

# GAO Highlights

Highlights of [GAO-16-548](#), Report to Chairman, Committee on the Judiciary, U.S. Senate

## Why GAO Did This Study

The SGE category was created by Congress in 1962 to make certain ethics rules less restrictive than for other federal employees to overcome obstacles in hiring outside experts and other temporary employees for occasional service. SGEs are employees appointed to serve for not more than 130 days during any one year period.

GAO was asked to examine agencies' use of SGEs not serving on federal boards. This report: (1) describes what is known about the total number of SGEs not serving on federal boards; (2) assesses the extent to which OGE, OPM, and selected agencies identify, collect, and report data; (3) assesses how selected agencies appoint, use, and track SGEs; and (4) examines how OGE oversees and ensures compliance with ethics requirements.

GAO analyzed OGE, OPM, and agency data; reviewed agency documentation; and interviewed agency officials. GAO selected five agencies—the Departments of Health and Human Services, Justice, State, Nuclear Regulatory Commission and National Science Foundation—based in part, on the number of SGEs and ratio of SGEs not serving on federal boards to total employees.

## What GAO Recommends

GAO recommends HHS take steps to improve the reliability of data on SGEs not serving on federal boards and OGE should determine whether other agencies are experiencing data challenges similar to HHS, State, and NRC and take appropriate action. HHS concurred. OGE partially concurred. GAO maintains that OGE should undertake the actions as discussed further in the report.

View [GAO-16-548](#). For more information, contact Yvonne D. Jones at (202) 512-6806 or [jonesy@gao.gov](mailto:jonesy@gao.gov).

## FEDERAL WORKFORCE

### Opportunities Exist to Improve Data on Selected Groups of Special Government Employees

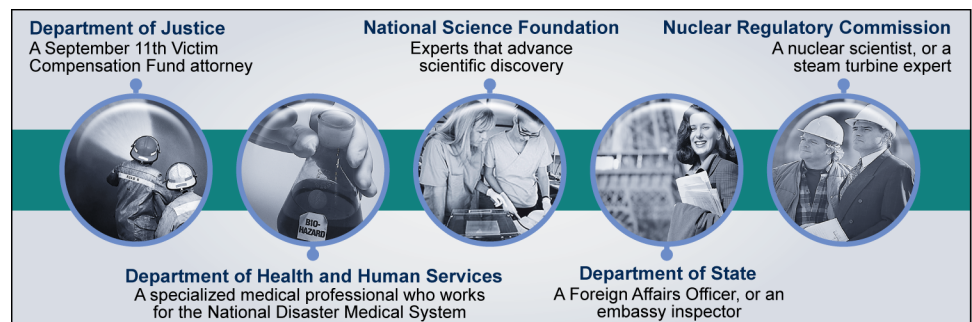
## What GAO Found

Federal agencies made limited use of special government employees (SGE) not serving on federal boards. As of December 2014, approximately 3 percent of SGEs (1,138 of 40,424) were working as experts or consultants and not serving on federal boards, according to the Office of Government Ethics (OGE). Over a 10-year period (2005 to 2014), GAO found that agencies used an annual average of approximately 2,000 SGEs, with a peak of about 3,100 in 2009 and a low of about 500 in 2013.

Agencies are responsible for reporting on SGEs not serving on federal boards to OGE. The Office of Personnel Management (OPM) requires agencies to identify SGEs on an individual's personnel action. OGE's data reflected what agencies reported on SGEs not serving on federal boards. Three of the five agencies GAO reviewed had challenges reporting reliable data on SGEs not serving on federal boards. The Department of Health and Human Services (HHS) had difficulty distinguishing between SGEs not serving on federal boards and those who were, and HHS did not explain data discrepancies. GAO found instances of misidentified SGEs not serving on federal boards at the Nuclear Regulatory Commission (NRC) and the Department of State (State), but the agencies provided corrected data. Weak internal coordination and misunderstanding about the SGE designation contributed to the identification challenges. Stronger data would better position agencies to report on SGEs and provide the required ethics training. Moreover, accurate and complete data are important to allow OGE and Congress to provide informed oversight of agencies.

Three of the five selected agencies primarily used expert and consultant hiring authorities to appoint SGEs not serving on federal boards. The other two agencies generally used their agency-specific authorities. The agencies used these employees in specialized areas (see figure). Four of five agencies said supervisors are generally responsible for tracking SGEs' days of service. One agency permits SGEs to track their own days.

#### Special Government Employees Fill a Variety of Roles at Selected Agencies



Sources: GAO analysis of selected agencies' information; PhotoDisc and National Science Foundation (photos). | GAO-16-548

OGE has not found any issues specific to SGEs not serving on federal boards. GAO's analysis of 23 OGE reviews at Chief Financial Officers Act agencies and the Consumer Financial Protection Board for fiscal years 1998 to 2014 showed no issues specific to SGEs not serving on federal boards. Further, OGE had no outstanding recommendations related to SGEs at the selected agencies.