



**UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415**

OFFICE OF THE DIRECTOR

SEP 04 2002

The Honorable Lane Evans
Ranking Minority Member
Committee on Veterans' Affairs
United States House of Representatives
335 Cannon House Office Building
Washington, DC 20515

Dear Congressman Evans:

Thank you for your letter dated August 6, 2002. In this letter, you indicated that OPM's June 13 response to your April 25 request for an accounting of Federal agency compliance with the Disabled Veteran Affirmative Action Program ("DVAAP"), as well as OPM's July 19 response to your April 4 request regarding agencies' use of single certificates for interdisciplinary positions, did not provide the information that you requested. You asked OPM to either provide the information that you requested or advise you that OPM is unable to furnish such information.

Your letter of April 25 requested information about Federal agency compliance with DVAAP's reporting requirements, program accountability and performance, and OPM's assessment of agency compliance with the spirit of DVAAP. As indicated in my June 13 response, all agencies submitted DVAAP reports this year. My letter also indicated that where we find non-compliance with veterans' preference requirements, we act swiftly to remedy the situation. That being said, the latest employment figures suggest positive performance. The Federal Government continues to be a model employer of veterans. Finally, I indicated that we believe that agencies are complying with the spirit of DVAAP by ensuring that veterans receive both the preferences to which they are entitled, and the kinds of opportunities envisioned by Congress in enacting DVAAP.

As to your letter of April 4, we are unable to provide you with a copy of the advice memorandum that you requested because this memorandum was not a formal General Counsel opinion but rather internal attorney work product and, as such, privileged. As we indicated in our July 19 response, this memorandum was prepared by a General Counsel staff member in response to a request from an OPM program office as to whether a particular policy could be implemented without running afoul of the law. The memorandum is actually unresponsive to your request because it does not explain OPM's rationale for adopting the position that hiring agencies should issue only one certificate for all qualified candidates for a single interdisciplinary position. As we articulated in our July 19 letter, our rationale for directing hiring agencies to issue single certificates for interdisciplinary positions reflects our strong support for the fair and equitable treatment of all applicants.

The Honorable Larc Evans

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Thank you for your interest in veterans' issues. Should you have any additional questions or concerns, please do not hesitate to share them with me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kay Coles James', with a long horizontal flourish extending to the right.

Kay Coles James
Director

cc: Len Sistik, Staff Director
Oversight and Investigations Subcommittee