

STATEMENT OF
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before the

SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE, AND THE
DISTRICT OF COLUMBIA
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES

and the

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE
FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

on

MANAGING DIVERSITY OF SENIOR LEADERSHIP IN THE FEDERAL
WORKFORCE AND POSTAL SERVICE

APRIL 3, 2008

Chairman Davis, Chairman Akaka, and Members of the Subcommittees:

I appreciate your inviting me to discuss our efforts to create a diverse Senior Executive Service (SES) and improve the overall diversity of the Federal workforce. Since my appearance last May to discuss this important topic, you have introduced the "Senior Executive Service Diversity Assurance Act" (H.R. 3774 and S. 2148). I welcome the opportunity to review this legislation with you and update you on our efforts to build and sustain the most effective Federal civilian workforce possible. We have long recognized that reaching the broadest possible pool of applicants for Federal jobs is essential to meeting this goal.

Of course, our efforts in this regard are conducted within the framework of the merit system principles. We must ensure that all Americans have equal access to Federal employment opportunities at all levels of the workforce, and that their knowledge, skills, and abilities are evaluated fairly. Our efforts to build the most effective corps of senior executives still depend, in part, on ensuring an effective pipeline into the Senior Executive Service. Many of our efforts are aimed at supporting agencies' development of future leaders through leadership training and succession planning programs.

When I was here last May, I highlighted the Office of Personnel Management's (OPM's) vigorous efforts to promote Federal employment expansively, including in areas where the potential applicant pool is very diverse. One of the techniques we use to accomplish this is conducting job fairs and Federal career days at colleges and universities, and we often target schools that are likely to help us establish a pipeline of diverse and highly-qualified individuals. We have continued these efforts since I last spoke about these initiatives. For example, two of the four Federal career days OPM sponsored last fall took place at the University of New Mexico and New Mexico State University. These are two of the nation's leading Hispanic-serving institutions. Earlier this month, OPM supported career fairs at Alabama State University and the Tuskegee Institute, two historically-black institutions.

We also continue to target community colleges because of their strong ties to their local communities and their potential for providing a diverse applicant pool. For example, we conducted a Federal career day last year at Northern Virginia Community College, one of the Nation's largest and most diverse community colleges, with students representing over 150 nationalities.

In addition to the television ads I discussed last spring, OPM later held a unique webcast called the Virtual National Career Services Conference. The purpose of this initiative, conducted in cooperation with the Partnership for Public Service, was to introduce college and university career services professionals, and their students, to information about Federal job opportunities. Again, we expect that these measures to promote Federal employment to targeted audiences will also contribute to our effort to create the strongest possible pipeline for future leadership positions.

These recruitment initiatives are complemented by succession planning, which remains an essential component of developing and nurturing a strong senior executive corps. This is all the more important because of the increasing numbers of employees who are reaching retirement eligibility. Since last summer, OPM has been re-validating all checkmarks on the Human Capital Scorecard, including those for leadership succession and for diversity. Based on results so far, we are confident that agencies are engaging in significant efforts to institutionalize effective leadership succession strategies.

Federal agencies often include SES candidate development programs (CDP) in the leadership succession strategies they are required to implement. During the period between January 2000 and July 2007, there were 953 graduates of agency SES candidate development programs, and 623 of these were placed in the SES. Our data clearly show that these programs are proving to be an excellent vehicle for minority entry into the SES. During this same 7-year period, 27 percent of the individuals placed in SES positions after graduating from OPM-approved agency SES candidate development programs were minorities. This compares to the 15 percent of the total current SES population (as of July 2007) identified as minorities. Similarly, 39 percent of the graduates of these candidate development programs who were placed in the SES during the same period were women, compared to the overall female representation in the SES, which stood at 28 percent as of last July.

Mr. Chairman, let me take a brief moment to also address the latest Governmentwide data on minority representation in the Federal Government. OPM is required to report to Congress annually on minority representation in the Federal Government in relation to the overall Civilian Labor Force. Our most recent report was submitted to the Congress, and to your subcommittee, in January. The report shows that the Federal Government continues to compare favorably to the Civilian Labor Force in employing minorities, with the exception of Hispanics. The Federal Government is also slightly behind the non-Federal sector in the employment of women.

Before concluding, I want to turn my attention to the bills you have introduced, Chairman Davis and Chairman Akaka. H.R. 3774 and S. 2148, the "Senior Executive Service Diversity Assurance Act," are designed to enhance diversity and make other improvements within the SES. I appreciate the attention and commitment you have devoted to this issue. However, although the Administration has not yet taken an official position on this legislation, I also want to share with you some initial concerns I have.

First, these bills would establish a new office within OPM, which would assume all functions relating to the Senior Executive Service. This requirement would have major implications for OPM's organizational structure and would, in effect, undo significant aspects of our 2003 reorganization. Consequently, it would also have substantial cost implications.

In addition, the bills would create new entities, called SES evaluation panels, which would have a role in the SES hiring process. These panels would be inserted into each agency between the recommending officials and the Executive Resources Boards. Their task would be to review the qualifications of each candidate for a position to be filled by career appointment and to certify to the Executive Resources Board the names of candidates the panel believed to be best qualified. Each SES evaluation panel would have three members, at least one of whom would have to be a woman and one of whom would have to be a member of a racial or ethnic minority group. We have serious concerns about the potential impact on the merit system principles of injecting race and gender into the examination process in this manner. The Department of Justice has advised that these race- and gender-based requirements for the composition of the SES panels are very likely unconstitutional under governing equal protection precedents. The Justice Department has also advised that the bill's provisions respecting the SES panels and the Senior Executive Service Resource Office raise additional constitutional issues respecting the Appointments Clause, separation of powers principles, and additional equal protection issues.

We also question the necessity and value of introducing more complexity into the examination process. We have made real progress in helping agencies improve the efficiency of their hiring processes. The introduction of SES evaluation panels would clearly be a step backwards in this regard. We would prefer an approach that encourages diversity within Executive Resources Boards themselves, which is something we already incorporate in our guidance to agencies.

In conclusion, I want to assure you that, although we may favor different approaches, OPM shares your goal of a Federal workforce that is effective in large part because it draws on the strengths that a broad and diverse applicant pool offers. This will continue to be our goal with respect to developing and recruiting senior executives, as well as the rest of the Federal civilian workforce.

I would be happy to respond to any questions you may have.