

**Memorandum to the File
Case Closure**

Alleged Prohibited Personnel Practices
Office of Human Resources Management, Washington, DC
(2011-00210-IQ-0020)

The VA OIG Administrative Investigations Division investigated allegations that

OHRM:

(b) (7)(C)

OHRM; and

for OHRM, engaged in prohibited personnel practices by giving a preference or advantage in hiring to select individuals. To assess these allegations, we interviewed OHRM, other OHRM staff, and two of the four individuals who were allegedly improperly hired. The other two individuals were not interviewed, as they no longer work at VA. We also reviewed personnel, recruitment, and email records and applicable Federal laws, regulations and VA policy. We did not substantiate these allegations.

The Standards of Ethical Conduct for Employees of the Executive Branch require employees to act impartially and not give preferential treatment to any individual. 5 CFR § 2635.101. Federal law requires that Federal employees be selected and advanced solely on the basis of relative ability, knowledge, and skills, and unless otherwise exempted by law, after fair and open competition. 5 USC § 2301 (b)(1). The law prohibits an employee from granting an unauthorized preference or advantage to improve or injure employment prospects of any particular person. 5 USC § 2302 (b)(6). It also prohibits an employee who has authority to take, direct others to take, or recommend personnel actions from taking or failing to take any personnel action if it violates any law, rule, or regulation implementing, or directly concerning, the merit system principles contained in section 2301 of Title 5, United States Code. Id. at § 2302 (b)(12).

Allegations Pertaining to

allegedly engaged in a prohibited personnel practice by giving preferential treatment in hiring to a GS-14 Human Resources Specialist in OHRM. allegedly hired because they had a pre-existing relationship.

(b) (7)(C)

told us that in her position as she had six different Services reporting to her in addition to being responsible for the oversight and direction of the VA Secretary's T-21 hiring efforts and that she needed an experienced senior human resources specialist to assist her. She said that she obtained approval from to create the position and hire someone to fill it further said that previously worked for her at the and that she had "intimate" knowledge of her skills and qualifications as a human resources specialist.

told us that she hired [REDACTED] using a non-competitive hiring authority that allowed her to laterally transfer [REDACTED] from [REDACTED] to VA (GS-14 to GS-14).

(b) (7)(C)

[REDACTED] told us that she authorized [REDACTED] to create and appoint a new GS-14 human resources specialist to assist her. She said that there was not an existing full time equivalent (FTE) position so she [REDACTED] moved an FTE from another service within OHRM and gave it to [REDACTED]. [REDACTED] said that although she knew about [REDACTED]'s and [REDACTED]'s pre-existing working relationship, she could not recall when she learned about it. However, she said that the position was properly announced, that they made sure there were no qualified applicants that were CTAP or ICTAP eligible, and that [REDACTED]'s lateral transfer was an appropriate hiring method to use.

A Request for Personnel Action, Standard Form 52 (SF-52), containing [REDACTED]'s and [REDACTED]'s signatures as the requesting and authorizing officials, respectively, reflected that [REDACTED] was named in Part B of the form as the person being hired. It also reflected in Block 1 under "Actions Requested" that the staffing action was a "Reassignment from another Federal Office." This information along with [REDACTED]'s and [REDACTED]'s signature block information was type-written on the form using the same font style and size, while other information was hand-written, suggesting that when [REDACTED] signed the form, it already contained [REDACTED]'s name and hiring method to be used.

(b) (7)(C)

Allegations Pertaining to [REDACTED]

[REDACTED] allegedly engaged in a prohibited personnel practice by giving preferential treatment in hiring to a personal friend, [REDACTED], as a summer student employee and that [REDACTED] allegedly never applied for the position.

[REDACTED] told us that she did not have a pre-existing relationship with [REDACTED] and that she did not know [REDACTED] prior to her VA summer employment. [REDACTED] said that she was given [REDACTED]'s resume when she [REDACTED] worked at [REDACTED] as someone interested in a summer intern job. [REDACTED] said that after she began working at VA, she remembered [REDACTED]'s resume as being exceptional, so she then hired her as a summer intern. [REDACTED] told us that she spoke with [REDACTED] about hiring [REDACTED] and that [REDACTED] approved it. She said she also consulted with COHRS staff, and they told her that she could hire [REDACTED] as a summer intern. [REDACTED] said that [REDACTED] turned out to be an exceptional summer employee who "ran circles around some of the Feds."

(b) (7)(C)

[REDACTED] told us that she did not recall any specific details about [REDACTED]'s VA summer employment. Additionally, in response to an official request for recruitment records, COHRS staff told us that they could not find any records associated with [REDACTED]'s VA recruitment.

Allegations Pertaining to [REDACTED]

[REDACTED] allegedly engaged in a prohibited personnel practice by giving preferential treatment in hiring to [REDACTED]. [REDACTED] was allegedly a former co-worker of [REDACTED] at [REDACTED] and that [REDACTED] hired her as a GS-13 human resources specialist even though [REDACTED] lacked the core competencies to qualify for the position.

[REDACTED] told us that the T-21 hiring initiative caused a severe backlog in processing staffing actions and that she was unable to keep up with the demand with only the two staffing specialists that were assigned to her. She said that she tried to find additional HR staff from within OHRM, VHA and NCA, but was unsuccessful. She further said that as a result, she announced a term human resources specialist position through USAJOBS; however, she said that she was still unable to find anyone willing to take a term or temporary appointment. She said that [REDACTED] worked for her at [REDACTED] as a temporary employee and that she was able to contact her and obtain her resume through a [REDACTED] colleague. [REDACTED] told us that [REDACTED] was hired at VA initially on a 30-day temporary appointment and that due to existing workload conditions, her appointment was extended for one additional 30 day period.

(b) (7)(C)

[REDACTED] told us that [REDACTED] spoke to her about hiring [REDACTED] and that she gave [REDACTED] her approval. She also confirmed what [REDACTED] told us regarding the heavy work load due to the T-21 initiative and of [REDACTED]'s unsuccessful attempts to hire someone. An SF-52 reflected that [REDACTED] authorized [REDACTED]'s appointment due to a "critical hiring need." On August [REDACTED] 2010, [REDACTED] was given a 30-day appointment as a human resources specialist within OHRM. COHRS staff provided no other records reflecting the extension of the appointment for another 30 days.

(b) (7)(C)

Allegations Pertaining to [REDACTED]

[REDACTED] and [REDACTED] allegedly engaged in a prohibited personnel practice by giving [REDACTED] a preference in hiring. [REDACTED] was allegedly involved as a participant in a meeting with [REDACTED] and other OHRM staff, where [REDACTED]'s continued employment with VA was discussed.

[REDACTED] told us that he started working at VA in July 2010 and that within the first 2 weeks of his employment he met several OHRM employees. He said that [REDACTED] was one of those employees and that she worked at VA as a summer intern employee. [REDACTED] said that [REDACTED] initially brought [REDACTED] to his attention as being someone who was very competent and one who was interested in permanent employment at VA. He said that he learned from [REDACTED] that [REDACTED] recently enrolled in a human resources certificate program with the Graduate School and that after further discussions with [REDACTED] he [REDACTED] decided to hire [REDACTED] non-competitively using the student career experience program (SCEP) hiring authority.

(b) (7)(C)

██████████ said that he and ██████████ were met with some resistance from COHRS staff who did not think that the certificate program at the Graduate School would qualify under the SCEP regulations, as the Graduate School did not issue an actual grade for the course. ██████████ said that the matter was elevated to OHRM's Director of Recruitment and Placement Policy Service (RPPS) for a final determination as to whether the certificate program qualified as a valid program of study under the SCEP requirements. The RPPS Director determined that the program of study at the Graduate School qualified and ██████████'s appointment was completed.

(b) (7)(C)

██████████ told us that she did not participate in any meetings regarding ██████████'s continued employment but that she supported her subordinate manager's hiring decision. ██████████ and ██████████ both confirmed that ██████████ was not a part of any meetings regarding ██████████'s appointment.

(b) (7)(C)

Recruitment records reflected that ██████████'s SCEP appointment became effective on October ██████████ 2010, and that all required SCEP agreements were executed between VA and the Graduate School; ██████████ as the hiring manager and supervisor; and ██████████ as the student employee. Records also reflected that ██████████ also applied for a human resources specialist position in ██████████'s office under a Federal career intern program (FCIP) recruitment action. However, we discovered that even though ██████████ had a relevant master's degree and met the minimum qualifications for the position, the COHRS staffing specialist handling the recruitment improperly determined that ██████████ did not meet the minimum qualifications and did not include her name on the certificate of eligibles. This essentially denied ██████████ of her right to compete for the FCIP position. The OHRM ██████████ told us that OHRM was investigating the COHRS staffing specialist internally for allegedly engaging in similar improper human resources practices. As such, this particular matter was referred in another memorandum to ██████████ for review and appropriate action.

Conclusion

We did not substantiate that ██████████ engaged in prohibited personnel practices by giving preferential treatment in hiring to ██████████. ██████████ specifically recalled authorizing the recruitment actions that resulted in the hiring of ██████████ and ██████████. ██████████ was laterally reassigned from a ██████████ GS-14 position to a VA GS-14 position. ██████████ was a temporary hire for 30-days that by ██████████'s account was extended one additional 30-day period due to workload requirements. With regard to ██████████ COHRS was unable to provide any records associated with her appointment as a summer intern and therefore we were unable to make a determination as to the appropriateness of that appointment. By ██████████'s account, ██████████ was an outstanding summer employee. Further, we found no evidence of an improper relationship or conflict of interest involving ██████████ and any of the employees hired.

(b) (7)(C)

We did not substantiate that ██████████ or ██████████ engaged in a prohibited personnel practice with regard to ██████████. Testimonial and documentary evidence

(b) (7)(C)

reflected that SCEP, an appropriate non-competitive hiring method, was used to employ [REDACTED] after her VA summer employment ended. It was during [REDACTED]'s summer employment that her knowledge, skills, and abilities were first noticed and that lead to [REDACTED]'s decision to hire her. With regard to the allegation that [REDACTED] was involved in a meeting where [REDACTED]'s continued employment at VA was discussed, [REDACTED] told us that she never attended any such meeting and this was confirmed by the testimony of both [REDACTED] and [REDACTED]

(b) (7)(C)

These allegations are being closed without a formal report or memorandum.

Prepared By

[REDACTED]

Date

5/13/2011

[REDACTED]

Date

5/13/2011

Approved By

[REDACTED]

Date

5/13/2011