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United States Senate

COMMITTEE ON SMALL BUSINESS
WASHINGTON, DC 20510-6350

EMILIA DISANTO, STAFF DIRECTOR
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February 14, 2000

Via Facsimile: (202) 205-6802

The Honorable Aida Alvarez
Administrator
Small Business Administration
409 Third Street, SW
Washington, DC 20416

Dear Administrator Alvarez:

This letter is to ensure that the Small Business Administration (SBA) is taking the appropriate steps to ensure those persons seeking a career position in the Federal government are not placed at an unfair disadvantage when competing with political or other non-career employees. As I am sure we can both agree, the ability of political or non-career appointees to obtain permanent career positions improperly in the Federal government remains a concern against which we should all be vigilant.

Selection of a Federal government career employee is determined on the basis of a candidate's relative knowledge, skills and abilities after a fair and open competition that is intended to ensure an equal opportunity for all candidates. (See 5 U.S.C. § 2301(b)(1)). The Federal merit system is structured so that there is a clear distinction between career and non-career employees such as political and other schedule employees. The Federal merit system exists to ensure that candidates for career positions compete under fair and open merit selection procedures. Diligent adherence to merit selection procedures remains vital to ensuring the integrity of the competitive selection process.

Deviations from merit selection procedures and appearances of favoritism can undermine the integrity of the merit system. Failure of an agency to engage in proper selection procedures may give a current non-career or political appointee candidate an unfair advantage over other applicants. Proper procedures include: establishing an appropriate grade level and qualifications requirements for a position, properly advertising the vacancy, conducting an appropriate examination of the applicants, rating and ranking those applicants correctly, and establishing an adequate recruiting area for a vacant position.

Even when proper procedures are followed, the appearance of favoritism toward non-career or political employees can exist. Such circumstances include tailoring a position's vacancy announcement to include specific work experiences possessed by non-career or political employees or placing a former political appointee in a position where no bona fide need for a career position

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exists. Of course, no personnel action may be made for or against any employee or applicant for employment on the basis of . . . political affiliation. (See 5 U.S.C. § 2302(b)(1)(E)).

In order to ensure that applicants for career positions at the SBA participate in a fair and open competitive selection process, please respond to the attached "Information Request on Competitive Career Appointments" (Attachment A) by March 17, 2000. In addition, I would appreciate your preparing the requested information according to the attached "Manner of Production" guidelines (Attachment B). Please also send updated information in three months time to be received in the Committee's offices no later than June 16, 2000. You may be asked for further follow-up information. Your participation in this effort will help guard against even the appearance of impropriety in the filling of vacant career positions at your agency. If you have any questions regarding this request, feel free to contact Paul Conlon or John Stoody at (202) 224-5175.

Thank you in advance for your attention to this important matter.

Sincerely

A handwritten signature in black ink that reads "Chris Bond". The signature is written in a cursive, slightly slanted style.

Christopher S. Bond
Chairman

Attachments

**Information Request on Competitive Career Appointments
(Attachment A)**

1. Please provide a copy of any SBA policies or procedures that specifically address career appointments of non-career or political appointees and a description of the actions the SBA has taken to ensure that the policies or procedures are universally understood and implemented.

2. Please provide a list of all political appointees to SBA positions as of January 1, 1999. Include the appointee's:
 - a. name;
 - b. current position title;
 - c. name of position's organization;
 - d. date of political appointment; and,
 - e. date of separation, if applicable.

3. Please provide a list of all employees receiving career positions at the SBA since January 1, 1999, who previously held a political or non-career appointment in any department or agency of the Federal executive branch at any time between February 1, 1993, and the present. Please include the appointee's:
 - a. name;
 - b. first career position title subsequent to political or non-career appointment;
 - c. name of career position's organization;
 - d. date of career appointment; and
 - e. date of separation from career position, if applicable.

Please also provide the following information regarding the employee's political position held most recently before appointment to a career position:

- f. political or non-career position title;
- g. name of political or non-career position's organization;
- h. date of political or non-career appointment; and,
- i. date of separation from political or non-career position.

**Manner of Production
(Attachment B)**

In preparing the information requested for production to the Committee please:

1. Repeat each request;
2. Clearly identify each document/record to which it is responsive; and
3. Organize each record or set of related records chronologically, oldest to most recent.

In the event a record(s) is responsive to more than one question, please provide a copy of the document in the first instance and refer to it subsequently by letter, number or other identifier as necessary.

Should you decide to withhold any documents/records, please identify the document/record and provide the legal basis for withholding it. In the event that any document/record is redacted in whole or in part, please identify the legal basis for the redaction. In addition, please indicate any documents that you or any staff member knows existed but cannot be located or have been destroyed.

Moreover, please provide to this Committee the documents/records requested as they are compiled. Accordingly, if some portion of a response is available prior to the date of the document/record request, it should be provided immediately to the Committee and not withheld in anticipation of the due date.