

# Department of Veterans Affairs

2011-00210-IQ-0026  
**Memorandum**

Date: May 9, 2011

From: Assistant Inspector General for Investigations (51)

Subj: Administrative Investigation – Staffing Irregularities, VA Central Office Human Resources Service (2011-00210-IQ-0026)

To: Deputy Assistant Secretary, Office of Human Resources Management (05)  
Associate Deputy Assistant Secretary, Human Resources Operations (05HRS)

1. While conducting another administrative investigation, VA Office of Inspector General Administrative Investigations Division discovered that [REDACTED] Office of Human Resources & Administration (HRA), failed to properly include an applicant [REDACTED] on a certificate of eligibles for a mid-2010 Human Resources Specialist GS-0201-9 recruitment action. [REDACTED] told us that she was reviewing other conduct and questionable HR practices by [REDACTED] and requested that we forward our findings to her for her review and possible action. In addition to this matter, we want to bring to your attention the difficulties we continually experience when asking Central Office Human Resources Service (COHRS) for records relevant to OIG administrative investigations. We are providing this memorandum for your information and official use to take whatever action you deem appropriate. No response is necessary.

(b) (7)(C)

2. Executive Order 13162, dated July 6, 2000, established the Federal Career Intern Program (FCIP). Although FCIP has since been repealed, it was a valid non-competitive hiring authority at the time the mid-2010 recruitment action took place. Office of Personnel Management (OPM) minimum qualification standards reflected that for an FCIP appointment at the GS-9 grade-level, a master's degree could qualify the applicant in lieu of the required 1-year of specialized experience. 5 CFR § 213.3202.

3. [REDACTED] told us that she worked on the above referenced mid-2010 recruitment action [REDACTED] and that she reviewed [REDACTED]'s job application in connection with that action. [REDACTED] said that she did not include [REDACTED] on the certificate of eligibles, because she determined [REDACTED] did not meet the minimum qualifications for the position. She said that [REDACTED]'s resume reflected only 2 months of specialized experience and that the minimum requirement was 1-year of specialized experience. [REDACTED] said that she knew [REDACTED] possessed a master's degree, but she said that the master's degree could not substitute for the required 1-year of specialized experience. [REDACTED] told us that she believed that a doctorate degree was needed to substitute education for the required job experience.

(b) (7)(C)

4. In addition, [REDACTED] told us that she did not believe that [REDACTED] performed the work she claimed on her resume, and she characterized [REDACTED]'s written descriptions of her job experience as "fluff." As an example, [REDACTED] said that [REDACTED] listed on her resume that she wrote policy while working as a VA summer student employee.

(b) (7)(C)

██████████ said that there was a difference between typing and writing policy and that she did not believe ██████████ actually wrote or created policy herself. Although she told us that she never met ██████████ or knew her personally, ██████████ said that she concluded that ██████████ did not have the work experience she claimed, because she ██████████ knew what work summer student employees typically did and what the position description reflected for that particular position. ██████████ told us that she looked at every aspect when making her qualification determination; however, she said that this was the only time she disqualified an applicant based on her own personal belief that the applicant misrepresented their work experience.

(b) (7)(C)

5. We concluded that ██████████'s actions in this matter improperly denied ██████████ of her right to compete for employment. OPM's Qualification Standards for General Schedule Positions, as reflected on their internet website, stated that the minimum qualification for a GS-0201-9 was a master's degree or 1-year of specialized experience. Further, ██████████ had no actual personal knowledge of ██████████'s work experience, only a personal belief of what she thought ██████████'s duties should have been. ██████████'s actions in this matter denied ██████████ of her right to compete for employment, and we found it hard to reconcile ██████████'s actions with her stated 10 years of HR experience. While ██████████'s actions suggest that she engaged in a prohibited personnel practice, we did not pursue this matter further, since you told us that you were conducting your own inquiry into ██████████'s performance and conduct.

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6. In addition, we want to bring to your attention the difficulties we continually experience when asking COHRS staff for records relevant to OIG administrative investigations. OIG, under the Inspector General Act of 1978, 5 U.S.C., Appendix 3, is authorized to conduct and supervise audits and investigations for the detection and prevention of fraud and abuse and the promotion of economy, efficiency, and effectiveness in the administration of the programs and operations of the Department of Veterans Affairs; and, to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available that is related to the Department of Veterans Affairs. *Id.*, at Section 6(a)(1). VA General Counsel also reiterated this authority and affirmed that OIG has access to all VA information and records, even when confidentiality statutes protect them. General Counsel Bulletin, Vol. 5, No. 5, October 15, 1990.

7. In the past, after making official requests for records, we experienced unreasonable delays and incomplete responses from COHRS staff, even though, at times, a COHRS official certified, under penalty of perjury, that their response was complete and accurate. For example, in April 2010, we asked COHRS staff for a case file on a particular merit promotion action in which a VA employee was appointed at a higher than entry level step. COHRS staff told us that they could not locate the case file. However, after they contacted the hiring action "servicing specialist," they discovered that not only were certain documents missing but that the specialist did not properly file it in the COHRS "filing room." Therefore, COHRS staff was unable to provide us the documentation pertaining to the justification, review, and approval of the employee's higher than minimum starting salary. We had a greater concern when COHRS staff told us 7 months later that the "missing" documents

mysteriously appeared on a staff member's desk. In reviewing those "found" documents, we could not determine if they were the originals or possibly constructed after the fact.

8. In another example, we asked COHRS staff in November 2010 for a copy of a VA employee's Official Personnel Folder (OPF), as the file was not yet in the electronic system. Although the file was provided to us in a reasonable timeframe, it was missing a crucial document, and when we contacted COHRS staff to have a copy of the missing document sent to us, the staff member continually insisted that it was already included in the file that she gave us. We eventually, after a period of time, convinced her that she sent us only the first page of the document and not the signed page, and she then complied with our request. On another occasion, in December 2010, we asked for records related to the appointments of four current or former VA employees. Three months later, in March 2011, COHRS staff still had not fully responded to our request, and after we reached out a third time, they contacted the original hiring manager to obtain copies of his records, even though he sent them to COHRS previously. In yet another example, COHRS staff gave us files that they knew were missing specific required documents; however, they took no action to locate the missing records or alert us to the fact that the file was incomplete.

9. These examples, as well as other instances, emphasize what appears to be a systemic weakness in COHRS administrative procedures for processing personnel actions, to include the production, filing, storage, and retention of records associated with staffing actions. In the past, COHRS staff told us that to find records, they had to first identify the HR Specialist who handled a particular staffing action to ask that individual where he or she stored the records. We also found, at times, the records were stored within an HR Specialist's work space even after the closure of a staffing action, and on one occasion, a staff member told us that she asked a colleague to keep a particular file associated with a questionable hiring initiative in a safe place, as she did not "want it to disappear."

10. COHRS staffing specialists are skilled staffing professionals who should know what documents are to be included in each hiring effort as well as the retention requirements for records associated with each action. We suggest that you instruct COHRS staff that when responding to official OIG requests for records that they pay particular attention to ensure that their responses are complete and accurate and that records are maintained in a centralized location for retrieval. We further suggest that COHRS staff identify any records that they cannot produce, provide an explanation as to why the records were not produced, and explain what action, if any, is being taken to either locate or reconstruct the records associated with the staffing action.

11. We are providing you this memorandum for your information and official use to take whatever action you deem appropriate. This memorandum is subject to the provisions of the Privacy Act of 1974 (5 U.S.C. § 552a). You may discuss the contents of this memorandum with Ms. White, or others as necessary, within the bounds of the Privacy Act; however, it may not be released to anyone. If you have any questions, please contact



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**5 U.S.C. §55A, PRIVACY ACT STATEMENT**

**This memorandum contains information subject to the provisions of the Privacy Act of 1974 (5 U.S.C. §55a). Such information may be disclosed only as authorized by this statute. Questions concerning release of this memorandum should be coordinated with the Department of Veterans Affairs, Office of Inspector General. The contents of this memorandum must be safeguarded from unauthorized disclosure and may be shared within the Department of Veterans Affairs on a need-to-know basis only.**