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Experts and Consultants

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1-1. APPLICABILITY

a. General. The instructions in this chapter apply to the employment of experts and consultants in positions excepted from the competitive service by statute or by the Office of Personnel Management (OPM). The instructions apply to appointments under 5 USC 3109 or similar authorities for agencies to make excepted appointments of experts and consultants, whether the services are paid or unpaid. The instructions also apply to individual expert or consultant services procured by contract if an employer-employee rather than an independent contractor relationship is created.

b. Statutory exceptions. Expert and consultant employment is controlled by the requirements of this chapter unless a statute clearly provides otherwise. An agency that thinks it has a statutory exception to these requirements must have OPM's concurrence in that opinion before it may employ experts and consultants without regard to these requirements. The statutory language must be so plain and unequivocal as to admit no doubt of the exception.

1-2. DEFINITIONS

For paid or unpaid employment, in this chapter:

(1) Consultant means a person who serves primarily as an adviser to an officer or instrumentality of the Government, as distinguished from an officer or employee who carries out the agency's duties and responsibilities. A consultant provides views or opinions on problems or questions presented by the agency, but neither performs nor supervises performance of operating functions (23 Comp. Gen. 497). Generally, a consultant has a high degree of broad administrative, professional, or technical knowledge or experience which should make the advice distinctively valuable to the agency.

(2) A consultant position is one which primarily requires performance of advisory or consultant services, rather than performance of operating functions.

(3) Expert means a person with excellent qualifications and a high degree of attainment in a professional, scientific, technical, or other field. An expert's knowledge and mastery of the principles, practices, problems, methods, and techniques of a field of activity, or of a specialized area in a field, are clearly superior to those usually possessed by ordinarily competent persons in that activity. An expert usually is regarded as an authority or as a practitioner of unusual competence and skill by other persons in the profession, occupation, or activity.

(4) An expert position is one that, for satisfactory performance, requires the services of an expert in the particular field, as defined in paragraph (3), and with duties that cannot be performed satisfactorily by someone not an expert in that field.

(5) Intermittent employment means (a) occasional or irregular employment (b) on programs, projects, problems, or phases thereof, requiring intermittent service. When an intermittent expert or consultant works more than one-half of full-time employment, i.e., he or she is paid for all or any part of a day for more than 130 days in a service year, the employment automatically ceases to be intermittent and becomes temporary. Under these circumstances, the employee may be reappointed in the next service year only on a purely intermittent basis, as defined above. If at any time it is determined that the employee's work is no longer intermittent in nature, the employment must be terminated immediately.

(6) Temporary employment means (a) employment for one year or less (b) on programs, projects, problems, or phases thereof, requiring temporary service for one year or less.

1-3. POLICY

a. Proper use. The proper use of experts and consultants is a normal, legitimate, and economical way to improve Government services and operations. Agency activities can be strengthened by the highly specialized knowledges and skills of persons from the private sector brought into the service for brief periods of need. The temporary or intermittent services of experts and consultants properly may be used to get:

(1) specialized opinion unavailable in the agency or in other agencies;
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(2) outside points of view, to avoid too-limited judgment, on administrative or technical issues;

(3) advice on developments in industry, university, and foundation research;

(4) for especially important projects, the opinions of noted experts whose national or international prestige contributes to the undertaking's success;

(5) the advisory participation of citizens to develop or implement Government programs that by their nature or by statute call for citizen participation;

(6) the skills of specialized persons who are not needed continuously, or who cannot serve regularly or full time.

b. Improper use. The improper employment of experts and consultants is not only illegal, it is wasteful and destroys the morale of the career specialists. Examples of improper employment of an expert or a consultant are to: give a particular person temporary or intermittent appointment solely in anticipation of a career-conditional appointment, do a job that can be done as well by regular employees, do a full-time

continuous job, avoid competitive employment procedures, or avoid General Schedule pay limits.

c. Reappointment. (1) General rules. Intermittent appointments can be renewed from year to year; temporary appointments cannot. Therefore, an expert or consultant who has worked under a temporary appointment, cannot be reappointed to continue serving the following year under temporary appointment in the same position. The following are the exceptions to this general rule.

(2) Reappointment to same position. An expert or consultant who served under a temporary appointment in one service year may be reappointed the next year to the same position on only a purely intermittent basis, as defined in paragraph 1-2(5). Employment must cease, however, as soon as it loses its occasional or irregular character.

(3) Reappointment to different position. (a) The fact that an expert or consultant served under a temporary appointment in one service year does not rule out a new appointment the next year to a position different from the one filled in the previous service year. In this context, a different position is one with duties and responsibilities that are recognizably different from those of the previous assignment and that cannot be considered an outgrowth or extension of that assignment. Here are some obvious indicators of a different position: Different agency; different organizational location within an agency; different area of work; or work on an unrelated program.

(b) In unusual cases two positions may be different even though no obvious indicator is present. But a reappointment under these circumstances should have the prior approval of an official other than the one who authorized the initial appointment. The basis for the conclusion that the positions are in fact different must be made a matter of record placed in the employee's Official Personnel Folder.

(c) Even when different positions are involved, reappointments resulting in service for more than two years in a row on a regular basis can give the appearance of continuing employment; therefore, such reappointments should be made only after careful consideration of all the circumstances involved. Each agency should set up special review and approval procedures for this purpose. These procedures should require the approving official to show that he or she has made the required review and has found the reappointment appropriate. This must be made a matter of record and placed in the employee's Official Personnel Folder.

1-4. HOW TO DETERMINE WHETHER AN EMPLOYER-EMPLOYEE RELATIONSHIP EXISTS

Ordinarily, when an agency appoints a consultant to provide advisory services or an expert to perform operating functions, the agency creates an employee-employer relationship governed by this chapter. Pay for personal service usually indicates an employee-employer relationship, but the relationship also may exist when service is unpaid. The facts in a situation govern whether the relationship exists. An employee-employer relationship subject to this chapter exists when a person meets the formal definition of "employee" in 5 USC 2105. The person must be:

(1) appointed or employed in the civil service by a Federal officer or employee performing in an official capacity.

(2) engaged in the performance of a Federal function under authority of law or an Executive act, and

(3) supervised and directed by a Federal official or employee.

1-5. AUTHORITY TO EMPLOY

a. General. Various statutes authorize agencies to
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employ experts and consultants. The basic authorities available to most agencies are discussed below.

b. Section 3109, title 5, United States Code. (1) Under this statute agencies may, when authorized in an appropriation or other statute, employ experts and consultants temporarily (one year or less) or intermittently without regard to the laws for the competitive service, position classification, and the General Schedule pay grades. This excepted appointment authority imposes the following conditions:

(a) The positions must be bona fide expert or consultant positions;

(b) Persons employed must be experts or consultants qualified to perform the duties of the positions;

(c) The needed services must be of such a nature that the agency can meet the need by temporary (one year or less) or intermittent employment. The agency may not use this authority to fill a continuing full-time job. A

(2) At times, agencies use section 3109 to employ an individual whose nomination for a Presidential appointment is pending Senate confirmation. By appointment under section 3109, such an individual becomes a Federal employee and subject to the conditions which apply to other Federal employees. As with any other use of section 3109, agencies should be sure such employment meets the conditions of the authority.

(3) Section 3109 states it may not be used as authority to fill Senior Executive Service positions. Therefore, it is not appropriate to assign experts or consultants to the policy making and managerial work which characterizes the Senior Executive Service.

c. Other statutes. Under other statutes, individual agencies may employ experts or consultants, or both, excepted from the competitive service and, sometimes, exempted from the General Schedule. Use of these authorities is subject to the provisions of this chapter except when OPM concurs in an agency opinion as mentioned in section 1-1. S

d. Schedule A. (1) Agencies may employ experts and consultants under section 213.3102(1) of Schedule A in "positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes." This authority excepts the employees from OPM competitive examination but does not except the position from the General Schedule pay and classification requirements. The authority primarily is intended for agencies which do not have authority to use section 3109 or other statutory expert and consultant authority.

(2) The following conditions are applicable: (a) the needed service must be of such a nature that the agency can meet the need by temporary

(one year or less) or intermittent employment;

(b) the position actually is a consulting nonoperating, professional, scientific, or technical position;

(c) the person employed is an expert in the field.

1-6. PAY

a. Maximum daily pay rate. While persons appointed under 5 U.S.C. 3109 are excepted from the position classification and General Schedule grade and pay laws, section 3109 states that agencies otherwise subject to those laws generally may pay up to the daily equivalent of the highest rate payable under the General Schedule. Because of 5 USC 5308, that rate is limited to the rate payable for level V of the Executive Schedule. The Comptroller General has held that highest rate payable is the top step of grade GS-15, except that the grade GS-18 rate may be paid to persons appointed to professional engineering positions primarily concerned with research and development, and professional positions in medicine, and the physical and natural sciences (43 Comp. Gen. 509(1964)). In some instances, the appropriations or other statute may authorize a particular agency to pay a maximum daily rate higher or lower than the rates authorized by section 3109.

b. Agency sets rate. Each agency decides what it will pay, subject to the maximum rate payable under section 3109 or other statutory authority. Agencies should not pay the maximum rate routinely. OPM recommends that pay be commensurate with the level and difficulty of the work to be done, the qualifications of the appointee, and the availability of such services in the labor market.

c. Unpaid employment. To employ experts and consultants without pay, an agency must have either specific statutory authority for this purpose or specific statutory exemption from the General Schedule that permits unpaid employment and does not conflict with other statutes. For example, the General Schedule exemption in 5 USC 3109 permits agencies to employ experts and consultants without pay except when another authority prescribes what the agency pays them. When, under a statute, an agency may employ experts and consultants without pay but it has no special authority excepting the positions from the competitive service, the agency may employ experts and consultants under section 213.3102(k) of Schedule A. This authority excepts from OPM examination employees in positions without pay provided their appointments

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meet the requirements of applicable laws relating to pay (58 Comp. Gen. 383 and 27 Comp. Gen. 194).

d. Reemployed annuitants. Subject to statutes and executive branch policies, an agency may use its employees or may contract out with private firms or self-employed individuals to perform its work.

(1) Employment. The salary of an individual who retires from the Federal civil service and who is reemployed in the Federal civil service must be reduced with a few exceptions, for example, an exemption in an agency's enabling statutes. This restriction applies to Federal civil service retirees who are rehired as experts, consultants, or in any other employee capacity. (See action 1-4 of this chapter; Chapter 300, Subchapter 7, "Employment of Annuitants"; and FPM Supplement 831-1, Subchapter S15.)

A civil service annuitant who provides temporary or intermittent services as an expert or consultant on an employer-employee basis is subject to the setoff provisions of 5 USC 8334(a). The annuity payable to a reemployed annuitant must be deducted from the total pay for the position; the remainder represents the total pay authorized to be paid for a full year of employment or the maximum rate for any lesser period. A daily or hourly rate of pay should be converted to its annual equivalent (260 days or 2,080 hours), this equivalent rate reduced by the annuity, and the balance reconverted to a daily or hourly rate. Lump-sum leave payments (under 5 USC 5551) to retiring employees are not subject to the setoff provision.

(2) Procurement Contract. Agencies have authority to contract with the private sector under the authorities and conditions of titles 10 and 41, United States Code, executive branch policies, and regulations issued by appropriate agencies. For example, an agency may contract with a self-employed independent contractor for the provision of goods or nonpersonal services. If that contractor is a Federal civil service retiree, there is no reduction in fee or annuity since services provided under a bona fide independent contractor relationship are not considered employment (53 Comp. Gen. 702, 53 Comp. Gen. 542, and 36 Comp. Gen. 186). OMB Circular No. A-120 instructs agencies not to give preference to former Government employees in awarding consulting contracts.

e. Overtime and limitation on pay. Because experts and consultants generally are paid on a daily rate basis, they are not entitled to more than the daily rate prescribed in the appointment documents for each day of service regardless of the number of hours worked. The designation of a regular tour of duty in the appointment documents does not necessarily preclude receipt of compensation at the agreed daily rate for work performed outside of that tour of duty--for example, if such an employee works six days a week, the sixth day is paid at the straight time rate rather than the overtime rate.

However, there are aggregate compensation considerations that may limit the flexibility to use expert and consultant service for more than 10 days in any pay period. Since the compensation of experts and consultants is set by administrative action under 5 USC 5307, it is subject to the limitation on compensation imposed by 5 USC 5308 which must be applied on a pay-period basis (5 USC 5504). Thus, an expert or consultant, employed on a daily basis, may be paid the rate of basic compensation for work on days outside the prescribed tour of duty, provided compensation within any biweekly pay period does not exceed the rate of basic pay for level V of the Executive Schedule (58 Comp. Gen. 90).

f. Overtime under the Fair Labor Standards Act (FLSA). When experts and consultants are hired as Federal employees under appropriate appointing authorities, they are employees within the coverage of the FLSA. However, most experts, and consultants are exempt from the minimum wage and overtime pay provisions of the Act since they perform such services in professional or administrative positions which are exempt from the Act. The only experts and consultants subject to the minimum wages and overtime pay provisions of the Act would be those in positions or in professional or administrative positions that do not meet the FLSA exemption criteria (e.g., employees in high-graded technician positions or in professional or administrative positions that do not meet the grade level or percentage of time requirement for

exemption from the Act.) An expert or consultant in a position which does not meet the criteria for exemption (5 CFR 551) from the Act, is entitled to overtime pay for the hours worked in excess of 40 hours in an administrative workweek under the Act.

g. Salary increases. Unless the hiring agency provides in the appointment documents that General Schedule increases under 5 USC 5305 (October pay adjustment) automatically will apply to these individuals, and without administrative action authorizing a consequent increase under 5 USC 5307, an expert or consultant is not entitled to a pay increase on the basis of an increase in the General Schedule (B-131259, July 6, 1976).

h. Holiday pay. Unless the appointment documents
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expressly provide for holiday pay, an expert or consultant employed on a per diem basis is not entitled to compensation for holidays on which no work was performed (B-131259, January 23, 1976).

The notation of a "Regular Tour of Duty" in the remarks section of an SF 50 refers only to a work schedule and not to the duration of appointment. Such a notation does not make an expert or consultant hired under section 3109 a regular or permanent employee so as to confer entitlement to salary increases or holiday pay without an express statement authorizing the payment in the appointment documents.

i. Setoff of uniformed services retired pay. As required by 5 USC 5532, certain former members of the uniformed services are subject to reduction in retired pay if employed in the Federal service. The hiring agency is responsible for notifying the appropriate uniformed service pay center which determines the amount of retired pay, if any, to be withheld (5 CFR 550, subpart F; chapter 550, subchapter 6; 55 Comp. Gen. 1305 and 51 Comp. Gen. 189).

j. Pay setting upon regular appointment. Except for "superior qualifications appointments," new appointments (the first appointment, regardless of tenure, as an employee of the Federal Government) to positions covered by the General Schedule must be made at the minimum rate of basic pay established for those positions. The Comptroller General has ruled that although an employee previously served under employment authorized by section 3109 that individual is to be considered a new appointee upon regular appointment (30 Comp. Gen. 347; 42 Comp. Gen. 114). Therefore, under those decisions and 5 CFR 531.203(d)(2)(i), the rate of pay received for appointment as an expert or consultant under section 3109 may not be used as the basis for the highest previous rate in determining an employee's rate of basic pay upon regular appointment.

k. Travel expenses. An expert or consultant who serves intermittently may be allowed travel or transportation expenses including per diem allowances while away from home or regular place of business and at the place of employment or service (5 USC 5703).

1. Exception from dual pay restriction. Generally, an individual is prohibited by statute from receipt of basic pay from more than one position for more than an aggregate of 40 hours of work in one calendar week. Under one exception to this restriction, an individual is entitled to pay for service on an intermittent basis from more than one consultant or expert position, provided the pay is not received for the same hours of the same day (5 USC 5533(d)(1)).

1-7. BENEFITS

a. Annual and sick leave. An expert, consultant, or other employee who serves on

(1) an intermittent or other basis without a prearranged regular tour of duty does not earn annual and sick leave (5 USC 6301(2)(ii));

(2) a regular prescribed tour of duty, full time or part time, does earn annual and sick leave. We recommend agencies determine in advance whether an employee will work a prearranged regular tour of duty and note appointment documents to show whether the employee earns leave (58 Comp. Gen. 167 and 5 CFR 630).

b. Retirement, Life Insurance, and Health Benefits. An expert, consultant, or other employee whose service is intermittent or temporary for one year or less is not covered under the civil service retirement system and is ineligible for life insurance and health benefits. However, if an employee currently covered by retirement, life insurance, or health benefits is appointed as an intermittent or temporary (full-time or part-time) expert or consultant without a break in service or after a separation from the service of three days or less, coverage is continued. To continue life insurance coverage for an intermittent employee, there must be an expectation that the employee will return to the previous position on a full-time basis. (For full information, see 5 CFR 831.201, 5 CFR 870.202, 5 CFR 890.102, and FPM Supplements 831-1 S2, 870-1 S2, and 890-1 S4.)

1-8. OPM REVIEW

a. Purpose. OPM reviews the employment of experts and consultants to determine whether (1) the positions are actually consultative or expert in nature, (2) the employees are qualified for the positions, (3) the agencies have determined that no conflict of interest exists, (4) the 130-day limitation on services during the previous year is met in cases of employment extensions, and (5) the employment records are accurate and adequate.

b. On-site reviews. OPM will review expert and consultant appointments during general and special personnel management evaluations of agencies to assure the proper use of the authority to employ experts and consultants and to provide an early warning of problems in individual agencies.

1-9. CONFLICT OF INTEREST

Generally, the statutory prohibitions on conflict of

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interest apply. The Office of Government Ethics, Office of Personnel Management, is responsible for overseeing the application of ethical standards, employee financial disclosure reporting requirements, and post employment conflict of interest restrictions by executive branch agencies. Because of their brief service, many experts or consultants may qualify for treatment as special Government employees who serve less than 130 days a year. Such employees are not subject to all of the prohibitions which apply to regular employees. For more information, see Chapter 735, "Employee Responsibility and Conduct", especially Appendix C.

1-10. SPECIAL OVERSIGHT REQUIREMENTS

a. General. Experts and consultants who serve as employees are subject generally to the same conditions and restrictions which apply to other Federal employees who are in the excepted service and who work on a temporary or intermittent basis. There are, however, some special conditions of which agencies should be aware.

b. Office of Management and Budget. The Office of Federal Procurement Policy, OMB, provides leadership in the development of Federal procurement policy and oversees agency procurement management practices. While OMB instructions on obtaining consulting services apply to procurement contract actions primarily, certain ones apply to appointments as well.

(1) OMB Circular No. A-76 Revised, Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government, issues March 29, 1979, states the Government's basic policy of relying on the private sector for goods and services and provides the means to determine whether commercial or industrial work shall be done by contract with private sources or inhouse using Government facilities and personnel.

(2) OMB Circular No. A-120, Guidelines for the Use of Consulting Services, published April 14, 1980, establishes definitions, basic policy, internal guidelines, internal management controls, and data reporting requirements for agencies. The Circular requires agencies to justify each consultant service contract in writing, award contracts competitively to the maximum extent possible, warn contractors concerning conflict of interest, and monitor performance. It prohibits agencies from using consulting services to perform work of a policy/decisionmaking or managerial nature which is the direct responsibility of agency officials.

c. Inspector General's annual evaluation. Section 307(b) of Public Law 96-304, July 8, 1980, requires the Inspector General or comparable official of each agency to give Congress, along with the agency's budget justification, an evaluation of the agency's progress to (1) institute effective management controls and (2) improve the accuracy and completeness of the data provided to the Federal Procurement Data System (established under Public Law 93-400) regarding consultant service contractual arrangements.

d. General Accounting Office (GAO). GAO is involved in agency use of experts and consultants through its reports to Congress and case decisions. For agency convenience, several significant Comptroller General opinions are summarized in this chapter. GAO's Civilian Personnel Law Manual, Title 1, Compensation, Chapter 10, contains digests of many key opinions. For full information, GAO recommends that agencies consult the actual case decision.
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*** End of Document ***

Federal Personnel Manual (FPM)
INTERNAL AGENCY CONTROLS ON EMPLOYMENT OF INDIVIDUAL EXPERTS AND
CONSULTANTS

Document Number: CH 304 APA
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A-1. ESTABLISHMENT OF POSITIONS AND SELECTION OF APPOINTEES

a. Preappointment review and certification. Each proposed appointment (and extension of appointment) must be reviewed and certified by a high agency management official in terms of the:

(1) necessity for the positions;

(2) correctness of the judgment that the position requires the services of an expert or consultant;

(3) propriety of designating the position as temporary or intermittent;

(4) soundness of the decision that this is the most appropriate appointing authority to use;

(5) qualifications of the proposed appointee;

(6) appropriateness of the intended level of pay in relation to the work to be performed, the qualifications of the proposed appointee, and comparable salaries in the private sector.

(7) completeness of documentation.

b. Certifying official. The certifying official must be an agency management official with knowledge of the legal and other requirements applicable to expert and consultant appointments and extensions, with authority to give final approval to selections, and at a high enough level to accept responsibility for an erroneous action. The official must be authorized by the agency head or his or her designee to certify for the record that each of the required items has been reviewed and that the proposed action is in order.

c. Documentation of preappointment review. (1) Before appointment, a suitable certification attesting that all the requirements in paragraph a have been met must be:

(a) Prepared for each appointee; and

(b) Approved and signed by the certifying official.

(2) The certification, which must be retained among the permanent records in each appointee's Official Personnel Folder, is to be worded along the lines of the following example:

Consultant Certificate

"In approving the filling of this consultant position without regard to the laws and regulations governing appointments in the competitive civil service, and in approving the rate of pay set for this position without regard to the classification and pay laws, I have considered the requirements of law (5 USC 3109), relevant Comptroller General decisions, and the instructions of the Office of Personnel Management.

"More specifically, I have satisfied myself that:

"(a) The position is necessary;

"(b) The position is a 'consultant position' as defined in FPM chapter 304;

"(c) The work is temporary in nature, that is, will not exceed one year (or, as appropriate' ... requires services only irregularly (that is, with no regular tour of duty) or occasionally'), requires a high level of expertness not available in the regular work force, is of a purely advisory nature, 'and does not include the performance or supervision of operating functions;

"(d) This authority is the most appropriate appointing authority for meeting the agency's needs;

"(e) The proposed appointee meets the definition of 'consultant' in FPM chapter 304, and does, in fact, possess the kind and level of expertness that will permit him (her) to render the services the agency seeks;

"(f) The daily rate intended to be paid the proposed appointee is commensurate with the level of the work to be performed and his (her) qualifications for the work; and

"(g) Required documentation is in order."

(3) In some situations, it will be necessary for an agency to modify the sample certificate as, for example, when the appointment is made under an authority other than 5 USC 3109, the pay is set under the General Schedule (primarily if an appointment is under Schedule A), or the appointee will serve without compensation. Slight modification will also have to be made if the position is that of an expert rather than a consultant, although all the basic elements of the consultant sample must be included.

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A-2. INTERNAL REVIEW DURING EMPLOYMENT

a. Quarterly review. Agencies are required to maintain effective controls over use of appointees during employment. Control measures must include frequent reviews, generally quarterly, to assure that in each case the:

- (1) duties performed are still those of an expert or consultant;
- (2) Time limits are being observed;
- (3) documentation is kept current; and

(4) duties of record are actually being performed.

b. Exclusion from quarterly review. An agency may exclude from a quarterly review experts and consultants who have worked for 10 days or less during the quarter covered.

c. Documentation of review. Each quarterly review is to be appropriately documented and the record retained for OPM examination, which usually will be performed at the time of the next onsite evaluation. The record of review, signed by the director of personnel or his superior, should describe the conduct of the review, summarize the findings, and describe the actions taken to correct any deficiencies noted in the review. If, in a quarterly review, an agency decides to use all or some part of the exclusion in paragraph b, it should include in the record of review a statement describing the extent of the exclusion. Records of reviews are to be retained until examined by OPM.

A-3. INTERNAL COMMUNICATIONS

Each agency is required to communicate at least annually to its appointing officials relevant highlights of this chapter. Communications may be in such forms as written issuances, orientation sessions for new managers, executive staff meetings, and training modules. They should include:

(1) An explanation of what is permitted under law and instruction and what is not;

(2) Advice on the importance of careful work force planning;

(3) Assurance that agency personnel officials will be available to provide advice and assistance on appropriate staffing methods;

(4) A description of alternative appointing authorities, which, depending upon circumstances, could be more appropriate than the expert and consultant authority for meeting the agency's needs;

(5) A reminder that improper appointment under the expert and consultant authority is a violation of law, representing an illegal exception from civil service appointment and classification laws.

A-4. DOCUMENTING EMPLOYMENT

a. For each expert or consultant employed, full-time or part-time or intermittently, whether employed by appointment or by contract, paid or unpaid, and under any authority employed, each agency must establish an Official personnel Folder. The folder must contain the following, filed in accordance with chapter 293:

(1) A description of the position in enough detail to show that the position actually requires an expert's or consultant's services;

(2) A Standard Form 171 or a description of the appointee's background and qualifications in enough detail to show that they fit him (her) for the position;

(3) A description of any regularly scheduled tour of duty for a less than full-time employee;

(4) A Standard Form 50, Notification of Personnel Action, showing the employment;

(5) A Standard Form 50 showing termination of the employment;

(6) Certification that a statement of employment and financial interests has been obtained and it has been determined that no conflict of interest exists;

(7) For all appointments, reappointments, and extensions of appointments for experts and consultants, certification that requirements concerning the appointee's qualifications, pay documentation, and use of the appointing authority have been met.

(8) For all reappointments of intermittent experts and consultants, the number of days worked in the previous service year.

(9) Certifications required by sections 1-3c(3) and A-1 of this chapter.

b. The agency should obtain from each expert, consultant, or adviser a Statement of Employment and Financial Interests at the time of formal employment (see section 1-9). Those who have executed this statement, and who are reappointed immediately following separation, may, at the agency's option, be required to execute a new statement or to certify that the original statement is currently correct. In any case, the statement should be kept current as long as the employee is on the agency's rolls. New entrant, annual, and termination SF 278 public financial disclosure forms should be obtained from each individual meeting the reporting requirements of 5 USC app. 201.

(1) Agencies will be responsible for safeguarding the contents of the Statement of Employment and Financial Interest. Only those employees using the Statement

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in connection with their official duties should be allowed access to it. SF 278 public financial disclosure forms should be maintained in accordance with the requirements of 5 USC app. 205.

(2) Agencies should retain the Statement of Employment and Financial Interests for no less than five years following the employee's separation from the agency. SF 278 public financial disclosure forms should be retained and made available to the public for a period of six years after receipt of the forms.

A-5. REPORTING DATA TO OPM

For each expert or consultant employed, the agency must report all personnel action required to be documented on SF 50 by FPM Supplement 296-33 to OPM's Central Personnel Data File (CPDF). Submissions should be in accordance with the instructions in FPM Supplement 298-1 using the appropriate data element codes, especially the pay plan, contained in FPM Supplement 292-1.

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Federal Personnel Manual (FPM)
GAO REPORT ON EXPERT AND CONSULTANT APPOINTMENTS
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Date: 04 Jan 93

Subject: Appointment - Agency Authority
Experts and Consultants
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Hiring
Job Assignments - Restrictions
Personnel Reports
Technical and Miscellaneous Civil Service Amendments Act of 1992

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Chapter 304
RETAIN UNTIL SUPERSEDED

Heads of Departments and Independent Establishments:

1. The General Accounting Office (GAO) has completed a review of expert and consultant appointments made by nine installations during a 30-month period. GAO determined that 37 out of 106 appointments were inappropriate, primarily because the duties were those of career employees or the appointees did not meet the definitions of experts and consultants.

2. Longstanding instructions in FPM Chapter 304 specify the position must warrant the services of an expert or consultant and the appointee must be qualified as an expert or consultant, to have an appropriate appointment under 5 U.S.C. 3109, the excepted appointing authority for agencies to employ individual experts and consultants.

3. GAO also found some instances in which agencies used the authority as a quick way to hire someone destined for other duties or to fill in during staff shortages; did not know of other short-term hiring authorities; misread FPM guidance to allow performance of regular, continuing work; were unaware of or did not follow FPM internal control procedures to ensure proper appointment and use; and lacked documentation, including the preappointment certificate.

4. The expert and consultant appointing authority must not be used when agencies need help quickly, unless the situation meets the expert and consultant FPM criteria. Agency managers should use other appointing authorities described in other FPM chapters, as appropriate, including--

Special need;
Temporary limited;
Term;
Various Schedule A;
Temporary Schedule C;
SES limited term; and
SES limited emergency.

5. Some agencies told GAO they thought they could assign experts to regular, continuing work. In support, they noted the FPM Chapter 304 definition of consultant prohibits performing or supervising operating functions, but the expert definition has no such prohibition. Accordingly, GAO recommended revising the FPM to clarify the definitions, provide examples, and specify that experts cannot do full-time and continuous work that is the responsibility of regular employees.

6. Doing regular, continuing work and performing operating functions do not mean the same thing. The FPM states it is improper to use the expert and consultant appointing authority for a job that can be done by regular employees. Further, the FPM, reflecting the law, says experts and consultants may be assigned only to work requiring temporary or intermittent service.
<Page>

In short, neither experts nor consultants may be assigned to full-time, continuing work that regular employees otherwise would perform. The purpose of 5 U.S.C. 3109 is to allow agencies to bring in special types of employees to address special situations requiring short-term or occasional attention.

7. It also follows that experts and consultants may not be used to fill in during staff shortages, because that would mean doing regular, continuous work.

8. The FPM definitions of expert and consultant come from GAO decisions. The consultant definition says, in effect, consultants are advisors rather than doers. For example, they may perform studies, offer opinions, and provide alternatives to managers, but they cannot operate as managers by making decisions, supervising employees, or functioning in the chain of command.

9. The FPM definition of expert does not bar experts from being doers. They are specially qualified by education and experience in a particular field to provide a special service. Their ability to perform difficult, challenging tasks beyond the usual range of achievement of regular employees is what makes them experts. Accordingly, they can perform operating functions, because those functions are inherently part of the expertise for which they are employed. For example, an expert plate maker may engrave a novel design, a computer scientist may reprogram a trouble-plagued subsystem, or a microbial contamination specialist may apply new test methods to identify bacteria in products. They may not perform those duties on a regular, continuous basis.

10. In a separate recommendation, GAO asked that agency officials receive appropriate training in making expert and consultant appointments. In response, OPM has added a module on experts and consultants to the revisions to two nationwide, interagency training courses: Basic Staffing and Placement and Personnel Management for Supervisors and Managers.

11. GAO also recommended that 5 U.S.C. 3109 be amended to authorize OPM to issue regulations governing the employment of appointed experts and consultants, in order to achieve better control over their use. Section 3109 has long excepted such appointments from the competitive

civil service, job classification, and pay laws--the key sources of OPM's regulatory authority.

12. Congress recently acted to add GAO's recommendation to new legislation. As required by the "Technical and Miscellaneous Civil Service Amendments Act of 1992" (Public Law 102-378, October 2, 1992), section 2(8), we will issue regulations for the employment and pay of experts and consultants under 5 U.S.C. 3109, and for ensuring agency compliance. We also will issue instructions on the requirement in section 2(8) for each agency to report to OPM annually on the number of days each expert and consultant is employed and the total amount paid to each expert and consultant.

13. In addition to issuing regulations, we plan to update FPM Chapter 304 to reflect GAO's recommendations and the new law, and to delete references to OPM's ethics instructions. The Office of Government Ethics (OGE) has issued uniform standards of ethical conduct, as well as regulations on post employment and conflict of interest, for Federal employees. Also, OGE has issued regulations setting forth the conditions for making public and confidential financial disclosure reports. OGE's regulations, published in Chapter XVI of Title 5, Code of Federal Regulations, supersede instructions in those areas previously issued by OPM. Each agency's designated ethics official can provide information about the content and effective dates of OGE's more recent regulations published in the Federal Register.

<Page 2>

14. Following GAO's suggestion, we recommend agencies review expert and consultant appointments as part of their internal personnel management evaluation programs. Among other benefits, the program can provide managers with the information they need about OPM requirements to properly manage their organizations.

15. We ask agencies to consider the GAO report and adjust their own expert and consultant hiring practices, as necessary, to conform to FPM criteria. For copies of "Federal Workforce: Inappropriate Use of Experts and Consultants at Selected Civilian Agencies" GAO/GGD 91-99, call GAO at 202-275-6241.

Douglas A. Brook
Acting Director

Inquiries: Career Entry Group, Staffing Policy Division, 202-606-0960

Code: 304, Employment of Individual Experts and Consultants

Distribution: Basic FPM

<Page 3>

*** End of Document ***

< CONFIRMATION REPORT >

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NO.	DATE	TIME	DESTINATION	PG.	DURATION	MODE	RESULT
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				17	0° 11' 32"		



OFFICE OF THE SECRETARY OF DEFENSE

WASHINGTON, DC 20301

April 3, 1991

Administration
& Management

Mr. James A. Courter
Chairman, Defense Base Closure
19 Hatchery Road
Hackettstown, NJ 07840

Dear Mr. Courter:

In establishing the Defense Base Closure and Realignment Commission, the Congress created an Executive Branch organization with administrative flexibilities not available to most Government agencies. Based upon our discussions, Washington Headquarters Services is providing a variety of administrative services, including personnel management.

Because of the extraordinary statutory flexibilities available to the Commission, the service we provide rests upon our best judgment and interpretation of law, your acceptance of advice offered, as well as other legal counsel you seek. These flexibilities create alternatives for your appointment which will affect you personally. The nature of your appointment and work schedule will determine your eligibility for benefits, as well as for travel, transportation, and per diem expenses.

Your appointment, unlike those of other commissioners, is of an indefinite nature which may extend beyond one year. Because your appointment is not limited to a year or less, you may receive life and health insurance if your work schedule is full time rather than intermittent. Similarly and according to information obtained from the Hill regarding your previous Federal employment, a full time work schedule would cause you to be covered by the Civil Service Retirement System offset provision. Such coverage would enable you to transfer to the Federal Employees Retirement System (FERS) at any time within six months of being rehired. However, if your work schedule is full time, you will not be eligible for per diem, travel and transportation expenses while in D.C. On the other hand, if your work schedule is intermittent, you would be entitled to travel, transportation and per diem, but not health and life insurance or Civil Service retirement.

With these things in mind, the following alternatives could be pursued if your initial appointment is full time.

- Once the Commission has been set up and is functioning, you could change your work schedule from full time to intermittent. This would entitle you to travel, transportation, and per diem expenses on a prospective basis while in D.C., and your health and life insurance coverage and retirement benefits would continue. The Comptroller General has held (B-128160) that per diem, in lieu of subsistence, may be paid only for 130 days of intermittent service each year. Therefore, you may wish to plan your intermittent service for times during which your schedule will be irregular.
- Designate New Jersey as your duty station; TDY expenses could then be paid when you travel to Washington, D.C. or elsewhere.

This approach captures the best of both worlds, is statutorily proper, and is likely to most closely parallel the actual workaday realities of the Commission as they evolve. We will finalize whatever work schedule you desire. An index of references, with attachments, bearing on your situation is also enclosed. If you need any further assistance or explanation, please call me on (703) 695-4436 or Leon Kniaz, Director of Personnel and Security, on (703) 697-1703.

Sincerely,



D. O. Cooke
Director

Enclosure

Index

1. Base Closure Legislation (PL 101-510).
2. Federal Personnel Manual definition (FPM 296-33).
3. Eligibility for retirement coverage (5CFR 831.201 & 5CFR 842.105).
4. Eligibility for life insurance (5CFR 870.201).
5. Eligibility for health insurance (5CFR 890.102).
6. Conditions under which Social Security coverage prevails.
- j7. Thrift Savings Plan Summary.
8. Descriptions of CSRS Offset and Thrift Savings Plan.
9. Who is entitled to per diem, travel and transportation (5USC 5702 and 5703).

Document Separator



**DEFENSE BASE CLOSURE
AND REALIGNMENT COMMISSION**

**Suite 1425
1700 North Moore Street
Arlington, Virginia 22209**

FAX COVER SHEET

DATE: October 13, 1993

TO: John Cahill

FAX #: 202/606-1349

**FROM: Jeff Patterson
Assistant Counsel**

NUMBER OF PAGES (including cover): 2

CONTENTS: Legal definition of "special government employee."

ration of jury
 ation, bribing Internal Revenue
 t du... criminal tax investigation,
 id not err in replaying at jury's re-
 ee tape recordings containing defen-
 dinating conversations, even though
 ed that only two of those tapes be
 view of fact that subject matter of
 jury had not requested was closely
 at of the other two tapes and thus,
 ot have thought that additional play-
 ape indicated any prejudice by judge.
 tile, C.A.N.Y.1975, 525 F.2d 252,
 nited 96 S.Ct. 1493, 425 U.S. 903, 47

with regard to two of the three objects
 iracy, indictment rested in large part
 rring without limitations period, de-
 entitled to an instruction requiring
 an overt act committed within limita-
 before it could find him guilty of
 o achieve illegal objectives and trial
 re to give such instruction as request-
 ed reversible error where basis for
 al verdict could not be perceived with
 certainty. U.S. v. Head, C.A.Va.1981,
 4.

fact that defendant was found not
 epting a bribe but was found guilty of
 ded offense of accepting a gratuity,
 conviction of engaging in interstate
 i of racketeering enterprises was nei-
 ly nor legally inconsistent; even if
 nsistency existed, there was no legal
 y where each verdict was independent-
 ed by evidence. U.S. v. Evans,
 78, 577 F.2d 455, rehearing denied 576
 rtio, 99 S.Ct. 200, 439 U.S.
 d.2d

it was properly sentenced on both
 and bribery convictions, even though
 were based on the same acts, in ab-
 sence of congressional intent to pro-
 punishment under the two statutes.
 henson, C.A.2 (N.Y.) 1990, 895 F.2d

1 prosecution for soliciting money in
 or promise not to testify at trial of
 ch telephone call made by defendant
 oof distinct from other, the two calls
 stitute single continuing violation or
 for sentencing purposes, though de-
 rurpose of making calls, i.e., to market
 ny, was constant. U.S. v. Moore,
 31, 653 F.2d 384, certiorari denied 102
 54 U.S. 1102, 70 L.Ed.2d 646.

ution wherein defendant was found
 skin for or receiving thing of value
 official act performed or to be per-
 endant was not shown to be innocent
 and thus no abuse of discretion was
 imposition of sentence even if judge
 aximum sentence only or largely be-
 ought defendant could have been con-
 iberly, but, in any event, defendant was
 i to relief on appeal in view of his
 to seek reduction of sentence pursu-

ant to rule 35, Federal Rules of Criminal Pro-
 ceure, this title. U.S. v. Dobson, C.A.Tex.1980,
 609 F.2d 840, certiorari denied 100 S.Ct. 2925,
 446 U.S. 955, 64 L.Ed.2d 813.

Where essentially the same evidence was relied
 on to prove both the substantive offenses, i.e.,
 aiding and abetting in offering a bribe and accept-
 ing a bribe, and the conspiracy count, the defend-
 ant was doubly punished in violation of double
 jeopardy clause when he was sentenced on both
 the substantive and conspiracy counts; sentence
 on conspiracy count, being the longer sentence,
 would be vacated first so as to avoid any incentive
 for the government seeking similar multiple pun-
 ishments in the future. U.S. v. Austin, C.A.Tenn.
 1976, 529 F.2d 559.

156a. Restitution

General rule, that seized property other than
 contraband should be returned to its rightful own-
 er at conclusion of criminal proceedings, did not
 apply to money which was voluntarily given to
 public officials as gratuity in violation of criminal
 statute. U.S. v. Kim, E.D.Va.1990, 738 F.Supp.
 1002.

158. Review

Where district court dismissed indictment
 against former senator for solicitation and accept-
 ance of bribes, on ground that this section, as
 applied to the senator would violate speech or
 debate clause of Constitution, U.S.C.A. Const. art.
 1, § 6, cl. 1, Supreme Court had jurisdiction of
 direct appeal by Government, despite district
 judge's statement "based on the facts of this case,"
 which, in context, referred to facts alleged in the
 indictment. U.S. v. Brewster, Dist.Col.1972, 92
 S.Ct. 2531, 408 U.S. 501, 33 L.Ed.2d 507.

§ 202. Definitions

(a) For the purpose of sections 203, 205, 207, 208, and 209 of this title the term
 "special Government employee" shall mean an officer or employee of the executive
 or legislative branch of the United States Government, of any independent agency of
 the United States or of the District of Columbia, who is retained, designated,
 appointed, or employed to perform, with or without compensation, for not to exceed
 one hundred and thirty days during any period of three hundred and sixty-five
 consecutive days, temporary duties either on a full-time or intermittent basis, a part-
 time United States commissioner, a part-time United States magistrate, or, regard-
 less of the number of days of appointment, an independent counsel appointed under
 chapter 40 of title 28 and any person appointed by that independent counsel under
 section 594(c) of title 28. Notwithstanding the next preceding sentence, every
 person serving as a part-time local representative of a Member of Congress in the
 Member's home district or State shall be classified as a special Government employ-
 ee. Notwithstanding section 29(c) and (d) of the Act of August 10, 1956 (70A Stat.
 632; 5 U.S.C. 30r(c) and (d)), a Reserve officer of the Armed Forces, or an officer of
 the National Guard of the United States, unless otherwise an officer or employee of
 the United States, shall be classified as a special Government employee while on
 active duty solely for training. A Reserve officer of the Armed Forces or an officer
 of the National Guard of the United States who is voluntarily serving a period of
 extended active duty in excess of one hundred and thirty days shall be classified as
 an officer of the United States within the meaning of section 203 and sections 205
 through 209 and 218. A Reserve officer of the Armed Forces or an officer of the
 National Guard of the United States who is serving involuntarily shall be classified
 as a special Government employee. The terms "officer or employee" and "special
 Government employee" as used in sections 203, 205, 207 through 209, and 218, shall
 not include enlisted members of the Armed Forces.

[See main volume for text of (b)]

< CONFIRMATION REPORT >

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POINT PAPER

Subject: Desirable Attributes for New Base Closure Commissioners and Key Staff.

The new Base Closure and Realignment Commission is fundamentally different from the first base closure commission. The first commission worked in secret, this commission will work in a fish bowl, with bases publicly recommended by DoD for closure. As a result, commissioners and key staff will need to be experienced politically.

The Commission Chairperson is a critical position but may ~~not be the~~^{so} critical position as the Staff Director, by virtue of being available daily, ~~will have a large role also.~~ Both will be hounded by Members of Congress, Governors, Mayors, the media, and interest groups. Experience at being lobbied will be critical for both.

The Commission has been asked to accomplish two diverse tasks: (1) to politically check DoD's recommended closures and deal with the affected parties, and (2), to technically check the details behind the DoD recommendations for conformance with the agreed upon closure criteria. Associated with the technical side would be any analyses the Commission desired to add or substitute bases to the DoD list.

The Commission staff might be organized, under the Staff Director, into three divisions: (1) a research division which would deal with technical issues, (2) an external relations division which would deal with political and public affairs issues, and (3) an administration division to provide support to all elements. The Staff Director will also need a legal counsel.

The Staff Director would manage all three divisions but for best results should focus on the external relations issues. The Staff Director cannot be detailed from within DoD or have been an employee of DoD for the previous year. Political experience will be a must for this position. An experienced Hill AA would be a good starting place.¹

¹The research director can and should be detailed from within DoD. The research division should be staffed with subject matter experts from the Services and OSD. The external relations division could be staffed with part DoD detailees and part outside hires. The external relations director should have DoD experience. The administrative division should primarily be staffed with outside hires to balance the overall staff into 1/3 DoD detailees and 2/3 outside hires as required by the law.

The Commission Chairperson must also have political experience and while "partisan" should be generally viewed by both political parties as non-partisan or bi-partisan. The Commission Chairperson does not necessarily have to have had defense experience. It would be helpful for early organization efforts if the designated Chairperson resides or works near Washington, DC.

The 1988 Commission had as commissioners three retired flag officers from the Army, Navy and Air Force. On technical military issues the commissioners always turned to the appropriate retired flag officer for advice and generally followed that advice. The new commission should repeat this practice.

Of the remaining four commissioners, one should be a recognized, hopefully moderate, environmentalist. In order to make the base closure process work, the law waives the usual environmental process for base closure decision making. Having a recognized environmentalist on the new commission could balance environmental concerns.

Finally, the remaining three commissioners should have defense experience which could come from hill defense committee experience or from previous experience as a high level secretary for either OSD or one of the military departments.

Douglas B. Hansen -- OASD(P&L)/BCU
1988 Base Closure Commission Executive Secretary and Research
Director
x45356
October 30, 1990

Position Description

Executive Director Defense Secretary's Commission on Base Realignment and Closure

1. Nature and Purpose of Work

A. Introduction. The incumbent of this position serves as the Executive Director and leader of the staff supporting the Defense Secretary's Commission on Base Realignment and Closure. The Commission was established by the Secretary of Defense and will, through the co-chairpersons, report directly to him. A copy of the Commission charter is attached.

B. Major Duties. As Executive Director, the incumbent will report directly to the co-chairpersons of the Commission. The incumbent will manage and lead a staff of senior personnel detailed from within the Office of the Secretary of Defense, the Military Departments, and the Defense Agencies.

The incumbent will make recommendations to the Commission on the conduct and topics of research to be performed by the staff and the Military Departments on the problems associated with base realignments and closure, and on possible solutions.

The incumbent will make recommendations to the Commission on the conduct, topics, and witnesses for public hearings on the issues surrounding base closures and realignments. The incumbent will act as the designated officer authorized to chair or attend each Commission meeting as required by Section 10 of P.L. 92-463. The incumbent will ensure that all requirements of P.L. 92-463 are met.

The incumbent will make recommendations and present options to the Commission on the best process, including necessary administrative changes, for identifying bases to be closed or realigned.

The incumbent will make recommendations and present options to the Commission on how to improve and best use Federal government incentive programs to overcome the negative impact of base closure or realignment.

The incumbent will make recommendations and present options to the Commission on the criteria for closing bases.

The incumbent will make recommendations and present options to the Commission on which bases should be closed or realigned in light of current military force structure assumptions.

The incumbent will make recommendations to the Commission on the conduct of legislative and public affairs for the Commission and on administrative matters.

2. Scope and Effect of Work. The Commission will review the worldwide base structure needs of the Department of Defense and make recommendations on candidates for realignment or closure.

()

3. Supervision and Guidance Received. Duties are performed under the direction of the co-chairpersons of the Commission and under the general policies of the Department of Defense.

4. Knowledge and Abilities Required. Effective performance of the duties outlined requires an executive with the highest order of judgment, initiative, political awareness, and management talent. The incumbent must have sound knowledge of congressional and executive branch operations and policies, and how they interact.

5. Personal work contacts. Frequent contacts with top executive levels within DoD and OMB; with leaders and members of Congress and their senior staffs; and with the distinguished members of the Commission.

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JOB SUMMARY

Incumbent serves as a member of the staff of the Presidential Defense Base Closure and Realignment Commission, hereinafter referred to as the Commission, with current offices at 1625 "K" Street, NW, Washington, D.C. 20006. The Commission falls within the purview of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510) and the FY91 DoD Authorization Bill. The Commission is composed of eight members appointed by the President with the Chairperson an ES III-equivalent and the remaining seven members ES IV-equivalents. The purpose of the Commission is to provide a fair, independent, bipartisan process to review SECDEF recommendations for timely closure and realignment of military installations within the United States. The Commission will meet only during CYs 1991, 1993, and 1995. During these years the Commission will actively review the Services' and DoD processes for studying and proposing recommended installations for closure and/or realignment. Within his/her field of expertise, incumbent will assist in conducting studies, analyses, evaluations, and assessments of Service-specific candidates, drawing independent conclusions, and identifying problem areas and defining related issues vis-a-vis the DoD force structure plan, final criteria, and the recommended closures and realignments.

MAJOR DUTIES AND RESPONSIBILITIES

Incumbent will carry out a variety of secretarial and administrative assignments in the normal course of accomplishing daily tasks. By the very nature of the Commission's overall charter and charge, that is, efforts relating to closure of military installations, which will have both high-visibility economic and political impacts, incumbent will carry out duties of a sensitive and controversial nature, requiring an individual who has full trust and confidence of his/her supervisor and who is discrete in the handling of the sensitive issues surrounding the overall effort.

Duties: Performs a variety of normal, routine and at times close-hold, confidential secretarial and administrative duties, assuming personal responsibility for the disposition of important and often times time-consuming details. Manages supervisor's schedule of appointments and other commitments as agreed between incumbent and supervisor. Has authority to change and adjust as appropriate and necessary to meet rapid changes in high-priority matters in a greatly time-compressed environment. As appropriate and within the appropriate chain, calls upon key staff members to represent supervisor at meetings, conferences, telephone calls, and the like to act on behalf of the supervisor. Maintains a control system which calls attention to approaching due dates and suspenses. Follows up with reminders to staff members, makes necessary appointments, and takes care of similar details. In some instances, incumbent may be expected to take factual reports, historical data, recommendation, or similar staff work from staff members and arrange it into the format most suited for the supervisor's use and immediate need. This requires of a good working understanding of subject matter and a thorough knowledge of supervisor's personal work habits and wishes in such matters.

Receives and screens incoming telephone calls and visitors to the office. Takes action to satisfy the callers or visitors, yet at the same time, protects supervisor from unnecessary and prolonged demands upon his/her time. Having an intimate knowledge of all aspects of the supervisor's work habits, programs, and policies, incumbent is in a position to furnish assistance to callers/visitors on own responsibility. However, incumbent is relied upon to use utmost discretion to observe and comply with the known wishes of the supervisor in all such matters. Independently makes appointments and commitments for supervisor in the majority of cases as agreed to between incumbent and supervisor. Otherwise, makes tentative commitments and personally follows through on confirmation of alternate arrangements.

Manages flow of paperwork into and out of supervisor's office. Screens and takes appropriate action on all incoming official mail directed to the supervisor. Drafts responses to various kinds of inquiries or prepares replies in final form for supervisor's signature. Takes appropriate action on all official matters, including those of a social nature, such as cocktail parties, dinners, informal speaking engagements, etc., and follows through with appropriate arrangements, verifies matters of necessary Congressional or military protocol, issues and/or responds to invitations, etc.

Takes and transcribes dictation (written or electronic) or supervisor-produced drafts into the appropriate form of correspondence, letter, memo, and similar material for the staff, for the record, or for transmission to the appropriate office(s) outside the Commission. When requested takes stenographic notes at informal meetings, conferences, and other official gatherings as necessary. Prepares summary of notes for the supervisor and the record, prepares and distributes minutes, and follows up with participants on commitments or assignments made. Types a considerable amount of material from rough-draft copies, longhand notes, etc.

Establishes and maintains supervisor's official files and records. Maintains directories, special reference books, clipping files, charts and graphs, and any other kinds of materials supervisor needs in the course of accomplishing his/her official duties. Searches for and locates material from official files and records in response to general and specific requests. Contacts other offices within the Commission, DoD, Congress, and the White House as appropriate for information on various subjects required by the supervisor for speeches, background information, policy, etc. Organizes, summarizes, outlines, or otherwise arranges raw materials and data gathered in the form best suited for supervisor's needs.

Coordinates supervisor's travel arrangements. Assists in preparation and refinement of itinerary, prepares travel orders, secures reservations and tickets when going by commercial carrier and overall ensures that necessary administrative actions are taken prior to and upon completion of travel.

Performs other related duties of comparable responsibility when assigned by the supervisor.

SUPERVISORY CONTROLS

Duties are performed under the direction and guidance of the Commission's General Counsel, an SES-level position that falls directly under the Director of Staff, an ES-IV equivalent. Incumbent independently performs all assignments with some latitude for exercising sound, independent judgment and discretion in accord with specific guidance from the supervisor and the general administrative policies of the

Commission. Incumbent is expected to work with a high degree of initiative and creativity within the scope as set forth by the supervisor and administrative policies. Perceived and emerging problems in the performance of defined duties and specific assignments of the position are to be brought to the attention of the supervisor, the deputy if assigned, or the appropriate or designated staff entity in absence of the principal. Completed assignments are evaluated on the completeness of the tasks, conformance to policy, and stated (antefacto) desires of the supervisor.

FEDERAL WHITE-COLLAR PAY SCALE 1990

	Step 1	2	3	4	5	6	7	8	9	10
GS-1	\$10,581	\$10,935	\$11,286	\$11,637	\$11,990	\$12,197	\$12,544	\$12,893	\$12,910	\$13,232
GS-2	11,897	12,180	12,574	12,910	13,053	13,437	13,821	14,205	14,589	14,973
GS-3	12,982	13,415	13,848	14,281	14,714	15,147	15,580	16,013	16,446	16,879
GS-4	14,573	15,059	15,545	16,031	16,517	17,003	17,489	17,975	18,461	18,947
GS-5	16,305	16,849	17,393	17,937	18,481	19,025	19,569	20,113	20,657	21,201
GS-6	18,174	18,780	19,386	19,992	20,598	21,204	21,810	22,416	23,022	23,628
GS-7	20,195	20,868	21,541	22,214	22,887	23,560	24,233	24,906	25,579	26,252
GS-8	22,367	23,113	23,859	24,605	25,351	26,097	26,843	27,589	28,335	29,081
GS-9	24,705	25,529	26,353	27,177	28,001	28,825	29,649	30,473	31,297	32,121
GS-10	27,206	28,113	29,020	29,927	30,834	31,741	32,648	33,555	34,462	35,369
GS-11	29,891	30,887	31,883	32,879	33,875	34,871	35,867	36,863	37,859	38,855
GS-12	35,825	37,019	38,213	39,407	40,601	41,795	42,989	44,183	45,377	46,571
GS-13	42,601	44,021	45,441	46,861	48,281	49,701	51,121	52,541	53,961	55,381
GS-14	50,342	52,020	53,698	55,376	57,054	58,732	60,410	62,088	63,766	65,444
GS-15	59,216	61,190	63,164	65,138	67,112	69,086	71,060	73,034	75,008	76,982
GS-16	69,451	71,766	74,081	76,396	78,190	79,438*	81,708*	83,978*	85,470*	
GS-17	79,762*	82,420*	85,078*	85,470*	85,500*					
GS-18	86,682*									

*The rate of basic pay payable to employees at these rates is limited to the rate for level V of the Executive Schedule, which would be \$78,200.
SOURCE: The White House

FEDERAL EMPLOYEES' PAY SCHEDULE

All pay increases, as approved by President Bush yesterday, are effective the first day of the first applicable pay period beginning on or after Jan. 1.

GS-1	\$11,015	\$11,383	\$11,749	\$12,114	\$12,482	\$12,697	\$13,058	\$13,422	\$13,439	\$13,776
GS-2	12,385	12,679	13,090	13,439	13,590	13,990	14,390	14,790	15,190	15,590
GS-3	13,515	13,966	14,417	14,868	15,319	15,770	16,221	16,672	17,123	17,574
GS-4	15,171	15,677	16,183	16,689	17,195	17,701	18,207	18,713	19,219	19,725
GS-5	16,973	17,539	18,105	18,671	19,237	19,803	20,369	20,935	21,501	22,067
GS-6	18,919	19,550	20,181	20,812	21,443	22,074	22,705	23,336	23,967	24,598
GS-7	21,023	21,724	22,425	23,126	23,827	24,528	25,229	25,930	26,631	27,332
GS-8	23,284	24,060	24,836	25,612	26,388	27,164	27,940	28,716	29,492	30,268
GS-9	25,717	26,574	27,431	28,288	29,145	30,002	30,859	31,716	32,573	33,430
GS-10	28,322	29,266	30,210	31,154	32,098	33,042	33,986	34,930	35,874	36,818
GS-11	31,116	32,153	33,190	34,227	35,264	36,301	37,338	38,375	39,412	40,449
GS-12	37,294	38,537	39,780	41,023	42,266	43,509	44,752	45,995	47,238	48,481
GS-13	44,348	45,826	47,304	48,782	50,260	51,738	53,216	54,694	56,172	57,650
GS-14	52,406	54,153	55,900	57,647	59,394	61,141	62,888	64,635	66,382	68,129
GS-15	61,643	63,698	65,753	67,808	69,863	71,918	73,973	76,028	78,083	80,138
GS-16	72,298	74,708	77,118	79,528	81,936	84,346	86,756	89,166	91,576	93,986
GS-17	83,032	85,800	88,568	91,336	94,104					
GS-18	97,317									

Senior Executive Service

Level	Annual salary
ES-1	\$87,000
ES-2	\$91,200
ES-3	\$95,300
ES-4	\$100,500
ES-5	\$104,600
ES-6	\$108,300

Executive schedule

Level	Annual salary
Level I	\$138,900
Level II	\$125,100
Level III	\$115,300
Level IV	\$108,300
Level V	\$101,300

A
4

JOB SUMMARY

Incumbent serves as a member of the staff of the Presidential Defense Base Closure and Realignment Commission, hereinafter referred to as the Commission, with current offices at 1625 "K" Street, NW, Washington, D.C. 20006. The Commission falls within the purview of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510) and the FY91 DoD Authorization Bill. The purpose of the Commission is to provide a fair, independent, bipartisan process to review SECDEF recommendations for timely closure and realignment of military installations within the United States. The Commission will meet only during CYs 1991, 1993, and 1995. During these years the Commission will actively review the Services' and DoD processes for studying and proposing recommended installations for closure and/or realignment. Within his/her field of expertise, incumbent will assist in conducting studies, analyses, evaluations, and assessments of Service-specific candidates, drawing independent conclusions, and identifying problem areas and defining related issues vis-a-vis the DoD force structure plan, final criteria, and the recommended closures and realignments.

Math-
Here's a generic job
summary that I
think might fit all
P.D.s since it's not
job specific, which would
be covered
in Major duties
& responsibilities. Stage

Document Separator

JOB SUMMARY

840-3949

Serves as a Senior Program Analyst for the represented Military Service Staff (USA, USN, USAF, USMC) on matters relating to proposed DoD installation closures and realignments. Incumbent will be detailed as part of the DoD technical staff of the Presidential Defense Base Closure and Realignment Commission, hereinafter referred to as the Commission, with current offices at 1625 K Street, NW, Washington, DC 20006. The Chairman of the Commission is responsible in accordance with Public Law 101-510 in insuring the Commission provides a fair, independent process in reviewing Secretary of Defense recommendations for timely closure and realignment of military installations within the United States.

The work involves reviewing the Services' and overall DoD processes for studying and proposing candidate installations for closure and/or realignment. Incumbent will conduct studies, analyses, evaluations and assessments of Service-specific candidates, draw independent conclusions, and identify problem areas and define related issues in relation to DoD-proposed force structure and final selection criteria.

MAJOR DUTIES AND RESPONSIBILITIES

Incumbent Senior Program Analyst will perform the following:

- * Review and be intimately familiar with all legislation and policy pertaining to the Commission and the process for reviewing the DoD proposal for base closure and realignment.
- * Review and be intimately familiar with Service-specific future DoD force structure used in the process for determining proposed closure and realignment actions.
- * Review and be intimately familiar with the Final Selection Criteria published by the Secretary of Defense on February 15, 1991, used as the basis for recommendations for closure and realignment.
- * Review field, as well as Service Command and Office of Secretary of Defense data and policy relative to the Secretary of Defense's recommendations for closure and realignment.
- * Guide the process for Service-specific analysis for closure and realignment candidate installations.
- * Conduct independent review of Service analysis of closure and realignment candidate installations based on force structure, final selection criteria and military value. Provide independent analysis designed to insure the accuracy and completeness of data provided to the Commission as the basis of recommendations for specific closures and realignments.
- * Review and/or conduct separate independent capacity analysis as it relates to the future force structure plans and the existing force and base structure.
- * Conduct independent analysis of Service Command and Office of Secretary of Defense data, within base categories and provide the necessary data required of the

Commissioners to weigh appropriate alternative candidates for closure or realignment.

JOB/SUPERVISORY CONTROLS

The incumbent will report directly to the Commission Director of Review and Analysis who in turn reports directly to the Director of Staff. The duties in this position are performed independently under specific guidance from the Director of Review and Analysis and in accord with the policies of the Commission. The incumbent is expected to work with a high degree of initiative and creativity within the limits of scientific research and analysis disciplines. Perceived and emerging problems in the performance of the defined duties and specific assignment of the position are to be brought to the attention of the Director of Review and Analysis immediately. It is the responsibility of the Commission management, and not the incumbent, to resolve conflicts and dispose of impediments to satisfactory completion of assignments. The incumbent will not have the authority to negotiate with DoD personnel assigned requests or in any way alter the initial intent of such requests.

Assignments will be in general form and the incumbent will have input into the course of action to be pursued in meeting the task at hand. Supervision will consist of guidance on policy, overall approach, priorities and schedules. Absolutely key is incumbent must provide independent analysis without regard to DoD or service pressures. Incumbent will provide technical expertise only and will not supervise or provide input to Commission management on policy or direction.

WASHINGTON HEADQUARTERS SERVICES

ROUTE SLIP

DATE
Feb. 15, 1991

From: Ms. Page

- (In Turn) {
- 1. Mr. Tucker
 - 2. _____
 - 3. _____
 - 4. _____

SUBJECT: Items submitted to White House for approval of Political appointees

Per Lydia Olson the following apply:

Schedule C candidate paperwork referred to the White House includes:

- o a White House Political Form* (details any political campaign work, previous government experience, etc.)
- o an SF-171 with **original** signature
- o a resume
- o a copy of the position description (preferably that has been classified)
- o Before these papers are forwarded the Secretary of Defense signs off on a transmittal memo. Clark Wurzberger prepares the transmittal.

PAS candidate paperwork referred to the White House includes:

- o a completed SF-86 (Questionnaire for Sensitive Positions), (copy attached) and supplemental
- o a completed SF-278 (Public Financial Disclosure Report), copy attached
- o a Fingerprint card
- o a Personal Data Statement* (Q&A Form from the General Counsel's Office)
- o a Tax Waiver Form

Forms describing experience/education, etc (resume or SF-171) are not needed at this phase because the emphasis at this time is on whether or not the individual looks OK for Senate confirmation.

Once the action goes to the Senate for confirmation, the following are required:

- o completion of a Senate Q&A
- o copy of past 3 years tax returns
- o and some other forms

*Lydia can get me a copy of these forms but I feel it would raise her level of interest at my curiosity, but I'll request if you want. Please advise.

I hope this helps with your deadline.

Document Separator

WASHINGTON HEADQUARTERS SERVICES

ROUTE SLIP

DATE
Feb 20, 1991

From: Tom Tucker

To:

- (In Turn) {
1. Al Papenfus, Deputy Director
 2. Mr. Behrman
 - 3.
 - 4.

Subject: Pay-Banding for BCC People

The staff likes the idea of "pay-banding" for BCC people because it optimizes the legislation's flexibility and offers a wider dancefloor for decision-makers, e.g., it lends itself to negotiation. One good scheme would work as follows:

Grade	Work Description	Salary Range
2-5	Typists	\$15,190 - \$23,765
6-10	Secretaries/Admin	
	Services Assts.	\$18,919 - \$36,818
9-13	Action Officers	\$25,717 - \$57,650
14-15	Senior Action Officers	\$52,406 - \$80,138
16-18	Managers	\$72,298 - \$97,317

Very respectfully,

Tom
Tom

Document Separator

Questionnaire for Sensitive Positions

Read this information carefully. Follow the instructions fully or we cannot process your form.

Why do we need the information you will give us and how will we use it?

The U.S. Government has conducted background investigations for over 50 years. It does this to establish that people who want to be employed by the Government are suitable for the job and that they, along with people who will work for the Government under contract, are eligible for any required security clearance. We use the information from this form primarily as the basis for an investigation that will be used to determine your qualifications and suitability for a particular job or eligibility for a clearance.

Asking you for this information is in compliance with the Privacy Act of 1974. The information you give us is for **Official Use Only**; we will protect it from unauthorized disclosure. We may share some information with Federal and other sources to get additional information about you. We may also give some of the information to Federal, State, and local agencies checking on law violations or for other lawful purposes.

Giving us the information we ask for is voluntary. However, we may not be able to complete your investigation, or complete it in a timely manner, if you don't give us each item of information we request. This may affect your employment or clearance prospects.

What authority do we have to ask you for the information requested on this form?

The U.S. Government is authorized to ask for this information under sections 1303, 1304, and 3301 of title 5 of the U.S. Code; section 2165 of title 42, U.S. Code; Executive Order 10450; and parts 5, 731, 732, and 736 of title 5, Code of Federal Regulations. We ask for your Social Security number to keep our records accurate, because other people may have the same name and birthdate. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

What is the investigative process?

The information you provide on this form is confirmed by investigation. The type of investigation done depends on the level of sensitivity of the position you are seeking or now hold. The information obtained in an investigation comes from records and people. Sensitive positions require an investigation that relies more on an Investigator interviewing people who know you.

Many investigations include an interview with you as a normal part of the investigative process. This Personal Interview is the first step in the investigation, and is conducted under oath or affirmation. It provides you the opportunity to update, clarify, and explain more completely information on your form, which often helps to complete your investigation faster. If your investigation requires a Personal Interview, you will be contacted in advance by telephone or mail to arrange a time and location for the interview. It is important that the interview be conducted as soon as possible after you have been contacted. Postponements will delay the processing of your investigation. Declining an interview may result in your investigation being canceled.

You will be asked to bring identification with your picture on it, such as a valid State driver's license, to the Personal Interview. There are other documents you may be asked to bring to verify your identity as well. These include: documentation of any legal name change; Social Security card; and/or birth certificate.

Documents that verify any significant claims or activities may also be requested; for example: alien registration; naturalization certificate; originals or certified copies of college transcripts or degrees; high school diploma; professional license(s) or certificate(s); military discharge certificate(s) (DD Form 214); marriage certificate(s); divorce papers; tax returns; passport; and/or business license(s).

You also may be asked to bring documents that pertain to information provided in your answers to questions on the form or other matters requiring specific attention. These matters include: termination or discharge from employment; delinquent loans or taxes, bankruptcy, judgments, liens, or other financial obligations; agreements involving child custody or support, alimony, or property settlements; and arrests, convictions, probation and/or parole.

Who makes a final determination?

Final determination on your suitability for employment and/or your being granted a clearance is the responsibility of the OPM or the Federal agency that requested your investigation. You may be provided the opportunity to personally explain, refute, or mitigate any information before a final decision is made.

QUESTIONNAIRE FOR SENSITIVE POSITIONS

Part 1	OPM USE ONLY	Codes	Case Number
Agency Use Only (Complete items A through P using instructions in FPM Supplement 296-33.)			

A Type of Investigation	B Extra Coverage	C Sensitivity Level	D Access	E Nature of Action Code	F Date of Action				
G Geographic Location	H Position Code		I Position Title						
J SON	K Location of Official Personnel Folder	<input type="checkbox"/> None <input type="checkbox"/> NPRC <input type="checkbox"/> At SON	Other Address		ZIP Code				
L SOI	M Location of Security Folder	<input type="checkbox"/> None <input type="checkbox"/> At SOI <input type="checkbox"/> NPI	Other Address		ZIP Code				
N SIBAC Number	O Accounting Data and/or Agency Case Number								
P Requesting Official	Name and Title			Signature			Telephone Number (including Area Code)		Date

Persons completing this form should begin with the questions below. Please type or print your answers.

1	FULL NAME Last Name First Name Middle Name	• If you have only initials in your name, use them. • If you have no middle name, enter "NMN". • If you are a "Jr.", "Sr.", "II", etc., enter the abbreviation in the box after your middle name.	2	DATE OF BIRTH Month Day Year
----------	--	---	----------	--

3	PLACE OF BIRTH City County State Country (if not in the United States)	4	SOCIAL SECURITY NUMBER - - -
----------	---	----------	--

5	OTHER NAMES USED Name Month/Year From Month/Year To Name Month/Year From Month/Year To	• Give other names you used and the period of time you used them (for example: your maiden name, name[s] by a former marriage, former name[s], alias[es], or nickname[s]). If the other name is your maiden name, put "nee" in front of it.
----------	---	---

6	OTHER IDENTIFYING INFORMATION	Height (feet and inches)	Weight (pounds)	Hair Color	Eye Color	Sex (mark one box) <input type="checkbox"/> Female <input type="checkbox"/> Male
----------	--------------------------------------	--------------------------	-----------------	------------	-----------	---

7	TELEPHONE NUMBERS Work (include Area Code and extension)	Home (include Area Code)
----------	--	--------------------------

8a	CITIZENSHIP Mark the box at the right that applies to you and follow the instructions next to the box you marked.	<input type="checkbox"/> I am a U.S. citizen by birth in the U.S.	<input type="checkbox"/> Go to 8c
		<input type="checkbox"/> I am a U.S. citizen, but I was NOT born in the U.S.	<input type="checkbox"/> Go to 8b
		<input type="checkbox"/> I am not a U.S. citizen.	<input type="checkbox"/> Go to 8d

8b	UNITED STATES CITIZENSHIP If you are a U.S. Citizen, but were not born in the U.S., enter your mother's maiden name in the box to the right and provide information about one or more of the following proofs of your citizenship. Then go to Item 8c.	Mother's Maiden Name
-----------	--	----------------------

Naturalization Certificate (Where were you naturalized?)				
Court	City	State	Certificate Number	Month/Day/Year Issued

Citizenship Certificate (Where was the certificate issued?)				
City	State	Certificate Number	Month/Day/Year Issued	

State Department Form 240--Report of Birth Abroad of a Citizen of the United States		
Give the date the form was prepared and give an explanation if needed.	Month/Day/Year	Explanation

U.S. Passport		
This may be either a current or previous U.S. passport.	Passport Number	Month/Day/Year Issued

8c	DUAL CITIZENSHIP If you are (or were) a dual citizen of the United States and another country, provide the name of that country in the space to the right.	Country
-----------	--	---------

8d	ALIEN Place You Entered the United States: City	State	Date You Entered U.S. Month Day Year	Alien Registration Number	Country of Citizenship
-----------	--	-------	---	---------------------------	------------------------

11 YOUR EMPLOYMENT HISTORY Fill in your employment and military history. Begin with the present and **work backwards 15 years.** Include:

- all full-time work
- all part-time work
- all paid work
- all voluntary work
- active military duty
- self-employment
- all periods of unemployment

- If you were in the military, list each duty station as a separate period of employment.
- If you worked under a contract with the Federal Government, name your employer, not the Government agency.
- If you were **self-employed** or **unemployed**, name someone who can verify it.
- If you list an employer or actual place of employment at a location outside the U.S., show city and **country** in the space for **city**.

Use the following codes for each segment of your employment history:

- | | | | |
|----------------------------|-----------------------------------|----------------------|------------------|
| 1 - Active military duty | 3 - U.S.P.H.S. Commissioned Corps | 5 - State employment | 7 - Unemployment |
| 2 - National Guard/Reserve | 4 - Other Federal employment | 6 - Self-employment | 8 - Other |

Employment. Provide the information requested for each period of employment. Give the name of your employer. Enter "self-employed" in the box for employer's name when appropriate, and "unemployed" for periods of unemployment.

Immediate Supervisor OR Person to Verify Self-employment or Unemployment. Across from each employment on the left, provide the information requested below.

Month/Year To	Month/Year To	Code	Your Position	Supervisor's/Person's Name	Telephone Number ()
Employer's Name			Telephone Number ()	Street Address (if different than employer's)	
Employer's Street Address			City (Country)	State	ZIP Code
Actual job location if different from employer's address:			Street Address	City (Country)	State ZIP Code
Month/Year To	Month/Year To	Code	Your Position	Supervisor's/Person's Name	Telephone Number ()
Employer's Name			Telephone Number ()	Street Address (if different than employer's)	
Employer's Street Address			City (Country)	State	ZIP Code
Actual job location if different from employer's address:			Street Address	City (Country)	State ZIP Code
Month/Year To	Month/Year To	Code	Your Position	Supervisor's/Person's Name	Telephone Number ()
Employer's Name			Telephone Number ()	Street Address (if different than employer's)	
Employer's Street Address			City (Country)	State	ZIP Code
Actual job location if different from employer's address:			Street Address	City (Country)	State ZIP Code
Month/Year To	Month/Year To	Code	Your Position	Supervisor's/Person's Name	Telephone Number ()
Employer's Name			Telephone Number ()	Street Address (if different than employer's)	
Employer's Street Address			City (Country)	State	ZIP Code
Actual job location if different from employer's address:			Street Address	City (Country)	State ZIP Code
Month/Year To	Month/Year To	Code	Your Position	Supervisor's/Person's Name	Telephone Number ()
Employer's Name			Telephone Number ()	Street Address (if different than employer's)	
Employer's Street Address			City (Country)	State	ZIP Code
Actual job location if different from employer's address:			Street Address	City (Country)	State ZIP Code

Enter your Social Security Number before going to the next page. _____ - _____ - _____

16c ACTIVE SERVICE Show each period of active service (includes active military reserve service). Use one of the following in the box for Code. Mark "O" for Officer or "E" for Enlisted.

- 1 - Air Force
- 2 - Army
- 3 - Navy
- 4 - Marine Corps
- 5 - Coast Guard
- 6 - Merchant Marine
- 7 - National Guard

Month/Year	Month/Year	Code	Service or Certificate Number	O	E	Month/Year	Month/Year	Code	Service or Certificate Number	O	E
To						To					

17 YOUR RELATIVES Give full names and enter the correct code for all relatives, living or dead, specified below:

- 1 - Mother
- 2 - Father
- 3 - Stepmother
- 4 - Stepfather
- 5 - Foster parent
- 6 - Child (adopted also)
- 7 - Stepchild
- 8 - Brother
- 9 - Sister
- 10 - Stepbrother
- 11 - Stepsister
- 12 - Half-brother
- 13 - Half-sister
- 14 - Father-in-law
- 15 - Mother-in-law
- 16 - Guardian

Full Name (if deceased, check box on the left before entering name)	Code	Date of Birth Month/Day/Year	Country of Birth	Country of Citizenship	Current Street Address and City (country) of Living Relatives	State
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						

18 YOUR MARITAL STATUS Mark one of the following boxes to show your current marital status:

- 1 - Never married (go to question 19)
- 2 - Married
- 3 - Separated
- 4 - Legally separated
- 5 - Divorced
- 6 - Widowed

Current Spouse Complete the following about your current spouse.

Full Name	Date of Birth	Place of Birth (Include country if outside the U.S.)	Social Security Number
			- -

Other Names Used (Specify maiden name, names by other marriages, etc., and show dates used for each name)

Country of Citizenship	Date Married	Place Married (Include country if outside the U.S.)	State

If Separated, Date of Separation (Mo./Day/Yr.)	If Legally Separated, Where is the Record Located? City (Country)	State

Address of Current Spouse (Street, city, and country if outside the U.S.)	State	ZIP Code

Former Spouse(s) Complete the following about your former spouse(s).

Full Name	Date of Birth	Place of Birth (Include country if outside the U.S.)	State

Country of Citizenship	Date Married	Place Married (Include country if outside the U.S.)	State

Check One, Then Give Date	Month/Day/Year	If Divorced, Where is the Record Located? City (Country)	State
<input type="checkbox"/> Divorced <input type="checkbox"/> Widowed			

Address of Former Spouse (Street, city, and country if outside the U.S.)	State	ZIP Code

19 Does the citizen of another country, or a United States citizen by other than birth, live at your residence? If "Yes", provide the information required below. If a United States citizen by other than birth lives with you, show both "United States" and prior country of citizenship below. Don't list your spouse or other relatives you provided in question 17.

Name of Person	Country of Citizenship	Relationship

Enter your Social Security Number before going to the next page. ➔

QUESTIONNAIRE FOR SENSITIVE POSITIONS

Part 2

OPM
USE
ONLY

Codes

Case Number

Your Selective Service Record

- 20a** Are you a male born after December 31, 1959? If "Yes", go to 20b. If "No", go to 21.
- 20b** Have you registered with the Selective Service System? If "Yes", give your registration number:
- 20c** If you answered "No", to 20b, are you legally exempt? If "Yes", state the reason for the exemption:

Yes No

Your Military Record

- 21a** Have you ever received other than an honorable discharge from the military? If "Yes", provide:

Yes No

Date of Discharge (Month and Year):

Type of Discharge:

- 21b** Have you ever been subject to court-martial or other disciplinary proceedings under the Uniform Code of Military Justice? If "Yes", list any disciplinary proceedings in the last 15 years and all courts-martial.

Date (Month/Year)	Charge or Specification	Place (City and county/country if outside the United States)	State

Your Employment Record

- 22** Has any of the following happened to you in the last 15 years? If "Yes", begin with the most recent occurrence and go backwards, providing date fired, quit, or left, and other information requested.

Yes No

Use the following codes to explain the reason your employment was ended:

- 1 - Fired from job 3 - Left a job by mutual agreement following a legations of misconduct 5 - Left a job for other reasons under unfavorable circumstances
- 2 - Quit a job after being told you'd be fired 4 - Left a job by mutual agreement following allegations of unsatisfactory performance

Date (Month/Year)	Code	Employer's Name and Address	State	ZIP Code

Your Police Record

- 23** If you answer "Yes", to a, b, c, d, or e below, explain your answer(s) in the space provided. Do not include anything that happened before your 16th birthday.

Yes No

- 23a** Have you ever been arrested, charged, or convicted of a felony offense?
- 23b** Have you ever been arrested, charged, or convicted of a firearms or explosives charge?
- 23c** Are there currently any charges pending against you for any criminal offense?
- 23d** Have you ever been arrested, charged, or convicted of any offenses related to alcohol or drugs?
- 23e** Have you ever been arrested, charged, or convicted of any other type of offense? Leave out traffic fines of less than \$100.

Date (Month/Year)	Offense	Action Taken	Law Enforcement Authority or Court (City and county/country if outside the U.S.)	State	ZIP Code

Your Involvement With Alcohol and Dangerous Drugs, Including Marijuana and Cocaine

- 24** This item concerns the use of alcoholic beverages, and the supplying or using, without a prescription, of marijuana, cocaine, hashish, narcotics (*opium, morphine, codeine, heroin, etc.*), stimulants (*cocaine, amphetamines, etc.*), depressants (*barbiturates, methaqualone, tranquilizers, etc.*), hallucinogenics (*LSD, PCP, etc.*), or other dangerous or illegal drugs.

Yes No

- 24a** Do you now use, or within the last 5 years have you used, alcoholic beverages habitually to excess?

- 24b** Do you now use or supply, or within the last 5 years have you used or supplied, marijuana, cocaine, narcotics, hallucinogenics, or other dangerous or illegal drugs?

- 24c** If you answered "Yes" to question a or b above, provide at the top of page 8 information relating to the types of substance(s) used, the periods and frequency of use for each, and any other details or explanation relating to your use of these substances.

Enter your Social Security Number before going to the next page.



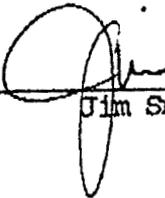
Document Separator

OFFICE MEMO

TO: Jim Courter
FROM: Jim Smith
SUBJECT: Proposed Staffing

DATE: March 13, 1991

Jim I have scanned the proposed organization that Matt sent and in general it appears top heavy - too many Chiefs and not enough Indians. I have taken the liberty of creating my own organizational recommendation and it is attached. It will be tough finding good people and maintaining the required 2/3 outsider - 1/3 insider mix.

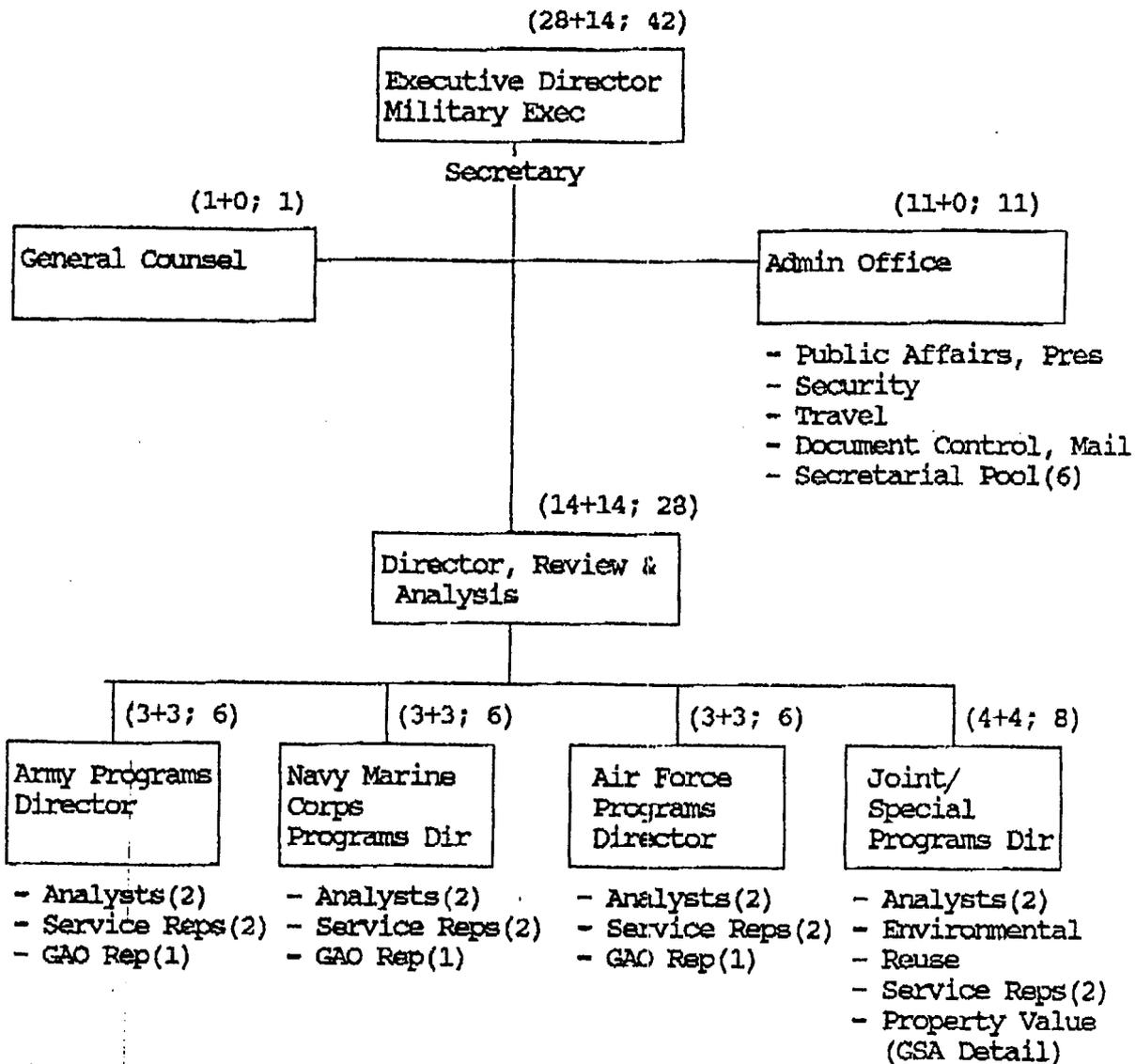


Jim Smith

JS/lis

Attachment

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Notes:

1. General Counsel shares secretary with Executive Director.
2. Administrative Officer handles all logistics/administration for the staff.
3. Director, R&A and Service Program Directors are "outsiders"
4. GAO/GSA reps integrated into Service teams.
5. Numbers at top of box reflect "outsiders" plus "insiders", total.

STAFF

Office of the Director

Executive Director
MB Deputy Director GS14
WP Military Executive 06
WP Secretary -A.A. GS 8-10

Office of the General Counsel

MB General Counsel SES
WP Secretary GS8-10
(Deputy)

Office of Administration

CS { Office Manager
Financial Service Office
Travel Hearing Coordinator
WP { Secretary/Scheduler
Receptionist
Comm. Pool Secretary
Comm. Pool Secretary

External Affairs

MB Director SES
MB House Liaison GS15
MB Senate Liaison GS15
MB State and Local Affairs GS14
MB { Mail Director GS13
Mail Correspondent GS11
Mail Correspondent GS11
WP Secretary GS8

Public Affairs

WP Executive Secretary GS15
WP Public Request Officer GS11
WP Secretary GS8

Press Office

WP Press Secretary ~~GS16~~ ^{SES}
WP Press Aide GS 10
WP Secretary GS8

Review and Analysis

MB Director SES

DoD Detail

MB Deputy Director ~~GS16~~ ^{SES}
Service Reps
MB/ { (2) Air Force 06 or GS15
WP { (2) Army
(2) Navy
(1) Marine Corp
Alternate Base Use GS15
Environmental Officer GS15 (or EPA detail)
Economic Impact Officer GS15
WP (2) Secretaries GS8

GAO Detail

MB Deputy Director ~~GS16~~ ^{SES}
MB (5) Field Auditors

GSA Detail

MB (2) Property Value Gs14/15

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STAFF

Office of the Director (3) (2-1)

- Executive Director MB
- DoD Military Executive 06 NR
- Secretary - A.A. GS 8-10 JB
- Deputy - Dana A.

Office of the General Counsel (3)

- General Counsel SES B.M
- Secretary GS8-10 (Deputy)
- O.C. - GS

Office of Administration (8)

- Director of Administration C.L.C.
- Financial Service Officer
- Travel Hearing Coordinator
- Secretary/Scheduler - L.S.
- Systems Analyst - J.L.A.C.M.
- Comm. Pool Secretary
- Comm. Pool Secretary
- Receptionist

External Affairs

Liaison Staff (8)

- Director SES - W.G.
- House Liaison GM15
- Senate Liaison GM15 W.P.
- State & Local Affairs GS14
- Mail Director GS13 - T.R.
- Mail Correspondent GS11
- Mail Correspondent GS11
- Secretary GS8

Public Affairs Staff (4) (3-1)

- Press Secretary SES
- FOIA Officer (DoD) GS13
- Deputy KK
- Secretary GS8

Review and Analysis (24)

(14-10)

- Director SES - P.H.

Deputy Director SES - SK

Army

- Analyst JB
- Analyst
- Service Rep
- Service Rep
- GAO

Navy

- Analyst R.R.
- Analyst
- Service Rep
- Service Rep
- GAO

Air Force

- Analyst
- Analyst
- Service Rep
- Service Rep
- GAO

Joint/Special

- Analyst Dave Hadwiger
- Analyst Fallon Ainsfield
- GSA Module
- EPA Detailee
- Environmental (DoD)
- Alternate Use (DoD)
- Economic Impact J.C. = ?
- Service Rep
- Service Rep

STAFF

Office of the Director

Executive Director
Deputy Director GM14
Military Executive 06
Secretary -A.A. GS 8-10

Office of the General Counsel

General Counsel SES
Secretary GS8-10
(Deputy)

Office of Administration

Office Manager
Financial Service Office
Travel Hearing Coordinator
Secretary/Scheduler
Receptionist
Comm. Pool Secretary
Comm. Pool Secretary

External Affairs

Director SES
House Liaison GM15
Senate Liaison GM15
State and Local Affairs GS14
Mail Director GS13
Mail Correspondent GS11
Mail Correspondent GS11
Secretary GS8

Information & Security Review
~~Public Affairs~~

Executive Secretary GM15
Public Request Officer GS11
Secretary GS8

Press Office

Press Secretary SES
Press Aide GS 10
Secretary GS8

Review and Analysis

Director SES

DoD Detail

Deputy Director SES
Service Reps
(2) Air Force 06 or GM15
(2) Army " "
(2) Navy " "
(1) Marine Corp "
Alternate Base Use GM15
Environmental Officer GM15 (or EPA detail)
Economic Impact Officer GM15
(2) Secretaries GS8

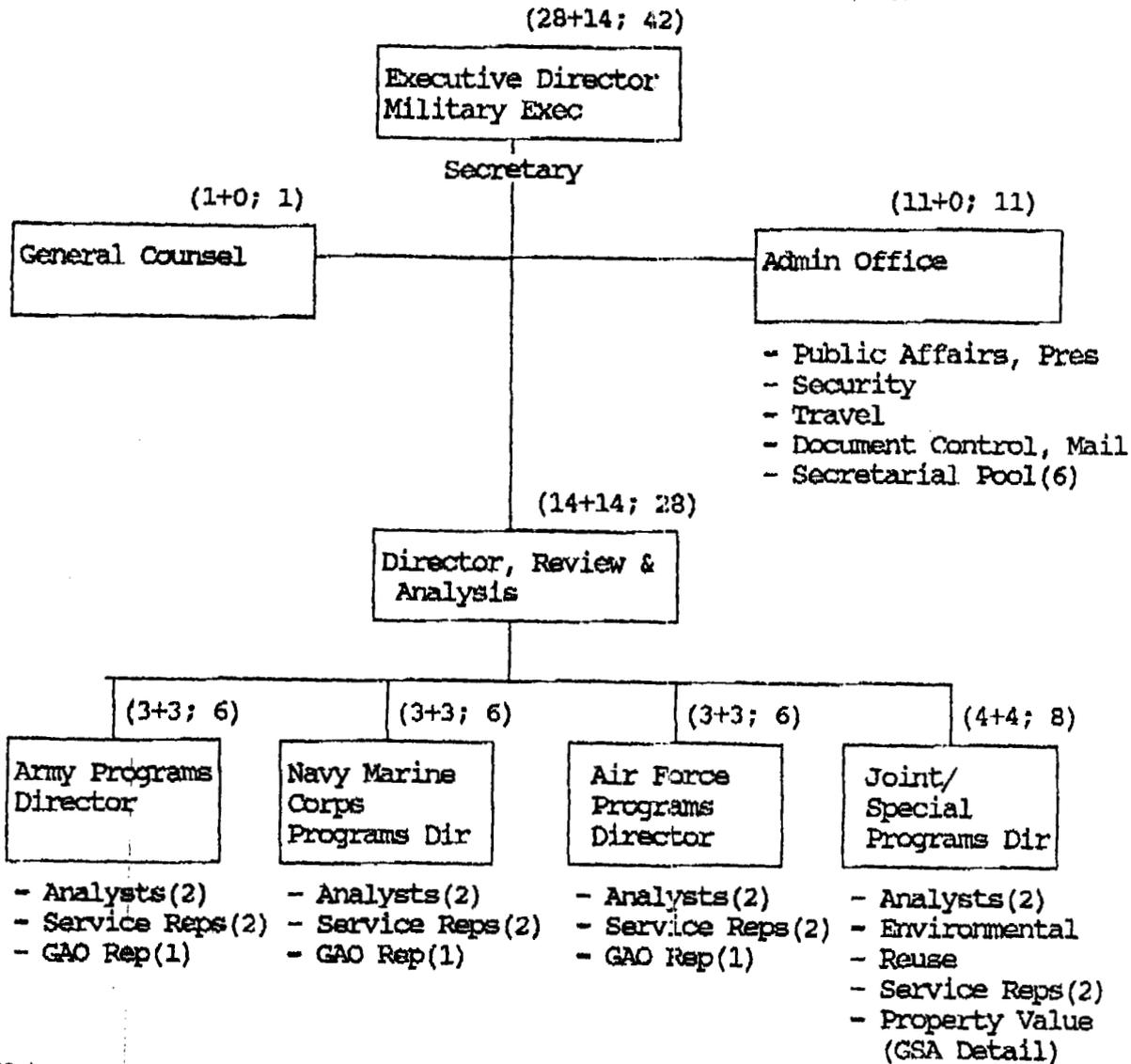
GAO Detail

Deputy Director SES
(5) Field Auditors

GSA Detail

(2) Property Value GM14/15

*Jim Smith
Model*



Notes:

1. General Counsel shares secretary with Executive Director.
2. Administrative Officer handles all logistics/administration for the staff.
3. Director, R&A and Service Program Directors are "outsiders"
4. GAO/GSA reps integrated into Service teams.
5. Numbers at top of box reflect "outsiders" plus "insiders", total.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
STAFF AND SALARY RECOMMENDATIONS

	<u>Rough Salary</u>	<u>GS Rating</u>
<u>OFFICE OF THE DIRECTOR</u>		
Executive Director	\$108,500.00	
Deputy Director	\$ 40,000.00 -	13
Secretary	\$ 30,000.00 -	8
<u>GENERAL COUNSEL</u>		
General Counsel	\$ 70,000.00 -	SES
Secretary	\$ 30,000.00 -	8
<u>OFFICE OF ADMINISTRATION.</u>		
Office Manager	\$ 45,000.00 -	13
Financial Service Officer	\$ 35,000.00 -	12
Travel/Hearing Coordinator	\$ 30,000.00 -	11
Secretary/Scheduler	\$ 25,000.00 -	7
Receptionist	\$ 20,000.00 -	5 or 6
<u>OFFICE OF POLITICAL AFFAIRS</u>		
Director	\$ 70,000.00 -	SES
House Liaison	\$ 50,000.00 -	14
Senate Liaison	\$ 50,000.00 -	14
State & Local Govt. Representative	\$ 40,000.00 -	13
Mail Director	\$ 40,000.00 -	13
Mail Correspondent	\$ 25,000.00 -	7
Mail Correspondent	\$ 25,000.00 -	7
Secretary	\$ 25,000.00 -	7
<u>OFFICE OF PUBLIC AFFAIRS</u>		
Executive Secretary	\$ detail -	SES
Public Request Officer	\$ detail -	13 or 14
Secretary	\$ detail -	7
<u>OFFICE OF RESEARCH</u>		
Director	\$ 70,000.00 -	SES
Service Detailees	\$ detail	0-06 or equip.
Environmental Officer	\$ 50,000.00 -	14
Economic Impact Officer	\$ 50,000.00 -	14
Alternative Land Use Officer	\$ 50,000.00 -	14
Secretary	\$ detail	7
<u>PRESS OFFICE</u>		
Press Secretary	\$ 60,000.00 -	15
Press Aide	\$ 30,000.00 -	9
Secretary	\$ 25,000.00 -	7

Even Year Staff Highlighted in Pink
Initial Core Staff Highlighted in Yellow

~~Single Office~~

8 Comm

~~ED~~

~~G.C.~~

~~Dir (P.A.)~~

~~Exec Sec.~~

~~Research Dir~~

✓ ED

✓ Deputy

✓ Sec

G.C. ✓

Sec. ✓

Admin

O.M. ✓

F.S.O. ✓

Trav/H. Coord. ✓

Sec. / Sec. ✓

Receipt. ✓

Pol. Affairs (9)

Director ✓

House ✓

Senate ✓

State & Local ✓

Mail Dir ✓

2 LC's ✓

2 Sec.

Public Affairs (3)

✓ Exec Sec.

P.R.O.

✓ Sec.

Research (15)

Director ✓

Service ✓

(8) Detailees ✓

Econ. Impact ✓

Environ. ✓

Alt. Base Use ✓

Sec 2 ✓

Rec. ✓

Press (3)

P.S.

P.R.A.

Sec.

8 Comm. = Done

December 8, 1990

MEMO

TO: DOC COOK

FROM: MATT BEHRMANN

RE: FIRST OF THE YEAR BASE CLOSING HIRES

DOC:

As we discussed when we met last, I have compiled a list of the core group of staff Mr. Courter and I would like to have on board as of January 3, 1990.

Executive Director	Matthew P. Behrmann	\$75,000.00
Office Manager		\$45,000.00
Political Affairs Director		\$70,000.00
Executive Secretary		Detail
Press Secretary		\$60,000.00
Executive Secretary		\$30,000.00

These are the staffers we envision as the initial hires as well as their recommended salary levels.

In addition, Congressman Courter is concerned about an office location for the initial "CORE" staffers.

4
2
7
8
3
22
3
49 Staff

Staff
Office of Dir

4- Executive Dir ~~GS14~~
Deputy Dir GS14
Mill ~~Stoch~~ (96)
Sec. A.A - GS8-10

2-3
Office of Hon. Council
~~GC~~ SES
Sec GS8-10
(Deputy)

Office of Admin
Office Manager
Fin. Ser. Officer
Travel Heavy Coord. (7)
Secretary / Scheduler
Receptionist
Comm. Pool Sec.
Comm. Pool Sec.

External Affairs
Pol. Affairs (8)
Dir SES
House Liaison 15
Senate Liaison 15
State & Local 14
Int. Affairs
Mail Dir 13
Mail Coord 11
Mail Coord 11
Sec. 8

(3)
Public Affairs
Executive Sec (bldg) 15
Public Request Officer (11)
Sec. 8

Review & Analysis (22)
Research
Dir SES
DOD Detail
Deputy Dir 16
Series Reps
AF 2 } 66 n
A 2 } 7 15
N 2 }
MC 1 }
Alt Base Use 15

GAO Detail
Deputy Dir (16)
5 Field Auditors
ESA
2 property value experts GS14-15

Envir Office (GS15) n EPA Detail
Econ. Inspect Officer (15)
2 Sec (GS8)

Press (3)
Press Sec 16
Aide 10
Sec. 8

**DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
PROPOSED STAFF STRUCTURE**

OFFICE OF THE DIRECTOR

Executive Director (ES IV)	General Counsel (SES)
Deputy Director (GS13)	Secretary (GS7)
Military Liaison Office (06 or Equivalent)	
Secretary (GS 8)	

OFFICE OF ADMINISTRATION

Office Manager (GS13)
Travel/Hearing Coordinator (GS11)
Secretary/Scheduler (GS7)
Receptionist (GS5 or 6)

POLITICAL AFFAIRS

Director (SES)
House Liaison (GS14)
Senate Liaison (GS14)
(2) Mail Correspondents (GS7)
Secretary (GS7)

PUBLIC AFFAIRS

Executive Secretary (SES)
Secretary (GS7)

OFFICE OF REVIEW AND ANALYSIS

Director (SES)
(8) Service Detailees (06 or equivalent)
Economic Impact Officer (GS14)
Environment Specialist (GS14)
(2) Secretaries (GS7)

PRESS OFFICE

Press Secretary (GS15)
Secretary (GS7)

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Secretary (GS7)

PRESS OFFICE

Press Secretary (GS15)
Secretary (GS7)