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BUREAU OF
PRISONS

Written Policies on
Lateral Transfers and
Assessment of
Temporary
Assignments Needed



GAO

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Highlights of [GAO-09-141](#), a report to congressional requesters

Why GAO Did This Study

The Department of Justice's Federal Bureau of Prisons (BOP) is responsible for the custody and care of more than 202,000 federal offenders with approximately 35,000 employees, almost half of whom are correctional officers, dispersed across BOP's 114 correctional facilities in 6 regions. In response to a request, GAO identified whether BOP had policies and procedures and how it assessed the management of those policies and procedures for (1) employee-requested lateral transfers of BOP employees between correctional facilities and (2) day-to-day changes in correctional services or temporary assignments of BOP employees within a correctional facility. GAO reviewed available documentation on BOP's policies and procedures on lateral transfers and temporary assignments. GAO also interviewed officials from BOP's central and regional offices and seven facilities selected on the basis of the number of staff; at least one facility was selected from within each of BOP's six regions.

What GAO Recommends

GAO recommends that BOP (1) develop and implement specific policies and procedures for administering employee requests for lateral transfers and (2) systematically assess temporary assignments. BOP agreed with GAO's findings, disagreed with the first recommendation, and agreed with and plans to take action on the second. GAO continues to believe written policies would help ensure consistency across BOP.

To view the full product, including the scope and methodology, click on [GAO-09-141](#). For more information, contact George H. Stalcup at (202) 512-9490 or stalcupg@gao.gov.

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Written Policies on Lateral Transfers and Assessment of Temporary Assignments Needed

What GAO Found

BOP does not have written policies and procedures on lateral transfers of staff. Each correctional facility evaluates requests for lateral transfers on a case-by-case basis. Typically, when an employee requests a lateral transfer to another facility, the warden at the employee's current facility determines whether to forward the request to the desired facility's warden. The processes for requesting a lateral transfer and the criteria for forwarding, granting, or denying such requests varied across the facilities GAO reviewed, and generally no documentation on decisions reached or actions taken was maintained. Further, BOP does not systematically review decisions concerning these requests at any level. As a result, BOP cannot determine the number of requests for lateral transfers, the outcome of these requests, or whether requests were handled consistently within or among facilities. GAO has previously reported that agencywide policies and procedures help ensure consistent treatment of staff when agencies have geographically dispersed locations. Other Department of Justice law-enforcement components have written policies, procedures, and a review process concerning requests for lateral transfers.

Unlike lateral transfers, BOP has written policies and procedures on how facilities are to temporarily assign staff to fill in for absences or to meet other needs that arise in a facility. However, BOP has not systematically assessed how facilities are managing temporary assignments. As part of a cost-reduction strategy affecting temporary assignments, in 2005, BOP designated mission critical posts, that is, assignments that were deemed essential for the safe and secure operations of its facilities and that would be vacated only in rare circumstances. The mission critical post initiative was intended to reduce facilities' reliance on overtime and non-correctional services staff, who had typically been used for temporary assignments. A memorandum from the Assistant Director of Correctional Programs described how each facility was to gather information for 6 months on overtime and staffing under the mission critical post initiative and how BOP would evaluate the effectiveness of the initiative. However, BOP conducted no such evaluation. BOP officials also generally do not review temporary assignments at any level, including the effect of leaving mission critical posts unassigned.

According to the *Standards for Internal Control in the Federal Government*, federal agencies are to employ internal control activities, such as top-level review, to help ensure that management's directives are carried out and to determine if agencies are effectively and efficiently using resources. Without assessing its mission critical post initiative and data on temporary assignments, BOP does not know whether it is efficiently and effectively using staff for temporary assignments or achieving the desired cost savings. Also, without reviewing the effect of leaving mission critical posts unassigned, BOP cannot assess the effect, if any, of unassigned posts on the safety and security of its facilities.

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Abbreviations

AFGE	American Federation of Government Employees
BOP	Bureau of Prisons
EEOC	Equal Employment Opportunity Commission
FCC	federal correctional complex
FCI	federal correctional institution
FMFIA	Federal Managers' Financial Integrity Act of 1982
NFC	National Finance Center
OPM	Office of Personnel Management
USP	United States Penitentiary

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United States Government Accountability Office
Washington, DC 20548

February 25, 2009

The Honorable John Conyers, Jr.
Chairman
The Honorable Lamar Smith
Ranking Member
Committee on the Judiciary
House of Representatives

The Honorable F. James Sensenbrenner, Jr.
House of Representatives

The Department of Justice's Federal Bureau of Prisons (BOP) is responsible for the custody and care of more than 202,000 federal offenders, up from fewer than 25,000 in 1980. According to BOP, more than 166,000, or approximately 82 percent, of these inmates are confined in BOP's 114 correctional facilities and detention centers of various security levels.¹ Responsible for the custody and care of these inmates are approximately 35,000 BOP employees.

As agreed, this report responds to your request that we review BOP's management of permanent reassignments and temporary assignments of BOP employees at its facilities. Specifically, our objectives were to identify whether BOP had policies and procedures and how it assessed the management of those policies and procedures for (1) permanent reassignments of BOP employees between correctional facilities and (2) temporary assignments of BOP employees within a correctional facility. For purposes of this report, permanent reassignments, which BOP refers to as lateral transfers, are employee-requested transfers to other BOP facilities that do not involve a promotion or demotion.² Temporary

¹The remaining approximately 36,000 inmates are confined through agreements with state and local governments or through contracts with privately-operated residential re-entry centers, detention centers, prisons, and juvenile facilities.

²BOP stated in a written response that employees may also be permanently reassigned through (1) agency-initiated reassignments, generally of management staff; (2) application for an announced vacancy; (3) the Management Selection System for wardens and associate wardens; and (4) the Open Continuous Announcement System for supervisory correctional officers. We did not review BOP's policies and procedures and BOP's assessment of the management of its policies and procedures on these other types of permanent reassignments.

assignments are day-to-day changes in correctional services assignments within BOP facilities, which are made for a variety of reasons, including (1) illness or other absences of staff or (2) special assignments (i.e., to meet needs that arise in a facility, not including regularly assigned posts).³

As part of our review, we selected seven BOP facilities, which included five separately located facilities and two federal correctional complexes (FCC).⁴ We selected facilities with the largest number of staff, with at least one facility from within each of BOP's six regions, and included low- and medium-security federal correctional institutions (FCI) and high-security United States Penitentiaries (USP). We excluded administrative facilities from our review. The facilities selected were USP Lee in Virginia, USP Hazelton in West Virginia, USP Pollock in Louisiana, FCI Sheridan (medium) in Oregon, FCI Fort Dix (low) in New Jersey, FCC Coleman (consisting of four facilities—two high-security, one medium-security, and one low-security) in Florida, and FCC Terre Haute (consisting of two facilities, a high-security and a medium-security) in Indiana. We conducted a site visit to USP Hazelton and interviewed officials at the other facilities by video conference.

To assess BOP's management of lateral transfers and temporary assignments, we reviewed available documentation on BOP's written policies and procedures for such transfers and assignments, the implementation of those policies and procedures, and how BOP has assessed the implementation of those policies and procedures. We also reviewed the lateral transfer policies of four other law enforcement Justice components—the Federal Bureau of Investigation; the U.S. Marshals Service; the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and the Drug Enforcement Administration. For lateral transfers, we interviewed officials from BOP's Human Resources and Program Review divisions; each of its six regional offices; its Consolidated Employee Service Center in Grand Prairie, Tex.; and the selected facilities. We also

³A post is the location or assignment that is worked by staff. Temporary assignments are reflected on BOP facilities' correctional services daily rosters, which identify all individuals assigned to correctional services for the day and are generated using BOP's correctional services computerized roster management system. BOP considers the correctional services daily roster the official record of all staff assignments to the correctional services department. See appendix II for additional information on the correctional services daily rosters.

⁴FCCs have two or more facilities colocated on a property that is contiguous. For purposes of this report we refer to both the FCCs and separate facilities as "facilities."

interviewed representatives of the American Federation of Government Employees Council of Prison Locals (AFGE). For temporary assignments, we reviewed BOP's policies and procedures related to correctional services' roster assignments. For each facility in our review, we analyzed a stratified random sample of 60 hard-copy correctional services daily rosters, 5 per month, for calendar year 2007 and estimated the extent to which the facilities in our review used temporary assignments. For FCC Coleman, which uses separate daily rosters to assign staff at each of its four facilities, we reviewed the separate rosters from each facility for the same 60 days. For FCC Terre Haute, which uses a consolidated roster to assign staff throughout the complex, we reviewed the consolidated daily roster for the 60 days. We determined that the data from the hard-copy daily rosters were sufficiently reliable for purposes of this report. We also interviewed individuals from BOP's Correctional Programs and Program Review divisions, its Office of Research and Evaluation, each of its six regional offices, the selected facilities, and representatives of AFGE. See appendix I for a more detailed discussion of our scope and methodology.

We conducted this performance audit from August 2007 to January 2009, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Results in Brief

BOP does not have written policies and procedures on lateral transfers of staff. Correctional facilities generally evaluate requests for lateral transfers on a case-by-case basis. Typically, when an employee requests a lateral transfer to another facility, the warden at the employee's current facility determines whether to forward the request to the desired facility's warden. However, the processes for requesting a lateral transfer and the criteria for forwarding, granting, or denying such requests varied across the facilities we reviewed, and generally documentation on decisions reached or actions taken was not maintained. Further, BOP does not systematically review lateral transfers at any level. BOP officials told us that they did not think written policies on lateral transfers were necessary because of the infrequency of such requests and had not considered lateral transfers a high-risk area necessitating review. Without documented procedures or documentation on transfers made, BOP cannot determine the number of requests for lateral transfers, the outcome of these requests, or whether requests were handled consistently within or among facilities. We have

previously reported that agencywide policies and procedures help ensure consistent treatment of staff, particularly when agencies have geographically dispersed locations. According to an official from the Office of Personnel Management's Strategic Human Resource Policy Division, documentation of consistent treatment would also provide support for an agency's decision-making process when there are claims of favoritism and help an agency to avoid perceptions of inconsistent treatment. Other Justice law-enforcement components have policies, procedures, and a review process covering lateral transfers.

Unlike lateral transfers, BOP has written policies and procedures on how facilities are to temporarily assign staff. However, BOP has not systematically assessed how facilities are managing temporary assignments. As part of a cost-reduction strategy affecting temporary assignments that began in 2004, BOP designated mission critical posts in 2005, that is, assignments that were deemed essential for the safe and secure operations of its facilities and that would be vacated only in rare circumstances. The mission critical post initiative was intended to enable facilities to reduce reliance on overtime and non-correctional services staff, who had typically been used for temporary assignments. A memorandum from the Assistant Director of Correctional Programs described how each facility was to gather information on overtime and staffing over a 6-month period and how BOP would evaluate the effectiveness of the mission critical post initiative. However, BOP conducted no such evaluation, and BOP officials could not explain why the evaluation was not conducted. According to the *Standards for Internal Control in the Federal Government*, federal agencies are to employ internal control activities, such as top-level review, to help ensure that management's directives are carried out and to determine if agencies are effectively and efficiently using resources.⁵ BOP's *Management Control and Program Review Manual* states that BOP is to maintain a system of management controls that enables managers to assess program performance regularly. Further, in addition to not having evaluated the mission critical post initiative, BOP officials generally do not review temporary assignments, including the effect of leaving mission critical posts unassigned. Because BOP's computerized roster management system does not produce summary data on temporary assignments, the only way currently to assess how BOP is temporarily assigning staff would

⁵GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999).

be to manually review daily rosters. Without evaluating its mission critical post initiative or routinely analyzing data on temporary assignments, BOP does not know whether it is efficiently and effectively using staff for temporary assignments or achieving the desired cost savings. Also, without reviewing the effect of leaving mission critical posts unassigned, BOP cannot assess the effect, if any, of unassigned posts on the safety and security of its facilities.

We recommend that the Attorney General direct the Director of BOP to (1) develop and implement specific policies and procedures for administering employee requests for lateral transfers, including providing for the collection of data on such requests and their outcomes and the development of a system of oversight, and (2) systematically assess temporary assignments to ensure that BOP is meeting the objectives of the mission critical post initiative and effectively and efficiently using resources.

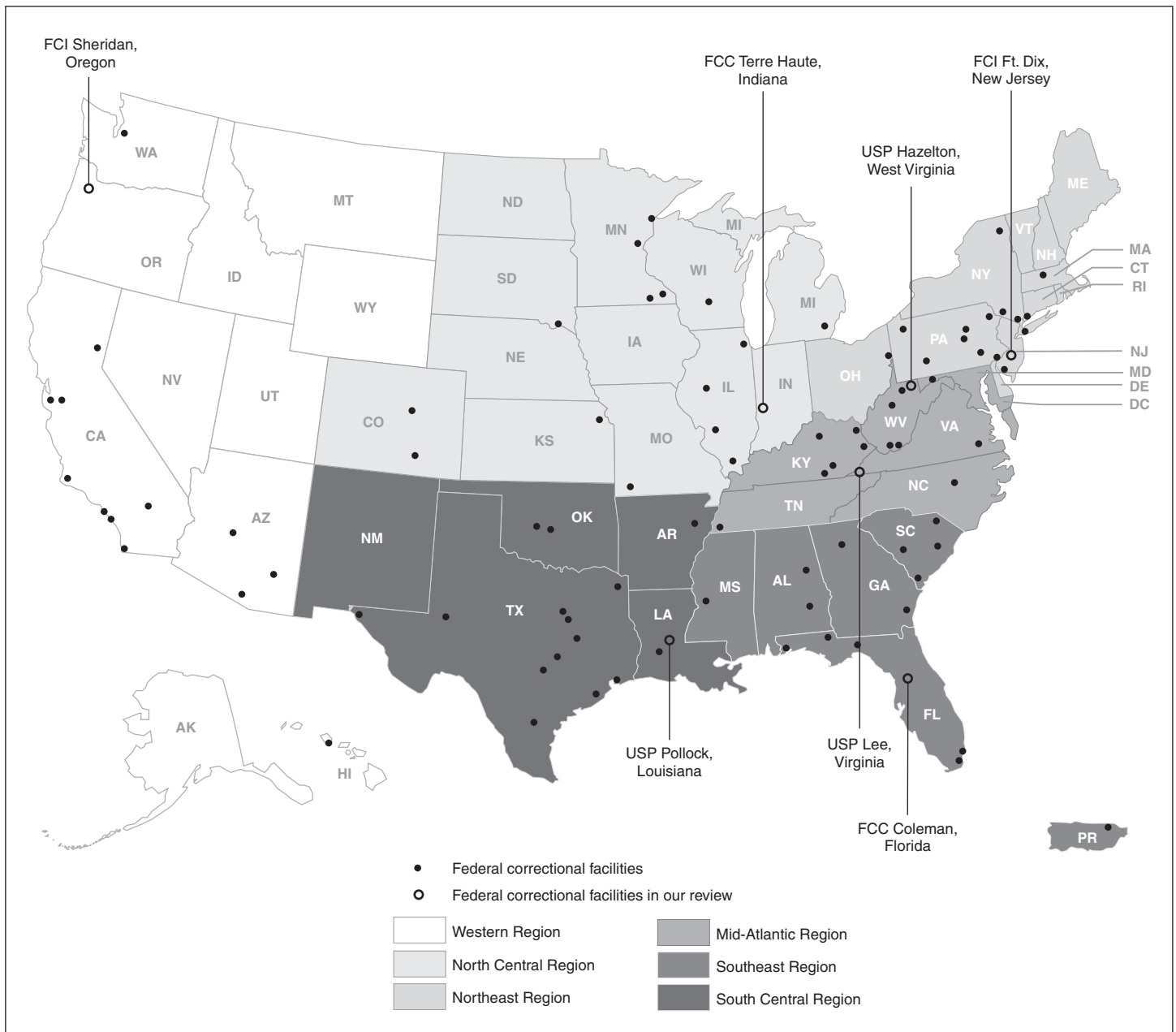
We provided the Attorney General with a draft of this report for review and comment. In his written comments on behalf of the Attorney General, the Director of BOP agreed with our findings on the first recommendation but disagreed with the recommended action because BOP would have to devote resources to developing policies and procedures and maintaining such a program. In addition, BOP perceived our recommendation as elevating the process to a central office function. Instead, BOP plans to “encourage a practice to have locations post a vacancy announcement on USAJobs before filling local vacancies.” We continue to believe that without written policies and procedures for managing lateral transfers, BOP cannot ensure that staff are being consistently treated when requesting lateral transfers. Regarding our second recommendation, the Director agreed and stated that BOP will conduct a systematic assessment of correctional services mission critical post use and conduct regularly scheduled reviews of institutions to determine whether it is meeting its mission critical post initiative and effectively and efficiently using resources.

Background

BOP consists of a headquarters and six regional offices—Mid-Atlantic, North Central, Northeast, South Central, Southeast, and Western—that directly oversee the operations of its 114 facilities within their respective geographic regions of the country. BOP operates facilities of different security levels—minimum, low, medium, and high, which respectively have increasing security features, inmate to staff ratios, and control of inmate movement, and administrative, which have special missions, such

as the treatment of inmates with serious or chronic medical problems. Some BOP facilities are part of BOP's 13 FCCs, which consist of two or more facilities collocated on property that is contiguous. BOP facilities are given a security designation based on the level of security and staff supervision the facility is able to provide. Figure 1 shows the locations of BOP facilities and regions and the facilities in our review.

Figure 1: Locations of BOP Facilities and Regions and the Facilities in Our Review



Sources: GAO presentation of BOP information and Art Explosion (map).

Note: The total number of the facilities indicated on the map is less than 114 because some facilities are part of federal correctional complexes (FCC), which include more than one facility. For example, FCC Coleman consists of four facilities, and FCC Terre Haute consists of two facilities.

Facilities are managed by a warden and other officials, including an executive assistant and associate warden who generally provide overall direction and implement policies. Each facility consists of various departments, including the correctional services department, which represents the largest segment of each facility. Correctional workers are responsible for the correctional treatment, custody, and supervision of criminal offenders. The captain is the head of the correctional services department and generally reports to the warden or associate warden. Lieutenants are generally responsible for the day-to-day staffing of correctional services and report to the captain or deputy captain. Non-correctional services staff include, among others, those assigned to health services, unit management, food services, and facility operations.

According to BOP written responses, all facility staff receive the same initial core 5 weeks of training and 1 week of annual refresher training.⁶ BOP's Master Agreement with AFGE permits management to determine the internal security practices of the agency and take whatever actions may be necessary to carry out the agency mission during emergencies.⁷ According to BOP officials, the warden is permitted to use all facility staff (including non-correctional services staff, such as secretary, nurse, or dentist) for correctional services assignments during emergencies and at other designated times. One of BOP's published core values is that all employees are "correctional workers first," regardless of the specific position to which an individual is hired, and both correctional services staff and non-correctional services staff are responsible for the safety and security of the facility.

⁶Some positions require certification or additional training. For example, the security officer position requires specific training courses in the repair and maintenance of BOP weapons and recertification every 2 to 3 years.

⁷The labor-management relations chapter of title 5 of the U.S. Code permits BOP management to take whatever action is necessary to carry out the agency mission during emergencies. See 5 U.S.C. § 7106(a)(2)(D).

BOP Lacked Written Policies and Procedures for Processing Requests for Lateral Transfers

BOP has no written policies for lateral transfers and provides no guidance to facilities on how to process requests for lateral transfers or criteria for granting such requests. Requests for lateral transfers are generally handled on a case-by-case basis, and the processes and criteria used for granting those requests varied across facilities in our review. Neither BOP nor most of the facilities reviewed maintained documentation or tracked data on lateral transfers and their outcomes and did not systematically review lateral transfers. We have previously reported that agencywide policies and procedures help ensure consistent treatment when agencies are geographically dispersed.⁸ Our review of the lateral transfer policies of four other Justice components showed that each had established written policies and procedures for lateral transfers.

BOP Had No Written Policy for Lateral Transfers, and Processes and Criteria Used Varied Across Facilities and Regions

According to officials from BOP's Human Resources Division, BOP has no written policies and procedures for processing staff requests for lateral transfers. The officials said that BOP staff request lateral transfers because of a variety of personal reasons, including personal hardship, such as a sick family member, or a relocated spouse. At most of the facilities included in our review, officials told us staff generally requested a lateral transfer from their current facility to another location by submitting a memorandum through their warden to the warden at the desired location. According to a written response from BOP, this approach is informal and is at the discretion of both wardens. BOP provides no guidance to facilities on how to process such requests or criteria for granting them. In addition, because no written policies and procedures exist, BOP has no way of ensuring that staff are aware of how to request a lateral transfer. An official at one facility in our review said because no written policies exist, if an employee wanted to find out about how to obtain a lateral transfer, the employee would have to ask someone. BOP officials told us that they did not think written policies on lateral transfers were necessary because of the infrequency of such requests.

Officials from the facilities in our review reported using different processes and criteria for lateral transfers. Officials from two facilities said their Employee Services Department, which is responsible for human resources functions, forwarded a memorandum from the employee to the warden at the desired facility, while officials from other facilities said their

⁸GAO, *Equal Employment Opportunity SSA Region X's Changes to Its EEO Process Illustrate Need for Agencywide Procedures*, GAO-03-604 (Washington, D.C.: July 16, 2003).

Employee Services Department had no role in receiving or forwarding requests for lateral transfers. Officials we interviewed from two facilities said that their wardens routinely approved reassignment requests going out of the facility, while others said requests would be considered individually on a case-by-case basis. Further, in accepting requests for incoming lateral transfers, officials from some facilities said the decision was based on a combination of budgetary, staffing, and work performance factors, while one facility official said he preferred not to approve lateral transfers of senior correctional officers, specifically those at the General Schedule grade 8, because of its affect on morale.

BOP Did Not Monitor Requests for Lateral Transfers or Their Outcomes

BOP was unable to identify the number of staff who were laterally transferred because it did not maintain data on the manner in which employees are permanently reassigned. According to a BOP Human Resources Division official we interviewed, BOP's personnel database did not contain information by type of permanent reassignment, such as agency-initiated, application for announced vacancy, or lateral transfers. In fiscal year 2005, a total of 2,749 staff were permanently reassigned; in fiscal year 2006, 1,952; and in fiscal year 2007, 1,901. According to BOP officials, these numbers reflect the total number of staff successfully reassigned through all types of permanent reassignments; BOP could not isolate lateral transfers. In addition, these numbers did not include the number of staff who applied for or requested a reassignment and were denied.

BOP did not require facilities to maintain any documentation of requests for lateral transfers, such as the original memorandum making a request or documents indicating whether requests were forwarded, approved, denied, or reasons for denial. Officials from most of the facilities in our review said their facilities retained the original employee request memorandum in some circumstances, but one official said the request memorandum was never retained. Without such documentation, BOP was not able to determine BOP-wide the number of staff who requested lateral transfers, the number of times an employee requested a transfer, the number of requests approved or denied, or the reasons for denial.

According to BOP, its central office exercises no role in reviewing decisions concerning lateral transfers where the warden is the deciding official. BOP officials stated that lateral transfers have not been considered a high-risk area necessitating review. At the regional level, officials from five of the six regions told us that their offices had no role concerning requests for lateral transfers where the warden was the

deciding official. At the sixth region, an official said that starting in the first quarter of 2008 all wardens in that region were required to obtain authorization from the regional director before approving lateral transfers. According to this official, the approval policy was implemented because of a concern that transfers from hard-to-fill positions would contribute to turnover. At the facility level, if the warden at the employee's current facility decided not to forward the request or the warden at the desired facility denied the request, BOP had no formal process for reconsideration.

Agencywide Policies, Procedures, and Monitoring Are Important for Ensuring Consistent Treatment of Staff

We have previously reported that it is important to have agencywide policies and procedures to help ensure consistent treatment, especially if employees are geographically dispersed across regions.⁹ Further, according to the Equal Employment Opportunity Commission's (EEOC) Management Directive 715, to ensure management and program accountability, agencies should maintain clearly defined, well-communicated personnel policies, and ensure that they are consistently applied.¹⁰ A Human Resources Specialist from the Office of Personnel Management's (OPM) Strategic Human Resource Policy Division told us that policies, procedures, and monitoring of employee-initiated reassignments are not required by regulation. However, according to the official, as with any other personnel action, documentation could be helpful if a personnel action is later questioned. The official also said that documentation of consistent treatment would also provide support for an agency's decision-making process when there are claims of favoritism and help an agency to avoid perceptions of inconsistent treatment. The absence of BOP-wide policies and procedures for lateral transfers diminishes BOP's ability to ensure consistent treatment of staff across BOP's 114 facilities in 6 regions.

Our review of the policies and procedures of four other Justice law-enforcement components—the Federal Bureau of Investigation; the U.S. Marshals Service; the Bureau of Alcohol, Tobacco, Firearms, and

⁹GAO, *Equal Employment Opportunity SSA Region X's Changes to Its EEO Process Illustrate Need for Agencywide Procedures*, GAO-03-604 (Washington, D.C.: July 16, 2003).

¹⁰EEOC's Management Directive 715 provides guidance and standards to federal agencies for establishing and maintaining effective equal employment opportunity programs, including a framework for executive branch agencies to help ensure effective management, accountability, and self-analysis.

Explosives; and the Drug Enforcement Administration—showed that each of these had established written policies and procedures applicable to some or all employees for requesting a transfer to another location.¹¹ For example, the Marshals Service, whose policy is intended “to provide a standard, fair, and efficient means of considering employee requests for transfer,” uses a centralized automated system where deputy U.S. Marshals can register their interest in transfers to district positions at General Schedule grades 12 and below in one or more geographic locations.¹² For medical hardship requests, the policy also provides for a review panel whose decisions can be appealed to a designated agency official to approve or reject a request for a transfer.

BOP Has Policies and Procedures for Staffing Temporary Assignments but Has Not Systematically Assessed Their Use

BOP has policies and procedures on how facilities are to assign staff on a temporary basis, but it has not systematically assessed how such temporary assignments are being made. As part of a cost-reduction strategy involving temporary assignments that began in 2004, in 2005 BOP designated certain posts as “mission critical,” that is, assignments that were deemed essential for the safe and secure operations of its facilities and would be vacated only in rare circumstances. The mission critical post initiative was intended to reduce facilities’ reliance on overtime and non-correctional services staff, both of which had typically been used for temporary assignments. BOP provided facilities with general guidance on implementing the initiative but did not subsequently conduct an evaluation on the effectiveness of the initiative or determine whether it resulted in reduced reliance on overtime and use of non-correctional services staff for mission critical posts. Under the *Standards for Internal Control in the Federal Government*,¹³ federal agencies are to employ internal control

¹¹We did not evaluate the policies and procedures of the other Justice law-enforcement components.

¹²The centralized system is used regardless of whether or not there is an announced vacancy.

¹³GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999). We used the criteria in these standards, issued pursuant to the requirements of the Federal Managers’ Financial Integrity Act of 1982 (FMFIA), to provide the overall framework for establishing and maintaining internal control in the federal government. Pub. L. No. 97-255, 96 Stat. 814. Also pursuant to FMFIA, the Office of Management and Budget issued Circular No. A-123, revised December 21, 2004, to provide the specific requirements for assessing and reporting on internal controls. Internal control standards and the definition of internal control in Circular No. A-123 are based on the aforementioned GAO standards.

activities, such as top-level review, to help ensure that management's directives are carried out and to determine if the agencies are effectively and efficiently using resources. BOP generally does not review data on temporary assignments at any level. In addition, BOP's computerized system cannot produce the summary data that would facilitate such a review. As a result, we had to conduct a manual review of temporary assignments. Our manual review showed that reliance on overtime and non-correctional services staff varied by facility and that some mission critical posts were left unassigned.

BOP Policies and Procedures Provide Options for Temporarily Assigning Staff

BOP's written sources of policies and procedures on temporary assignments are the negotiated Master Agreement with AFGE and BOP's *Correctional Services Procedures Manual*. BOP's Master Agreement with AFGE provides that management, in accordance with applicable laws, has the right to assign work and to determine the personnel by which operations shall be conducted and outlines the negotiated procedures for assigning work and other matters subject to negotiation.¹⁴ For example, according to the Agreement, employees shall be given at least 24-hours notice when it is necessary to make shift changes, except employees assigned to the sick and annual leave list or when the requirement for prior notice would cause vacating a post.¹⁵ Work assignments on the same shift may be changed without advance notice. In addition, when BOP determines that it is necessary to pay overtime for assignments normally filled by bargaining unit employees, the Agreement provides that qualified employees in the bargaining unit will receive first consideration for these overtime assignments and that these assignments will be distributed and rotated equitably among bargaining unit employees. Each facility may negotiate specific procedures regarding overtime assignment. The stated purpose of the *Correctional Services Procedures Manual* is to promote standard management practices for correctional services staff at all facilities, while recognizing the differences among facilities that vary in missions and security levels. The *Manual* requires facilities to use the computerized roster management system for the correctional services

¹⁴The labor-management relations chapter of title 5 of the U.S. Code sets forth management's right to assign work and to determine the personnel by which operations shall be conducted. 5 U.S.C. § 7106(a)(2)(B).

¹⁵Staff assigned to the sick and annual list serve as a designated group of officers used for a variety of reasons including to fill in for staff on leave, in training, or for special assignments. The number of staff on the sick and annual list varies by facility.

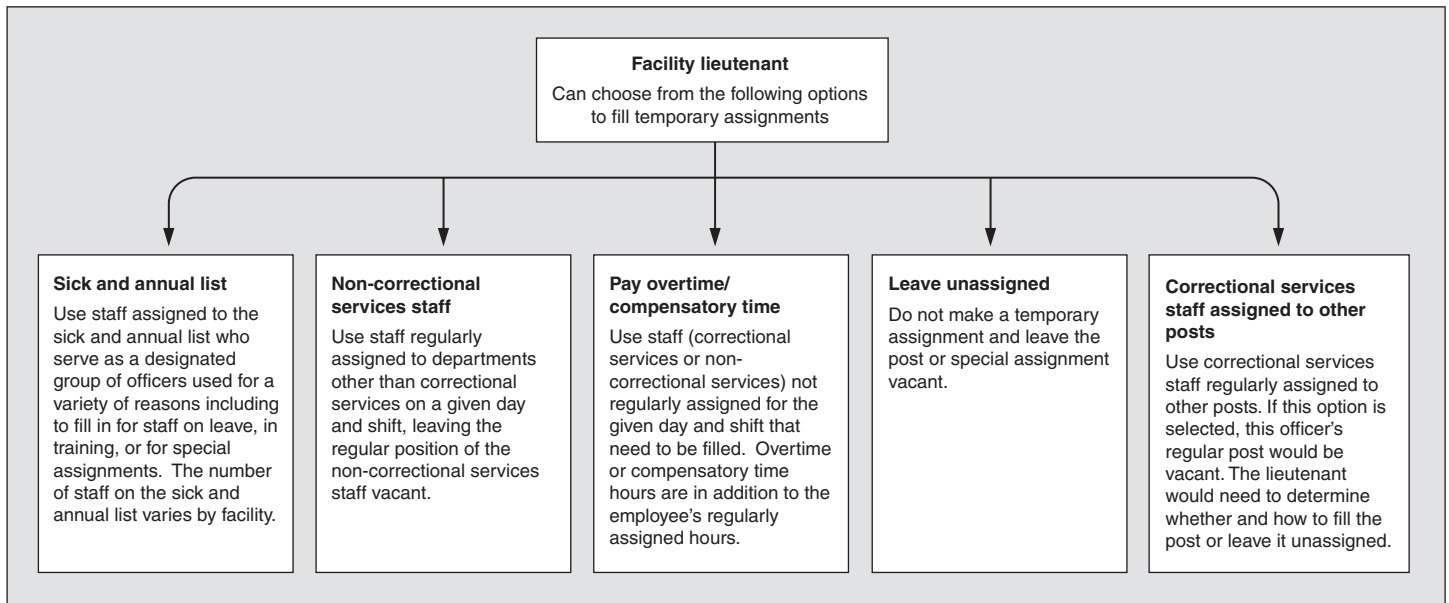
daily roster, reflecting all temporary assignments.¹⁶ According to interviews with BOP officials, all temporary assignments must be recorded in the computerized roster management system.

As stated earlier, BOP uses temporary assignments, or day-to-day changes in correctional services assignments, for a variety of reasons including to fill in for staff regularly assigned to correctional services posts at BOP facilities who are absent because of illnesses or other reasons, such as training, or for special assignments. Special assignments are used to meet needs that arise in a facility and are not regularly assigned posts and may include escorted trips, airlifts, bus transports, and phone monitoring. Special assignments are used to address needs that could (1) arise unexpectedly, such as a medical emergency, or (2) be anticipated and may be planned for in advance, such as a scheduled educational activity or medical appointment.

According to BOP officials, staffing decisions on temporary assignments are made at the discretion of each individual facility and are generally carried out by the lieutenants who are responsible for the day-to-day staffing of the correctional services departments. The options for staffing temporary assignments are not contained in BOP-wide written policy. However, according to officials at the facilities we interviewed, when there is a need for a temporary assignment, the assigning lieutenants have five options, as shown in figure 2.

¹⁶BOP's computerized roster management system is a stand-alone Microsoft Access-based program used by each facility and contains information on all correctional services and non-correctional services staff who have previously been assigned a correctional services post or special assignment.

Figure 2: Options for Staffing a Temporary Assignment



Source: GAO analysis based on BOP information.

While most officials said that there were specific posts that should never be left unassigned—including the control room, towers, special housing unit, and mobile or perimeter patrol—officials from all of the facilities in our review said that some mission critical posts could go unassigned, depending on the type of post and the circumstances (e.g., in emergencies). For example, an official from one facility said that if there is snow on the ground and fewer inmates than normal are in the recreation yard, one or more recreation yard posts may go unassigned.

BOP Implemented the Mission Critical Post Initiative to Achieve Cost Reductions for Temporary Assignments but Did Not Assess the Initiative's Effectiveness

In 2004, faced with significant budgetary constraints associated with increases in the inmate population, BOP began implementing a three-phase comprehensive strategy designed to streamline its operations and reduce costs. As part of its overall cost-reduction strategy, in 2005, BOP implemented the mission critical post initiative. The objectives of the mission critical post initiative were to (1) establish posts that were deemed essential for the safe and secure operations of its facilities and would be vacated only under rare circumstances, (2) reduce the reliance by the correctional services department on non-correctional services staff, and (3) substantially reduce overtime costs. According to BOP's Director,

these objectives were to be achieved by making other correctional services posts available for relief and special assignments. Before the mission critical post initiative, special assignments had most often been covered by use of overtime or non-correctional services staff.

Under the mission critical post initiative, BOP identified standard correctional services posts for each security level. These included posts that were mandated by current policy as well as posts that were determined to be essential for the daily operations of the facilities, such as those in the control room, where staff can monitor all facility activity and control entrances and exits, and housing units, which include sleeping spaces and a common area. BOP gave facility wardens final authority in designating mission critical posts to accommodate specific facility missions and designs, such as the needs of an older building, and to consider other factors. Correctional services posts deemed not mission critical, such as front gate or chapel officers, were eliminated. BOP guidance stated that certain essential duties, such as telephone monitoring, still needed to be accomplished despite the absence of a dedicated post. BOP guidance also required the facility captain to ensure that all other reasonable options had been exhausted before authorizing overtime to fill mission critical posts. However, BOP did not specify what such options were. Further, BOP's *Correctional Services Procedures Manual*, which provides guidance on assigning correctional services staff, was last updated in October 2003, before the implementation of the mission critical post initiative and, therefore, does not provide further guidance on when it is appropriate to (1) use non-correctional services staff or (2) leave a mission critical post unassigned rather than pay overtime.

A memorandum from the Assistant Director of Correctional Programs designated a 6-month evaluation period for the mission critical post initiative and described how BOP was to gather information from the facilities and how it was to evaluate the implementation of the initiative:

"In order to monitor this process over the next 6 months, each Captain will be required to submit a weekly recapitulation to their (sic) respective Regional Correctional Services Administrator identifying their (sic) daily activity regarding local roster management. At minimum, the weekly recapitulation must consist of the amount of overtime used, number of posts filled by shift, the number of staff on day off, annual leave, sick leave, holiday, and training. The weekly recapitulation must be sent to the respective Regional Correctional Services Administrator by the close of business on Monday of the following week. At the end of the six-month period, the roster recapitulation results by institution will be analyzed

regarding the amount of overtime used in regards to each institution's Custody staffing pattern and mission."

According to BOP officials, BOP never conducted the analysis described in the memorandum and has not conducted any evaluation of the mission critical post initiative. BOP officials could not explain why the evaluation was not conducted. Such an evaluation would have been consistent with both the *Standards for Internal Control in the Federal Government*, which provide that federal agencies are to employ internal control activities, such as top-level review, to help ensure that management's directives are carried out and resources are effectively and efficiently used, and BOP's *Management Control and Program Review Manual*, which lays out the basic components of its system of management controls, which include assessing program performance regularly.

BOP Management Generally Does Not Review Temporary Assignments

BOP's management generally does not review temporary assignments. For example, BOP's central office does not review temporary assignments, including the extent to which facilities leave mission critical posts unassigned or rely on overtime or non-correctional services staff to fill temporary assignments. Central office reviews, which are conducted by BOP's Program Review Division, generally every 3 years, are limited to reviewing a sample of daily rosters to ensure that the rosters are signed and properly maintained and do not include a review of temporary assignments. At the regional level, reviews of temporary assignments are generally limited to overtime usage and do not include reviews on the extent to which mission critical posts were left unassigned and the reliance on non-correctional services staff. While facilities in all six regions are to submit overtime reports to their regional offices for review, according to BOP written responses, these reports are not provided in a consistent manner throughout the agency and are used differently by each region. At the facility level, reviews of temporary assignments are mostly limited to the day-to-day reviews of the daily rosters generally to verify accuracy.¹⁷ In addition, officials from one of the seven facilities reported tracking mission critical posts left unassigned on daily rosters, and the warden at that facility said that he randomly reviews daily rosters on a weekly basis. Without reviewing unassigned mission critical posts,

¹⁷Some of the BOP captains we interviewed said they also reviewed roster summaries for overtime use and excused and unexcused absences. Officials from two of the facilities in our review said that their associate wardens review roster summaries including for the number of employees on leave and in training.

facilities cannot determine whether leaving mission critical posts unassigned has an effect on facilities' safety and security.

Because of limitations with BOP's computerized roster management system, the only way currently for BOP to assess how it is temporarily assigning staff would be for BOP officials to manually review daily rosters. The system does not produce summary data on temporary assignments and does not produce reliable historical data on non-correctional services positions. While the system contains data on temporary assignments for individual days, it currently does not produce summary data that would make it easier for BOP officials to assess BOP's use of temporary assignments. For example, when a facility leaves a mission critical post unassigned, it is designated on the correctional services daily roster, but BOP's computerized system does not produce summary data on the number of mission critical posts left unassigned. To obtain summary data, a facility would have to count the occurrences of unassigned posts from each daily roster for a given period. In addition, although the system can produce limited data on overtime and non-correctional services staff by individual days,¹⁸ it does not produce summary data over time on the use of overtime or non-correctional services staff or the purposes for which overtime was paid or non-correctional services staff were used. In March 2008, one region began manually reviewing individual daily rosters submitted by its facilities.¹⁹ Officials in that region said that two staff members currently spend about an hour a day reviewing the rosters and that one staff member is spending about an hour and a half reviewing the rosters on a weekly basis. Also according to BOP officials responsible for the design and implementation of the system, although it distinguishes between correctional services and non-correctional services staff, if an employee moves from a correctional services position to a non-correctional services position or vice versa, the employee's department

¹⁸BOP's computerized system can generate an overtime report that includes for each day, the name of each staff member who worked overtime, the name of the post or type of special assignment, the hours worked by the staff member, and if the staff member was regularly assigned to a non-correctional services department. For non-correctional services staff, the summary on the last page of the daily roster contains a total count of the occurrences of non-correctional services staff used for mission critical posts and special assignments combined.

¹⁹These officials said they are reviewing individual daily rosters for overall staffing, including use of sick and annual staff, correctional and non-correctional services staff, overtime, and special assignments. The officials also said that they are trying to make sure all staff (correctional services and non-correctional services) are assigned before overtime is used.

status would change for all rosters that are stored on the system before the move. As a result, any historical data on the use of non-correctional services staff is not reliable, and only hard copy versions of daily rosters maintained at a facility are an accurate record. Without summary data on the use of overtime and non-correctional services staff and the purposes for which overtime was paid or non-correctional services staff were used, BOP cannot assess whether the policy changes it made involving temporary assignments enabled BOP to achieve its goals of reducing its reliance on overtime and non-correctional services staff. Also without summary data on unassigned mission critical posts, BOP cannot assess the effect, if any, of such posts on the safety and security of its facilities. Further, without reliable data on the use of non-correctional services positions, BOP cannot accurately assess the extent to which it has reduced its reliance on non-correctional services staff.

Manual Review of Temporary Assignments Shows That BOP Facilities Left Mission Critical Posts Unassigned and Relied on Overtime and Non-Correctional Services Staff to Varying Degrees

Our review of BOP's management of temporary assignments included determining how BOP temporarily assigned staff, specifically the extent to which the facilities in our review left mission critical posts unassigned and relied on overtime and non-correctional services staff for temporary assignments. Because of the limitations with BOP's computerized roster management system, we manually reviewed individual daily rosters. For each of the facilities in our review, we analyzed a stratified random sample of 60 correctional services daily rosters, 5 per month, for calendar year 2007. We counted for both mission critical posts and special assignments the occurrences of (1) unassigned posts, (2) non-correctional services staff paid regular time, (3) correctional services staff paid overtime, (4) non-correctional services staff paid overtime, and (5) compensatory time and statistically estimated the average number and percentage of mission critical posts and special assignments for each of these categories.²⁰ We also counted the total number of special assignments. We did not review daily rosters completed before the implementation of the mission critical post initiative and therefore do not know the impact of the initiative. Appendix I provides detailed information on the methods we used for

²⁰For mission critical posts, each estimate from these samples has a margin of error, at the 95 percent confidence level, of plus or minus 2 percent or less for average daily percentage estimates or plus or minus 2 posts or less for average daily post estimates. For special assignments, each estimate from these samples has a margin of error, at the 95 percent confidence level, of plus or minus 6 percent or less for average daily percentage estimates or plus or minus 3 special assignments or less for average daily special assignment estimates.

conducting our analysis. Appendix III provides the results of our analysis for each of the facilities in our review.

Our analysis showed that facilities in our review left mission critical posts unassigned, with an estimated low of 3 percent of mission critical posts per day on average at two facilities and an estimated high of 12 percent per day on average at another facility. Facilities differed in the occurrences of overtime to fill mission critical posts, with estimated low of 1 percent per day on average and a estimated high of 6 percent per day on average and for special assignments an estimated low of 21 percent of special assignments per day on average and an estimated high of 63 percent per day on average. Facilities differed in the of use of non-correctional services staff to fill mission critical posts, with an estimated low of 1 percent of mission critical posts per day on average and an estimated high of 10 percent per day on average and for special assignments an estimated low of 2 percent of special assignments per day on average and an estimated high of 25 percent per day on average. It is unclear the extent to which leaving mission critical posts unassigned, paying overtime, and using non-correctional services staff may affect the safety and security of BOP's operations.

Conclusions

BOP does not have written policies and procedures for managing lateral transfers. Without such policies and procedures, BOP cannot ensure that staff at each of its 114 facilities in 6 regions across the United States have similar processes available to them or are being consistently treated when they request lateral transfers. While BOP does have processes in place for managing temporary assignments, it has not evaluated the effectiveness of its mission critical post initiative nor systematically assessed temporary assignments. Without such assessments, BOP is not employing internal control activities specified in federal standards and BOP policy and, therefore, cannot determine whether it is achieving the desired cost savings or determine the effect, if any, of unassigned mission critical posts on the safety and security of its facilities.

Recommendations for Executive Action

- We recommend that the Attorney General direct the Director of BOP to
- develop and implement specific policies and procedures for administering employee requests for lateral transfers, including the collection of data on such requests and their outcomes and the development of a system of oversight to ensure the consistent treatment of BOP staff and

-
- systematically assess temporary assignments to ensure that BOP is meeting the objectives of the mission critical post initiative and effectively and efficiently using resources.

Agency Comments and Our Evaluation

In a letter dated February 5, 2009 (see app. IV), the Director of BOP, on behalf of the Attorney General, agreed with our findings. Regarding our first recommendation, the Director disagreed with the recommended action that BOP develop and implement specific policies and procedures for administering employee requests for lateral transfers because BOP would have to devote time and personnel to developing policies and procedures and maintaining such a program. In addition, the Director stated that implementation of our recommendation would elevate this process to a central office function rather than retain it at the local level where staffing decisions are made. While developing, implementing, and overseeing policies and procedures that we recommend would require some resources, these actions would not necessarily require centralizing either decisions on requests for lateral transfers or the data collection on such requests and their outcomes. For example, decisions on transfer requests could primarily remain at the facility level; facilities would collect and retain data on all requests and their disposition and facilities would then report these data on lateral transfers to BOP. This would allow BOP to conduct appropriate oversight to ensure that requests for lateral transfers are handled consistently across facilities. The Director stated that instead of implementing our recommendation, BOP plans to “encourage a practice to have locations post a vacancy announcement on USAJobs before filling local vacancies.” Such a plan would fall short of the intent of our recommendation of having specific policies and procedures for facilities across BOP to administer employee requests for lateral transfers, including the collection of data on such requests and their outcomes and the development of a system of oversight to ensure consistent treatment of staff. We continue to believe that without such written policies and procedures covering lateral transfers, BOP cannot readily monitor how such transfers are being managed across BOP or ensure that staff are being consistently treated when requesting such transfers.

Regarding our second recommendation, the Director stated that BOP will conduct a systematic assessment of the use of correctional services mission critical posts at its field locations from January 1 through December 31, 2009. Further, the assessment will include the issue of vacating posts. After the initial assessment, BOP’s Correctional Services Program Review Guidelines will be modified as appropriate based on

BOP's findings, and BOP plans to conduct regularly scheduled reviews of institutions to determine whether it is meeting its mission critical post initiative and effectively and efficiently using resources.

We will send copies of this report to the Attorney General and other interested parties. Copies will be made available to others upon request. This report will also be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you have questions about this report, please contact me on (202) 512-9490 or at stalcupg@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Staff who made major contributions are listed in appendix V.



George H. Stalcup
Director, Strategic Issues

Appendix I: Objectives, Scope, and Methodology

Our objectives were to identify whether BOP had policies and procedures and how it assessed the management of those policies and procedures for (1) permanent reassignments of BOP employees between correctional facilities and (2) temporary assignments of BOP employees within a correctional facility. For purposes of this report, permanent reassignments, referred to as lateral transfers by BOP, are employee-requested transfers to other BOP facilities that do not involve a promotion or demotion. Temporary assignments are day-to-day changes in correctional services assignments at BOP facilities made for a variety of reasons including (1) to fill in for staff regularly assigned to correctional services posts who are absent because of illnesses or other reasons, such as training, or (2) for special assignments (i.e., to meet needs that arise in a facility and are not regularly assigned posts).¹

As part of our review, we selected seven facilities, which included five separately located facilities and two federal correctional complexes (FCC).² We selected facilities based on the number of staff, as reported in BOP's *2006 State of the Bureau*, with at least one facility from within each of BOP's six regions, and included low- and medium-security federal correctional institutions (FCI) and high-security United States Penitentiaries (USP). Because of their specialized missions, we excluded administrative facilities, such as Federal Detention Centers, Federal Medical Centers, and the Administrative-Maximum USP. To select the FCCs, we included an additional criterion, whether the FCC used separate rosters to assign staff at each of the facilities in the complex or one consolidated roster to assign staff throughout the complex. Based on information provided by BOP, we selected the FCC with the highest number of staff that uses a consolidated roster, FCC Terre Haute (consisting of two facilities, a high-security and a medium-security) in the North Central Region, and the FCC with the highest number of staff that uses separate rosters, FCC Coleman (consisting of four facilities—two high-security, one medium-security, and one low-security) in the Southeast Region. For the remaining regions, we selected the facility in each region

¹Temporary assignments are reflected on BOP facilities' correctional services daily rosters, which identify all individuals assigned to correctional services for the day and are generated using BOP's correctional services computerized roster management system. BOP considers the correctional services daily roster the official record of all staff assignments to the correctional services department. See appendix II for additional information on correctional services roster assignments.

²FCCs have two or more facilities colocated on a property that is contiguous. For purposes of this report we refer to both the FCCs and separate facilities as "facilities."

with the highest number of staff. In the Mid-Atlantic region, we selected the two facilities with the highest number of staff, one at which to conduct a site visit. We selected low-security FCI Fort Dix in the Northeast Region, medium-security FCI Sheridan in the Western Region, and the following high-security USPs: Hazelton and Lee in the Mid-Atlantic Region and Pollock in the South Central Region. We conducted a site visit to USP Hazelton and interviewed officials at the other facilities by video conference.

Objective 1: Lateral Transfers of BOP Employees among Correctional Facilities

To identify whether BOP had policies and procedures on lateral transfers and how it assessed the management of such policies, we requested documentation on such policies and procedures. We also interviewed officials from BOP's Human Resources and Program Review divisions, each of its regional offices, its Consolidated Employee Service Center in Grand Prairie, Tex., and the seven facilities in our review. We interviewed representatives of the American Federation of Government Employees Council of Prison Locals (AFGE) and reviewed AFGE's Master Agreement with BOP. To obtain information about the use of written policies, procedures, and oversight of lateral transfers in the federal government, we interviewed an official from the Office of Personnel Management's Strategic Human Resources Policy Division. We also requested and reviewed documentation on the extent to which four other Department of Justice law enforcement components—Bureau of Alcohol, Tobacco, Firearms and Explosives; Drug Enforcement Administration; Federal Bureau of Investigation; and United States Marshals Service—had written policies and procedures in place for such reassignments.

To identify the number of BOP employees who were permanently reassigned for fiscal years 2004 through 2007, we requested and obtained National Finance Center (NFC) data from BOP on the number of permanent reassignments.³ These data included those successfully reassigned through all types of permanent reassignments, including lateral transfers, agency-initiated reassignments, application for an announced vacancy, BOP's Management Selection System, and the Open Continuous Announcement System, but BOP could not separate the data by type of reassignment. We compared the NFC data with data on permanent reassignments generated by the Office of Personnel Management's Central

³NFC operates an integrated payroll/personnel system and provides related support services for the payroll process to various federal agencies.

Personnel Data File. The discrepancies were small enough for us to determine that the NFC data were sufficiently reliable for the purposes of this report.

Objective 2: Temporary Assignments of BOP Employees within Correctional Facilities

To identify whether BOP had policies and procedures and how it assessed the management of its policies and procedures for temporary assignments of BOP employees within correctional facilities, we reviewed BOP program statements and other guidance related to temporary assignments. We interviewed the relevant officials at BOP's central and regional offices, and at each of the selected facilities. We also interviewed representatives of AFGE and reviewed AFGE's Master Agreement with BOP.

To determine how the facilities in our review used temporary assignments, we analyzed correctional services daily rosters provided by BOP for each of the facilities included in our review. BOP facilities maintain daily rosters in two ways: (1) in its computerized roster management system, which can be accessed at a later date and (2) as hard copies stored at each facility. We analyzed hard-copy correctional services daily rosters from facilities in our review because BOP's computerized roster management system does not produce historically accurate data on the department status of correctional services and non-correctional services staff that are sufficiently reliable for purposes of this report. According to BOP officials responsible for the design and implementation of BOP's computerized system, although the system distinguishes between correctional services and non-correctional services staff, if an employee moves from a correctional services position to a non-correctional services position or vice versa, the employee's department status would change for all rosters that are stored in the system before the move.

To determine the reliability of the hard-copy daily rosters, we reviewed training and other technical documentation associated with the computerized roster management system used at BOP facilities and BOP's policies and procedures for ensuring the accuracy of the data. We interviewed BOP's Correctional Services Administrator; BOP officials responsible for designing, maintaining, and updating the computerized roster management system and for organizing system training at the facilities; and BOP officials from each of the seven facilities in our review knowledgeable about entering data and generating daily rosters. We determined that the data contained in the official hard-copy correctional services daily rosters were sufficiently reliable for the purposes of this report. BOP considers the hard-copy daily rosters the official record of staffing in correctional services, including the use of overtime and the use

of non-correctional services staff. According to facility officials we interviewed, the evening watch lieutenant and captain review and sign each day's hard-copy roster for accuracy, typically within the 24 to 48 hours following the end of the last shift of the day. That roster then becomes the final version. BOP requires the signed hard-copy daily rosters to be stored at the facility for 10 years.⁴

We did not evaluate the accuracy of information on the individual daily rosters. We excluded those hard-copy daily rosters that were printed more than 30 days after the date of the daily roster because we determined that the designations on non-correctional services staff were not sufficiently reliable for the purposes of this report.⁵ We also excluded from our analysis incomplete daily rosters (i.e., those that were sent to us with missing pages) and rosters that we did not receive.⁶

Analysis of Daily Rosters

To analyze the correctional services daily rosters from each of the facilities in our review, we selected a stratified random sample of 60 hard-copy daily rosters, 5 per month, from the universe of 365 daily rosters per facility for calendar year 2007. We did not look at daily rosters completed before the implementation of the mission critical initiative and therefore do not know the impact of the initiative. For FCC Coleman, which uses separate daily rosters to assign staff at each of its four facilities, we reviewed the separate rosters from each facility for the 60 days. For FCC Terre Haute, which uses a consolidated roster to assign staff throughout the complex, we reviewed the consolidated daily roster for the 60 days. In total, we reviewed 600 daily rosters. With this stratified random sample, each roster in the universe had a chance of being selected. Each selected roster was subsequently weighted in the analysis to account statistically for all the members of the universe, including those who were not selected.

⁴Changes to leave categories can be made as needed after the daily roster has been finalized. The daily roster would be updated in the computerized roster management system and a new hard copy would be generated, signed, and stored at the facility.

⁵One daily roster was excluded from our analysis because it was printed over 30 days after the date of the daily roster.

⁶One roster from one facility and two rosters from another facility were excluded from our analysis because the rosters were either missing pages or were not provided to us.

For each day selected in the sample, on the daily roster we manually counted for both mission critical posts and special assignments occurrences of (1) unassigned posts, (2) non-correctional services staff paid regular time, (3) correctional services staff paid overtime, (4) non-correctional services staff paid overtime, and (5) compensatory time. In addition, we counted the total number of special assignments assigned per day at each facility in our review. Based on these results, we estimated the average daily number and percentage of mission critical posts and special assignments that were unassigned, filled with non-correctional services staff, or filled with overtime using either correctional services staff or non-correctional services staff. These results are limited to the facilities in our review for calendar year 2007 and are not intended to be applied to facilities across BOP.

For the overtime results, we based the average daily count on the number of overtime occurrences rather than number of overtime hours. The total number of overtime occurrences per day was determined by adding the daily count of occurrences of correctional services staff paid overtime and non-correctional services staff paid overtime.

Because of resource constraints, we did not count the total number of mission critical posts listed on each of the 600 daily rosters. This would have provided the actual total number of mission critical posts for each day. Instead, we calculated daily percentages based on the maximum number of posts possible per day in the facility, which ranged from 70 mission critical posts at low-security FCI Coleman to 232 mission critical posts at FCC Terre Haute.⁷ BOP facilities determine the number of days needed for each post, and posts are designated as consisting of between 1 to 7 day shifts per week. For example, a visiting-room post was identified as a 2-day shift per week at one facility in our review. We assumed for each day in our sample that each mission critical post would be listed on the daily roster—that is, the visiting room would be staffed on each day of our sample. Because it is likely that not every post would be included on the daily roster on each of the days in our sample and that the actual number of posts listed on the roster would be less than the maximum number of posts possible in a day at that facility, our methodology potentially underestimates the results.

⁷The maximum daily posts were obtained from each facility's quarterly complement analysis which, according to BOP, is generated by each facility's computerized roster management system and shows which posts are to be staffed for the quarter as well as defining the staffing required to fill the listed posts for each day in that quarter.

Because we followed a procedure based on random selection, each of our samples is only one of a large number of samples that we might have drawn. Since each possible sample could have provided different estimates, we express our confidence in the precision of our particular sample's results as a 95 percent confidence interval. This is the interval that would contain the actual value for 95 percent of the samples we could have drawn from the universe. For mission critical posts, each estimate from these samples has a margin of error at the 95 percent confidence level, of plus or minus 2 percent or less for average daily percentage estimates or plus or minus 4 posts or less for average daily post estimates. For special assignments, each estimate from these samples has a margin of error, at the 95 percent confidence level, of plus or minus 6 percent or less for average daily percentage estimates or plus or minus 3 special assignments or less for average daily special assignments estimates.

We conducted this performance audit from August 2007 to January 2009 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: BOP's Correctional Services Roster Assignment and Temporary Assignment Process

This appendix describes how BOP assigns staff to correctional services mission critical posts and makes temporary assignments to these posts and special assignments.

Assignments to Mission Critical Posts

BOP correctional services staff are assigned to or selected for two types of mission critical posts, rotating and non-rotating. Most posts in a facility are rotating posts and are assigned on a quarterly basis in accordance with the bidding procedures contained in the Master Agreement between BOP and AFGE. The outcome of the bid process represents the correctional services assignments for that specific quarter. These include such posts as the control room, where staff can monitor all facility activity and control entrances and exits, and housing units, which include inmate sleeping spaces and a common area. Staff may also bid on what are called "sick and annual" posts. Staff who hold sick and annual posts serve as a designated group of officers used for a variety of reasons, including filling in for staff on leave, in training, or for special assignments. Non-rotating posts are not open to quarterly bidding, and staff are assigned or selected on a permanent basis. These include such posts as captain's secretary, captain, and special investigative agent. Assignments to mission critical post (rotating and non-rotating) are reflected on each facility's quarterly roster that is prepared and stored in each facility's computerized roster management system.¹ The quarterly roster reflects all staff assigned to posts for the quarter and serves as the basis for all daily rosters for that quarter and is generated from each facility's computerized system.

Temporary Assignments to Mission Critical Posts and Special Assignments

Approximately 2 weeks before a particular date, the designated administrative lieutenant at each facility generates the daily roster from the computerized system. Subsequently, designated supervisory staff, typically other lieutenants, enter temporary assignments directly into the computerized system to reflect correctional services staff requests for leave and special assignments. In staffing temporary assignments, lieutenants are to consider the number of staff needed and the specialized experience, training, or certification required for some posts and special assignments and the qualifications of available staff. For example, in cases

¹The computerized roster management system is a stand-alone Microsoft Access-based program used by each facility and contains information on all correctional and non-correctional services staff who have previously been assigned a correctional services post or special assignment. The information is entered into each facility's computerized system at the facility level.

**Appendix II: BOP's Correctional Services
Roster Assignment and Temporary
Assignment Process**

of medical escort special assignments, BOP policy requires a 3-to-1 staff-to-inmate ratio for maximum custody inmates, but only a 2-to-1 ratio for high- and medium-custody inmates. To escort an inmate to an outside medical facility, the staff assigned must have completed basic prisoner transport training and be recertified annually. Names of staff who are current on this certification and certifications required for other posts or special assignments are contained on lists available to the assigning lieutenant and are available under the staff member's name in the computerized system. In addition, officials from some facilities and regional offices told us that staff assigned to some posts, while not requiring a formal certification, should have a certain level of knowledge or experience. For example, in the control room, officials told us that it is important to have someone with knowledge of the facility to fill in for someone regularly assigned. Finally, officials from two facilities said that certain non-rotating posts—those that are not assigned on a quarterly basis—such as special investigative agent, emergency planning officers, captain's secretary, captain, and deputy captain could go temporarily unassigned, and officials from one of these facilities said staff assigned to some non-rotating posts are used for temporary assignments to mission critical posts and special assignments. Temporary assignments are made as necessary until the end of the last shift of the day (i.e., midnight).

Appendix III: Analysis of Correctional Services Daily Rosters at Selected BOP Facilities

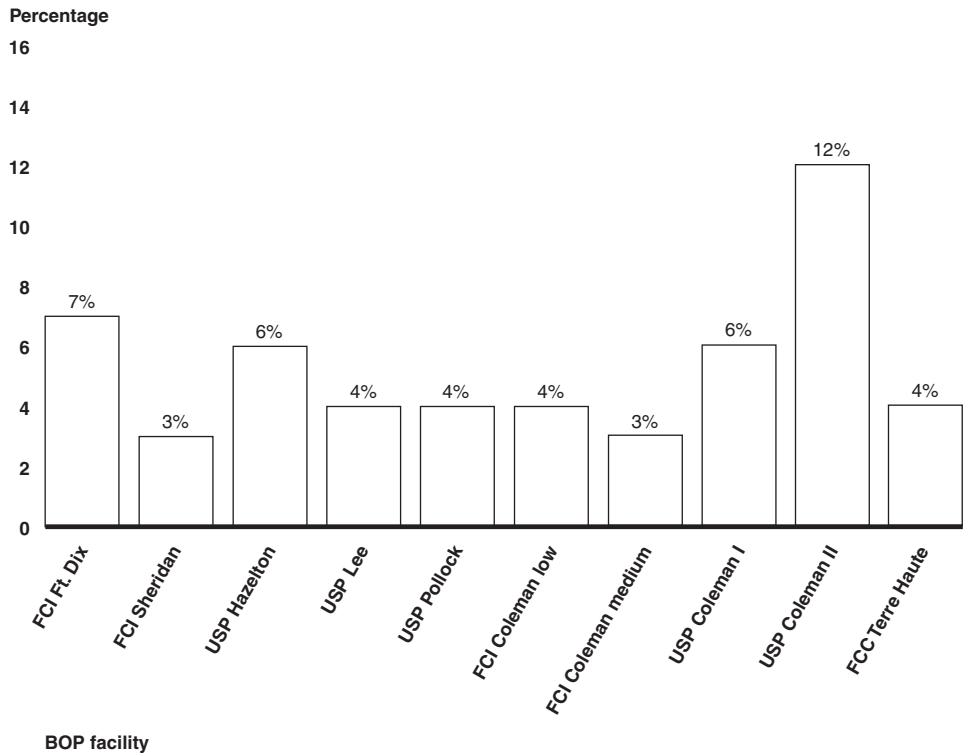
This appendix describes the results of our analysis of correctional services daily rosters of how each of the facilities in our review used temporary assignments to mission critical posts and special assignments for calendar year 2007. For a more detailed description of the methods we used to conduct our analysis, see appendix I.

Mission Critical Posts

Our analysis showed that during calendar year 2007 facilities in our review left mission critical posts unassigned ranging from an estimated low of 3 percent per day on average at FCI Sheridan and FCI Coleman Medium to an estimated high of 12 percent per day on average at USP Coleman II. Figure 3 shows the 2007 estimated average daily percentage of unassigned mission critical posts for each of the facilities we reviewed. We did not analyze which specific posts went unassigned (e.g., rotating or non-rotating posts or posts by name).

Appendix III: Analysis of Correctional Services Daily Rosters at Selected BOP Facilities

Figure 3: Estimated Average Daily Percentage of Unassigned Mission Critical Posts at Selected BOP Facilities, 2007



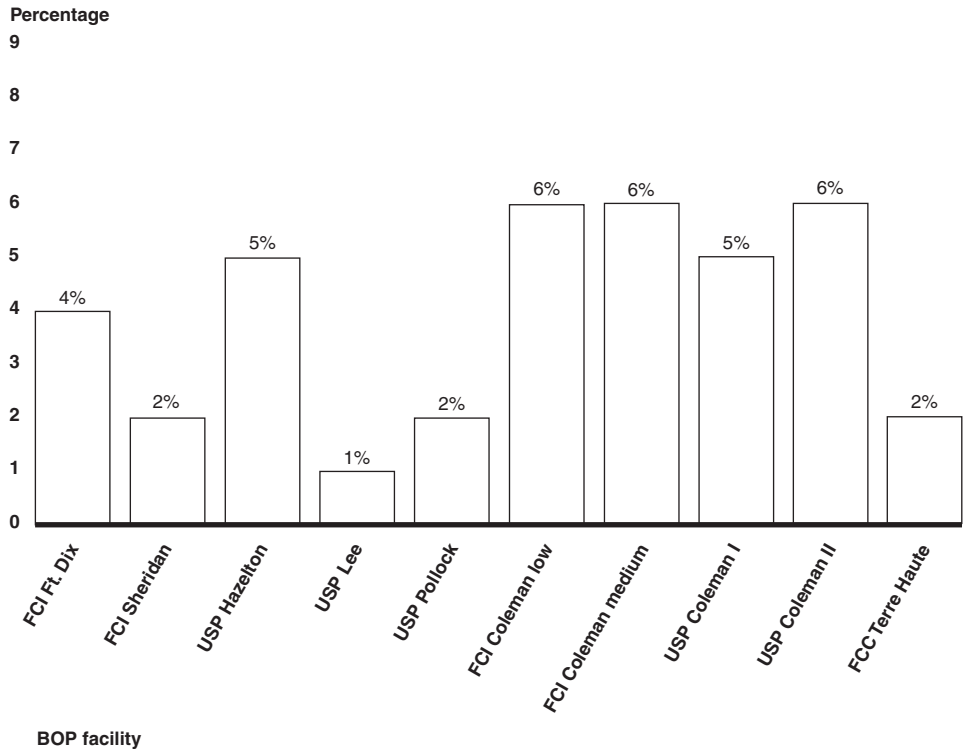
Source: GAO analysis of BOP correctional services daily rosters.

Note: All estimates have a margin of error, at the 95 percent confidence level, of plus or minus 2 percent or less for average daily percentage estimates.

Facilities paid overtime to fill, on average, an estimated low of 1 percent per day of mission critical posts at USP Lee and a high of 6 percent per day of mission critical posts at FCI Coleman Low, FCI Coleman Medium, and USP Coleman II, as figure 4 shows.

Appendix III: Analysis of Correctional Services Daily Rosters at Selected BOP Facilities

Figure 4: Estimated Average Daily Percentage of Mission Critical Posts Filled with Overtime at Selected BOP Facilities, 2007



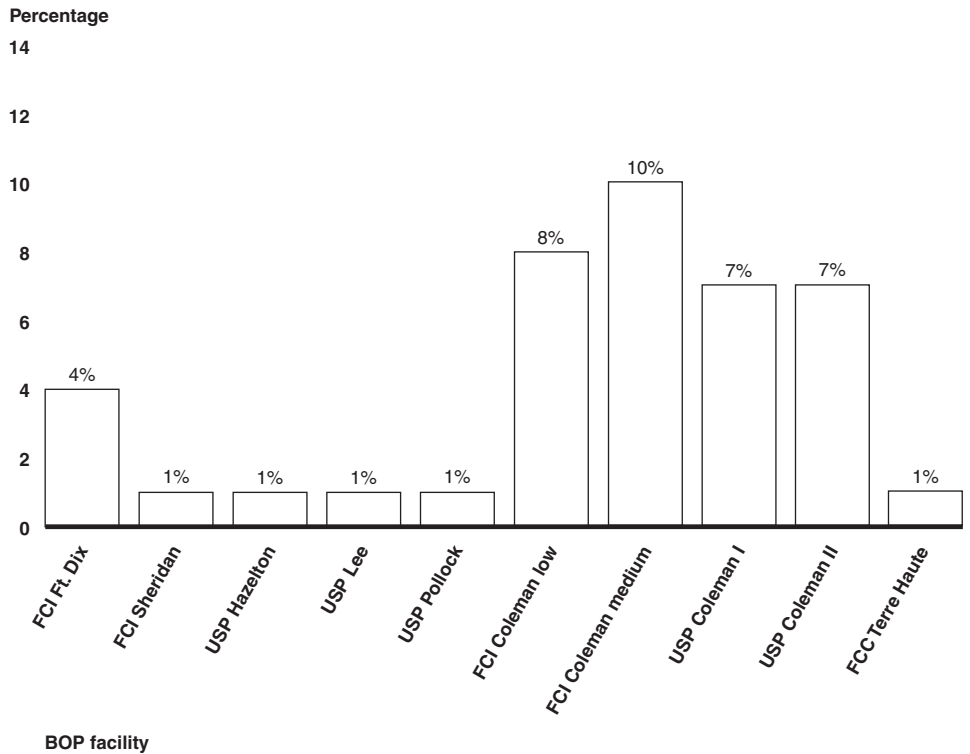
Source: GAO analysis of BOP correctional services daily rosters.

Notes: Averages are based on the number of overtime occurrences rather than number of overtime hours. The total number of overtime occurrences per day was determined by summing the daily count of occurrences of correctional staff paid overtime and non-correctional services staff paid overtime.

All estimates have a margin of error, at the 95 percent confidence level, of plus or minus 2 percent or less for average daily percentage estimates.

Facilities used non-correctional services staff to fill, on average, an estimated low of 1 percent per day of mission critical posts at FCI Sheridan, USP Hazelton, USP Lee, USP Pollock, and FCC Terre Haute and a high of 10 percent per day of mission critical posts at FCI Coleman Medium, as figure 5 shows.

Figure 5: Estimated Average Daily Percentage of Mission Critical Posts Filled with Non-Correctional Services Staff at Selected BOP Facilities, 2007



Source: GAO analysis of BOP correctional services daily rosters.

Notes: Averages are based on the number of occurrences of non-correctional services staff used rather than number of hours worked. The total number of non-correctional services staff occurrences per day was determined by summing the daily count of occurrences of non-correctional services staff paid regular time and non-correctional services staff paid overtime.

All estimates have a margin of error, at the 95 percent confidence level, of plus or minus 2 percent or less for average daily percentage estimates.

An official from one facility said he tries not to use non-correctional services staff for temporary assignments because they have their own assignments to complete and being reassigned to a post would disrupt that work. Officials from six of the facilities told us that they regularly use non-correctional services staff for temporary assignments during annual refresher training, a 1-week course that occurs several times a year at each facility and is required for all facility staff.

Special Assignments

The estimated average number of special assignments per day ranged from 10 at FCI Coleman low and medium to 47 at FCC Terre Haute (one high-security and one low-security), as table 1 shows.

Appendix III: Analysis of Correctional Services Daily Rosters at Selected BOP Facilities

Table 1: Estimated Average Daily Number of Special Assignments and Number Unassigned for Selected BOP Facilities, 2007

Institution	Average number of special assignments	Average number of unassigned special assignments
FCI Ft. Dix	16	0
FCI Sheridan	16	1
USP Hazelton	25	1
USP Lee	22	8
USP Pollock	16	1
FCI Coleman Low	10	0
FCI Coleman Medium	10	0
USP Coleman I	18	1
USP Coleman II	20	0
FCC Terre Haute	47	1

Source: GAO analysis of BOP correctional services daily rosters.

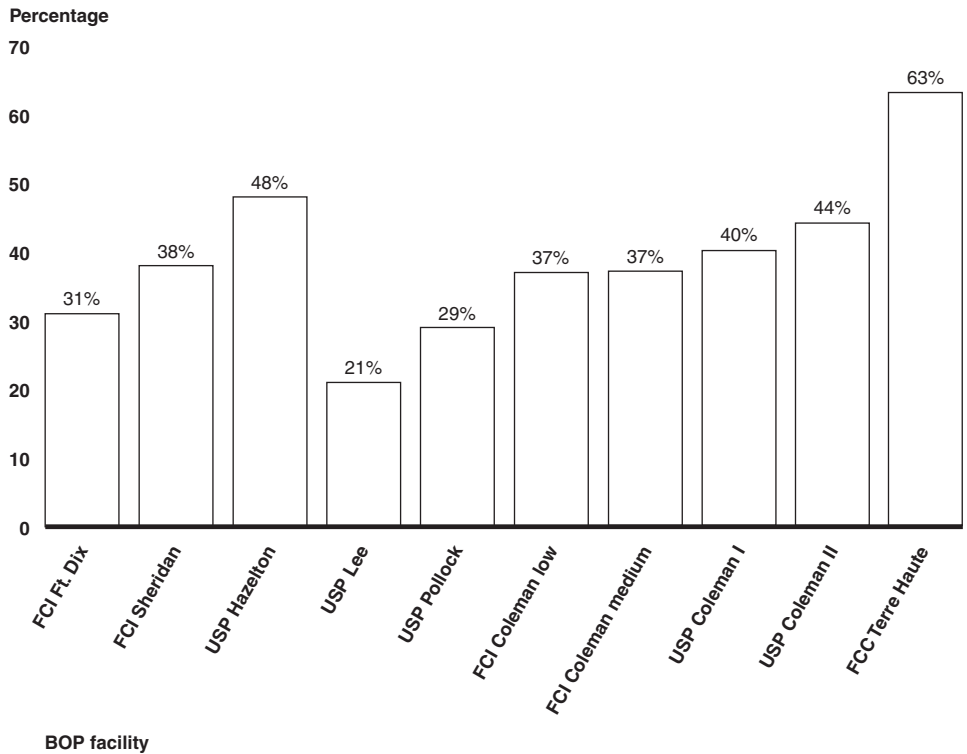
Note: All estimates have a margin of error of plus or minus 3 assignments or less for the average number of special assignments estimates and plus or minus 6 percent or less for the average percentage estimates or less at the 95 percent confidence level.

On average, the facilities in our review filled nearly all special assignments, with the exception of USP Lee, which left an estimated 8 of 22, or 37 percent, of special assignments unassigned per day.

The facilities in our review paid overtime to fill, on average, an estimated low of 21 percent of special assignments per day at USP Lee and a high of 63 percent at FCC Terre Haute, as figure 6 below shows.

Appendix III: Analysis of Correctional Services Daily Rosters at Selected BOP Facilities

Figure 6: Estimated Average Daily Percentage of Special Assignments Filled with Overtime at Selected BOP Facilities, 2007



Source: GAO analysis of BOP correctional services daily rosters.

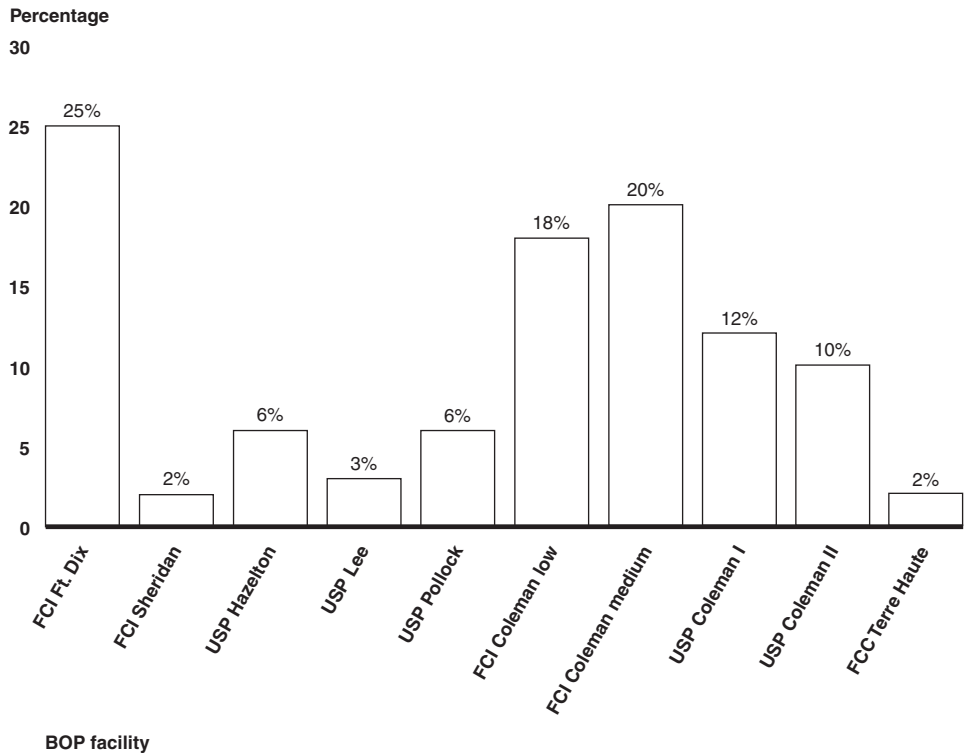
Notes: Averages are based on the number of overtime occurrences rather than number of overtime hours worked. The total number of special assignment overtime occurrences per day was determined by summing the daily count of occurrences of correctional services staff paid overtime and non-correctional services staff paid overtime.

All estimates have a margin of error of plus or minus 6 percent or less for the average percentage estimates or less at the 95 percent confidence level.

The facilities in our review used non-correctional services staff to fill, on average, an estimated low of 2 percent of special assignments per day at FCI Sheridan and FCC Terre Haute and a high of 25 percent per day at FCI Ft. Dix, as figure 7 shows.

Appendix III: Analysis of Correctional Services Daily Rosters at Selected BOP Facilities

Figure 7: Estimated Average Daily Percentage of Special Assignments Filled with Non-Correctional Services Staff at Selected BOP Facilities, 2007



Source: GAO analysis of BOP correctional services daily rosters.

Notes: Percentages are based on the number of occurrences of non-correctional services staff used rather than number of hours worked. The total number of non-correctional services staff used per day was determined by summing the daily count of occurrences of non-correctional services paid regular time overtime and non-correctional services staff paid overtime.

All estimates have a margin of error of plus or minus 6 percent or less for the average percentage estimates or less at the 95 percent confidence level.

Appendix IV: Comments from the U.S. Department of Justice



U.S. Department of Justice

Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

February 5, 2009

George H. Stalcup, Director
Strategic Issues
U.S. Government Accountability Office
Washington, DC 20548

Dear Mr. Stalcup:

The Bureau of Prisons (BOP) appreciates the opportunity to formally respond to the Government Accountability Office's draft report entitled Bureau of Prisons: Written Policies on Lateral Transfers and Assessment of Temporary Assignments Needed. We have completed our review of the information reflected in the report and offer the following comments.

Recommendation 1: To the Attorney General to direct the Director of BOP to develop and implement specific policies and procedures for administering employee requests for lateral transfers, including the collection of data on such requests and their outcomes and the development of a system of oversight to ensure the consistent treatment of BOP staff.

Response: While the Bureau agrees with the accuracy of the findings which indicate there are no written policies on this issue, we respectfully disagree with the recommended action to be taken by our agency.

The recommendation was made to develop and implement specific policies and procedures for administering employee requests for lateral transfers, including the collection of data on such requests and their outcomes and the development of a system of oversight to ensure the consistent treatment of Bureau staff. By doing so, the Bureau would need to devote time and personnel to developing the policies and procedures, as well as commit resources to maintain such a program. Additionally, this would elevate the process to a Central Office function, rather than retain it at the local level with the CEO of the location, where the staffing decisions are made. As noted in the report, our current practice does not violate any staffing regulations. Therefore, we do not feel it is necessary or a good use of

**Appendix IV: Comments from the
U.S. Department of Justice**

resources to initiate a national program to minimize possible risk of complaints of favoritism. However, to address GAO's concerns, the Bureau will encourage a practice to have locations post a vacancy announcement on USAJOBS before filling local vacancies. This will afford interested, qualified individuals an opportunity to apply. This modification to our current practice meets the needs of our staff while ensuring oversight and consistent treatment, consequently, the Bureau requests this recommendation be closed.

Recommendation 2: To the Attorney General to direct the Director of BOP to systematically assess temporary assignments to ensure that BOP is meeting the objectives of the mission critical post initiative and effectively and efficiently using resources.

Response: The Bureau will conduct a systematic assessment of Correctional Services "mission critical post" use at its field locations. Utilization of resources (staffing, overtime, etc.) and the issue of vacating posts will be examined. This assessment will commence immediately and cover the one-year period from January 1 through December 31, 2009. After this initial assessment, Correctional Services Program Review Guidelines will be modified as appropriate based on the findings. Subsequent, regularly-scheduled reviews of institutions will continuously address whether the Bureau is meeting its mission critical post initiative and effectively and efficiently using resources. The initial assessment and subsequent program reviews will address GAO's recommendation, so the Bureau requests this recommendation be closed.

If you have any questions regarding this response, please contact VaNessa P. Adams, Senior Deputy Assistant Director, Program Review Division, at (202) 616-2099.

Sincerely,


Harley G. Lappin
Director

cc: Richard Theis, Assistant Director
Audit Liaison Group, JMD

Appendix V: GAO Contact and Staff Acknowledgments

GAO Contact

George H. Stalcup on (202) 512-9490 or at stalcupg@gao.gov

Acknowledgments

In addition to the individual named above, Kiki Theodoropoulos, Assistant Director; James Ashley; Dewi Djunaidy; Karin Fangman; Tamara F. Stenzel; and Gregory H. Wilmoth made key contributions to this report.

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