

Highlights of GAO-18-8, a report to the Chairman, Committee on the Judiciary, U.S. Senate

## Why GAO Did This Study

USMS mission areas include fugitive apprehension, witness protection, and federal prisoner transportation, among others. USMS whistleblowers recently alleged that USMS officials engaged in improper promotion practices—such as routinely preselecting favored candidates. Investigations have substantiated multiple whistleblower allegations which has raised questions about the integrity of USMS's merit promotion process. USMS announces about 260 law enforcement promotion opportunities annually.

GAO was asked to review USMS's promotion processes and policies and effects that USMS promotion practices have on employee morale. This report examines (1) the extent to which the USMS's merit promotion policies are aligned with federal guidelines; (2) the extent to which USMS monitors its merit promotion processes; and (3) the steps, if any, USMS has taken to understand and address employee concerns about its merit promotion policies and processes. GAO analyzed data and documents on USMS promotions from October 2015 through April 2017, and found these data to be sufficiently reliable for the purposes of GAO's study. GAO also analyzed USMS documentation, and interviewed USMS officials and non-generalizable groups of employees (85 in total) in four district locations.

## What GAO Recommends

GAO recommends that USMS develop specific rater guidance and develop and implement an agency-wide action plan to better understand and address employee concerns, among other steps. USMS concurred with the recommendations.

View GAO-18-8. For more information, contact Diana Maurer at (202) 512-8777 or [maurerd@gao.gov](mailto:maurerd@gao.gov).

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## U.S. MARSHALS SERVICE

### Additional Actions Needed to Improve Oversight of Merit Promotion Process and Address Employee Perceptions of Favoritism

#### What GAO Found

The U.S. Marshals Service's (USMS) merit promotion policy aligns with relevant provisions in title 5 of the United States Code and Code of Federal Regulations, which are the government-wide laws and related provisions agencies must follow to make federal appointments. Agencies must design and administer merit promotion programs to ensure a systematic means of selection for promotion based on merit and these programs must conform to five key requirements outlined in title 5. GAO found that the USMS merit promotion plan, as revised in November 2016, aligned with each of these five requirements. For example, the first requirement states that agencies must establish merit-based procedures for promoting employees that are available in writing to candidates. The USMS merit promotion plan, which is available to employees, outlines such procedures.

USMS is taking steps to improve how it monitors the implementation of the scoring component of its process to rate promotion applications, but lacks documented guidance to ensure consistent compliance with its merit promotion policy. GAO found that USMS does not adequately monitor the rating process, which allowed for conflicts of interest with raters who may compete with candidates whose applications they score. USMS also does not monitor the rating process to ensure that raters complied with a key requirement—that raters decline to score applications of candidates with whom there is a conflict of interest, such as a supervisor-employee relationship. USMS is implementing a process change that, if implemented effectively, can address these two deficiencies. The new process entails having a third-party contractor, rather than USMS employees, determine candidates' scores. Finally, GAO found that USMS lacks documented guidance on rater scoring. USMS only provides verbal guidance to instruct raters on how to score the experience category of merit promotion packages, creating inconsistent application of the guidelines. Employees GAO met with expressed the view that such discrepancies create the perception that the rating process is unfairly subjective. Developing clear and specific documented guidance on how raters should apply the benchmark guidelines could minimize scoring inconsistency and potential rater subjectivity for both the current rating process and the new competency-based assessment.

USMS has taken limited steps to understand and address employee concerns about the promotion process. An estimated 41 percent of USMS respondents to the 2016 Office of Personnel Management Federal Employee Viewpoint Survey strongly disagreed or disagreed that USMS promotions are merit-based, while 34 percent strongly agreed or agreed, and 25 percent neither agreed nor disagreed. During discussion groups GAO held at four USMS district locations across the U.S., employees frequently expressed negative views and many indicated low or no trust that the process is fair and merit-based. Although USMS has acknowledged employees' negative perceptions of the promotion process, it has not developed an agency-wide action plan in accordance with federal guidance to better understand the nature and causes of employee concerns across districts and divisions. Providing specific and consistent information to employees about key steps in the merit promotion process and internal management decisions could improve transparency and help mitigate employee perceptions of favoritism that have negatively impacted employee morale.