



October 2021

# FEDERAL HIRING

## OPM Should Collect and Share COVID-19 Lessons Learned to Inform Hiring during Future Emergencies

Accessible Version

# GAO Highlights

Highlights of [GAO-22-104297](#), a report to congressional addressees

## Why GAO Did This Study

The COVID-19 pandemic has had far-reaching effects on federal programs and operations. To address this public health crisis, Congress and the administration made several hiring authorities available to agencies to hire staff with the needed skills to effectively respond to the pandemic.

The CARES Act includes a provision for GAO to report on ongoing monitoring and oversight efforts related to the COVID-19 pandemic. This report examines: (1) the new hiring authorities provided to federal agencies for COVID-19 response and the extent to which selected agencies have used them; (2) selected agencies' experiences using those hiring authorities, including lessons learned; and (3) OPM's efforts to assess agencies' use of the COVID-19 related hiring authorities.

GAO reviewed documents and interviewed officials from OPM and the 10 agencies that were provided hiring authorities in the CARES Act or DHA for the public health emergency from OPM between March 1 and September 30, 2020. The documents reviewed included data on the agencies' hiring and OPM policies and guidance for its oversight of agencies' use of hiring authorities.

## What GAO Recommends

GAO is making one recommendation to OPM to develop and implement a process for collecting and sharing government-wide lessons learned associated with agencies' use of different hiring authorities in response to COVID-19. OPM concurred with the recommendation made in this report.

View [GAO-22-104297](#). For more information, contact Michelle B. Rosenberg, (202) 512-6806, [rosenbergm@gao.gov](mailto:rosenbergm@gao.gov).

October 2021

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### OPM Should Collect and Share COVID-19 Lessons Learned to Inform Hiring during Future Emergencies

## What GAO Found

The CARES Act provided temporary hiring authorities to six agencies with responsibilities for responding to the public health and economic crisis caused by COVID-19. A hiring authority is the law, executive order, or regulation that allows an agency to hire a person into the federal civil service. In addition, as of September 30, 2020, five agencies received direct hiring authority (DHA) from the Office of Personnel Management (OPM) in response to the pandemic. DHAs allow agencies to expedite hiring by eliminating competitive rating and ranking procedures and veterans' preference for specific positions. Also, in March 2020, OPM authorized the use of COVID-19 Schedule A hiring authority, which allows agencies to fill positions for up to 1 year as needed in response to, or as a result of, COVID-19. GAO found that the number of staff hired by 10 selected agencies using these three temporary COVID-19 hiring authorities varied.

**Figure 1: Availability of COVID-19 Hiring Authorities and Total Number of Hires Made at Selected Agencies, March through December 2020**

Agency	CARES Act	COVID-19 Direct Hire Authority	COVID-19 Schedule A <sup>a</sup>
Veterans Affairs	N/A	4,215	913
Health and Human Services	≤10	985	461
Small Business Administration	N/A	0	449
Agriculture	N/A	<sup>b</sup>	112
Smithsonian Institution	N/A	0	≤10
Commerce <sup>c</sup>	74	N/A	0
Housing and Urban Development	48	N/A	0
Treasury	0	N/A	≤10
Commodity Futures Trading Commission	0	N/A	0
Securities and Exchange Commission	0	N/A	0

Source: GAO analysis of CARES Act and agency information. | GAO-22-104297

**Data table for Figure 1: Availability of COVID-19 Hiring Authorities and Total Number of Hires Made at Selected Agencies, March through December 2020**

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Treasury	0	N/A	≤10

<b>Agency</b>	<b>CARES Act</b>	<b>COVID-19 Direct Hire Authority</b>	<b>COVID-19 Schedule A</b>
Commodity Futures Trading Commission	0	N/A	0
Securities and Exchange Commission	0	N/A	0

<sup>a</sup>COVID-19 Schedule A hiring authority allows agencies to fill positions for up to 1 year as needed in response to, or as a result of, COVID-19.

<sup>b</sup>Agency received approval to amend an existing authority so hires were not all related to COVID-19.

<sup>c</sup>Commerce's CARES Act hiring authority is limited to the Economic Development Administration.

Source: GAO analysis of CARES Act and agency data. | GAO-22-104297

The selected agencies described a few lessons learned that could help other agencies improve the use of hiring authorities in future emergencies including: (1) collaborating with internal stakeholders to maximize information sharing across the agency; and (2) creating an inventory of hiring needs and available authorities to assist in addressing agency workforce needs.

OPM intends to conduct reviews in fiscal year 2022 that may provide insight into agencies' use of hiring authorities in response to the pandemic. However, according to OPM officials, the agency has not yet developed plans to collect and share lessons learned on the use of COVID-19 related hiring authorities. Collecting and sharing lessons learned would help OPM understand how the various hiring authorities could be used during future emergencies and identify opportunities to improve the hiring process.

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### Abbreviations

CFTC	Commodity Futures Trading Commission
CHCO	chief human capital officer
COVID-19	Coronavirus Disease 2019
DHA	direct hiring authority
EDA	Economic Development Administration
HCR	Human Capital Review
HHS	Department of Health and Human Services
HUD	Department of Housing and Urban Development
MSAC	Merit System Accountability and Compliance
OPM	Office of Personnel Management
PPP	Paycheck Protection Program
SBA	Small Business Administration
SEC	Securities and Exchange Commission
USDA	Department of Agriculture
VA	Department of Veterans Affairs

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October 25, 2021

Congressional Addressees

The Coronavirus Disease 2019 (COVID-19) pandemic has resulted in substantial damage to the global economy and has had far reaching effects on federal programs and operations.<sup>1</sup> In the government's ongoing response to the COVID-19 pandemic, Congress and the administration have taken action on multiple fronts to address challenges that have contributed to catastrophic loss of life and profound economic disruption. These actions have helped direct much-needed federal assistance to support many aspects of public life.

In March 2020, Congress passed, and the President signed into law, the CARES Act, which provided more than \$2 trillion in emergency assistance and health care response for individuals, families, and businesses affected by COVID-19.<sup>2</sup> The CARES Act provided supplemental appropriations for federal agencies to respond to the COVID-19 pandemic. In addition, the act funded various loans, grants, and other forms of federal financial assistance for businesses, industries, states, local governments, and hospitals; provided tax rebates for certain individuals; temporarily expanded unemployment benefits; and suspended payments and interest on federal student loans. Over the past year, agencies from across the federal government have demonstrated extraordinary dedication and commitment to responding to the unprecedented COVID-19 pandemic, including those serving on the front lines to establish and sustain services for those infected with the virus.

The CARES Act established temporary hiring authorities for selected agencies responsible for the government's responses to the public health

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<sup>1</sup>On January 31, 2020, the Secretary of Health and Human Services declared a public health emergency for the U.S., retroactive to January 27, 2020. Subsequently, on March 13, 2020, the President declared COVID-19 a national emergency under the National Emergencies Act and a nationwide emergency under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). The President also approved major disaster declarations under the Stafford Act for all 50 states, the District of Columbia, and five territories.

<sup>2</sup>Pub. L. No. 116-136, 134 Stat. 281 (2020).

and economic crisis.<sup>3</sup> A hiring authority is the law, executive order, or regulation that allows an agency to hire a person into the federal civil service. In addition to the CARES Act, the Office of Personnel Management (OPM), in its role as the chief human resources agency and personnel policy manager for the federal government, issued memorandums and guidance beginning in February 2020 that reminded agencies of temporary authorities available government-wide to hire individuals needed in direct response to the effects of COVID-19. These hiring authorities can be used to expedite an agency's hiring process. To assist with their response to COVID-19, agencies could seek agency specific Direct Hire Authority (DHA) from OPM. DHA allows an agency to expedite the typical hiring process by eliminating certain steps traditionally required for competitive hiring. In addition, OPM authorized all agencies to use a COVID-19 Schedule A hiring authority, which is an excepted service appointment that agencies may use to fill positions on a temporary basis for up to 1 year as needed in response to, or as a result of, COVID-19. In this report, we refer to the hiring authorities provided by Congress to selected agencies in the CARES Act, DHA approved by OPM, and the COVID-19 Schedule A authority as "COVID-19 related hiring authorities."<sup>4</sup>

The CARES Act includes a provision for us to report on our ongoing monitoring and oversight efforts related to the COVID-19 pandemic.<sup>5</sup> This report is a part of our body of work in response to the CARES Act and examines the federal government's continued efforts to respond to and

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<sup>3</sup>As of August 25, 2021, five other relief laws were also enacted in response to the COVID-19 pandemic: the American Rescue Plan Act of 2021, Pub. L. No. 117-2, 135 Stat. 4 (2021); the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1182 (2020); Paycheck Protection Program and Health Care Enhancement Act, Pub. L. No. 116-139, 134 Stat. 620 (2020); Families First Coronavirus Response Act, Pub. L. No. 116-127, 134 Stat. 178 (2020); and the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020, Pub. L. No. 116-123, 134 Stat. 146 (2020). In this report, our study of statutorily provided hiring authorities is limited to those in the CARES Act.

<sup>4</sup>OPM provides excepted service hiring authorities to fill special jobs or to fill any job in unusual or special circumstances under "Schedules A, B, C, and D." These excepted service authorities enable agencies to hire when it is not feasible or not practical to use traditional competitive hiring procedures, and can streamline hiring.

<sup>5</sup>Pub. L. No. 116-136, § 19010, 134 Stat. 579-81. We regularly issue government-wide reports on the federal response to COVID-19. For the latest report, see GAO, *COVID-19: Continued Attention Needed to Enhance Federal Preparedness, Response, Service Delivery, and Program Integrity*, GAO-21-551 (Washington, D.C.: July 19, 2021). Our next government-wide report will be issued on October 27, 2021, and will be available on GAO's website at <https://www.gao.gov/coronavirus>

recover from the COVID-19 pandemic, specifically the federal government's efforts to support federal hiring during the pandemic. This report examines:

- the COVID-19 related hiring authorities provided to agencies to hire federal employees and the extent to which selected agencies have used them;
- selected agencies' experiences using the COVID-19 related hiring authorities, including lessons learned for improving the use of hiring authorities for future emergencies; and
- OPM's efforts to assess agencies' use of the COVID-19 related hiring authorities.

To address the first objective, we reviewed the statutory provisions and OPM guidance that provided COVID-19 related hiring authorities. We selected agencies for review that had received a statutory hiring authority provided in the CARES Act or had requested a DHA related to the public health emergency from OPM between March 1 and September 30, 2020. This resulted in the selection of 10 agencies.<sup>6</sup> We obtained data from those agencies on hires made using the three COVID-19 related hiring authorities from March 1 through December 31, 2020. To assess the reliability of the data we collected for this objective, we reviewed relevant documentation from agency officials about the data systems they used for human capital records related to hiring. We determined that the data were sufficiently reliable for the purposes of determining the number of hires made using specific COVID-19 related hiring authorities.

To address the second objective, we interviewed relevant human resource staff at the selected agencies to learn about their experiences and reasons for using the COVID-19 related hiring authorities, including any lessons learned. We identified the most common COVID-19 related hiring issues they reported facing, as well as how they leveraged specific authorities to address them.

To address the third objective, we identified and reviewed OPM policies and guidance for, and documentation of, hiring authority oversight and its annual Human Capital Reviews (HCR). We also interviewed staff from

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<sup>6</sup>The 10 agencies are: Commodity Futures Trading Commission; Departments of Agriculture, Commerce, Health and Human Services, Housing and Urban Development, Treasury, and Veterans Affairs; Small Business Administration; Securities and Exchange Commission; and the Smithsonian Institution

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OPM's Merit System Accountability and Compliance (MSAC) office. MSAC oversees agencies' use of hiring authorities, as well as the HCR process.

We conducted this performance audit from April 2020 to October 2021 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

For more than two decades, we have reported that federal agencies face a number of long-standing human capital management challenges. Since 2001, we have designated strategic human capital management as a government-wide high-risk area in part because of the need to address current and emerging skills gaps that are undermining agencies' abilities to meet their missions.<sup>7</sup> In July of 2021, we reported that OPM had an open priority recommendation related to making hiring authorities more effective.<sup>8</sup> This recommendation states that OPM should work with the Chief Human Capital Officers (CHCO) Council to expand access to specific hiring authorities found to be highly efficient and effective and eliminate those found to be less effective. The Chief Human Capital Officers Act of 2002 established the CHCO Council to advise and coordinate the activities of member agencies on such matters as the modernization of human resources systems, improved quality of human resources information, and legislation affecting human resources operations and organizations.<sup>9</sup> The CHCO Council is chaired by the Director of OPM and serves to coordinate and collaborate on the development and implementation of federal human capital policies.

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<sup>7</sup>GAO, *High-Risk Series: Dedicated Leadership Needed to Address Limited Progress in Most High-Risk Areas*, [GAO-21-119SP](#) (Washington, D.C.: Mar. 2, 2021).

<sup>8</sup>GAO, *Priority Open Recommendations: Office of Personnel Management*, [GAO-21-516PR](#) (Washington, D.C.: July 1, 2021).

<sup>9</sup>Pub. L. No. 107-296, title XIII, § 1303, 116 Stat. 2135, 2288-89 (2002).

An important component of the hiring process is the hiring authority used to bring applicants on board. Among other things, hiring authorities determine the rules (or a subset of rules within a broader set) that agencies must follow throughout the hiring process. Selecting applicants based on their qualifications instead of patronage has been the foundation of the federal hiring system for more than 130 years. Congress passed the Pendleton Act in 1883, establishing that federal employment should be based on merit.<sup>10</sup> The nine merit system principles were later codified as part of the Civil Service Reform Act of 1978.<sup>11</sup> The first merit principle requires that agencies recruit qualified individuals from appropriate sources to achieve a workforce from all segments of society. It also requires that selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills after fair and open competition. This assures that all applicants receive equal opportunity.

The traditional method of hiring for the federal government, also known as the competitive examining process, generally requires agencies to, among other things, notify the public that the government will accept job applications for a position, screen applications against minimum qualification standards, apply selection priorities such as veterans' preference, and assess applicants' relative competencies or knowledge, skills, and abilities against job-related criteria to identify the most qualified applicants.<sup>12</sup>

We have previously reported that federal managers had complained that federal hiring procedures, particularly those associated with competitive examining, were rigid and complex.<sup>13</sup> These managers often expressed the need for more flexibility from the hiring authority guiding the competitive hiring process, which has been traditionally based on a "one-

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<sup>10</sup>Act of January 16, 1883, ch. 27, 22 Stat. 403.

<sup>11</sup>Pub. L. No. 95-454, § 101, 92 Stat. 1111, 1113-14 (1978), codified at 5 U.S.C. § 2301(b).

<sup>12</sup>Federal civil service employees, other than those in the Senior Executive Service, are employed in either the competitive service, 5 U.S.C. §2102(a), or the excepted service, 5 U.S.C. § 2103(a).

<sup>13</sup>GAO, *Federal Hiring: OPM Needs to Improve Management and Oversight of Hiring Authorities*, [GAO-16-521](#) (Washington, D.C.: Aug. 2, 2016); and *Human Capital: Effective Use of Flexibilities Can Assist Agencies in Managing Their Workforces*, [GAO-03-2](#) (Washington, D.C.: Dec. 6, 2002).

size-fits-all approach” with uniform rules across government set forth in Title 5 of the United States Code (Title 5). Agencies have sought approval to use additional hiring authorities from OPM and Congress that allow for greater flexibility from the competitive examination process.

One such authority Congress provided is DHA, which authorizes OPM to permit agencies to use if they demonstrate either a severe shortage of candidates or a critical hiring need.<sup>14</sup> DHA complements other types of competitive service hiring and provides needed flexibility when normal competitive service procedures do not result in an acceptable number of qualified candidates or when there is a critical need to hire quickly.<sup>15</sup> DHA allows agencies to expedite the typical hiring process associated with the competitive examining hiring authority by eliminating competitive rating and ranking procedures and veterans’ preference for specific positions.<sup>16</sup> Congress has also provided DHA—specifically the authority to use the expedited process—directly to agencies for specified purposes.

Congress and OPM provided selected agencies with new hiring authorities to aid in the response to COVID-19. Three such authorities, which we refer to in this report as “COVID-19 related hiring authorities,” are: (1) those provided by Congress to selected agencies in the CARES Act, (2) DHA approved by OPM, and (3) the COVID-19 Schedule A authority.

- **CARES Act authorities.** Congress established temporary DHAs for five federal agencies: the Departments of Health and Human Services (HHS),<sup>17</sup> Housing and Urban Development (HUD),<sup>18</sup> and the Treasury;<sup>19</sup> the Securities and Exchange Commission (SEC); and the

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<sup>14</sup>5 U.S.C. § 3304(a)(3) and 5 C.F.R. pt. 337, subpt. B.

<sup>15</sup>U.S. Merit Systems Protection Board, Office of Policy and Evaluation, *Direct-Hire Authority Under 5 U.S.C. § 3304: Usage and Outcomes* (February 2021).

<sup>16</sup>Importantly, agencies must comply with public notice requirements with respect to any position an agency seeks to fill using direct-hire authority. 5 U.S.C. § 3304(a)(3)(A) and 5 C.F.R. § 337.203.

<sup>17</sup>Pub. L. No. 116-136, div. B, tit. VIII, § 18108, 134 Stat. 572.

<sup>18</sup>Pub. L. No. 116-136, div. A, tit. IV, § 4010, 134 Stat. 478, codified at 15 U.S.C. § 9049. The Commodity Futures Trading Commission and the Securities and Exchange Commission were included in this grant of hiring authority.

<sup>19</sup>Pub. L. No. 116-136, div. A, tit. IV, § 4003(f)(1), 134 Stat. 470, codified at 15 U.S.C. § 9042.

Commodity Futures Trading Commission (CFTC).<sup>20</sup> Additionally, the Department of Commerce, Economic Development Administration (EDA) received a type of excepted service hiring authority that allowed it to hire individuals into the excepted service on a temporary basis.<sup>21</sup>

- **OPM's expedited DHA process.** OPM may approve the use of DHA by agencies for filling vacancies when a critical hiring need or severe shortage of candidates exists.<sup>22</sup> In March 2020, due to the public health emergency caused by the pandemic, OPM expedited its process for agencies that demonstrated a critical hiring need to request DHAs. This expedited process reduced the amount of information agencies had to provide to support a severe shortage of candidates or a critical hiring need. OPM also stated that it would respond to such requests within 7 business days. Under the expedited process, agencies were required to provide information on the positions to be filled, the event or circumstance that created the need to fill the position(s), and the duration for which hiring for the urgent critical need is expected to exist. From March 1 to September 30, 2020, five agencies requested new DHAs or changes to pre-approved DHAs from OPM in response to the pandemic: the Departments of Agriculture (USDA) and Veterans Affairs (VA); HHS; Small Business Administration (SBA); and the Smithsonian Institution.
- **COVID-19 Schedule A.** Also in March 2020, OPM authorized the use of COVID-19 Schedule A hiring authority to address the need for

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<sup>20</sup>The CARES Act also provided hiring authorities to create new oversight entities including the Pandemic Response Accountability Committee within the Council of the Inspectors General on Integrity and Efficiency and the Office of the Special Inspector General for Pandemic Recovery at the Department of the Treasury. We excluded these newly created oversight entities from our review to better focus on the nation's response effort and the hiring authorities that established agencies are using to staff it.

<sup>21</sup>Pub. L. No. 116-136, div. B, tit II, 134 Stat. 510-511. The CARES Act authority permits Commerce to, as appropriate, appoint these temporary employees into permanent competitive service positions after they have completed 2 years of continuous service.

<sup>22</sup>Congress authorized OPM to permit agencies to use DHA for a position or group of positions where OPM has determined that there is either a severe shortage of candidates or a critical hiring need for such positions. 5 U.S.C. § 3304(a)(3). OPM provided agencies with government-wide DHAs for certain IT specialists and medical occupations, among other critical needs occupations. See <https://www.opm.gov/policy-data-oversight/hiring-information/direct-hire-authority/#url=Governmentwide-Authority> for a current listing of occupations approved for DHA under 5 U.S.C. § 3304 and 5 C.F.R. pt 337, subpt B.

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hiring additional staff in response to the pandemic.<sup>23</sup> COVID-19 Schedule A is an excepted service appointment that agencies may use to fill positions on a temporary basis for up to 1 year, with a 1 year extension, as needed in response to, or as a result of, COVID-19.<sup>24</sup>

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## Agencies' Use of Temporary Pandemic Hiring Authorities Varied

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### Three of Six Agencies Used CARES Act Temporary Hiring Authorities in 2020

The CARES Act provided temporary hiring authorities to six agencies: Commerce, CFTC, HHS, HUD, SEC, and Treasury.<sup>25</sup> The types and expiration dates of the authorities varied; however, Congress did not place any limits on the numbers of hires the agencies were allowed to make using the CARES Act authorities. As of December 31, 2020, three of the six agencies that received CARES Act hiring authorities—Commerce, HHS, and HUD—had made hires, while the other three—CFTC, SEC, and Treasury—had not made hires using the authorities. CFTC and SEC can no longer make hires as their authorities expired on December 31, 2020. According to Treasury officials, Treasury's authority continues to be available as long as it has available funding and program needs (see figure 1).

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<sup>23</sup>5 C.F.R. § 213.3102(i)(3). OPM, *Memorandum on Coronavirus (COVID-19) Schedule A Hiring Authority* (Washington, D.C.: Mar. 20, 2020).

<sup>24</sup>Agencies may appoint individuals nationwide, at any grade level. Appointments are limited to individuals needed in direct response to the effects of COVID-19.

<sup>25</sup>Three of the six agencies, Commerce, HHS, and Treasury, received appropriated funds through the CARES Act for making hires using the CARES Act hiring authorities.

**Figure 1: Selected Agencies' Use of CARES Act Temporary Hiring Authorities, 2020**

Agency	Procedures Agency Is Allowed to Bypass	Expiration Date	Hires Made
<p><b>Commodity Futures Trading Commission (CFTC)</b></p> <p>The CARES Act allows CFTC, HUD, and SEC to use expedited procedures to recruit and appoint candidates</p>	<ul style="list-style-type: none"> <li>Competitive Rating and Ranking</li> <li>Veterans' Preference</li> </ul>	December 31, 2020	0
<p><b>Department of Housing and Urban Development (HUD)</b></p> <p>to fill temporary and term appointments upon a determination that the procedures are necessary</p>	<ul style="list-style-type: none"> <li>Competitive Rating and Ranking</li> <li>Veterans' Preference</li> </ul>	December 31, 2020	48
<p><b>Securities and Exchange Commission (SEC)</b></p> <p>and appropriate to enable the prevention of, preparation for, or response to COVID-19.</p>	<ul style="list-style-type: none"> <li>Competitive Rating and Ranking</li> <li>Veterans' Preference</li> </ul>	December 31, 2020	0
<p><b>Department of the Treasury</b></p> <p>The CARES Act authorizes and provides funding for Treasury to make loans and other investments in support of eligible businesses, states, and municipalities, and permits hiring individuals to administer this program using expedited procedures. To date, Treasury has not issued specific guidance on how to use the CARES Act hiring authority.</p>	<ul style="list-style-type: none"> <li>Competitive Rating and Ranking</li> <li>Veterans' Preference</li> </ul>	Expires when no longer necessary for program administration <sup>a</sup>	0
<p><b>Department of Health and Human Services (HHS)</b></p> <p>The CARES Act authorizes HHS to use funding under the act to appoint individuals using expedited procedures to perform critical work related to COVID-19 when the Secretary determines a public health threat exists.</p>	<ul style="list-style-type: none"> <li>Competitive Rating and Ranking</li> <li>Veterans' Preference</li> </ul>	Expires when funding does <sup>a</sup>	≤10 <sup>a</sup>
<p><b>Department of Commerce</b></p> <p>The CARES Act provided Commerce's Economic Development Administration (EDA) with funding for economic assistance programs to prevent, prepare for, and respond to COVID-19. The authority permits EDA to hire temporary personnel to implement these programs without adhering to the provisions of Title 5 of the United States Code concerning competitive hiring.</p> <p>Upon completion of 2 years of continuous service, the authority also allows EDA to, as appropriate, appoint these employees into permanent competitive service positions with career or career-conditional status.</p>	<ul style="list-style-type: none"> <li>Public Notice</li> <li>Competitive Rating and Ranking</li> <li>Veterans' Preference</li> </ul>	Expires when no longer necessary for program implementation <sup>a</sup>	74

Source: GAO analysis of CARES Act and agency information. | GAO-22-104297

**Data table for Figure 1: Selected Agencies' Use of CARES Act Temporary Hiring Authorities, 2020**

Agency	Cares Act Info	Procedures Agency Is Allowed to Bypass	Expiration Date	Hires Made
Commodity Futures Trading Commission (CFTC)	The CARES Act allows CFTC, HUD, and SEC to use expedited procedures to recruit and appoint candidates to fill temporary and term appointments upon a determination that the procedures are necessary and appropriate to enable the prevention of, preparation for, or response to COVID-19.	<ul style="list-style-type: none"> <li>Competitive Rating and Ranking</li> <li>Veterans' Preference</li> </ul>	December 31, 2020	0
Department of Housing and Urban Development (HUD)	The CARES Act allows CFTC, HUD, and SEC to use expedited procedures to recruit and appoint candidates to fill temporary and term appointments upon a determination that the procedures are necessary and appropriate to enable the prevention of, preparation for, or response to COVID-19.	<ul style="list-style-type: none"> <li>Competitive Rating and Ranking</li> <li>Veterans' Preference</li> </ul>	December 31, 2020	48
Securities and Exchange Commission (SEC)	The CARES Act allows CFTC, HUD, and SEC to use expedited procedures to recruit and appoint candidates to fill temporary and term appointments upon a determination that the procedures are necessary and appropriate to enable the prevention of, preparation for, or response to COVID-19.	<ul style="list-style-type: none"> <li>Competitive Rating and Ranking</li> <li>Veterans' Preference</li> </ul>	December 31, 2020	0
Department of the Treasury	The CARES Act authorizes and provides funding for Treasury to make loans and other investments in support of eligible businesses, states, and municipalities, and permits hiring individuals to administer this program using expedited procedures. To date, Treasury has not issued specific guidance on how to use the CARES Act hiring authority.	<ul style="list-style-type: none"> <li>Competitive Rating and Ranking</li> <li>Veterans' Preference</li> </ul>	Expires when no longer necessary for program administration	0
Department of Health and Human Services (HHS)	The CARES Act authorizes HHS to use funding under the act to appoint individuals using expedited procedures to perform critical work related to COVID-19 when the Secretary determines a public health threat exists.	<ul style="list-style-type: none"> <li>Competitive Rating and Ranking</li> <li>Veterans' Preference</li> </ul>	Expires when funding does	≤10
Department of Commerce	The CARES Act provided Commerce's Economic Development Administration (EDA) with funding for economic assistance programs to prevent, prepare for, and respond to COVID-19. The authority permits EDA to hire temporary personnel to implement these programs without adhering to the provisions of Title 5 of the United States Code concerning competitive hiring.  Upon completion of 2 years of continuous service, the authority also allows EDA to, as appropriate, appoint these employees into permanent competitive service positions with career or career-conditional status.	<ul style="list-style-type: none"> <li>Public Notice</li> <li>Competitive Rating and Ranking</li> <li>Veterans' Preference</li> </ul>	Expires when no longer necessary for program implementation	74

<sup>a</sup>This is based on the department's interpretation of its CARES Act authority.

<sup>b</sup>We have masked any data with 10 or fewer observations to mitigate risk of disclosure of individual identities.

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Source: GAO analysis of CARES Act and agency information. | GAO-22-104297

Officials from two of the agencies that used the CARES Act hiring authorities explained their decisions as follows:

- **Commerce’s** EDA responded to the pandemic by implementing economic assistance programs to help communities prevent, prepare for, and respond to COVID-19. The CARES Act appropriated \$1.5 billion for these programs. Commerce officials told us that they expect the CARES Act hiring authority provided to EDA to serve as a recruitment and retention tool. The CARES Act allows EDA to appoint temporary excepted service employees hired for its pandemic response to competitive service positions in EDA after 2 continuous years of service. Commerce officials explained that without the ability to appoint these temporary employees into competitive service positions, EDA could lose these employees and the knowledge gained during their time at EDA. Commerce’s hiring data show that the largest number of hires using the CARES Act hiring authority were for Economic Development Specialists, as well as Management and Program Analysts.
- **HUD** officials told us they responded to the pandemic by establishing initiatives to assist homeowners and renters living in HUD Multifamily Assisted, residential care, and Single Family Federal Housing Administration insured properties.<sup>26</sup> For instance, the Federal Housing Administration’s Single Family Housing Program Office anticipated additional homeowner defaults and delinquencies across the country due to COVID-19’s effect on unemployment. The office responded by hiring additional staff for deployment across the country. According to HUD officials, the CARES Act DHA made it easier to fill positions as it streamlined the hiring process.

Officials from three agencies that did not use the CARES Act hiring authorities in 2020 explained their decisions as follows:

- **CFTC and SEC** officials stated that they did not make any hires because they met their pandemic response needs using current officials or authorities. Despite not making any hires using the CARES Act authority, officials at both agencies said that having the authority

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<sup>26</sup>HUD Multifamily Assisted property includes properties that receive HUD project-based assistance through its Section 8 rental assistance program; Section 202 Housing for Low-income Elderly; or Section 811 Housing for Persons with Disabilities programs; and some former assisted multifamily properties. Residential Care Facilities includes nursing homes, assisted living facilities, and board and care housing. Single Family housing refers to dwellings containing between one and four units.

was valuable, as they would allow their respective agencies to respond quickly if their hiring needs changed.

- **Treasury** officials stated they were still defining workforce needs and creating position descriptions for its loan program office in 2020. As a result, Treasury was not ready to use the CARES Act authority in 2020. However, by April 2021, Treasury officials told us that the agency had hired new employees using the CARES Act authority in 2021, and was recruiting, interviewing, and extending tentative employment offers, pending the completion of security clearances.

### Three of the Five Agencies Used Their OPM-Approved DHA

To assist agencies with their pandemic response hiring needs, OPM expedited the DHA request process by reducing the amount of agency information required, making it easier and faster for agencies to request and receive DHA approval. As previously stated, four agencies—HHS, SBA, Smithsonian, and VA—requested and received new DHAs from OPM to respond to the pandemic. Also, USDA requested an amendment to a pre-authorized DHA. Table 1 provides information on the number of hires made at each agency using these DHA authorities.

**Table 1: Agencies' Use of COVID-19 OPM-Approved Direct Hiring Authority, 2020**

Agency	Number of Hires
Veterans Affairs	4,215
Department of Health and Human Services	985
Department of Agriculture	<sup>a</sup>
Small Business Administration	0
Smithsonian Institution	0

Source: GAO analysis of agency information. | GAO-22-104297

<sup>a</sup>The Department of Agriculture's direct hire authority was first approved prior to the COVID-19 pandemic. Later amendments to the authority cited the pandemic as an additional factor that created hiring challenges for ongoing work. Because the authority was provided prior to the pandemic, we were unable to distinguish COVID-19 related hires from those made for other purposes.

Three of these five agencies—HHS, VA, and USDA—used their DHAs to make hires in 2020. Agency officials provided the following information about using these DHAs:

- **HHS** officials stated that almost all of HHS's component agencies had experienced a change in mission requirements since the pandemic

began. This change affected how the components conducted their workforce planning efforts and which positions were included in their DHA requests. For example, HHS staff at a component agency told us that as the pandemic progressed, they needed to modify existing requests to meet emerging needs. They may continue to modify requests if their response role expands further. Data on HHS hires showed the largest number of hires using the expedited DHAs were for Consumer Safety Officers, Public Health Analysts, and Public Health Advisors.

- **VA** officials stated that the expedited DHA enabled VA to fill key mission essential positions in support of health care and cemetery operations, in addition to functions related to processing VA's claims inventory. VA staff said the expedited DHA provided a streamlined recruitment and selection process while also enabling the agency to meet its long-term recruitment needs. Data on VA hires showed the largest number of hires using the expedited DHA were for Health Aides and Food Service Workers.
- **USDA** officials stated that they requested an amendment to a DHA approved prior to COVID-19 because COVID-19 had become an additional factor to contributing to hiring challenges associated with food inspection, seasonal firefighting, and farmer assistance programs. According to the officials, USDA used this amended authority to bring on about 3,500 hires between March and December 2020. They explained that this work was ongoing and, while the challenges posed by COVID-19 made hiring more difficult, the work did not change because of the pandemic. For this reason, it is not possible to differentiate COVID-19 response work from other work authorized in their amended DHA.

Two agencies—SBA and Smithsonian—did not use their DHAs to make hires in 2020. Agency officials told us the following about not using the expedited DHAs in 2020:

- **SBA** officials told us in March 2021 that they were still assessing their current and future hiring needs for implementing the Paycheck Protection Program (PPP), which was created in March 2020 by the

CARES Act to help small business with payroll and other costs.<sup>27</sup> SBA staff explained that small businesses that received PPP loans could either request forgiveness of the loans or pay back the loans based on their use of the funding, and that SBA was still collecting information on the status of PPP loans. The final determination of how many businesses would pay back their PPP loans would determine the number of staff SBA would need to hire to administer the loan program. Until such time, SBA was unable to accurately determine its hiring needs.

- **Smithsonian** officials stated that early in the pandemic, they identified a need for positions such as security guards, police, animal caretakers, and maintenance work due to higher than normal turnover brought on by the pandemic, as well as agency estimates of increased sick leave use. Smithsonian officials told us they were initially concerned about training costs and retention of employees hired under the authority. However, after discussions with stakeholders they told us they have strategies to mitigate these concerns. Thus, although they did not use this authority in 2020, Smithsonian officials told us in June 2021 that they planned to use the expedited DHA in 2021, as they believe it is the best option to fill positions quickly in preparation for re-opening the museums.

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## Six of the 10 Selected Agencies Used the COVID-19 Schedule A Authority to Make Hires in 2020

On March 20, 2020, OPM issued a memorandum to the heads of executive departments and agencies and posted guidance on its COVID-19 web page outlining the creation of the COVID-19 Schedule A authority, which was effective through March 31, 2021. On March 29, 2021, OPM updated its COVID-19 Schedule A guidance and extended the expiration date by 9 months to December 31, 2021 or the expiration of the national

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<sup>27</sup>The PPP provided affected small businesses with low interest, fully forgivable loans to pay eligible expenses, such as payroll costs including certain benefits. Recipients can also use the funds to pay certain nonpayroll costs such as interest on mortgages, rent, and utilities. PPP loans are fully forgivable when used for qualified expenses and consistent with program requirements. In March 2021, we added Emergency Loans for Small Businesses to our list of high-risk areas because of the limited controls built into the PPP and another loan approval program's processes. See [GAO-21-119SP](#), 128. For more information on the PPP, see GAO, *Paycheck Protection Program: SBA Added Program Safeguards, but Additional Actions Are Needed*, [GAO-21-577](#) (Washington, D.C.: July 29, 2021) and *Small Business Administration: COVID-19 Loans Lack Controls and Are Susceptible to Fraud*, [GAO-21-117T](#) (Washington, D.C.: Oct. 1, 2020).

emergency, whichever comes first. Agencies were authorized to use this authority to fill positions on a temporary basis for up to 1 year, with the option for an extension of up to 1 additional year, as needed in response to, or as a result of, COVID-19.

Of the 10 agencies in our scope, six used the COVID-19 Schedule A authority to make hires during 2020. We found that three agencies—HHS, SBA, and VA—each used the authority to make between 400 and 1,000 hires (see table 2).

**Table 2: Selected Agencies' Use of COVID-19 Schedule A Hiring Authorities, 2020**

Agency	Number of Hires Made
Veterans Affairs	913
Department of Health and Human Services	461
Small Business Administration	449
Department of Agriculture	112
Department of Treasury	≤10 <sup>a</sup>
Smithsonian Institution	≤10 <sup>a</sup>
Commodity Futures Trading Commission	0
Department of Commerce	0
Department of Housing and Urban Development	0
Securities and Exchange Commission	0

Source: GAO analysis of agency information. | GAO-22-104297

<sup>a</sup>We have masked any data with 10 or fewer observations to mitigate risk of disclosure of individual identities.

Agency officials told us the following about their use of this authority:

- HHS** officials told us that the hiring authority helped the agency by shortening the hiring timeline, enabled component agencies to share relevant applicant pools, and allowed for the targeted recruitment of applicants specifically seeking COVID-19 related positions. HHS officials said they would continue to use the authority in 2021 after OPM extended its expiration. Data provided by HHS officials showed that the largest number of hires using the COVID-19 Schedule A authority were for Medical Support Assistants, Nursing Assistants, and Security Guards.

- **SBA** officials stated that they used the authority to hire staff for their PPP and Economic Injury Disaster Loans loan approval processes.<sup>28</sup> SBA made these hires while developing its workforce plan for the long-term administration of these loans. As SBA identifies permanent or long-term work, it will examine options for utilizing its DHA. Data provided by SBA officials showed that the largest number of hires using the COVID-19 Schedule A authority were for Loan Specialists, and Outreach and Marketing Specialists.
- **VA** officials told us the authority was used within the agency to recruit health aides for COVID-19 screening work.<sup>29</sup>

We also found that USDA used the authority to make less than 120 hires. Two additional agencies—Smithsonian and Treasury—each used the authority to make 10 or fewer hires.

- **USDA** officials stated that this authority provided a quicker process to fill positions than other available authorities.
- **Treasury** officials stated that Departmental Offices used this hiring authority to respond to the pandemic and will continue using the authority to the extent possible.
- **Smithsonian** officials told us they are considering using this authority again in the future to hire for additional vacancies.

Four of our selected agencies—CFTC, Commerce, HUD, and SEC—did not make any hires using the COVID-19 Schedule A hiring authority in 2020. Commerce officials stated that the COVID-19 Schedule A hiring authority prevented them from appointing temporary employees to positions in their EDA in the same manner that their CARES Act excepted service authority did. Specifically, according to Commerce officials, their CARES Act authority allowed them to place the temporary employees into the competitive service after 2 years while the COVID-19 Schedule A did not.

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<sup>28</sup>SBA's Economic Injury Disaster Loans allow borrowers to meet financial obligations and operating expenses that could have been met had the disaster not occurred.

<sup>29</sup>To protect patients and staff, VA screens everyone for coronavirus symptoms and exposure each time they enter a health facility. VA staff use the information received to direct people to either enter the building or go to a designated area for additional screening.

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## Although Some Agencies Did Not Initially Understand COVID-19 Hiring Authorities, Selected Agencies' Experiences During The Pandemic Identified Lessons Learned

Some of the selected agencies did not initially understand how to use the COVID-19 related hiring authorities. For example, VA officials told us that an obstacle the agency experienced when using the COVID-19 related authorities was understanding the difference between the traditional Schedule A Appointing Authority for individuals with disabilities and the COVID-19 Schedule A authority.<sup>30</sup> However, according to VA officials, VA's Chief Human Capital Office issued guidance and related training to clarify distinctions. Smithsonian officials told us they were initially unaware of certain legal distinctions involved in requesting DHAs from OPM due to previously never requesting them. As a result, they did not know which positions would meet OPM's requirements for DHA approval. However, according to Smithsonian officials, OPM provided guidance and assistance during the request process that helped to clarify the legal distinctions.

In addition to understanding how to use the COVID-19 hiring authorities, the selected agencies described four lessons learned that could help agency officials improve the use of hiring authorities in future emergencies.

**Collaborate with internal stakeholders to maximize information sharing.** Agency officials at five of the selected agencies cited benefits that came from collaboration and information sharing with internal stakeholders. This allowed them to better understand and use available hiring authorities. For example, Commerce officials stated that they successfully filled more than half the open positions in their EDA by July 2020 by collaboratively identifying workforce needs as well as changes

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<sup>30</sup>Schedule A refers to a group of positions. One type of Schedule A hiring authority is used to appoint persons with severe physical disabilities, psychiatric disabilities, and intellectual disabilities. Such individuals may qualify for conversion to the competitive service after 2 years of satisfactory service. Severe physical disabilities include but are not limited to blindness, deafness, paralysis, missing limbs, epilepsy, dwarfism, and more (5 C.F.R. § 213.3102(u)). Another type of Schedule A is used to appoint readers, interpreters, and personal assistants for employees with severe disabilities as reasonable accommodations. 5 C.F.R. § 213.3102(l).

needed to expedite the hiring process. This success was a result of early collaboration and commitment among internal stakeholders, such as the EDA, and Commerce's Human Resources and Security Offices. This, in turn, allowed the agency to prioritize hiring needs and review available authorities.

Smithsonian officials stated that the agency created a working group that included senior officials with experience in requesting and using DHAs from their prior work at other agencies. This group enabled officials to share knowledge regarding the definition of key terminology as well as gain insight into OPM's views. This assisted the Smithsonian in requesting and receiving DHAs from OPM based on its critical hiring needs resulting from the pandemic.

**Identify hiring needs and know available hiring authorities.** Several of the selected agencies stated that the pandemic prompted officials to inventory not only their currently available hiring authorities but also the positions needed for their pandemic response and how long those positions would be needed. This knowledge helped officials match their workforce needs to the appropriate hiring authority. For example, CFTC officials analyzed how the U.S.'s commodities market and its agency programs might be affected by the pandemic and identified where they may have hiring needs. As a result, CFTC realized it could meet its hiring needs using available staff and previously available hiring authorities and did not need to use the CARES Act or COVID-19 Schedule A hiring authorities.

An outcome of this inventory process for some agencies was documenting and distributing the results to agency hiring managers, as well as updating already available documents. For example:

- **HUD** created inventories that listed hiring authorities available for immediate use. These inventories detailed both regular and COVID-19 related hiring authorities, the requirements for their use, and contacts for hiring managers seeking more information. According to HUD officials, the inventories were distributed internally to administrative officers and resource managers. This effectively increased the number of knowledgeable officials. Overall, these inventories enabled managers to consider different options for filling positions. Thus, managers could compare the requirements and limitations for each available hiring authority in a single document.
- **SEC** officials told us that, in March 2019, they had created a document summarizing their available hiring authorities. They updated

the document in April 2020 to include the two additional hiring authorities available to the agency during the pandemic—the CARES Act and the COVID-19 Schedule A authorities. Once the CARES Act authority expired in December 2020, SEC officials updated the document and removed the authority. According to SEC officials, the document is provided to hiring managers and used during hiring conversations. SEC officials stated that the feedback from hiring managers has been positive since its implementation in March 2019.

**Identify challenge to hiring and develop workarounds.** During our discussions with selected agencies regarding their experiences using the COVID-19 related hiring authorities, SBA described the challenge of hiring a large number of employees within a short time frame. Specifically, SBA officials described using the federal talent acquisition systems, such as USA Staffing, to hire large numbers of employees, including those hires made using the COVID-19 related hiring authorities.<sup>31</sup> Officials from SBA stated that they found that candidates may apply to multiple positions and for positions in more than one location simultaneously. This could potentially lead to the same individual being selected for multiple positions and locations. As a result, SBA risked positions being left unfilled that would need to be filled by additional qualified applicants, or sometimes re-announced.

SBA officials told us they identified a workaround to the problem of making offers to candidates that had applied for multiple positions on USA Staffing. Specifically, SBA officials developed an external applicant system designed to track applicant email addresses. This allowed SBA officials to more easily identify duplicate applications. SBA officials then used USA Staffing to issue job offers.

**Request changes to hiring authorities in response to evolving hiring needs.** As the pandemic progressed, the effect on selected agencies'

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<sup>31</sup>The USAJOBS website, which is managed by OPM, is the primary source for information about federal jobs and employment opportunities. It provides interested citizens with information on federal job opportunities and allows them to submit applications for these jobs. Agencies use third-party talent acquisition systems that are integrated with USAJOBS to post job opportunity announcements on the website, and to record decisions about which applicants are deemed qualified and which are referred to the hiring manager and selected. These include USA Staffing, which is a system run by OPM, and systems offered by private sector contractors or created in house by federal agencies. Agencies' talent acquisition systems also serve as a mechanism to obtain applicant information to support the process of selecting and onboarding job seekers.

hiring needs changed. As a result, some of the agencies that relied on DHAs had to request changes from OPM. In HHS's case, this slowed down its hiring efforts. For example, HHS officials reported needing OPM approval to changes in position titles or levels of positions to match the experience level of the individual the agency wanted to hire. HHS officials indicated that the need for OPM approval slowed down their hiring efforts.<sup>32</sup> Because of the uncertainty regarding the scope or length of the pandemic, HHS officials stated an interest in OPM extending the deadlines of their DHAs and their use of the COVID-19 Schedule A authority, both of which helped the agency hire officials more efficiently.

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## OPM Plans To Review Agencies' Use Of COVID-19 Related Hiring Authorities In 2022 But Has Not Developed Plans To Capture Lessons Learned

OPM's staffing review and annual Human Capital Review (HCR) meetings may provide the agency with insight into how agencies used COVID-19 related hiring authorities and agencies' experiences and challenges hiring and meeting staffing needs during the pandemic. OPM's Merit System Accountability and Compliance (MSAC) division conducts both the staffing reviews and the HCR meetings.<sup>33</sup> According to OPM officials, MSAC plans to review COVID-19 related hiring authorities in its staffing reviews beginning in fiscal year 2022, and will schedule HCR meetings for fiscal year 2023. The results of these reviews and meetings may allow OPM to capture lessons learned—a systematic means to learn from specific events or day-to-day operations and decide when and how to use that knowledge. However, according to OPM officials, the agency has yet to develop plans to collect lessons learned from agencies on their use of COVID-19 related hiring authorities through these or other means. We have found that collecting and sharing lessons learned from programs

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<sup>32</sup>OPM officials noted that the review and approval of requested changes to hiring authorities is necessary to ensure that the changes are warranted and consistent with regulatory standards.

<sup>33</sup>According to OPM's website, key components of MSAC's oversight and compliance program include Human Resources Management Evaluations, Delegated Examining Audits, Accountability, Political Conversions, and Voting Rights.

or projects helps organizations share information for improving work processes and factor beneficial information into future planning.<sup>34</sup>

**Staffing reviews.** OPM's staffing reviews are periodic evaluations that review agency hiring activity, among other things. According to OPM MSAC guidance, the staffing reviews may be limited to competitive examining or expanded as necessary to assess the use of all hiring authorities, or any area of concern identified during the reviews.<sup>35</sup> Officials with OPM's MSAC division stated that OPM plans to review or assess government-wide use of the COVID-19 related hiring authorities in its staffing reviews beginning in fiscal year 2022. OPM officials explained that they have been focused on providing agencies with authorities that could assist agencies with hiring the staff needed to meet their mission responsibilities and that efforts to determine the efficacy of OPM-issued COVID-19 hiring authorities prior to fiscal year 2022 may be premature. For example, OPM officials noted that data on agencies' use of the COVID-19 hiring authorities are currently unavailable.

Officials from OPM's MSAC division reported that they are in the process of planning their schedule for fiscal year 2022 staffing reviews and that such reviews would include assessing the use of the hiring authorities granted specifically for COVID-19 responses. According to OPM MSAC officials, when planning their reviews, they first determine which agencies and/or component agencies will be examined in an upcoming year. They say agency selection, as well as the frequency of conducting a staffing review at a specific agency, is based on criteria such as past evaluations, concerns identified during OPM's most recent assessment of the agency's evaluation system, or if an agency has known deficiencies in an area. Second, MSAC examines data on hiring actions at the agencies it has selected to evaluate to determine level of usage and variety of hiring authorities used. Finally, MSAC selects which hiring authorities to sample in its evaluation.

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<sup>34</sup>GAO, *DOD Utilities Privatization: Improved Data Collection and Lessons Learned Archive Could Help Reduce Time to Award Contracts*, [GAO-20-104](#) (Washington, D.C.: Apr. 2, 2020); *Project Management: DOE and NNSA Should Improve Their Lessons-Learned Process for Capital Asset Projects*, [GAO-19-25](#) (Washington, D.C.: Dec. 21, 2018); *Federal Real Property Security: Interagency Security Committee Should Implement a Lessons-Learned Process*, [GAO-12-901](#) (Washington, D.C.: Sept. 10, 2012).

<sup>35</sup>Office of Personnel Management, Merit System Accountability and Compliance, Agency Compliance and Evaluation, *The ACE Evaluator Handbook*, (Washington D.C.: September 2020).

Given this, MSAC officials have not yet determined which agencies or authorities will be specifically included in its fiscal year 2022 staffing reviews, although they stated that COVID-19 related hiring authorities will be included. According to OPM officials, after the results of the staffing reviews have been finalized OPM will determine whether or not the results, including any findings related to COVID-19 related hiring authorities, will be shared more broadly or used to inform government-wide efforts for future pandemics or emergencies.

**Annual Human Capital Review (HCR).** The annual HCR provides an opportunity for agencies to discuss human capital management issues—including their top human capital challenges and successes—with OPM so that they might serve as models for other agencies with similar issues. Among other things, the HCRs are to cover the implementation of strategies and practices to attract and hire needed talent, which could include the use of hiring authorities. The results are compiled and issued in a final report made available to agencies government-wide on OPM's website. Agencies may use such information, which may include lessons learned, to improve human capital management within their own organization.

OPM held the first HCRs with each of the 24 Chief Human Capital Officer executive agencies beginning in fiscal year 2019 to identify government-wide trends, provide technical assistance, and take action with agencies to promote a more effective government. As previously reported in our 2021 High-Risk work on strategic human capital management, OPM canceled its HCR meetings with agency officials for 2020.<sup>36</sup> On March 20, 2020, OPM issued a memorandum to federal agencies stating that these meetings were canceled due to work demands related to the COVID-19 pandemic.<sup>37</sup> In May 2021, OPM officials stated that no HCRs were scheduled for fiscal year 2021 due to the change in administration and a transition in OPM's agency leadership. OPM noted that the next planned HCRs would occur in fiscal year 2023. According to OPM officials, OPM has frequent and recurring conversations with agency Chief Human Capital Officers and the cancellation of the 2020 HCRs had no impact on agencies' access to OPM. However, we have previously reported that

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<sup>36</sup>GAO-21-119SP, 49.

<sup>37</sup>Office of Personnel Management, *Memorandum: Human Capital Reviews in Fiscal Year (FY2020)*, (Washington, D.C: Mar. 20, 2020).

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informal information sharing does not ensure everyone is benefiting from the lessons that are gleaned.<sup>38</sup>

HCRs provide opportunities for OPM to collect and share practices across agencies. For example, in its 2019 Human Capital Review report, OPM shared notable practices collected from agencies government-wide, including how USDA's Human Resources consultants share all hiring flexibilities, including pay flexibilities, with hiring managers when discussing vacancies.<sup>39</sup> In addition, OPM shared government-wide concerns around attrition rates for scientific and technical positions, as well as an inability to hire fast enough to meet demands.

As the chief human resources agency and personnel policy manager for the federal government, OPM plays an important role in understanding any potential government-wide hiring challenge during national emergencies, such as the current COVID-19 pandemic, and determining what strategies have been helpful to address those challenges. We have previously reported that OPM's oversight evaluations provide an in-depth understanding of how specific authorities could contribute to an effective hiring process.<sup>40</sup> The results of both the staffing review and the HCR could help inform OPM evaluations as well as current and future guidance provided by OPM to agencies. Additionally, collecting and sharing agencies' lessons learned on the recent use of COVID-19 related hiring authorities could help inform OPM and agencies on the benefits and challenges of using these authorities in the future.<sup>41</sup>

According to key practices that we and others have identified for both program and project management, it is important to identify and apply lessons learned from programs, projects, and missions to limit the chance

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<sup>38</sup>[GAO-19-25](#).

<sup>39</sup>Office of Personnel Management, *Fiscal Year 2019: Human Capital Reviews Report* (Washington, D.C.: March 2020).

<sup>40</sup>[GAO-16-521](#).

<sup>41</sup>According to OPM officials, OPM does not have oversight authority over Treasury's use of its CARES Act hiring authority. Assuming this is the case, it does not preclude OPM from discussing Treasury's use of the CARES Act hiring authority for purposes of informing OPM on the effectiveness of the authority and gathering lessons-learned to share.

of recurrence of previous failures or difficulties.<sup>42</sup> Key practices of a lessons-learned process include collecting, analyzing, saving or archiving, and sharing and disseminating information and knowledge gained on positive and negative experiences.<sup>43</sup> Lessons learned serve to communicate knowledge more effectively and to ensure that beneficial information is factored into planning, work processes, and activities. We and others have also previously found that lessons learned should be submitted in a timely manner to ensure that key information is available to identify and address problems or incorporate successful activities as early and quickly in the process as possible. For example, we found that lessons-learned reports (i.e., reports documenting lessons-learned reviews) should be prepared promptly so that knowledgeable personnel are available to contribute to the reports, important details are recalled accurately, and there are no delays in the dissemination of lessons learned.<sup>44</sup>

OPM has had experience in collecting and sharing useful information to assist agencies in responding to national emergencies. During the influenza pandemic in 2009, OPM issued guidance to agencies that included information on available hiring authorities as well as specific examples of human resources strategies implemented by federal agencies.<sup>45</sup> The initiative to develop this guidance originated from White House officials, as part of a comprehensive approach to address the threat of the influenza pandemic that began in November 2005. As part of this approach, OPM issued its guidance in three installments over the course of 2006 with an update issued in 2009. OPM officials stated while no plans have been developed yet to collect and share lessons learned

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<sup>42</sup>GAO-12-901; *Telecommunications: GSA Needs to Share and Prioritize Lessons Learned to Avoid Future Transition Delays*, GAO-14-63 (Washington, D.C.: Dec. 5, 2013); and NASA: *Better Mechanisms Needed for Sharing Lessons Learned*, GAO-02-195 (Washington, D.C.: Jan. 30, 2002). We also identified lessons-learned practices from reports by both the Project Management Institute and the Center for Army Lessons Learned. Project Management Institute, Inc., *A Guide to the Project Management Body of Knowledge* (PMBOK® Guide), Sixth Edition (2017); Project Management Institute, Inc., *Implementing Organizational Project Management: A Practice Guide*, First Edition (2014); and Center for Army Lessons Learned, *Establishing a Lessons Learned Program*.

<sup>43</sup>GAO-19-25.

<sup>44</sup>GAO, *Combatting Nuclear Smuggling: Lessons Learned from Cancelled Radiation Portal Monitor Program Could Help Future Acquisitions*, GAO-13-256 (Washington, D.C.: May 13, 2013).

<sup>45</sup>Office of Personnel Management, *Planning for Pandemic Influenza: Human Resources Information for Agencies and Departments* (Washington D.C.: May 2009).

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on pandemic hiring or agencies' use of COVID-19 related hiring authorities, discussions on pandemic hiring will take place.

If OPM is not able to identify government-wide trends, such as pandemic-related hiring challenges, it cannot take a strategic approach in determining which hiring authorities are most effective at meeting merit principles, policy, and mission goals. Further, OPM may risk significantly hindering the government's ability to recruit, hire, retain, and manage its current COVID-19 pandemic workforce as well as for future pandemics or emergencies.

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## Conclusions

The Congress and OPM provided COVID-19 related hiring authorities to help agencies respond to, and address, the pandemic by reducing the administrative burden. Use of the COVID-19 related hiring authorities varied among agencies, and some COVID-19 hiring authorities were used more extensively than others to meet agencies' hiring needs during the pandemic. In addition, some agencies did not initially understand how to use the various COVID-19 hiring authorities. However, through their experience with using, or considering the use of, these hiring authorities, the selected agencies identified four initial lessons that they learned that could help agency officials improve the use of hiring authorities in future emergencies.

OPM has existing mechanisms that could provide opportunities to learn about agencies' experiences using COVID-19 related hiring authorities. However, OPM has yet to develop plans to collect or widely share lessons learned from agencies' use of the COVID-19 related hiring authorities. To identify broader lessons about how best to quickly address hiring needs in response to emergencies, it is critical for OPM to collaborate with agencies to determine the various hiring authorities' contribution to the effectiveness of the pandemic hiring process. Collecting and sharing lessons learned from agencies' use of COVID-19 related hiring authorities, either through its existing mechanisms or other processes, would help OPM understand how the various hiring authorities could best be used during future pandemics or emergencies and identify opportunities to improve the hiring process.

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## Recommendation

The Director of OPM, in conjunction with the Chief Human Capital Officers Council, should develop and implement a process for collecting and sharing comprehensive government-wide information on the lessons learned associated with agencies' use of different hiring authorities in response to the COVID-19 pandemic. (Recommendation 1)

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## Agency Comments

We provided a draft of this report to OPM and the 10 agencies selected for review — CFTC, Commerce, HHS, HUD, SBA, SEC, Smithsonian, Treasury, USDA, and VA. OPM provided comments, which are reproduced in appendix II. CFTC, Commerce, HHS, HUD, SBA, Smithsonian, and USDA told us that they had no comments on the draft report.

In its comments, OPM concurred with our recommendation and stated that it is committed to conducting a review of the hiring flexibilities authorized to aid agencies in their COVID-19 response and mission. OPM noted that it would analyze the results of its review to determine what, if any, lessons were learned and share their findings with agencies. In addition, OPM, SEC, Treasury, and VA provided technical comments, which we incorporated as appropriate.

We are sending copies to the appropriate congressional committees; the Director of the Office of Personnel Management, the Secretaries of Agriculture, Commerce, Health and Human Services, Housing and Urban Development, the Smithsonian Institution, Treasury, and Veterans Affairs; the Administrator of the Small Business Administration; the Chair of the Securities and Exchange Commission; and the Acting Chair of the Commodity Futures Trading Commission. In addition, the report will be available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-6806 or [rosenbergm@gao.gov](mailto:rosenbergm@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff members who made key contributions to this report are listed in appendix III.

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Letter

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A handwritten signature in black ink that reads "Michelle B. Rosenberg". The signature is written in a cursive style with a long horizontal flourish at the end.

Michelle B. Rosenberg  
Director, Strategic Issues

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*List of Addressees*

The Honorable Patrick Leahy  
Chairman  
The Honorable Richard Shelby  
Vice Chairman  
Committee on Appropriations  
United States Senate

The Honorable Ron Wyden  
Chairman  
The Honorable Mike Crapo  
Ranking Member  
Committee on Finance  
United States Senate

The Honorable Patty Murray  
Chair  
The Honorable Richard Burr  
Ranking Member  
Committee on Health, Education, Labor, and Pensions  
United States Senate

The Honorable Gary C. Peters  
Chairman  
The Honorable Rob Portman  
Ranking Member  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Kyrsten Sinema  
Chair  
The Honorable James Lankford  
Ranking Member  
Subcommittee on Government Operations and Border Management  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Rosa L. DeLauro  
Chair

The Honorable Kay Granger  
Ranking Member  
Committee on Appropriations  
House of Representatives

The Honorable Frank Pallone, Jr.  
Chair  
The Honorable Cathy McMorris Rodgers  
Republican Leader  
Committee on Energy and Commerce  
House of Representatives

The Honorable Bennie G. Thompson  
Chairman  
The Honorable John Katko  
Ranking Member  
Committee on Homeland Security  
House of Representatives

The Honorable Carolyn B. Maloney  
Chairwoman  
The Honorable James Comer  
Ranking Member  
Committee on Oversight and Reform  
House of Representatives

The Honorable Mark Takano  
Chairman  
Committee on Veterans' Affairs  
House of Representatives

The Honorable Richard E. Neal  
Chair  
The Honorable Kevin Brady  
Republican Leader  
Committee on Ways and Means  
House of Representatives

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Letter

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The Honorable Chris Pappas  
Chairman  
Subcommittee on Oversight and Investigations  
Committee on Veterans' Affairs  
House of Representatives

## Appendix I: Objectives, Scope and Methodology

This report examines: (1) the Coronavirus Disease 2019 (COVID-19) related hiring authorities provided to agencies to hire federal employees and the extent to which selected agencies have used them; (2) selected agencies' experiences using the COVID-19 related hiring authorities, including lessons learned for improving the use of hiring authorities for future emergencies; and (3) Office of Personnel Management (OPM) efforts to assess agencies' use of the COVID-19 related hiring authorities.

To determine the COVID-19 related authorities provided to agencies to hire federal employees, we reviewed the CARES Act to identify the agencies that received statutory hiring authorities for their response work.<sup>1</sup> In addition, we interviewed OPM officials about any special hiring authorities it provided to agencies to respond to needs related to COVID-19. Based on this information, we identified the following three categories of COVID-19 related hiring authorities provided to agencies: (1) statutory authorities provided directly to agencies in the CARES Act; (2) expedited OPM delegations of Direct Hire Authority (DHA); and (3) the government-wide COVID-19 Schedule A hiring authority.

To determine the extent to which the selected agencies have used these hiring authorities we determined which agencies either: (1) received hiring authorities under the CARES Act, or (2) requested and received expedited DHA related to the public health emergency from OPM between March 1 and September 30, 2020. That resulted in the identification of 10 agencies. The Departments of Commerce (Commerce), Housing and Urban Development (HUD), and the Treasury (Treasury); the Commodity Futures Trading Commission (CFTC); and the Securities and Exchange Commission (SEC) received hiring authorities

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<sup>1</sup>Pub. L. No. 116-136, 134 Stat. 281 (2020). As of August 25, 2021, five other relief laws were also enacted in response to the COVID-19 pandemic: the American Rescue Plan Act of 2021, Pub. L. No. 117-2, 135 Stat. 4 (2021); the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1182 (2020); Paycheck Protection Program and Health Care Enhancement Act, Pub. L. No. 116-139, 134 Stat. 620 (2020); Families First Coronavirus Response Act, Pub. L. No. 116-127, 134 Stat. 178 (2020); and the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020, Pub. L. No. 116-123, 134 Stat. 146. In this report, we are reviewing only those hiring authorities provided in the CARES Act.

under the CARES Act. The Departments of Agriculture (USDA) and Veterans Affairs (VA); the Small Business Administration (SBA); and the Smithsonian Institution (Smithsonian) each received DHA from OPM. The Department of Health and Human Services (HHS) received both. Because of limited information on which agencies had used or planned to use the government-wide COVID-19 Schedule A hiring authority, we did not use this authority to select agencies for our review.

For each of the 10 identified agencies, we interviewed or collected information from agency officials about their pandemic response efforts, staffing estimates, the number of hires made using the COVID-19 related hiring authorities, and how these authorities facilitated the agency's pandemic response work. We also asked the officials about, and reviewed documentation regarding, agency tracking and oversight of these authorities.<sup>2</sup> We reviewed agency guidance documents outlining the use of CARES Act authorities, request and approval documents related to expedited OPM-delegations of DHA, and available OPM or agency guidance related to DHA and the COVID-19 Schedule A hiring authority.

Finally, we obtained agency hiring data on the number of hires made using each of the COVID-19 related hiring authorities between March 1, 2020, and December 31, 2020. We requested agency data related to: position description, appointment authority, agency, and the entry on duty date. To assess the reliability of the data, we reviewed information from agency officials about the data systems they used for human capital records related to hiring. We also used online reference tools provided by OPM to match nature of action or authority codes to those contained within the agency data, and verified these, where appropriate, against OPM guidance on data coding. This included OPM guidance on coding associated with DHA delegation and use of the COVID-19 Schedule A hiring authority. Where agency data files contained legal citations, we verified that these matched the hiring authorities reported by the agencies. We also reviewed documentation of agency quality assurance procedures, agency error reports, checklists, and guidance related to the use of agency data internal control systems. Based on these actions, we determined that the data were sufficiently reliable for the purposes of determining the number of hires made using specific COVID-19 related hiring authorities.

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<sup>2</sup>We did not review the appropriateness or legality of the use of the hiring authorities by any subcomponents or programs within the selected agencies.

To describe agencies' experiences using the COVID-19 related hiring authorities, we interviewed or collected information from relevant human resources officials at the selected agencies to learn about their experiences using the selected COVID-19 related hiring authorities, including their reasons for using one authority over another, and how the use of the authorities helped agencies meet their hiring or other mission needs. In addition, we asked agency officials for any lessons learned for the current pandemic or future emergencies that derived from agency experience in using these hiring authorities. We used the results of these interviews to identify common COVID-19 related hiring issues reported across agencies and to describe how agencies leveraged the available hiring authorities to address them, where they did so. As part of our work in capturing lessons learned, we also reviewed our own reports and other resources they referenced on lesson learned reporting and procedures for collecting and using agency experiences to create lessons.

To examine OPM's efforts to assess agencies' use of the COVID-19 related hiring authorities, we identified and reviewed OPM policies for, and documentation of, hiring authority oversight as they relate to hiring authorities described above. As part of this work, we reviewed OPM guidance provided to agencies on the use of DHA and COVID-19 Schedule A hiring authorities and other related documentation. We also reviewed applicable statutes, regulations, and other requirements that outline OPM's oversight responsibilities for the use of federal hiring authorities including those related to OPM's annual Human Capital Reviews (HCR). As part of this work, we also interviewed staff from OPM's Merit Systems Accountability and Compliance office (MSAC). MSAC is responsible for oversight of agency's use of hiring authorities, as well as the HCR process.

In addition, we interviewed OPM officials about their oversight work, and their pandemic-related planning. We also interviewed OPM officials about guidance, scheduled discussions, or other resources for agencies to gain information about available hiring authorities and flexibilities. As part of this work, we reviewed our prior reports concerning hiring authority use and OPM oversight.

We conducted this performance audit from April 2020 to October 2021 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that

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**Appendix I: Objectives, Scope and  
Methodology**

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the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

# Appendix II: Comments from the Office of Personnel Management



Merit System  
Accountability  
and Compliance

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

Mr. Steven Lozano  
Assistant Director  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Lozano:

Thank you for providing us the opportunity to respond to the Government Accountability Office (GAO) draft report, *OPM Should Collect and Share COVID-19 Lessons Learned to Inform Hiring During Future Emergencies*, 104297, GAO-22-104297.

Response to your recommendation is provided below. We have also offered a number of technical comments.

**Recommendation # 1:** The Director of OPM, in conjunction with the Chief Human Capital Officers Council, should develop and implement a process for collecting and sharing comprehensive government-wide information on the lessons learned associated with agencies' use of different hiring authorities in response to the COVID-19 pandemic.

**Management Response:**

**We concur.** OPM concurs with the recommendation insofar as OPM is committed to conducting a review of the hiring flexibilities authorized to aid agencies in their COVID-19 response and mission. As part of this review, we will evaluate the extent to which agencies used flexibilities and what, if any, practices exemplify human capital management practices that were effective and efficient during the pandemic. Upon completion of this review, OPM will analyze results to determine what, if any, lessons were learned, as well as best practices that may be leveraged for future emergencies, including coordination with agency Chief Human Capital Officers, as appropriate.<sup>1</sup> OPM also is committed to ongoing evaluation of the use of the authorized hiring flexibilities in its human capital management evaluations at the organizational level. Results of our findings will be reported to agencies as the evaluations are completed.

<sup>1</sup> The strategic management of human capital is primarily an OPM function. See, e.g., 5 U.S.C. § 1103(a)(5) and (7) and (c). We note that the statute creating the CHCO Council stated that the role of the CHCO was to "advise and assist the head of the agency and other agency officials in carrying out the agency's responsibilities for selecting, developing, training, and managing a high-quality, productive workforce in accordance with merit system principles," and to "implement the rules and regulations of the President and the Office of Personnel Management and the laws governing the civil service within the agency." 5 U.S.C. § 1401(1), (2). Accordingly, for this recommendation, OPM will complete this action and confer with the CHCO Council where appropriate and within the parameters of its statutory responsibility.

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**Appendix II: Comments from the Office of  
Personnel Management**

Mr. Steven Lozano

Page 2

I appreciate the opportunity to respond to this draft report. If you have any questions regarding our response, please contact Ms. Ana Mazzi, Principal Deputy Associate Director, at (202) 606-4309, or [Ana.Mazzi@opm.gov](mailto:Ana.Mazzi@opm.gov).

Sincerely,

**MARK  
LAMBERT**

Digitally signed by  
MARK LAMBERT  
Date: 2021.10.01  
17:16:36 -04'00'

Mark W. Lambert  
Associate Director

Enclosure

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## Text of Appendix II: Comments from the Office of Personnel Management

Mr. Steven Lozano Assistant Director

U.S. Government Accountability Office 441 G Street, NW

Washington, DC 20548

Dear Mr. Lozano:

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Response to your recommendation is provided below. We have also offered a number of technical comments.

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### Management Response:

We concur. OPM concurs with the recommendation insofar as OPM is committed to conducting a review of the hiring flexibilities authorized to aid agencies in their COVID-19 response and mission. As part of this review, we will evaluate the extent to which agencies used flexibilities and what, if any, practices exemplify human capital management practices that were effective and efficient during the pandemic. Upon completion of this review, OPM will analyze results to determine what, if any, lessons were learned, as well as best practices that may be leveraged for future emergencies, including coordination with agency Chief Human Capital Officers, as

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**Appendix II: Comments from the Office of  
Personnel Management**

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I appreciate the opportunity to respond to this draft report. If you have any questions regarding our response, please contact Ms. Ana Mazzi, Principal Deputy Associate Director, at (202) 606- 4309, or [Ana.Mazzi@opm.gov](mailto:Ana.Mazzi@opm.gov).

Sincerely,

Mark W. Lambert Associate Director

Enclosure

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<sup>1</sup> The strategic management of human capital is primarily an OPM function. See, e.g., 5 U.S.C. § 1103(a)(5) and (7) and (c). We note that the statute creating the CHCO Council stated that the role of the CHCO was to “advise and assist the head of the agency and other agency officials in carrying out the agency’s responsibilities for selecting, developing, training, and managing a high-quality, productive workforce in accordance with merit system principles,” and to “implement the rules and regulations of the President and the Office of Personnel Management and the laws governing the civil service within the agency.” 5 U.S.C. § 1401(1), (2). Accordingly, for this recommendation, OPM will complete this action and confer with the CHCO Council where appropriate and within the parameters of its statutory responsibility.

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## Appendix III: GAO Contact and Staff Acknowledgments

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### GAO Contact

Michelle B. Rosenberg, (202) 512-6806 or [RosenbergM@gao.gov](mailto:RosenbergM@gao.gov).

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### Staff Acknowledgments

In addition to the contact named above, key contributors to this report were Shirley Hwang and Steven Lozano (Assistant Directors), Dewi Djunaidy (Analyst in Charge), and Brett Caloia. In addition, Breanne Cave and Karin Fangman made significant contributions to this report.

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