



5800
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MEMORANDUM

From: J. K. Ingalsbe, CAPT
COMDT (CG-43)

To: Distribution

Subj: FINAL ACTION ON THE INVESTIGATION OF SELECTION AND HIRING
PROCESS FOR DESIGN TEAM A SUPERVISOR AT CEU MIAMI

1. **Overview.** On June 16th, 2014, 10 civilian employees who work within the Design Branch of Coast Guard Civil Engineering Unit (CEU) Miami submitted a letter to the Deputy Secretary of the Department of Homeland Security and to the Coast Guard Director of Civilian Human Resources, Diversity, and Leadership regarding the process followed by CEU Miami to hire for the Design Team A Supervisor position.

The personnel expressed concern that there was a lack of transparency in the process and that the CEU Miami Command failed to adhere to the Coast Guard Civilian Hiring Guide for Supervisors and Managers, specifically Appendix C - The Interviewing Guide, which states: "Supervisors should use a diverse panel when interviewing candidates. This may include using panel members with diverse perspectives or who represent different career fields or other commands/activities. Although not required, the panel should be made up of individuals of the same or higher grade (or equivalent) as the position being filled."

The letter requested an investigation into the hiring process followed at CEU Miami.

On June 24th, 2014, the Coast Guard Office of Civil Engineering commenced an administrative investigation into the facts and circumstances surrounding the civilian selection/hiring process used for the Design Team A Supervisor position at CEU Miami, advertised under announcement number 14-1147-SE-AM. The primary purpose of the investigation was to gather and analyze relevant information to identify whether applicable laws, regulations, policy, and procedures for civilian personnel hiring were followed during this selection process.

This Final Action Memorandum (FAM) sets forth the material facts as determined by the administrative investigation, states my conclusions, and orders certain actions.

2. **Findings of Fact and Opinions.**

On February 10th, 2014, CEU Miami's Executive Officer signed a memo for the Selecting Official, CEU Miami's Commanding Officer, appointing the selection board and tasked them with recommending the best qualified applicant to fill the Design Team A Supervisor position

(Supervisory General Engineer GS-801-13). The Design Team B Supervisor, who is of Hispanic descent, was designated as president of the board and the Environmental Branch Chief, who is white/Caucasian, and the Construction Branch Chief, who is of Haitian American descent were designated as the other two board members.

The certificates for the position, advertised under announcement number 14-1147-SE-AM, were issued to CEU Miami on March 24th, 2014. There were 48 eligible candidates for the position. Of these 48 candidates, five were current CEU Miami employees and four of those five were employed in the Design Branch.

On or around April 9th, 2014, the Selecting Official decided to assign a new president for the selection board based on concerns over the board's lack of progress to date. On April 11th, 2014 a new designation letter was signed, appointing the Environmental Branch Chief as the board president and the Construction Branch Chief and the Shore Infrastructure Logistics Center (SILC) Planner as the board members. The CEU Miami Commanding Officer selected the SILC Planner, who is white/Caucasian, as a new member, because he is a GS-13 and was expected to bring a different perspective to the board based on being detached duty from the SILC rather than a member of CEU Miami. While a number of different approaches could have been taken, the Selecting Official acted within his authority and with the intent to fill the critical vacancy with the best qualified applicant in a timely manner.

The selection board met early the following week and developed a plan for expediting the review of candidates. Each applicant was assessed by the Board Members using a defined set of criteria. Based on those assessments (initial screening and ranking), the selection board reviewed the results together to determine which candidates to interview. After initial screening and ranking, both board members had the same top 10 candidates, though in different orders. The board discussed strengths and weaknesses of each candidate to rank order them. The Board President decided to interview the top seven ranked candidates and one of the top 10 candidates who was also a current member of CEU Miami.

One of the eight candidates declined an interview. The selection board conducted interviews for the remaining seven candidates from April 28th, 2014 through May 1st, 2014 using a standardized assessment form and criteria.

During the interviews, the board advised the two candidates who were current CEU Miami employees to not advertise that they had been interviewed in order to minimize the spread of rumors while the decision was pending.

Once all interviews were completed, the Board President compiled the scores and tallied them to rank order the candidates. The selection board submitted their top three recommendations to the Selecting Official on May 6th, 2014. The Selecting Official concurred with the recommendations and directed the Board President to proceed. On May 7th, 2014, the selections were made in the system. The primary candidate declined the position. A job offer was then extended to the first alternate, who accepted on June 11th, 2014.

After the announcement, several members of the CEU Miami Design Branch stated that they believed the person selected was unqualified to be the Design Team A Supervisor; that although he had worked at CEU Miami for several years, he was not part of the Design Branch. They stated that they felt there was a lack of diversity on the hiring panel, primarily related to the fact that there was no one from the Design Branch on the panel. Some members stated that the lack of diversity also included the lack of ethnic diversity on the panel.

Several members of the Design Branch stated that they felt that the selection was a result of discrimination against minorities, and favoritism or 'cronyism' amongst white, military and ex-military. In particular, many members stated that they felt having the SILC Planner on the board resulted in a conflict of interest, as he had also been on the selection board when the selected applicant was first hired by the Coast Guard and has supervised him for part of his employment.

Several members of the Design Branch stated that the timing of the announcement was suspicious. They stated that it took a long time after the interviews before an announcement was made, and the fact that the announcement was made the day after the interviews for the vacant Technical Director position were held raised concerns about some sort of collusion between the two selection boards.

The CEU Miami Commanding Officer explained that the person selected was the best qualified candidate; that he is a licensed professional engineer with extensive civil and structural design experience; and, a retired Commissioned Officer from the Air Force with significant leadership experience.

3. **Conclusions:**

A. I find that this hiring process and selection was conducted appropriately, in accordance with applicable laws and policies, and that the result was the selection of the candidate that the board felt was best qualified to fill the position, without prejudice or discrimination.

1. There was no evidence or indication of pre-selection. The fact that the successful applicant was not the primary candidate is a strong indicator that the outcome was not predetermined.
2. The selection board used standard and equally applied criteria to assess the applicants, both during the initial screening and for the interview phase of the selection process.
3. The board expanded the number of interviews specifically to include the highest ranked member of the Design Branch after the initial round of reviews. This action demonstrated the board's commitment to be inclusive and give an opportunity to the in-house applicants.
4. None of the final top three candidates were ranked at the top from the initial review, indicating that the panel approached the interview process with an open mind and no preconceived notions.

B. It was within the Selecting Official's authority to change the membership of the board and the original Selection Board President did not dispute or have any negative feelings about the decision. However, the Selecting Official may have mitigated or eliminated some concerns associated with the process had he kept the original Selection Board President on the panel as a member and provided additional guidance or support to facilitate an expedited review of the applicants or to have replaced him with a qualified minority board member. The decision not to do so did not violate any board membership or selection process requirements, and there is no reason to believe that this would have changed the outcome of the selection.

C. While it is important to note that the Civilian Hiring Guide is neither formal policy nor a requirement that must be adhered to, I find that the command did follow many of the best practices outlined in the Civilian Hiring Guide, specifically as it relates to the membership and process of the selection board.

1. The SILC Planner was appointed because he was of at least equivalent pay-grade to the vacancy and because he was from a different command than the existing board members and, thus, would bring a different perspective.
2. The board established specific, uniform criteria and weighting for reviewing the applicants and conducting the interviews.

D. I find that it was not inappropriate to appoint the SILC Planner to the selection board, and that his previous selection and management of one of the applicants did not compromise his ability to evaluate that person objectively.

1. The SILC Planner's ranking and evaluation of the person he had previously managed both in the initial round and in the interviews was consistent with the other board members and does not show any evidence of favoritism.

E. I find that there was no intentional delay on the part of the CEU Miami command in making the announcement.

1. The time between completing interviews and announcement of the hiring decision was a function of the time involved in obtaining a firm acceptance of offer.
2. The primary candidate considered his options and eventually declined. The offer then was extended to the first alternate who had accepted the tentative offer, then the firm offer.
3. The time period from decision to announcement was approximately one month, which is reasonable considering the number of steps that had to be done prior to announcement.

F. I find there are significant workplace climate issues and feelings of mistrust and inequitable treatment at CEU Miami. The complaint over this selection is primarily the result of this negative climate.

1. Many of the interviewed employees spoke very passionately about patterns of perceived discrimination that go back for years.
2. While the hiring process was compliant with policies and procedures, the circumstances surrounding the removal of the original Selection Panel President raised suspicions among those who were not directly involved in the process.
3. It is apparent that the underlying feelings of mistrust and inequality have festered for many years and the climate has clearly deteriorated to the point where any decision made by the command is viewed with suspicion and even well-supported, documented, legitimate decisions like this one exacerbate the tension and distrust.
4. Among those who cited a lack of ethnic diversity on the panel, many apparently thought that all panel members were white/Caucasian, despite the fact that one describes himself as a Haitian American.

4. **Directive Actions.**

A. I direct that no further command action be taken with respect to this selection and hiring. While the result is controversial, the Selecting Official and Selection Board followed processes consistent with applicable laws and policies and the new Design Team A Supervisor was determined to be the best qualified applicant following a legal, legitimate, and appropriate process.

B. I direct the SILC coordinate with the Headquarters Civil Rights Office and the local Civil Rights/Equal Employment Opportunity Office to conduct a Climate Assessment of CEU Miami and work with the command to better assess the totality of the workplace climate issues within the next three months. The SILC and CEU Miami shall and develop a plan to improve the work environment, outlining goals, objectives, and specific actions to be taken over the next 18 months, with a report to CG-43 on the status of those efforts quarterly.

C. I direct the SILC to develop and implement civilian personnel hiring guidance for all subordinate commands that provides expectations to apply the guidelines and best practices outlined in the Civilian Personnel Hiring Guide and facilitates oversight for critical civilian leadership positions within the Civil Engineering Program.

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