

**DRAFT**



BUREAU TRANSFER POLICY  
PROGRAM EVALUATION  
OFFICE OF PROGRAM EVALUATIONS AND AUDITS (OPEA)  
INSPECTION DIVISION

The current transfer policy has caused experience imbalances in many field offices. Small and medium offices are overstaffed with inexperienced Agents affecting program goals and accomplishments. Field Agents have little faith or confidence in the current policy especially the OP transfers. FBIHQ has been unrealistic in projecting transfer costs. To correct the current imbalances and to restore confidence, it will be necessary to send new Agents to all field offices from training school, eliminate the current Top 12 offices as a transfer criteria and increase the time in the first office assignment. OP criteria needs to be adjusted and restrictions placed on specialty transfers. Improvements in transfer management can be accomplished by increasing ADP capabilities.

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I. EXECUTIVE SUMMARY

The many changes and variations of the Bureau's Transfer Policy (BTP) that have evolved during the last 15 years have yet to succeed in attaining the major goals of the policy; that is, to provide balanced staffing levels for all Federal Bureau of Investigation (FBI) divisions and to be fair and equitable to the field Agents. Furthermore, a continuation of the current transfer policy could prove economically infeasible due to the increased benefits for transfers. The FBI can ill-afford to transfer 1,500 - 2,000 Agents yearly.

While the FBI has been diligent in addressing individual problems that may be caused or corrected by transfers, the Bureau has yet to solve the basic dilemma of placing Agents where they are needed while, at the same time, satisfying the concerns and desires of field Agents.

There is a need for a continuous and comprehensive management effort to develop a transfer policy that forecasts and predicts staffing, budgetary, and individual requirements, rather than applying short-term fixes.

Specific issues found by the Office of Program Evaluations and Audits (OPEA) during the course of this evaluation that need to be addressed are:

- Small- and medium-sized offices are staffed almost exclusively with GS 10s and GS 13s. This imbalance has caused:

- o a failure to increase office accomplishments due to the frequent turnover, lack of continuity, and the never-ending training requirements;
  - o a lack of continuity in investigations and programs;
  - o First Office Agents (FOAs) being assigned to Special Operations Groups (SOGs), Foreign Counterintelligence (FCI) work, Organized Crime/Drug Enforcement (OC/DE) task forces, and long-term, complex investigations which they cannot complete during their office tenure;
  - o important investigative and program matters which cannot be addressed;
  - o GS 13s to be overburdened with both complex investigative assignments and training responsibilities for new Agents;
  - o the inability of the small- and medium-sized offices to develop and train for their own specialized needs, necessitating more transfers;
- The Top 12 office concept, which is the driving factor, in the BTP should be changed. Not all 12 offices should receive special attention through the transfer process.
- A lack of a consistent, systematic management approach in the transfer process and its exclusion from the long-range planning functions has resulted in a reactive system that applies quick fixes rather than long-term solutions.
- A need exists to develop a computer-based capability to apply to the transfer process to introduce forecasting and predictability.

- Increases in specialized needs for each field office are being addressed through the transfer process on a short-term basis.
- Increases in the number of transfers and transfer costs are not realistically addressed in the budget process.
- A large percentage of field Agents have lost faith in the transfer process and no longer consider the policy to be fair and equitable. Personal complaints aside, the Agents have expressed concern over:
  - o the imbalanced staffing in the small- and medium-sized offices;
  - o the decrease in the number of Office of Preference (OP) transfers due to a large number of first and second office transfers;
  - o speciality transfers that they view as corrupting the seniority system for OP transfers;
  - o the frequent transfers of Agents in their first two years.
- Due to the investigative responsibility of the FBI, it is impossible to place all Agents in an office of their choice.

Additional issues evaluated by OPEA and not considered for any changes or actions include:

- The current rules and regulations covering hardships and married Agent couples' (MACs) transfers are fair. Any complications that might result are best handled on an individual case basis.
- The absence of comparable data and field office overlaps in economic and geographic areas would make across-the-board cost of living adjustments (COLAs) infeasible. No other Federal law enforcement agency provides COLAs for domestic assignment, nor is it generally practiced in the Federal Government. Congressional approval would be required and this seems unlikely at this time.
- Other Government agencies, like the FBI, have designed their transfer systems to meet the agencies' investigative needs, rather than individual employee's desires.
- If a regionalized transfer policy was implemented, it would probably lead to regionalized hiring. This would negate the goals of the Broad Band Selection Process now used in recruitment. Lesser qualified applicants would be hired based on geographic needs.

-- While industry provides some additional benefits when transferring employees, frequencies of transfers still cause personal and family disruptions. Most industry transfers are geared to promotions.

The current transfer policy, which excludes FOAs from assignments to Top 12 offices, does not provide the means to staff each field office with a balance of experience and expertise to meet investigative goals. Field managers and supervisors advised OPEA that it is not necessary to have an exact spread of field grades, but each field office should have a balance of inexperienced, mid-level, and experienced Agents. To effect this balance, it will be necessary to transfer new Agents to all field offices after completion of training at Quantico and to leave those Agents assigned to small, medium, or lesser impact offices in place for a minimum of five years.

The prohibition against assigning new Agents to Top 12 offices should be dropped. Not all 12 offices are difficult to staff, and as such, should not receive special consideration from the transfer process. OPEA recognizes that the failure to properly staff some offices would create a major impact, both on FBI investigations and the transfer process. Only those offices that cannot be provided a balanced staff through a combination of OP and first office transfers should receive special transfer attention.



OPEA, with the cooperation of the Administrative Services Division (ASD), has involved the Technical Services Division (TSD) in the development of a computer model to predict staffing and transfer requirements. While the model is still in the development stage, preliminary results have been encouraging. This model can also serve as a management tool for the Special Agent Transfer Unit (SATU).

The transfer budget is unrealistic in its estimates and projections. The estimated transfer budget does not reflect the increased number of transfers and increased transfer costs.

FBI field Agents have lost faith and confidence in the transfer policy. There is special concern over the decrease in the number of OP transfers and a corresponding increase in specialty transfers. While it is the contention of the field Agent that the OP system has failed, OPEA found that 67 percent of all Agents are in their OP and 75 percent of GS 13s are listed as being assigned to an office of their choice. Yet the many instances of OP list jumping and specialized transfers without the restrictions that apply to OPs need corrective action. The sending of new Agents to all field offices should allow for more OPs by freeing both monies and spaces in desired offices, and at the same time, a detailed management approach to transferring should ensure that a proper balance of experience is maintained.

OPEA is not recommending any radical changes in the current transfer policy, but is proposing a combination of past policies. That is, a free-flowing transfer policy based on Bureau needs, Agents demand (OPs) and new Agents transfers with a built-in system of checks and balances to ensure that each office is staffed with a balance of investigative personnel.

The implementation process needs to be managed. It is for this reason that OPEA and TSD are developing a computer model that can serve not only in the implementation period, but as a daily management tool. OPEA believes that because the current experience levels in problem offices are high and the available pool of Agents eligible for transfer to those offices is large, the implementation of changes recommended in this report can be accomplished.

## II. BACKGROUND

### A. Purpose

The primary purpose of this study was to determine if the current BTP has been effectual in providing a balanced staffing level for all FBI field divisions and, in doing so, was deemed by FBI Special Agents (SAs) to be fair, equitable, and creditable.

An additional purpose was to conduct a study of current transfer costs, the number of annual transfers, and the Bureau's financial ability to continue the current transfer process as it has in the past.

The final purpose of this study was to determine alternatives to the current transfer policy and to bring to light additional factors that affect the transferee, the transferee's family, and the changing composition of the population of FBI SAs.

### B. Scope

This study included a review of applicable administrative files relating to Bureau transfer matters and an analysis of the current BTP. A review was conducted of recent transfers since 1981 and an analysis was made of the current staffing levels of FBI field offices.

Interviews were conducted with the personnel assigned to the SATU, ASD, and with other appropriate officials of ASD.

Computer support in the development of transfer models was provided by the Special Studies Unit of the TSD.

Field visits were made to six field divisions; Boston, Denver, Houston, New York, San Diego and the Washington Field Office. Interviews at these locations were conducted with 17 Special Agents in Charge (SACs) and Assistant Special Agents in Charge (ASACs), 50 Supervisory Special Agents (SSAs), and 272 SAs.

Contact was maintained with the Training Division (TD), In-Service and Student Services Unit relative to their ongoing study of Probationary Agent Training.

A review was conducted of transfer matters as they are handled in the private sector, and interviews were conducted with appropriate personnel at four government agencies; Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco and Firearms (ATF), the United States Secret Service (USSS) and the Central Intelligence Agency (CIA).

C. History

Since its inception, the FBI has routinely transferred SAs to meet investigative and administrative responsibilities. All SAs are informed prior to their appointments that they are subject to transfer at any time to meet the needs of the Bureau. The Letter of Appointment to SAs (Form 3-302) reads in part, "It is understood you are to proceed on orders to any part of the

United States or Puerto Rico where the exigencies of the service may require and it should be clearly understood that you will continue to be completely available for any assignment whenever and wherever the needs of the service demand. Further, you cannot expect an assignment to an office of your own preference." Additionally, spouses of prospective appointees are interviewed and advised of the BTP.

The BTP has always been one of change and discussion. Transfers of second office Agents were a topic of discussion at the 1945 FBI Executive Conference. It was noted there had been an increased hiring of SAs during the previous four years, and the policy was being followed of transferring each new Agent from his first office after three months. It was found that all new Agents had reached their second offices so vacancies could then be filled by transferring second office Agents to their OPs. It was recommended by the Executive Conference and approved by Director Hoover that no second office Agents be transferred to their OPs, and only those Agents with three or more moves be considered for transfers to their OPs.

The Executive Conference in 1949 recommended increasing the first office assignment from three months to six months. Director Hoover increased the first office time to nine months. In 1952, the Executive Conference recommended that the policy of transferring Agents after nine months in their first offices be

discontinued. Director Hoover approved this recommendation with a notation that there "is no set policy with respect to periodic transfers of other Agents."

By 1969, Agents were transferred from training school to their first offices, usually a small- or medium-sized office, for a period of one year. They were then transferred to a second office for an indefinite period. Many Agents, however, continued to receive transfers beyond their second offices because of the needs of the Bureau, specialized abilities, or their potential for or interest in career advancement.

In 1974, after a study of the transfer policy by OPEA, a new transfer policy was implemented. This policy stated that in the future "the filling of Agent manpower needs will be accomplished, primarily by transferring Agents to their OP or the assignment of Agents from training school." New Agents were to be transferred to a large office where they would remain until qualified by seniority to an OP.

The 1974 policy also set forth a program whereby Agents assigned to the New York Office for an excess of five years would be given every consideration for a transfer to an office of preference over Agents in other offices with more seniority. The policy set as a goal to eliminate the rotation policy and to maximize the number of OP transfers. This policy eventually led to a decrease of experienced Agents in the large offices and, at

the same time, burdened the offices with the responsibility to train new Agents.

Some relief was forthcoming in the late 1970s, when FOAs were again sent to small- and medium-sized offices and a "mini-10/1/69 program" sent some experienced Agents to large offices. Yet, by 1980, the large offices were again receiving FOAs and, at the same time, had a shortage of experienced personnel.

In December, 1981, a comprehensive transfer policy was published that incorporated existing policy practices that had been developed through consistent use, although no policy existed, and a new policy. The 1981 transfer policy set the goals of balancing the staffing needs of all FBI divisions and at the same time, providing a transfer program that would be fair and equitable to all employees. The policy set forth two major premises:

1. All FOAs would be sent (after six months in home office) to a small- or medium-sized office for a period of two to four years.
2. All Agents would have to serve in a Top 12 office.

For the newer Agents, this meant that after spending two to four years in a small- or medium-sized office, they would be transferred to one of the Top 12 offices. But this movement plan could not solve the immediate problem of providing experienced staffing levels for the Top 12 offices. It was

decided, therefore, that Agents who entered on duty after October 1, 1969, and who had been assigned only to two small- or medium-sized offices would become eligible for transfer to a Top 12 office. This rotation was deemed necessary to correct serious experience imbalances in the Top 12 and to ensure equity of service among all Agents.

The 1981 policy outlined other new procedures for transfers including:

- The New York Office five-year plan -- allowing two extra years for determination of OP standing after five continuous years of service in New York.
- The San Juan five-year plan -- allowing Agents to choose their next office of assignment based on Bureau needs.
- A detailed procedure to be followed for Hardship Transfers.
- Transfers based on undercover assignments and removal from the Career Development Program.

Also included were the detailed procedures for transfers of MACs in order to maintain a common household. An important determination was made that the senior spouse's entry-on-duty (EOD) date would be the determining factor for an OP transfer, provided the junior spouse had served two years in a large office.

Since 1981, the transfer policy has not changed drastically. Due to the enactment of Public Law 98-68, new Agents are transferred directly from Quantico to their first



assignments, eliminating the need to serve six months in their home offices. Another change has been in determining MACs eligibility for an OP. MACs may now average their EOD dates for OP eligibility so that both can transfer together, or they may choose to be listed separately; but for the latter, only one spouse will be transferred when reaching eligibility.

### III. CURRENT BUREAU TRANSFER POLICY

#### A. Authority

The Director of the FBI has the authority to transfer any employee of the Bureau from any point to any point at any time when such transfer is in the best interest of the United States Government. This authority emanates from Department of Justice Order No. 175-59, dated April 1, 1959, wherein the Attorney General of the United States delegated to the Director the same authority relating to the transfer of employees as delegated to the head of departments by the President.

#### B. Current Policy

The transfer policy of the FBI is generally governed by the staffing needs existing within the FBI's 59 field divisions and 407 resident agencies. More specifically, the staffing needs of the 12 largest field divisions form the focal point of the transfer policy.

The current policy briefly stated is that new Agents will be transferred to a small- or medium-sized office after completion of training at Quantico. They will remain in those offices for a period of two to four years, and at the completion of or during that period, they will be transferred to a Top 12 office. Service in a Top 12 office is required of all Agents. Agents will remain in a Top 12 office until they receive an OP, Career Development Program (CDP) Transfer or a need of the Bureau

transfer. Additional provisions are outlined in the policy to cover OP Transfers, Hardship Transfers, Specialty Transfers, Undercover Transfers, CDP Transfers, and MACs. (see Appendix A) Each of these areas will be covered separately in this report.

The goal of the BTP is to fulfill the needs of the Bureau within budgetary considerations, and while doing this, satisfy the personnel needs and desires of all employees.

Based on the above, OPEA set out to determine:

1. Is the current transfer policy being operated in an effective, efficient, and economical manner?
2. Is the current policy providing for the needs of the Bureau by staffing all FBI divisions with a proper balance of experience and expertise?
3. Is the policy fair and equitable to all Agents, and is it perceived to be such by them?
4. Is proper planning and management control being applied to the transfer policy?

OPEA set out at first to determine if the current policy negatively affected either recruitment or retention of personnel. The answer in both cases was no.

While there are qualified individuals who do not consider joining the FBI due to the fact that they will be transferred, at the present time there are approximately 2,400 fully qualified, tested candidates awaiting appointments as

Agents. There is still another pool of 4,000 candidates awaiting to be tested and interviewed.

The FBI turnover rate is among the lowest that can be found in either the United States Government or industry. The turnover rate for 1984 was three percent and that included losses from all sources; retirements, deaths, voluntary and involuntary separations. While some good Agents may quit rather than accept what they consider an undesirable assignment, the number is small. The Bureau averages 123 Agent resignations annually.

While the current transfer policy has little or no affect on recruitment or resignations, serious concerns have been expressed by management and supervisory personnel over the costs involved, its inability to provide balanced staffing, and by field Agents as to its fairness and credibility.

IV. TRANSFERS AND COSTS

A. Transfer Increases

The number of transfers has risen continuously for the last three years. This rise can be directly attributed to increased recruitment of SAs and the requirement to transfer them first from training school to their first assignment and then transfer them again in a two- to four-year period (currently running at 18 months) to a Top 12 office. The following chart depicts the number of transfers by type and the percent of total transfers for the Fiscal Years (FY) 1980 to 1984. Since clerical transfers are not a subject of this study, they have been eliminated from the totals and figures in this section.

BUREAU TRANSFER  
SPECIAL AGENTS  
1980 - 1984

Type	1980		1981		1982		1983		1984	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total Cost Transfers	1,064		983		882		1,292		1,664	
Career Development	323	30.4	217	22.1	111	12.6	128	9.9	181	10.9
Office of Preference	286	26.9	241	24.5	102	11.6	140	10.8	95	5.7
New Agents										
(includes 6 months)	211	19.8	217	22.1	280	31.7	511	39.6	878	52.8
Two-Four-Year Rotation	35	3.3	118	12.	143	16.2	213 <sup>2</sup>	16.5	358	21.5
Other Agent Transfers	121	11.4	131	13.3	202 <sup>1</sup>	22.9	253 <sup>2</sup>	19.6	119	7.2
Resident Agency	88	8.3	59	6.	44	5.	47	3.6	33	2.
Total No Cost Transfer Agents	<u>256</u>		<u>485</u>		<u>333</u>		<u>370<sup>3</sup></u>		<u>464</u>	
Total Agent Transfers	1,320		1,468		1,215		1,662		2,128	

<sup>1</sup> includes 98, 10/1/69s  
<sup>2</sup> includes 118, 10/1/69s  
<sup>3</sup> estimated

A review of the above chart shows two interesting trends:

- The percentage of CDP and OP transfers has declined from 30.4 and 26.9 percent, respectively, in 1980, to 10.9 and 5.7 percent in 1984.
- At the same time, the percent of new Agent transfers and two- to four-year rotations have increased from 19.8 and 3.3 percent in 1980 to 52.8 and 21.5 percent in 1984.

There is little that can be done to reduce new Agent transfers, but the increase in two- to four-year rotation is dramatic; a 1,000 percent increase in four years. Currently, there are approximately 900 Agents in this category awaiting transfers.

The CDP transfers offer an opportunity to compare Bureau transfers with those of private industry. A November, 1984, survey published in the USA TODAY showed that 58 percent of all industry transfers involved a corporate promotion. In 1984, only 10.9 percent of Bureau transfers involved a promotion or CDP transfer.

The Bureau had 2,128 total Agent transfers in 1984. This figure, if constant, would equate to transferring most of our Agents every four years. By the end of June, 1985, there were approximately 1,100 cost Agent transfers.

B. Transfer Costs

Along with the increased number of transfers, there has also been dramatic cost increases primarily due to the passage of Public Law 98-151 which authorized increased relocation expenses. The following chart shows the extent of increased transfer costs:

	<u>FBI Average</u>		
	<u>Transfer Costs</u>		
	<u>1978</u>	<u>1984</u> <sup>(1)</sup>	<u>1985</u> <sup>(2)</sup>
	\$5,399	\$13,300	\$20,741
(1)	Agents only		
(2)	Estimated		

The 1985 figure remains an estimate since the increased reimbursements went into effect in FY 1985 after the passage of the FY 1985 budget. The increased transfer costs were not in the 1985 budget, but even so the 1985 costs are almost four times the average cost in 1978.

The FBI budgets transfer costs in five categories: CDP, OP, New Agents, Two- to Four-Year Rotation, and Support. The OP category includes all other Agent transfers. The following chart shows the estimated transfer costs for Agent personnel for FY 1985:



1985 FBIEstimated Transfer Costs

<u>Transfer</u>	<u>Number</u>	<u>Average Cost</u>	<u>Total</u>
CDP	156	\$32,104	\$5,008,224
OP <sup>(1)</sup>	132	31,629	4,175,028
New Agent	344	8,943	3,076,392
2-4 Rotation	424	22,742	9,642,608
TOTAL	1,056	20,741	21,902,252

(1) Includes all other transfers

By June, 1985, the transfer budget had been depleted and SATTMU has prepared a request for an additional \$4 million. This has occurred even though the estimated number of Agent transfers was reduced from 1,520 to 1,056. But 110 additional new Agents will be hired by the end of FY 1985, and by June, 1985, there were already 1,100 cost transfers. If the 1,520 was the true figure, estimated total costs for 1985 would have been \$31,526,320. If the same number of Agent transfers occur in 1985 as occurred in 1984, estimated costs would be \$34,978,944.

Although the FY 1986 budget has yet to be approved by Congress, transfers are estimated to be 1,567 with an estimated cost of \$22,504,000. Estimates for 1987 show 1,614 requested transfers and estimated costs of \$22,954,000. In view of previous cost data exemplified, OPEA finds this to be an unrealistic projection. In any event, with the ever-increasing costs and possible future budget constraints, the FBI simply

cannot afford to continue the number of transfers that it has in the past.

V. FIELD OFFICE STAFFING

A. Goal

One of the major goals of the BTP is to provide a balanced staffing level in each FBI division. Each field office, therefore, should be staffed with a balance of expertise and experience to enable that field office to attain program goals and objectives. Since the FBI staffing is grade oriented, the implication is, therefore, that each office should have a balance of field grades. FBI field Agents are spread through four grades from the GS 10 to the GS 13 level. While successive grade levels are reached progressively through the passage of time, they also indicate an experience factor that relates to job assignment. An Agent at the GS 13 level should be able to work the most complicated cases with little supervision. GS 10s by definition, work the less complicated matters with closer supervision. The mid-level grades, GS 11s and GS 12s, progress in ability and experience through more difficult work assignments to the GS 13 level.

B. Target Staffing Level (TSL)

The transfer process is an implement in effecting the established TSL. The establishment of the TSL is the function of the Resource Management and Allocation Board. TSLs are based on the number of Agent work years available for distribution to each field office. When the work-year schedule is available

(appropriated by Congress), each program is reviewed and examined office-by-office. Consideration is given to previous year accomplishments and work-year expenditures and the program objectives for the forthcoming year. These considerations are matched with the allocated manpower totals for each program as established by the budgetary process. When all adjustments are made, a TSL for supervisory and field Agents for each office for the FY is set and approved. TSLs are to remain constant for each FY and are reviewed in March of each year. The TSL for each field division is an "ultimate" goal, but because of retirements, resignations, transfers, the time required to hire and process applicants, and possible changes in the budgetary allocation of funded Agent levels, the on-board complement of Agents may be more or less than the TSL.

Once a TSL is established and barring unforeseen events that may affect it, transfers are used to ensure that each office is at or near the authorized level. While the TSL sets the staffing levels, it does not set a balanced level of field grades in each office. This balance is an informal goal generally expressed as an "experience level" that equates to a desired percent of GS 13s in each office.

C. Experience Level

The experience level is an informal goal and not precisely defined. FBI officials believe that the GS 13 level in

each office should either equal the percent of GS 13s in the field or 70 percent of an office TSL.

The experience level is based on the premise that the Top 12 offices have a larger volume of complex cases and, therefore, should have a higher number of experienced Agents than the small- and medium-sized offices. In 1981, however, the experience level in the Top 12 offices decreased to as low as 29 percent for GS 13s in the New York Division. This low level was the result of the previous policy that sent new Agents to Top 12 offices from training school and filled the small- and medium-sized offices with OP transfers. A 1981 policy change was designed to correct this experience imbalance by:

1. Sending new Agents to only small- and medium-sized offices from training school;
2. then, transferring the new Agents from their small- and medium-sized offices after 2-4 years to a Top 12 office.

An immediate solution known as the "10/1/69 Program" was adopted. This policy transferred field Agents who entered on duty after October 1, 1969, and who had not served in a Top 12 office to one of those offices. The policy change was deemed necessary to correct the experience level imbalances caused by retirements, shifts in investigative priorities and to correct

the imbalance caused by the fluctuation of the transfer policy in the previous decade.

The experience level in the Top 12 offices has grown since 1981 as shown on the following chart:

Experience Levels  
Top-12 Offices  
2/82 - 1/85

<u>Office</u>	<u>GS 13%</u> <u>2/82</u>	<u>GS 13%</u> <u>5/83</u>	<u>GS 13%</u> <u>7/85</u>
Baltimore	64	75	69
Boston	56	66	66
Chicago	45	63	54
Cleveland	51	65	62
Detroit	44	60	63
Los Angeles	59	69	65
Miami	63	77	71
Newark	61	68	66
New York	29	41	47
Philadelphia	61	69	67
San Francisco	66	76	65
Washington Field	32	55	51

D. Lack of Experienced Agents in Small/Medium-Sized Offices

While the above chart shows a high level of experience in the Top 12 offices, the current policy prevents the goal of balanced staffing levels in all field offices from being reached for two reasons: first, by failing to set a realistic experience level goal achievable fieldwide; and secondly, by a transfer policy that prevents the distribution of experience levels fieldwide. That all new Agents only be sent to a small- or medium-sized office from training school and that all Agents must serve in a Top 12 office are the two facets currently present in the transfer policy that affect the staffing balance. New Agents serve in small/medium-sized offices for two to four years and are

then transferred to large offices. As a result, there are no or few GS 10s in large offices and no or few mid-level grades in the small/medium-sized offices as can be seen in the following:

Grade Distribution by Office Type

July, 1985

	<u>Top-12</u>	<u>S/M</u>
GS 10	2.3%	97.7%
GS 11	71.2%	28.8%
GS 12	92.5%	7.5%
GS 13	53.6%	46.4%

According to one SAC, the current transfer policy has "divested all but the Top 12 offices of experienced manpower. An additional handicap placed on the less prominent offices is the exclusive staffing of vacancies with GS 10 SAs. This causes an imbalance of the experience level which manifests itself in both the administrative and operational areas of management." Experienced Agents in the small/medium-sized offices are constantly training new Agents who are transferred within 18 months perpetuating the process.

OPEA surveyed 67 FBI field managers and supervisors, 21 from medium-sized offices and 46 from Top 12 offices. Every SAC, ASAC, and SSA from the three medium-sized offices asserted that the current transfer policy does not provide their office or squad the adequate staffing necessary to effectively attain program goals and objectives. Each one stated that because of the training requirements impressed upon both management and



experienced Agents, accomplishments are less than what they could be and that the frequent rotation of first office Agents upsets the continuity of long-term investigations.

The extent of the experience imbalance can be evinced by the following ratio of FOAs to experienced Agents found at the time of the OPEA visits to the offices.

FIRST OFFICE AGENT  
VERSUS  
EXPERIENCED AGENT

<u>Office</u>	<u>FOAs</u>	<u>Experienced</u>	<u>FOAs as % of Staff</u>
Denver	36	53	40.4%
Houston	68	64	51.5%
San Diego	52	50	50.9%

The high percentage of FOAs necessitates they be assigned to squads and program work normally requiring more experienced investigators.

-- In Denver

- Fifty percent of the Agents assigned to the OC/DE Task Force are GS 10s.
- A GS 10 is now the applicant coordinator.
- Two of the FCI Agents are GS 10s.
- Ten of 15 Agents assigned to WCC are GS 10s.

-- In Houston

- Fifty-six percent of the Agents assigned FCI work are FOAs. Houston has sixth largest FCI TSL.
- Fifty percent of the OC squad are GS 10s.
- Twelve of the 19 Special Agent Accountants (SSAs) are FOAs.
- Houston's only bomb technician is a GS 10.
- The only Agent with enough flight hours to be a Pilot-in-Charge (PIC) is a GS 10.

-- In San Diego

- The turnover rate was 128 percent in 26 months.
- Five of the 10 Agents assigned to the SOG are FOAs.
- Seventeen of 22 Agents assigned to the FCI squad are FOAs.
- Six of 13 Agents on the OC/DE task force--narcotics squad are FOAs.

All three offices sent FOAs to Quantico for in-service training including basic counterintelligence, Special Weapons and Tactics (SWAT), firearm and defensive tactics, and general police instruction. During the first six months of FY 1985, 80 Agents with less than one year of field experience attended in-service classes at Quantico.

Contrary to the opinions expressed by management of the medium-sized offices, only a minority of FBI management in the Top 12 offices believed that the current transfer policy had an

adverse affect on office staffing and investigation. Those who did, believed so because of an absence of a particular skill and expertise on their squad.

Two basic questions must be addressed before any solution can be presented. First, should the Top 12 offices continue to receive special consideration via the transfer process? Secondly, can first office Agents be sent to all offices from training school? Both questions and the answers are interrelated.

E. TOP 12 OFFICE CRITERIA

The transfer policy is governed by the staffing needs of the 12 offices which constitute the 12 largest offices in the FBI. The size of the office, more than 170 SAs, the size of the metropolitan area in which they are located, working conditions, the complexity of the investigative work, the specialized nature of the work, cost of living, and undesirability of an assignment to these offices are the often-cited criteria used to distinguish these offices from the other 47 field offices. Because of these factors, these 12 offices receive special attention from the transfer process, that is, no FOAs are assigned and all Agents must serve a set period of time in them. OPEA, however, could not find any documentation nor valid arguments as to why FOAs are not sent to Top 12 offices.

In order to determine a common point to compare Top 12 criteria, OPEA selected 12 small- and medium-sized offices. The 12 small- and medium-sized offices selected all have a high percentage of FOAs currently assigned. The offices selected were Alexandria, Birmingham, Denver, Houston, Las Vegas, Minneapolis, Omaha, Portland, Richmond, St. Louis, Salt Lake City, and San Diego. The two groups were compared on accomplishments, cost of living, and their desirability as a Bureau assignment.

Accomplishments

OPEA selected three factors to compare the two groups: the percent of Priority Case Indicator (PCI) hours worked for FY 1984, the number of arrests and arrests per Direct Agent Work Years (DAWYs), and number of indictments and informations per DAWY. The following chart shows the comparative results:

COMPARISON OF ACCOMPLISHMENTS  
TOP 12 vs. 12 SELECTED SMALL/MEDIUM-SIZED OFFICES

FY 1984

Office	Percent of PCI	Convictions	Convictions Per Per DAWY	Indict- ments	Indict- ments Per DAWY
<u>Top 12</u>					
Baltimore	80	269	1.67	288	1.79
Boston	85	179	.92	198	1.01
Chicago	84	429	1.32	429	1.32
Cleveland	88	212	1.35	222	1.41
Detroit	85	323	1.54	337	1.60
Los Angeles	86	689	1.78	752	1.96
Miami	87	203	1.22	406	2.44
Newark	86	262	1.29	209	1.03
New York	90	585	.65	739	.82
Philadelphia	89	431	1.53	602	2.15
San Francisco	84	387	1.46	371	1.40
Washington Field	85	156	.36	170	.40
NUMBER		4,125		4,723	
AVERAGE	85.8		1.18		1.35
<u>Small/Medium</u>					
Alexandria	79	113	1.76	116	1.81
Birmingham	82	115	2.04	161	2.86
Denver	83	128	1.66	144	1.48
Houston	86	116	1.07	133	1.23
Las Vegas	82	340	4.38	328	4.23
Minneapolis	85	197	2.31	214	2.51
Omaha	84	149	2.62	96	1.69
Portland	78	97	1.82	96	1.80
Richmond	79	82	2.03	91	2.25
St. Louis	86	81	1.24	122	1.87
Salt Lake City	84	63	1.81	67	1.93
San Diego	86	165	1.64	224	2.22
NUMBER		1,646		1,792	
AVERAGE	82.8		1.99		2.17
Bureau's Average	85	---	1.65	---	1.84

- The Top 12 offices had a higher percentage of PCI (85.8 percent) than the small/medium (82.8 percent). The Bureau's average was 85 percent.
- The small/medium-sized offices had 2.17 indictments/information for every DAWY compared to the Top 12's 1.35. The Bureau's average was 1.84 indictment/information per DAWY.
- The small/medium offices had 1.99 convictions per DAWY compared to 1.18 convictions per DAWY recorded by the Top 12. The Bureau's average was 1.65.

While it appears that there is little significant difference in PCI work between the two groups, the small/medium offices seem to be out-performing the Top 12 as to indictments and convictions. This comparison is not meant to determine rates of performance, but to demonstrate that quality and productive work exists in all offices and must be considered in staffing policies.

Interviews conducted by OPEA with managers and supervisors show that both groups are of the opinion that they all have high-priority and complex cases requiring experienced investigators. It was discerned from the interviews, however, that management and supervisory personnel in the small- and medium-sized offices are being asked to perform on a higher level than they are provisioned. While the FBI has supplied the Top 12 with experienced personnel to investigate highly complex, priority cases, no one has told the small/medium-sized offices that since they have a lesser experience level, they should produce lesser results.

One OC supervisor interviewed by OPEA advised that he saw himself to be a "minor-league manager." Every time he developed a qualified and experienced Agent, that Agent was "called up to the majors" via a transfer to a Top 12 office. But the difference, he emphasized, is that he is still expected to produce a winning record.

Another manager was more adamant in his opinion. He stated that if the Bureau continued to put the experience in the Top 12, then they should close the other 47 field offices and make them RAs. Senior Agents point out that there are many instances of cases that could be opened but are not, due to a lack of experienced personnel to investigate them.

#### Economic Factors

The difficulties faced in the collection of comparable economic data were compounded by the variances of the methods used in collection and interpretation of the data, the overlapping of field offices in a geographic areas, the availability of up-to-date statistics, and the current economic situation that fluctuates daily. OPEA chose as a standard, the Rand McNally "Places Rated Almanac" 1985 edition which uses 1984 data. OPEA also chose to measure the economic status of the field area using the following category:

1. Cost of living - 100 equals the average
2. Salary - average household salary for the area
3. State and Local Taxes - state and local income taxes and sales and percent of taxes based on income

4. Cost of Housing - average housing cost
5. Property tax - amount of property tax payed on  
average housing costs

The following chart reflects the cost differentials for the Top 12 as compared to the 12 selected small- and medium-sized offices according to the aforementioned "Places Rated Almanac."



ECONOMIC COMPARISON OF TOP 12  
WITH SELECTED SMALL/MEDIUM

	Cost of Living	Average Salary	Average State and Local Taxes	Average State and Local as % of Sal	Average Housing Cost	Average Property Tax
<u>Top 12</u>						
Baltimore	106	\$32,368	\$1,267	3.91	\$73,000	\$1,001
Boston	116	36,644	1,695	4.63	84,300	2,047
Chicago	115	36,593	1,171	3.20	86,000	1,367
Cleveland	106	35,720	1,067	2.99	70,800	814
Detroit	102	33,858	1,589	4.69	59,100	1,583
Los Angeles	128	36,624	1,237	3.38	122,600	1,263
Miami	111	32,808	338	1.03	86,900	895
Newark	133	38,279	1,056	2.76	105,700	2,695
New York	133	36,047	1,637	4.54	95,800	2,462
Philadelphia	102	33,449	1,001	2.99	61,800	1,008
San Francisco	153	47,966	2,030	4.23	154,500	1,591
WFO	131	41,888	2,371	5.66	117,800	1,360
<u>Small/Medium</u>						
Alexandria	131	41,888	2,371	5.66	117,800	1,360
Birmingham	95	27,835	876	3.15	57,900	722
Denver	114	39,099	1,002	2.56	91,500	924
Houston	110	39,558	265	0.67	80,100	1,122
Las Vegas	112	32,626	331	1.01	87,300	673
Minneapolis	103	35,871	1,882	5.08	80,600	621
Omaha	93	31,912	784	2.46	52,100	1,162
Portland	114	33,020	1,553	4.70	80,800	1,664
Richmond	101	33,510	1,248	3.72	64,600	930
St. Louis	96	34,560	916	2.65	60,500	708
Salt Lake City	105	27,076	1,305	4.82	78,500	722
San Diego	137	32,586	997	3.06	123,503	1,272
Bureau Average		38,593.60				

The average salary for a Bureau Agent in 1984 was \$38,593.60. The starting salary for a GS 10 Agent is now \$30,014 (\$28,999 in 1984). As will be shown later (See Section IX), other Federal law enforcement agencies send new Agents to New York and other large cities with salaries ranging from \$14,390 to \$21,804.

An analysis of the above information shows that economic factors can be as high, if not higher, in small- and medium-sized offices than in the Top 12 offices.

- San Diego with the highest percentage of assigned FOAs has the second highest cost of living factor and the second highest housing cost.
- The Alexandria Office is rated as part of the Washington Metropolitan Area and as such has the same high costs.
- Minneapolis and Salt Lake City have the second and third highest local tax rate. This is even more significant as Washington (including Alexandria), which has the highest, includes a District tax that applies only to District residents. The majority of SAs assigned to WFO (and Alexandria) reside in Virginia where the local tax rate is lower.
- In 1984, the state and local income taxes paid on the average SA's salary of \$40,529.43 would have been higher in Minneapolis (\$2,160.50), Salt Lake City (\$1,953.52), and Portland (\$1,904.88) than in Boston (\$1,876.51) and New York (1,840.04).

OPEA selected three states that have both a medium and a Top 12 office. As the following chart shows, there is little in the way of economic factors that separate the pairs within the states.

COMPARISON OF TOP 12 WITH  
MEDIUM OFFICE -- SAME STATE

<u>Office</u>	<u>Cost of Living</u>	<u>Housing</u>	<u>Average Local Taxes</u>
Pittsburgh	103	60,500	1,219.94
Philadelphia	102	61,800	1,211.83
Cincinnati	98	63,900	1,296.94
Cleveland	106	70,800	1,211.83
San Diego	137	123,500	1,240.20
Los Angeles	128	122,600	1,369.89

OPEA recognizes that economic data varies daily and is always subject to challenge. It is not OPEA's intention to show which field office has the highest economic costs, but, on the basis of data available, that there is not a wide range of costs between the Top 12 and small/medium-sized offices.

Office Desirability

Another factor that OPEA attempted to determine was the desirability of an office for assignment. To do this, OPEA totaled the number of field Agents in each office who listed that office as an OP and those not in that office but who listed it as their OP. The January, 1985, OP list was used for this compilation. The total was compared to the Agent TSL for that office. This resulted in a ratio of the number of Agents per slot.

As an example, in January, Portland had a TSL of 53 field Agents. There were 33 Agents listing that office as their OP assigned to Portland and an additional 31 Agents desiring that

office as an OP. There were then 64 Agents desiring 53 slots or a factor of 1.21 Agents per slot.

The following chart reflects a comparison of the Top 12 offices with the selected small- and medium-sized offices as to their desirability on the OP list and where each office is ranked. Also shown is the Rand McNally ranking of those cities in its survey of 329 metropolitan areas.

DESIRABILITY OF FIELD OFFICES  
TOP 12 vs. SELECTED SMALL/MEDIUM

Office	Desirability	OP Rank	Rand McNally Rank <sup>1</sup>
<u>Top 12</u>			
Baltimore	1.65	5	15
Boston	1.06	32	2
Chicago	.67	53(t)	26
Cleveland	.77	47(t)	31
Detroit	.59	57	87
Los Angeles	.67	53(t)	38
Miami	1.12	27	52
Newark	.73	52	72
New York	.39	58	25
Philadelphia	.94	41	5
San Francisco	.81	46	4
WFO	.60	56	15
<u>Small/Medium</u>			
Alexandria	1.01	36	15
Birmingham	1.13	26	93
Denver	1.26	20	30
Houston	.66	55	75
Las Vegas	.76	51	230
Minneapolis	.77	47(t)	51
Omaha	.77	47(t)	37
Portland	1.21	24	63
Richmond	1.62	6(t)	23
St. Louis	.89	42(t)	7
Salt Lake City	2.10	2	71
San Diego	1.25	21	28

(1) rank out of 329 cities rated  
(t) tied

As can be seen, three of the Top 12 offices have a high desirability as to an OP, but at the same time, five of the small/medium-sized offices have a low desirability, Houston having the lowest factor. The entire exercise found Hawaii with

a 2.71 desirability factor as the highest office and San Juan with a .37 factor as the lowest.

The Rand McNally study showed different results. Nine of the Top 12 rank in the top 50 cities compared to six of the small/medium. The highest ranking was Boston (second overall); the lowest shown was Las Vegas at 230. The highest Bureau office on the list was Pittsburgh (ranked first); the lowest ranked office was El Paso at 279.

During the field visits, OPEA asked Agents interviewed to select their top three choices for a Top 12 office. A compilation of their choices found the following:

1. Boston
2. Washington Field
3. San Francisco
4. Miami
5. Baltimore
6. Chicago
7. Philadelphia
8. Los Angeles
9. New York
10. Cleveland
11. Detroit
12. Newark

The sampling was influenced by the fact that both Boston and Washington Field were visited during the evaluation. Both offices, however, rank consistently high in all offices visited.

There is, however, no clear evidence that on the whole, the Top 12 offices are undesirable and some Top 12s could be easily filled using the OP list and FOAs.

F. TRAINING FOR FIRST OFFICE AGENTS (FOAs)

Specialization is the point often raised to distinguish between the investigative needs of the Top 12 and small/medium-sized offices. Due to the nature of their investigations, more specialized Agents are required in the Top 12 offices. Because of this, Top 12 offices require special attention from the transfer process and cannot provide the variety of assignments necessary to train FOAs.

Specialization has indeed grown as an investigative requirement. Language-trained Agents, technical-trained Agents, pilots, accountants, and other specialties are constantly in demand to meet the Bureau's ever changing priorities. This specialization, however, does not apply just to the Top 12. As pointed out earlier, FOAs are being assigned work usually reserved for Agents with more experience and a degree of expertise or specialization. As a result, the probationary training of the new Agents suffers. Furthermore, the increase of specialization in the small- and medium-sized offices further reduces the reactive slots and squads traditionally used for probationary Agent training. The Top 12 offices, however, have more reactive spots and can provide an opportunity for training in these areas.

A recently completed study by the In-Service and Student Services Unit of the TD has concluded that new Agents can

perform their probationary Agent training in all field offices. It further found that the current policy of sending FOAs only to small/medium-sized offices is a detriment to a successful Probationary Agent Program. The probationary training program outlined by the TD cannot function when an office is over-staffed with FOAs as the small- and medium-sized offices are now. The TD posits that FOAs must be sent to all field offices in order that the Bureau has a viable Probationary Agent Training Program (PATP).

During its survey, OPEA asked if new Agents should be sent to all offices from training school and could they be effectively trained in all field offices. A summary of the answers shows that:

- 70 percent of managers and supervisors believed that new Agents should be sent to all field offices and can be effectively trained in all offices.
- 82 percent of the SAC and ASAC responses from the above figures showed that FOAs should be sent to all field offices and that adequate training could be provided.
- 71 percent of field Agents interviewed were in favor of sending new Agents to all field offices.
- 90 Agents were interviewed who were sent to a Top 12 as their first office. Seventy Agents stated that they received at least adequate training in that assignment.

Seventeen field managers were asked if they believed that the current concept of Top 12 offices should be changed and 13 responded in the affirmative. An FBIHQ executive stated that



he could see no differences between Pittsburgh and Philadelphia, and Cincinnati and Cleveland, and that there was a need to re-evaluate the Top 12 concept.

The current problems relating to the transfer policy and its role in staffing field offices emanate from the elimination of the Top 12 offices as first-office assignments. OPEA finds that while the current transfer policy corrects the experience drain in Top 12 field offices, it also reduces the experience balance in the small- and medium-sized offices and impairs the investigative continuity of program work and goals. It also hinders the in-house development of specialized skills needed by the small- and medium-sized offices by the absence or shortage of mid-level grades which are the usual sources of speciality development. Another effect is found in the Career Development Program. OPEA found only one relief supervisor out of seven in the three medium offices visited who could be considered a viable member of the CDP. The others only served as relief to help out the office. This contrasts sharply with Top 12 offices where 73 relief supervisors were interviewed and 21 of those interviewed admitted they were in the CDP primarily to get out of their current office of assignment.

The key to alleviating the current experience imbalance that exists among FBI field divisions is to eliminate the restriction against sending new Agents to all field offices from

training school. This restriction is purely administrative and is not supported by documentation or past experiences.

By removing the above restriction, only those large offices that cannot be adequately staffed through a combination of new Agent and OP transfers would receive special attention through the transfer process. Currently, these offices would include New York, Washington Field, Chicago, Detroit, Newark, Los Angeles, and San Francisco. The balance in these offices would be maintained by OPs, first-office transfers, and second-office transfers of Agents originally assigned to offices not in this category.

Agents in their first office would remain in that assignment for a minimum of five years. This would:

- Re-establish midlevel Agents (GS 11s and 12s) in the small- and medium-sized offices.
- Provide for investigative continuity.
- Reduce the current high turnover rate of Agents in the small- and medium-sized offices.
- Provide a pool of Agents for the development of specialized skills.
- Provide Agents with both professional and personal stability.
- Reduce transfer costs by reducing the number of mandatory second-office rotations. Second-office transfers would be only to those offices not adequately filled from the OP list.
- Provide for an effective probationary Agent training program in all offices.

Some negative aspects of this proposal are:

- Requires detailed management of the transfer process.
- It will not expedite OPs. Agents will still have to wait 12 to 15 years before OPs become a possibility.
- Those assigned as FOAs to a Major Impact Office will remain there until receiving an OP, CDP, or needs of the Bureau transfer.
- Those assigned as FOAs to the other offices may be required to move after five years in one location.
- If the policy is implemented, there will be a five to seven-year gap before full benefits can be realized.

The proposed changes would set forth two transfer patterns for field Agents. Those sent to an office that has a problem in maintaining a balanced staff would remain there until receiving an OP transfer. Those sent to a nonproblem office would probably be transferred to a difficult staffing office after a five-year minimum, first-office assignment. CDP and the needs-of-the-Bureau transfers could interrupt this pattern.

VI. THE BUREAU TRANSFER POLICY AS VIEWED BY SPECIAL AGENTS

A. LACK OF CREDIBILITY

There is probably no other aspect of the FBI that receives closer attention and scrutiny from SAs than the BTP. SATU receives numerous phone calls daily from field Agents with questions as to their transfer status. In their meetings with the Director, the Special Agent Advisory Committee (SAAC) usually presents a list of questions dealing with transfer matters. It is one thing that affects all SAs.

In the survey conducted by OPEA during its field visits, SAs were asked if they "considered the current transfer policy fair and equitable?" Of the 272 SAs interviewed, 221 or 81.3 percent replied that they did not believe the current policy to be either fair or equitable in its operation and application. The negative response is even more pronounced when almost 90 percent of the Agents in the Top 12 offices expressed a lack of faith and confidence in the current policy.

Despite the fact that some Agents who expressed their displeasures with the transfer process did so out of personal reasons, there remain many valid areas of concern in the Agents' responses. As far as transfers are concerned, however, there exists in some offices a "rumor mill" that produces half-truths, and innuendoes that contribute to a general malaise affecting both Agent morale and productivity. This situation exists

despite the best efforts of SATU and other management personnel involved in transfers to be responsive to individual Agent concerns and questions, while at the same time addressing universal transfer problems affecting the Bureau's goals and objectives.

OPEA has collated those areas which are of concern to field Agents and they are summarized as follows:

- The transfer policy lacks stability. There are too many changes and Agents never know where they stand. Current policy appears to be arbitrary. It does not provide stability to an Agent in either one's personal or professional life.
- The OP program does not work. There are too few OPs. Some Agents receive more than one OP, while others receive none. OPs are not based on performance.
- Specialty transfers are abused. "Hooks and favoritism" are used to obtain specialty transfers. They corrupt the OP program.
- Hardship transfers are given in lieu of OPs. Many are not valid.
- The 10/1/69 policy was a disaster. It did not accomplish what it was designed for and damaged Agent's productivity and morale.

- The MAC transfer policy should have been applied retroactively. Not all MACs are assigned together.
- There is little concern for an Agent's family during transfers.
- Minority Agents are assigned in an inordinate proportion to undesirable offices.
- The New York five-year plan does not work.
- No consideration is given to the difference in cost of living among field offices.

In the following sections, OPEA will address each of the above concerns, and in some cases, separate the fact from fiction.

B. INSTABILITY OF BUREAU'S TRANSFER POLICY

Field Agents expressed concern that the BTP changes too frequently and these changes affect the stability of both their personal and professional life. A review of Section II, Part C, shows just a few of the many changes that have taken place throughout the years. New investigative priorities and geographic and demographic realignments require frequent changes, but Agents are confused and annoyed by all the different policies in effect during their tenure.

The second concern affecting stability results from the new Agent's assignment policy. The current policy assigns an Agent to a first office for a period of two to four years. Prior

to reporting, Agents leave their families or homes for a 15-week training period at Quantico. After leaving training school and arriving at the first assignment, a decision must be made whether to purchase or rent a residence. The indefinite period of time in the assignment, two to four years, plus the knowledge that current transfers in this group have occurred at approximately 18 months, does not make this an easy decision. If the Agent had sold a residence prior to EOD, then there is the concern for capital gain taxes. Even so, there is the need to invest in property in order to realize a profit to assist in the purchase of a home at the second assignment which will probably be a high-cost area. To twice sell and buy residences in a two-year period is a harrowing experience for most people. Furthermore, it may not be cost effective for both the Agent and the Bureau. Additionally, it does not allow for a family to become settled with the specter of three residences in a two-year time frame.

The need for economic and family stability affects all new Agents, not just those with families. Single Agents also purchase residences and have a need to develop stable community roles.

All Agents are affected by professional instability. Many new Agents are assigned to and become involved in long-term investigations. Many Agents are transferred before their investigative efforts reach fruition. The transfers add to

administrative responsibility when cases must be reassigned or transfer delays are requested because of the nature of the investigations. OPEA believes that a five-year minimum, first-office assignment would allow Agents to establish personal and family stability, lessen financial hardships and provide a positive area for professional growth. At the same time, it would ease the administrative burden of case reassignment and give continuity to program goals and reduce transfer costs.

C. OFFICE OF PREFERENCE (OP)

The OP system was established in the FBI in order to provide a means to reward field Agents for faithful service by sending them to an office of their choice. The system is based upon seniority, consistent with the needs of the service and budgetary considerations. It is a reward for service, not a right. As stated in the employment agreement signed by all Agents, "you cannot expect an assignment to an office of your own preference."

Basically, the following summarizes the rules governing OP transfers. (The complete citation can be found in Appendix A.)

1. After receiving an OP transfer, an Agent cannot receive a second one for five years.
2. Agents can change their OP at any time. Only those listed on the OP list will be considered for an OP transfer.



3. Agents on probation or the subject of a pending administrative action are ineligible for an OP.
4. Agents passed over for an OP transfer due to investigative assignment will be afforded first OP available after the completion of that assignment.
5. Agents are ineligible if they have consummated a cost transfer within past years or have less than a year to mandatory retirement. Agents must have capacity to serve one year in OP.
6. Bureau staffing needs remain the paramount consideration. Specialized requirements, unique Agent skills and/or qualifications, which are not readily available elsewhere in the Bureau, are also recognized as matters which must take precedence when such needs exist. OP transfers made out of order and other deviations from regular rotational programs resulting from these unique requirements are recorded in the appropriate headquarter's files and approved by the Personnel Officer, ASD.
7. Agents who receive an OP transfer to an office with direct assignment to a resident agency more than 200 miles from headquarters city may refuse that transfer without penalty.
8. Agents who receive an OP transfer to headquarters city, or an RA within 200 miles, may also refuse that transfer, but in so doing, will not be eligible for another OP transfer to that same division for two years.
9. Agents who receive an OP transfer to either Anchorage, Honolulu, or San Juan are not precluded from receiving another OP transfer upon completion of their two-year or four-year contractual agreement. However, the Agent must be number one net and there must be a staffing need in his/her OP or the Agent will be reassigned to an office where a staffing need exists. This policy applies to these three offices only. The five-year OP rule applies to all other offices.

Agents in OPs

How well the OP system works depends upon with whom you are talking. Those in their OPs are happy, those not in their OPs are unhappy. On July 2, 1985, 67.7 percent of all field Agents were listed as being in their OPs. This percentage, when broken down by grades, shows the following:

FIELD AGENT IN  
OFFICE OF PREFERENCE  
BY GRADES  
1/31/85

#	<u>GS 10</u> %	#	<u>GS 11</u> %	#	<u>GS 12</u> %	#	<u>GS 13</u> %
765	76.8	276	40.4	359	36.7	3,433	75.4

The validity of the above is open to challenge by the high percentage of GS 10s who have listed their current offices of assignment as their OP, as all but 22 GS 10s are due for rotation to a large office. While their current listing might be their true OPs, within 2 years they will be transferred and thus not in an OP. Eliminating them, however, would only reduce the percent of Agents in their OP to 65.5 percent.

A second and probably more important figure is that 75.4 percent of GS 13s are in their OPs. This figure compares favorably to past years as shown below.

PERCENT OF GS 13s IN OPs

<u>1954</u>	<u>1972</u>	<u>1985</u>
88%	84%	75.4%

The current 75.4 percent stands out even more when it is considered that the 1954 and 1972 figures counted Agents in an OP if they were in their second or third choice.

The July 2, 1985, figures showed 1,123 GS 13s not in their OPs. Of this figure, 895 Agents were assigned to Top 12 offices. Based on previous OP transfers, the majority of the 1,123 Agents would have a small- and medium-sized office for their OPs. While the experience level of the GS 13s not in their OP was not determined, based on interviews many of these Agents have less than 10 years in the Bureau except for the approximate 225 "10/1/69" Agents assigned to the Top 12 offices since 1982.

Decrease in OP Transfers

The following chart depicts the number of OP transfers from 1980 to 1984:

<u>OFFICE OF PREFERENCE TRANSFERS</u>				
<u>FY 1980 - FY 1984</u>				
<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>
274	241	102	146	95

The number of OP transfers has decreased from a high of 26.9 percent of Agent cost transfers in 1980 to 5.7 percent in 1984. As of June 1985, the 65 OP transfers were funded, but, not

all of them were "pure" OPs, as specialty transfers are also made from the OP list without regard to overall seniority.

Staffing Offices from the OP Lists

It would be impossible to provide the staffing needs of the Bureau both in Agent numbers and experience by using the OP list. A review of the January OP list as compared to office TSL found that 22 of 59 offices would be below TSL, a shortfall of 1,946 Agents. Not all of the Top 12 offices were included in the 22 offices.

Even by limiting OPs to more senior Agents, it would be difficult to maintain a desired experience level. Assuming that each office would have a percent of GS 13s equal to the percent of GS 13s in the field, shortages and overages would exist if all GS 13s were in their OPs. Assuming that the January 31 figure of 57.3 percent of GS 13s could be a desired experience level for each office, the GS 13 staffing level for the Top 12 would be as follows:

COMPARATIVE GS 13 STAFFING TSL

VS.

OP TOP-12 OFFICE

	<u>GS 13</u> <u>TSL</u>	<u>GS 13</u> <u>OP</u>	<u>GS 13</u> <u>+ -</u>
Baltimore	104	131	+27
Boston	128	143	+15
Chicago	213	125	-88
Cleveland	99	84	-15
Detroit	134	77	-57
Los Angeles	246	188	-58
Miami	160	180	+20
Newark	135	110	-25
New York	605	229	-376
Philadelphia	179	177	-2
San Francisco	178	161	-17
WFO	276	128	-148

Furthermore, only 174 GS 13s had a Top 12 office as their OP and 154 are now in another Top 12.

The number of Agents who actually receive an OP transfer during the course of their career cannot be determined, but the number is probably minimal. If OP transfers continue at the same rate that OP transfers occurred in 1984 (95), it would take 62 years to transfer all Agents not now in their OPs. Agents are more likely to grow into an OP. That is, they receive an assignment that was not a choice, but after they establish roots for themselves and their families, they find that they are "home." Surprisingly enough, a number of Agents believe that the Bureau owes them an OP. Twenty-eight percent of the Agents interviewed stated that the objective of the BTP should be to send them where they want to be. Another Agent bluntly replied

that he believes that an Agent owes the Bureau 10 years of service and then the Bureau owes the Agent the rest via an OP assignment.

OPEA attempted to determine why Agents select an office as an OP. OPEA gave all Agents interviewed the following list of 15 factors and asked them to rank the factors they use in selecting an OP:

Agent's home	Education opportunities
Spouse's home	Transportation
Parent's home	Recreation/Sports
Cost of Living	The Arts
Cost of Housing	In-Laws' home
Climate	Challenging work
Environment	Health Care Availability
Health Care	

Overall, the cost of living, environment, cost of housing, challenging work, and climate were rated as the top five choices.

OPEA also attempted to determine what field offices were the most popular as an OP. This was accomplished by applying what OPEA determined to be the "desirability factor," that is, the Agents listing or desiring that office as an OP to the Agent TSL slots available. The following is a ranking of each field office as to its desirability:

FIELD OFFICE DESIRABILITY FOR AN OP  
(JANUARY - 1985)

<u>Office</u>	<u>Factor</u>	<u>Office</u>	<u>Factor</u>
1. Honolulu	2.71	31. Buffalo	1.09
2. Salt Lake City	2.10	32. Boston	1.06
3. Butte	2.05	33. Dallas	1.05
4. Anchorage	1.94	* Indianapolis	1.05
5. Baltimore	1.65	35. Pittsburgh	1.03
6. Richmond	1.62	36. Alexandria	1.01
* Seattle	1.62	37. Memphis	1.00
8. Tampa	1.57	38. Milwaukee	.99
9. Norfolk	1.53	39. Louisville	.97
10. Columbia	1.42	40. Springfield	.95
11. Sacramento	1.41	41. Philadelphia	.94
12. Jacksonville	1.38	42. Kansas City	.89
13. Charlotte	1.35	* St. Louis	.89
14. Albany	1.32	44. Oklahoma City	.87
15. Atlanta	1.31	45. Phoenix	.84
* Little Rock	1.31	46. San Francisco	.81
17. El Paso	1.29	47. Cleveland	.77
18. Albuquerque	1.27	* Minneapolis	.77
* Knoxville	1.27	* New Orleans	.77
20. Denver	1.26	* Omaha	.77
21. San Diego	1.25	51. Las Vegas	.76
22. Mobile	1.24	52. Newark	.73
23. Savannah	1.22	53. Chicago	.67
24. Portland	1.21	54. Los Angeles	.67
25. Cincinnati	1.16	55. Houston	.66
26. Birmingham	1.13	56. Washington Field	.60
27. Miami	1.12	57. Detroit	.57
28. San Antonio	1.11	58. New York	.39
29. Jackson	1.10	59. San Juan	.37
* New Haven	1.10		

\* indicates ties

The above list gives some indication of how the OP list differs from the previous listed factors. Honolulu has high living and housing costs. Salt Lake City has high local taxes. Anchorage and Butte are among the coldest offices and Seattle is one of the wettest. Baltimore is a Top 12 and is listed as

having unacceptable air quality. Four small- and medium-sized offices are listed in the bottom ten. The above serves only as an indicator as the OP list changes monthly and some Agents do not list an OP.

Agents Concern with OP Program

The OP program is the most important part of the transfer policy as far as field Agents are concerned. Several issues brought to OPEA's attention can be addressed. These are:

- Limitations on OP.
- Agents receiving multiple OPs.
- Agents jumping the OP list.
- OPs should be tied to performances.
- The New York five-year plan does not work.
- Extra credit for all Top 12 service toward an OP.
- Abuse of specialty transfers.
- Abuse of hardship transfers.

Limitation on OPs

Agents are concerned that there are limitations placed on the overall number of OPs and the number of OPs into a particular office.

OPs have decreased. The mandated transfers of the new Agents from Quantico to their first assignment and their subsequent 2-4 year rotation make up a high percentage of the Bureau transfers leaving little money for OPs. Even if funds



were available, the large number of FOAs in small- and medium-sized offices have placed those offices at or over TSL leaving little space for OPs, albeit many are in need of the experience OPs can provide.

FBIHQ attempts to staff all field offices with a range of experience levels. The 70 percent figure of GS 13s per field office is the guideline used in determining whether or not OPs will be sent to a particular office. On July 1, 1985, only eight divisions were at or over this percentage. The 70-percent figure does not limit OPs. Since the current level of GS 13s is 58.4 percent, there is an allowance for variances in the GS 13s as they relate to OPs.

Some Agents are of the opinion that transfers to some offices should only be OPs. Boston is one of these offices. Transfers to Boston are watched closely and then questioned as to why it was not an OP. The fact is, that no office has any slot reserved for OP transfers. While the OP system as a program should be continued, staffing of any office should be based primarily on Bureau needs.

#### Multiple OPs

A frequently heard complaint concerning the OP system is that many Agents receive multiple OP transfers while others do not receive any. OPEA has found no evidence that this is the case. At the request of the SAAC, SATU attempted to determine if

this was true. Their attempt found such a small number that the effort was discontinued. During interviews with Agents, OPEA found only one Agent out of 272 who had received two OP transfers. The first OP was to San Juan.

Agents are now being hired at an average age of 29 years and will retire between 51 and 52 years of age. Since it takes a minimum of 15 years to receive an OP, there is little chance of receiving more than one in a career. Current policy requires a five-year waiting period between OPs. The SAAC has recommended a seven-year to ten-year period between OPs. OPEA finds no fault with the five-year rule. The problem is perceived rather than documented. There is still a concern when the OP list is used for specialty transfers and this will be discussed in a later section.

#### OP List Changes

SAs are allowed to change their OPs at any time, but only those listed on the monthly list will be considered for a transfer. This has resulted in many Agents "OP shopping." Agents will seek an office they can get to rather than the one they truly want in order to leave an undesirable assignment earlier. In some cases, Agents will change their OP based upon a rumor or news that a certain office will receive an increase in manpower.

OPEA finds validity in this concern. First the maintenance of an OP list is an administrative function. Although it is computerized, frequent changes require additional management and manpower. Secondly, the selection of an OP should be made on a higher criteria than a possible opening. The process involved in the "OP shopping game" reduces an Agent's productivity.

OPEA, in accordance with further recommendations concerning the management of transfers, believes OP changing should be limited. An "open season" much like the Federal Health Insurance Program is suggested, wherein OPs can be changed in line with the management process of staffing and forecasting transfer needs. This "open season" would run from January 1 to January 31, annually.

#### New York Five-Year Plan

One misconception found in the OP program is the New York five-year plan. It is the consensus of the Agents interviewed in New York that it does not work. There is the impression that the plan means after an Agent spends five years in New York, an OP transfer would be received. The plan, however, only allows for two years to be added to an Agent's EOD for OP purposes after an Agent served five years in New York. This gives an Agent two extra years ahead of a classmate who has not served in New York if they both list the same OP.

Agents in New York complain that New York does not receive its share of OPs. In 1983, there were 30 OP transfers granted to New York Agents. This was 20 percent of the OPs for 1983. New York has 13.5 percent of total field Agents.

A suggestion that has often been made is that the five-year plan be extended to other Top 12 offices. Since the majority of the Agents seeking OPs are in the Top 12, the extension of the plan would put Agents in all 12 offices on an equal footing and for all practical purposes negate the slim advantage held by New York.

#### OPs and Performance

Both management and supervisory personnel suggest that OPs be tied to an Agent's performance rating. At the present time, an Agent who has been censured and placed on probation is ineligible for an OP for the probationary period. OPEA subscribes to the idea that there should be something more required than long service to be eligible for an OP, but the changing performance evaluation system makes it difficult to isolate a performance criteria. SACs have voiced the opinion that they do not want another office's "problem" via the OP system. Problems should not be rewarded via an OP transfer. OPEA believes that a minimally acceptable or lower in one or more elements, especially for an Agent with many years of service, should negate a reward through an OP transfer. If at a future

time the performance appraisal system stabilizes, a further evaluation would be in order.

D. SPECIALTY TRANSFERS

Specialty transfers include Pilots-in-Charge (PIC), Special Agent Accountants, Principal Legal Advisors (PLA), technically trained Agents, linguists, and polygraph examiners. FBIHQ attempts to balance all field offices equally with individuals having these specialties, but the ever changing investigative needs plus office turnover necessitate transfers to fill specialty needs.

Specialty requests are filled from the OP list. That is, the first Agent with the desired skill on the OP list for the requiring office is offered the first choice for a transfer. If no one can be found on the OP list, then an inventory is compiled and a survey of Agents possessing the skill is conducted to fill the need.

In 1984, 52 cost transfers based on investigative needs were made from the OP list with the overriding consideration being the need of the field division for a stated background rather than the net standing of the individual on an OP list.

It is the perception of field Agents that specialty transfers are the result of favoritism or a "hook." Specialty transfers are viewed as a corruption of an OP list and are being used to avoid service in the Top 12 offices. For the period of

1982 to 1984, there were 104 specialty transfers. Seventy were from Top 12 and 36 from small- and medium-sized offices. Thirty-six of 70 transfers from the Top 12 were to another Top 12 and 23 of 36 from small- and medium-sized offices were to a Top 12 office.

SATU is concerned with the increase in the number of specialty transfers and as a result issued an airtel in November 1984 (See Appendix B) advising all offices to develop their own specialties. SACs in the small- and medium-sized offices point out it is difficult to find Agents for the necessary training among the GS 10s and the older GS 13s, and they are lacking the midlevel grades in their offices.

Agents who receive specialty transfers from the OP list are not governed by the five-year rule that applies to OP transfers unless they are net one on the OP list. If specialty transfers are made from the OP list, they should be treated as an OP with all restrictions applying. OPEA believes that specialty transfers of a long-term nature should receive the same restrictions that apply to OPs.

OPEA also believes that there should be a full study to determine the number and level of specialties required by field offices. This recommendation has been seconded by SACs and ASACs.

E. HARDSHIP TRANSFERS

A misconception of many field Agents is that hardship transfers are abused and are used to circumvent the OP program. OPEA has found that this is not the case.

The current policy concerning hardship is fair and detailed (See Appendix A). In cases where the request is denied, a Hardship Transfer Review Board has been established where the decision can be appealed. Hardships are not given indiscriminately. The following shows the number of hardships from 1980 - 1984:

<u>Hardship Transfers</u>				
<u>1980 - 1984</u>				
<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>
14	11	7	5	4

In 1984, 62 hardship requests were received at FBIHQ and four were granted. Three of those approved involved Agent's health and one involved a tragic family situation.

The two leading categories of hardship requests are Agent's health (26 in 1984) and aged/ailing parents (18 in 1984). In the latter category, temporary duty (TDY) assignments have been used instead of transfers.

F. MARRIED AGENT COUPLES (MAC)

The number of MACs is increasing every day and is fast approaching 100 couples. OPEA interviewed 33 members of this population and found an acceptance of current OP transfer policy

as it relates to MACs. Two problems, however, were noted in the interviews.

While the primary goal of the BTP as it relates to MACs is the maintenance of a common household, four instances were found where policy-forced separations were in effect. Two of four resulted from the requirement that FOA serve only in small- and medium-sized offices. In both cases, the junior spouses were in a medium-sized office, while the senior spouses were in a Top 12. OPEA cannot support this policy and believes that the earlier recommendation concerning the assignment of FOAs should correct this situation. The other separation resulted from recent marriages and are now under review.

Two individuals were upset that the current MAC OP policy was made retroactive. They entered the FBI prior to the EOD options which are now used for OP standing. They believed that the previous policy where the senior spouse's EOD determined the OP standing that should apply to them.

Every effort should be made to maintain a common household for MACs. If it turns out that this can be accomplished only through assignments to large offices, then that should be the case.

G. FAMILY CONCERNS

When an Agent is transferred, a family is usually transferred too. During this survey, OPEA questioned the effects



that transfers had on an Agent's family. Specifically, questions were asked as to the effect of transfers on children, if a divorce or separation occurred because of a transfer, and the effect on a spouse's career and employment.

Of the 272 Agents interviewed, only 28 Agents advised that a transfer had a negative effect on their children, and only one responded that it was of a long-term nature requiring special attention. The other cases were relieved after a period of adjustment.

Nineteen Agents responded that they were divorced or separated due to a transfer. This figure included career-induced separations, including four separated MACs.

The growth of dual-career spouses is phenomenal. Nationwide, 52 percent of all marriages involve dual careers, and it is predicted to rise to 70 percent by 1990. During its survey, OPEA found that 50 percent of the Agents had working spouses. Twenty-five percent of the Agents interviewed advised that a spouse's career had been affected by a transfer. There are mitigating circumstances, however, when a spouse knows there will be a career interruption when the other spouse joins the FBI.

The question that is paramount is, should special transfer consideration be given to an Agent with a non-FBI spouse who has a career? Currently, the transfer policy allows for a

hardship request to be made in the case of a spouse's career or employment. From June 1983 to October 1984 five requests were made and none were granted. If the requests were granted, then it would have probably necessitated a replacement transfer of an Agent with a nonworking spouse and family.

The current procedure of a request through the hardship process is as fair as can be without isolating another segment of the FBI community for special transfer considerations.

#### H. MINORITIES

During interviews with SA minorities, concern was expressed that the current transfer policy has placed the majority of minority Agents in the Top 12 offices. OPEA reviewed assignments of all minorities and the results are shown below:

<u>Minority</u>	<u>Minority Agent</u>			
	<u>Percent Of Bureau</u>	<u>Percent In Top 12</u>	<u>Percent In New York</u>	<u>Percent In OP</u>
Blacks	3.6	64	5.7	22
Females	5.8	58	10.5	18
Hispanics	3.8	40	3.7	30
Asiatics	.1	50	.8	23
Native American	.4	44.7	.3	20
Bureau Average	--	48.7	13.5	67

While the above chart shows a wide range of disparity of minority assignments to Top 12 offices, approximately 85 percent of minorities in the field have been recruited in the last 10 years as a result of an extensive minority recruitment

program. As a result, minorities were assigned in accordance with the transfer policy then in effect that would have assigned them to a Top 12 from training school or the current policy that would put them in a Top 12 after two to four years in small- or medium-sized offices. Other senior minorities are in a Top 12 as a result of the 10/1/69 Program, which moved many of them from their listed OPs. There is no evidence that minorities are singled out for assignment to Top 12. Their presence in the Top 12 is a result of the transfer policy affecting all Agents in the time period they were recruited.

I. 10/1/69 PROGRAM

No one transfer program has had a greater effect on the credibility of the BTP than the 10/1/69 Program. It has been described to OPEA as ill-conceived, vindictive, and a disaster.

The program was designed to increase the experience level of the Top 12 offices which had declined drastically by transferring those Agents who EOD after 10/1/69 and had yet to serve time in a Top 12. Of the original group of 300 Agents, 228 Agents were transferred, 98 in 1982, 114 in 1983, and 6 in 1984. There are still 12 Agents awaiting transfer. Others were exempted based on OP criteria or a number of previous transfers. The opinion is widely held, throughout the Bureau, that the 10/1/69 Program did not work for either filling the Bureau needs or those of the Agents.

The degree of influence of the "10/1/69" transfers in raising the experience level of the Top 12 office is debatable. Some of the 10/1/69 transfers were "quid pro quo." That is, an Agent was transferred to a Top 12 and soon after an Agent was transferred from a Top 12 to the office just vacated. In 1982, there were 98 10/1/69 transfers to a Top 12 and 77 OPs from a Top 12. In 1983, there were 114 10/1/69s and 88 OPs from the Top 12 offices. The growth of experience in Top 12 offices has been attributed to the maturation of FOAs assigned from the 1975-1976 time frame, along with a decrease in the number of OPs.

In many cases, the 10/1/69 Agents did not provide the leadership and expertise as expected. Fourteen of the 18 10/1/69 Agents interviewed stated that they were not used in accordance with their previous Bureau background and experience. The majority of the Agents had worked criminal matters their entire career and found themselves assigned to FCI work where after two years they are still asking questions of Agents with fewer years of experience.

Many 10/1/69 Agents are bitter. They accepted their previous assignments with no questions asked as a term of their employment. Some admitted that at first they were not excited with their previous assignment but, since the Bureau left them there they grew into the area and sunk roots. They believe they were punished for something that was not of their making and the impact was devastating, both personally and professionally.

Interviews with supervisors and Agent associates of the 10/1/69 Agents brought descriptions of them ranging from "useless" to "zombies." Several Agents stated that they were frightened by some of the 10/1/69 Agents and went out of their way to avoid them.

There are lessons to be learned from the 10/1/69 program.

- Retroactive changes should be avoided. The Bureau cannot make an assignment, then years later say this was wrong and make the Agent suffer. Agents fear other retroactive changes.
- Policy changes as far reaching as the 10/1/69 should be studied to see effects in the out years. There was a lack of forecasting and prediction for the future. The problem for which the 10/1/69 was developed, the inexperience level of the Top 12, corrected itself.
- Transfers can generate OPs rather than hinder them. The transfers of the 10/1/69 Agents allowed for OPs into the offices they vacated.
- Any policy that does not allow for balanced staffing of any portion of the FBI will someday require extraordinary measures. These extraordinary measures can cause, as seen with the 10/1/69 group, dissention, low morale and lack of productivity.

J. COST OF LIVING

The variances in cost of living among FBI assignments to and within field offices is dramatic. There is also the illusion that costs in all Top 12 offices are higher (See Section V). It is true, there is a cost of living difference. The difference between the high- and low-cost of living in some cities can be as much as \$10,000 at the same salary level.

There are difficulties in the determination of what field offices are the most expensive assignments. First, there is an absence of a single unit or index of measurement, and secondly, the variance of the city (field office) measured between where Agents reside.

The most widely used gauge to measure cost of living is the Consumer Price Index (CPI). But, the CPI is not suitable to measure the differences in cost between cities since price changes in each city are computed from a different base (100). The CPI measures changes within a city but not between them. Another tool is the American Chamber of Commerce Researchers Association (ACCRA), a trimonthly report showing the cost of selected goods and services. It measures relative price levels in selected cities as compared to a national average of 100. But ACCRA changes what goods are measured and what cities are used frequently, therefore, eliminating a comparative base.

The second ambiguity is that Agents do not always live in the area measured. As stated earlier, the Washington, D.C., area which includes suburban Maryland, Virginia, and the Alexandria Office shows high local taxes. This results from an eight percent income tax levied on District residents but not the commuter. Since the majority of FBI Agents live in the suburbs, their local tax cost could be cheaper. In some cases, the cost of housing in the suburbs is higher than in the city measured. This is true in the Los Angeles area.

A national consulting firm estimated that 80 percent of the cost difference of living in different metropolitan areas is made up of housing costs and direct taxes (local income, sales, and property). Listed below are the 5 highest and 5 lowest rated field offices for housing, cost of living, and local taxes according to the Rand McNally Places Rated Almanac.

Housing Cost

Highest Field Office

San Francisco  
Honolulu  
San Diego  
Los Angeles  
Washington Field/  
Alexandria

Lowest Field Office

Jacksonville  
Knoxville  
Birmingham  
Indianapolis  
Memphis

Cost of Living

Honolulu  
San Francisco  
Anchorage  
New York/Newark  
San Diego

Louisville  
Charlotte  
Mobile  
Memphis  
San Antonio

Local Taxes

WFO/Alexandria  
Honolulu  
Minneapolis  
Milwaukee  
Salt Lake City

Anchorage  
Houston  
Dallas  
San Antonio  
El Paso

Only one field office, Honolulu, made the high list in all 3 categories. San Francisco, Washington Field/Alexandria, San Diego, and Anchorage made two of the high lists. Anchorage was also on the low list for local taxes.

The suggestion has been made that cost of living allowances (COLA) be given for assignment to the Top 12 offices. Based on current figures, there are inconclusive data to substantiate the suggestion. At the present time, COLAs are given for assignments to Honolulu, Anchorage, and San Juan. These 3 offices are outside the continental United States. COLAs for other offices would require congressional action. In lieu of COLAs, merit-pay increases could be given. No other comparative Federal law enforcement agencies give COLAs or merit pay increases for service in high-cost areas. A recent survey of 608 major companies found that only 18 percent provided cost of living adjustments related to a transfer to a high-cost area.

Although the United States Government does provide pay differentials to about 30,000 workers in high cost areas, these pay differentials result from salaries paid to Government attorneys, engineers, scientists, and professional employees whose salaries are lower than those of their counterparts in the private sector. Generally speaking, Federal jobs in a given grade carry the same salary regardless of location. For the FBI to implement COLAs or merit pay increases, congressional approval would be necessary. This does not seem likely based on the traditional Federal pay guidelines and current budget problems.



VII. REGIONAL TRANSFERS

As far back as 1972, an OPEA study recommended that a regional concept be instituted for transfers. A new Agent would be transferred from Quantico to an office in the region of his/her desired OP. This office would have a small OP list. The second transfer would be to his/her OP. This concept would allow more OP transfers and would aid in recruiting potential Agents knowing they would be assigned to an office in the region of their choice.

Based on this study, a Memorandum to All SACs dated February 19, 1974, stated that there would be only two types of transfers, OPs and new Agents. All vacancies would be filled from the OP list, and new Agents would be assigned to an office approximately 500 miles from their OP.

As a result new Agents were assigned to the larger offices from training school where many still remain. At the same time, senior Agents were transferred to their OP. The large offices, unfortunately, suffered a severe drop in experience levels which necessitated transfer policy changes to alter the experience gap.

The second suggestion was that regional transfers would facilitate recruitment. Hiring for a region or particular office, however, is contrary to the current Broad Band Selection Policy. To recruit for a region means that certain regions

(i.e., New York) would have a greater manpower need, therefore, an applicant in that region would have a better chance of being hired than one in a less manpower intensive region regardless of qualifications. The recruitment process now is designed to hire the most qualified candidates regardless of their geographic location.

OPEA found during its field survey that management split 50-50 over the question of regionalization. Some managers fear what they refer to as the "8-to-5 attitude" of hometown Agents. OPEA has found, however, no empirical data to support this fear.

OPEA has found no data to support the long-standing theory that new Agents should be sent to an office in a geographical area of the country different from where the Agent was recruited. Today's Agents are more mature and well-traveled than those of the past. This theory as now practiced is expensive and results in unnecessary multiple cross-country moves.

While OPEA believes that a policy of regional transfers tied to regional hiring would be ill-advised and exacerbate the transfer process, common sense dictates that attempting on an informal basis transferring Agents to a desired region would be more beneficial for cost, morale, and productivity than multiple intra-continental moves.

VIII. MANAGEMENT OF THE TRANSFER PROCESS

SATU in its role as the manager of the transfer process implements the means to fulfill Bureau staffing requirements. SATU has no say in the development of the requirements and reacts to the demands of others, the Resource Management and Allocation Board, and the Applicant Unit. SATU cannot plan or forecast transfers as the process of TSL, recruitment, losses, and the budget never come together in a manner that could produce predictability. All the factors function separately, and SATU must respond to each planning function separately, while at the same time respond to the daily demands of field managers and Agents.

OPEA believes that the transfer process must become an integral part of the long-range planning and recruitment effort to effect a predictable annual transfer plan that is responsive to management, budgetary, and field demands.

An effectively managed program in concert with implementation of OPEA recommendations can serve to alleviate the problems pointed out in this report that now plague the transfer process. OPEA visualizes the following as a management guideline that could be used in the process:

Management Milestones  
Staffing/Transfer Process

<u>Date</u>	<u>Function</u>
January 1 to January 31	Open season for Agents to change OPs.
March 1	Intelligence and Criminal Investigative Divisions submit staffing requirements to long-range planning.
April 30	Resource Management and Allocation Board publishes TSL and staffing goals for each field office.
May 1 to June 30	SATU reviews TSL needs, potential gains and losses, and determines transfers to be made. Identifies transfer eligibility of Agents and then advises each office of projected transfers for forthcoming fiscal year.
July 1 - August 15	Each SAC reviews potential gains and losses and identifies specialized and investigative needs to be replaced.
September 1 - September 30	TD reviews training needs set forth by SACs and reviews training schedule accordingly. Transfers begin on October 1, within budgetary constraints.

A detailed management program will eliminate experience and staffing imbalances, reduce specialty transfers and maintain OP integrity as only those on the list on January 30 will be eligible for transfer. It will also allow each SAC to better

plan and meet his program goals; and allow for the individual Agent who will be transferred, to adjust accordingly.

OPEA has worked with the Special Studies Unit of TSD in the development of a computer model that can be applied to the transfer process. The preliminary results are encouraging. Additional input involving not only the SATU but the Personnel Section of ASD and the Long-Range Planning Staff is necessary to produce a finished usable model.

Although transfers usually increase with availability of funds at the beginning of the fiscal year (October 1), every consideration should be given to planning as many transfers as possible during the summer months as not to upset the school year for Agents' children. This has been done successfully by the military operating under the same budgetary constraints.

IX. OTHER GOVERNMENT LAW ENFORCEMENT AGENICES AND INDUSTRY

A. GOVERNMENT LAW ENFORCEMENT AGENICIES

OPEA conducted interviews with individuals responsible for the administration of transfers at the DEA, USSS and AFT.

Drug Enforcement Administration

DEA has approximately 2,000 Agents assigned to 19 field offices in the United States and an additional 300 Agents assigned overseas. DEA's transfer policy is based on investigative needs with a primary concern of staffing its 5 major field offices: New York, Miami, Houston, Los Angeles, and Chicago.

DEA has basically 3 types of transfers:

- First office transfer from training school to any office,
- Second office transfer, and
- OP, specialized, hardship, or administrative advancement.

When an Agent finishes training school, the first assignment is for a 3-year tour. (New Agents are GS 7s.) This assignment is probably one of the major offices. If an Agent is sent to a smaller office first, then the second assignment would be to a major office. An Agent assigned to a major office can receive another major office for his/her second assignment. Second office assignments are for an indefinite length. Any

subsequent transfer will be an OP, hardship, or based on the needs of the agency.

In 1984, DEA transferred 700 Agents with only 6 OPs. To date in 1985, there have been 525 transfers with 19 being OPs. Only GS 12 and GS 13 Agents are eligible for OPs. Agents in management or supervisory positions are not eligible for an OP transfer. DEA does not provide COLAs for assignment to any offices in the United States.

DEA has 2 problems arising from its current policy. First, there is a concern with the low-experience level in its major offices, and secondly, the policy is not regarded as credible by Agents due to the lack of OP transfers.

United States Secret Service

The Secret Service has 1,950 Agents assigned to domestic and overseas assignments. There are 62 field offices in the United States with the 2 largest being New York and Washington Field.

In 1980, the Secret Service found that there was a lack of experienced Agents in their large offices, especially New York, and at the same time, most of their experienced Agents were in their smaller offices. Secret Service then developed a three-track system:

1. The first office is a large office such as New York, Detroit, Los Angeles or Washington for a minimum of six years, then three years of protective duty in Washington, and finally an OP transfer when space is available.

2. First office is small office for three years, then large office for a minimum of three years, and three years protective duty in Washington, finally, an OP if available space exists.
3. Any assignment to New York can be indefinite if so requested by an Agent.

Agents become eligible for an OP after about 10 years. While seniority is a factor for OPs, prior office assignments, productivity, and performance appraisals are just as important in any OP transfer decision. Agents in OPs can be sent on frequent and long-term protective assignments.

Secret Service does not give COLAs for any assignment. Starting grades are GS 5 or 7 with a GS 12 being the journeyman level.

Bureau of Alcohol, Tobacco and Firearms (ATF)

ATF basically transfers Agents as a result of a promotion or career move. There are 1,200 ATF Agents and they are hired for a particular opening in one of the big 12 offices (Boston, New York, Chicago, Detroit, Philadelphia, St. Louis, Atlanta, Miami, Houston, Dallas, Los Angeles, and Cleveland). An Agent can list 3 offices of preference, but the chances of getting an OP are slim. ATF transfers about 100 Agents a year, and 95 percent are for promotion or career moves. The remaining transfers are OPs or hardships.




Hardship transfers were at one time allowed at Agent's expense. Now, ATF pays for them and they are limited. There are probably no more than 5 in a given year.

ATF experiences problems with its transfer policy. First, when an Agent is hired for an office, it may not be his/her home, so after a few years, the Agent tries to get out of the assignment. The second problem is that the smaller offices are staffed by older Agents who are near retirement.

The entry levels for new Agents are GS 5, 7, or 9, depending upon the degree of experience. ATF does not give any COLAs in the continental United States.

ATF tried to increase OP transfers but was limited by its budget. Currently, career transfer costs are averaging about \$40,000.

Central Intelligence Agency



STAT

B. Industry

Many FBI field Agents point to the private sector as a model to be used in transfers. While a particular company or companies might offer more in incentives for transfers, the differences between industry and the FBI are those which would be financially acceptable to industry as compared to those that rely on public funds.

The average salary (\$39,966) of the FBI Agent ranks in the top five percent of salaries in the United States and is higher than \$33,121 median household income. The current starting salary of \$30,014 is higher than the average starting salary for professionals entering the job market from graduate school, except electrical engineers.

On the average, private corporations move 300,000 employees each year. This is a small figure based on the estimated 40 million Americans who move annually. The majority of transfers by the private sector are based on promotions (58 percent). The average transfer cost is \$38,000. The frequency of industry's transfer is best seen by the equating of IBM to mean "I've been Moved."

Industry offers incentives to transfer including those now offered by the Government. One incentive frequently mentioned by field Agents is a COLA. Various surveys have indicated that these are not normal occurrences. A survey of 608

major corporations found only 18 percent offering COLAs. A second survey of selected companies found only 13 percent offering COLAs.

Comparisons between the FBI and industry are difficult. There are too many differences in goals and fiscal responsibilities. The FBI has come a long way in just 5 years in financial assistance for transfers and has greatly reduced the cost burden. Congressional action is necessary for any changes. In these fiscal times, any further incentives do not seem to be forthcoming.

X. CONCLUSION

Each FBI field division must be staffed with the necessary balance of personnel to meet its goals. OPEA believes that to accomplish this, it will be necessary to first transfer FOAs to all field offices from Quantico and to ensure proper training is provided, and secondly, to leave those transferred to small- and medium-sized offices there for a minimum of 5 years. This would allow those offices to develop a cadre of midlevel grades (GS 11s and GS 12s) that is necessary to achieve a balance of experience.

OPEA also believes that the Top 12 concept should be eliminated as a transfer criteria. Only those offices that cannot be filled by OP and FOA transfers in the normal course of events should receive special attention.

OPEA believes that the above would serve to provide investigative balance to all field offices, reduce the time served in the offices that are difficult, and provide for more OP transfers without upsetting the staffing balance. Further, any Agent recruited from an office that is difficult to staff, and who desires to return should be transferred there even as a first office assignment.

OPEA and TSD are working to develop a computer model that would serve the transfer unit in determining the balance of inexperienced, midlevel and senior field grades needed for each

field office. This model could further serve as a forecasting tool not only as to the number of transfers, but to those who would be transferred yearly.

TSD has already determined that to effect a balance of experiences (field grades were used in the test, but other variations can be used) in all field offices would require approximately 1,300 immediate transfers. Therefore, OPEA cautions that any changes in policy be gradual, that no one office be overburdened with FOAs and that, more importantly, no change be made retroactive. Agents serving in offices that might be removed from the now Top 12, should be given credit for the time served. The aforementioned computer model when development is complete should serve to ensure a smooth transition.

The FBI is unrealistic in planning transfer costs. By June 20, 1985, 1,069 transfers had depleted the projected FY 1985 transfer budget of \$22,504,000. This same figure (\$22,504,000) is projected for FY 1986 transfer costs with the number of transfers increasing to 1,567. Furthermore, 1,617 transfers are projected for FY 1987, a 51 percent increase over the June, 1985 level. Projected transfer costs for FY 1987, however, are \$22,954,000, only a 2 percent increase over the June, 1985, costs.

Although many field Agents expressed displeasure and a lack of confidence in the current transfer policy, some did so

based on personal reasons and unfounded rumors. There still remains areas of valid concerns.

Confidence needs to be restored in the OP program. This can be accomplished by reducing the opportunity for OP list jumping and by applying the current OP restrictions to specialty transfers when such transfers are made from the OP list. Furthermore, the institution of a computer model should help to predict OP availability for Agents and reduce the uncertainty of when one might occur.

SATU needs to be part of the planning process for resource management and allocation. Transfers cannot be a separate function as they are an integral part of the resource allocation.

The FBI transfer policy compares favorably to other Government law enforcement agencies. Other agencies look to the Bureau for guidance in transfer matters, and all are experiencing similar transfer problems. Industry gears its transfers to promotions and are unlikely to transfer personnel on a rotation basis. While some segments of the private sector may provide greater financial incentives to transfer, this is the result of the ability of the private sector to be more liberal with its funds than Government agencies who rely on public funding.

APPENDIX A

## PART I

## SECTION 11. TRANSFERS

11-1 GENERAL INSTRUCTIONS

(1) All personnel should be cautioned that they are not, under any circumstances, to discuss transfers of other employees with unauthorized individuals, such as realtors or employees of moving companies. To do so will subject employees to severe administrative action and possible criminal liability under the Privacy Act of 1974.

(2) Agents under transfer are to be relieved of assignments so that the transfer may be expedited.

(3) All Agents must report to their new office of assignment within ninety days of the date of the official letter of transfer.

(4) Effective date of employee's assignment at new duty station is the date of arrival at the new office.

(5) Requests for delays in reporting to a new office of assignment must be submitted to the Bureau with full justification and may be submitted on a UACB basis. These requests are reviewed individually and coordinated with the pertinent field offices and/or headquarters divisions.

(6) Do not incur transfer-related expenses prior to receipt of the letter of transfer.

(7) Employees being transferred to any point within the United States should advise the Postal Service that change of residence is the result of an official Government transfer. All classes of mail for employee and immediate family residing with employee will be forwarded free of charge.

(8) Those offices receiving cost-of-living (COL) allowances must immediately advise the date the employee departs since the COL is removed upon departure. Failure to advise FBIHQ on a timely basis will result in an overpayment that the employee must refund.

(9) For policy concerning Agents who have completed a language school or who have passed a Bureau language examination, refer to Part II, Section 1, of this manual for additional instructions.

11-1.1 Use of FD-67 (Acknowledgment of Transfer Orders)

(1) Letters of transfer must be acknowledged by FD-67 within thirty calendar days of receipt of transfer letter. Form must show contemplated departure and arrival dates and leave being taken.



(2) Employees being transferred from FBIHQ must submit an original and one copy of FD-67 to the Pay and Position Management Unit, Administrative Services Division (ASD). Copy will be forwarded to new office of assignment.

(3) In the event that the information contained in the original FD-67 changes, an amended FD-67 should be submitted immediately to FBIHQ and clearly identified as such.

(4) FD-67 should be forwarded to FBIHQ by former office on employee's departure date and by new office on arrival date showing time employee reported for duty. Offices west of the Mississippi River should submit forms to FBIHQ by airmail.

11-1.2 Use of FD-655 (Routing of Salary Checks, Statement of Earnings and Savings Bonds)

(1) The four-part FD-655 should be completed by each employee receiving a permanent transfer and any employee assigned to an extended temporary duty when special handling of his/her salary checks/savings bonds is required.

(2) The original of the FD-655 should be submitted to FBIHQ, Attention: Payroll Distribution Unit, to arrive no later than the Thursday prior to the date of the first salary check to be sent to the employee's new office of assignment or temporary duty point. Part two should be retained by the submitting office; part three should be forwarded to the new office of assignment; and part four should be retained by the employee for his/her personal records.

(3) Should the information on the initial FD-655 change, a new FD-655 should be executed, the AMENDED block checked, and forwarded immediately to FBIHQ.

11-1.3 Personnel File and Bureau Property

(1) The following items should be sent to the new office by the SAC or division head of the old office: Personnel file, firearms training record (FD-40), property record (FD-107), health report card, if any, electrocardiogram tracings, report of medical history (SF-93), biweekly AUO report (FD-329), and Career Development Summary (FD-477). Cover letter (FD-109) should advise new office of technical training given, date of last physical examination, date of last photograph, date of the last operator's road test and driving certification (FD-288), and date of last FD-477. Send Form FD-475 (Physical Exam Weigh-In Card) if used for record purposes. File is to be forwarded by the first workday following employee's departure on transfer. Refer to Time and Attendance Manual regarding leave records.

(2) Prior to departure date, employee's property should be inventoried by item and serial number to ensure property charged to employee on FD-107 coincides with property in employee's possession. FBIHQ employees under transfer should check property with Property Procurement and Management Section, ASD.

#### 11-1.4 Travel Time and Annual Leave

(1) Employees under official transfer at the Government's convenience are allowed travel time required for direct distance travel between transfer points based on mode of travel.

(2) Annual leave to be taken in addition to travel time may be approved by the SAC or division head of the former office. Also see Part I, Section 9, of this manual concerning absences not charged to annual leave to locate housing.

#### 11-2 SPECIAL AGENT TRANSFER POLICY

It is important to recognize that the governing factors controlling transfers of Special Agents are the needs of the Bureau and budgetary considerations. While the needs and desires of the Agents are always considered in carrying out this policy, it must be remembered that the overall needs of the Bureau take precedence.

##### 11-2.1 Regular Transfers

(1) Agent appointees will be given the oath of office by the SAC or SAC's designated representative where the Agent was recruited or the field office headquarters nearest the Agent's legal residence. Once a new Agent successfully completes new Agent's training at Quantico, the Agent will normally be transferred to a small- to medium-sized office where he/she will remain for approximately two to four years. Following this assignment, the Agent will be rotated to one of the twelve major offices where he/she will remain until qualifying for an office of preference (OP) transfer or promotion through administrative advancement. However, reassignment from one of the larger offices to another may be required according to the needs of the service. Assignment to one of the twelve major field offices is required.

(2) The twelve major offices are Baltimore, Boston, Chicago, Cleveland, Detroit, Los Angeles, Miami, Newark, New York, Philadelphia, San Francisco, and Washington Field.

(3) Agents anticipating a transfer to a top-twelve office may submit an informal memorandum, through their SAC, to FBIHQ, Attention: Special Agent Transfers and Traffic Management Unit (SATTMU), Room 6011, listing the top twelve offices in their stated order of preference. Regardless of preference, first office Special Agents will not normally be transferred back home or to their spouse's home.

(4) Agents who entered on duty on or after October 1, 1969, ("10/1/69 Group") who have been assigned only to two small- or medium-sized offices will be eligible for transfer to a top-twelve office. Agents eligible will be transferred by seniority starting with those entering on duty on October 1, 1969. Agents in the "10/1/69 Group" may submit a memorandum to FBIHQ, Attention: SATTMU, Room 6011, through their SAC, listing the top-twelve offices in their stated order of preference. Efforts will be made to accommodate these stated preferences where possible,

subject to the needs of the Bureau and the recorded OP listing of more senior Agents. The five-year rule applicable to OP transfers does not apply to the "10/1/69 Group" transfers where a preference has been accommodated. Transferees in this Group will be eligible for OP transfer consideration after two years in a top-twelve office. Those Agents who have previously received an OP transfer based on their seniority to their current small-to-medium-sized office, any Agents who have sufficient seniority to rank number one net on their current office of assignment's OP list, and any Agents who have already been assigned to three or more field offices will not be considered eligible. Additionally, those Agents who have experienced two or more cost transfers after relocation to their second office of assignment and who would otherwise be eligible for rotation, may apply to SATTMU, through their SAC, for an exemption from this transfer program. These requests will be reviewed on a case-by-case basis.

11-3

SPECIAL AGENT OFFICE OF PREFERENCE (OP) TRANSFERS

- (1) The OP system was established in order to provide a means to reward Agents for faithful service by sending them to an office of their choice. This system is based generally upon seniority, consistent with the needs of their service and budgetary considerations. If an Agent receives an OP transfer, that Agent will not be considered for another OP for five years from the date of arrival at new office of assignment.
- (2) Agents are obligated to keep their listed OP current. An Office of Preference Book and a movement list will be made available on a monthly basis to each SAC and Assistant Director for inspection by all employees. These printouts should be reviewed by all Agent personnel for accuracy. An Agent must submit Form FD-314 to change his/her OP.
- (3) All employees must achieve the Fully Successful level before they may be considered for OP transfers.
- (4) If an Agent is censured and placed on probation, that Agent will not be eligible for an OP transfer as long as that Agent is on probation. If subject to disciplinary action more severe than censure and probation, an evaluation will be made on an individual case basis.
- (5) Agents may change their OP at any time; however, only those Agents actually appearing on the monthly computerized OP printout at the time of the OP selection process will be considered for transfer.
- (6) Agents passed over for an OP transfer due to a documented need, such as an operative in an undercover operation or other specialized needs requiring that the Agent remain in a current assignment, will be afforded the first OP transfer into that office following completion of that assignment regardless of standing on the OP list.
- (7) Agents are not eligible for OP transfer if they have consummated a cost transfer within the past one-year period.

(8) Agents eligible for retirement and considered for an OP transfer must have the capability of performing at least one year of service in the requested office before being mandatorily obliged to retire or to complete any contractual agreement signed in connection with the transfer.

(9) Agents who have consummated a cost transfer must remain in the service of the Government for one year following the effective date of the transfer. Agents who terminate their Government employment prior to the expiration of the one-year period are obligated to refund to the Government all costs incurred in connection with the transfer.

(10) Agents who are incapacitated and/or on limited duty are evaluated on an individual basis to determine the feasibility of receiving an OP transfer. Government regulations require that transfers can only be made for the needs of the service.

(11) Bureau staffing needs remain the paramount consideration. Specialized requirements, unique Agent skills and/or qualifications, which are not readily available elsewhere in the Bureau, are also recognized as matters which must take precedence when such needs exist. OP transfers made out of order and other deviations from regular rotational programs resulting from these unique requirements are recorded in the appropriate Headquarters' files and approved by the Personnel Officer, ASD.

(12) Agents who receive an OP transfer to an office with direct assignment to a Resident Agency (RA) more than 200 miles from headquarters city may refuse that transfer without penalty.

(13) Agents who receive an OP transfer to headquarters city, or an RA within 200 miles, may also refuse that transfer, but in so doing, will not be eligible for another OP transfer to that same division for two years. The transfer must be refused prior to expending Government funds for the transportation of the Agent's family members and/or the movement of household goods. (This penalty was previously five years and made the Agent ineligible for an OP to all divisions). This change is retroactive.

(14) Agents who receive an OP transfer to either Anchorage, Honolulu, or San Juan are not precluded from receiving another OP transfer upon completion of their two-year or four-year contractual agreement. However, the Agent must be number one net and there must be a staffing need in his/her OP or the Agent will be reassigned to an office where a staffing need exists. This policy applies to these three offices only. The five-year OP rule applies to all other offices.

#### 11-3.1 OP Transfer Policy - New York Office

An additional two years will be added to the Agent EOD of all New York Agents after they have completed five years of continuous service in the New York Office in determining standing on their chosen OP list. Once the Agent is transferred from the New York Office, the two-year add-on no longer applies.

11-3.2 OP Transfer Policy - San Juan Office

(1) Approximately ninety days prior to the completion of five continuous years' service in San Juan, or ninety days prior to the completion of any subsequent contractual agreement after five continuous years' service in San Juan, the SAC, San Juan, will notify ASD, FBIHQ, if an Agent does not wish to renew this contract. Upon receipt of this notification, ASD will furnish the SAC, San Juan, with a list of offices having existing needs from which the Agent may select a choice. If the Agent selects an office which is not his/her stated OP, the Agent will be required to serve a minimum of two years in that chosen office until becoming eligible for an OP transfer.

(2) Agents assigned for the minimum four-year tour are not entitled to select their next office of assignment unless they qualify for an OP transfer based upon their seniority and a staffing need exists in their OP. Agents who are assigned to San Juan for four years or more will be deemed to have satisfied their requirement to serve in a top-twelve office.

11-4 HARDSHIP TRANSFER REQUESTS AND PROCEDURES

(1) Request for transfer based on hardship must be forwarded to FBIHQ through employee's SAC or division head. Request received at FBIHQ directly from employee will be returned to appropriate office or division for necessary handling. Statements from doctors supporting medical hardships do not ensure the request will be granted; however, they are a factor considered by FBIHQ in the decision process concerning a hardship request. (Conditions existing prior to an employee's entry on duty will generally not be considered of a hardship nature).

(2) Agents in the Career Development Program (CDP) can also make hardship transfer requests to FBIHQ. These requests will be reviewed by ASD using the same criteria as for nonsupervisory Agents, and ASD's analysis will be forwarded by the Personnel Officer to the FBIHQ Career Board. Final determination in these cases rests with the FBIHQ Career Board or with the Director, when deemed appropriate.

11-4.1 Parental Hardship

If hardship involves parent(s) of employee or spouse, all pertinent information which should be considered in the decision process must be submitted to the Bureau. Such information includes, but is not limited to: age of parent(s); written statement from doctor setting forth diagnosis, prognosis, and recommendations regarding parent(s)' condition; income of parent(s), names, ages, and residences of other relatives of parent(s), such as brothers, sisters, and other children; identity of anyone presently assisting parent(s), and statement why such assistance is not sufficient; whether parent(s) own automobile and can drive; description of parent(s) current residence, e.g., house or apartment.

11-4.2 Hardship Involving Spouse or Children

If hardship involves employee's spouse or children, employee must submit statement from doctor setting forth diagnosis, prognosis, and recommendations. Employee should be prepared to provide necessary waivers in the event it is necessary to contact the physician for additional information.

11-4.3 Hardship Involving Employee

If the hardship concerns only the employee, employee must submit statement from doctor setting forth diagnosis, prognosis, and recommendations. Employee may also be examined at an appropriate Government medical facility.

11-4.4 Responsibility of SAC or Division Head

Employee must be thoroughly interviewed by the SAC or division head concerning circumstances of hardship. Results of the interview with specific recommendation for action must accompany each hardship transfer request. The interview is considered one of the most important factors in making a final determination concerning the request. Merely forwarding the necessary material with the recommendation that the employee receive favorable consideration consistent with the needs of the Bureau will not suffice. Interviewing official's observations should address whether a temporary assignment or permanent change of station would be best or whether a replacement would be needed in the event the request is approved.

11-4.5 Temporary and Permanent Hardship Transfers

(1) In those instances where a temporary assignment is granted, expenses of same must be borne by the employee. If a hardship transfer is granted, this matter must be reported on annually to determine from employee if hardship continues to exist. Every other year the follow-up must be accompanied by documentation from the attending medical personnel, if the hardship is based on medical reasons. This documentation should address why the problem (if it continues to exist) must be treated in the current location. On hardships which were approved for other than medical reasons, SACs must ensure that the need for the employee to remain there continues and that the annual follow-up justifies the Agent's continued assignment based on the hardship condition as it was initially approved. No employee will be considered for promotion to supervisory positions until FBIHQ is advised that employee is completely available for administrative advancement.

(2) Due to their preferential nature, Agents who are afforded hardship transfers are governed by the same five-year rule as those Agents afforded an OP transfer.

(3) In the event an Agent advises FBIHQ that the hardship situation no longer exists, or if such a determination is made at FBIHQ based on the annual follow-up, the Agent's status is reviewed by SATTMU to determine the feasibility of the Agent's continued assignment in that office. If that Agent has sufficient seniority to rank number one net on that office's OP list, transfer is not considered. However, if that is not the case, then other factors are considered, including, but not limited to, that office's staffing needs, the overall needs of the Bureau, and that Agent's prior rotational assignments, to determine if that Agent should be transferred.

#### 11-4.6 Hardship Transfer Review Board

A Hardship Transfer Review Board has been established at FBIHQ. When a hardship transfer request is denied, this decision may be appealed by submitting a letter to ASD, FBIHQ, requesting that the transfer denial be reviewed by the Hardship Transfer Review Board. The Board will review each case and submit a recommendation to the Assistant Director, ASD, for final adjudication. If an Agent's hardship situation changes, he/she may resubmit a request with additional information at any time.

#### 11-5 TRANSFER POLICY FOR MARRIED SPECIAL AGENT COUPLES AND FOR SPECIAL AGENTS WITH NON-BUREAU SPOUSES

(1) All SAs, including married SA couples, must be available for general and special assignment. This includes, but is not limited to, first office assignment to a small- to medium-size office for two to four years, and then assignment to a top-twelve office.

(2) In assignments of Agent married couples, the Bureau will make every effort to preserve a common household.

(3) Requests for transfer or for transfer cancellation based upon the outside employment of an Agent's non-Bureau spouse will be reviewed as a hardship request. Requests must be well documented and approval will be the exception rather than the rule, as is the case with all hardship transfer requests.

(4) In assignments of Agents with non-Agent FBI employee spouses, every effort will be made to provide the non-Agent FBI employee spouse with FBI employment opportunity in the new office if such is requested; however, no guarantee as to grade level and positions available can be made.

(5) In determining seniority for OP transfer purposes for married Agent couples, the couple may choose joint OP eligibility by EOD averaging. This method guarantees a "common household" OP transfer - both would be transferred together. The junior spouse, however, will not qualify to accompany the spouse to that OP under the "common household" policy until the junior spouse has served at least two years in a top-twelve office.

(6) Married Agent couples may choose separate OP eligibility based on their own EODs. Under this method, each Agent must qualify for an OP based only upon his/her own seniority and any resulting separation will not be the basis for hardship transfer consideration.

(7) Married Agent couples need not preselect one eligibility method. Rather, they may choose either the joint or the separate method at the actual time they qualify for OP selection.

11-6 REMOVAL FROM CAREER DEVELOPMENT PROGRAM

(1) All Special Agents who accept transfer to FBIHQ will remain assigned to the greater Washington, D. C., area for a minimum period of two years regardless of their standing on an OP list, unless staffing needs dictate they be transferred elsewhere.

(2) A Supervisory Special Agent (SSA) who has served two years at FBIHQ and/or has not received a cost transfer within the past two years and requests removal in writing from the CDP, will be afforded an OP transfer only if that Agent is number one on the desired office's OP list and that office has a staffing need.

(3) An SSA assigned to FBIHQ who requests removal in writing from the CDP and does not qualify for an OP transfer as set forth in (2) above, will be transferred, at no cost to the Government, to Washington Field Office, Alexandria, or Baltimore (unless staffing needs dictate otherwise) and, thereafter, be afforded the same OP privileges as any other Agent.

(4) An SSA assigned to a field division who requests removal in writing from the CDP will be afforded an OP transfer only if that Agent is number one net on the desired office's OP list, and a staffing need exists; otherwise, the Agent will remain assigned, in an investigative capacity, in that same division with the same OP privileges as any other Agent.

(5) An SSA who has completed two years at FBIHQ who requests removal in writing from the CDP but does not stand number one net on the desired office's OP list and/or that office does not have a current staffing need, may request that his/her name be "flagged" on the OP list to indicate "requested removal from CDP." The SSA will remain in his/her current assignment, at the option of the Division Head, until attaining number one net OP standing and a staffing need exists in the respective office, otherwise, he/she will be transferred in accordance with (3) above. The Agent will not be considered for further administrative advancement while awaiting movement into the OP office.



11-7 UNDERCOVER TRANSFER POLICY

(1) Selection of Undercover Agents (UCA) will continue to be made by Criminal Investigative Division (CID) and Intelligence Division (INTD). Upon identification of candidates for a particular assignment, ASD will review the selections for transfer eligibility. After ASD's review, CID or INTD will select the UCA for the assignment and, thereafter, make recommendations to ASD regarding transfer of that individual depending on the particular operation and duration of the assignment.

(2) Upon completion of an undercover assignment or termination of an operation, CID or INTD may make recommendations for transfer of the UCA (a) for reasons of the UCA's mental well-being or ability to effectively function within that division of current assignment, (b) due to a documented danger to the UCA and/or the UCA's family, or (c) if the continued presence of the UCA would endanger the security of an ongoing operation.

(3) If transfer is deemed appropriate, assignment will be made to the Agent's OP if the Agent has sufficient seniority to warrant same and a staffing need exists. If the Agent does not qualify for an OP transfer, assignment will be made as determined by ASD.

(4) An OP transfer will not be used as a reward in connection with undercover assignments.

(5) SATTMU will follow Agents who have received transfers for undercover roles. When that role has been completed, the personnel files of these Agents will be reviewed much the same as SATTMU evaluates Agents whose hardship, which resulted in a transfer, is declared over, to determine if transfer is warranted.

11-8 NO-COST TRANSFERS - INTRADIVISIONAL

(1) All requests for no-cost transfers will be reviewed by FBIHQ on an individual case basis. Only those involving intradivisional moves in situations permissible under the governing statute, and recommended by the SAC, will be approved. This statute, Title 5, USC, § 5724, prohibits, in part, the unauthorized augmentation of appropriations which is interpreted to mean that the Government shall pay the transfer expenses of an employee who is transferred in the interest of the Government. Transfer expenses may not be paid when the transfer is made primarily for the convenience or benefit of an employee or at the employee's request.

(2) Agents requesting no-cost, intradivisional transfers must submit a signed memorandum to their SAC setting forth the reason(s) for the request, and must include a statement that the Agent will bear all transfer expenses. The SAC will then forward each request to FBIHQ with a cover communication containing his recommendation.

11-9 NO-COST TRANSFERS - INTERDIVISIONAL

No-cost interdivisional transfers generally will not be approved because of their adverse impact upon other transfer policies.

11-10 - TRANSFER TO FOREIGN OFFICES, ANCHORAGE, HONOLULU, AND SAN JUAN - SPECIAL AGENT AND SUPPORT

11-10.1 Service Agreement (FD-382)

Employees selected for assignment in the offices set out below must execute a service agreement to serve tours of duty as specified:

(1) Anchorage and Honolulu - Agents and support personnel must serve two years with subsequent tours of one, two, or three years at the employee's option.

(2) Bern, Bonn, Canberra, London, Mexico City, Ottawa, Paris, and Rome - Agents and support personnel must serve two years with subsequent tours of two years at the employee's option.

(3) Bogota, Hong Kong, Montevideo, Panama City, and Tokyo - Agents must serve two years with subsequent tours of two years at Agent's option; support personnel must serve two years with subsequent tours of one, two, or three years at the employee's option.

(4) San Juan - Agents - four years for initial contract, renewable annually thereafter. Agents are entitled to receive home leave at the conclusion of their first two years and after their third year.

(5) San Juan - Support Personnel - two years with subsequent tours of one, two, or three years at the employee's option.

11-10.2 Execution of Service Agreement

(1) Three copies of the Service Agreement will be attached to the letter of transfer to Anchorage, San Juan, Honolulu, and foreign offices. All must be executed and two returned to FBIHQ. The third copy should be retained in the field file.

(2) The Service Agreement must be executed by employee before the Bureau can pay any transfer-related expenses, including travel and transportation of employee, employee's family, and household goods. The terms of the Service Agreement must be fulfilled before the Government will pay return expenses. If the terms of the Service Agreement are not completed because of separation from service, the reasons for separation must be beyond the control of the employee and agreeable to FBIHQ before return expenses are paid by the Government.

11-10-3 Annual Leave, Home Leave, Travel, and Additional Tours

(1) Employees and dependents are eligible for travel and transportation expenses to their home of record after completion of the agreed tour of duty and execution of an additional Service Agreement for a subsequent tour. For detailed information concerning travel and transportation allowances, see Chapter 2, Federal Travel Regulations.

(2) Employees assigned to foreign offices for 24 months of continuous service are entitled to additional leave, termed home leave, in addition to travel and transportation expenses. Bureau employees earn home leave for each 12 months of service abroad. For details concerning home leave, see Part I, Section 9, of this manual.

(3) In event of any change of legal residence in the United States, employee must execute a new Service Agreement showing that change which must be approved by the Bureau before commencing any annual leave or home leave travel.

(4) A new Service Agreement must be executed by those employees seeking an additional tour of duty. The new Service Agreement must be completed prior to the termination of the existing tour of duty. Advise FBIHQ at least three months prior to completion of existing tour of employee's intention to seek an additional tour and employee's plans concerning annual and/or home leave travel.

11-10.4 Physical Examinations

Service and support personnel transferred to San Juan and foreign offices must be afforded a physical examination. Results of the examination and any special tests required by FBIHQ must reach the Bureau prior to departure of employee to new office of assignment.

11-10.5 Cost of Living Allowance

Employees assigned to Anchorage, Honolulu, and San Juan are entitled to a cost of living allowance not subject to Federal income tax. The amount of allowance fluctuates based on periodic studies made by the U.S. Department of Labor. Employees should contact FBIHQ, ASD, Voucher and Payroll Section, to determine the current allowance.

11-10.6 Transportation of Household Goods

SATTMU, ASD, will handle necessary arrangements for transportation of household goods of employees. For details, see Part II, Section 6, of this manual.

11-10.7 Checks and Bonds

In the event employee does not want checks and/or bonds forwarded to office of assignment abroad, FBIHQ, Voucher and Payroll Section, should be given instructions as to their handling.

11-10.8 Income Taxes

Employee should be aware of regulations concerning payment of Federal and local income taxes. Residence in a foreign country may not excuse employee from being taxed by authority covering previous office of assignment. Immediately advise FBIHQ should a controversy arise with any taxing authority.

11-11 TRAINING OF EMPLOYEES FOR FOREIGN ASSIGNMENT

Material on living conditions in Honolulu, Anchorage, San Juan, and our foreign installations will be transmitted with employee's letter of transfer. SAC should arrange for an employee under foreign transfer to utilize local library facilities for appropriate books concerning the culture and background of the country of assignment.

11-11.1 Training of Support Employees for Foreign Assignment

(1) Field Support Functions - Support employees selected for foreign assignment must, before their departure, receive two full weeks' training in field support functions. SACs should ensure that the training afforded them is type they would need if they were assuming duties of Support Services Supervisor in small- to medium-sized office and should encompass the following:

- (a) Handling of mail (including stamping, searching, matching, indexing, serializing, etc.)
- (b) Opening and closing cases
- (c) File reviews
- (d) Preparation of administrative report
- (e) Preparation of expense accounts
- (f) Handling and filing of SAC letters and SAC memoranda
- (g) Preparation of 1-A serials and bulky exhibits
- (h) Tickler systems
- (i) Maintenance, consolidation, and destruction of files
- (j) Assignment card box
- (k) Operation of duplication machine
- (l) Preparation of vouchers connected with operation of official cars and maintenance of office fund records

(2) Cryptographic systems - Employees under transfer to foreign offices will be given three to five days' training at FBIHQ in the operations and security of cryptographic systems.

(3) Briefing by SAC or division head at FBIHQ - For various reasons, it is not always possible to bring field support personnel selected for foreign assignment to FBIHQ for briefing before their departure. SACs should call employees' attention to fact that while in foreign office of assignment they will be known as an employee of the American Embassy, insofar as general public is concerned, although official contacts of the office know of relations between Bureau and Legal Attache's office.

(4) Conduct - It should be stressed that conduct abroad must be maintained at all times in accordance with Bureau standards. In matters of conduct and dress, employees must adhere to good taste within the standards of the country to which they are assigned. Inform employee that if employee plans to take his/her personally owned automobile, uniform regulations maintained by the U.S. Posts require that only inconspicuous automobiles should be imported.

(5) Instructions by Legal Attache - Legal Attaches are responsible to ensure new employees are instructed in maintenance of teletype records, listing and preparation of pouches, security of information pertaining to pouch preparation, maintenance of pouch records and use of courier service. Legal Attache must also ensure new employee is afforded cryptographic systems training and in the preparation, handling, and dissemination of classified documents. Legal Attache should also instruct new employees in maintenance of security peculiar to the Attache operations, including the use of the telephone, personal contact, disposal of trash, and social gatherings.

11-12      SUPPORT AND SERVICE PERSONNEL TRANSFER POLICY

11-12.1    General Policy

Under normal circumstances field office vacancies are filled by local recruitment into entry level positions rather than by transfer from FBIHQ or from another field office. Exceptions are discussed in subsequent items.

11-12.2    Office of Preference Lists

No OP list is maintained for support employees except for those employees who are assigned to a special position and subject to transfer either on a permanent or temporary basis as a part of their employment agreement or career path. Such OP lists are maintained by the FBIHQ division having program responsibility for the position.

### 11-12.3 Special Position Transfer Policy

Incumbents of Accounting Technician, Electronics Technician, Automotive Maintenance, and Language Specialist type positions, are subject to transfer at the convenience of the Bureau as a condition of their employment and/or retention in a specific career path. Although every effort will be made to fill vacancies while honoring an individual employee's choice of assignment to a given office, the needs of the service take preference. Specific recommendations for transfer are made by the various FBIHQ program managers consistent with existing policy governing each position and overall budgetary and manpower considerations. If a transfer cannot be accepted, it may be necessary to remove an employee from his/her position.

### 11-12.4 Hardship and Personal Convenience Requests

(1) As previously noted, field office vacancies are normally filled by local recruitment and not by transfer. However, the Bureau will consider individual requests based on a hardship or for the employee's personal convenience provided a vacancy exists and no other employee will be denied a promotional opportunity and it is determined to be in the Bureau's best interests to effect such a transfer. Consideration will be given based on circumstances existing at the time of receipt of the employee's request. No OP list is maintained.

(2) No support employee, or anyone acting in his/her behalf, is to personally contact another office inquiring about OP possibilities. Employees are not to be told of an existing vacancy in another field office or encouraged to seek transfers from their present office of assignment. Transfer requests made by an employee to another office should be made a matter of record. Advise FBIHQ and employee's present office of assignment of the request and instruct employee to discuss request with SAC or division head. Under no circumstances should an employee's present SAC or division head discuss employee's chances for the requested transfer or what recommendation was made to FBIHQ concerning a request.

### 11-12.5 Employee Responsibility

An employee desirous of being considered for a transfer based on a hardship or for his/her own personal convenience must prepare a memorandum from himself/herself to his/her division head or SAC that includes the following information:

(1) Detailed reason(s) necessitating the request. (Refer to 11-4 of this section concerning hardship transfer requests and procedures).

(2) Specific office to which employee desires to be assigned.

(3) Statement as to willingness to defray any and all expenses that may be incurred in connection with a transfer and to accept a demotion if necessary.

11-12.6 Division Head and SAC Responsibility

The employee's division head or SAC must forward the employee's request to the Personnel Section giving sufficient information upon which to base a determination in employee's case. The following data should be included:

(1) Whether or not alternate solutions have been explored to solve the employee's problem.

(2) Comments concerning employee's work and attendance records. A performance appraisal of less than Fully Successful and an attendance record less than satisfactory will preclude consideration. In addition, employee must have satisfied all work and training agreements.

(3) Assessment as to the merits of the employee's request and the recommendation of the division head or SAC.

(4) Whether or not it will be necessary to replace the employee should a transfer be effected.

(5) In the case of a field office employee requesting transfer to another field office, copies of the employee's memorandum and SAC's transmittal letter should be forwarded to the other office. The receiving office should immediately advise the Personnel Section and the submitting office whether or not a vacancy exists for which the employee is qualified and if the employee's assignment to that office is acceptable. Except in rare circumstances, an office will not be allowed to exceed the approved complement of the office to accommodate a transferee. Even though both field offices are mutually agreeable to a transfer request, final decision will be made at FBIHQ after evaluation of all factors. (Refer to Part I, 1-15.1 of this manual).

(6) Contact by employees with a field office concerning a transfer is limited to Personnel Section employees specifically assigned to handle such matters.

11-12-7 Office Unable to Fill Vacancy in Key Position

In the event a field office has no qualified candidate to fill a key position such as Support Services Supervisor (Office Services Manager), FBIHQ will consider a request to canvass all employees in order to assist in filling such position. When an office desires to canvass, the Personnel Section, FBIHQ, should be contacted for assistance. Any transfer resulting from a canvass will be considered in the best interest of and for the Bureau's convenience.

11-12-8 Payment of Transfer Expenses

Costs incurred in connection with transfers made for the convenience of the Bureau will be borne by the Government. Costs incurred in connection with transfers made for the convenience of the employee will be borne by the employee.

APPENDIX B



PERSONAL ATTENTION  
MEMORANDUM 45-81



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

December 2, 1981

*Timothy J. Hyatt*

MEMORANDUM TO ALL SPECIAL AGENTS IN CHARGE:

RE: SPECIAL AGENT TRANSFER POLICY

For some time, FBI Headquarters has been aware of the need to review and study thoroughly the entire Special Agent transfer program. This study of our transfer policies revealed that several practices have been governed by existing policy; other practices have followed certain procedures that have developed through consistent use over a period of time although formal policy was never established; and in other situations, neither formal nor informal policy previously existed. My concern is to attempt to balance the staffing needs of all divisions and develop a transfer program that is fair and equitable to all Agents. I am confident that the comprehensive transfer policy set forth in this letter accomplishes this goal. Bear in mind that the implementation of this policy requires a degree of flexibility to accommodate exceptional situations; reasons for any variations will be made a matter of record.

AGENT ROTATION

Six-Month Program

The rotation program begins when a New Agent successfully completes New Agents' training at Quantico. At this time, New Agents who were formerly employed as Bureau support personnel will normally be transferred to a small-medium sized office where they will remain for approximately two to four years. Following this assignment, they will be rotated to one of our twelve largest offices where they will remain until qualifying for an office of preference (OP) transfer. New Agents who were not previous Bureau support employees will be returned to their home office for a minimum period of six months. This is necessary to comply with a 1979 Comptroller General decision. These Agents will then

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normally be rotated to a small-medium sized office for approximately two to four years, and then to a top-twelve office where they will remain until they qualify for an OP transfer. This applies as well to Agents who are returned to a top-twelve office following New Agents' training. The plan thus contemplates the same number of moves for each Agent.

#### Former First-Office Agent Program

Those Agents who are a part of the former First-Office Agents' Program, who entered on duty prior to the establishment of the Six-Month Program, will be rotated to a top-twelve office after completing approximately two to four years in their first office. Listing one of the top-twelve offices as an Agent's OP will not preclude rotation to that office. Consistent with overall staffing needs in the major offices, the Special Agent Transfers and Traffic Management Unit (SATTMU), Administrative Services Division (ASD), will attempt to accommodate Agents who list a top twelve as their OP when they are rotated. If transferred to that office, the five-year rule would apply.

#### Second-Office Special Agents - Reassignment to Major Field Offices

Agents who entered on duty on or after October 1, 1969, who have been assigned only to two small-medium sized offices will be eligible for transfer to a top-twelve office. Agents eligible will be transferred by seniority starting with those entering on duty on October 1, 1969. Those Agents who have previously received an OP transfer based on their seniority to their current small-medium sized office, any Agents who have sufficient seniority to rank number one net on their current office of assignment's OP list, and any Agent who has already been assigned to three or more field offices will not be considered eligible. Agents transferred to a top-twelve office must serve a minimum of two years in that major office before becoming eligible for an OP transfer. This rotation is necessary to correct serious experience imbalances in our field offices and to insure equity of service among all Agents. Agents eligible may choose to list one of the top-twelve offices as their OP and will receive consideration for transfer to that office if they have standing on that OP list at the time the transfer action is taken. However, if transferred to that office, the five-year rule would apply.

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TOP-TWELVE FIELD DIVISIONS

The top-twelve or "major" field divisions for transfer purposes involving rotation of Agents among field offices are as follows: New York, Los Angeles, Washington Field Office, Chicago, San Francisco, Philadelphia, Newark, Detroit, Miami, Cleveland, Boston, and Baltimore.

Agents who served in Baltimore or Miami prior to these offices being designated "major" field divisions on June 13, 1980, will not qualify as having served in a "major" field division.

OFFICE OF PREFERENCE (OP) TRANSFERS

(1) The OP system was established in order to provide a means to reward Agents for faithful service by sending them to an office of their choice. This system is based upon seniority, consistent with the needs of the service and budgetary considerations. If an Agent receives an OP transfer, that Agent will not be considered for another OP for five years.

(2) If an Agent is censured and placed on probation, that Agent will not be eligible for an OP transfer as long as that Agent is on probation. If subject to disciplinary action more severe than censure and probation, an evaluation will be made on an individual case basis.

(3) Agents may change their OP at any time; however, only those Agents actually appearing on the monthly computerized OP printout at the time of the OP selection process will be considered for transfer.

(4) Agents passed over for an OP transfer due to a documented need, such as an operative in an undercover operation or other specialized need requiring that the Agent remain in a current assignment, will be afforded the first OP transfer into that office following completion of that assignment regardless of standing on the OP list.

(5) Agents are not eligible for OP transfer if they have consummated a cost transfer within the past one-year period.

(6) Agents eligible for retirement and eligible for an OP transfer must have the capability of performing at least one year of service in the requested office before being mandatorily obliged to retire.

(7) Agents who have consummated a cost transfer must remain in the service of the Government for one year following the effective date of the transfer. Agents who terminate their

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Government employment prior to the expiration of the one-year period are obligated to refund to the Government all costs incurred in connection with the transfer.

(8) Agents who are incapacitated and/or on limited duty are evaluated on an individual basis to determine the feasibility of receiving an OP transfer. Government regulations require that transfers can only be made for the needs of the service. Therefore, Agents who are in a limited-duty status may not qualify for an OP transfer.

(9) Bureau staffing needs remain the paramount consideration. Specialized requirements, unique Agent skills and/or qualifications, which are not readily available elsewhere in the Bureau, are also recognized as matters which must take precedence when such needs exist. OP transfers made out of order and other deviations from regular rotational programs resulting from these unique requirements, are recorded in the appropriate Headquarters files, and approved by the Personnel Officer, ASD.

(10) Agents who receive an OP transfer to an office with direct assignment to a Resident Agency (RA) more than 200 miles from Headquarters City may refuse that transfer without penalty.

(11) Agents who receive an OP transfer to Headquarters City, or an RA within 200 miles, may also refuse that transfer, but in so doing will not be eligible for another OP transfer to that same division for two years. The transfer must be refused prior to expending Government funds for the transportation of the Agent's family members and/or the movement of household goods. (This penalty was previously five years and made the Agent ineligible for an OP to all divisions.) This change is retroactive.

#### NEW YORK FIVE-YEAR PLAN

An additional two years will be added to the Agent EOD of all New York Agents after they have completed five years of continuous service in the New York Office in determining standing on their chosen OP list.

#### SAN JUAN FIVE-YEAR PLAN

Approximately 90 days prior to the completion of five continuous years' service in San Juan, or 90 days prior to the completion of any subsequent contractual agreement after five continuous years' service in San Juan, the SAC, San Juan, will notify the ASD, FBI Headquarters if an Agent does not wish to renew this contract. Upon receipt of this

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notification, ASD will furnish the SAC, San Juan, with a list of offices having existing needs from which the Agent may select a choice. If the Agent selects an office which is not his/her stated OP, the Agent will be required to serve a minimum of two years in that chosen office until becoming eligible for an OP transfer.

Agents assigned for the minimum ~~two year period~~ for any time period less than five years, are not entitled to select their next office of assignment unless they qualify for an OP transfer based upon their seniority and a staffing need exists in their OP. Agents who are assigned to San Juan for four years or more will be deemed to have satisfied their requirement to serve in a top-twelve office.

#### HARDSHIP TRANSFER POLICY

The procedure to be followed in connection with the submission of hardship transfer requests has not changed and requests should be submitted in accordance with the Manual of Administrative Operations and Procedures (MAOP), Part I, Section 11, 11-2. These requests will be reviewed in SATTMU and a recommendation made to the Personnel Officer for adjudication.

When a hardship transfer request is denied, the Agent may appeal the decision in two ways: (1) Resubmit additional information to SATTMU for further consideration, or (2) submit a letter to FBI Headquarters, Attention ASD, requesting that the hardship transfer denial be reviewed by the Hardship Transfer Review Board. The Board will review each case and submit recommendations to the Assistant Director of the ASD for final decision.

Agents in the Career Development Program can also make hardship transfer requests to FBI Headquarters. These requests will be reviewed by the ASD using the same criteria as for nonsupervisory Agents and ASD's analysis will be forwarded by the Personnel Officer to the FBI Headquarters Career Board. Final determination in these cases rests with the FBI Headquarters Career Board, or with the Director when deemed appropriate.

Due to their preferential nature, Agents who are afforded hardship transfers are governed by the same five-year rule as those Agents afforded an OP transfer.

As currently set forth in MAOP, if a hardship transfer is granted, this matter must be reported on annually to determine from the employee if the hardship continues to exist. Biannually the follow-up must be accompanied by documentation from the attending medical personnel, if the hardship is based on medical

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reasons. This documentation should address why the problem (if it continues to exist) must be treated in the current location. On hardships which were approved for other than medical reasons, SACs must insure that the need for the employee to remain there continues and that the annual follow-up justifies the Agent's continued assignment based on the hardship condition as it was initially approved.

In the event an Agent advises FBI Headquarters that the hardship situation no longer exists, or if such a determination is made at FBI Headquarters based on the annual follow-up, the Agent's status is reviewed by SATTMU to determine the feasibility of the Agent's continued assignment in that office. If that Agent has sufficient seniority to rank number one net on that office's OP list, transfer is not considered. However, if that is not the case, then other factors are considered, including, but not limited to, that office's staffing needs, the overall needs of the Bureau, and that Agent's prior rotational assignments to determine if that Agent should be transferred.

TRANSFER POLICY FOR MARRIED SPECIAL AGENT COUPLES AND FOR  
SPECIAL AGENTS WITH NON-BUREAU SPOUSES

1. All SAs, including married SA couples, must be available for general and special assignment.
2. In assignments of Agent married couples, the Bureau will make every effort to preserve a common household.
3. Requests for transfer or for transfer cancellation based upon the outside employment of an Agent's non-Bureau spouse will be reviewed as a hardship request. Requests must be well documented and approval will be the exception rather than the rule as is the case with all hardship transfer requests.
4. In assignments of Agents with non-Agent FBI employee spouses, every effort will be made to provide the non-Agent FBI employee spouse with FBI employment opportunity in the new office if such is requested; however, no guarantee as to grade level and positions available can be made.
5. In determining seniority for OP transfer purposes for married Agent couples, the EOD of the senior spouse will be used to determine eligibility. The junior spouse, however, will not qualify to accompany the spouse to that OP under the "common household" policy until the junior spouse has served at least two years in a top-twelve office. If the senior spouse delays the OP transfer until the junior spouse satisfies the top-twelve requirement, the married Agent couple will receive the next available OP transfers to that division, regardless of standing on the OP list.

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REMOVAL FROM CAREER DEVELOPMENT PROGRAM

(1) All Special Agents who accept transfer to FBI Headquarters will remain assigned to the greater Washington, D. C., area for a minimum period of two years regardless of their standing on an OP list, unless staffing needs dictate they be transferred elsewhere.

(2) A Supervisory Special Agent (SSA) who has served two years at FBI Headquarters and/or has not received a cost transfer within the past two years, and requests removal in writing from the CDP, will be afforded an OP transfer only if that Agent is number one net on the desired office's OP list, and that office has a staffing need.

(3) An SSA assigned to FBI Headquarters who requests removal in writing from the CDP and does not qualify for an OP transfer as set forth in (2), above, will be transferred, at no cost to the Government, to Washington Field Office, Alexandria, or Baltimore (unless staffing needs dictate otherwise) and be afforded the same OP privileges as any other Agent.

(4) An SSA assigned to a field division who requests removal in writing from the CDP will be afforded an OP transfer only if that Agent is number one net on the desired office's OP list, and a staffing need exists; otherwise, the Agent will remain assigned, in an investigative capacity, in that same division with the same OP privileges as any other SA.

UNDERCOVER TRANSFER POLICY

(1) Selection of Undercover Agents (UCA) will continue to be made by Criminal Investigative Division (CID) and Intelligence Division (INTD). Upon selection of UCA for a particular assignment, CID or INTD will make recommendations to ASD regarding transfer of that individual depending on the particular operation and duration of the assignment.

(2) Upon completion of an undercover assignment or termination of an operation, CID or INTD may make recommendations for transfer of the UCA (1) for reasons of the UCA's mental well-being or ability to effectively function within that division of current assignment, (2) due to a documented danger to the UCA and/or the UCA's family, and (3) if the continued presence of the UCA would endanger the security of an ongoing operation.

(3) If transfer is deemed appropriate, assignment will be made to the Agent's OP if the Agent has sufficient seniority to warrant same and a staffing need exists. If the Agent does not qualify for an OP transfer, assignment will be made as determined by ASD.

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(4) An OP transfer will not be used as a reward in connection with undercover assignments.

(5) The SATTMU will follow Agents who have received transfers for undercover roles. When that role has been completed, the personnel files of these Agents will be reviewed much the same as SATTMU evaluates Agents whose hardship, which resulted in a transfer, is declared over, to determine if transfer is warranted.

NO-COST TRANSFERS - INTRADIVISIONAL

All requests for no-cost transfers will be reviewed by FBI Headquarters on an individual case basis. Only those involving intradivisional moves in situations permissible under the governing statute, and recommended by the SAC, will be approved. This statute, Title 5, Section 5724, USC, prohibits, in part, the unauthorized augmentation of appropriations which is interpreted to mean that the Government shall pay the transfer expenses of an employee who is transferred in the interest of the Government. Transfer expenses may not be paid when the transfer is made primarily for the convenience or benefit of an employee or at the employee's request.

Agents requesting no-cost, intradivisional transfers must submit a signed memorandum to their SAC setting forth the reason(s) for the request, and must include a statement that the Agent will bear all transfer expenses. The SAC will then forward each request to FBI Headquarters with a cover communication containing his recommendation.

NO-COST TRANSFERS - INTERDIVISIONAL

Interdivisional transfers will not be approved because of their adverse impact upon other transfer policies.

OP BOOK AND MOVEMENT LIST

Each SAC and Headquarters Assistant Director will receive the OP Book and Movement Sheet on a monthly basis.

REPORTING TIME

All Agents may take up to 90 days from the date of the transfer letter to report to their next office of assignment.

Manual changes to follow.

William H. Webster  
Director

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APPENDIX C

AIRTEL

11/2/84

Director, FBI

All SACs

SPECIAL AGENT TRANSFER POLICY  
 INVESTIGATIVE PROGRAMS/"SPECIALTY" TRANSFER REQUESTS  
 FISCAL YEAR 1985

Recently, all offices were notified as to legislation passed pertaining to the new relocation benefits available for FBI personnel who receive cost transfers, to include arranging for the sale of a transferred employee's residence. While you must applaud the intent of this legislation, the passage of these new relocation services will increase the cost of a transfer, while, at the same time, require the FBI to operate within the approved Fiscal Year (FY) 1985 transfer budget. For this reason, FBI Headquarters must closely monitor transfer procedures during FY 1985.

For your information, during FY 1984, approximately 1,710 cost transfers were effected. Cost transfers consist of (1) assignment of Career Development personnel; (2) movement of new Agents; (3) rotation of first-office Agents to a Top-12 office; and, (4) office of preference (OP) transfers. As for OP transfers, this category is further broken down into transfers which cover (1) straight OP transfers based on seniority; (2) hardship requests; and, (3) transfer of Agent personnel to fill program investigative needs (white-collar crime, FCI, organized crime) or a specific "specialty" vacancy (Principal Legal Advisor, technically-trained Agents, polygraph-trained Agents, and Pilots).

During FY 1984, 52 OP transfers based on investigative program needs or "specialty" requests were honored with the overriding consideration being the need of a field division for a stated background and not the net standing of the individual on an OP list.

Exec AD Adm. \_\_\_\_\_  
 Exec AD Inv. \_\_\_\_\_  
 Exec AD LES \_\_\_\_\_  
 Asst. Dir.:

Adm. Servs. _____	1 - Mr. Colwell
Crim. Inv. _____	1 - Mr. Otto
Ident. _____	1 - Each Assistant Director
Insp. _____	1 - Mr. Hotis
Intell. _____	1 - Mr. Murray
Lab. _____	DR:lan (84)
Legal Coun. _____	
Off. Cong. & Public Affs. _____	
Rec. Mgnt. _____	
Tech. Servs. _____	
Training _____	
Telephone Rm. _____	
Director's Sec'y _____	

MAIL ROOM

1 - Mr. Blum  
 1 - Mr. Green (CID)  
 1 - Mr. Furgerson (LABD)  
 1 - Mr. Oberholtzer (TSD)  
 1 - Miss Devine  
 1 - Manuals Desk

See note, page 3.

Airtel to All SACs

Re: Special Agent Transfer Policy  
Investigative Programs/"Specialty" Transfer Requests  
Fiscal Year 1985

Commencing with the date of this communication, FBI Headquarters will conduct a close review of all such requests to insure all efforts have been made by the submitting field division to fill the vacancy from within. It must now be the responsibility of each SAC to evaluate potential needs and plan for replacements through reassignment of investigative duties or training at the FBI Academy of on-board personnel.

Several communications have been received by FBI Headquarters from small/medium-sized field divisions requesting assignment to their divisions of experienced personnel to fill critical needs in the investigative programs, i.e., accounting, FCI, and organized crime. It is recognized by FBI Headquarters that these requests are different from the above described "specialty" requests as a small/medium-sized office will lose an experienced investigative Agent due to transfer/retirement/resignation but because of current transfer policy can only reclaim this loss through an OP transfer of an experienced Agent into the division.

Such requests will be honored only after an evaluation has been made of the current investigative program in the division and if the program warrants the influx of an experienced Agent.


With regard to "specialty" vacancies, it is recognized by FBI Headquarters that occasions will occur when a sudden or unexpected transfer/retirement/resignation may well justify the need for an experienced replacement. The approval of "specialty" vacancy requests must now become the exception rather than the rule and FBI Headquarters will now look at most "specialty" requests as being trainable and look for office management to fill such vacancies from within.

Administrative Services Division (ASD) currently has pending requests from seven divisions requesting transfer of personnel from other divisions to fill "specialty" vacancies. These requests are being closely reviewed by ASD with the appropriate substantive FBI Headquarters division to determine if the vacancy can be best handled by training or reassignment of investigative duties of on-board personnel and to compare the request with similar needs in other divisions. Each division will be notified as soon as this review is completed.

Airtel to All SACs

Re: Special Agent Transfer Policy  
Investigative Programs/"Specialty" Transfer Requests  
Fiscal Year 1985

NOTE: All SAC airtel being prepared to advise SACs that approval of requests for OP transfers to answer needs for experienced SAs possessing either investigative program expertise or "specialty" background will now be the exception rather than the rule. SACs being advised FBIHQ will look for the offices to plan ahead and fill needs from within.

	<b>APPROVED:</b>	Adm. Servs. <u>  <i>AK</i>  </u>	Laboratory _____
		Crim. Inv. _____	Legal Coun. _____
	Director <u>  <i>W. J. ...</i>  </u>	Ident. _____	Rec. Mgnt. _____
	Exec. AD-Adm. <u>  <i>AK</i>  </u>	Inspection _____	Tech. Servs. _____
	Exec. AD-Inv. _____	Intell. _____	Training _____
	Exec. AD-LES _____	Off. of Cong. & Public Affs. _____	