



Merit System
Accountability and
Compliance

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

Mr. Arthur Gary
Acting Deputy Assistant Attorney General
Human Resources and Administration
and Chief Human Capital Officer
U.S. Department of Justice
10th and Constitution Ave., NW
Main Justice, Room 1112
Washington, DC 20530

Dear Mr. Gary:

The enclosed report presents findings from the U.S. Office of Personnel Management's (OPM) evaluation of human capital management at the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Ms. Lexi Hess of Agency Compliance and Evaluation, Central Group (ACE-Central), led the evaluation August 31-September 18, 2020. Our purpose was to assess ATF's strategic management of human capital, the efficiency and effectiveness of its human capital programs, and compliance with the merit system principles, laws, and regulations. We focused our evaluation on the talent and performance systems of the Human Capital Framework.

ATF's human management capital practices are concerning in several areas. We advised DOJ on two of our most serious findings in an October 14, 2020, meeting. ATF's misclassification of administrative positions to the GS 1800 job family was the most serious of the findings addressed in that meeting. As a result of the severity of the misclassification findings, effective November 2, 2020, OPM temporarily suspended ATF's classification authority to classify positions in the GS 1800 job family until further notice. ATF has been working with OPM since then to properly classify and assign positions within appropriate organizations. To date, some progress has been made, to include submission of classification proposals for approval. However, progress has been slow; no corrective personnel actions have been taken to date and individuals continue to encumber erroneously classified positions, earning pay and benefits associated with the GS 1800 position classification.

OPM also addressed with DOJ during the meeting in October, that ATF must revise its merit promotion "career plans" to comply with OPM's policies on qualifications requirements. Again, related only to positions in the GS 1800 job family, ATF established qualifications requirements that deviated from the minimal qualifications published by OPM. Furthermore, ATF used non-merit indicators in career plans to determine qualifications, such as length of time in service with

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ATF. DOJ was briefed on this finding during the October meeting. We understand ATF has drafted new career plans and they are pending review and approval by DOJ.

OPM identified additional HR issues during our case file review, interviews, and from survey data. We discuss those issues in detail in the enclosed report. Overall, ATF's human capital management practices and policies have resulted in making HR merely a production environment, rather than a consultative member of ATF's leadership. ATF policies lack inclusivity of its workforce, excluding those who are not favored by the human capital policies. From interviews we conducted with HR specialists, practices are carried out in fear of retaliation for disagreeing with managers. ATF leadership has fostered a toxic work environment that demonstrates a disregard for merit system principles, as well as other laws and regulations promulgated by OPM. ATF established these practices and policies many years ago, cultivating this work environment that impacts ATF's workforce in all occupations. DOJ leadership must ensure accountability measures are implemented with regard for all human capital management authorities delegated to ATF.

We are referring to the Office of Special Counsel (OSC) the information related to the misclassification of GS 1800 positions, as well as the practices established in ATF's career plans. Our enclosed report provides details about our findings and the actions taken by ATF's leadership that may constitute merit system principle violations and warrant investigation by OSC. Additionally, our report identifies required actions that ATF must take to bring human capital programs into compliance, as well as recommended actions to improve effectiveness and efficiency. Detailed findings pertaining to delegated examining are contained in Appendix A; specific details on cases requiring corrective action are provided in Appendix B; and a summary of our required and recommended actions are found in Appendix C. Please respond within 90 calendar days with steps taken or planned to address the actions presented in this report.

We appreciate the cooperation and assistance you and your staff provided during the evaluation. We especially would like to thank ATF's Mr. Ralph Bittelari and Human Resources Operations Division for their assistance. If you have any questions concerning this evaluation, please contact Ms. Ana A. Mazzi, Principal Deputy Associate Director, at [REDACTED] or [REDACTED].

Sincerely,

MARK LAMBERT

Mark W. Lambert
Associate Director

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Enclosure

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No hard copy to follow.



U.S. Office of Personnel Management
Agency Compliance & Evaluation

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Executive Summary

The U.S. Office of Personnel Management (OPM) conducted this offsite evaluation August 31-September 18, 2020 in accordance with our statutory authority under 5 U.S.C. 1104. Specifically, we evaluated the areas of classification, recruitment and outreach, performance management, employee recognition and awards. The purpose of our evaluation was to assess these programs for effectiveness, efficiency, and compliance with merit system principles, laws, and regulations.

Overall, our findings indicate ATF leadership has acted outside of merit system principles and demonstrates disregard for the rule of law and regulations that implement Federal human capital management policies and practices. Specifically, ATF established several merit promotion policies that violate OPM regulations and merit system principles. Actions taken under these policies resulted in the improper classification of administrative positions to the law enforcement job family (GS 1800). The individuals encumbering these improperly classified positions continue to receive the salary, retirement, and other benefits reserved for positions that perform specific law enforcement duties.

In addition to the impact on employees in the GS 1800 job field, ATF's promotion and reassignment practices resulted in denying numerous opportunities to career service employees who are qualified in those fields (human resources management, public affairs, and others). Because GS 1800 positions were created in place of appropriate administrative positions, individuals possessing appropriate job-related qualifications were not eligible for consideration under ATF's plans. Instead, unqualified individuals were permanently assigned, noncompetitively, to various positions throughout ATF organizations, leading or working with those who were qualified to do the work.

Additionally, ATF established qualifications requirements for promotions to supervisory and managerial law enforcement positions that significantly deviated from the qualifications standards issued by OPM. ATF's policies were based on non-merit factors and established a seniority-based system for promotions. Since our evaluation, ATF is taking steps to establish new policies that will comply with Federal qualifications standards.

ATF's actions are particularly egregious because numerous ATF HR officials attempted to advise and inform ATF leadership; however, those attempts were rejected and resulted in employees being admonished for their efforts. We believe ATF leadership created a harmful work environment for employees who attempted to do the right thing. Agencies are delegated,

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by law or OPM, certain authorities to manage human resources in a manner that supports the mission most effectively and efficiently. These authorities are broad to provide necessary flexibilities to meet unique challenges across the Federal workforce and require leaders to act responsibly and with integrity. ATF's disregard for the human capital authorities vested in its leadership require DOJ to implement rigorous oversight and accountability measures to prevent a recurrence of these issues.

Effective November 2, 2020, OPM placed a temporary restriction on ATF's authority to classify and establish new positions in the GS 1800 job family until corrective actions provided in the enclosed report are taken and appropriate merit promotion policies are established. We will lift this restriction when ATF's corrective actions satisfy requirements and demonstrate appropriate policies and oversight have been implemented. We strongly advise DOJ to remain involved in ATF's position management until changes in the leadership culture are institutionalized.

Additionally, while ATF meets most basic requirements of performance management and recognition, it has not provided supervisors and employees training in these areas to effectively carry out their respective roles and responsibilities. ATF has two performance management systems, one for its GS 1800 positions, and one for all other positions. The GS 1800 system is a three-tier system, while the other is a five-tier system. During our evaluation, ATF was in the process of establishing a new five-tier performance system for GS 1800 employees. However, we identified cases where the five-tier system was being used by rating officials before the policy was implemented. The enclosed report provides details about these actions and the results of our interviews and surveys of the workforce. The required and recommended actions contained in this report will assist ATF in achieving compliance and more efficient and effective processes.

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Introduction

The U.S. Office of Personnel Management (OPM) conducted this offsite evaluation August 31-September 18, 2020, in accordance with our statutory authority under 5 U.S.C. 1104. We assessed the status of human capital management programs at the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) through a review of its talent management and performance culture systems of the Human Capital Framework. Specifically, we evaluated the following focus areas for effectiveness, efficiency, and compliance with the merit system principles, laws, and regulations: classification, recruitment and outreach, performance management, and employee recognition and awards.

ATF is the smallest law enforcement component in the U.S. Department of Justice (DOJ). However, its public safety mission is broad. ATF protects communities from violent criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, acts of arson and bombings, acts of terrorism, and the illegal diversion of alcohol and tobacco products. Over half (51 percent) of the employee population of ATF is special agents. Another 16 percent is comprised of industry operations investigators (IOIs) and the remaining 33 percent represents all other positions at the Bureau.

Because ATF's mission critical occupations represent a large majority of the workforce, human capital programs are managed in a manner that reflects this concentration. For example, assigned classification specialists provide services solely to the criminal investigator/special agent workforce. Additionally, IOIs (GS 1801) have a dedicated recruitment and placement branch, and criminal investigators (GS 1811) have a separate performance management system. As these positions have unique hiring authorities, position duties, and job requirements, ATF established this system to improve efficiency in supporting its mission critical work.

We include a summary of our records review, interviews, and surveys in this report. These sources serve as the basis for the required and recommended actions in this report to establish a merit-based promotion system, correct systemic deficiencies in accountability, and create a more strategic approach to talent management. Appendix A provides our assessment of delegated examining (DE) operations; Appendix B provides specific details on cases requiring reconstruction; and Appendix C is a summary list of our required and recommended actions.

Methodology

OPM conducted this review by analyzing data captured from multiple sources. Specifically, the evaluation team reviewed:

- ATF policies, procedures, and other advance information received prior to the evaluation;
- Federal Employee Viewpoint Survey (FEVS) results;

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- EHR1 staffing and performance data comprised of competitive and excepted service appointments, compensation incentives, performance ratings, and awards information;
- 19 staffing actions under both DE and merit promotion hiring procedures for the review period of October 1, 2018-December 31, 2019;
- 22 classification determinations for positions in the GS 1800 job family located in administrative organizations;
- 20 performance plans and appraisals from both the GS 1811 and non-1811 performance management systems;
- 21 awards actions from 7 categories (see sample below):

Type of Award	# of Awards in Sample
Rating-based Award	6
Non-rating-based Award	5
Time-off Award	4
Quality Step Increase	3
Suggestion/Invention Award	1
Group Time-off Award	1
Group Cash Award	1

We administered an OPM Survey to a random sample of employees, supervisors, and managers from both GS 1800 and non-1800 occupations who are duty-stationed across the country. We also surveyed DE and merit promotion hiring managers as well as new-hires Bureau-wide. Our OPM Survey was open to ATF employees from September 15-23, 2020, with the following distribution and response rates:

Survey Group	# Distributed	# Responded
Selecting Officials	54	20
Supervisors	38	13
Employees	151	48
New Hires	29	12

We also conducted interviews with the following:

- Assistant Director for Human Resources Professional Development (HRPD);
- Human Resources Operations Division (HROD) Chief;
- HROD Deputy Chief, Classification and Position Management Chief;
- Professional, Technical Staffing Branch Chief;
- Quality Compliance Reviewer;

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- EEO Manager;
- DEU staff, non-1800 HRPD staff, and
- HROD Classification and Performance Management team.

Human capital operations are handled separately for criminal investigators and IOIs from that of other employees at ATF. Law enforcement staff have separate policies, classifiers, staffing specialists, a unique performance system, and a process dedicated to the quality review of qualifications determinations. Therefore, we structured our review to account for this division of services, as follows:

Area:	What we covered:
Classification	Industry Operations Investigation (GS 1801) and Criminal Investigation (GS 1811) series.
Merit Promotion	GS 1811s (grade 13 and above) and all other positions of all grades. We limited our review of 1811 cases to those at the GS-13 level and above. Lower graded hiring actions for this occupation are made using an excepted service authority not covered in the scope of this evaluation.
Delegated Examining	All non-1811 positions. Because lower graded GS 1811 staff are hired using an agency unique excepted service authority and all higher graded positions are recruited through merit promotion procedures, during our review period none of those occupations were filled using delegated examining procedures.
Performance Culture	Both performance management systems at ATF, the system that covers GS 1811s and the system that covers the rest of the employee population.

We expanded our original scope to include classification and position management for positions in the GS 1800 job family, specifically, and lessened the focus on other areas of the evaluation to gain a deeper understanding of what we were seeing in the areas above. Anomalies existed in ATF organizational charts, human capital policies, and data from OPM's Enterprise Human Resources Integration System Data Warehouse (EHRI), and performance records. We identified:

- Roughly one third of employees in HRPD are in positions classified in the Inspection, Investigation, Enforcement, and Compliance Group (GS 1800);
- Performance appraisals for the individuals in HRPD and classified in the GS 1800 job family indicated these individuals were not performing and not rated for law enforcement duties;

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- The ATF career plan policy for GS 1800 positions established qualification requirements that deviate from OPM qualification standards.

Reassignment and Promotion Policies

Reassignments

Title 5, United States Code, Chapter 51, establishes authority for agencies to classify positions based on the duties and responsibilities assigned and the qualifications required to do the work. OPM issues classification standards to define Federal occupations, establish official position titles, and describe the grades of various levels of work. Federal classification standards establish the fundamental system of equal pay to individuals who perform equal work, in accordance with merit system principles.¹ Agencies are authorized by law to classify positions independently, applying the standards with responsibility for accuracy and consistency.

ATF demonstrated a disregard for the classification standards when it directed the human resources office to establish GS 1801 and GS 1811 positions to perform administrative work, more appropriately classified to the GS 300 or other job series family. These actions appeared to be taken to allow law enforcement personnel to retain the pay and benefits associated with their law enforcement career. The policies that compelled ATF to take these actions are discussed in further detail later in this report. However, they do not mitigate leadership's misguided actions which have resulted in the misuse of funds appropriated for the salary, benefits, and relocation expenses of these individuals over the course of many years. In accordance with 5 USC 5111, OPM has suspended ATF's authority to independently classify positions in the GS 1800 job family without OPM review and approval.²

Roughly one third of employees in ATF's HRPD occupy positions classified in the Inspection, Investigation, Enforcement, and Compliance Group (GS 1800).³ ATF is using standardized criminal investigator (GS 1811) and IOI (GS 1801) position descriptions (PDs) to reassign individuals to administrative work. These standardized PDs are intended for use by any ATF Directorate Division Chief. PDs specify that the position will manage a specific division responsible for law enforcement programs, functions or operations encompassing the overall law enforcement mission of the organization to which assigned. However, individuals in these positions are not managing law enforcement-oriented programs, but administrative organizations like those in the HRPD. Functional titles for these positions also are indicative of the administrative work rather than investigation work, for example, HR/Wellness Director, Chief of the SA/IOI Staffing Branch, or Chief of Staff, to name a few.

In addition, while performance plans use standardized performance elements to include enforcement standards, in many cases, those standards were marked "not applicable" and only

¹ 5 USC § 2301(b)(3)

² Ref OPM Letter issued November 2, 2020

³ <https://www.opm.gov/policy-data-oversight/classification-qualifications/classifying-general-schedule-positions/standards/1800/1800a.pdf>

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the administrative elements are rated, indicating the individual is performing only administrative duties. We reviewed 22 of these positions, including PDs (with evaluation statements), performance standards, and appraisals. We determined that all 22 evaluated in the GS 1800 job family are inappropriately classified. Although only a sample was reviewed during this evaluation, approximately 70 more have since been identified in several areas of the Bureau.

Figure 1: Summary of GS 1800 Job Family Positions Assigned Administrative Duties

Office of Public and Governmental Affairs 13 positions in 1800 series:	Office of Management 10 positions in 1800 series:	Office of Human Resources and Professional Development 64 positions in 1800 series:	Office of Professional Responsibility and Security Operations 3 positions in 1800 series:
<ul style="list-style-type: none"> • Assistant Director, PGA, GS-1811-00 • Deputy Assistant Director, PGA, GS-1801-00 • Chief of Staff, GS-1801-15 • 10 other 1811/1801 support staff 	<ul style="list-style-type: none"> • Deputy Division Chief, GS-1801-15 • 2 Resource Management, GS-1811-14s • 3 Program Management, GS-1801-14s • 4 other GS-1811-14 support staff 	<ul style="list-style-type: none"> • Assistant Director, HRPD, GS-1811-00 • Deputy Assistant Director, HRPD, GS-1811-00 • 4 Division Chiefs, GS-1811-15 • 3 Deputy Division Chiefs, GS-1811-15 • 8 Branch Chiefs, GS-1811/1801-14 • 47 other 1811/1801s support staff 	<ul style="list-style-type: none"> • Assistant Director, OPRSO, GS-1811-00 • Deputy Assistant Director, OPRSO, GS-1811-00 • Criminal Investigator, GS-1811-15

Law enforcement, investigative and compliance positions are classified based on the need for knowledge of criminal investigative procedures, conduct of investigations, and the like. It is inappropriate and a misuse of classification authority to establish these positions in administrative organizations. Therefore, these positions must be classified properly, and the incumbents reassigned accordingly.

Required Action: Reclassify positions identified in Appendix B, case listing No.1, applying the appropriate classification standards to the work performed. Reassign employees to properly classified positions based on the work they will perform. [5 CFR 511.203]

Promotions

ATF established “career plans” for criminal investigators and IOIs that stipulate requirements for promotion to supervisory or managerial level positions. Appropriately, these include experience independently conducting complex investigations, preparing reports, and providing testimony before a grand jury, among other things. The complexity and types of duties are outlined in these career plans, as well as other requirements that special agents must meet prior to promotion. ATF went beyond its authority in describing the type of specialized experience, by including qualifications that exceed those published by OPM.⁴ These requirements for promotion to a GS-14 position in either occupation (1811/1801), include:

⁴ <https://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-policies/>

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- The employee must have at least 6 years of experience as a GS 1811 or GS 1801 within ATF; *and*
- Three years of that experience must be at the GS-13 level

To be eligible for a GS-15 position, ATF's career plan states employees must:

- Complete 52 weeks of continuous service in headquarters;
- Possess a minimum of 8 years as a special agent or IOI in ATF; *and*
- Complete 2 years as a field supervisor.

OPM qualifications standards establish one year of experience at the next lower grade sufficient to meet the minimum qualifications to perform successfully. Agencies may specify types of experience that meet the definition of specialized experience and the factors used in ranking candidates. Additionally, agencies may use a combination of specialized experience and standards from the Supervisory Guide.⁵ ATF's career plan far exceeds those requirements. Length of time in a position (beyond one year) is a non-merit factor and inconsequential to an individual's readiness for supervisory and managerial positions. ATF's career plan established a seniority-based system that violates merit system principles.

In addition to length of experience requirements, ATF policy also mandates a 52-week headquarters "rotation" for investigators to reach the GS-15 level. This is not temporary, but a permanent reassignment to include permanent change of station expenses. Employees who are reassigned are eligible to compete for promotions after the 52-week requirement is met, but the previously stated conditions also apply. This requirement is the basis for the reassignments of GS 1811s and GS 1801s to administrative organizations in ATF Headquarters, described above. Some employees remain in administrative positions for multiple years, only returning to appropriate enforcement work when they have applied and been selected for a position.

ATF has drafted new career plans to comply with merit system principles and OPM's qualification standards. Those plans are in draft and are going through the DOJ process of review and approval. Additionally, ATF has discontinued the use of the previous career plans.

Required Action: Provide to OPM the final revised special agent and IOI career plan policies that align with OPM qualifications standards for those occupations. [5 CFR 338; 5 CFR 250.209]

Recruitment and Hiring

An effective talent management system is used by agencies to plan workforce needs and recruit and retain a diverse and effective workforce. These efforts ensure the workforce can carry out mission requirements and meet agency goals. Comprehensive workforce planning includes

⁵ <https://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/specialty-arcs/supervisory-guide/>

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taking steps that inform leaders on critical aspects of human capital management that directly support mission critical functions. These steps include competency gap assessments and analysis; identification of recruitment sources that yield high-performing candidate pools; analyzing retention and attrition rates; and action planning to address areas for improvement, with measures and milestones to gauge progress.

ATF maintains a dedicated workforce, with about two-thirds of its employees occupying mission critical positions. However, ATF does not conduct workforce planning, or take steps necessary to ensure recruitment and retention efforts are fruitful. Through interviews and surveys, hiring managers and HR officials confirmed a lack of the most basic planning and analysis. ATF's FY20 budget submission⁶ acknowledged an increase in workload, coupled with ongoing hiring, training, and knowledge transfer demands posed by the retirement and attrition of experienced staff. These challenges could impact ATF's ability to meet mission critical objectives in the future and emphasizes ATF's need to take a strategic approach to recruitment and hiring.

Planning provides leaders the opportunity to set clear expectations for recruitment and identifies the necessary path to obtaining high-quality candidates before a net is even cast to attract candidates. When done effectively, strategic recruitment discussions reduce recruitment time, use fewer resources announcing and reviewing applicants, and generate an optimal applicant pool for hiring managers. However, strategic recruitment discussions are not taking place between hiring managers and HR staff at ATF.⁷ Specialists announce vacancies in numerous ways without consideration for how the position has been hired before (what has worked best?), the current needs of the hiring manager (what do they want most?), or the resources of the HR staff (what can they reasonably get done?). As a result, roughly 31 percent of announcements result in no selections, and an even higher rate of certificates go unused, constituting wasted effort for the hiring manager and HR office when both are strapped for resources.

"I don't think there is an in-depth strategic discussion [taking place]- or there is some disconnect with HR and ATF... when someone is retiring, let's think ahead of this. We haven't done a good job [with] strategic hiring." - HROD Manager

"Sometimes the branch chief, AD and supervisor aren't on the same page with what they want to do with recruitment. So the recruitment was started and nothing happened because the other supervisor disagreed and went elsewhere... Or they say the person we're looking for won't take that grade so we go out another way. We've lost control." - HROD Staff

"[I recommend] working with us to identify the needs of a position through the entire process. Don't wait for the slightest issue or error to throw the job offering out and start over." - Suggestion in Merit Promotion Selecting Official Survey

In interviews and surveys, both hiring managers and HR staff agree more effort needs to be placed at the beginning of recruitment to minimize the already heavy workload and maximize efficiency. The ATF Human Resources Operations Branch also acknowledges a deficiency in the strategic approach and has begun efforts to train managers in each directorate on the importance of their role in the recruitment process.

⁶ ATF FY20 Congressional Budget Submission, <https://www.justice.gov/jmd/page/file/1144651/download>

⁷ Due to a special excepted service authority, the hiring process for entry-level criminal investigators is managed by a separate branch of HRPD, where ATF staff contract these services.

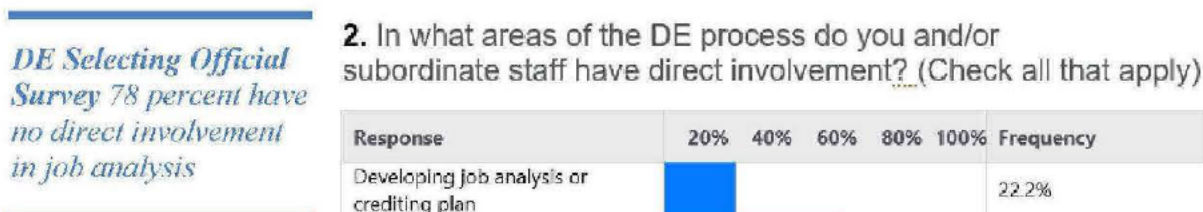
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Continuing these efforts and shifting the focus of recruitment efforts towards a strategic planning approach will improve timelines and result in more effective recruitment.

Recommended Action: Create a strategic recruitment document to facilitate discussions between hiring managers and HR staff before recruitment and establish accountability for the process.

Job analysis is a key component of effective recruitment that takes place before recruiting for or announcing a position. The job analysis process also provides HR and hiring managers the opportunity to discuss strategies for recruitment. A successful job analysis will demonstrate clearly the connection between tasks, needed competencies, and the applicant assessment tool.

Figure 2: Selecting Official Survey Results



Each step in the job analysis process strengthens defensibility of assessment and selection procedures for each recruitment action. In over 63 percent of the cases we reviewed, job analysis was either missing or insufficient. Deficiencies were numerous, including one or more of the following: missing identification of basic duties and responsibilities; missing factors important in assessing candidates; inconsistency with the assessment tool; and inconsistency with the job opportunity announcement. It is clear ATF is not establishing a foundation for effective recruitment, which is evidenced by its high rate of unused certificates. We also address this finding in the results of the delegated examining case review in appendix A (see block 1).

Required Action: Develop job analyses to identify basic duties and responsibilities of the position, factors that are important in evaluating candidates and provide evidence of measures taken to ensure the job analysis, applicant assessment, and job opportunity announcement align. [5 CFR 300.103]

The job analysis was not the only area where inconsistencies were identified. Though most HR staff are seasoned, full-performance level employees, the heavy workload has led to numerous errors by HR specialists in the recruitment and hiring process. For example, in job announcements, links to Interagency Career Transition Assistance Program (ICTAP) information did not work, leaving applicants unable to obtain the information. In other cases, where ICTAP information was available, it was confusing; referencing a silver category that was not explained. Several cases in our sample had no documentation of priority placement clearance. Almost 40 percent of cases reviewed contained these issues.

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Required Action: Clearly display ICTAP information in job opportunity announcements so the “well-qualified” definition is available. Ensure eligibility requirements are clear to all applicants. [5 CFR 330.104(a)(14)]

While ATF’s merit promotion plan states vacancy announcements will include a statement about giving due weight for performance appraisals and awards, the practice when giving due weight for performance to applicants is inconsistent. In some cases we reviewed, the assessment tool included a question for applicants regarding their performance rating. However, in 60 percent of cases, this question was not in the assessment and the method for giving due weight was unclear or not given at all.

Required Action: Ensure due weight is given to performance appraisals and incentive awards for promotions or placements. [5 CFR 335.103(3)(b)]

We spoke with HR supervisors, HR staff and ATF’s Quality Compliance Reviewer (QCR) to ascertain probable cause for the consistency issues we identified in case files. All attributed heavy workload and minimal quality review procedures to the problem. Frequent disagreement in qualifications determinations between HR staff and hiring managers led the QCR to review 100 percent of qualifications determinations. However, no other phase of the process is reviewed. This is problematic, as reviewing only one link in the entire recruitment chain means errors or continuous deficiencies in other areas are either caught too late or not at all.

Recommended Actions:

Use the job analysis process for HR specialists to establish a clear understanding of the positions being filled to improve their ability to screen applicants and conduct qualifications analysis.

Incorporate quality reviews into each step of the recruitment process. Use this holistic approach to identify any recurring deficiencies in the process and inform change, if needed.

Performance Culture

ATF’s *Performance Management and Recognition policy*, ATF O 2400.8A, outlines two performance systems. One three-tier system for special agents (GS 1811) and a five-tiered performance rating system for all other employees. Overall, ATF has an effective performance management system in place for non-1811 employees. Employee performance standards reviewed show linkage between individual performance elements and the mission and performance goals of the bureau. In addition, the performance system effectively supports rating officials in differentiating levels of performance.

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Comments from the Manager/Supervisor Performance Management Survey:

"Although performance can be quantified, our critical elements are mostly subjective and haven't been updated in years"

"The critical elements are too generalized..."

"Our rating system for 1811s has too wide of rating spread. 3-6 [benchmarks] are all the same rating (meets/fully successful)."

"The critical elements are too broad, vague and generic. It is almost impossible to evaluate employee's actual performance."

However, we identified numerous inconsistencies among each of the nine performance plans we reviewed covered by the GS 1811 performance system. During interviews, employees, supervisors, and HR staff agreed that guidance surrounding this system is confusing, rating benchmarks do not make sense, elements are not specific or measurable, and rating officials' comments and rating justifications are generic. Vague summary rating justifications were also evident in about 40 percent of the cases reviewed. Survey results from both supervisors and employees echoed these issues. In the supervisor survey, when asked if the rating system supported them in sufficiently differentiating levels of performance when evaluating their employees, 39 percent of supervisors surveyed felt it did not. In the surveys, both supervisors and employees commented on the vague, outdated, and generic elements.

Survey results also pointed to a lack of performance management training. Notably, 100 percent of both employees and supervisors who responded said they have never been provided performance-related training. We reviewed performance appraisals issued to employees during the review period. Justifications were vague and, in many cases, did not reflect performance accomplishments or results that met or exceeded standards.

Examples of statements taken directly from supervisory justifications:

- Thank you, (name), for your dedication and all of your hard work. None of the Division successes during FY19 would have been possible without your contribution. Thank you.
- (Name) has refined his operating methods over the past year. (Name) dealt with multiple issues that affected several programs within SOD.
- (Name's) efforts and dedication to the programs of SOD have been truly appreciated.
- (Name) has met all critical elements as a GS 11 and her final rating will documented [SIC] for the critical elements of a GS 12.

ATF is in the process of updating its rating system for GS 1811 employees. Updates include streamlining the system to better define the rating scale, eliminate a benchmarking requirement, and reduce the number of elements by

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which the employees will be rated. Even so, we found the criteria remains vague and the updates do not address the issue of making meaningful distinctions between levels of performance. Additionally, some supervisors implemented the new system before the policy was issued or effective. Therefore, both old and new systems were used by rating officials to rate employees in FY19; approximately 55 percent of the GS 1811 appraisals we reviewed applied the new standards and five-tier system, even though the new policy had not been approved.

Recommended Actions:

Issue new policy and guidance for updated GS 1811 performance system standards to all managers and employees.

Provide training to rating officials on making appropriate distinctions between levels of performance; establish required refresher training on a recurring basis.

Provide training to all employees relevant to their involvement in the performance management system.

In addition to a lack of training and guidance, the lack of consistency across the ATF performance management program described above is the result of an ineffective accountability process. HR staff who deal with performance management acknowledge not enough resources are placed in the program to allow for a more comprehensive review. ATF has only one specialist dedicated to the performance management program. Still, more can be done to assess the effectiveness of ATF's performance management system, such as ensuring managers are using the correct performance system to rate employees, summary rating justifications are sufficient, and identifying areas that need improvement. It is evident from our findings that DOJ has not evaluated ATF's performance management systems.

Required Action for DOJ: Evaluate both performance management systems used by ATF to identify areas where they may be improved to measure individual performance more effectively and ensure consistency among employees. Implement improvements identified. [5 CFR 430.209(d)]

Of the 21 award actions we reviewed, all were completed in accordance with Bureau policy and Federal regulation, apart from a few coding errors. However, due to the lack of distinction in performance ratings described above, ATF's performance-based awards may not be sufficiently supported. Overall ratings upon which the awards are based lack descriptions of performance to sufficiently justify ratings, therefore, award justification is lacking. Additionally, we found no evidence that DOJ evaluated the ATF awards system.

Required Action for DOJ: Evaluate ATF's employee recognition and awards system to identify areas where it may be improved to reward performance more effectively and ensure consistency among employees. [5 CFR 451.106(d)]

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Conclusion

ATF's public safety mission is multi-faceted and dynamic, but leadership is not using HRPD strategically to meet the needs of the Bureau. ATF must capitalize on using its HRPD professionals to shape HR policies and procedures to gain efficiency and effectiveness, improving services provided to line managers. ATF has taken some immediate steps to discontinue the unconventional and improper practices of using HR positions to "park" its GS 1800 employees. But, the long-term impact of its abuse of authority will require ATF to follow through on the corrective action with proactive actions to rebuild trust and confidence in leadership. DOJ must ensure a transparent system of accountability for ATF's human capital management. Integrity of the merit system principles must be restored throughout ATF. Incorporating internal accountability processes to all areas of human capital management will help identify problem areas early and track progress in areas where improvement is needed. This will enable ATF to effectively allocate resources and manage human capital in the most efficient way possible.

ATF also must take steps to improve HR operations. Strategic recruitment discussions are not occurring, and job analysis is not effective. HR specialists waste time and effort on producing job announcements and certificates that do not result in selections. Even more concerning, hiring managers do not feel HR specialists do a good job on qualifications determinations. Managers and employees agree training is needed on ATF's performance management systems; HRPD has not provided training to either group. And, although a new performance system has been designed for GS 1800 employees, implementation is off course. Some ATF managers have begun using the new system even though it has not been officially implemented. The required and recommended actions in this report are designed to help ATF achieve compliance and efficiency as it continues to use constrained resources to meet broad mission requirements.

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Appendix A: Delegated Examining Evaluation Report

STANDARD: Delegated examining (DE) activities support mission accomplishment and are conducted efficiently, effectively, and in accordance with merit system principles and applicable law and regulations, including the Veterans Preference Act of 1944.

Applicable Merit System Principles: The following merit system principles are especially relevant to the Talent Management system (5 U.S.C. 2301):

- Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a workforce from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity. [5 U.S.C. 2301(b)(1)]
- All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights. [5 U.S.C. 2301(b)(2)]

Law: Veterans Preference Act of 1944 (as amended)

EVALUATION METHODOLOGY: The review period covered job vacancies announced October 1, 2018-March 5, 2020. We examined ATF policy, procedures, and 8 DE case files. We also surveyed hiring managers who made selections during the review period and interviewed personnel responsible for DE staffing activities.

Expected Results	Assessment	Findings/Required or Recommended Actions
1. The job analysis process is documented and identifies objective, assessable knowledge, skills, and abilities (KSA)/competencies related to important job duties, work outcomes, or work behaviors necessary for successful performance in the job being filled.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	In half of the DE cases we reviewed, job analyses were valid, documented, and linked to relevant KSA/competencies required for successful performance of the duties outlined in the corresponding position descriptions. However, in the other half, job analyses were missing or insufficient, as similarly noted above for the non-DE staffing actions. Two cases didn't include job analysis, one was missing the basic duties and responsibilities of the position and two did not include factors important in evaluating candidates.

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		Required Action: Develop job analyses to identify major duties and responsibilities of the position, factors that are important in evaluating candidates and provide evidence of measures taken to ensure the job analysis, applicant assessment and job opportunity announcement align. [5 CFR 300.103]
2. Assessment criteria (e.g., rating plans, occupational questionnaires, tests, structured interviews) align with job analyses; make clear distinctions between creditable levels of qualifications; contain appropriate measures; and are uniformly applied.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	
3. Job Opportunity Announcements (JOA) are posted on USAJOBS and contain information required by regulation. Use of links is appropriate. Justification for open periods of less than 5 calendar days is documented. JOAs are streamlined, written in plain language, and include clear filing instructions and meaningful definitions of qualifying specialized experience specific to the grade level(s) of the position being filled.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	<p>The majority of JOAs examined contained all required information, were open for a period of at least 5 calendar days and contained clear instruction and meaningful definitions of qualifying specialized experience specific to the grade level(s) of the position being filled. However, in two case files, several links imbedded in the JOA were broken, to include CTAP information and the DOJ Ethical Obligation.</p> <p>Additionally, in the JOA for a GS-346-13, logistics management specialist position, the language in the Basis of Rating area was confusing. It first identified the categories as Gold, Silver and Bronze, and later indicated that candidates in the Best Qualified category will be sent to the hiring official. Not defining the Gold category may be confusing to applicants.</p> <p>Recommend Action: Incorporate quality review measures prior to job announcement to ensure broken links are found and information contained is clear to all who apply.</p>

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4. Policies and procedures on acceptance and processing of applications are appropriate and consistently applied.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	
5. Applicants may apply by submitting a resume in the format of their choosing (cover letter optional) or completing a simple, plain language application.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	
6. Late applications are appropriately reviewed to determine if they meet valid exceptions and are processed accordingly and consistently. Late applications from CP, CPS, and XP preference eligibles are retained and referred for future vacancies as appropriate.	<input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met <input checked="" type="checkbox"/> Not Applicable	Not applicable, as no late applications were received during the review period.
<p>7. Appropriate qualification standards, including agency-developed standards approved by OPM, are used. Justification for use of selective factors is documented. Specialized experience requirements and selective factors, when used, align with job analysis.</p> <p>Note: Selective factors cannot require KSAs that could be learned readily during the normal period of orientation to the position or be so specific as to exclude applicants not having prior Federal experience.</p>	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	<p>In general, ATF used appropriate qualification standards. Additionally, in the cases we reviewed, there were no instances where selective factors were used in the assessment process. In two instances, however, ATF qualifications requirements either did not match OPM qualifications standards or public law.</p> <p>In the first case, a GS-301-10 executive assistant position, education requirements were prorated to qualify applicants at the GS-10 level. The GS-9 level of the OPM Qualification Standard requires two years of graduate level education and the GS-11 level requires 3 years. ATF prorated education requirements for the GS-10, to allow 2½ years of education to qualify. However, the proration of education requirements is not permitted. ATF sought and received incorrect guidance from its service provider regarding the application of GS-10 qualifications and</p>

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		<p>have since changed their processes to accurately use GS-11 education requirements for the GS-10 level.</p> <p>In the second case, an applicant for a GS-1170-15, supervisory realty specialist position was rated ineligible because the narrative response portion of the assessment was not completed. Section 1(a)(1) of the 2010 Presidential Memorandum, <i>Improving the Federal Recruitment and Hiring Process</i>, states that agency heads shall, “eliminate any requirement that applicants respond to essay-style questions when submitting their initial application materials for any Federal job.” In this case, a CP preference eligible from the highest quality category was selected. No further corrective action is necessary.</p> <p>Required Action: Eliminate the use of narrative or essay-style responses in ATF assessment tools. [5 CFR 250.209]</p>
<p>8. Qualification requirements are uniformly applied, and qualification determinations are documented and accurately made. Application includes transcripts, course listings, or other documentation sufficient to support qualification based on education.</p>	<p><input type="checkbox"/> Met</p> <p><input checked="" type="checkbox"/> Partially Met</p> <p><input type="checkbox"/> Not Met</p>	<p>In most cases we reviewed, qualifications determinations are accurate. A large part of this success is likely a result of the ATF quality control reviewer (QCR) process for GS 1800 positions, where HR specialists cross-review 100 percent of qualifications determinations made by other specialists. However, in another case, for a GS-301-10, executive assistant position, a CP preference eligible was found qualified and selected for the position based on experience at the GS-7 level. To qualify for the GS-10 position, one year of specialized experience is required at the GS-9 level or equivalent. We determined this was an oversight of the HR specialist and does not require gap-closure. But, because ATF’s QCR is used only for GS 1800 positions, a process is needed to provide verification of qualifications of selectees prior to entrance-on-duty to prevent improper appointments.</p> <p>Because the individual was appointed more than one year ago, and now meets qualifications requirements for the position, DOJ must request a variation of the <i>de facto</i> service from OPM.</p>

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		<p>Required Actions:</p> <p>Take corrective action as directed in Case No. 2 of Appendix B. [5 CFR 5.2(c)]</p> <p>Establish a process to ensure qualifications requirements of selectees are met prior to entrance-on-duty. [5 CFR 338]</p>
9. Determinations regarding eligibility for veterans' preference (VP) are properly made.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	ATF appropriately adjudicates veterans' preference based on appropriate documentation.
10. When a self-assessment rating instrument is used to rank candidates, responses from applicants who will be referred for selection on a certificate of eligibles are checked against other application materials for evidence supporting applicant ratings. Appropriate rating adjustments are made and fully documented.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	
11. Displaced/surplus employees eligible under ICTAP, CTAP, or RPL are documented and given selection priority in accordance with legal and regulatory requirements. If ICTAP eligibles are found not well-qualified, independent second reviews are conducted, and written notification containing the specific reason(s) is provided.	<input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met <input checked="" type="checkbox"/> Not Applicable	There were no applications from displaced surplus employees who met the eligibility requirements for selection priority under ICTAP, CTAP, or RPL applicants in our case review.

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12. Category rating methodology is utilized unless OPM has granted an exception or the same standing register in use prior to the required usage of category rating is still active.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	Category rating methodology was used in all DE case files.
13. Certification and merging procedures are appropriate and consistent with veterans' preference laws and applicable agency policies.	<input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met <input checked="" type="checkbox"/> Not Applicable	Certificate merging procedures were not used in the DE case files we reviewed.
14. Established regulations and procedures for objections and veteran pass over requests are followed and appropriate actions (if any) are taken.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	ATF has established regulations and procedures for objections and veteran pass over requests. No pass overs or objections were submitted during the review period.
15. Selections are properly made from candidates ranked in the highest quality category on a certificate of eligibles, in accordance with veterans' preference laws.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	
16. Applicants are notified of the status of their application at key stages (i.e., application received; qualified/not qualified; referred/not referred; selected/not selected). <u>Note:</u> Four separate notifications are not required; they may be combined into two.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	In all but one case, applicants were notified of their application status at key recruitment stages. The one case appears to be an isolated instance where the applicant notification was overlooked when the announcement was cancelled.

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17. Decisions to use pay flexibilities for hiring (recruitment, retention, relocation incentives, repayment of student loans, and superior qualifications and special needs pay setting authorities) are appropriately justified and documented.	<input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met <input checked="" type="checkbox"/> Not Applicable	Pay flexibilities were not used in DE actions during the review period.
18. Federal staff members conducting competitive examining have current DE certification from OPM. If contractors are used, the DEU has documentation of the contractors' completion of DE training within prescribed timeframes. Individuals administering written tests have been trained and certified by OPM.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	Staff members conducting competitive examining have current DE certification.
19. Certificates are audited and documented by certified staff or trained contractors before appointee's entrance on duty. Certificates are properly annotated to document actions such as declination or failure to respond.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	Certificates are audited and documented by certified staff before appointees' entrance on duty.
20. Annual self-audits of DE activities are conducted by DE-certified staff or trained contractors who are not involved with the DEU's operations. A list of all discrepancies and corrective actions is maintained for a period of 3 years after each audit.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	For ATF, annual self-audits are managed at the Department level where components audit the DEU activities of other components within DOJ. ATF was able to produce self-audit reports from both FY17 and FY18. However, neither DOJ nor ATF had a report from FY19, though both assured OPM the audit was done. Self-audits are critical to verify the health of DE operations and are part of the DEU's Interagency Delegated Examining Agreement with OPM. ATF and DOJ will need to work together to ensure complete records are maintained for at least the past three years.

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		Required Action: Conduct annual internal DE audits using DE-certified staff external to the DEU operations. Maintain a list of all discrepancies and corrective actions, if any, for 3 years. [5 CFR 250.209]
21. Appropriate corrective action is taken when cases of lost consideration or other types of violations are identified.	<input type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met <input checked="" type="checkbox"/> Not Applicable	No cases of lost consideration occurred during the review period.
22. The examining process can be fully reconstructed. Documentation stored in automated staffing systems is accessible or readily retrievable for third party review and case file reconstruction.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	Documentation sent from ATF, as well as stored in the automated staffing system, was sufficient to reconstruct the DE process and conducive to third party review.
23. An accountability system is in place to assure compliance with MSPs and legal, regulatory, and Interagency Delegated Examining Agreement requirements and drive efforts to improve effectiveness and efficiency of DE operations.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	As discussed above, ATF has a designated quality control reviewer (QCR), who reviews 100 percent of qualification determinations for non-1811 positions but looks at no other part of the recruitment process. Because of the vast inconsistencies in job analysis, assessment tools, and JOA's, we recommend ATF incorporates a review of each stage in the hiring process to prevent further errors. Consider implementing a "sample" review process of all critical areas, rather than 100 percent of qualifications determinations.
24. Agency responsibilities outlined in the Interagency Delegated Examining Agreement not otherwise specified as outcomes in this report are met.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	

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25. Security of examining records is proper; applicant information protected by the Privacy Act is properly maintained and safeguarded, and records are maintained in accordance with the retention schedule.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	
26. Personnel action (SF-50) processing, Official Personnel Folder maintenance, and other administrative activities conform to regulatory and legal requirements.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Partially Met <input type="checkbox"/> Not Met	

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Appendix B: Case Listing

Case No. 1:

Finding: ATF used standardized criminal investigator (1811) and IOI (1801) PDs to reassign individuals to administrative work, while still classifying the positions as law enforcement. They retained all benefits of those positions, including LEAP and LEO retirement. While short-term rotations may be used for developmental purposes, requiring indefinite assignments that remove LEOs from enforcement work for prolonged periods of time, while still classified under the 1800 job family series, is not permissible.

Corrective Action Required: On November 2, 2020, OPM temporarily suspended ATF's classification authority for GS-1800 family positions. Additionally, ATF was directed to take corrective action to properly classify and assign positions for each employee listed below. ATF must submit to OPM properly classified PDs based on duties being performed. Classification actions must include organizational charts to demonstrate where the position(s) are assigned, evaluation statements to support the classification determinations, and any other documentation (such as desk audit results, performance work plans, etc.) to support classification in accordance with the classification standards published by OPM. Upon receipt of OPM's approval of the classification, ATF must process appropriate personnel actions to complete the corrective action for each employee/position listed below. Provide with your response evidence of the classification and reassignments, including SF-50s. ATF must coordinate these corrective actions through DOJ's Justice Management Division. [5 CFR 250.209]

Submit all classification actions for GS 1800 job family positions to OPM for approval until further notice. [5 US Code § 5111]

Position Title, Series, Grade				Organization	PD Number
Assistant Director	ES	1811	00	HRPD/Office of AD	0ES031
Deputy Assistant Director	ES	1811	00	HRPD/Office of AD	0ES018
Division Chief	GS	1811	15	HRPD/ SA/IOI Recruitment	006041
Branch Chief	GS	1811	14	HRPD/ SA/IOI Recruitment	019089
Project Officer	GS	1801	13	HRPD/ SA/IOI Recruitment	013271
Project Officer	GS	1811	13	HRPD/ SA/IOI Recruitment	017017
Program Manager (DCIP)	GS	1801	14	HRPD/ SA/IOI Recruitment	093024
Division Chief	GS	1811	15	HRPD/LPDD	006041
Deputy Division Chief	GS	1801	15	HRPD/LPDD	015006
Branch Chief	GS	1811	14	HRPD/LPDD	019089
Program Manager	GS	1801	14	HRPD/LPDD	006110
Program Manager	GS	1801	14	HRPD/LPDD	006110
Project Officer	GS	1811	13	HRPD/LPDD	006176
Program Manager	GS	1811	14	HRPD/LPDD	012024
Program Manager	GS	1811	14	HRPD/LPDD	012024

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Program Manager	GS	1811	14	HRPD/LPDD	012024
Branch Chief	GS	1811	14	HRPD/LPDD	019089
Program Manager (IOI)	GS	1801	14	HRPD/LPDD	018075
Program Manager	GS	1801	14	HRPD/LPDD	006110
Program Manager	GS	1811	14	HRPD/LPDD	012024
Project Officer	GS	1811	13	HRPD/LPDD	006176
Program Manager	GS	1811	14	HRPD/LPDD	012024
Program Manager	GS	1801	14	HRPD/LPDD	006110
Program Manager	GS	1811	14	HRPD/LPDD	093024
Division Chief	GS	1801	15	HRPD/WWSD	020057
Deputy Division Chief	GS	1811	15	HRPD/WWSD	UNK – New Position, No incumbent
Peer Response Branch Chief	GS	1811	14	HRPD/WWSD	019089
Program Manager (East)	GS	1811	14	HRPD/WWSD	093024
Program Manager (Cent)	GS	1811	14	HRPD/WWSD	093024
Program Manager (West)	GS	1801	14	HRPD/WWSD	016084
Project Officer	GS	1811	13	HRPD/WWSD	017017**
Peer Response Program Manager - LEAD	GS	1811	14	HRPD/WWSD	UNK – New Position, No incumbent
Assistant Director	ES	1811	00	PGA	0ES001
Deputy Assistant Director	ES	1801	00	PGA	0ES141
Chief of Staff	GS	1801	15	PGA	020065
Program Manager	GS	1801	14	PGA	016084
Criminal Investigator	GS	1811	15	PGA	006041
Deputy Chief Legislative Affairs Division	GS	1801	15	PGA/Office of Legislative Affairs	014060
Industry Operations Specialist	GS	1801	14	PGA/Office of Legislative Affairs	005129
Criminal Investigator	GS	1811	14	PGA/Intergovernmental Affairs Division	093024
Criminal Investigator	GS	1811	14	PGA/Intergovernmental Affairs Division	093024
Criminal Investigator	GS	1811	14	PGA/Intergovernmental Affairs Division	093024
Criminal Investigator	GS	1811	14	PGA/Office of Legislative Affairs	093024
Criminal Investigator	GS	1811	14	PGA/Office of Legislative Affairs	093024
Criminal Investigator	GS	1811	15	PGA/Office of Legislative Affairs	006041
Criminal Investigator	GS	1811	14	PGA/Office of Public Affairs	093024
Deputy Division Chief	GS	1801	15	Office of Strategic Management	015186
Industry Operations Program Manager	GS	1801	14	Office of Strategic Management	016084

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Industry Operations Program Manager	GS	1801	14	Office of Strategic Management	016084
Industry Operations Program Manager	GS	1801	14	Office of Strategic Management	006110
Criminal Investigator	GS	1811	14	OSM/AFSPD	019089
Criminal Investigator	GS	1811	14	OSM/AFSPD	093024
Criminal Investigator	GS	1811	14	OSM/AFSPD	093024
Criminal Investigator	GS	1811	14	OSM/Facilities Management Branch	093024
Criminal Investigator	GS	1811	14	OSM/Resources Management Branch	UNKNOWN
Criminal Investigator	GS	1811	14	OSM/Resources Management Branch	019089
Assistant Director	ES	1811	00	OPRSO	0ES044
Deputy Assistant Director	ES	1811	00	OPRSO	0ES008
Criminal Investigator	GS	1811	15	OPRSO/Personnel Security Division	006041
Division Chief	GS	1811	15	HRPD/ATF National Academy*	001155
Deputy Division Chief	GS	1811	15	HRPD/ATF National Academy*	005131
Branch Chief	GS	1811	14	HRPD/ATF National Academy*	019089
Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
LE Training Specialist	GS	1801	13	HRPD/ATF National Academy*	010078
Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
LE Training Specialist	GS	1801	13	HRPD/ATF National Academy*	010078
Branch Chief	GS	1811	14	HRPD/ATF National Academy*	019089
Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
Training Manager	GS	1811	14	HRPD/ATF National Academy*	007104
Branch Chief	GS	1811	14	HRPD/ATF National Academy*	019089

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Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
LE Training Specialist	GS	1801	13	HRPD/ATF National Academy*	020110
Arson & Explosives Training Specialist	GS	1801	13	HRPD/ATF National Academy*	018086
Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
Branch Chief	GS	1811	14	HRPD/ATF National Academy*	019089
Training Manager (IOI)	GS	1801	13	HRPD/ATF National Academy*	006096
Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
Program Manager (IOI)	GS	1801	14	HRPD/ATF National Academy*	006110
Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
Program Manager	GS	1811	14	HRPD/ATF National Academy*	007104
Training Manager	GS	1811	13	HRPD/ATF National Academy*	006176
Program Manager	GS	1811	14	HRPD/ATF National Academy*	007104
Branch Chief	GS	1801	14	HRPD/ATF National Academy*	018123
Branch Chief	GS	1811	14	HRPD/ATF National Academy*	019089

*These are labeled as "National Academy" assignments, but the positions are assigned to Human Resources in Washington, DC.

Case No. 2:

Name: [REDACTED]

Position: Executive Assistant, GS-301-10

Case: [REDACTED]

Finding: Improper appointment due to erroneous qualifications determination of selectee.

Discussion: Ms. [REDACTED] a CP preference eligible, applied for an Executive Assistant position, GS-301-10. Ms. [REDACTED] was previously employed as a GS-07. ATF used this experience to qualify Mr. [REDACTED] for the GS-10 level position. Ms. [REDACTED] was referred on certificate [REDACTED], in ATF's Office of Field Operations - West, Seattle Field Division and selected. Ms. [REDACTED] entered on duty at the GS-10 level effective 09/01/2019.

OPM's *General Scheduled Qualifications Policy* states that federal experience is credited at the grade level to which it was classified. Ms. [REDACTED] possessed no other qualifying experience. Therefore, Ms. [REDACTED] appointment was improper. Since Ms. [REDACTED] has been in the position

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for more than one year, she has gained one year of appropriate experience to remain in the position. However, ATF will need to reconstruct the certificate to determine if there was any lost consideration and request a variation of Ms. [REDACTED] *de facto* service.

Corrective Action: Reconstruct the certificate and determine corrective action necessary to regularize the improper appointment. Provide documentation on the outcome of your reconstruction and any corrective action taken with your response to this report. [5 CFR 5.2(c)]

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Appendix C: Summary of Required and Recommended Actions

Required Actions

1. Reclassify positions identified in Appendix B, Case Listing No. 1, applying the appropriate classification standards to the work performed. Reassign employees to properly classified positions based on the work they will perform. [5 CFR 511.203]
2. Revise current special agent and IOI career plan policies to align with OPM qualifications standards for those occupations. [5 CFR 338; 5 CFR 250.209]
3. Develop job analyses to identify major duties and responsibilities of the position, factors that are important in evaluating candidates and provide evidence of measures taken to ensure the job analysis, applicant assessment, and job opportunity announcement align. [5 CFR 300.103]
4. Clearly display ICTAP information in job opportunity announcements so the “well-qualified” definition is available. Ensure eligibility requirements are clear to all applicants. [5 CFR 330.104(a)(14)]
5. Ensure due weight is given to performance appraisals and incentive awards for promotions or placements. [5 CFR 335.103(3)(b)]
6. Evaluate both performance management systems used by ATF to identify areas where they may be improved to measure individual performance more effectively and ensure consistency among employees. Implement improvements identified. [5 CFR 430.209(d)]
7. Evaluate ATF’s employee recognition and awards system to identify areas where it may be improved to reward performance more effectively and ensure consistency among employees. [5 CFR 451.106(d)]
8. Eliminate the use of narrative or essay-style responses in ATF assessment tools. [5 CFR 250.209]
9. Take corrective action as directed in Case No. 2 of Appendix B. [5 CFR 5.2(c)]
10. Establish a process to ensure qualifications requirements of selectees are met prior to entrance-on-duty. [5 CFR 338]
11. Conduct annual internal DE audits using DE-certified staff external to the DEU operations. Maintain a list of all discrepancies and corrective actions, if any, for 3 years. [5 CFR 250.209]

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Recommended Actions

1. Create a strategic recruitment document to facilitate discussions between hiring managers and HR staff before the recruitment and establish accountability for the process.
2. Use the job analysis process to establish a clear understanding of the positions being filled for HR specialists to apply when screening applicants and conducting qualifications analysis.
3. Incorporate quality reviews into each step of the recruitment process. Use this holistic approach to evaluate regular and recurring deficiencies in the process and inform change.
4. Issue new policy and guidance for updated GS 1811 performance system standards to all managers and employees.
5. Provide training to rating officials on making appropriate distinctions between levels of performance; establish required refresher training on a recurring basis.
6. Provide training to all employees relevant to their involvement in the performance management system.
7. Incorporate quality review measures prior to job announcement to ensure broken links are found and information contained is clear to all who apply.