



At a Glance

Why We Did This Review

We performed this audit to determine whether the U.S. Environmental Protection Agency (EPA) is properly managing its Title 42 hiring authority. This project was the result of a payroll audit being performed by the Office of Inspector General's (OIG's) Forensics product line.

The Title 42 hiring authority is a flexible hiring mechanism for securing the services of experienced and talented scientists. Title 42 can be used for renewable appointments where the nature of the work or the character of the individual's services render customary employing methods impractical or less effective. It can also be used where a scientist would be otherwise reluctant to leave his or her current position because of an inability to meet individual salary needs under other personnel systems.

This report addresses the following EPA goal or cross-agency strategy:

- *Embracing EPA as a high-performing organization.*

Send all inquiries to our public affairs office at (202) 566-2391 or visit www.epa.gov/oig.

The full report is at: www.epa.gov/oig/reports/2015/20150305-15-P-0109.pdf

EPA Needs to Justify How It Is Using Title 42 Hiring Authority

What We Found

The EPA's Office of Research and Development's (ORD's) justification for using its Title 42 hiring authority to fill positions is ambiguous. ORD does not demonstrate the need to use Title 42 to fill positions that were at one time held by Title 5 employees. Four Title 42 appointees converted from Title 5 positions received salary increases ranging from \$6,149 to \$17,700 after the conversion.

When ORD does not justify how and when it is using Title 42, it is vulnerable to speculation of misuse and abuse of the authority.

Limited availability of Senior Executive Service positions contributed to ORD's use of Title 42 to acquire desired expertise for scientific leadership positions. As a result, stakeholders have raised concerns with the agency's use of the Title 42 hiring authority. By articulating its approach, the EPA will be showing how the remaining 27 authorized Title 42 appointments, with a potential annual salary total between \$3.5 million and \$6.75 million, could be used to fulfill the agency's mission.

Recommendation and Agency Response

We recommend that the Assistant Administrator for Research and Development justify the use of Title 42 for appointments or reappointments, and when ORD determines it will pursue a Title 42 appointment or reappointment, it will make available to staff a memorandum that demonstrates that customary employing methods were impractical or less effective and that the position is in a field deemed most critical in the Strategic Research Action Plans. ORD did not agree with the recommendation and proposed an alternate approach that we do not believe addresses justifying the need to use the authority or the need for more transparency in the decisions to use the Title 42 authority.

Noteworthy Achievements

The EPA has a rigorous process for hiring Title 42 appointees. Based on our review of the EPA's Title 42 Operations Manual and Candidate Evaluation Framework, the EPA has implemented an in-depth hiring process in which the ORD selecting official may use a panel of external and internal members to independently evaluate candidates against the position criteria, and to facilitate the review by collective panel members. Candidates go through multiple interviews and may be asked to give a presentation on a scientific topic to ORD staff. ORD stated that it has conducted scientific research that would not have been possible without the experts hired through Title 42.