

# U.S. International Trade Commission

## *Evaluation of Details*



**OIG-ER-17-01**

**October 4, 2016**



Office of Inspector General

*The U.S. International Trade Commission is an independent, nonpartisan, quasi-judicial federal agency that provides trade expertise to both the legislative and executive branches of government, determines the impact of imports on U.S. industries, and directs actions against certain unfair trade practices, such as patent, trademark, and copyright infringement. USITC analysts and economists investigate and publish reports on U.S. industries and the global trends that affect them. The agency also maintains and publishes the Harmonized Tariff Schedule of the United States.*

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*Irving A. Williamson, Chairman*

*David S. Johanson, Vice Chairman*

*Dean A. Pinkert*

*Meredith M. Broadbent*

*F. Scott Kieff*

*Rhonda K. Schmidlein*



# UNITED STATES INTERNATIONAL TRADE COMMISSION

## OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20436

October 4, 2016

IG-OO-31

Chairman Williamson:

This memorandum transmits the final report for the Evaluation of Details, OIG-ER-17-01. In finalizing this report, we analyzed management's comments to our draft report and have included those comments in their entirety as Appendix A.

This objective of the evaluation was to determine whether the Commission follows Office of Personnel Management requirements for details.

This report contains one recommendation for corrective action. In the next 30 days, please provide me with your management decisions describing the specific actions that you will take to implement the recommendation.

Thank you for the courtesies extended to the team during this review.

Philip M. Heneghan

# U.S. International Trade Commission

Discussion Draft



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## Discussion Draft

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### Results of Evaluation

The purpose of this evaluation report was to answer the question:

- Does the Commission follow OPM requirements for details?

No, the Commission did not follow OPM requirements for details.

The Office of Personnel Management (OPM) defines a detail as a temporary assignment to a different position for a specified period when the employee is expected to return to his or her regular duties at the end of the assignment. Because an employee who is on detail is considered for pay and strength count purposes to be permanently occupying his or her regular position, details don't result in higher pay for the period of the detail regardless of new responsibilities. Although similar to details, temporary promotions allow an employee to receive the higher pay associated with their new, higher graded, position. For this report, internal procedures for details and temporary promotions were evaluated together. Except for the discussion of particular rules, use of the word detail will encompass temporary promotions as well.

Federal rules require agencies to compete details and temporary promotions when:

- Temporary promotions exceed 120 days and are to a higher graded position (prior service during the preceding 365 days under noncompetitive time-limited promotions and noncompetitive details to higher graded positions count toward the 120 day total); and
- Details exceed 120 days and are to a higher grade position or to a position with higher promotion potential (prior service during the preceding 365 days under noncompetitive details to higher graded positions and noncompetitive time-limited promotions count toward the 120 day total).
- An agency details a non-SES employee into an SES position for longer than 240 days, unless exceptions apply.

Office of Personnel Management criteria required competition for six of the details and temporary promotions, but the Commission competed only three of them.

Using information obtained from the Office of Human Resources and interviews with agency management, we identified 35 internal details and temporary promotions since October 1, 2014. According to Office of Personnel Management criteria, 24 of the details and temporary promotions required documentation, and the Commission documented 23 of these.

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A review of these issues resulted in our identifying of a problem area: the Commission lacks clear direction to process details. This problem area is discussed below.

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### **Problem Area:**

*The Commission lacks clear direction to process details.*

The Commission should process details and temporary promotions in a manner that fully complies with Office of Personnel Management requirements. The Office of Human Resources is responsible for implementing policies and procedures to ensure the Commission processes its personnel actions in accordance with these requirements and to ensure personnel actions are recorded completely and accurately. An essential function of the Office of Human Resources is to provide guidance and require adherence to federal rules on all matters surrounding personnel management, including details.

We identified three instances where individuals were documented as having been detailed to a position that required competition, but were not competed.

We discussed these details with the program offices involved. The Office of Human Resources reported that they had incorrectly recorded these details, and that other undocumented factors made competition unnecessary. Through interviews, we found that the Office of Human Resources and the initiating office had different views on the detailed positions. In effect, documentation supported the office head's description of the details in a way that met the criteria and required competition, and this differed from the Office of Human Resources' view that the duties of the position had been restructured to not require competition.

The Commission did not provide clear policies and procedures for the documentation and tracking of details. Commission offices should share a consistent understanding of the nature of each detail. When an employee is detailed into a position with restructured duties, the Office of Human Resources should create a new position description and the Commission should announce the new duties of that position. Clear direction would have helped efficiently allocate resources to internal offices and would have aided the management of a continuously changing workload. If standard policies and procedures had been implemented, the Office of Human Resources could have ensured that the Commission adhered to federal competition requirements. These requirements support providing employees with an equal opportunity to apply for temporary roles that can supplement and enhance their skillset, and also allow the Commission to fill those roles with the best candidates.

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## Discussion Draft

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Additionally, during our interviews with senior management, we identified a detail that had not been documented. This individual was on detail for nearly a year without an official record of that detail. The absence of detail documentation created a number of administrative issues for the employee and his permanent office, including a lack of official records of responsibilities and duties, confusion regarding responsibility for time and attendance, performance ratings, and bonus awards.

The Commission should have clear procedures, consistent with federal requirements, for all of its details to avoid the negative effects that can occur if these procedures are not followed.

**Recommendation 1:** Develop a written policy and communicate clear guidelines on detail procedures, including competition, restructuring, and documentation.

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## Management Comments and Our Analysis

On September 23, 2016, Chairman Irving A. Williamson provided management comments (C081-OO-005) on the draft report (IG-OO-025).

The Chairman agreed with the findings of our evaluation.

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Discussion Draft

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## Objective, Scope, and Methodology

### Objective:

Does the Commission follow OPM requirements for details?

### Scope:

The scope entailed all internal details and temporary promotions of USITC personnel from October 1, 2014 to June 8, 2016. Individuals whose internal details and temporary promotions began before October 1, 2014 but extended or terminated after October 1, 2014 were included within the scope.

External details were not included because they are managed through a different process.

There is an evaluation risk that the Office of the Inspector General may not have identified all the information on all details during the evaluation period. The result of this risk is that it is possible that there could be additional issues not identified.

### Methodology:

1. Identified all relevant authority including federal regulations, statutes, internal directives, and the USITC Collective Bargaining Agreement.
2. Reviewed documentation, including Office of Human Resource documents and announcements, for all details and temporary promotions within the scope.
3. Analyzed documentation and relevant authority.
4. Conducted interviews of Commission staff to ascertain detail documentation and procedures.

# APPENDIX A: Management Comments on Draft Report



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

C081-00-005

September 23, 2016

MEMORANDUM

TO: Philip M. Heneghan, Inspector General

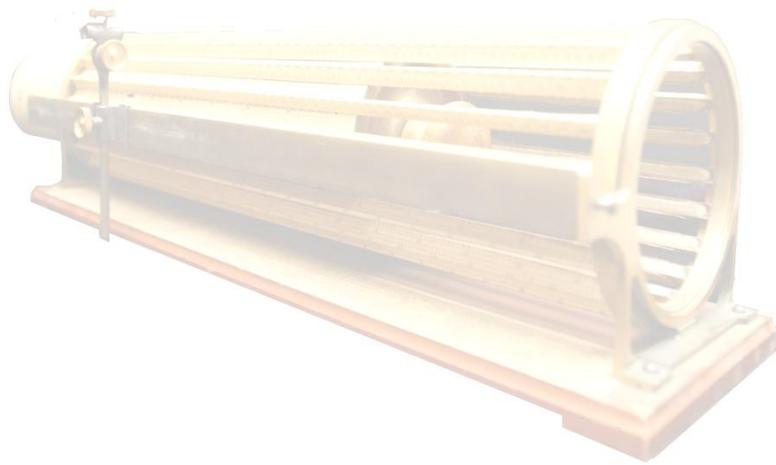
FROM: Irving A. Williamson, Chairman 

SUBJECT: Response to Draft Report – Evaluation of Details

We have reviewed the draft report of the evaluation of details at the Commission. I appreciate the opportunity to review the report and provide comments.

The draft report identified one area for improvement, (1) the Commission lacks clear direction to process details. We agree with this finding and we will develop management decisions to address the one recommendation in the draft report.

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*“Thacher’s Calculating Instrument” developed by Edwin Thacher in the late 1870s. It is a cylindrical, rotating slide rule able to quickly perform complex mathematical calculations involving roots and powers quickly. The instrument was used by architects, engineers, and actuaries as a measuring device.*

# To Promote and Preserve the Efficiency, Effectiveness, and Integrity of the U.S. International Trade Commission



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