

# **STUDY ON AGE IN THE GAO WORKFORCE**



**DECEMBER 30, 2015**

**PERSONNEL APPEALS BOARD**

**United States Government Accountability Office  
441 G Street, N.W., Suite 1566, Washington, D.C. 20548**





Personnel

Appeals

Board

December 30, 2015

Hand Delivery

The Honorable Gene L. Dodaro  
Comptroller General of the United States  
United States Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20548

Dear Comptroller General Dodaro:

Pursuant to the GAO Personnel Act of 1980, the Personnel Appeals Board has statutory responsibility to oversee equal employment opportunity at the United States Government Accountability Office. The Board performs its function through a process of review and assessment of the Agency, which includes conducting studies and preparing evaluative reports containing the Board's findings and recommendations. In exercise of this authority, the Board's *Study on Age in the GAO Workforce* is attached.

Sincerely,

William E. Persina  
Chair

Enclosure



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# STUDY ON AGE IN THE GAO WORKFORCE

## *Executive Summary*

### **Findings**

The objective of this *Study on Age in the GAO Workforce* is to evaluate the extent to which older employees, defined as those age 40 or older, share in equal employment opportunity at the United States Government Accountability Office.

The Personnel Appeals Board reviewed selected GAO policies, procedures, and practices to ascertain whether they protect against age discrimination in the Agency's workforce. The Board also reviewed a set of GAO personnel data from calendar years 2000-2012 and compared it, where possible, to a set of data on the federal civilian workforce from the United States Office of Personnel Management. The Board's study analyzes Agency adherence to the standards set forth in its directives across four areas: (1) new hires; (2) part-time work schedules; (3) retirements; and (4) promotions.\*

The Board's review reveals that GAO has taken numerous affirmative steps to promote an inclusive workplace free from age discrimination. The Board also has identified several areas where the Agency can further enhance its commitment and efforts towards creating a workplace free from age discrimination.

### **Recommendations**

- 1. Review recruitment and selection practices to determine whether the Agency can make hiring opportunities more accessible to applicants age 40 or older.**
- 2. Increase visibility of the option for staff to work on a part-time schedule, especially for employees age 40 or older.**
- 3. Consider adopting phased retirement to allow employees who are eligible to retire to work on part-time schedules, while beginning to draw a portion of their retirement benefits.**
- 4. Continue to monitor, track, and evaluate promotion and performance appraisal data to ensure that an employee's age is not a relevant factor in assessing promotion potential.**

Adoption of the Board's recommendations will serve to strengthen the Agency's efforts to create a workplace free from age discrimination. It also will communicate to GAO employees that the work they do – in support of the Agency's mission to assist the United States Congress in meeting its responsibilities to improve the performance and accountability of the federal government for the benefit of the American people – is important and appreciated.

Personnel Appeals Board  
December 30, 2015

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\* This study does not include a review and analysis of data relating to employee appraisals and performance based compensation under the Competency Based Performance System (CBPS) implemented at the Agency in fiscal year 2013.





## TABLE OF CONTENTS

Chapter I:	Introduction .....	1
Chapter II:	Methodology .....	7
Chapter III:	Ageism, the Age Discrimination in Employment Act, and the GAO Personnel Act of 1980 .....	9
Chapter IV:	Analysis of GAO Policies, Procedures, and Practices .....	13
Chapter V:	Analysis of GAO Personnel Data .....	19
Chapter VI:	Conclusion .....	43
Chapter VII:	Recommendations .....	45

## APPENDIX

Appendix A:	Data Tables of New Hires at GAO by Age Group .....	A-3
Appendix B:	Data Tables of New Hires in the Federal Civilian Workforce by Age Group .....	A-7
Appendix C:	Data Tables of Part-Time Work Schedules at GAO by Age Group .....	A-11
Appendix D:	Data Tables of Part-Time Work Schedules in the Federal Civilian Workforce by Age Group .....	A-15
Appendix E:	Data Tables of Retirements at GAO by Age Group .....	A-19
Appendix F:	Data Tables of Retirements in the Federal Civilian Workforce by Age Group .....	A-23
Appendix G:	Data Tables of Retirements at GAO by Years of Government Service .....	A-27
Appendix H:	Data Tables of Retirements in the Federal Civilian Workforce by Years of Government Service .....	A-33
Appendix I:	Data Tables of Reemployed Annuitants at GAO by Age Group .....	A-37
Appendix J:	Data Tables of Promotions at GAO by Age Group .....	A-41
Appendix K:	Selected GAO Policies, Procedures, and Practices .....	A-45
Appendix L:	Comments .....	A-49



# STUDY ON AGE IN THE GAO WORKFORCE

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## CHAPTER I INTRODUCTION

The United States Government Accountability Office (GAO or the Agency) is an independent, nonpartisan agency in the Legislative Branch of the United States Government that often is referred to as the “Congressional Watchdog” for its audit and investigatory work for the United States Congress. The Agency is charged with examining the expenditure of taxpayer dollars and advising lawmakers and agency heads on improving Government systems and practices. From 2001-2014, more than 2,800 employees with degrees in accounting, law, engineering, public and business administration, economics, and the social and physical sciences, among other fields, worked at GAO.<sup>1</sup>

For several years, the Partnership for Public Service has recognized the Agency as being one of the best places to work in the federal government.<sup>2</sup> GAO received this recognition, in part, because of the “actions and policies of [GAO] leadership and management [to] promote and respect diversity.”<sup>3</sup> The Comptroller General of the United States, Gene L. Dodaro, regularly communicates his commitment to

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<sup>1</sup> GAO, *2014-2019 Strategic Plan: Serving the Congress and the Nation*, GAO-14-1SP, at 7-8. From 2001-2014, the Partnership for Public Service has reported that GAO’s workforce has ranged in size from 2,869-3,358 employees. Specific number of GAO employees per year, as reported by the Partnership for Public Service, are as follows: 2001 (3,220); 2002 (3,358); 2003 (3,280); 2004 (3,255); 2005 (3,205); 2006 (3,260); 2007 (3,121); 2008 (3,153); 2009 (3,303); 2010 (3,350); 2011 (3,134); 2012 (2,957); 2013 (2,869); and 2014 (3,011). See Chart on GAO Workforce Size and Demographics from 2001-2014 at: <http://bestplacestowork.org/BPTW/rankings/detail/GA00>. The Partnership for Public Service indicates their reported numbers are drawn from OPM FedScope, *see infra* note 66, which counts the number of employees in pay status at the end of the quarter of each fiscal year (or the pay period prior to the end of the quarter of each fiscal year). See also <http://www.fedscope.opm.gov/datadefn/index.asp#employment>.

<sup>2</sup> See Partnership for Public Service’s annual rankings of the best places to work in the federal government at [www.bestplacestowork.org](http://www.bestplacestowork.org). GAO placed third among mid-size agencies in 2015, second among mid-size agencies in 2014, third among mid-size agencies in 2013, and second among mid-size agencies in 2012. Before the Partnership for Public Service introduced its category for mid-size agencies in 2012, GAO placed third among large agencies in 2011, and second among large agencies in both 2010 and 2009.

<sup>3</sup> GAO is a leader in diversity and inclusion in the federal government and was ranked first in the category of Support for Diversity Among Mid-size Agencies in 2015 by the Partnership for Public Service, as well as in 2014. See “Support for Diversity” category ranking at: [http://bestplacestowork.org/BPTW/rankings/categories/mid/diversity\\_15](http://bestplacestowork.org/BPTW/rankings/categories/mid/diversity_15).

creating and sustaining a diverse and inclusive workplace at GAO. The Comptroller General emphasizes that GAO employees are valued and appreciated for the work they do in support of the Agency's mission to assist the United States Congress in meeting its responsibilities, to improve performance, and to ensure accountability of the federal government for the benefit of the American people.

In 1980, when Congress enacted the General Accounting Office<sup>4</sup> Personnel Act (GAOPA), it established a personnel system for GAO that was designed to operate independently of the Executive Branch of the United States Government.<sup>5</sup> The GAOPA also created the Personnel Appeals Board (Board), which has statutory responsibility, in part, to oversee equal employment opportunity (EEO) at GAO.<sup>6</sup> As part of its statutory mandate, the Board (1) reviews and assesses GAO policies, procedures, and practices relating to laws prohibiting employment discrimination on the bases of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition; and (2) periodically conducts studies and prepares evaluative reports on selected issues containing the Board's findings, conclusions, and recommendations for the Agency.<sup>7</sup>

In accordance with its statutory mandate to oversee and evaluate GAO's EEO policies, procedures, and practices, the Board conducted this *Study on Age in the GAO Workforce*.<sup>8</sup> The study analyzes GAO policies, procedures, and practices as they relate to the age of employees at the Agency. It also analyzes GAO personnel data from 2000-2012 relating to the age of its employees in four areas: (1) new hires;

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<sup>4</sup> GAO's name was changed from the General Accounting Office to the Government Accountability Office on July 7, 2004. Pub. L. No. 108-271, 118 Stat. 814 (2004).

<sup>5</sup> Pub. L. No. 96-191, 94 Stat. 27-34 (1980) (codified at 31 U.S.C. § 731 *et seq.*).

<sup>6</sup> Pub. L. No. 96-191, 94 Stat. 27-34 (1980) (codified at 31 U.S.C. § 732(f)(2)(A); 4 C.F.R. §§ 28.91-28.92).

<sup>7</sup> *Id.*

<sup>8</sup> This *Study on Age in the GAO Workforce* will be available on the Personnel Appeals Board's website at: <http://www.pab.gao.gov/oversight.php>.

(2) part-time work schedules; (3) retirements; and (4) promotions.<sup>9</sup> As of September 30, 2013, 58% of GAO's workforce was age 40 or older.<sup>10</sup> The objective of the study is to evaluate the extent to which employees age 40 or older share in equal employment opportunity at GAO across these four areas.

The Board's *Study on Age in the GAO Workforce* is significant for three reasons. First, the United States has an aging population. GAO notes in its *2014-2019 Strategic Plan: Serving the Congress and the Nation*, that "[t]he median age in the United States has risen steadily over the last 40 years, from 28.1 in 1970 to 37.2 in 2010."<sup>11</sup> Today, more than 1 in 8 (13.7%) of the population is age 65 or older; by 2030, about 1 in 5 (20%) of the population will be age 65 or older.<sup>12</sup> Additionally, GAO noted in its *2010-2015 Strategic Plan: Serving the Congress and the Nation*, that: (1) "rising living standards over the last 60 years have led to a considerable increase in longevity, from about age 73 for men and age 79 for women in 1950 to nearly age 82 for men and age 86 for women in 2010;" (2) "Social Security projects that . . . life expectancy [in the United States] will continue to increase – by about 2 years from 2010 to 2030 and by another year from 2030 to 2050;" and (3) "The Bureau of Labor Statistics expects that 95[%] of the growth of the U[nited] S[tates] labor force over the coming decade will be by those age 55 or older."<sup>13</sup> Each of these examples illustrates that the United States population is getting older.

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<sup>9</sup> The analysis in this study of GAO personnel data relating to the age of Agency employees receiving promotions from 2000-2012 does not include a review of employee appraisals under GAO's Competency Based Performance System (CBPS), which the Agency implemented in fiscal year 2013 after transitioning away from of the General Schedule (GS) pay scale. GAO Employees Organization, IFPTE Local 1921, noted in comments on a draft version of this study, that it would have preferred the Board's study to include analysis of performance appraisals, by age, under CBPS. Comprehensive data on age as it relates to performance appraisals and performance based compensation under CBPS was beyond the scope of data that the Board collected for review as part of this study. Accordingly, the analysis and conclusions in the Board's study should not be interpreted to include a review of data on age as it relates to performance appraisals or performance based compensation under CBPS at the Agency. The Board notes that a review of GAO's performance appraisal system and performance based compensation under CBPS, as it relates to equal employment opportunity at the Agency, may be a worthwhile subject for future review.

<sup>10</sup> GAO, *2013-2014 Workforce Diversity Plan* at 2.

<sup>11</sup> GAO, *2014-2019 Strategic Plan*, *supra* note 1, at 71.

<sup>12</sup> *Id.* at 51.

<sup>13</sup> GAO, *2010-2015 Strategic Plan: Serving the Congress and the Nation*, GAO-10-559SP, at 51.

Second, according to statistics on complaints filed at the United States Equal Employment Opportunity Commission (EEOC)<sup>14</sup> and the Office of Compliance,<sup>15</sup> age is a frequently alleged basis for employment discrimination complaints in the federal government.<sup>16</sup> Age was the second most frequently alleged basis for government-wide complaints filed at the EEOC between the fiscal years<sup>17</sup> of 2000-2011.<sup>18</sup> The following chart reveals that – of all EEOC reported government-wide complaints filed during this 12-year period – between 23.72% and 30.22% of the complaints were age-based.<sup>19</sup>

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<sup>14</sup> The EEOC is a federal agency within the Executive Branch of government which enforces laws against workplace discrimination, including complaints based on race, color, national origin, religion, sex, age, disability, genetic information, and retaliation.

<sup>15</sup> The Office of Compliance is a federal agency within the Legislative Branch of government that administers and enforces the Congressional Accountability Act of 1995. Its jurisdiction includes claims of age discrimination in the workplace.

<sup>16</sup> Complaints alleging age discrimination also may be filed directly in the United States district courts, following notice to EEOC of intent to file in federal court. 29 C.F.R. §1614.201.

<sup>17</sup> The federal government fiscal year (FY) accounting period (designated by the calendar year in which it ends) begins on October 1 and ends on September 30 of the following year.

<sup>18</sup> This data was compiled from the following EEOC Annual Reports:

- (1) EEOC's *Annual Report on the Federal Work Force (Part 1) Fiscal Year 2011* at "Table 7–Top 3 Bases in Complaint Allegations Filed for FY 2007– 2011" and "Figure 2–Completed Counseling to Formal Complaints Filed/Complainants FY 2007– 2011;"
- (2) EEOC's *Annual Report on the Federal Work Force Fiscal Year 2008* at "Table 15–Top 3 Bases in Complaint Allegations Filed for FY 2004–2008;"
- (3) EEOC's *Annual Report on the Federal Work Force Fiscal Year 2007* at "Figure 2–Completed Counseling to Formal Complaints Filed/Complainants FY 2003–FY 2007;"
- (4) EEOC's *Annual Report on the Federal Work Force Fiscal Year 2004* at "Table 12–Top 4 Bases in Complaint Allegations Filed for FY 2000–2004;" and
- (5) EEOC's *Annual Report on the Federal Work Force Fiscal Year 2003* at "Figure 8–Complaints Filed Compared to Complaints and Instances of Counseling FY 1999–FY 2003."

<sup>19</sup> See *id.*

**PERCENT OF GOVERNMENT-WIDE EEOC REPORTED AGE-BASED COMPLAINTS FILED  
AS COMPARED TO THE TOTAL NUMBER OF EEOC REPORTED COMPLAINTS FILED  
FOR FISCAL YEARS 2000-2011**

<b>2000</b> 23.72% (5,818/24,524)	<b>2001</b> 24.78% (5,774/23,301)	<b>2002</b> 24.35% (5,344/21,945)	<b>2003</b> 28.55% (5,774/20,226)
<b>2004</b> 28.64% (5,449/19,024)	<b>2005</b> 28.24% (5,088/18,017)	<b>2006</b> 28.68% (4,796/16,723)	<b>2007</b> 29.65% (4,851/16,363)
<b>2008</b> 29.71% (4,977/16,752)	<b>2009</b> 29.85% (5,058/16,947)	<b>2010</b> 30.22% (5,314/17,583)	<b>2011</b> 29.55% (5,015/16,974)

Source: Data compiled from EEOC Annual Reports.<sup>20</sup>

Additionally, from fiscal years 2010-2013, the Office of Compliance tracked the frequency of alleged bases for claims filed with their office. Their statistics reveal that age ranked as the second most frequently alleged basis for claims received in fiscal year 2010 and the fourth for claims received in fiscal years 2011-2013.<sup>21</sup> The following chart shows that age-based complaints accounted for 10.71% to 24.40% of all claims filed with the Office of Compliance for this same time period.

<sup>20</sup> See *supra* note 18. The percentage of government-wide EEOC reported age-based complaints from 2000-2011 generally has increased. Nevertheless, the actual number of EEOC reported age-based complaints from 2000-2011 has decreased. This increase in the percentage of age-based complaints, despite the decrease in the actual number of age-based complaints, is due to a decrease in the total number of EEOC complaints – and a decrease at a faster rate – than the decrease in age-based complaints over the same time period.

<sup>21</sup> This data was compiled from the following Office of Compliance Annual Reports:

- (1) Office of Compliance, FY 2013 Annual Report–“State of the Congressional Workplace: A Report on Workplace Rights, Safety, Health, and Accessibility Under the Congressional Accountability Act,” at 24;
- (2) Office of Compliance, FY 2012 Annual Report–“State of the Congressional Workplace: A Report on Safety & Health, Accessibility, and Workplace Rights Under the Congressional Accountability Act,” at 26;
- (3) Office of Compliance, FY 2011 Annual Report–“State of the Congressional Workplace: A Report on Safety & Health, Accessibility, and Workplace Rights Under the Congressional Accountability Act,” at 26; and
- (4) Office of Compliance, FY 2010 Annual Report–“State of the Congressional Workplace: A Report on Safety & Health, Accessibility, and Workplace Rights Under the Congressional Accountability Act,” at 25.

**PERCENT OF AGE-BASED CLAIMS FILED WITH THE OFFICE OF COMPLIANCE  
AS COMPARED TO THE TOTAL NUMBER OF REPORTED CLAIMS FILED  
WITH THE OFFICE OF COMPLIANCE FOR FISCAL YEARS 2010-2013**

<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
24.40%	10.71%	20.90%	15.85%
(41/168)	(21/196)	(28/134)	(26/164)

Source: Data compiled from Office of Compliance Annual Reports.<sup>22</sup>

Third, GAO noted in its April 2012 Report to the Chairman of the United States Senate Special Committee on Aging entitled *Unemployed Older Workers: Many Experience Challenges Regaining Employment and Face Reduced Retirement Security* that, since the 2007-2009 recession, workers of all ages have struggled to cope with unemployment, and the number of older workers experiencing unemployment and long-term unemployment has grown substantially since 2007.<sup>23</sup>

The Board's *Study on Age in the GAO Workforce* examines the age of GAO's workforce across the years 2000-2012 and reviews whether apparent barriers exist to the engagement and retention of older workers at the Agency during this time frame. The Board's findings are valuable because it is clear that: (1) the population of the United States is aging; (2) age discrimination is a frequently alleged basis for federal discrimination complaints; and (3) the effects of the 2007-2009 recession have caused older workers to stay in the workforce longer.

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<sup>22</sup> *Id.*

<sup>23</sup> GAO, *Unemployed Older Workers: Many Experience Challenges Regaining Employment and Face Reduced Retirement Security*, GAO-12-455 (April 2012), at 9 & 26.



## **CHAPTER II**

### **METHODOLOGY**

The Board's objective in this *Study on Age in the GAO Workforce* is to evaluate the extent to which older employees at the Agency, namely those age 40 or older, share in equal employment opportunity at GAO. The Board's findings and recommendations in this study are based on: (1) the Agency's responses to the Board's request for information; (2) the Board's independent research; (3) the Board's analysis of selected GAO Orders, policies, procedures, and practices; and (4) available GAO personnel data from calendar years 2000-2012.

The Board submitted document requests to the Agency for GAO Orders, directives, policy statements, instructions, memoranda, legal guidance, and any other internal documents governing GAO's policies, procedures, and practices relating to age in the GAO workforce.<sup>24</sup> The Board's document requests additionally asked for personnel data relating to the age of GAO employees in four areas: (1) new hires; (2) part-time work schedules;<sup>25</sup> (3) retirements;<sup>26</sup> and (4) promotions. The Agency cooperated fully with the Board's requests, and the Agency's responses to the Board's requests were prompt and complete.<sup>27</sup>

In conducting this study, the Board reviewed federal law prohibiting discrimination on the basis of age in the workplace. The Board also reviewed GAO's Orders, directives, policy statements, instructions, memoranda, guidance, as well as other internal documents governing the Agency's policies, procedures, and practices relating to age in the GAO workforce. The Board examined the "tone-at-the-top" of the

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<sup>24</sup> The Board's document requests are issued from the Board's Office of EEO Oversight. On December 31, 2010, the outgoing Director of the Office of EEO Oversight retired, and review of requested documents was postponed. In 2013, the incumbent Oversight Director was selected, at which time a follow-up document request was issued, and review of requested documents commenced.

<sup>25</sup> For the purpose of this study, part-time work schedules of GAO employees refer to the part-time schedules of base staff (which does not include part-time work schedules of GAO volunteers, interns, consultants/experts, and reemployed annuitants).

<sup>26</sup> The Board requested additional personnel data from the Agency relating to years of government service at employee retirement age.

<sup>27</sup> The Board issued document requests to the Agency in 2010 and 2013. In 2015, the Board requested additional information from the Agency to clarify personnel data that the Board received in response to its 2010 and 2013 document requests.

Agency, including the Comptroller General's addresses to the Agency's employees in GAO Town Hall Meetings; Management News archives; mandatory employee training on diversity; and GAO's speaker series, which includes presentations to GAO employees by experts outside the Agency. Moreover, the Board assessed personnel data from calendar years 2000-2012 on new hires, part-time work schedules, retirements, and promotions, by age group. The Board also conducted independent research, which included accessing available government-wide personnel data from the United States Office of Personnel Management's (OPM) FedScope database<sup>28</sup> for the purpose of conducting a comparative analysis of GAO's personnel data with government-wide statistics on the age of the federal civilian workforce in the areas of new hires, part-time work schedules, and retirements.<sup>29</sup> The Board's conclusions and recommendations appear at the end of this report.

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<sup>28</sup> For a description of the OPM FedScope database, *see infra* note 66.

<sup>29</sup> The Board did not analyze government-wide personnel data on the age of federal employees at the time of promotion because OPM does not compile this information as part of its FedScope database.

### **CHAPTER III**

#### **AGEISM, THE AGE DISCRIMINATION IN EMPLOYMENT ACT, AND THE GAO PERSONNEL ACT OF 1980**

This Chapter discusses ageism in the workplace, the Age Discrimination in Employment Act, and the GAO Personnel Act, which governs equal employment opportunity at GAO and prohibits discrimination on the basis of age, among other factors, in GAO's workplace.

##### **A. Ageism**

Ageism constitutes stereotyping and discriminating against individuals or groups on the basis of age. Howard Eglit, Professor of Law at the Chicago Kent College of Law, and a speaker at GAO in June 2014 on age in the law, defines ageism as “the use of age-based distinctions and perceptions to impose negative consequences upon the target of such distinctions and perceptions.”<sup>30</sup> Evidence of ageism, or a prejudicial attitude towards the aging process, may be found in employment policies, procedures, or practices which exist in the workplace. Professor Eglit notes ageism may appear in different forms, including: (1) access to opportunities affected by age; (2) attitudes towards people based on their age; and (3) expectations that workers will be better, or worse, performers, based on their age.

The 2007-2009 economic downturn in the United States adversely affected many older workers. Some still remain unemployed. GAO's April 2012 report, entitled *Unemployed Older Workers: Many Experience Challenges Regaining Employment and Face Reduced Retirement Security*, notes that the key challenge some older workers face in finding reemployment is “employer reluctance to hire older workers,” as well as employer perceptions that older workers may bring with them “out-of-date skills,” “unfamiliarity with online applications,” and “limited technological skills.”<sup>31</sup> Additionally,

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<sup>30</sup> Howard Eglit, *Of Age and the Constitution (Symposium)*, 57 CHI. KENT. L. REV. 859, 861 n.4 (1981).

<sup>31</sup> GAO, *Unemployed Older Workers*, *supra* note 23, at 26.

“employers might hesitate to hire and retrain older workers because they assume that older workers will not want to work much longer, so the employer would not get a good return on the training investment.”<sup>32</sup>

GAO’s report also notes several older job seekers “cited [that their] job interview experiences ... had convinced them that age discrimination was limiting their ability to find a new job.”<sup>33</sup> GAO’s report further notes that because of “legal prohibitions against age discrimination, employers are unlikely to explicitly express a lack of interest in hiring older workers.”<sup>34</sup>

In contrast, another study conducted by the National Center on Workforce Development/Adult – funded by the United States Department of Labor’s Office of Disability Employment Policy (ODEP) – argued that older workers can have a positive impact on the workforce with their “reliability, long-term commitment” and “strong work ethic.”<sup>35</sup> The ODEP study also noted that older workers can add diversity to an organization and create opportunities for mutual learning and understanding across age groups.<sup>36</sup>

With Americans living longer due to healthier lifestyles and advances in medicine, as well as working longer because of diminished savings, it is important for employers, including GAO, to work to combat negative stereotypes towards older workers and to ensure that all employees are valued for their skills and contributions they make to the workplace.

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<sup>32</sup> *Id.* at 31.

<sup>33</sup> *Id.* at 29.

<sup>34</sup> *Id.*

<sup>35</sup> National Center on Workforce Development/Adult, *Recruitment and Retention of Older Workers: Considerations for Employers* (February 2008), [https://www.communityinclusion.org/article.php?article\\_id=231&type=topic&id=18](https://www.communityinclusion.org/article.php?article_id=231&type=topic&id=18).

<sup>36</sup> *Id.*

## B. The Age Discrimination in Employment Act

Age discrimination refers to actions taken to deny or limit opportunities to people on the basis of age. It can occur at a personal level and at an institutional level.<sup>37</sup> The Age Discrimination in Employment Act of 1967 (ADEA), as amended,<sup>38</sup> addresses age discrimination in the federal government.<sup>39</sup> The ADEA specifically prohibits employment practices that discriminate against people age 40 or older in the United States. The law applies to employees and job applicants. In short, under the ADEA, it is unlawful to discriminate against a person because of one's age with respect to any term, aspect, condition, or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments, training, and fringe benefits.<sup>40</sup>

The ADEA is the exclusive remedy for age discrimination claims. A showing of age bias,<sup>41</sup> evidence of disparate impact,<sup>42</sup> or an inference of discrimination<sup>43</sup> is required to make a *prima facie* case under the ADEA.<sup>44</sup> An ADEA claimant may not prevail on the claim, however, if a legitimate,

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<sup>37</sup> See Jill Quadagno, *The Field of Social Gerontology*, in *Aging & the Life Course: An Introduction to Social Gerontology* 2-23 (E. Barrosse ed., 2008).

<sup>38</sup> Pub. L. No. 90-202, 81 Stat. 602 (1967) (codified as amended at 29 U.S.C. §§ 621-34). The ADEA was amended by the Older Workers Benefit Protection Act, Pub. L. No. 101-433, 104 Stat. 978 (1990), and Section 115 of the Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1071 (1991).

<sup>39</sup> Coverage under the ADEA was extended to federal employees in 1974. See 29 U.S.C. § 633(a).

<sup>40</sup> See *supra* notes 38-39. The ADEA, however, does provide that, with OPM's approval, agencies may establish exemptions to the Act's provisions when age is determined to be a bona fide occupational qualification (BFOQ) necessary to perform the duties of a position. BFOQ exemptions include, for example, age requirements for employment as a pilot or as an actor; see 29 U.S.C. § 623(f)(1) (describing lawful practices not considered age discrimination).

<sup>41</sup> See *Gross v. FBL Financial Services, Inc.*, 557 U.S. 167 (2009) (age bias must be the determining factor in an adverse employment decision, meaning that the decision would not have been made, but for discriminatory animus).

<sup>42</sup> A disparate impact claim may arise when an employer's policies and practices, that may seem neutral and non-discriminatory, result in harsher treatment for one group of protected employees over another. See *Smith v. City of Jackson*, 544 U.S. 228 (2005) (an employee can assert a disparate impact claim when alleging age discrimination under the ADEA).

<sup>43</sup> See *O'Connor v. Consolidated Coin Caterers Corp.*, 517 U.S. 308 (1996) (to arrive at an inference of age discrimination, the question that must be answered is whether the employer relied on age in making the challenged decision).

<sup>44</sup> See *McDonnell Douglas v. Green*, 411 U.S. 792 (1973) (for *McDonnell Douglas* analysis requiring a *prima facie* case for age discrimination).

nondiscriminatory reason, or a reasonable factor other than age, exists for an adverse employment action against the claimant.<sup>45</sup>

### **C. The GAO Personnel Act of 1980**

Under the GAO Personnel Act of 1980, the Comptroller General of the United States is responsible for maintaining a personnel management system at GAO in which all personnel actions are to be taken without regard to race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition.<sup>46</sup>

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<sup>45</sup> See *Gross v. FBL Financial Services, Inc.*, 557 U.S. 167 (2009) (sufficient evidence required that age was the “but for” cause or pretext for the discrimination); see also *Meacham v. Knolls Atomic Power Lab*, 554 U.S. 84 (2008) (Employers have the burden of proving the “reasonable factor other than age” (RFOA) defense. To do so an employer has to show that a challenged employment practice was “both reasonably designed to further or achieve a legitimate business purpose and administered in a way that reasonably achieves that purpose.” 29 C.F.R §1625.7(e)(1). In determining reasonableness, considerations include, but are not limited to: (1) the extent to which the practice is related to the employer’s stated business purpose; (2) the extent to which the employer took steps to define and apply the practice fairly and accurately; (3) the extent to which the employer limited supervisors’ discretion to assess employees subjectively; (4) the extent to which the employer assessed the adverse impact of the practice on older workers; and (5) the degree of harm the practice caused to individuals in the protected age group and the extent to which the employer took steps to reduce the harm. The more factors in an employer’s favor, the more likely the employer is to succeed on the RFOA defense); see also EEOC Final Rule, “Disparate Impact and Reasonable Factors Other Than Age Under the Age Discrimination in Employment Act,” 77 Fed. Reg. 19080 (March 30, 2012) (codified at 29 C.F.R. § 1625.7) (defining the RFOA affirmative defense).

<sup>46</sup> 31 U.S.C. § 732(f)(1)(A).

## **CHAPTER IV**

### **ANALYSIS OF GAO POLICIES, PROCEDURES, AND PRACTICES**

In exercise of its oversight responsibility, the Board reviewed policies, procedures, and practices gathered from the Agency. The Board also conducted independent research. Included in the Board's review were: (1) the Comptroller General's Equal Employment Opportunity Policy Statements (EEO Statements); (2) mandatory GAO Employee Training on Diversity and Inclusion, Open-Mindedness, and Mindfulness; (3) GAO's most recent Strategic Plan; (4) GAO Workforce Diversity Plans; and (5) selected GAO Orders and policies, procedures, and practices.

#### **A. Comptroller General's Equal Employment Opportunity Policy Statement**

The Board reviewed the Comptroller General's EEO Statements, issued each June, from 2010-2015.<sup>47</sup> Each annual EEO Statement reaffirms GAO's commitment to achieving equal employment opportunity, diversity, and inclusion in the workplace. An excerpt from the Comptroller General's June 2015 EEO Statement follows:

GAO seeks to create a work environment where every employee is respected and valued, treated fairly, and provided opportunities to develop to her or his full potential. It is through our highly professional, diverse, motivated and multidisciplinary staff that GAO is able to fulfill its mission to support Congress. Together we help improve the performance and accountability of our government for the benefit of the American people. Each person's skills, talents, experiences and characteristics broaden the range of perspectives in, and approaches to[,] GAO's work.

GAO policy provides for equal opportunity in employment for all employees and applicants, and prohibits workplace discrimination because of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, genetic information, sexual orientation, or gender identity. This policy applies to all human capital and employment practices, prohibits harassment based on any of these protected categories, and bans any form of retaliation or reprisal against any person for supporting or participating in the agency's equal employment opportunity process.<sup>48</sup>

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<sup>47</sup> See, for example, GAO Memorandum from the Comptroller General re: *Equal Employment Opportunity, Diversity and Inclusion Policy Statement* (June 1, 2015).

<sup>48</sup> *Id.*

The Board finds no inference of age discrimination, age bias, or evidence of disparate impact based on age, on its face, in the most recent issuance of the Comptroller General's EEO Statement. The Board also notes that the Comptroller General's 2013-2015 EEO Statements add the clarification, not included in earlier statements, that GAO's policy prohibiting discrimination on the basis of age includes discrimination against individuals age "40 or older."<sup>49</sup> The Board encourages the Comptroller General to continue this practice of issuing annual EEO Statements to remind GAO employees of the Agency's ongoing commitment to creating and sustaining a workplace devoid of age and other forms of discrimination.

## **B. Employee Training on Diversity and Inclusion, Open-Mindedness, and Mindfulness**

Board staff attended and reviewed GAO's Agency-wide mandatory 2014 *Training on Diversity and Inclusion, Open-Mindedness, and Mindfulness*, which all GAO staff were required to attend.<sup>50</sup> This training stressed the Agency's commitment to equal employment opportunity, as set forth in GAO policy and guaranteed under federal law.<sup>51</sup> The Board finds this training session to be a valuable tutorial, which included the importance of eliminating age discrimination, age bias, and disparate impact based on age in the workplace, among other diversity and inclusion issues. The Board additionally finds that this type of training reminds GAO employees of the Agency's commitment to creating and sustaining a work environment free from age and other forms of discrimination. This training complements the range of diversity trainings for staff at all levels of the Agency that emphasize respect, open-mindedness, and mindfulness.<sup>52</sup>

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<sup>49</sup> *Id.*; see also GAO Memoranda from the Comptroller General re: *Equal Employment Opportunity Policy Statement* (June 3, 2013 & June 2, 2014).

<sup>50</sup> GAO Learning Center, *Diversity and Inclusion: Open-Mindedness and Mindfulness, Participant Manual* (March 2014).

<sup>51</sup> *Id.* at 8.

<sup>52</sup> Additional examples of employee training at GAO on diversity in the workplace include: (1) New Employee Orientation in May 2014, which included instruction on diversity and awareness; (2) Diversity Training in June 2012 by Dr. Stephen Robbins entitled "Unconscious Assumptions, Effects, and What to Do;" and (3) Diversity Training in 2012 entitled "Setting the Stage," wherein the Comptroller General discussed the status of efforts and initiatives at GAO aimed at creating a diverse workforce.



## C. Strategic Plans

As part of this study, the Board reviewed the Agency's *2014-2019 Strategic Plan: Serving the Congress and the Nation*,<sup>53</sup> which supersedes the Agency's prior *2010-2015 Strategic Plan: Serving the Congress and the Nation*.<sup>54</sup> GAO's *2014-2019 Strategic Plan* includes Strategic Objective 1.4, which is designed to direct the Agency's analytical work product to support the financial security and well-being of an aging population.<sup>55</sup> GAO's *2014-2019 Strategic Plan* also includes Strategic Objective 4.2, which is designed to: (1) maintain and enhance a diverse workforce and inclusive work environment through strategically targeted recruiting, hiring, development, reward, and retention programs; (2) ensure that all staff are assessed fairly for their contributions; and (3) provide a range of workplace and work-life balance programs to enhance employee retention.<sup>56</sup> The Board's review of GAO's Strategic Objective 4.2 reveals that the Agency is aware of issues such as age discrimination, age bias, and disparate impact based on age. The Board encourages the Agency to continue its practice of periodic revision to the Agency's Strategic Objectives and to continue to foster a diverse and inclusive workplace. This practice will strengthen and enhance the Agency's commitment to creating a work environment free from age and other forms of discrimination.

## D. Workforce Diversity Plans

The Board reviewed GAO Workforce Diversity Plans from 2008, 2009, 2010, 2011, 2012, and 2013-2014. The Agency's Workforce Diversity Plans can be found on the Office of Opportunity

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<sup>53</sup> GAO, *2014-2019 Strategic Plan*, *supra* note 1.

<sup>54</sup> GAO, *2010-2015 Strategic Plan: Serving the Congress and the Nation*, GAO-10-559SP.

<sup>55</sup> GAO, *2014-2019 Strategic Plan*, *supra* note 1, at 94 & 98-99.

<sup>56</sup> *Id.* at 196-99.

& Inclusiveness (O&I) section of GAO’s internal website.<sup>57</sup> The Agency’s Workforce Diversity Plan provides important annual “data on the composition of the workforce, information on outcomes from key human capital processes, and suggestions from employees about the work environment.”<sup>58</sup> The O&I section of GAO’s internal website also states that the Agency’s collection of this information “is a key element in GAO’s strategy for maintaining a diverse workforce and an inclusive work environment,”<sup>59</sup> which assists the Agency’s efforts to cultivate and sustain “an inclusive organizational culture that embraces diversity in all of its forms.”<sup>60</sup>

The underlying concept of the Workforce Diversity Plan is to present a one-year snapshot of the Agency’s EEO, diversity, and inclusion efforts and activities over the time period since the last Workforce Diversity Plan was issued. The Board notes that from 2008-2012, the Agency issued its Workforce Diversity Plans on an annual basis, which covered a one-year reporting period from April through the following March.<sup>61</sup> In 2015, the Agency switched to a fiscal year reporting period, which would normally cover a reporting period from October through the following September.<sup>62</sup> Because this reflects a change in the Agency’s timetable for issuing Workforce Diversity Plans, and so as not to lose data from April 2012 through September 2012, the Agency combined data from April 2012 through September 2012 with data from fiscal year 2014, and gave its latest Workforce Diversity Plan a “2013-2014” designation.<sup>63</sup>

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<sup>57</sup> The O&I section of GAO’s internal website, which houses the GAO Workforce Diversity Plan, can be found at: [http://intranet.gao.gov/oi/opportunity\\_and\\_inclusiveness/overview/workforce\\_diversity](http://intranet.gao.gov/oi/opportunity_and_inclusiveness/overview/workforce_diversity).

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> GAO, *2010-2015 Strategic Plan*, *supra* note 54, at 168.

<sup>61</sup> *See* GAO Workforce Diversity Plan 2013-2014 at 5 *et. seq.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

The Board's review of the Agency's Workforce Diversity Plans reveals that the Agency is aware of and keeping records to protect against, age discrimination, age bias, and disparate impact based on age in its workforce.<sup>64</sup> The Board also notes that the Agency's Workforce Diversity Plans provide valuable data on the composition of GAO's workforce, provide important information on outcomes from key human capital processes, and encourage comments and suggestions from employees about GAO's work environment. Accordingly, the Board encourages the Agency to continue issuance of its Workforce Diversity Plan following the close of each fiscal year. Continuous publication of GAO's Workforce Diversity Plan will be helpful in guiding human capital practices at the Agency and will communicate to GAO's workforce that the Agency is committed to maintaining an inclusive work environment free from age and other forms of discrimination.

#### **E. Selected GAO Policies, Procedures, and Practices**

The Board reviewed GAO Orders on the following selected subjects: Positions Covered by Non-Competitive Appointments; Competitive Time-Limited Employment; GAO's Senior Executive Service and Senior Level Positions; Recruitment and Selection Through Competitive Examination; Promotion and Internal Placement; The Office of General Counsel Attorney Promotion and Merit Selection System; Part-Time Career Employment; Reemployment of Annuitants; Recruitment, Relocation, and Retention Incentives; Opportunity and Inclusiveness in the Government Accountability Office; GAO's Equal Opportunity Recruitment Program; and Voluntary Early Retirement Authority.

In addition, the Board reviewed GAO policies, procedures, and practices set forth in the following: *GAO Policy Manual*; *GAO's Diversity and Inclusion Strategic Plan 2012-2016*; *GAO's Human Capital Interim Strategic Plan: Fiscal Years 2010-2012, "Linking Strategy to Results through People;"*

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<sup>64</sup> The Board notes, however, that upon review of GAO's Workforce Diversity Plan issued in 2009, employees representing those age 40 or older argued that older workers were underutilized at GAO and commented that "GAO managers favor younger people in nearly all human capital programs." See GAO Workforce Diversity Plan 2009 at 26. The next chapter of this report reviews the Agency's human capital data to assess whether there is factual support for this perspective.

GAO's Performance Management System; GAO's *Workforce Planning Guide*; and Questions and Answers on the Knowledge Transfer/Retention Program and the Reemployment of Annuitants in GAO.<sup>65</sup>

The Board found no evidence of age discrimination, age bias, or disparate impact based on age, on its face, in these documents. The Board encourages GAO to continue to review, revise, and update its Orders, policies, practices, and procedures regularly to enhance the Agency's commitment to a work environment free from age and other forms of discrimination.

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<sup>65</sup> For more information on these policies, procedures, and practices, *see* Appendix K at A-47.

## **CHAPTER V**

### **ANALYSIS OF GAO PERSONNEL DATA**

Chapter V assesses personnel data submitted by the Agency on new hires, part-time work schedules, retirements, and promotions, by age group, across calendar years 2000-2012. The Board then conducted a comparative analysis of GAO's data with available government-wide statistics on the age of the federal civilian workforce, which the Board obtained from OPM's FedScope database.<sup>66</sup> The Board conducted its comparative study in the areas of new hires, part-time work schedules, and retirements.<sup>67</sup>

Based on its comparative study, the Board notes that the median age of GAO staff is approximately the same as that of the federal civilian workforce. OPM's FedScope database indicates that, from September 2000-2012, the median age of full-time federal civilian employees consistently ranged between 45 to 49 years of age. The median age of GAO's staff (including part-time staff) from January 1, 2000 to December 31, 2012 ranged from age 43 to 48.<sup>68</sup> In short, from 2000-2012, the median age of GAO staff,<sup>69</sup> and across the federal civilian workforce, was over the age of 40.

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<sup>66</sup> The OPM FedScope database includes personnel data for most agencies in the Executive Branch of government, as well as a few agencies in the Legislative Branch of government. FedScope contains data derived from Enterprise Human Resources Integration-Statistical Data Mart (EHRI SDM) and the Central Personnel Data File (CPDF), which includes data from all Executive Branch agencies, except the following: Board of Governors of the Federal Reserve, Central Intelligence Agency, Defense Intelligence Agency, Foreign Service Personnel at the State Department (included until March 2006), National Geospatial-Intelligence Agency, National Imagery and Mapping Agency, National Security Agencies, Office of the Director of National Intelligence, Office of the Vice President, Postal Regulatory Commission, Tennessee Valley Authority, United States Postal Service, and the White House Office. Other exclusions include Foreign Nationals Overseas, Public Health Service's Commissioned Officer Corps, and non-appropriated fund employees. The Bureau of Consumer Financial Protection, as part of the Federal Reserve, began reporting data in March 2011. The Federal Bureau of Investigation did not report data on personnel actions until fiscal year 2007. FedScope includes data from the following Legislative Branch agencies: Dwight D. Eisenhower Memorial Commission, Financial Crisis Inquiry Commission, Government Printing Office, Medicare Payment Advisory Commission, Ronald Reagan Centennial Commission, United Commission on International Religious Freedom, and the United States-China Economic and Security Review Commission. The United States Tax Courts are included from the Judicial Branch. See <http://www.opm.gov/policy-data-oversight/data-analysis-documentation/federal-employment-reports/#url=SDM> and [http://www.fedscope.opm.gov/datadefn/aecri\\_sdm.asp#cpdf2](http://www.fedscope.opm.gov/datadefn/aecri_sdm.asp#cpdf2).

<sup>67</sup> Government-wide personnel data on the age of federal employees at the time of promotion is not collected as part of FedScope, OPM's publicly available statistical database. Additionally, government-wide statistics on the age of the federal civilian workforce in the areas of new hires, part-time work schedules, and retirements were not available for the entire 2000-2012 calendar year period.

<sup>68</sup> Regarding this data, the Agency notes:

Specifically, before the downsizing of the workforce and dramatically-reduced hiring that occurred between 1992 and 1998, the median age of GAO staff was 42 years old. By 1999, the median age had climbed to 48 years old. While [GAO] did begin hiring in 1998, it was not until 2001 that [the Agency] hired again in large numbers. Thus, the median age stayed around 48 through 2002. Now, however, with nearly 10 years of sustained hiring, the median age has declined

## A. New Hires

The Board reviewed GAO personnel data on new hires to the Agency's staff.<sup>70</sup> The Board then compared this information to data available on new hires to the federal civilian workforce.<sup>71</sup>

### 1. General Data on New Hires

From January 1, 2000 through December 31, 2012, there was a total of 3,348 new hires at GAO.<sup>72</sup> A review of the Agency's new hires indicates that from 2009-2012, the number of new hires at GAO generally declined (from 384 in 2009; to 234 in 2010; to 47 in 2011; to 48 in 2012).<sup>73</sup> The number of new hires also declined across the federal workforce for fiscal years 2009-2012 (from 300,150 in 2009; to

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to 43 – almost what it was in the early 1990s. While the impact of this change is not readily apparent in the data provided, [the Agency] believe[s] it is important to keep in mind when analyzing the data provided for 2000 through 2010.

Enclosure to February 2, 2011 Letter to Beth L. Don, Executive Director of the Personnel Appeals Board, from Cheryl Whitaker, GAO Deputy Chief Administrative Officer, responding to the Board's 2010 Request for Documents from January 1, 2000 through June 30, 2010 at 1 (hereinafter GAO Response to the Board's 2010 Document Request). The Agency further notes:

The median age [from January 1, 2010 to December 31, 2012] increased slightly from 43 . . . to 44. [The Agency] attribute[s] the increase to several factors. First, [GAO] began experiencing fewer staff separations, due in large part to the changes in the economy. In the prior reporting period, [GAO] experienced an average attrition rate of about 10% per year[;] for the last few years this rate has declined to about 7%. [Second,] . . . significant reductions to [the Agency's] budget year over year have affected [GAO's] ability to fully replace staff attrition. [The Agency] needed to refocus [its] hiring efforts much of this time to replacing critical hires and bringing on-board fewer entry-level hires than [the Agency] would have planned.

Enclosure to July 17, 2013 Letter to Beth L. Don, Executive Director of the Personnel Appeals Board, from Cheryl Whitaker, GAO Deputy Chief Administrative Officer, responding to the Board's 2013 Request for Documents from January 1, 2010 through December 31, 2012 at 1 (hereinafter GAO Response to the Board's 2013 Document Request).

<sup>69</sup> The percent of GAO base staff (including full-time permanent, temporary full-time, and permanent part-time staff) in the "Under 40" and "40 or Older" categories, across calendar years 2000-2012 is as follows: 2000: Under 40 (26%) (792/3,092), 40 or Older (74%) (2,300/3,092); 2001: Under 40 (28%) (909/3,204), 40 or Older (72%) (2,295/3,204); 2002: Under 40 (33%) (1,083/3,288), 40 or Older (67%) (2,205/3,288); 2003: Under 40 (32%) (1,043/3,227), 40 or Older (68%) (2,184/3,227); 2004: Under 40 (34%) (1,109/3,225), 40 or Older (66%) (2,116/3,225); 2005: Under 40 (37%) (1,159/3,141), 40 or Older (63%) (1,982/3,141); 2006: Under 40 (40%) (1,289/3,193), 40 or Older (60%) (1,904/3,193); 2007: Under 40 (41%) (1,251/3,072), 40 or Older (59%) (1,821/3,072); 2008: Under 40 (43%) (1,348/3,150), 40 or Older (57%) (1,802/3,150); 2009: Under 40 (45%) (1,503/3,328), 40 or Older (55%) (1,825/3,328); 2010: Under 40 (46%) (1,510/3,293), 40 or Older (54%) (1,783/3,293); 2011: Under 40 (45%) (1,394/3,101), 40 or Older (55%) (1,707/3,101); and 2012: Under 40 (43%) (1,240/2,912), 40 or Older (57%) (1,672/2,912). These numbers, calculated by calendar year, are similar to the number of GAO employees per year, calculated by fiscal year, as reported by the Partnership for Public Service. *See supra* note 1.

<sup>70</sup> *See* Appendix A at A-5 and A-6.

<sup>71</sup> The definition of "new hires" in the federal civilian workforce does not include individual and mass transfers to an agency. *See* OPM FedScope Data on New Hires (Fiscal Years 2005-2012); *see also* Appendix B at A-9.

<sup>72</sup> Board Analysis of GAO Personnel Data on New Hires (Calendar Years 2000-2012); *see* Appendix A at A-6.

<sup>73</sup> *Id.* GAO made the following number of new hires, by calendar year: 2000 (202); 2001 (355); 2002 (376); 2003 (162); 2004 (300); 2005 (290); 2006 (397); 2007 (188); 2008 (365); 2009 (384); 2010 (234); 2011 (47); 2012 (48); *see* Appendix A at A-6.

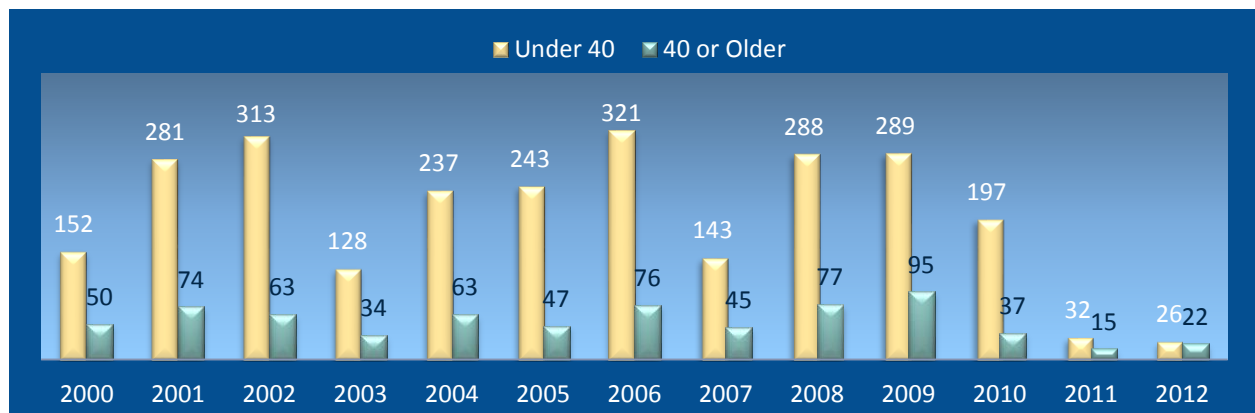
291,862 in 2010; to 240,516 in 2011; to 205,834 in 2012).<sup>74</sup> The decline is not surprising, due to a recession, sequestration, and reduced annual agency budgets across this time period.

## 2. Data on New Hires in the “Under 40” and “40 or Older” Age Groups

Of GAO’s 3,348 new hires for calendar years 2000-2012, 79.15% (2,650) were under age 40, and 20.85% (698) were age 40 or older.<sup>75</sup> Between fiscal years 2005-2012, available federal civilian workforce data indicates that out of a total of 2,054,534 new hires, 63.54% (1,305,399) were under age 40, and 36.46% (749,135) were age 40 or older.<sup>76</sup> A comparative subset of GAO data from calendar years 2005-2012, indicates that of 1,953 new hires, 78.80% (1,539) were under age 40 and 21.20% (414) were age 40 or older.<sup>77</sup>

The following chart shows GAO hiring in the “Under 40” and “40 or Older” age groups, by calendar year, from 2000-2012.

**NEW HIRES AT GAO BY AGE GROUP**



Source: Board Analysis of GAO Personnel Data on New Hires (Calendar Years 2000-2012)

<sup>74</sup> The federal civilian workforce had the following number of new hires, by fiscal years 2005-2012: 2005 (234,434); 2006 (237,058); 2007 (241,165); 2008 (303,516); 2009 (300,150); 2010 (291,862); 2011 (240,515); and 2012 (205,834). See Appendix B at A-9.

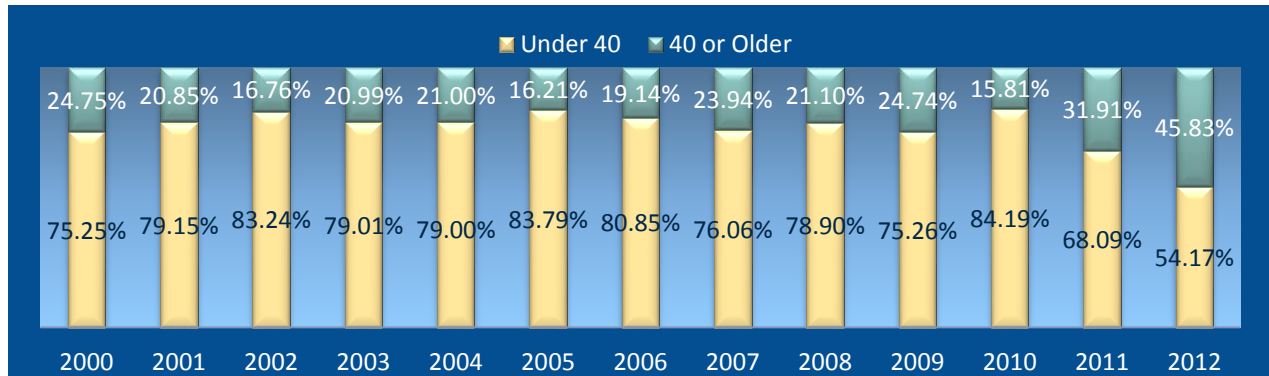
<sup>75</sup> Board Analysis of GAO Personnel Data on New Hires (Calendar Years 2000-2012); see Appendix A at A-5 and A-6.

<sup>76</sup> Board Analysis of OPM FedScope Data on New Hires (Fiscal Years 2005-2012) (figures do not include 102 new hires with unspecified age); see Appendix B at A-9.

<sup>77</sup> Board Analysis of GAO Personnel Data on New Hires (Calendar Years 2000-2012); see Appendix A at A-5 and A-6.

A review of the data in the prior chart shows that the range in the number of new hires at GAO age 40 or older varies between a high of 95 in 2009 to a low of 15 in 2011. The following chart indicates that from 2000-2012, the Agency's percentage of new hires age 40 or older was highest at 45.83% in 2012. The lowest percentage of new hires at GAO age 40 or older was 15.81% in 2010.<sup>78</sup>

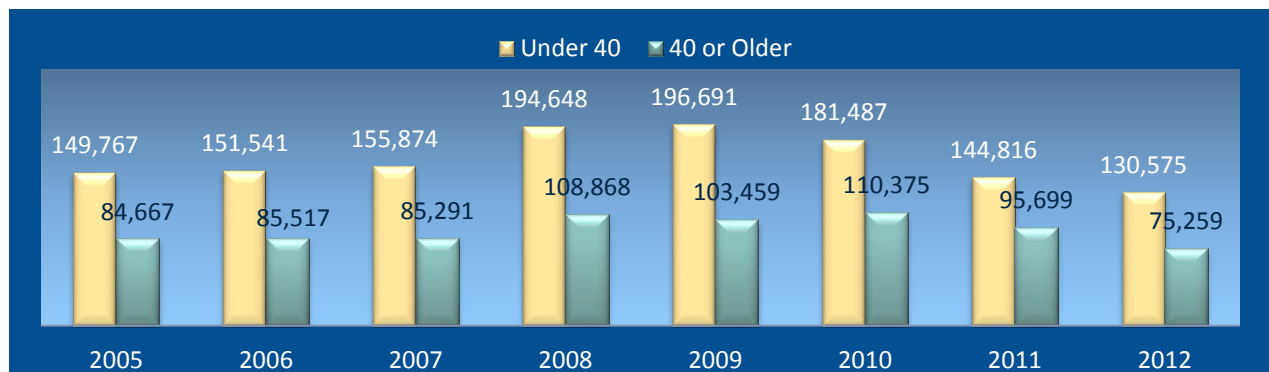
#### PERCENTAGE OF NEW HIRES AT GAO BY AGE GROUP



Source: Board Analysis of GAO Personnel Data on New Hires (Calendar Years 2000-2012)

Comparative federal civilian workforce data on new hires in the “Under 40” and “40 or Older” age groups is available from fiscal years 2005-2012,<sup>79</sup> and is illustrated in the following chart.

#### NEW HIRES IN THE FEDERAL CIVILIAN WORKFORCE BY AGE GROUP



Source: Board Analysis of OPM FedScope Data on New Hires (Fiscal Years 2005-2012)\*

\*Not including 102 new hires with unspecified age

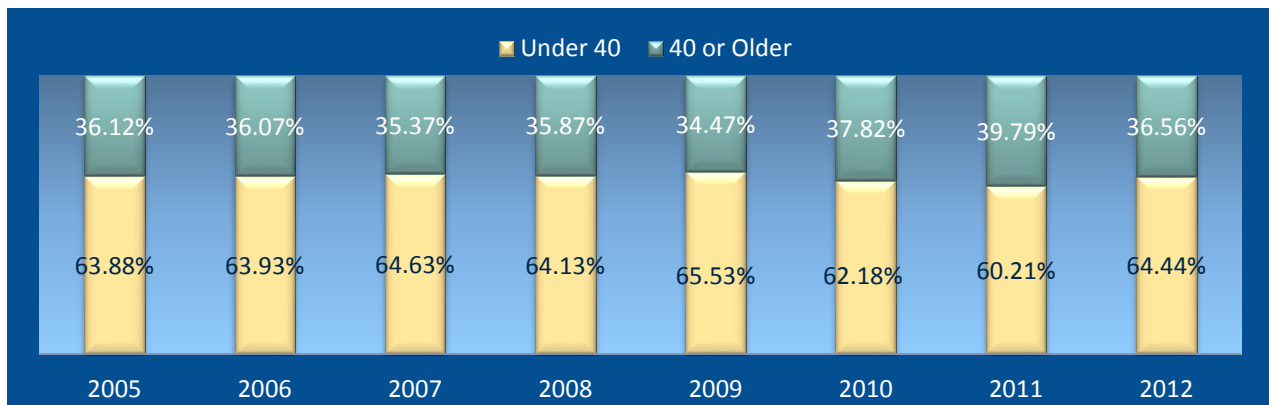
<sup>78</sup> The Agency advised the Board that, from January 1, 2000 through June 30, 2010, 73% of GAO's new staff hires were at the Band I or entry level of its administrative (AC), program and technical (PT), attorney (PA), and analyst (PE) pay plans, and 21% of these new staff members were 40 years old or older. The Agency further indicated that, from January 1, 2010 through December 31, 2012, 62% of GAO's new staff hires were at the Band I or entry-level for the analyst (PE), program technical (PT), and attorney (PA) pay plans, and the percentage of hires age 40 or older [within this 62%] increased from 16% in 2010 to 46% in 2012 due to critical need hiring that required significant prior experience. GAO Response to the Board's 2010 and 2013 Document Requests.

<sup>79</sup> Board Analysis of OPM FedScope Data on New Hires (Fiscal Years 2005-2012); see Appendix B at A-9.



A review of the data in the prior chart shows that the age of new hires age 40 or older in the federal civilian workforce varies between a low of 75,259 in 2012 to a high of 110,375 in 2010. The following chart shows that from fiscal years 2005-2012, the percentage of new hires age 40 or older in the federal civilian workforce was highest at 39.79% in 2011. The lowest percentage of new hires age 40 or older in the federal civilian workforce was 34.47% in 2009.

**PERCENTAGE OF NEW HIRES  
IN THE FEDERAL CIVILIAN WORKFORCE BY AGE GROUP**



Source: Board Analysis of OPM FedScope Data on New Hires (Fiscal Years 2005-2012)\*

\*Not including 102 new hires with unspecified age

A comparison, for the period 2005-2012, of the number of new hires age 40 or older in the federal workforce with the number of new hires age 40 or older at GAO indicates that the rate of new hires age 40 or older in the federal workforce is an average of at least 11% higher than at GAO.

For the period 2005-2012, GAO's highest percentage of new hires age 40 or older was 45.83% in 2012; its lowest percentage of new hires age 40 or older was 15.81% in 2010. By comparison, for this same period, the highest percentage of new hires age 40 or older in the federal civilian workforce was 39.79% in 2011, while the lowest percentage of new hires in the federal civilian workforce age 40 or older was 34.47% in 2009. GAO data for 2005-2012 indicates that the largest percentage of new hires age 40 or older occurred in 2011 and 2012 – the most recent years of this study. The federal civilian workforce saw its highest percentage of new hires age 40 or older in the year 2011.

The Agency's highest percentage of new hires age 40 or older (45.83% in 2012) was higher than the highest percentage of new hires age 40 or older in the federal civilian workforce for the period 2005-2011 (39.79% in 2011). The data also reveals an increasing trend in the percentage of new hires age 40 or older in 2011 and 2012 at GAO. For the federal civilian workforce, the percentages of new hires age 40 or older remained fairly steady, ranging between 34.47%–39.79% from 2005-2012.

The Board notes that the percentage of new hires age 40 or older at GAO was lower than the percentage of new hires age 40 or older in the federal civilian workforce across the period of 2005-2011. However, it does appear that in 2011 and 2012, the percentage of new hires age 40 or older at GAO has increased and exceeded the percentage of new hires age 40 or older in the federal civilian workforce for the same years. It will be important to observe the number of new hires for the next several years to ensure that more recent trends do not indicate any age bias. The Board encourages the Agency to review recruitment practices to see if there are ways the Agency can make hiring opportunities more accessible to applicants over the age of 40. Continued attention to creating equal opportunities for new hires age 40 or older will demonstrate the Agency's commitment to considering older workers for vacant positions, strengthening and diversifying its workforce, and creating a high-quality workplace environment.

## **B. Part-Time Work Schedules**

The Board reviewed GAO personnel data on part-time work schedules of staff.<sup>80</sup> The Board then compared this information to data available on part-time employment in the federal civilian workforce.

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<sup>80</sup> The Part-Time Career Employment Act of 1978 requires part-time employees to work between 16 and 32 hours a week (or 32 to 64 hours during a biweekly pay period in the case of a flexible or compressed work schedule). Pub. L. No. 95-437, 92 Stat. 1055 (codified at 5 U.S.C. §§ 3401-3408 (1978)).

## 1. General Data on Part-Time Work Schedules

From January 1, 2000 to December 31, 2012, an average of 107 staff employees per year elected to work on part-time schedules at GAO.<sup>81</sup> Part-time employment at GAO increased from a low of 92 employees in 2003 to its highest level of 134 in 2010.<sup>82</sup> GAO then experienced a drop in part-time employment in 2011 and 2012, leaving 108 employees on part-time schedules in 2012.<sup>83</sup>

In the federal civilian workforce, part-time employment rose from a low count of 56,873 employees in 2000 to its height of 70,755 employees in 2010.<sup>84</sup> Like at GAO, the federal civilian workforce experienced a slight drop in part-time employment in 2011 to 70,508 employees, and a further drop to 66,251 employees in 2012.<sup>85</sup>

## 2. Data on Part-Time Work Schedules in the “Under 40” and “40 or Older” Age Groups

Of the GAO staff that elected to work on part-time schedules between calendar years 2000-2012, 39.58% were under age 40 and 60.42% were age 40 or older.<sup>86</sup> The chart on the next page breaks out the number of GAO staff working part-time schedules in the “Under 40” and “40 or Older” age groups, by calendar year, from 2000-2012.

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<sup>81</sup> Board Analysis of GAO Personnel Data on Part-Time Work Schedules (Calendar Years 2000-2012). GAO had the following number of part-time work schedules, among staff, by calendar year: 2000 (119); 2001 (104); 2002 (95); 2003 (92); 2004 (99); 2005 (101); 2006 (103); 2007 (99); 2008 (103); 2009 (117); 2010 (134); 2011 (118); and 2012 (108). See Appendix C at A-14.

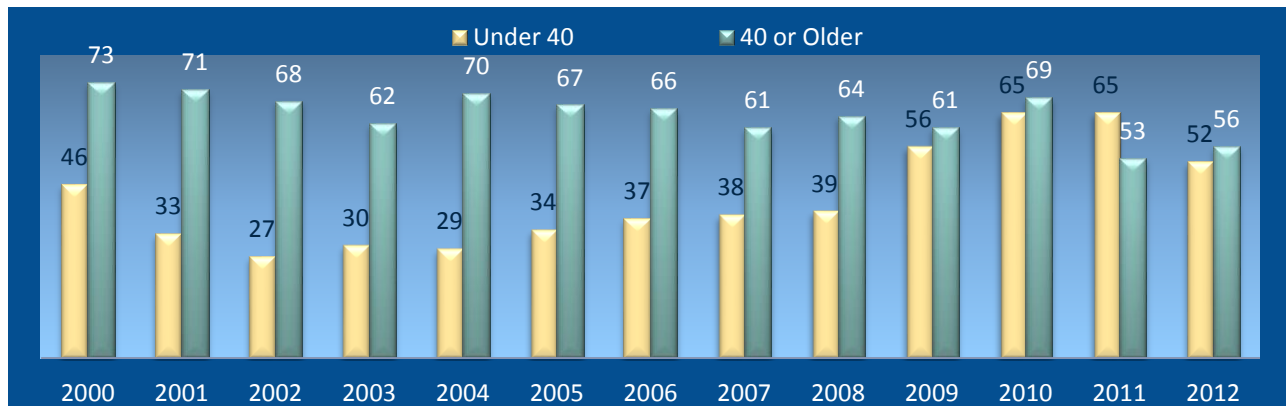
<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> Board Analysis of OPM FedScope Data on Non-Seasonal Part-Time Work Schedules (Fiscal Years 2000-2012). The federal civilian workforce had the following number of part-time employees from fiscal years 2000-2012: 2000 (56,873); 2001 (57,523); 2002 (57,854); 2003 (60,344); 2004 (66,205); 2005 (61,812); 2006 (62,864); 2007 (64,775); 2008 (67,547); 2009 (69,734); 2010 (70,755); 2011 (70,508); and 2012 (66,251). See Appendix D at A-18.

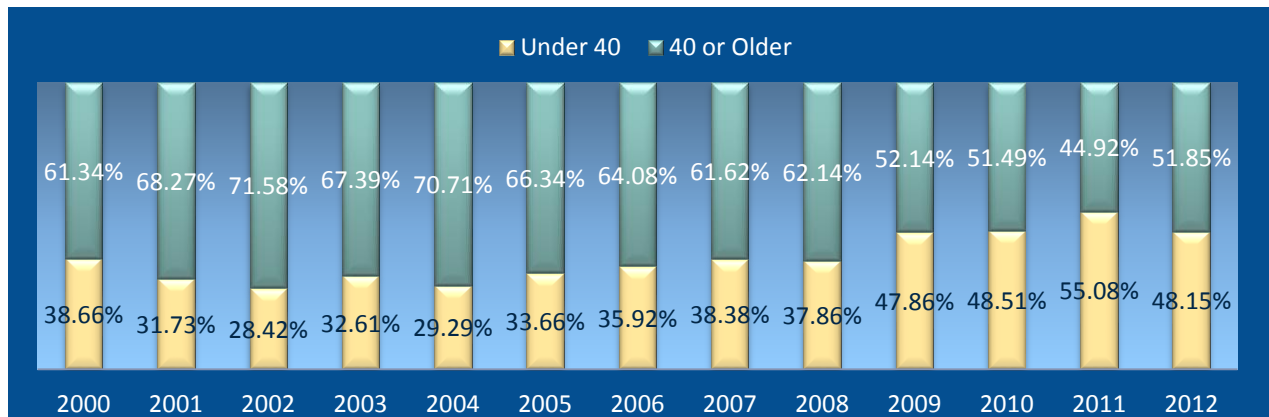
<sup>85</sup> *Id.*

<sup>86</sup> Board Analysis of GAO Personnel Data on Part-Time Work Schedules (Calendar Years 2000-2012); see Appendix C at A-13 and A-14.

**PART-TIME WORK SCHEDULES AT GAO BY AGE GROUP**

Source: Board Analysis of GAO Personnel Data on Part-Time Work Schedules (Calendar Years 2000-2012)

A review of the data in the prior chart indicates that, for employees age 40 or older, GAO staff working part-time schedules ranged from a high of 73 employees in 2000 to a low of 53 in 2011. The data also shows that, with the exception of 2011, a higher percentage of GAO staff age 40 or older – rather than under age 40 – were working part-time schedules. This is clarified in the following chart.

**PERCENTAGE OF PART-TIME WORK SCHEDULES AT GAO BY AGE GROUP**

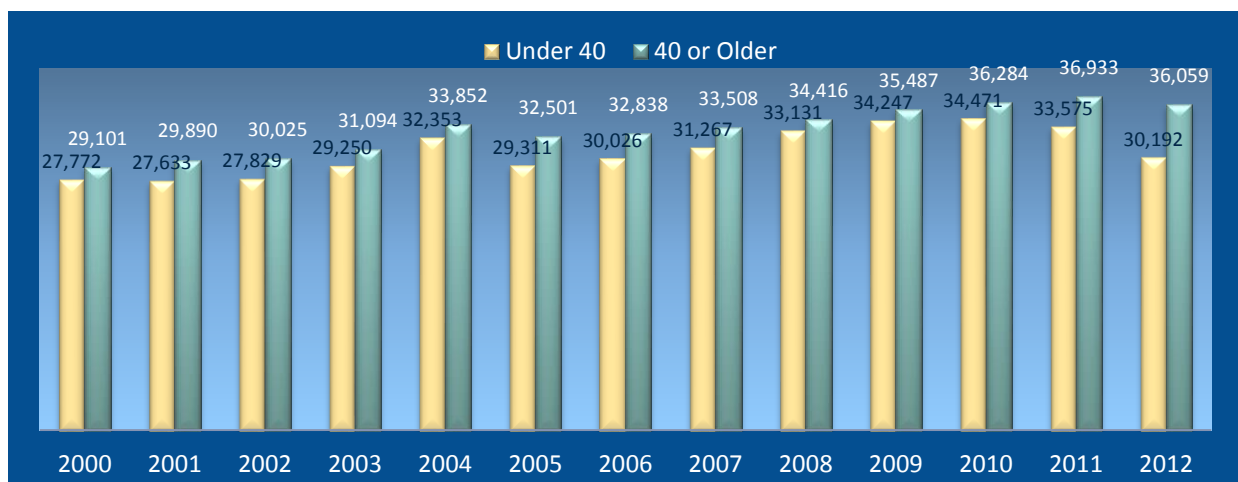
Source: Board Analysis of GAO Personnel Data on Part-Time Work Schedules (Calendar Years 2000-2012)

The prior chart indicates that from 2000-2012, the percentage of GAO staff age 40 or older working part-time was at its highest in 2002 at 71.58%, and its second highest in 2004 at 70.71%. This chart also indicates that the percentage of part-time GAO employees age 40 or older – though mostly over

50% – is generally decreasing. The lowest percentage of part-time GAO employees age 40 or older, during the period covered by this study, was 44.92% in 2011.

Between fiscal years 2000-2012, federal civilian workforce data indicates that of employees working on part-time schedules, 48.14% were under age 40 and 51.86% were age 40 or older.<sup>87</sup> The following chart breaks out the number of part-time work schedules in the “Under 40” and “40 or Older” age groups, in the federal civilian workforce, by fiscal year, from 2000-2012.

**PART-TIME WORK SCHEDULES  
IN THE FEDERAL CIVILIAN WORKFORCE BY AGE GROUP**

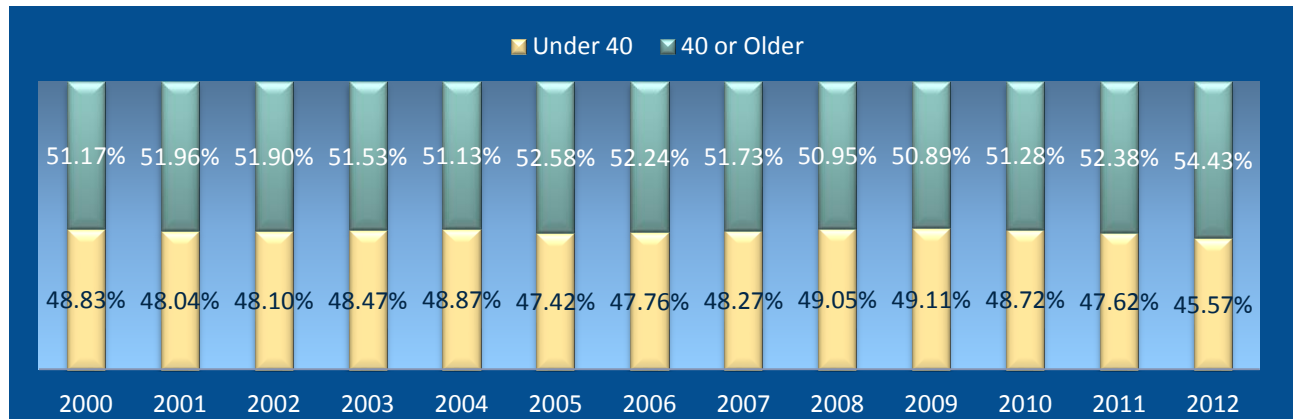


Source: Board Analysis of OPM FedScope Data on Nonseasonal Part-Time Work Schedules (Fiscal Years 2000-2012)\*  
\*Not including 12 part-time work schedules with unspecified age

A review of the data in the prior chart shows that the number of part-time employees in the federal civilian workforce age 40 or older varies between a low of 29,101 in fiscal year 2000 and a high of 36,933 in fiscal year 2011. The data in the next chart shows that the highest percentage of part-time employees in the federal civilian workforce age 40 or older occurred in fiscal year 2012 at 54.43%.

<sup>87</sup> OPM FedScope Data on Nonseasonal Part-Time Work Schedules (Fiscal Years 2000-2012) (not including 12 part-time work schedules with unspecified age, and not including seasonal part-time work schedules, or seasonal and nonseasonal job sharer part-time work schedules); see Appendix D at A-17 and A-18.

**PERCENTAGE OF PART-TIME WORK SCHEDULES  
IN THE FEDERAL CIVILIAN WORKFORCE BY AGE GROUP**



Source: Board Analysis of OPM FedScope Data on Nonseasonal Part-Time Work Schedules (Fiscal Years 2000-2012)\*  
\*Not including 12 part-time work schedules with unspecified age

The prior chart also indicates that, from fiscal years 2000-2012, the percentage of employees working part-time who are 40 or older in the federal civilian workforce was lowest at 50.89% in 2009.

A comparative analysis of GAO's data on staff age 40 or older that work part-time, as compared to the part-time employees in the federal civilian workforce across a similar time period, indicates that at GAO, a higher percentage of employees age 40 or older take advantage of part-time work scheduling options as opposed to part-time employees age 40 or older in the federal civilian workforce. Across 2000-2012, the part-time employment among the 40 or older age group among all part-timers in the federal civilian workforce ranged from a low of 50.89% in 2009 to a high of 54.43% in 2012. At GAO, the range of part-time work schedules for the 40 or older age group, as a percentage of all part-timers, was more expansive than that found in the federal civilian workforce; GAO ranged from a low of 44.92% in 2011 to a high of 71.58% in 2002. In short, a review of the data in this section indicates that part-time work schedules are utilized by more GAO employees age 40 or older than under age 40. In the federal civilian workforce as a whole, participation in part-time employment is more evenly spread across the "Under 40" and "40 or Older" age groups.

The Agency has noted previously that establishing alternative work schedule arrangements can accommodate the needs and preferences of older workers.<sup>88</sup> Additional older workers who may be considering retirement, but may not be ready or able to retire, might find remaining in the workforce on a part-time work schedule an attractive option. In this spirit, the Board encourages the Agency to continue to ensure that employees age 40 or older know of, and are able to avail themselves equally of, the option to work part-time. This will help to strengthen and enhance the Agency's commitment to creating a high-quality work environment with equitable support opportunities.

## C. Retirements

The Board reviewed GAO personnel data on retirements of the Agency's staff. The Board then compared this information to data available on retirements in the federal civilian workforce.

### 1. General Data on Retirements

From January 1, 2000 to December 31, 2012, there were a total of 1,580 retirements at GAO.<sup>89</sup> Retiring employees at GAO may fall under either the Civil Service Retirement System (CSRS)<sup>90</sup> or the Federal Employees Retirement System (FERS).<sup>91</sup> According to OPM, an employee's options for retirement<sup>92</sup> most often include: (1) voluntary retirement;<sup>93</sup> (2) early retirement;<sup>94</sup> (3) disability

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<sup>88</sup> See GAO, 2010-2015 Strategic Plan, *supra* note 13, at 81.

<sup>89</sup> Board Analysis of GAO Personnel Data on Retirements (Calendar Years 2000-2012). GAO had the following number of retirements, by calendar year: 2000 (116); 2001 (118); 2002 (145); 2003 (158); 2004 (189); 2005 (95); 2006 (157); 2007 (124); 2008 (97); 2009 (58); 2010 (107); 2011 (134); and 2012 (82). See Appendix E at A-22.

<sup>90</sup> The age and service requirements to receive a retirement benefit under CSRS are reported at <http://www.opm.gov/retirement-services/csrs-information/eligibility>.

<sup>91</sup> The age and service requirements to receive a retirement benefit under FERS are reported at <http://www.opm.gov/retirement-services/fers-information/eligibility>.

<sup>92</sup> Retirement options may be found at: <https://www.opm.gov/retirement-services/csrs-information/types-of-retirement/> and <https://www.opm.gov/retirement-services/fers-information/types-of-retirement/>.

<sup>93</sup> Voluntary/regular/immediate retirement refers to retirement after specified age and service requirements are met.

<sup>94</sup> Early retirement includes: (1) voluntary early retirement (when OPM or Congress allows employees of an agency undergoing a reduction-in-force, reorganization, or transfer of function to retire under an "early out" authority); and (2) discontinued service (when employees retire involuntarily when their service is discontinued for reasons other than employee misconduct).

retirement;<sup>95</sup> and (4) deferred retirement.<sup>96</sup> Moreover, as of November 6, 2014, OPM regulations allow participating agencies to submit applications for an additional option of phased retirement,<sup>97</sup> which allows full-time employees to work part-time schedules while beginning to draw a portion of their retirement benefits. The Board notes that GAO has not yet announced its decision whether to participate in the phased retirement program.

A review of retirement data at the Agency between the years 2000-2012 indicates that fewer employees retired from GAO between the years 2009-2012 (an average of 95 per year) than between the years 2000-2008 (an average of 133 per year). GAO experienced the highest number of retirements in 2002, 2003, 2004, and 2006, and the lowest number of retirements in 2005, 2008, 2009, and 2012.<sup>98</sup> When compared to federal data from fiscal years 2005-2012, retirements at GAO tend to track federal trends, with some exceptions. The federal civilian workforce experienced its lowest numbers of retirements in 2008, 2009 and 2010.<sup>99</sup> However, in 2012, while the number of retirements in the federal civilian workforce rose, retirements dropped in number at GAO.<sup>100</sup> The reverse occurred in 2006, when federal retirements dropped, retirements at GAO rose.<sup>101</sup>

The Board's review of retirements at GAO also includes an analysis of years of federal service before an employee's retirement date, which appears in charts at the top of the next page.

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<sup>95</sup> Disability retirement allows an employee to retire for a medical condition preventing the employee's continued service.

<sup>96</sup> Deferred retirement applies to employees who begin receiving their retirement benefits at a later date because their date of separation occurred when they did not have immediate retirement eligibility.

<sup>97</sup> Phased retirement is designed to be a tool to allow managers to provide mentoring opportunities for employees while increasing access to the institutional knowledge and experience retirees can provide. Final regulations in the Federal Register took effect 90 days after August 8, 2014. Agencies could begin sending Phased Retirement applications to OPM for processing beginning on November 6, 2014. See [www.opm.gov/retirement-services/phased-retirement](http://www.opm.gov/retirement-services/phased-retirement).

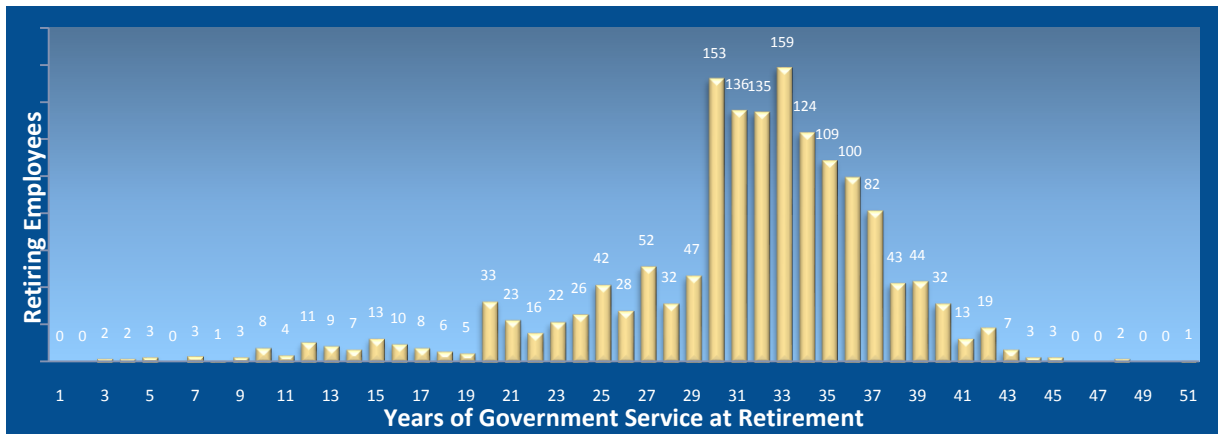
<sup>98</sup> Board Analysis of GAO Personnel Data on Retirements (Calendar Years 2000-2012); see Appendix E at A-22.

<sup>99</sup> Board Analysis of OPM FedScope Data on Retirements (Fiscal Years 2005-2012). The federal civilian workforce had the following number of retirements from fiscal years 2005-2012: 2005 (61,858); 2006 (60,250); 2007 (62,365); 2008 (58,912); 2009 (46,098); 2010 (52,660); 2011 (64,238); and 2012 (69,319). See Appendix F at A-25.

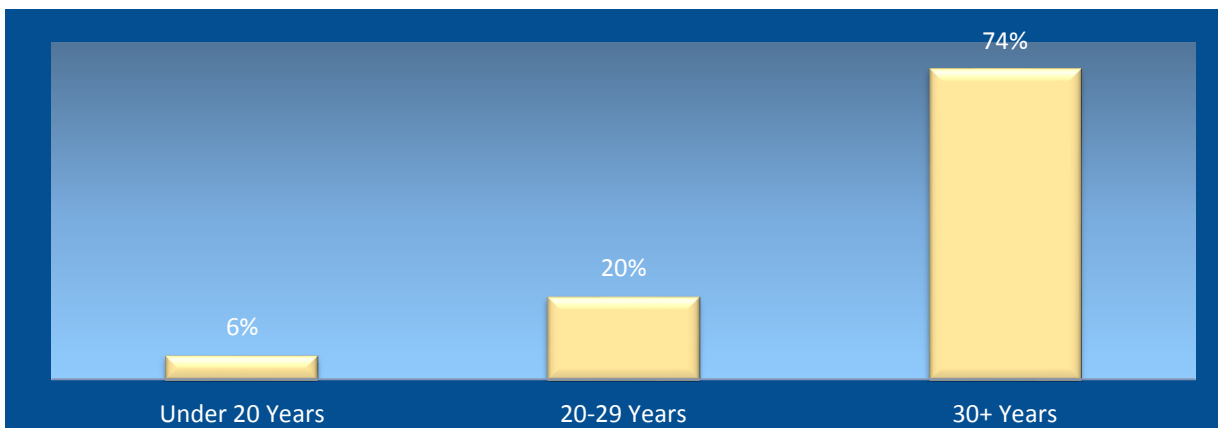
<sup>100</sup> See Appendix E at A-22; see also Appendix F at A-25.

<sup>101</sup> *Id.*



**RETIREMENTS AT GAO BY YEARS OF GOVERNMENT SERVICE (2000-2012)**

Source: Board Analysis of GAO Personnel Data on Retirements by Years of Government Service (Calendar Years 2000-2012)

**PERCENTAGE OF RETIREMENTS AT GAO BY YEARS OF GOVERNMENT SERVICE (2000-2012)**

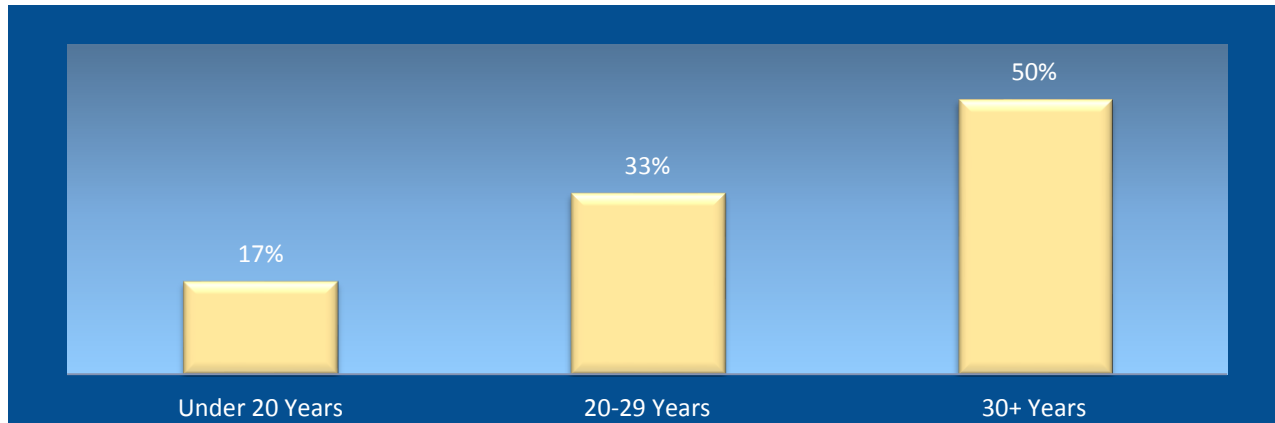
Source: Board Analysis of GAO Personnel Data on Retirements by Years of Government Service (Calendar Years 2000-2012)

Based upon the Board's analysis of the data above, of 1,580 retirements at GAO during calendar years 2000-2012, only 6% of GAO employees retired before completing 20 years of service in the federal government; 20% of GAO employees retired between 20-29 years of federal government service; and 74% of GAO employees retired after 30 years of service in the federal government. The data also reveals that retirements at GAO do not drop at a large rate until retiring employees have completed 37 years of government service.<sup>102</sup>

<sup>102</sup> See Appendix G at A-29 to A-31 (for data on retirements at GAO by years of government service).

Comparative federal civilian workforce data on retirements is available for fiscal years 2005-2012<sup>103</sup> and is illustrated in the following chart.

**PERCENTAGE OF RETIREMENTS IN THE FEDERAL CIVILIAN WORKFORCE  
BY YEARS OF GOVERNMENT SERVICE (2005-2012)**



Source: Board Analysis of OPM FedScope Data on Retirements by Years of Government Service (Fiscal Years 2005-2012)\*  
\*Not including 29 with unspecified years of service

The chart above indicates that, for fiscal years 2005-2012, 17% of retirees in the federal civilian workforce retired before completing 20 years of federal government service, 33% retired between 20-29 years of federal government service, and 50% retired after completing 30 or more years of federal government service. From this data, the Board notes that a larger percentage of employees in the federal civilian workforce, as a whole, retired with 20-29 years of service (33%), than GAO employees retiring with the same years of service in the federal government (20%). However, the Board also notes that a much lower percentage of federal civilian employees retired with 30 or more years of federal government service (50%) than GAO employees who retired with 30 or more years of federal government service (74%). Nevertheless, an analysis of the data shows that the most common length of federal government service at GAO, for those retiring across calendar years 2000-2012, is 31 to 33 years. The most common length of federal government service across the federal civilian workforce for those retiring from fiscal years 2005-2012 is similar, falling between 30 to 34 years. This data reveals that, for the time periods

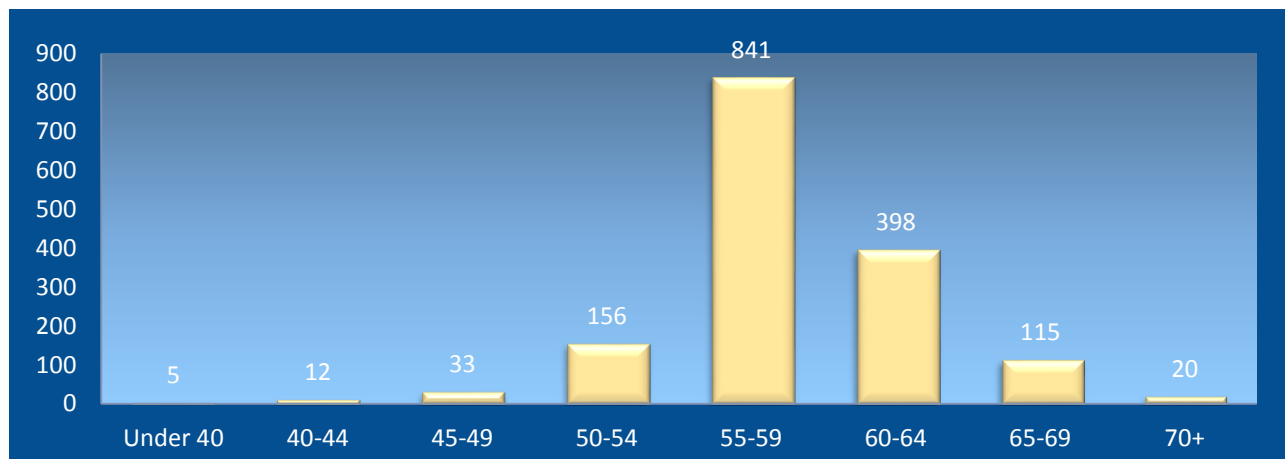
<sup>103</sup> See Appendix H at A-35 (for data on retirements in the federal civilian workforce by years of government service).

under review, at least half of the federal civilian workforce (50%), and almost three-fourths of GAO's workforce (74%), work at least 30 years in the federal government before retiring.

## 2. Data on Retirements in the “Under 40” and “40 or Older” Age Groups

Of the 1,580 retirements at GAO between calendar years 2000-2012, 99.68% (1,575 retirements) were age 40 or older. Only 0.32% (5 retirements) were under age 40.<sup>104</sup> The following chart identifies the breakdown of retirements at GAO from calendar years 2000-2012 in the “Under 40” and “40 or Older” age groups.

**RETIREMENTS AT GAO BY AGE GROUPS**



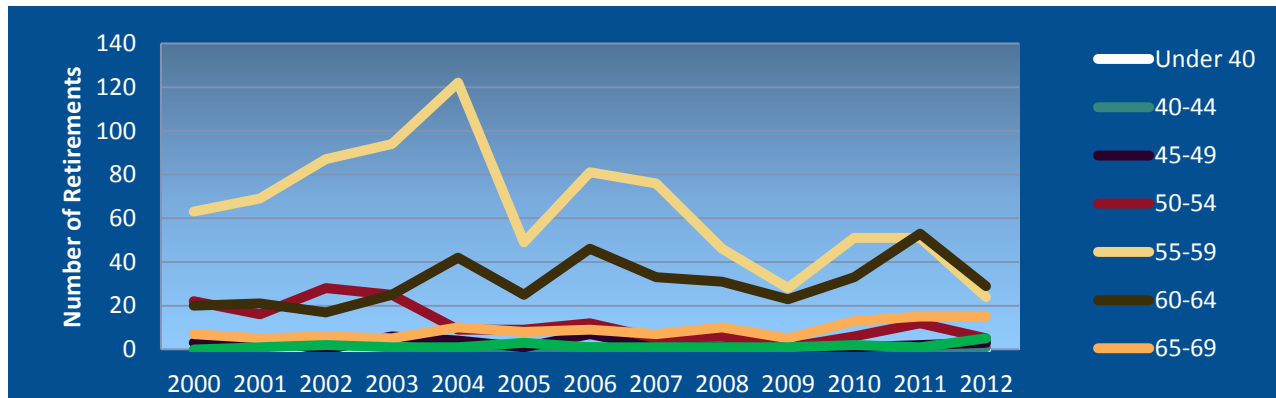
Source: Board Analysis of GAO Personnel Data on Retirements (Calendar Years 2000-2012)

The data in the chart above shows that retirements at GAO occurred in calendar years 2000-2012 across the 40-44, 45-49, 50-54, 55-59, 60-64, 65-69, and 70 or older age groups. This chart also shows that the most retirements at GAO occur within the 55-59 age group. The second highest age group for retirements is 60-64. The number of retirements decrease from age 50-54, then 65-69, then 45-49, then 70 or older. Among employees age 40 or older, the fewest occur at age 40-44. The data in the chart that

<sup>104</sup> The retirements under age 40 occurred once a year in 2000, 2002, 2003, 2007, and 2010 for severe disability. Board Analysis of GAO Personnel Data on Retirements (Calendar Years 2000-2012). See Appendix E at A-21 to A-22.

follows shows that from 2000-2010, 55-59 year olds were the top retiring group. In 2011-2012, 60-64 year olds became the highest retiring group.<sup>105</sup>

**RETIREMENTS AT GAO BY YEAR,  
SUBDIVIDED BY AGE GROUP**



Source: Board Analysis of GAO Personnel Data on Retirements (Calendar Years 2000-2012)

Comparative federal civilian workforce data on retirements by federal employees for fiscal years 2005-2012 is set forth in the chart at the top of the next page.

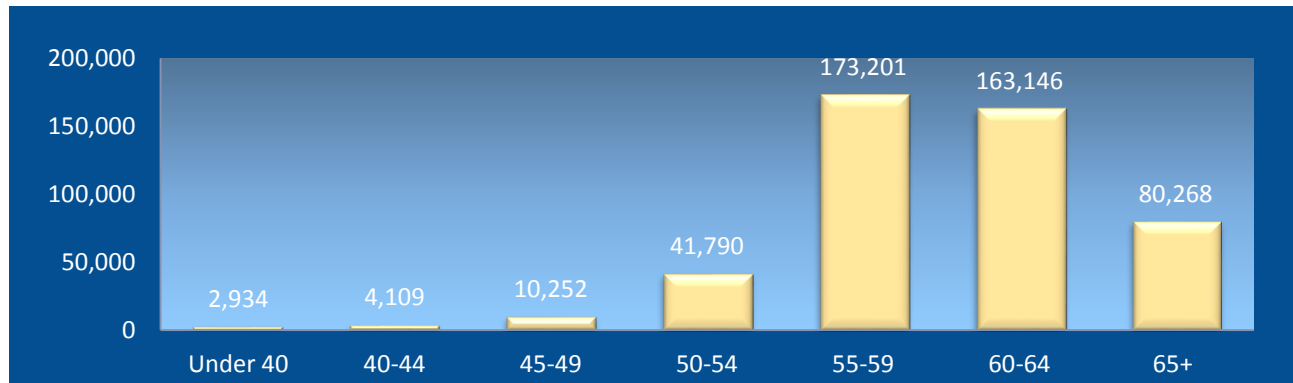
<sup>105</sup> With respect to retirements, the Agency informed the Board that from January 1, 2000 through June 30, 2010:

As a percentage of the GAO workforce, the [1,301 retirements the Agency experienced] generally fluctuated between 3 and 5 percent each year, but dropped noticeably to 1.9 percent in 2009. In addition, beginning in 2004, the percent of retirees who were 60 years old or older began a noticeable rise. As would be expected, the vast majority of retirements across the time period – about 94 percent – were voluntary, non-disability retirements either at regular retirement age or as an early-out, except for during 2000 when 35 percent of retirements were in lieu of involuntary action. This anomaly was due to GAO's closure of five field offices that year – Kansas City, St. Louis, Portland, Raleigh, and Sacramento – which affected 114 staff members. If this year is excluded from calculation, the percentage of voluntary, non-disability retirements rises to 97.

GAO Response to the Board's 2010 Document Request at 1. The Agency further notes that from January 1, 2010 through December 31, 2012:

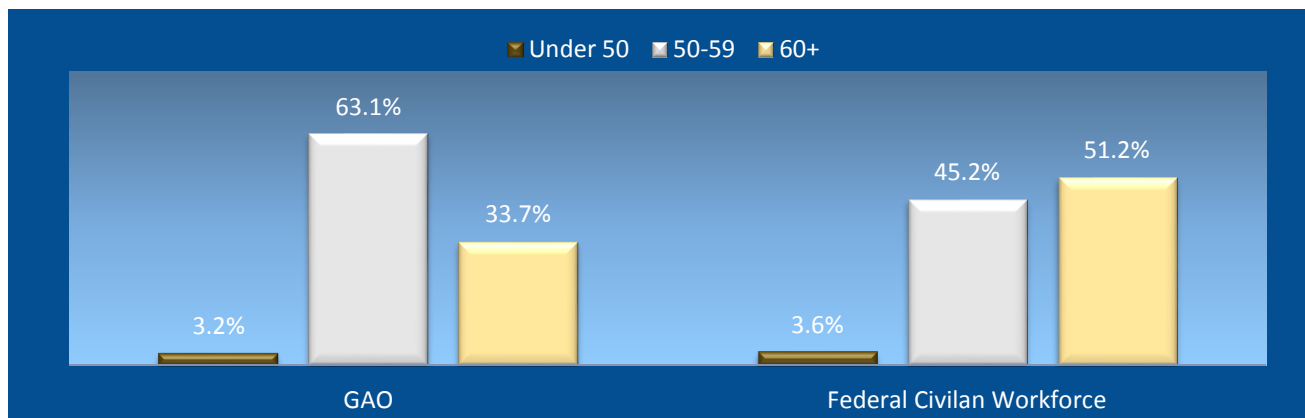
323 employees retired from GAO. As a percentage of the GAO workforce, these retirements generally represented between 3 and 4 percent each year. Between 2010 and 2012, 87 percent of all retirements were voluntary, fully eligible staff. The remainder included disability and early out retirements, and one special action retirement. In 2011, we were granted authority from OPM to offer a Voluntary Separation Incentive Program (VSIP) to reduce and reshape our workforce. As a result, we approved 37 VSIP requests, which represent 32 percent of the voluntary retirements in 2011.

GAO Response to the Board's 2013 Document Request at 2.

**RETIREMENTS IN THE FEDERAL CIVILIAN WORKFORCE BY AGE GROUP**

Source: Board Analysis of OPM FedScope Data on Retirements (Fiscal Years 2005-2012)\*  
 \*Not including 9 retirees with unspecified age

The chart above shows that retirements in the federal civilian workforce have occurred in fiscal years 2005-2012 across the 40-44, 45-49, 50-54, 55-59, 60-64, and 65+ age groups. The data also shows that, as at GAO, the most retirements in the federal civilian workforce occurred in the 55-59 age group, followed by the 60-64 age group. Fewer federal civilian workforce retirements occurred in the 65 and older age group, followed by 50-54, then 45-49, and the fewest in the 40-44 age group.

**PERCENTAGE OF TOTAL RETIREMENTS BY AGE**

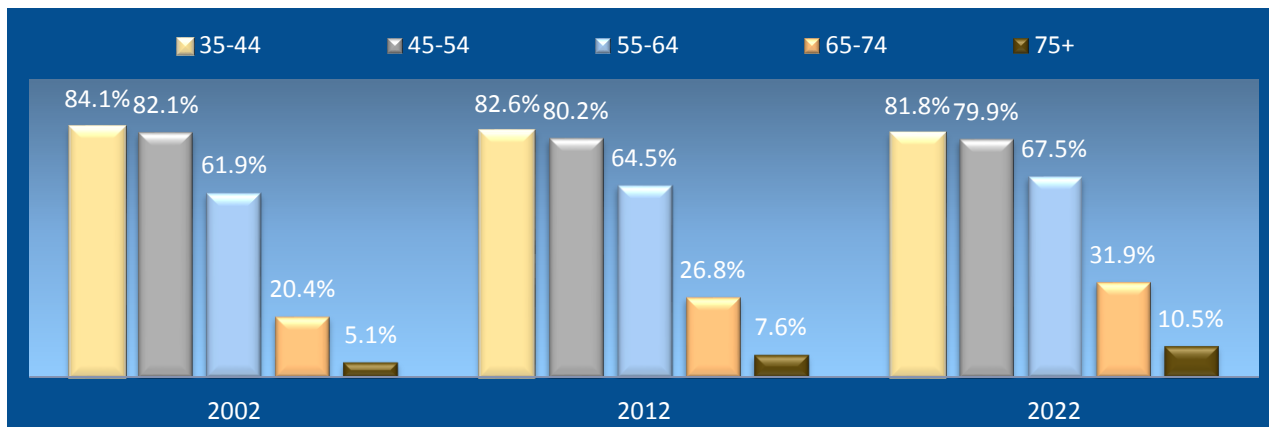
Source: Board Analysis of GAO Personnel Data on Retirements (Calendar Years 2000-2012)  
 and OPM FedScope Data on Retirements (Fiscal Years 2005-2012)\*  
 \*Not including 9 retirees with unspecified age

When comparing retirements at GAO to those of the federal civilian workforce, the data indicates that more than half of retirements at GAO occur in the 55-59 age group (63.1%), whereas in the federal

civilian workforce, retirements are more spread out between age 55 and age 64, and more than half of federal civilian workforce retirements occur after the age of 60 (51.2%). The data also indicates that the total number of retirements at GAO peaked in 2002, 2003, and 2004. Starting in 2011, the most common age range to retire from GAO rose from 55-59 to 60-64. Accordingly, the Board finds that the number of retirements at GAO for the period 2000-2012 is consistent with the federal civilian workforce, given the size of the Agency's workforce, and shows no evidence, on its face, of age discrimination, age bias, or disparate impact based on age.

The Board also notes that if the trend in retirements at GAO follows trends in retirement in the federal civilian workforce, the average retirement age for employees at GAO should continue to rise. This observation is supported by data from the United States Department of Labor's Bureau of Labor Statistics, displayed in the following chart, which indicates the percentage of participation in the civilian labor force by age bracket for the years 2002, 2012, and 2022 (as a projection).<sup>106</sup>

**PERCENTAGE OF PARTICIPATION IN THE CIVILIAN LABOR FORCE BY AGE  
FOR 2002, 2012, AND PROJECTION FOR 2022**



Source: Board Analysis of the U.S. Bureau of Labor Statistics Employment Projections Program

The United States Department of Labor projects that the percentage of workers in the civilian labor force age 40 or older is expected to rise in the next several years. The Department of Labor's data

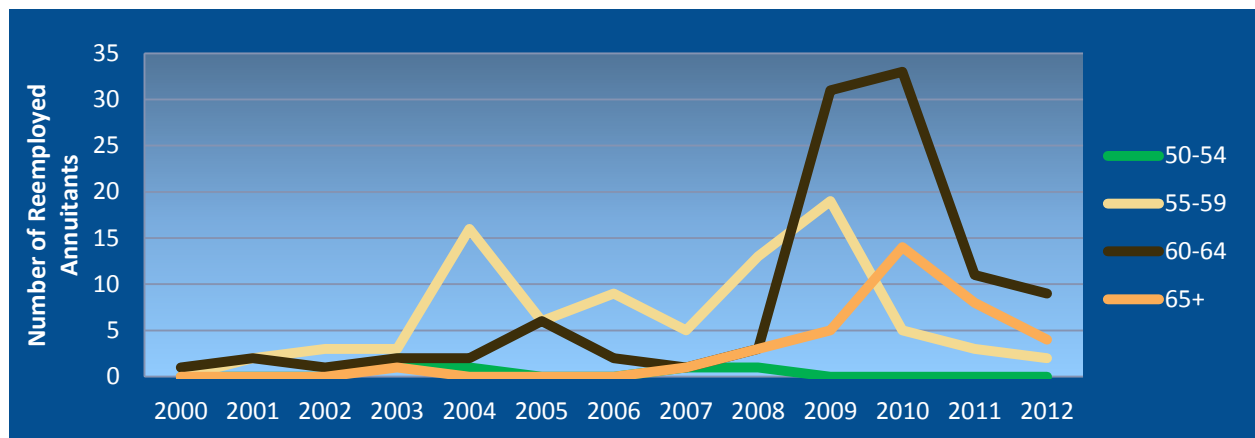
<sup>106</sup> See U.S. Department of Labor, U.S. Bureau of Statistics, Employment Projections, Table 3.3: Civilian labor force participation rates by age, sex, race, and ethnicity, 1992, 2002, 2012, and projected 2022 (in percent) at [http://www.bls.gov/emp/ep\\_table\\_303.htm](http://www.bls.gov/emp/ep_table_303.htm).

indicates that the percentage of workers age 55-64, 65-74, and 75 and older rose from 2002-2012, and an additional increase is expected by 2022.

### 3. Data on Reemployed Annuitants at GAO

The rise in age of employees continuing to work also is evident in the increase of reemployed annuitants at GAO across calendar years 2000-2012.<sup>107</sup> The highest level of annuitants reemployed at the Agency during this period occurred during the last five years of the study from 2008-2012. All of GAO's reemployed annuitants were age 50 or older: 5 were age 50-54, 86 were age 55-59, 104 were age 60-64, and 36 were age 65 or older.

**REEMPLOYED ANNUITANTS AT GAO BY AGE GROUP  
SUBDIVIDED BY YEAR**



Source: Board Analysis of GAO Personnel Data on Reemployed Annuitants (Calendar Years 2000-2012)

The chart above shows that from 2002-2008, the largest number of reemployed annuitants at GAO were age 55-59. However, beginning in 2009, 60-64 year olds became the largest number of reemployed annuitants at GAO.<sup>108</sup> The data in the prior chart shows that from 2009-2012, GAO employees have been working longer in terms of age, and years of service, before fully retiring.

<sup>107</sup> Board Analysis of GAO Personnel Data on Reemployed Annuitants (Calendar Years 2000-2012). GAO had the following number of reemployed annuitants by calendar year: 2000 (1); 2001 (4); 2002 (4); 2003 (8); 2004 (19); 2005 (12); 2006 (11); 2007 (8); 2008 (20); 2009 (55); 2010 (52); 2011 (22); and 2012 (15). (Depending on when an annuitant returned to federal service, the same individual may be counted in more than one calendar year.) See Appendix I at A-39.

<sup>108</sup> The Agency advised the Board that, from January 1, 2000 through June 30, 2010, it rehired 157 of its annuitants on term appointments.

The Board finds that the statistics in this section regarding retirement and the reemployment of annuitants by GAO for the period 2000-2012 do not, on their face, support a finding of age discrimination, age bias, or disparate impact based on age. The Board expects the Agency will continue to rehire employees age 40 or older and encourages the Agency to consider adopting a phased retirement program for this purpose. The continuity provided by experienced former employees, and the institutional memory they possess, will strengthen and enhance the Agency's commitment to creating a high-quality work environment for its employees.

In summary, the Board encourages the Agency to continue to ensure that employees 40 or older are treated fairly with respect to retirement decisions, especially as more older employees opt to remain in the workforce longer than in previous years. Based on employment trends as described above, the Board expects the number of GAO employees age 40 or older opting to stay in the workplace longer before retiring to rise. In addition, many may opt to take advantage of OPM's new phased retirement option, should GAO adopt it, thereby allowing more full-time employees to work part-time schedules while beginning to draw partial retirement benefits. Such support by GAO will strengthen and enhance the Agency's commitment to creating a high quality work environment.

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The Agency further states:

Given that these employees are federal retirees, all of them have been 50 years old or older, with 12 being 65 years old or older. Pursuant to the authority provided under 5 U.S.C. [§§] 8344 and 8468, the Comptroller General waived the salary reduction for all but eight of the rehires. Until 2009, the Knowledge Transfer Program [which supports various teams in fostering a working environment and team culture where the sharing of knowledge and expertise across employee Grade/Band levels and issue areas is inherent in daily business practices,] was responsible for the majority of the rehires, 59 percent. However, during 2009 and 2010, rehires under the Knowledge Transfer Program dropped to just 9 percent of the annuitants hired during this period; most hires during this period were to assist with the bimonthly reviews mandated by the American Recovery and Reinvestment Act (ARRA). Pub. L. No. 111-5, 123 Stat. 115. On average, rehired annuitants stayed on board about 10 months.

GAO Response to the Board's 2010 Document Request, at 2. From January 1, 2010 through December 31, 2012, the Agency indicated it rehired 58 annuitants on term appointments. The Agency further notes that:

36 percent (21 of the 58) had appointments that were for more than one year. On average, annuitants stayed onboard about 8 months. In each calendar year, at least half were between 60 and 64 years of age, and none were below 55. Ninety percent of the annuitants rehired since 2010 did not have a reduction in salary. About half were hired under the Knowledge Transfer Program, and the other half were brought on as critical needs and predominantly assigned to GAO reviews mandated by the American Recovery and Reinvestment Act.

The Agency adds that "[n]ot all of these hires were former GAO employees – a few were federal employees with relevant auditing experience or knowledge of specific programs." GAO Response to the Board's 2010 Document Request, at 9, n.12.



## D. Promotions

The Board reviewed GAO personnel data on promotions of the Agency's staff. Comparable data on promotions in the federal civilian workforce is not available in the OPM FedScope database and is not publicly available for research purposes. For this reason, the Board is not able to compare GAO's data on promotions to promotion data in the federal workforce.

### 1. General Data on Promotions

From January 1, 2000 to December 31, 2012, there were a total of 3,243 promotions at GAO.<sup>109</sup> A review of the Agency's promotion data indicates that from calendar years 2000-2012, promotions declined from 2000-2002 (from 257 in 2000; to 235 in 2001; to 211 in 2002) and from 2010-2012 (303 in 2010; to 259 in 2011; to 230 in 2012).<sup>110</sup> This decline can be attributed to the weak economy and was most likely affected by reduced Agency budgets during these time periods. From 2000-2012, even with these declines, GAO nevertheless consistently promoted individuals, ranging from 211-318 in a calendar year.<sup>111</sup>

### 2. Data on Promotions in the "Under 40" and "40 or Older" Age Groups

Of the 3,243 promotions at GAO in calendar years 2000-2012, 72.49% (2,351) were for employees under age 40 and 27.51% (892) were for employees age 40 or older.<sup>112</sup> The chart on the next page breaks out GAO promotions in the "Under 40" and "40 or Older" age groups by calendar year from 2000-2012.

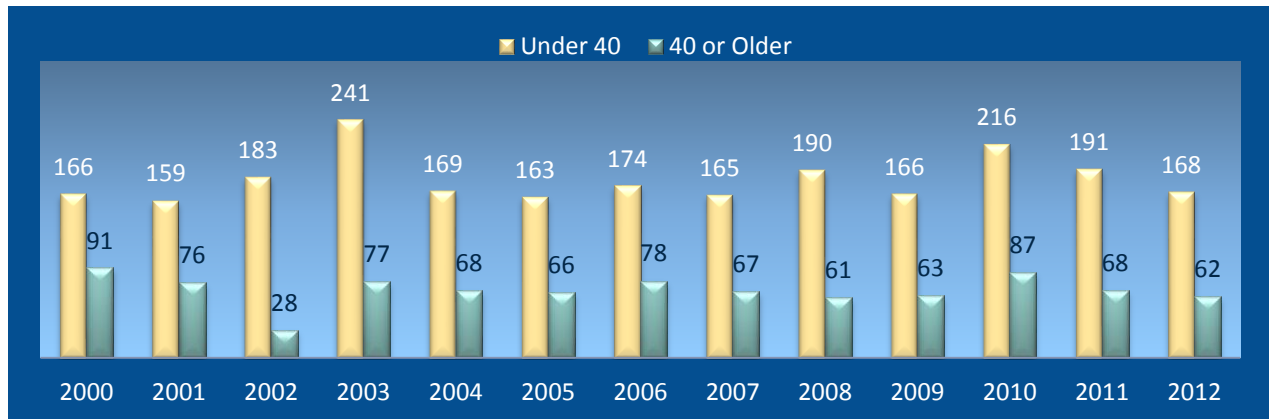
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<sup>109</sup> Board Analysis of GAO Personnel Data on Promotions (Calendar Years 2000-2012); *see* Appendix J at A-44.

<sup>110</sup> GAO made the following number of promotions by calendar year: 2000 (257); 2001 (235); 2002 (211); 2003 (318); 2004 (237); 2005 (229); 2006 (252); 2007 (232); 2008 (251); 2009 (229); 2010 (303); 2011 (259); and 2012 (230). *Id.*

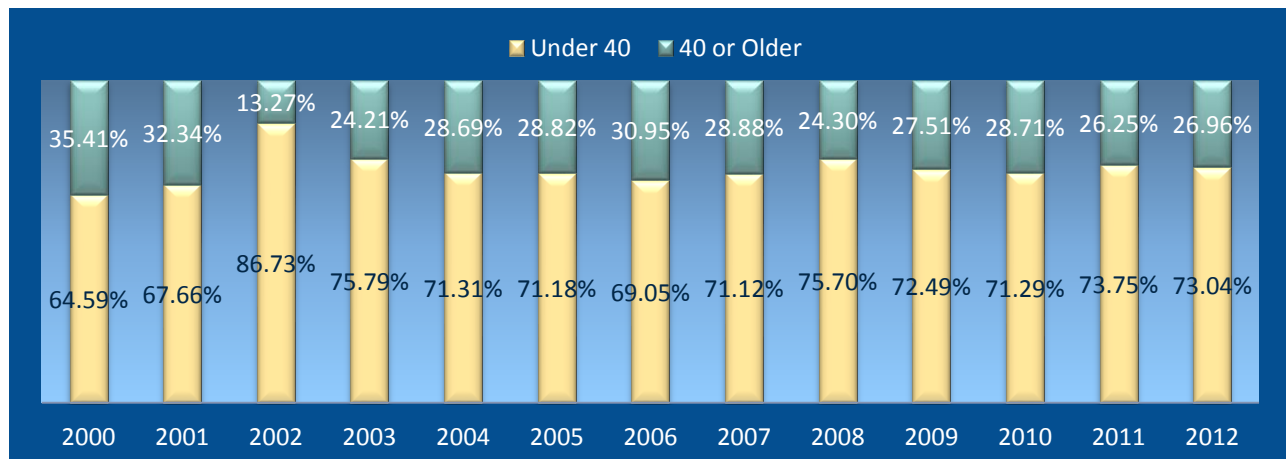
<sup>111</sup> *Id.*

<sup>112</sup> *Id.* at A-43 to A-44. In its comments on a draft of the Board's *Study on Age in the GAO Workforce*, both GAO Employees Organization and the Agency's Gay and Lesbian Employee Association note that the number of applicants by age is not included in these figures, and inclusion of this data could have allowed the analysis to reveal whether or not younger applicants are proportionately more likely to get promoted than older applicants.

**PROMOTIONS AT GAO BY AGE GROUP**

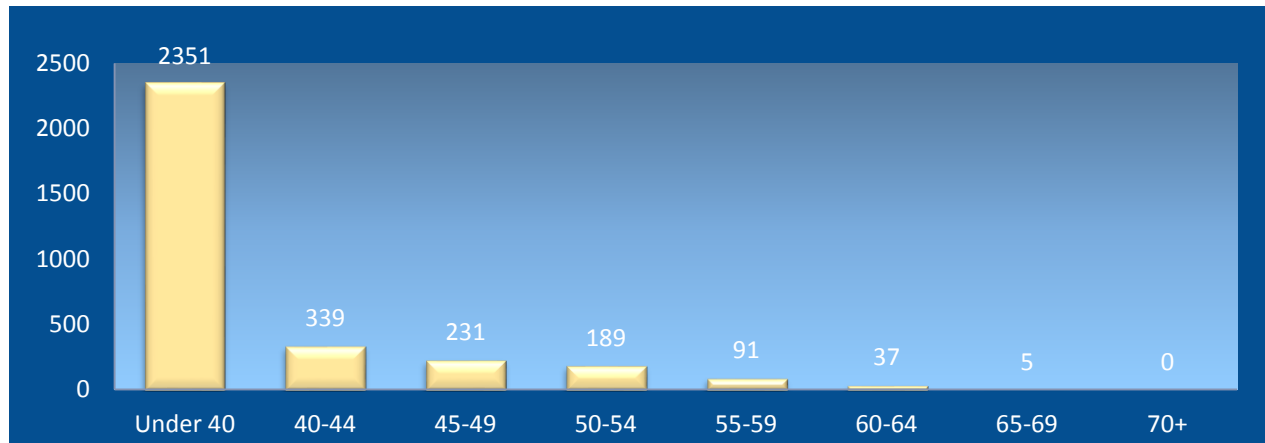
Source: Board Analysis of GAO Personnel Data on Promotions (Calendar Years 2000-2012)

A review of the data in the prior chart shows that the range of total promotions age 40 or older at GAO varies between a low of 28 in 2002 and a high of 91 in 2000. The following chart shows that overall, for the period 2000-2012, Agency employees age 40 or older received 27.5% of promotions at GAO.

**PERCENTAGE OF PROMOTIONS AT GAO BY AGE GROUP  
SUBDIVIDED BY YEAR**

Source: Board Analysis of GAO Personnel Data on Promotions (Calendar Years 2000-2012)

The prior chart shows that from 2000-2012, the Agency's percentage of promotions for GAO employees age 40 or older was highest at 35.41% in 2000. The lowest percentage of promotions for GAO employees age 40 or older occurred in 2002 at 13.27%. The chart at the top of the next page shows that the vast majority of promotions at GAO from calendar years 2000-2012 were in the "Under 40" age group.

**PROMOTIONS AT GAO BY AGE GROUP (2000-2012)**

Source: Board Analysis of GAO Personnel Data on Promotions (Calendar Years 2000-2012)

Data in the chart above indicates that GAO has been offering promotions to employees in the 40-44, 45-49, 50-54, 55-59, 60-64, and 65-69 age groups. However, the data reveals that, with each increasing age group at GAO, promotions decline. With respect to promotions, the Agency states that, from January 1, 2000 to June 30, 2010:

GAO made 2574 [internal competitive] promotions (excluding placements to Band IIB and SES appointments). The number of promotions fluctuated somewhat over the years – often in response to budget and attrition fluctuations – from a low of 211 in 2002 to a high of 318 in 2003, and most were at the junior analyst level [which refers to Band I and II until 2005, and Band IIA beginning in 2006]. Twenty-eight percent of all promotions across the time period went to staff 40 years old or older, with 37 percent of promotions in 2010 going to staff 40 or older. Of the 93 appointments to the [S]enior [E]xecutive [S]ervice that were made during this period, 76 percent went to staff between the ages of 40 and 54. Seventeen percent of the appointments went to staff 55 or older, while 7 percent went to staff under 40.<sup>113</sup>

The Agency further notes that, from January 1, 2010 to December 31, 2012:

GAO made 792 internal competitive promotions (includes Band IIB and SES). Seventy-nine percent (625) of these promotions were for positions in the analyst PE pay band. The remaining 21 percent (167 of 792) were for promotions for positions in the [S]enior [E]xecutive [S]ervice, attorney, and administrative/professional community. In terms of age, 27 percent (217) of the employees promoted to positions in the analyst PE pay band were 40 years old or older. Of the 16 appointments to the [S]enior [E]xecutive [S]ervice

<sup>113</sup> GAO Response to the Board's 2010 Document Request at 3.

that were made during this period, 10 went to staff between the ages of 40 and 54, 5 went to staff 55 or older, while 1 went to a staff member under 40.<sup>114</sup>

What can be inferred from this is that many of the promotion opportunities are for less senior positions: the higher the position, the fewer opportunities exist, *i.e.*, in the Senior Executive Service (SES) and the Band III levels.

The Board finds that GAO's record of promotions has remained, with minor variations, consistent for the "Under 40" and "40 or Older" age groups for the period 2000-2012. The statistical data on promotions at GAO during this time frame indicates employees age 40 or older are receiving promotions in both junior and senior level positions. Additionally, of the 16 promotions to the SES indicated above, only one went to an employee under age 40. The Board nevertheless encourages the Agency to continue to monitor, track, and evaluate the rate at which employees age 40 or older are promoted and assessed during the performance appraisal process.<sup>115</sup> This vigilance will enhance promotional consideration and opportunity for candidates age 40 or older, will increase awareness of related causes and potential remedies for any performance appraisal outcomes based on age, and will strengthen the Agency's commitment to creating a high quality work environment.

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<sup>114</sup> GAO Response to the Board's 2013 Document Request at 4. (GAO notes that at the time of the Agency's Response to the Board's 2010 Document Request, placement into Band IIB was not considered a promotion because staff did not get a pay increase when they moved from Band IIA. In early 2011, GAO entered into a collective bargaining agreement on pay where staff selected from Band IIA to Band IIB were given a pay raise.)

<sup>115</sup> In its comments on a draft of the Board's *Study on Age in the GAO Workforce*, the GAO Employees Union encouraged a review of performance appraisal data, in addition to promotion data, for the following reason:

in a review of agency personnel practices related to age, any analysis using promotion data will likely be less informative than an analysis of performance appraisal data because (1) promotion data only cover employees who apply for promotion, and (2) employees' decisions about whether or not to apply for promotion are likely to be affected by their performance appraisals. That is, an employee who receives a performance appraisal eligible for a top performance pay increase is likely to see the appraisal as a signal from GAO management that he or she could be successful at pursuing a promotion, while an employee who receives a lower performance appraisal may be more discouraged about the likelihood of promotion and decide not to apply.

## **CHAPTER VI**

### **CONCLUSION**

The objective of the Board's *Study on Age in the GAO Workforce* is to evaluate the extent to which any barriers exist to the engagement and retention of older workers at GAO and to assess the extent to which older employees share in equal employment opportunity at GAO. The Board reviewed the Agency's policies, procedures, and practices, as well as conducted its own review of GAO's personnel data from 2000-2012 in the areas of new hires, part-time work schedules, retirements, and promotions. The Board also compared this data, where possible, to government-wide statistics on the age of the federal civilian workforce in the areas of new hires, part-time work schedules, and retirements.

In addition, the Board reviewed No FEAR Act<sup>116</sup> data related to filings of age-based complaints at GAO's Office of Opportunity & Inclusiveness, age-based charges filed with the Board's Office of General Counsel, and petitions filed with the Board. This information indicates that, from 2009-2012, only a small number of complaints – fewer than five per year – were filed with the Agency Office of Opportunity & Inclusiveness on the basis of alleged age discrimination. The Board also reviewed its Annual Reports which reveal that, while the Board's Office of General Counsel received informational inquiries from employees about potential age discrimination claims, fewer than 10 charges alleging age as a basis for an employment discrimination case were filed with the Board's General Counsel for the period 2000-2012. In each case filed with the Board's Office of General Counsel, the parties either settled before the Board reached a decision on the matter, or allegations of age discrimination were not sustained. Finally, a review of Complaints filed in the United States District Court for the District of Columbia

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<sup>116</sup> Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002, Pub. L. No. 107-174, 116 Stat. 566 (codified at 5 U.S.C. § 2301 note).

alleging age discrimination at the Agency, from 2000 through the present, also did not reveal an age-based cause of action that was sustained.<sup>117</sup>

The Board's study reveals that, overall, GAO has taken several affirmative steps to promote an inclusive workplace free from age discrimination. According to the Partnership for Public Service, the Agency has a reputation for being one of the best places to work in the federal government.<sup>118</sup> This reputation is based, in part, on the actions the Agency takes to create a high-quality work environment and a diverse and inclusive workplace.

The Board's review also notes a few areas where the Agency can take steps to strengthen and enhance its commitment and efforts to protect against age discrimination in the workplace. The following Chapter sets forth the Board's recommendations in these areas. Should the Agency choose to adopt the Board's recommendations contained in this report, the Agency's efforts to create a workplace that is welcoming for older employees will be strengthened and improved.

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<sup>117</sup> See *Moses v. Dodaro*, 774 F. Supp. 2d 206 (D.D.C. 2011); *Chennareddy v. Dodaro*, 698 F. Supp. 2d 1 (D.D.C. 2009); *Williams v. Dodaro*, 576 F. Supp. 2d 72 (D.D.C. 2008).

<sup>118</sup> See *supra* note 2.

## **CHAPTER VII**

### **RECOMMENDATIONS**

The Comptroller General has stated that GAO strives to be a leading practices federal agency and that the Agency embraces ongoing suggestions for focused improvement. In this spirit, the Board offers the following recommendations for consideration by the Agency to further enhance equal employment opportunity at GAO:

#### **Recommendation 1: Review Recruitment Practices**

Review recruitment and selection practices to determine whether hiring opportunities may be made more inviting and accessible to applicants age 40 or older. This recommendation is relevant because the Board's study reveals that the federal civilian workforce usually hired applicants age 40 or older at a higher rate than at the Agency. A review of recruitment practices, among other factors, will help strengthen the Agency's hiring initiatives and commitment to attracting older workers as part of its effort to foster a diverse workplace.

#### **Recommendation 2: Increase Visibility of Part-Time Work Opportunities**

Increase visibility of the option for staff to work on a part-time work schedule, especially for employees age 40 or older. Ensuring employees are aware of the opportunity to work a part-time schedule can help the Agency retain older workers who may not be ready or able to retire, but may find remaining in the workforce on a part-time work-schedule to be an attractive option.

#### **Recommendation 3: Consider Adopting Phased Retirement**

Consider adopting phased retirement to allow retirement eligible older employees to work on part-time schedules while beginning to draw a portion of their retirement benefits. This recommendation is relevant because in 2011 and 2012, the most popular age range for retirement among Agency employees rose from age 55-59 to age 60-64. As life spans increase, the Agency should work to continue to remain welcoming to senior employees who may want to work longer while continuing to make valuable contributions to the Agency.

**Recommendation 4:  
Monitor, Track, and Evaluate Promotion  
and Performance Appraisal Data**

Continue to monitor, track, and evaluate promotion and performance appraisal data to ensure that an employee's age is not a relevant factor in assessing promotion potential. This recommendation is relevant because the Agency's personnel data indicates that, with each increasing five-year age group over the age of 40, promotions at the Agency significantly decline. The Agency may consider tracking the number of promotions by age and pay band, as well as the number of applications for promotions by age and pay band, to assess the cause of the decline.

The recommendations above are offered to complement GAO's Strategic Plan to cultivate a "talented, diverse, high-performing, knowledge-based workforce" and to ensure that "staff are valued, treated fairly, and given opportunities to develop to their full potential."<sup>119</sup> Adoption of the Board's recommendations will enhance the Agency's commitment to creating a workplace where all GAO employees are appreciated for the important work they do to further the Agency's mission to support the Congress in meeting its responsibilities and to improve the performance and accountability of the federal government for the benefit of the American people.

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<sup>119</sup> GAO, 2014-2019 Strategic Plan, *supra* note 1, at 190.



\* \* \* \* \*

The Board appreciates the opportunity to submit this *Study on Age in the GAO Workforce* to the Agency. It is the Board's hope that GAO finds this study beneficial and that GAO will be able to use the Board's findings and recommendations to strengthen and enhance the mission, core values, and work of the Agency in improving government operations.



## **APPENDIX**



## **APPENDIX A**

### **Data Tables of New Hires at GAO by Age Group**



## NEW HIRES AT GAO BY AGE GROUP

Source: GAO Personnel Data on New Hires (Calendar Years 2000-2012)

Under Age 40	
Year	Number
2000	152
2001	281
2002	313
2003	128
2004	237
2005	243
2006	321
2007	143
2008	288
2009	289
2010	197
2011	32
2012	26
Total	2,650

Age 40-44	
Year	Number
2000	20
2001	21
2002	19
2003	5
2004	14
2005	15
2006	27
2007	12
2008	20
2009	21
2010	15
2011	5
2012	6
Total	200

Age 45-49	
Year	Number
2000	19
2001	22
2002	22
2003	14
2004	19
2005	13
2006	19
2007	13
2008	19
2009	19
2010	12
2011	3
2012	5
Total	199

Age 50-54	
Year	Number
2000	9
2001	18
2002	8
2003	8
2004	10
2005	9
2006	9
2007	6
2008	14
2009	14
2010	5
2011	4
2012	3
Total	117

Age 55-59	
Year	Number
2000	1
2001	10
2002	11
2003	7
2004	18
2005	5
2006	17
2007	10
2008	17
2009	17
2010	3
2011	2
2012	4
Total	122

Age 60-64	
Year	Number
2000	1
2001	3
2002	3
2003	0
2004	2
2005	5
2006	4
2007	3
2008	3
2009	19
2010	1
2011	1
2012	3
Total	48

## NEW HIRES AT GAO BY AGE GROUP

Source: GAO Personnel Data on New Hires (Calendar Years 2000-2012)

Age 65-69	
Year	Number
2000	0
2001	0
2002	0
2003	0
2004	0
2005	0
2006	0
2007	1
2008	3
2009	5
2010	1
2011	0
2012	1
Total	11

Age 70+	
Year	Number
2000	0
2001	0
2002	0
2003	0
2004	0
2005	0
2006	0
2007	0
2008	1
2009	0
2010	0
2011	0
2012	0
Total	1

All Ages	
Year	Number
2000	202
2001	355
2002	376
2003	162
2004	300
2005	290
2006	397
2007	188
2008	365
2009	384
2010	234
2011	47
2012	48
Total	3,348



## **APPENDIX B**

### **Data Tables of New Hires in the Federal Civilian Workforce by Age Group**



## NEW HIRES IN THE FEDERAL CIVILIAN WORKFORCE BY AGE GROUP

Source: OPM FedScope Data on New Hires (Fiscal Years 2005-2012)\*

Under Age 40	
Year	Number
2005	149,767
2006	151,541
2007	155,874
2008	194,648
2009	196,691
2010	181,487
2011	144,816
2012	130,575
Total	1,305,399

Age 40-44	
Year	Number
2005	26,166
2006	25,534
2007	24,685
2008	30,966
2009	30,262
2010	28,959
2011	24,973
2012	20,276
Total	211,821

Age 45-49	
Year	Number
2005	21,939
2006	22,052
2007	22,122
2008	28,481
2009	20,035
2010	28,539
2011	24,055
2012	18,390
Total	185,613

Age 50-54	
Year	Number
2005	16,513
2006	16,900
2007	17,527
2008	22,358
2009	22,996
2010	22,485
2011	19,353
2012	15,194
Total	153,326

Age 55-59	
Year	Number
2005	11,685
2006	12,527
2007	12,241
2008	15,643
2009	16,427
2010	16,666
2011	14,504
2012	11,323
Total	111,016

Age 60-64	
Year	Number
2005	5,070
2006	5,208
2007	5,690
2008	7,548
2009	9,224
2010	9,160
2011	8,326
2012	6,329
Total	56,555

Age 65+	
Year	Number
2005	3,294
2006	3,296
2007	3,026
2008	3,872
2009	4,515
2010	4,566
2011	4,488
2012	3,747
Total	30,804

All Ages	
Year	Number
2005	234,434
2006	237,058
2007	241,165
2008	303,516
2009	300,150
2010	291,862
2011	240,515
2012	205,834
Total	2,054,534

\* Not including 102 new hires with unspecified age



## **APPENDIX C**

### **Data Tables of Part-Time Work Schedules at GAO by Age Group**



## PART-TIME WORK SCHEDULES AT GAO BY AGE GROUP

Source: GAO Personnel Data on Part-Time Work Schedules (Calendar Years 2000-2012)

Under Age 40	
Year	Number
2000	46
2001	33
2002	27
2003	30
2004	29
2005	34
2006	37
2007	38
2008	39
2009	56
2010	65
2011	65
2012	52
Total	551

Age 40-44	
Year	Number
2000	27
2001	24
2002	26
2003	26
2004	27
2005	26
2006	27
2007	20
2008	22
2009	18
2010	20
2011	18
2012	19
Total	300

Age 45-49	
Year	Number
2000	27
2001	26
2002	20
2003	15
2004	23
2005	22
2006	16
2007	21
2008	22
2009	21
2010	20
2011	9
2012	9
Total	251

Age 50-54	
Year	Number
2000	15
2001	15
2002	16
2003	14
2004	13
2005	10
2006	11
2007	9
2008	10
2009	13
2010	17
2011	11
2012	15
Total	169

Age 55-59	
Year	Number
2000	2
2001	4
2002	4
2003	5
2004	5
2005	7
2006	9
2007	8
2008	8
2009	7
2010	8
2011	8
2012	9
Total	84

Age 60-64	
Year	Number
2000	0
2001	0
2002	0
2003	1
2004	1
2005	1
2006	2
2007	2
2008	1
2009	1
2010	3
2011	5
2012	4
Total	21

## PART-TIME WORK SCHEDULES AT GAO BY AGE GROUP

Source: GAO Personnel Data on Part-Time Work Schedules (Calendar Years 2000-2012)

Age 65-69	
Year	Number
2000	2
2001	2
2002	2
2003	1
2004	0
2005	0
2006	0
2007	0
2008	0
2009	0
2010	0
2011	1
2012	0
Total	8

Age 70+	
Year	Number
2000	0
2001	0
2002	0
2003	0
2004	1
2005	1
2006	1
2007	1
2008	1
2009	1
2010	1
2011	1
2012	0
Total	8

All Ages	
Year	Number
2000	119
2001	104
2002	95
2003	92
2004	99
2005	101
2006	103
2007	99
2008	103
2009	117
2010	134
2011	118
2012	108
Total	1,392



## **APPENDIX D**

### **Data Tables of Part-Time Work Schedules in the Federal Civilian Workforce by Age Group**



## PART-TIME WORK SCHEDULES IN THE FEDERAL CIVILIAN WORKFORCE BY AGE GROUP

Source: OPM FedScope Data on Nonseasonal Part-Time Work Schedules (Fiscal Years 2000-2012)\*

Under Age 40	
Year	Number
2000	27,772
2001	27,633
2002	27,829
2003	29,250
2004	32,353
2005	29,311
2006	30,026
2007	31,267
2008	33,131
2009	34,247
2010	34,471
2011	33,575
2012	30,192
Total	401,057

Age 40-44	
Year	Number
2000	8,788
2001	8,567
2002	8,247
2003	8,259
2004	8,801
2005	8,004
2006	7,622
2007	7,457
2008	7,302
2009	7,211
2010	7,073
2011	7,038
2012	6,580
Total	100,949

Age 45-49	
Year	Number
2000	7,741
2001	7,952
2002	7,868
2003	8,008
2004	8,545
2005	7,973
2006	7,842
2007	7,788
2008	7,746
2009	7,555
2010	7,422
2011	7,387
2012	7,000
Total	100,827

Age 50-54	
Year	Number
2000	5,601
2001	5,922
2002	5,883
2003	6,182
2004	6,900
2005	6,654
2006	6,848
2007	7,111
2008	7,172
2009	7,274
2010	7,223
2011	7,182
2012	6,981
Total	86,933

Age 55-59	
Year	Number
2000	3,170
2001	3,393
2002	3,834
2003	4,237
2004	4,807
2005	4,911
2006	5,300
2007	5,407
2008	5,823
2009	6,127
2010	6,458
2011	6,615
2012	6,569
Total	66,651

Age 60-64	
Year	Number
2000	1,847
2001	1,953
2002	2,006
2003	2,234
2004	2,537
2005	2,611
2006	2,828
2007	3,251
2008	3,594
2009	4,131
2010	4,599
2011	4,928
2012	4,969
Total	41,488

\* Not including 12 part-time work schedules with unspecified age

## PART-TIME WORK SCHEDULES IN THE FEDERAL CIVILIAN WORKFORCE BY AGE GROUP

Source: OPM FedScope Data on Nonseasonal Part-Time Work Schedules (Fiscal Years 2000-2012)\*

Age 65+		All Ages	
Year	Number	Year	Number
2000	1,954	2000	56,873
2001	2,103	2001	57,523
2002	2,187	2002	57,854
2003	2,174	2003	60,344
2004	2,262	2004	66,205
2005	2,348	2005	61,812
2006	2,398	2006	62,864
2007	2,494	2007	64,775
2008	2,779	2008	67,547
2009	3,189	2009	69,734
2010	3,509	2010	70,755
2011	3,783	2011	70,508
2012	3,960	2012	66,251
Total	35,140	Total	833,045

\* Not including 12 part-time work schedules with unspecified age

## **APPENDIX E**

### **Data Tables of Retirements at GAO by Age Group**



## RETIREMENTS AT GAO BY AGE GROUP

Source: GAO Personnel Data on Retirements (Calendar Years 2000-2012)

Under Age 40	
Year	Number
2000	1
2001	0
2002	1
2003	1
2004	0
2005	0
2006	0
2007	1
2008	0
2009	0
2010	1
2011	0
2012	0
Total	5

Age 40-44	
Year	Number
2000	0
2001	2
2002	4
2003	1
2004	1
2005	0
2006	1
2007	0
2008	2
2009	0
2010	0
2011	0
2012	1
Total	12

Age 45-49	
Year	Number
2000	3
2001	4
2002	0
2003	6
2004	4
2005	1
2006	7
2007	1
2008	1
2009	0
2010	1
2011	2
2012	3
Total	33

Age 50-54	
Year	Number
2000	22
2001	16
2002	28
2003	25
2004	9
2005	9
2006	12
2007	5
2008	6
2009	1
2010	6
2011	12
2012	5
Total	156

Age 55-59	
Year	Number
2000	63
2001	69
2002	87
2003	94
2004	122
2005	49
2006	81
2007	76
2008	46
2009	28
2010	51
2011	51
2012	24
Total	841

Age 60-64	
Year	Number
2000	20
2001	21
2002	17
2003	25
2004	42
2005	25
2006	46
2007	33
2008	31
2009	23
2010	33
2011	53
2012	29
Total	398

## RETIREMENTS AT GAO BY AGE GROUP

Source: GAO Personnel Data on Retirements (Calendar Years 2000-2012)

Age 65-69	
Year	Number
2000	7
2001	5
2002	6
2003	5
2004	10
2005	8
2006	9
2007	7
2008	10
2009	5
2010	13
2011	15
2012	15
Total	115

Age 70+	
Year	Number
2000	0
2001	1
2002	2
2003	1
2004	1
2005	3
2006	1
2007	1
2008	1
2009	1
2010	2
2011	1
2012	5
Total	20

All Ages	
Year	Number
2000	116
2001	118
2002	145
2003	158
2004	189
2005	95
2006	157
2007	124
2008	97
2009	58
2010	107
2011	134
2012	82
Total	1,580



## **APPENDIX F**

### **Data Tables of Retirements in the Federal Civilian Workforce by Age Group**



## RETIREMENTS IN THE FEDERAL CIVILIAN WORKFORCE BY AGE GROUP

Source: OPM FedScope Data on Retirements (Fiscal Years 2005-2012)\*

Under Age 40	
Year	Number
2005	450
2006	363
2007	353
2008	386
2009	394
2010	365
2011	318
2012	305
Total	2,934

Age 40-44	
Year	Number
2005	689
2006	607
2007	608
2008	537
2009	450
2010	401
2011	427
2012	390
Total	4,109

Age 45-49	
Year	Number
2005	1,717
2006	1,433
2007	1,492
2008	1,384
2009	1,035
2010	1,025
2011	1,054
2012	1,112
Total	10,252

Age 50-54	
Year	Number
2005	7,380
2006	6,513
2007	6,047
2008	5,306
2009	3,407
2010	3,473
2011	4,525
2012	5,139
Total	41,790

Age 55-59	
Year	Number
2005	25,158
2006	24,450
2007	23,904
2008	21,844
2009	16,360
2010	17,801
2011	21,322
2012	22,362
Total	173,201

Age 60-64	
Year	Number
2005	17,990
2006	18,213
2007	20,654
2008	20,333
2009	16,882
2010	19,940
2011	24,149
2012	24,985
Total	163,146

Age 65+	
Year	Number
2005	8,474
2006	8,671
2007	9,307
2008	9,122
2009	7,570
2010	9,655
2011	12,443
2012	15,026
Total	80,268

All Ages	
Year	Number
2005	61,858
2006	60,250
2007	62,365
2008	58,912
2009	46,098
2010	52,660
2011	64,238
2012	69,319
Total	475,700

\* Not including 9 retirees with unspecified age



## **APPENDIX G**

### **Data Table of Retirements at GAO by Years of Government Service**



## RETIREMENTS AT GAO BY YEARS OF GOVERNMENT SERVICE

Source: GAO Personnel Data on Retirements by Years of Government Service (Calendar Years 2000-2012)

Years of Service	Year													All
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3	0	0	0	0	1	0	0	0	0	0	0	0	1	2
4	0	0	0	0	0	0	0	1	1	0	0	0	0	2
5	1	0	0	1	0	0	0	1	0	0	0	0	0	3
6	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7	0	0	0	0	0	1	1	0	0	0	1	0	0	3
8	0	0	0	0	0	0	0	0	0	0	0	1	0	1
9	0	1	1	0	0	0	0	0	1	0	0	0	0	3
10	2	0	0	0	1	1	0	2	1	0	0	1	0	8
11	2	0	0	1	1	0	0	0	0	0	0	0	0	4
12	0	4	0	3	1	0	0	0	0	1	1	1	0	11
13	0	0	1	0	0	3	0	0	0	0	0	1	4	9
14	0	0	0	2	4	0	0	0	0	1	0	0	0	7
15	1	1	2	0	3	1	3	0	0	0	1	1	0	13
16	2	0	0	0	0	1	2	1	3	0	0	0	1	10
17	0	1	1	1	1	1	1	1	1	0	0	0	0	8
18	0	0	0	0	0	1	0	0	3	1	1	0	0	6
19	0	0	0	0	2	0	0	0	0	0	3	0	0	5
20	0	4	1	4	3	5	5	1	1	2	2	3	2	33

## RETIREMENTS AT GAO BY YEARS OF GOVERNMENT SERVICE

Source: GAO Personnel Data on Retirements by Years of Government Service (Calendar Years 2000-2012)

Years of Service	Year													All
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	
21	1	4	2	0	0	1	4	1	1	1	1	5	2	23
22	0	0	1	2	1	1	2	0	1	1	3	2	1	15
23	1	3	2	2	2	0	0	5	3	0	1	2	1	22
24	3	3	4	2	2	1	2	2	3	0	0	1	3	26
25	4	2	5	8	4	3	4	0	0	2	4	0	6	42
26	3	1	8	1	1	0	6	1	0	1	0	4	2	28
27	6	7	5	7	2	2	5	3	3	1	1	6	4	52
28	2	4	7	5	1	0	3	0	3	0	1	2	4	32
29	3	4	2	7	5	4	6	6	4	1	1	4	0	47
30	18	12	12	13	25	13	17	9	5	9	9	7	4	153
31	12	11	16	11	16	9	16	7	8	4	12	12	2	136
32	14	11	17	21	10	9	8	11	10	2	8	10	4	135
33	10	14	20	19	25	7	15	15	7	2	10	8	7	159
34	9	7	10	15	23	9	13	12	7	5	4	7	3	124
35	6	10	9	13	18	9	5	11	3	8	8	6	3	109
36	3	2	10	6	9	2	20	13	8	4	10	8	5	100
37	8	3	5	5	13	2	9	9	9	1	4	12	2	82
38	0	2	2	4	3	4	1	3	5	3	6	7	3	43
39	4	1	1	1	6	2	5	5	0	3	2	9	5	44
40	0	3	0	1	1	1	2	2	3	1	6	7	5	32



## RETIREMENTS AT GAO BY YEARS OF GOVERNMENT SERVICE

Source: GAO Personnel Data on Retirements by Years of Government Service (Calendar Years 2000-2012)

Years of Service	Year													All
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	
41	0	1	0	1	2	0	0	0	0	0	3	3	3	13
42	0	1	1	1	2	0	0	2	1	3	1	3	4	19
43	1	0	0	0	1	1	1	0	0	1	1	1	0	7
44	0	0	0	0	0	1	1	0	1	0	0	0	0	3
45	0	1	0	0	0	0	0	0	0	0	2	0	0	3
46	0	0	0	0	0	0	0	0	0	0	0	0	0	0
47	0	0	0	0	0	0	0	0	0	0	0	0	0	0
48	0	0	0	1	0	0	0	0	1	0	0	0	0	2
49	0	0	0	0	0	0	0	0	0	0	0	0	0	0
50	0	0	0	0	0	0	0	0	0	0	0	0	0	0
51	0	0	0	0	0	0	0	0	0	0	0	0	1	1



## **APPENDIX H**

### **Data Table of Retirements in the Federal Civilian Workforce by Years of Government Service**



## RETIREMENTS IN THE FEDERAL CIVILIAN WORKFORCE BY YEARS OF GOVERNMENT SERVICE

Source: OPM FedScope Data on Retirements by Years of Government Service (Fiscal Years 2005-2012)\*

Years of Service	Year								All
	2005	2006	2007	2008	2009	2010	2011	2012	
<1	4	7	9	6	13	12	22	43	116
1-2	92	57	46	41	72	140	170	127	745
3-4	183	209	222	189	204	228	346	395	1,976
5-9	1,445	1,579	2,076	2,387	2,234	2,577	3,185	3,667	19,150
10-14	2,998	2,493	2,419	2,499	2,479	2,996	3,843	4,563	24,290
15-19	5,762	5,085	4,923	4,169	3,151	3,291	3,572	3,776	33,729
20-24	10,194	9,698	10,150	9,629	7,460	8,798	9,865	10,257	76,051
25-29	10,683	10,246	10,482	9,679	7,232	8,734	10,893	12,114	80,063
30-34	18,073	17,609	17,854	16,838	12,348	13,634	16,521	17,805	130,682
35+	12,404	13,266	14,184	13,475	10,905	12,245	15,821	16,572	108,872

\* Not including 29 with unspecified years of service



## **APPENDIX I**

### **Data Tables of Reemployed Annuitants at GAO by Age Group**





## REEMPLOYED ANNUITANTS AT GAO BY AGE GROUP

Source: GAO Personnel Data on Reemployed Annuitants (Calendar Years 2000-2012)

Age 50-54		Age 55-59		Age 60-64	
Year	Number	Year	Number	Year	Number
2000	0	2000	0	2000	1
2001	0	2001	2	2001	2
2002	0	2002	3	2002	1
2003	2	2003	3	2003	2
2004	1	2004	16	2004	2
2005	0	2005	6	2005	6
2006	0	2006	9	2006	2
2007	1	2007	5	2007	1
2008	1	2008	13	2008	3
2009	0	2009	19	2009	31
2010	0	2010	5	2010	33
2011	0	2011	3	2011	11
2012	0	2012	2	2012	9
Total	5	Total	86	Total	104

Age 65+		All Ages	
Year	Number	Year	Number
2000	0	2000	1
2001	0	2001	4
2002	0	2002	4
2003	1	2003	8
2004	0	2004	19
2005	0	2005	12
2006	0	2006	11
2007	1	2007	8
2008	3	2008	20
2009	5	2009	55
2010	14	2010	52
2011	8	2011	22
2012	4	2012	15
Total	36	Total	231



## **APPENDIX J**

### **Data Tables of Promotions at GAO by Age Group**



## PROMOTIONS AT GAO BY AGE GROUP

Source: GAO Personnel Data on Promotions (Calendar Years 2000-2012)

Under Age 40	
Year	Number
2000	166
2001	159
2002	183
2003	241
2004	169
2005	163
2006	174
2007	165
2008	190
2009	166
2010	216
2011	191
2012	168
Total	2,351

Age 40-44	
Year	Number
2000	39
2001	29
2002	12
2003	35
2004	32
2005	22
2006	31
2007	27
2008	22
2009	26
2010	33
2011	13
2012	18
Total	339

Age 45-49	
Year	Number
2000	24
2001	27
2002	5
2003	18
2004	14
2005	14
2006	19
2007	14
2008	20
2009	16
2010	20
2011	22
2012	18
Total	231

Age 50-54	
Year	Number
2000	23
2001	16
2002	9
2003	14
2004	15
2005	21
2006	16
2007	11
2008	10
2009	13
2010	15
2011	15
2012	11
Total	189

Age 55-59	
Year	Number
2000	4
2001	3
2002	1
2003	8
2004	6
2005	5
2006	11
2007	8
2008	6
2009	5
2010	14
2011	13
2012	7
Total	91

Age 60-64	
Year	Number
2000	1
2001	1
2002	1
2003	2
2004	1
2005	4
2006	1
2007	7
2008	3
2009	3
2010	4
2011	4
2012	5
Total	37

## PROMOTIONS AT GAO BY AGE GROUP

Source: GAO Personnel Data on Promotions (Calendar Years 2000-2012)

Age 65-69	
Year	Number
2000	0
2001	0
2002	0
2003	0
2004	0
2005	0
2006	0
2007	0
2008	0
2009	0
2010	1
2011	1
2012	3
Total	5

Age 70+	
Year	Number
2000	0
2001	0
2002	0
2003	0
2004	0
2005	0
2006	0
2007	0
2008	0
2009	0
2010	0
2011	0
2012	0
Total	0

All Ages	
Year	Number
2000	257
2001	235
2002	211
2003	318
2004	237
2005	229
2006	252
2007	232
2008	251
2009	229
2010	303
2011	259
2012	230
Total	3,243

## **APPENDIX K**

### **Selected GAO Policies, Procedures, and Practices**





## **SELECTED GAO POLICIES, PROCEDURES, AND PRACTICES**

### **Orders**

Order 2213.1: Positions Covered by Non-Competitive Appointments  
Order 2316.1: Competitive Time-Limited Employment  
Order 2317.1: GAO's Senior Executive Service and Senior Level Positions  
Order 2332.1: Recruitment and Selection Through Competitive Examination  
Order 2335.1: Promotion and Internal Placement  
Order 2335.9: The Office of General Counsel Attorney Promotion and Merit Selection System  
Order 2340.1: Part-Time Career Employment  
Order 2553.1: Reemployment of Annuitants  
Order 2575.1: Recruitment, Relocation and Retention Incentives  
Order 2713.1: Opportunity and Inclusiveness in the Government Accountability Office  
Order 2713.3: GAO Equal Opportunity Recruitment Program  
Order 2831.1: Voluntary Early Retirement Authority

### **Additional Policies, Procedures, and Practices**

- *GAO Policy Manual* (January 1, 2008; updated December 2012).
- *GAO's Diversity and Inclusion Strategic Plan 2012-2016*, (December 2012).
- *GAO, Human Capital Interim Strategic Plan: Fiscal Years 2010-2012, "Linking Strategy to Results through People,"* GAO-10-269SP, (March 10, 2010).
- GAO's Performance Management System (implemented October 2012).
- GAO, *Workforce Planning Guide* (May 25, 2012).
- Questions and Answers on the Knowledge Transfer/Retention Program and the Reemployment of Annuitants in GAO (October 27, 2005).



## **APPENDIX L**

### **Comments**



## COMMENTS

Pursuant to established practice, after the Board approved a draft of the *Study on Age in the GAO Workforce*, a copy of the draft report was distributed for comment to: (1) the Agency's Chief Administrative Officer; (2) the Agency's Managing Associate General Counsel; (3) the General Counsel of the Personnel Appeals Board; (4) the President of GAO Employees Organization, IFPTE Local 1921; (5) the Chair of the APPS Interim Council; (6) the Diversity Advisory Council; (7) the Advisory Council for Persons with Disabilities; (8) the Asian American Liaison Group; (9) the Agency's Blacks in Government Chapter; (10) the Gay and Lesbian Employee Association (GLEA); (11) the Hispanic Liaison Group; and (12) the Veterans of the Armed Forces Group.

The Board received responsive comments to its draft report from: (1) the Agency's Chief Human Capital Officer; (2) the General Counsel of the Personnel Appeals Board; (3) the President of GAO Employees Organization, IFPTE 1921, on behalf of employees in the APSS and Analyst bargaining units; and (4) the Executive Committee of GLEA. Based on the comments received, and suggestions therein, the Board has made appropriate adjustments to the text of the report.<sup>1</sup>

In this section, the Board has reprinted excerpts from the comments it received that offer supplemental information to that contained in the Board's *Study on Age in the GAO Workforce*. These excerpts appear below and are organized by the following topics:

- (I) The Board's recommendations for the Agency;
- (II) Planned future training on ageism in the workplace at GAO; and
- (III) General methodological suggestions for this study and/or future studies.

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<sup>1</sup> Suggested editorial revisions from the Personnel Appeals Board General Counsel and the President of GAO Employees Organization, have, where appropriate, been incorporated into the main body of the Board's report.

## **I. The Board's Recommendations**

### ***Recommendation 1: Review Recruitment Practices***

The Board recommended that the Agency review recruitment and selection practices to determine whether the Agency can make hiring opportunities more accessible to applicants age 40 or older. GAO Employees Organization, IFPTE Local 1921, underscored its support for this recommendation in its responsive comments.

In response to the Board's recommendation, the Agency's Chief Human Capital Officer commented that GAO plans to take a comprehensive look at its entire recruitment program in fiscal year 2016. The Agency noted that the main objective of its review will be to determine the most cost efficient and effective recruitment strategies aligned to the Agency's current and future talent management needs in a budget conscious environment. The Agency indicated that dimensions of age, retention, and recruitment sources will be included as parts of the study.

### ***Recommendation 2: Increase Visibility of Part-Time Work Opportunities***

The Board recommended that the Agency increase visibility of the option for staff to work on a part-time schedule, especially for employees age 40 or older. GAO Employees Organization, IFPTE Local 1921, also underscored its support for this recommendation in its responsive comments.

In response to the Board's recommendation, the Agency agreed with the Board's factual analysis that, at GAO, part-time work schedules are utilized by more employees age 40 or older than under age 40. The Agency's Chief Human Capital Officer reiterated the Agency's support for programs that help employees balance their work and personal responsibilities and highlighted that information about applying for part-time work schedules is available for all

employees via the Agency's intranet. The Agency further explained that employees currently may elect to work part-time with the permission of their unit heads. The Agency noted that maxiflex alternative work schedules also are available to part-time employees.

***Recommendation 3:  
Consider Adopting Phased Retirement***

The Board recommended that the Agency consider adopting phased retirement to allow employees who are eligible to retire to work on part-time schedules, while beginning to draw a portion of their retirement benefits. GAO Employees Organization, IFPTE Local 1921, strongly underscored its support for this recommendation in its responsive comments.<sup>2</sup>

In response to the Board's recommendation, the Agency commented that such a program is presently under review at GAO. The Agency's Chief Human Capital Officer further reported:

Given the number of staff eligible for retirement, challenges such as gaps in leadership and institutional knowledge, could impact GAO's capacity to meet mission requirements. GAO envisions using phased retirement as a human resources and workforce management tool to assist GAO with knowledge transfer, succession planning, and to provide more flexibility in managing its workforce.

This indicates that the Agency is aware of its option to adopt a phased retirement program, and the Board encourages the Agency to continue to consider adopting such a program for GAO employees.

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<sup>2</sup> GAO Employees Organization notes that it also has suggested that GAO adopt a phased retirement program, which GAO Employees Organization has indicated in its recent comments to GAO's draft order on reemployed annuitants.

***Recommendation 4:  
Monitor, Track, and Evaluate Promotion  
and Performance Appraisal Data***

The Board recommended that the Agency continue to monitor, track, and evaluate promotion and performance appraisal data to ensure that an employee's age is not a relevant factor in assessing promotion potential. GAO Employees Organization, IFPTE Local 1921, strongly underscored support for this recommendation in its responsive comments, and especially encouraged a review of performance appraisal data at the Agency.<sup>3</sup>

GAO Employees Organization, IFPTE Local 1931, commented that it has raised concerns about differences in outcomes of performance appraisals with GAO Management over the past two years,<sup>4</sup> including those based on age, and would be interested in a review of the Agency's Competency Based Performance System, CBPS. The GAO Employees Organization explained:

GAO invests an enormous amount of time and effort each year on preparing annual performance appraisals for every employee. These appraisals determine each employee's yearly performance-based pay increase, which becomes part of the employee's permanent salary for the remainder of the employee's career, thereby affecting their future pay and pension, as well. The annual performance appraisals also impact annual promotion decisions and affect an employee's ability to obtain opportunities for transfers to other locations and positions, as well as other opportunities.

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<sup>3</sup> GAO Employees Organization commented that it strongly supports this recommendation, and it encourages the Agency to conduct analysis of age-related data using 5-year age increments. GAO Employees Organization further explained its view below:

For example, if employees between ages 50 to 55 are more likely to experience a disparate impact of the system than employees age 40 to 45, this disadvantage will never be revealed by combining all these employees into one large group of those age 40 and over. Further, when the analysis only looks at one large group of those age 40 and over, the disadvantages experienced by individuals between ages 50 to 55 may be counterbalanced by a lack of disadvantages for the 40 to 45 age group, and therefore the disadvantages based on age are not revealed at all or are understated.

In short, GAO Employees Organization makes the argument that when the Agency's age-related data is analyzed through the lens of two categories, namely "Under 40" and "40 or Older," disparities that occur based on age are less clearly reported.

<sup>4</sup> GAO Employees Organization elaborated that it expressed these concerns in comments on GAO's draft 2013-2014 Workforce Diversity Plan. Additionally, GAO Employees Organization also noted in its comments that a grievance is pending at the Agency that challenges the appraisal system and that alleges that the Agency "violated a contract by failing to do what was needed" to protect against a disparate impact on employees age 40 or older. The Employees Organization notes that "GAO management has acknowledged, including in its 2013-2014 Workforce Diversity Plan, that differences in performance appraisals based on age exist, but it has not proposed a solution to the problem, and, at the time of [the Employees Organization's comments], the grievance is not resolved."



GAO Employees Organization continued:

During the past 2 years, GAO's performance appraisal system has produced striking differences in outcomes based on age. For example, using demographic analysis of the 2013 and 2014 appraisal cycles published by the [A]gency on the GAO internet, an odds ratio analysis demonstrates that Band IIA and Band IIB employees in the PE pay plan who are under age 40 were between 2 and 3 times more likely to receive appraisals that made them eligible for the top category (TPI, or Top Performer Increase) for performance-based pay than those who are age 40 and over (without accounting for other factors, such as race/ethnicity, gender, etc.). For Band I analysts and specialists, those under age 40 were almost 8 times more likely to receive an appraisal eligible for a top performance pay increase than employees age 40 and over. When accounting for other demographic factors in the analyses, the statistical significance of these age differences remained persistent across pay plan and band levels that include most employees. Because subjective judgment is used to apply complex performance standards to determine each employee's performance appraisal, GAO's performance appraisal system does not [from the GAO Employees Organization's perspective] effectively prevent the subtle biases of hundreds of raters and reviewers from affecting appraisal outcomes. [Thus, from GAO Employees Organization's perspective,] . . . GAO's performance appraisal system has produced outcomes that work to the disadvantage of employees age 40 and over.

In short, concerns about differences in outcomes of performance appraisals under CBPS, based on age, have been raised.

While beyond the scope of data collected for the Board's *Study on Age in the GAO Workforce*, the Board agrees with GAO Employees Organization's suggestion that an Agency review of the employee performance appraisal system could strengthen GAO's workplace and help enhance the Agency's policies, procedures, and practices with the aim of creating a workplace free from age discrimination. GAO Employees Organization's suggestion for a more inclusive study of promotions, along with the performance appraisal system and performance based compensation under CBPS, which also includes the number of applicants by age, may be considered for future review.

The Agency's Chief Human Capital Officer noted in response to the Board's recommendation that GAO performs an Agency-wide review during its annual promotion cycle to ensure fairness and equity throughout the promotion process, and that a review of employee age is included in this assessment.

## **II. Future Training Relating to Ageism in the Workplace**

In addition to the Agency's responses to the Board's recommendations, which are noted above, the Agency indicated it will continue to monitor its progress and proactively identify opportunities to enhance the Agency's policies and practices to create and sustain a workplace devoid of age and other forms of discrimination. The Agency also informed the Board that GAO has additional training courses under development to enhance awareness related to job ageism at the Agency, as well as training on other areas of interest, including reasonable accommodations.

The Board notes that after its draft *Study on Age in the GAO Workforce* was circulated to the Agency for comment, the Comptroller General announced in a Town Hall address to GAO employees in November 2015 that, in 2016, the Agency will be providing new training on recognizing ageism in the workforce. In December 2015, the Agency memorialized the Comptroller General's November 2015 announcement about upcoming 2016 training on ageism in the workplace in Volume 43, Number 5, of the GAO's internal publication *Management News*.

The Board recognizes GAO's efforts to create training programs in 2016 to enhance the Agency's focus on preventing ageism in the GAO workforce. The planned 2016 training offers an opportunity for the Agency to create opportunities for mutual learning and understanding across age groups, and to recognize the value older workers bring the Agency's workforce. GAO's Human Capital Officer indicated that the Agency plans to leverage its training on the topic of job ageism to bring additional awareness to issues of ageism in all facets of the employment process – including the promotion process – which, as GAO Employees Organization, IFPTE Local 1921, has highlighted, is a strong area of interest to Agency employees.

### III. General Methodological Suggestions

Comments the Board received from GLEA in response to its *Study on Age in the GAO Workforce* identified three general methodological suggestions for consideration in this and/or future studies. First, GLEA indicated that, in relation to information on hiring and promotions:

Including data on the denominator of total job and promotion applicants in its analysis would enable the Board to report information on hiring and promotions by age category relative to the total number of people who applied. (For example, the annual proportion of job applicants age 40 and over who were hired relative to the proportion of those hired under age 40 would be a valuable data point in helping to determine if age discrimination exists.)

Next, GLEA suggested that the Board consider review of a broader range of employee characteristics, namely:

Providing additional data on employee type and demographics could provide valuable context for better understanding the age data presented. For example, given GAO's organizational structure, including employee band level and job type (e.g. analyst, APSS, etc.) in the GAO data presented could provide useful information. In addition, when comparing hiring at GAO to the federal civilian workforce (which consistently appeared to hire a larger proportion of employees 40 and over), showing data by job type (e.g., entry level, SES) could potentially help explain or provide context for the differences seen. Including additional demographic data to show any effects of intersecting characteristics (e.g. age and race) could also be useful.

Finally, GLEA suggested the use of additional data sources:

Supplementing [the data sources used by the Board] with additional sources of information, such as from GAO's employee survey or from qualitative sources such as focus groups with GAO employees, could further provide insight into the data presented.

The Board appreciates GLEA's methodological suggestions above. The Board also agrees that a survey about how employees feel older workers are treated at GAO may reveal opportunities to enhance equal employment opportunity as it relates to employees age 40 or older at the Agency. While the present *Study on Age in the GAO Workforce* has not been altered to reflect the above methodological suggestions, the Board will take them under consideration for use in future reports.

\* \* \* \* \*

In closing, the Board notes that GAO's Chief Human Capital Officer offered appreciation for the balanced perspective provided in the Board's *Study on Age in the GAO Workforce* relative to how the Agency compares to the rest of the federal government on the topic under review. The Personnel Appeals Board General Counsel also complimented the Board's study for being comprehensive, thorough, and well-written. The Board appreciates all of the comments it received on this report, and looks forward to future opportunities to assist GAO enhance equal employment opportunity in the Agency's workplace.

