are on track to meet our objectives.

- b. Your experience managing personnel.

I have had experience managing personnel in my career since 1998, including managing direct line staff, supervisors and managers in the private sector, having regional directors as dotted line reports around the country, as I did in my previous Federal service at GSA, and managing senior agency managers in my most recent role at the Massachusetts Department of Veterans' Services.

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

At the Massachusetts Department of Veterans' services I oversaw over 700 staff, including a senior management team of 8 senior managers. In my role as Associate Administrator at GSA, I had dotted line oversight over the regional small business directors in each of the 11 GSA regions, in addition to overseeing small business policy for the entire agency of about 12,000 personnel, and through the contract vehicles promulgated by GSA with our office's input, impacting the procurement process for all Federal agencies.

7. In your previous roles at the General Services Administration, Massachusetts Department of Veterans' Services, and the Heritage Foundation, how have you managed underperforming employees?

I believe it is important as a manager to clearly communicate expectations to employees and direct reports. When I have an employee that is underperforming, my first step is to have a conversation with them to see if they are having any issues, or if they don't understand what and how they should be carrying out the duties and responsibilities of their job. I would review their job description to ensure it is up to date and to make sure that is not contributing to the problem by being unclear or out of date. I would have a conversation with them about what acceptable performance looks like in their

role and how and where their current performance falls short of that. Where appropriate, I would offer additional training. If that collaborative process is not successful, I would move to the progressive discipline process in place for our organization.

8. Please describe any experience you have related to cybersecurity, information security management, and technology modernization?

In my most recent role as Chief of Staff at the Massachusetts Department of Veterans' Services, I supervised our Director of Operations and Director of Data Analysis and Program Integrity who also had responsibility for IT security for the agency. Each year our agency had to certify that we met IT security standards. In this role, I have also overseen the modernization and upgrade of our benefits processing system for annuities as well as the ongoing improvements to our other IT systems. In my prior role at the GSA, I worked with our acquisition centers to promote our contract vehicles such as the GSA Schedule 70 and government-wide Acquisition Contracts such as the VETS GWAC which provided our Federal partners at agencies all across the country with state of the art technology solutions.

9. Please describe any experience you have related to acquisitions, contract management, and the development of requirements, and specifically with regards to acquiring technology and technology services.

In my most recent role as Chief of Staff at the Massachusetts Department of Veterans' Services, I supervised the Director of Operations, who oversaw the development of requirements for our systems and technology upgrades undertaken by our agency. In my prior Federal service, I served at the General Services Administration, the premier procurement agency of the Federal Government which oversees approximately \$66 billion in federal procurements, including a substantial amount of IT services. While at GSA, I worked with the agency acquisition centers to promote our government-wide Acquisition Contracts and GSA Schedules which provided technology services for Federal agencies.

III. Role of the Deputy 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 Deputy Director?

OPM's role is to recruit, retain and support a best in class workforce for the American people. I view its mission as supporting Federal agencies with their human capital needs as well as striving to provide Federal employees with competitive pay, benefits and retirement to attract the best talent to serve our country and carry out the people's business. My role, if confirmed, would be to support the Director in achieving his priorities for the agency.

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 Deputy Director, and what will be your top priorities? What do you hope to accomplish during your tenure?

I believe that working to restore the confidence the public has in the agency to be able to keep Federal employee data secure and addressing the High Risk management weaknesses that have been identified by the Government Accountability Office in its annual High-Risk report would be my top priorities, if confirmed. During my tenure, I will support the agency efforts to continue making improvements in these and other areas.

IV. Policy Questions

Management

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

The biggest challenge I believe OPM has been facing is improving the Federal recruitment and hiring process. I understand OPM is making significant efforts to closing skills gaps within the Federal Government; however, I believe that continued efforts should be further developed. OPM must continue to work with agencies in order to identify challenges in the Federal hiring process and to modernize the Federal hiring experience for both applicants and hiring managers.

14. What role do you believe the Deputy 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?

The Deputy Director of OPM should take an active role in addressing the management challenges identified by the GAO in its annual High-Risk report. If confirmed, I will work to develop a strategy to address challenges identified by GAO by engaging with the CHCO Council and other stakeholders. I am committed to continuing the progress made to date and building upon the strengths that have been achieved.

- 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?

I believe the biggest impediment is to develop government-wide policies and practices while taking into account the needs of each agency and their specific missions.

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

If confirmed, I would work with the key internal and external stakeholders to assess what progress has been made to date and develop an action plan on the way forward to address the recommendations. This would include collaboration with other agencies to identify best practices that can be shared across government.

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. The information gathered through FEVS allows management and leadership to better understand employees' perceptions of their workplace environment.

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

As a leader I believe it is important to listen to and respect all points of view when formulating policy.

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

FEHB is the largest employer-sponsored group health insurance program in the world, covering over 8 million lives. If confirmed, I will work with OPM's Healthcare and Insurance staff to develop policies that will help continue efforts so FEHBP will remain affordable for Federal employees and their families.

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. 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 take them very seriously. Effective contract oversight and internal controls are important to agency efficiency of operations and am aware OPM has already begun taking action in this regard.

19. As of August 2016, OPM had not met its strategic plan goal of adjudicating 90% of retirement cases within 60 days. How would you address claim processing delays?

Retirement Services (RS) must think of the whole customer experience, something I know they've begun to do by focusing on improving responsiveness to customers who call, email or write to OPM. As Deputy Director, I will work with RS to continue existing efforts to provide annuitants with the level of customer service they deserve.

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 with addressing their human capital needs. This includes engaging and partnering with stakeholders to identify, develop and share best practices across the government. OPM also has a significant role in aiding the President, and supporting his efforts to engage in legislative proposals and executive actions.

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

I believe that OPM should take a lead role in this effort. Through the CHCO Council, OPM can work with agencies to identify and address critical skills gaps, to include government-wide training opportunities and policies to assist with recruitment and retention.

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 that Temporary and Term appointments are an effective and appropriate method of addressing critical skills gaps in the federal workforce?

Yes, I do. For both the Federal Government and the employee, temporary and term appointments can be an effective way of addressing workforce needs and provides valuable information sharing for both parties.

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

The Senior Executive Service (SES) is on the right path with many of their efforts to attract, retain, and hold accountable our best and brightest leaders. There are, however, still areas for improvement. It's important that the Federal Government be seen as a premier employer for top talent. Agencies must have the tools and pipelines in place to ensure a diversity of thought, backgrounds, and perspectives are being brought into the SES.

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

OPM regulates SES performance appraisal requirements and procedures, approves and certifies SES appraisal systems, provides assistance to agencies on best practices, and issues rules related to use of appraisal results, e.g., governing pay, award and removal of executives. If confirmed, I will work to engage other stakeholders to provide accurate information on existing procedures and receive input on ways to improve efficiency.

25. 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?

By statute, OPM is responsible for reviewing and approving agency performance appraisal systems based on adherence to law and OPM regulations. With respect to senior executive and senior level employees, OPM issued a template for the Basic SES Performance Appraisal System which drew from leading practices in Federal agencies and the private sector and was further informed by input from a working group of agency representatives. This template was intended to meet the SES performance management needs of Executive Branch agencies and their SES members. For those agencies seeking access to higher level of pay for their senior executives and senior level employees, this template helps focus attention on qualities in a performance system for which OPM will look when determining whether to certify an agency's system as making meaningful distinctions based on relative performance. The system bases critical elements on the executive core qualifications (ECQs) and provides a consistent and uniform framework for agencies to communicate expectations and evaluate the performance of SES members. However, performance assessment is less effective if it only occurs on an annual basis. These conversations should occur on a frequent and continuous basis to have a maximum impact. They need not occur in a formalistic manner, but also, for example, in the daily conversational give-and-take relating to particular assignments or issues. If confirmed, I look forward to working with this appraisal system and the agencies that use it.

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

Performance management is specific to each agency and to each agency's mission. However, there are common themes that unite all agencies. For example, a modern performance management system should emphasize frequent and real-time feedback, and performance should be more consequential to how top performers are rewarded and compensated, and poor performers are held accountable. I look forward to working on advancing these ideas if confirmed as Deputy Director.

26. 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?

My experience in the use of Federal hiring authorities would be drawn from my previous Federal service at the General Services Administration.

- b. What specific improvements or innovations to the federal hiring process would you propose?

To be successful, the Federal Government needs to attract top talent. In order to attract individuals with an innovative spirit and commitment to public service, the Federal Government needs to build upon existing hiring methods and platforms (e.g., Pathways and USAJOBS). If confirmed, I will work closely with agencies to identify their current needs and ways to improve the Federal hiring process, consistent with the merit systems principles and applicable law.

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

Agencies should examine existing authorities and contact OPM with questions they may have about challenges or shortages they may be facing. Hiring flexibilities are not the only avenue available to provide relief to an agency's needs.

27. Last year, Congress passed legislation that would reform the federal government's abuse of administrative leave (Pub. L. No. 114-328, Sec. 1138). On July 13, 2017, OPM proposed regulations to implement this legislation.

- a. What role will OPM play in ensuring each agency develops adequate policies and procedures to prevent the abuse of administrative leave and complies with the recordkeeping requirements of the legislation?

OPM is developing regulations to address this issue. Once confirmed, I look forward to working with agencies to bring leave policies into compliance with the recordkeeping requirements of the legislation.

28. 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.

The probationary period is effective when action is taken to prevent less than fully successful individuals from becoming Federal employees with all the rights that such an appointment entails. A longer probationary period may be appropriate depending on the position. However, I note that 5 U.S.C. 7511(a)(1)(A) means that Federal civil service protections apply after one year of continuous service, irrespective of whether an individual is in a probationary period as defined by OPM.

- 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?

I understand that the existing HR systems already contain this functionality. Each agency decides whether to use this functionality, and as Deputy Director I would encourage agencies to do so.

- 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.

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

I believe managers should use the probationary period to determine whether a new employee has the appropriate skills to be successful in the position, and then to take appropriate action before the end of the probationary period.

Personnel Systems

29. Do you believe there need to be additional Department-specific or government-wide personnel system reforms? And if so, what reforms do you believe are necessary and why?

I believe we must always look for ways to continue attracting and retaining a Federal workforce to face the challenges of today. While there may be some instances when agency-specific reforms may be necessary, we remain a single government and can benefit from the efficiencies of government-wide standardization.

- a. Do you believe the current General Schedule (GS) system, the pay scale which covers the majority of white-collar federal employees, needs significant reforms or comprehensive replacement? And if so, what reforms do you believe are necessary and why?

Many features and requirements of today's Federal personnel system were designed for work and a workforce that has evolved over time, and are the legacy of a system conceived with good intention to uphold these principles. However, the standardization and rigidity of the system poses challenges for a constantly evolving workforce that increasingly demands agility, flexibility, and reform. These reforms include changes to the way the government recruits, hires, pays, classifies, and holds its employees accountable.

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

A pay-for-performance system is one option that should be examined as OPM considers options of what systems work best to meet the growing and diverse needs of the Federal workforce. Additional factors to take into consideration would include the Federal Government's ability to recruit top talent into its workforce.

31. On April 12, 2017, OMB Director Mulvaney published a memorandum entitled Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce." The memo states that "OMB and [OPM] will work with agencies to facilitate reductions in the size of their workforce and monitor progress." (p. 2). Further, the memo dictates that "[t]o facilitate any necessary reductions, OPM will provide streamlined templates to agencies for requesting approval to offer Voluntary Early Retirement Authority and Voluntary Separation Incentive Payments (VERA/VSIP) and OPM will provide expedited reviews for most requests within 30 days." (p. 10). As OPM Deputy Director, how would you ensure that agencies receive prompt support for both requesting and reviewing VERA/VSIP authority?

I am aware that OPM and OMB have worked closely in recent months to streamline the VERA/VSIP process to make it as straightforward as possible for agencies, including the issuance of simplified, form-fillable templates that agencies may use to submit requests. If I am confirmed as the Deputy Director of OPM, I will work with OPM staff to continue to give these requests prompt attention and help agencies receive the highest level of customer service.

- a. Do you believe the current VSIP maximum lump-sum payment of \$25,000 is an effective incentive to voluntarily separate?

With respect to the VSIP maximum lump-sum payment of \$25,000, the \$25,000 cap was set in 1992. Since 1992, the purchasing power of \$25,000 has declined. VSIPs are intended as a tool to help minimize or avoid costly and disruptive reductions in force and for the tool to have its full impact, increasing the payment amount should be considered. I am aware OPM has transmitted a draft legislative proposal to the Hill that would provide an increase in the VSIP maximum lump-sum payment amount to \$40,000. This proposal mirrors a provision in the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. No. 114-328, Sec. 1107) that was applicable to DoD only. I look forward to Congress' consideration of this proposal.

Security Clearance Investigations

32. 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?

If confirmed, I would work to promote ongoing activities with stakeholders, and help agencies clarify their responsibility to properly secure and protect their systems from potential threats.

33. 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 security clearances, 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.

34. In the 2017 National Defense Authorization Act a provision (Sec. 951) was included that required DoD to draft a plan for the potential shift of security clearance investigations back to DoD. What is your view of this provision?

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.

35. 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

36. 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). How would you assist agency CIOs in meeting their performance goals and raising their Maturity Model Rating?

I agree that the median government-wide Maturity Model Rating should be higher. All Federal agencies must continue to advance their efforts to enhance their cybersecurity. If confirmed as Deputy Director of OPM, 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.

37. 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?

OPM has and continues to take action to address the growing need of cybersecurity professionals. OPM is committed to meeting this need as it is critical that the agency has the talent to face sophisticated and persistent cyber threats that pose strategic, economic, and security challenges to our Nation. If confirmed, I look forward to continuing to advance these critical initiatives.

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

Consistent with the current culture of compliance, all OPM employees must complete training so they understand their responsibility for protecting sensitive information with regard to cybersecurity rules and procedures, as do all Federal employees. In addition, the OPM CIO has worked diligently to establish policies,

processes, procedures and technological solutions to further the cybersecurity compliance efforts.

38. The OPM 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 will you improve the agency's cybersecurity and information security?

OPM has taken steps to enhance its cybersecurity capabilities, including continuing to build relationships with the Office of Management and Budget (OMB), the Department of Homeland Security, the Department of Defense, Government Accountability Office, (GAO) and OPM's Office of the Inspector General. I am confident this progress will continue and look forward to assisting in its implementation as Deputy Director, if confirmed.

39. What do you believe are the drivers of the current and historical challenges in the IT programs at OPM and what will be your approach to improving its IT systems?

Historically, IT modernization, operations and cybersecurity should have been higher priorities at OPM. I have been briefed on OPM's IT operations and strategies and I support their efforts to improve their IT security and systems.

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

Much of the work OPM accomplishes in support of retired Federal employees and conducting background investigations still requires paper and presents opportunities to modernize. While moving from paper to electronic records will provide improvements and efficiencies, process improvements across the Federal Government will also help to generate additional efficiencies.

Accountability and oversight

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

Identifying, preventing, and recovering improper payments is a high priority for OPM. OPM has implemented numerous corrective action plans that have included the development of improved procedures and processes to reduce improper payments including matches with agency partners.

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?

In my most recent role as Chief of Staff at the Department of Veterans' Services in Massachusetts, I identified a similar need for data mining and established a new position at the agency called "Director of Program Integrity and Data Analysis." This position is responsible for identifying data available to the agency for data matching to systematically reduce the incidence of improper payments. I am aware of the importance of data analytics and its potential application to OPM programs generally. 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 Office of Inspector General (OIG)? If confirmed, what steps would you take as Director to establish a working relationship with the 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. If 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 Inspector General 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 take opportunities to implement them in a way that clearly communicates available channels for communication.

- 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.

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

Yes, 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, I will make every effort to assist and support the systems that Congress has put into place to protect whistleblowers and to enforce applicable laws.

V. Relations with Congress

46. 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.

47. 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.

48. 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

49. 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.

**Minority
Supplemental Pre-hearing Questionnaire
For the Nomination of Michael Rigas to be
Deputy 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.

II. Background of Nominee

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

As a leader I know, it is important to listen to and respect all points of view when formulating policy. I believe in cultivating a collaborative relationship with subordinates and seeking diverse points of view on issues under consideration.

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

I have always sought to have an ongoing and open dialogue in my career both with my superiors and with my subordinates. As such, as policies are being considered for formulation, modification or execution, I have worked to have a collaborative relationship with all involved. I have been fortunate to be in a position where my point of view has been heard and considered, as have the points of views of my subordinates. I would bring this spirit of cooperation and collaboration to my role as Deputy Director, if confirmed.

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

I have always sought to have an ongoing and open dialogue in my career both with my superiors and with my subordinates. As such, as policies are being considered for formulation, modification or execution, I have worked to have a collaborative relationship with all involved. I have been fortunate to be in a position where my point of view has been heard and considered, as have the points of views of my subordinates. I would bring this spirit of cooperation and collaboration to my role as Deputy Director, if confirmed.

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

In each of the workplaces where I have been employed in a management or leadership role, I feel I have left those places in a better position than I found them when I began. Whether this meant improving the efficiency of operations, improving customer service, reducing the amount of time it takes to process benefits, or saving taxpayer dollars, I have made a positive and meaningful impact at each of my employers. Invariably this began with engaging with the employees and managers doing the work to seek their feedback on what the organization was doing and how things could be improved for our customers, taxpayers and employees.

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

I would say that the consistent track record I have established of leaving each workplaces where I have been employed in a management or leadership role, in a better position than I found them when I began. In my most recent role at the Massachusetts Department of Veterans' Services, we have reduced the amount of time it takes to process Veteran benefits by leveraging technology solutions and improving the efficiency of operations. We are also on track to build a new state of the art \$200 million Soldiers' Home Long Term Care facility to care for our Veterans. This took an extensive amount of collaboration with key stakeholders and interagency collaboration. If confirmed, I hope to be able to bring that track record of success to work at OPM.

7. Please describe any experience you have with developing and setting personnel policies and addressing human resources issues.

In my most recent role as Chief of Staff at the Department of Veterans' Services, I have had numerous occasions to work on developing and setting personnel policies and addressing human resources issues.

8. What has been your primary role at the Massachusetts Department of Veterans' Services (DVS) and what would you point to as your greatest accomplishment there?

In my most recent role as Chief of Staff at the Department of Veterans' Services, my primary role has been to support the Governor's and the Secretary's priorities for serving the Veterans of the Commonwealth of Massachusetts. In the time I have been there, we have successfully reduced the amount of time it takes to process Veterans benefits by leveraging IT solutions and we have also laid the groundwork to build a state of the art \$200 million Soldiers' Home Long Term Care facility to serve our Veterans.

9. Please describe your role and responsibilities as the Diversity Officer and Americans with Disability Act (ADA) coordinator at DVS.

In my role as ADA Coordinator at the Department of Veterans' Services, I oversaw our agency's efforts to comply with the law and handle disability based

discrimination complaints. In my role as Diversity Officer, I worked to create an inclusive work environment where people of all backgrounds felt welcomed, valued, and respected. I also had a role in the hiring process, reviewing the job postings prior to publication, reviewing the applicant pool for diversity, and reviewing the process at various stages to ensure the requirements contained in the agency's Affirmative Action Plan have been met.

10. Please describe your role and responsibilities as Deputy Director for Coalition Relations at the Heritage Foundation.

In my role as Deputy Director of Coalition Relations at the Heritage Foundation, I worked to advance free-market and limited government public policy solutions by promoting the work of Heritage scholars with public policy professionals around the country. I would represent Heritage and advance its policy solutions at external meetings, major conferences, briefings and one-on-one meetings in Washington D.C. and around the country.

11. Please describe your role and responsibilities as Deputy Associate Administrator and Associate Administrator at the General Services Administration.

As Deputy Associate Administrator, I reported to the Associate Administrator and supported the agency's small business efforts. As Associate Administrator, I was a direct report to the Administrator of GSA and was responsible for all small business policies and programs of GSA, the premier procurement agency of the Federal Government. I represented GSA to agency heads, business and trade association leaders and prime contractors. I improved the agency's grade on its small business scorecard from "red" to "green," and increased the efficiency of operations, reducing cost to taxpayers and increasing small business access.

12. In your biographical questionnaire you state that you served as president and CEO of Procurement Advisors, LLC.

- a. Please describe this business and how long it has been in existence.

I established this business in 2009. It focused on assisting companies with GSA Schedule preparation.

- b. What was your role there and did it have any other employees?

I was the President and CEO. My wife assisted me on a volunteer basis. There were no other employees.

- c. Please provide a list of all clients of the business.

I engaged with the following companies to assist them with the GSA Schedule preparation process: Mason Harriman Group, Blue Sky Films and McKellar Corporation.

13. Please describe your roles and responsibilities at each of Mellon Financial Corporation, Brown Brothers Harriman & Co., OCS of America and United Asset Management. Please identify at each of these firms whether you were engaged in any work that involved the federal government, and, if so, please describe that work.

At Mellon Financial, I served as an Assistant Vice President at the time the company was a major global bank with \$4 trillion in assets. I managed Mellon's most sensitive and important client relationships, and coached and mentored 35 staff and managers. I helped successfully streamline and consolidate operations in U.S. and London offices, allowing the bank to take on an entirely new line of business without hiring additional staff. Additionally, we turned around a department with history of multi-million dollar losses, consistently improved efficiency and controls across the operation saving the company millions of dollars. I was not engaged in any work to my knowledge that involved the Federal Government.

At Brown Brothers Harriman, I processed billions of dollars of cash, securities and foreign exchange transactions. I was promoted from Specialist to Senior Specialist to Supervisor of International Corporate Actions in a 3 year period. I successfully implemented the change from 8 hour to 24 hour global processing capabilities to meet global client demand. I was not engaged in any work to my knowledge that involved the Federal Government.

At OCS of America, I transformed operations of an import/export firm from paper to on-line, dramatically improving efficiency of financial analysis, bookkeeping, inventory control, sales tracking and other data management. I succeeded in achieving established goals of reducing costs while modernizing company operations. I was not engaged in any work to my knowledge that involved the Federal Government.

At United Asset Management, I performed analysis of assets under management and assessed revenue impact for one of the largest independent asset management companies in the world. I analyzed methods of amortizing intangible assets. I was not engaged in any work to my knowledge that involved the Federal Government.

III. Policy Questions

14. 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?

Resourcing issues, which have been addressed in part, are allowing OPO to begin satisfying OIG recommendations and findings and in turn reducing the level of risk the agency faces both during contract award and in contract administration. The establishment of a contracting activity within NBIB presents a step towards increasing focus on awarding and administering contracts to support the background investigation function. If confirmed as Deputy Director, I look forward to assisting in these reform efforts to ensure the most efficient and effective end to end processes and systems possible.

15. One of OPM's roles 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?

I believe the biggest impediment to be developing government-wide policies and practices can be the competing needs of each agency. Last year, OPM initiated a Human Capital Framework to assist agencies with human capital management and, if confirmed, I look forward to continuing with these efforts. I would add that we have a tremendous opportunity to work with agencies to develop analytical skills and technological infrastructure to help make evidence-based decisions.

16. The Director of the Office of Management and Budget 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 Deputy Director, would you work with agencies to address them?

Above all, agencies must engage in comprehensive workforce planning to determine how best to align the agency's human capital to agency mission and priorities. In cases where there is misalignment of the workforce with current or anticipated requirements, agencies must select and apply the right workforce reshaping tools. It is also important during times of change for agencies to attend to the workforce to support employees who may be transitioning and to encourage high performance and engagement. Should I be confirmed as the Deputy Director of OPM, I would work towards OPM providing agencies with the guidance, support, tools, and services they need to design and implement their workforce planning and reshaping efforts.

17. 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 with the appropriate balance between Federal employees and contractor support.

18. 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 Deputy Director in assisting agencies with their diversity and inclusion efforts?

As a Federal agency, OPM draws on the wisdom of the workforce that reflects the population it serves, so it is able to better understand and meet the needs of its customers. Government-wide, OPM has made important progress toward hiring a workforce that truly reflects America's diversity, and if confirmed, I will work to continue to pursuing that goal. Aside from hiring a diverse workforce, OPM must affirm that it works to gain the maximum benefit from an increasingly 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.

19. 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 Deputy Director, what would be your priorities in the area of veterans' employment?

Our Veterans have made tremendous sacrifices for our country, and it is only right that we assist them in making the transition back to civilian life. Veterans currently represent approximately one-third of the total U.S. Federal workforce and statutory tools like Veterans' preference have been effective, while discretionary hiring authorities provide agencies reasonable hiring flexibility. However, it has been efforts like the Veterans Employment Initiative and the work of the Interagency Council on Veterans Employment that has strengthened this representation across agencies and not just in those agencies you would expect a large Veterans population. This is a strong number, but this number won't stay strong without continued advocacy from leadership.

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

To be successful, the Federal Government needs to attract top talent to work in the 21st century. In order to attract individuals with an innovative spirit and commitment to public service, the Federal Government needs to build upon existing hiring methods and platforms (e.g., Pathways and USAJOBS). If confirmed, I will work closely with agencies to identify their current needs and ways to improve the Federal hiring process.

21. 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?

For the last few years, the Federal Employee Viewpoint Survey results have continuously shown the commitment of Federal employees. I believe that there are meaningful ways in which agencies can improve morale of the workforce. For instance, improving employee engagement, connecting employees with the mission of the agency, improving communication throughout the organization, soliciting employee comments and feedback on ways to improve the organization, implementing coaching and mentoring programs, and rotational development opportunities are just some examples that agencies can use to improve morale in times of fiscal constraints.

22. 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?

The Federal Government's workforce is large and diverse and the many and varied needs of its agencies and missions requires flexibility. However, it is worth considering whether the authorities in place are in fact the best ways for agencies to meet their needs. When similarly situated classes of employees are treated differently by circumstance of which agency employs them, internal competition among agencies can rise and morale can be challenging to maintain. This is not to say, however, that all agencies are identical. If special personnel systems or authorities are necessary for an agency to thrive, that is a discussion worth having, but such a discussion should also examine whether the establishment of such systems or authorities are rooted in addressing a problem that cannot be addressed in any other way.

23. 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?

Going forward, I believe there are two key approaches to workforce flexibilities. First, agencies and managers must provide effective oversight of these flexibilities and provide leaders the training to assist them in holding employees accountable for performance while also assisting employees with the ability to integrate their work

and non-work responsibilities. Telework is critical to agencies to provide emergency preparedness, however managers must make clear to workers that flexibilities like telework are an option for some positions and employees and not an entitlement. Workforce flexibilities should not be abused and managers should be responsible for holding all employees accountable for their performance. Secondly, agencies should be open to ongoing discussions about workforce flexibilities in order to guarantee the Federal Government can stay competitive with the private sector and critical for sustaining a high-performing workforce. Should I be confirmed as the Deputy Director of OPM, I look forward to continuing this dialog.

24. 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?

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.

25. Do you have any experience working with whistleblowers? If so, without providing identifying information, please describe the nature of that experience.

While I do not have direct personal experience working with whistleblowers, I believe it is imperative that whistleblowers have the full protection of the law and that support is communicated by agency leadership.

26. How would you approach a case where a manager was alleged to have retaliated against a whistleblower?

Retaliation against whistleblowers is illegal and unacceptable behavior. I would work with the Office of the General Counsel, and the OIG, if necessary, to investigate the allegation of retaliation. If it is proven true, I will work with the OPM Employee Accountability team to determine what actions are available to hold the manager accountable.

III. Relations with Congress and the Public

27. If confirmed, how will you make certain that you will 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.

28. 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.

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

Yes, I do.

30. 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.

31. 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.

32. 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.

33. If confirmed, will you ensure that any staff for which you are responsible will fully and promptly provide 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 do.

34. 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?

Yes, I do.

35. 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.

I, Michael Rigas, 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.

Michael Rigas
(Signature)

This 3rd day of October, 2017