

I. How the CIA personnel system differs from the competitive service and from each other civilian intelligence agency personnel system (NSA, DIA, civilian intelligence personnel under Departments of Army, Navy, Air Force, Marines)

The following chart shows some major differences between the competitive civil service system and the CIA, NSA, and DIA personnel systems:

<u>Activity or Subject</u>	<u>Competitive Service</u>	<u>CIA Personnel System</u>	<u>NSA</u>	<u>DIA</u>
Excepted service vs. competitive service/status	Appointees are subject to OPM rules for competitive civil service, and acquire competitive status	By statute, CIA is excepted service; CIA appointment does not confer competitive status	Same as CIA	Same as CIA
Determination of qualifications standards, recruitment, testing, and selection	OPM determines qualifications standards for given positions; prescribes the competitive examinations or other competitive selection procedures to be used; and places employees on registers of eligibles in rank order	CIA performs these functions independently for itself, pursuant to its enabling legislation; Agency has unique occupations and conditions of employment not present in competitive service; Agency identifies, recruits, and tests or selects prospective employees under its own authority and procedures, and is not subject to the register system	Same as CIA	Same as CIA

<u>Activity or Subject</u>	<u>Competitive Service</u>	<u>CIA Personnel System</u>	<u>NSA</u>	<u>DIA</u>
Veterans Preference in hiring	Yes	No	No	Yes
Power of appointment	By agency appointing officer from register of eligibles, following the rule of three, pursuant to rules from OPM prescribing who may be an appointing officer	By Agency's Director of Personnel under authority of CIA organic law	By Director of NSA or designee, pursuant to authority under NSA's organic statute	By Secretary of Defense or designee (see two items above)
Top Secret level security screening for all positions, including polygraph exam and background investigation, as prerequisite to employment and as condition of continued employment	No	Yes	Yes	Yes, except for polygraph requirement
Overseas employment time limits prescribed by OPM	Yes	No	No	No

<u>Activity or Subject</u>	<u>Competitive Service</u>	<u>CIA Personnel System</u>	<u>NSA</u>	<u>DIA</u>
Classification of positions under the Classification Act and pay under the General Schedule	Subject to OPM rules governing position classification; required by law to follow General Schedule	Exempt by law from GS rules, but follow generally as a matter of administrative convenience	Same as CIA	Same as CIA and NSA
Promotion	Based on "rank in job" whereby individual is entitled to the grade of the position occupied	Based on "rank in person" concept whereby individual brings grade with self to the position occupied	Follows "rank in position" approach although not subject to competitive service rules prescribed by OPM	Same as NSA, with limited "rank in person" authority

<u>Activity or Subject</u>	<u>Competitive Service</u>	<u>CIA Personnel System</u>	<u>NSA</u>	<u>DIA</u>
Reduction in force procedures	<p>Employees at same "competitive level" in same geographic or organizational "competitive area" "compete" with one another for retention based on tenure, veterans preference, length of service, and performance. Employees are ranked on retention registers, and given certain substantive and procedural (e.g., appeal) rights if released from employee's competitive level.</p>	<p>DCI has discretionary authority to terminate employees determined to be excess to needs of the service; Agency is not subject to competitive service RIF procedures</p>	<p>Follow OPM regulations, to the extent consistent with NSA statutory authority</p>	<p>Follow competitive service rules</p>
<p>Adverse actions (suspensions, downgrading, reduction in pay, furlough, removal)</p>	<p>OPM prescribes procedures; Agency decisions are appealable to Merit Systems Protection Board (except suspension of 14 days or less)</p>	<p>Independent procedures; Agency decisions not appealable outside Agency</p>	<p>Follows OPM procedures as a matter of administrative adoption; employees may not appeal terminations outside the Department of Defense where such appeal would be inconsistent with national security</p>	<p>Follows OPM procedures as a matter of law, except that during Fiscal Years 1986 and 1987, employees may not appeal terminations outside the Department of Defense where such appeal would be inconsistent with national security</p>

II. The specific features of each personnel system to ensure compliance with the merit system principles set forth in Section 2301 of Title 5, United States Code.

There are nine basic merit principles in Section 2301 of Title 5, U.S. Code. In general, Agency implementation of these principles consistent with 5 USC 2305 is monitored and reinforced by the Agency grievance and Inspector General systems. Agency regulations provide mechanisms for submitting "whistleblowing" information, allegations of fraud, waste, or abuse, and other grievances on a confidential basis through directorate grievance channels, directly to the Agency's Office of Inspector General (OIG), and/or directly to the Director of Central Intelligence (DCI) or Deputy Director of Central Intelligence (DDCI). Directorate decisions on grievances may be appealed to the DCI/DDCI through the Inspector General (IG). Grievances or appeals submitted directly to the IG are decided by the DCI or DDCI. The Inspection Staff of the OIG is directed by Agency regulations to conduct periodic announced inspections of Agency components for compliance with applicable authority, regulations, and procedures, as well as for the effectiveness of their programs in implementing policy objectives; conduct unannounced inspections of any component of CIA when necessary; investigate all reports from employees or other sources of problem areas or subjects, possible violations of law or procedures, charges of fraud, misuse of funds, conflicts of interest, or other matters involving misfeasance, malfeasance, nonfeasance, or violation of trust; and refer to the General Counsel all matters involving legal questions.

Each of the nine merit system principles is now addressed in turn below.

(1) Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity.

One of the basic objectives of the Agency personnel program is to recruit within the full meaning of equal employment opportunity policies qualified individuals who have demonstrated ability or potential to serve present and future requirements. Given the wide variety of skills and expertise the Agency requires to carry out its missions and functions, the Agency workforce necessarily includes individuals from virtually all sectors of society and walks of life. Thus, the Agency seeks its employees from a broad range of sources throughout the United States, including technical, business and secretarial school graduates, graduates from colleges and universities, individuals separating from the military, established professionals considering career changes, etc. Recruiting advertisements are published in leading newspapers and magazines, such as the Washington Post, the New York Times, the Wall Street Journal, the Los Angeles Times, Newsweek, and the American Bar Association Journal. An active co-operative education program is conducted, as is vigorous minority recruiting.

During FY-86 the Agency visited 29 Historically Black Colleges and Universities (HBCUs), which are the traditional sources for minority employees. As part of a program designed to increase recruitment activities on non-HBCU campuses, the Agency also recruited at minority career fairs at various major universities. In search of mainly Hispanic and Asian-Pacific-American candidates, Agency personnel visited 20 non-HBCUs, mostly in the West and Southwest. Recruitment also was conducted at various conferences and conventions, including those held by the NAACP and National Urban League.

Furthermore, the Agency conducts three special programs--Minority Student Symposium, Summer Fellowship, and Minority Undergraduate--in direct support of the minority recruitment effort. The Minority Student Symposium brings minority students from a variety of colleges/universities to the Agency for a host of in-depth briefings concerning the Agency's mission and objectives while providing the students an opportunity to be interviewed for future staff employment. The Summer Fellowship Program places faculty and administrators of HBCUs, regardless of their ethnic background, into regular Agency assignments during the summer months, enabling the participants to gain valuable experience in their fields and the Agency to improve its relations with the schools. The Minority Undergraduate Program gives promising undergraduates an early introduction to CIA through a summer work experience linked to their formal academic studies. The program affords the Agency the opportunity to evaluate potential future employees and advise them as to course work that would prepare them for careers within the various components of the Agency.

(2) All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age or handicapping condition, and with proper regard for their privacy and constitutional rights.

Agency regulations provide that it is Agency policy to provide equal opportunity in employment for all persons; to prohibit unlawful discrimination based on age, color, handicap, national origin, race, religion, or sex; and to promote full realization of equal employment opportunity through affirmative action programs. In administering this policy, the Agency, consistent with security requirements, complies with applicable provisions of law and applicable regulations of the EEOC. Thus, the Agency conducts a discrimination complaints and counseling program and files reports semiannually with the EEOC, pursuant to EEO Management Directive 202 (20 September 1984).

All employees at the time of their entry-on-duty processing and at least annually thereafter are apprised of the Agency's Equal Employment Opportunity Program. The Agency regulation on Performance Appraisal requires that the factors on which managers and supervisors are rated include their efforts and achievements in the equal employment opportunity sphere and in the management and development of their subordinates.

The Agency Upward Mobility Program offers career enhancement opportunities to clerical and technical personnel. Eligible employees are given training and on-the-job experience that enable them to move into technical and professional positions.

A comprehensive management training program has been developed that requires all new managers to be familiar with EEO issues. The Agency also sponsors seminars to help participants become aware of the broader issues involved in black-white and male-female relationships and other minority concerns. Additionally, the Professional Women's Course (sponsored by the Agency's Federal Women's Program) and the Professional Men's Course provided training and role-playing experiences to teach leaders of both sexes to understand and accommodate gender differences in the workplace.

With reference to handicapped employees, the Agency has made every effort to provide structural and architectural features and amenities at official government buildings it owns or occupies to accommodate the needs and problems of its handicapped personnel, as well as to recruit and retain such individuals.

(3) Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.

Agency regulations indicate that, to the extent consistent with the needs of the Agency, it is a basic objective of the personnel program to provide employees with:

- (a) Opportunities for making the best use of their training and experience.
- (b) Employment and advancement on the basis of ability and performance.
- (c) Equal pay for substantially equal work within prevailing pay systems.
- (d) Job opportunities and job satisfaction commensurate with individual skills, abilities, and contributions.

Periodic and ad hoc occupational and position surveys and audits by the Position Management and Compensation Division (PMCD) of the Agency's Office of Personnel have ensured position grade structures that promote and maintain internal job and pay equity within occupations and across Agency components.

Excellence in performance is rewarded through promotion; quality step increases; suggestion, invention, special achievement, and exceptional accomplishment awards; and honor, merit, and service awards. The Agency's incentive awards program includes a Secretary of the Year Award, an Engineer of the Year Award, and a Scientist of the Year Award. Authority to approve incentive awards up to specified dollar amounts has been delegated as far down as is feasible, to ensure more timely recognition of meritorious actions.

(4) All employees should maintain high standards of integrity, conduct, and concern for the public interest.

The Agency conducts an active ethics program. Agency regulations incorporate the rules pertaining to ethical conduct and conflicts of interest contained in Executive Order 11222, Titles 5 and 18 of the U. S. Code, and in Title 5 of the Code of Federal Regulations. A basic objective of the Agency's personnel system is to maintain standards of conduct which require employees to work to their full ability, to maintain a spirit of cooperativeness in their work, to be willing to serve the Agency's needs wherever and whenever required, and to adhere not only to normal rules of good conduct but to be governed both on and off the job by the highest personal standards of honesty, integrity, and conduct.

All employees are required to review the rules of conduct at the time of entering on duty, and at least annually to reread them thereafter. All employees processing for assignments to the field are required to read the rules on employee conduct and discipline. The Office of General Counsel renders written opinions and conducts briefings on ethics in government and conflicts of interest for contracting officers and COTR's and for general employee audiences, as well.

The Agency participates fully in the employee financial disclosure reporting and review programs mandated by Executive Order 11222 for GS-13s through GS-15s (and other designated personnel), and by title II of the Ethics in Government Act for Senior Intelligence Service (SIS) employees and Presidential appointees.

Possible violations of the federal criminal conflict-of-interest statutes (e.g., 18 U.S.C. Sections 201, 203, 205, 207, 208, 209 et al.) by Agency employees are reported to the Department of Justice pursuant to 28 U.S.C. Section 535 and Section 1-7 of Executive Order 12333.

(5) The Federal work force should be used efficiently and effectively.

The Agency personnel system is structured and operated to foster:

- Effective and economical use of human resources through systematic personnel planning, goal setting, and integration of personnel, position, and financial management.
- Maximum personnel usage and development consistent with Agency requirements.

Among the specific activities, programs, and mechanisms to ensure efficient and effective use of the Agency labor force are the following:

(a) The Agency's position management and classification and personnel control program ensures that the right number of employees at the appropriate grades with the necessary skills fill the appropriate occupational categories

and are placed in the right components, where and as needed. Excessive layering of supervisory positions, duplication of effort, improper use of "Assistant To" positions, unclear lines of authority, unrealistic spans of control, and imbalances in the ratios of supervisory-to-worker and professional-to-clerical personnel and positions have been proscribed and are corrected where identified.

(b) A program is conducted to select from qualified external applicants and current Agency employees and train persons who show exceptional potential for long-term staff service with the Agency. These individuals are given initial orientation training, special interim on-the-job training assignments, specialized training for specific occupational or component tracks, and upon successful completion of such training, appropriate permanent assignments.

(c) The Agency's assignment and reassignment policy and procedures are intended to enhance Agency efficiency. The paramount consideration in determining assignments of personnel is the needs of the Agency. Due consideration is given to the career interests and personal circumstances of the individual, but these are subordinated to Agency requirements. However, an important factor in making assignments is the improvement of the professional competence of the Agency; and on occasion, selections are made primarily to afford employees developmental opportunities commensurate with their potential and career goals.

(d) The Agency's Performance Appraisal Report (PAR) system ensures that subordinates understand the nature and scope of their duties and are advised continuously of the effectiveness of their performance. Performance appraisals are required at least annually, and employees are shown all entries on the PAR except when security or operational factors dictate otherwise.

(e) Nonstandard workweeks/work schedules for components or individuals may be approved at senior levels under certain conditions, when necessary to ensure the efficient conduct of assigned missions and functions.

(6) Employees should be retained on the basis of the adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.

The Agency's evaluation and performance appraisal process is designed to meet the goal of operating an Agency-wide evaluation program for identifying employees with the highest and lowest degrees of potential and those employees who fail to meet current work requirements or standards, and to provide a basis for separating equitably those whose continued employment is not in the interests of the United States. The aim of the process is to provide an objective and informed assessment of each employee and to eliminate the potential for arbitrary personnel decisions.

(7) Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.

It is Agency policy to:

- (a) Promote the highest standards of performance by encouraging employee self-improvement and by sponsoring Agency training activities.
- (b) Participate in training programs in response to Intelligence Community needs or specialized requirements of the Agency.

Employees may be approved for training conducted by the Agency's Office of Training and Education or another Agency component, a contractor, an external academic institution or other external organization (including senior officer schools and Congressional fellowships), and so on. Employees may be sent to executive seminars or mid-career courses. Language training is given to those employees who require it to carry out their duties, and in certain circumstances, to their spouses. Secretaries are afforded the training they will need to advance to higher levels of the Intelligence Secretary (IS) Schedule.

8. Employees should be--

(A) protected against arbitrary action, personal favoritism, or coercion for partisan political purposes and

(B) prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.

Agency regulations incorporate the prohibitions in Executive Order 11222, the Hatch Act and related statutory provisions (e.g., 5 U.S.C. Sections 7321-7327; 18 U.S.C. Sections 601-603, 606, 607 et al.), and the anti-nepotism statute (5 U.S.C. Section 3110) against arbitrariness or favoritism in employment matters based on political or other such impermissible factors, and against official interference, coercion, or influence-peddling in elections or nominations.

The apolitical/non-policymaking mission and orientation of the Agency, and the fact that there are but two political appointee positions in the Agency (i.e., the DCI and DDCI), militate against any consideration of domestic partisan politics in personnel management and career development matters.

9. Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences--

(A) a violation of any law, rule, or regulation, or

(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Due to the sensitive and highly classified nature of CIA activities, employees are required not to publicly disclose Agency information. However, it is Agency policy that employees have the opportunity, within secure channels, to submit job-related grievances and/or "blow the whistle" with freedom from reprisal, coercion, or restraint. Such allegations are required by Agency policy to be considered and resolved promptly, competently, and justly. It is the policy of the Agency's Office of Inspector General (OIG) to keep the identities of its informants confidential. Additionally, the Agency is required to abide by the applicable provisions of the EEO law which proscribe retaliation against an employee for raising an EEO claim. Finally, employees may take allegations of improper conduct by Agency officials to the Intelligence Oversight Board established by Executive Order 12334 expressly to review such allegations on behalf of the President.

III. Any features of compensation (including bonuses and awards) unique to each personnel system.

It is not possible to publish a complete unclassified listing or description of compensation benefits for CIA personnel, because certain of these items are highly classified. Accordingly, not all of the Agency-specific pay or related benefits are included here.

A. Pay

1. Office of Communications (OC) Experimental Pay Banding

In January 1985, the Agency initiated a pay experiment in its Office of Communications, based on the China Lake model. Certain occupational categories within OC were placed under an experimental pay system containing five broad pay bands covering entry level through senior management responsibilities. Pay increments are awarded to employees based on individual performance. Promotion to a higher level is based on performance and potential. The pay experiment in the Office of Communications delegates responsibility to the manager to recognize and reward superior employee performance.

2. Secretarial Pay System

A new secretarial pay schedule was approved in 1986. This new Intelligence Secretary Schedule recognizes four levels of secretarial responsibility and compensation, incorporates pay-for-performance features, and establishes training and experience criteria for movement between levels (promotion). An important aspect of the secretarial plan is "job enrichment" of the secretarial occupation.

3. Senior Intelligence Service (SIS) Pay Steps

The Agency SIS pay scale provides for gradations of pay at the 1, 2, and 3 levels.

4. Sunday Premium Pay

Part-time Agency employees are eligible for Sunday premium pay when their regular work schedules and Agency intelligence/operating needs require the Sunday work.

B. Leave

1. Use of Restored Annual Leave

The Agency allows use of restored annual leave up to the end of the leave year ending four years after the date on which the forfeited annual leave was restored or the exigency or illness which resulted in the forfeiture ended.

2. Advance of Annual Leave in Sick Relative Cases

An Agency employee who has exhausted all annual leave, but who must take more leave to care for the employee's sick child or seriously ill or dying spouse, parent, or sibling, may be advanced more annual leave than the employee will accrue by the end of the leave year (but not to exceed 360 hours) and will be allowed up to four years from the end of the leave year in which the borrowing occurred to pay back the advance.

3. Advance of Sick Leave

Agency regulations permit the Director of Personnel to advance up to 60 days' sick leave.

IV. Authority to take actions (including the number of actions) through employment termination provisions that do not permit appeals outside the Agency

Section 102(c) of the National Security Act of 1947, as amended, 50 U.S.C.A. Section 403c, states that:

Notwithstanding the provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

In Fiscal Year 1986, there were 22 resignations in lieu of termination, 1 termination, and 3 retirements in lieu of termination.

V. Any Recruitment or Retention Problems

In recent years, the Agency has needed an increasing number of analysts, operations officers, engineers, and scientists to handle its expanding interests and responsibilities. These include collection and analysis on such issues as terrorist groups and their activities, narcotics trafficking, the international financial situation, and weapons development and deployment of various foreign countries. The Agency also has become involved in the management of more complex scientific and technical programs.

Attracting, recruiting, and processing the highly trained individuals required to conduct and manage such activities has been difficult for a number of reasons. There is a shortage of trained personnel to recruit full-time. Additionally, the Agency, given the stringent and time-consuming pre-employment security, medical, and personnel screening it must conduct of prospective employees, faces an inherent recruiting disadvantage vis-a-vis most private sector employers and most other federal agencies. Those individuals who are not deterred from applying in the first place by the intensity of the pre-employment screening must be prepared to wait for quite some time before the entire process is complete and hope that they will eventually succeed in attaining Agency employment. While the nature of the Agency's work is alluring enough to compensate for some of the built-in recruiting disadvantage, recent cutbacks or attempted cutbacks in federal employee benefits which already are less than those in the private sector, and the continuing mischaracterization of Government employees as lazy bureaucrats, also hinder effective recruiting.

Specifically, the Agency experiences difficulty in hiring sufficient numbers of qualified engineers; electronic technicians; computer scientists and operators; operations officers; and security officers. The Agency faces similar difficulty in retaining personnel in these groups, as well as secretaries/clericals as such (many move to other positions elsewhere in the Agency).