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# ADS Chapter 423

## Personnel Operations: Senior Executive Service, (Recruitment and Staffing)

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**Functional Series 400 – Personnel****ADS 423 – Personnel Operations: Senior Executive Service, Recruitment and Staffing**POC for ADS 423: Patrick Coates, (202) 712-1836, [pcoates@usaid.gov](mailto:pcoates@usaid.gov)**Table of Contents**

<b><u>423.1</u></b>	<b><u>OVERVIEW</u></b> .....	<b><u>4</u></b>
<b><u>423.2</u></b>	<b><u>PRIMARY RESPONSIBILITIES</u></b> .....	<b><u>4</u></b>
<b><u>423.3</u></b>	<b><u>POLICY DIRECTIVES AND REQUIRED PROCEDURES</u></b> .....	<b><u>5</u></b>
<b><u>423.3.1</u></b>	<b><u>Establishing Senior Executive Service (SES) Positions</u></b> .....	<b><u>5</u></b>
<u>423.3.1.1</u>	<u>Career Reserved Positions</u> .....	<u>6</u>
<u>423.3.1.2</u>	<u>General Positions</u> .....	<u>6</u>
<u>423.3.1.3</u>	<u>Career SES Appointments</u> .....	<u>6</u>
<u>423.3.1.4</u>	<u>Non-Career SES Appointments</u> .....	<u>6</u>
<u>423.3.1.5</u>	<u>Limited Appointments</u> .....	<u>6</u>
<u>423.3.1.6</u>	<u>Non-Career and Limited Appointments' Merit Staffing Procedures</u> .....	<u>7</u>
<b><u>423.3.2</u></b>	<b><u>SES Bi-Annual Allocation Examinations</u></b> .....	<b><u>7</u></b>
<u>423.3.2.1</u>	<u>Minimum Career Reserved Allocations</u> .....	<u>8</u>
<u>423.3.2.2</u>	<u>Non-Career Allocations</u> .....	<u>8</u>
<u>423.3.2.3</u>	<u>Non-Career Allocations</u> .....	<u>8</u>
<b><u>423.3.3</u></b>	<b><u>Recruitment</u></b> .....	<b><u>9</u></b>
<b><u>423.3.4</u></b>	<b><u>Merit Staffing</u></b> .....	<b><u>9</u></b>
<u>423.3.4.1</u>	<u>Mandatory Qualification Factors Review</u> .....	<u>10</u>
<u>423.3.4.2</u>	<u>Merit Staffing Panel Preparations</u> .....	<u>10</u>
<u>423.3.4.3</u>	<u>Merit Staffing Panel Evaluation and Ranking Materials</u> .....	<u>11</u>
<u>423.3.4.4</u>	<u>Merit Staffing Panel Evaluation Process</u> .....	<u>11</u>
<u>423.3.4.5</u>	<u>Selection Certificate Preparations and Executive Resources Board Consideration</u> .....	<u>13</u>
<u>423.3.4.6</u>	<u>Qualifications Review Board Approval Process</u> .....	<u>13</u>
<u>423.3.4.7</u>	<u>Post-Panel, Pre-Employment Procedures</u> .....	<u>14</u>
<b><u>423.3.5</u></b>	<b><u>Probationary Period</u></b> .....	<b><u>14</u></b>
<u>423.3.5.1</u>	<u>Service Credited Toward the Probationary Period</u> .....	<u>15</u>
<u>423.3.5.2</u>	<u>Resignation and Separation during Probationary Period</u> .....	<u>15</u>
<b><u>423.3.6</u></b>	<b><u>Career Reassignments, Transfers, and Details</u></b> .....	<b><u>16</u></b>
<b><u>423.3.7</u></b>	<b><u>Non-Career and Limited Appointment Reassignments, Transfers, and Details</u></b> .....	<b><u>17</u></b>

Text highlighted in yellow indicates that the adjacent material is new or substantively revised.

<b><u>423.3.8</u></b>	<b><u>Presidential Appointments of Career SES Members</u></b> .....	<b><u>17</u></b>
<b><u>423.3.9</u></b>	<b><u>Presidential Appointments of Career SES Members</u></b> .....	<b><u>18</u></b>
<u>423.3.9.1</u>	<u>Retirement Benefits for SES Presidential Appointees</u> .....	<u>18</u>
<u>423.3.9.2</u>	<u>Leave and Basic Pay for SES Presidential Appointees</u> .....	<u>18</u>
<b><u>423.3.10</u></b>	<b><u>Reinstatement, Reemployment, and Restoration Rights in the SES.</u></b>	<b><u>18</u></b>
<u>423.3.10.1</u>	<u>Reinstatements for Presidential Appointees</u> .....	<u>19</u>
<b><u>423.3.11</u></b>	<b><u>Pay</u></b> .....	<b><u>20</u></b>
<u>423.3.11.1</u>	<u>Setting Pay Rates and Raises</u> .....	<u>20</u>
<u>423.3.11.2</u>	<u>Pay Reductions</u> .....	<u>21</u>
<u>423.3.11.3</u>	<u>Transfers, Reappointments, and Reinstatements</u> .....	<u>22</u>
<u>423.3.11.4</u>	<u>Compensation Aggregates</u> .....	<u>23</u>
<u>423.3.11.5</u>	<u>Premium Pay</u> .....	<u>24</u>
<u>423.3.11.6</u>	<u>Severance Pay</u> .....	<u>24</u>
<u>423.3.11.7</u>	<u>Annual Compensation for Guaranteed Placement Positions</u> .....	<u>25</u>
<u>423.3.11.8</u>	<u>Saved Pay Procedures</u> .....	<u>25</u>
<b><u>423.3.12</u></b>	<b><u>Performance Management</u></b> .....	<b><u>26</u></b>
<b><u>423.3.13</u></b>	<b><u>Recognition and Incentives</u></b> .....	<b><u>27</u></b>
<b><u>423.3.14</u></b>	<b><u>Removal, Suspension, Reduction-In-Force, and Furlough</u></b> .....	<b><u>27</u></b>
<b><u>423.3.15</u></b>	<b><u>Other Provisions Affecting SES Members</u></b> .....	<b><u>27</u></b>
<b><u>423.3.16</u></b>	<b><u>Travel Expenses</u></b> .....	<b><u>29</u></b>
<u>423.3.16.1</u>	<u>Relocation Allowances</u> .....	<u>30</u>
<b><u>423.3.17</u></b>	<b><u>Prohibited Personnel Practices</u></b> .....	<b><u>30</u></b>
<b><u>423.3.18</u></b>	<b><u>Statutory Provisions</u></b> .....	<b><u>30</u></b>
<b><u>423.4</u></b>	<b><u>MANDATORY REFERENCES</u></b> .....	<b><u>30</u></b>
<b><u>423.4.1</u></b>	<b><u>External Mandatory References</u></b> .....	<b><u>30</u></b>
<b><u>423.4.2</u></b>	<b><u>Internal Mandatory References</u></b> .....	<b><u>32</u></b>
<b><u>423.4.3</u></b>	<b><u>Mandatory Forms</u></b> .....	<b><u>32</u></b>
<b><u>423.5</u></b>	<b><u>ADDITIONAL HELP</u></b> .....	<b><u>32</u></b>
<b><u>423.6</u></b>	<b><u>DEFINITIONS</u></b> .....	<b><u>32</u></b>

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## ADS 423 – Personnel Operations: Senior Executive Service, Recruitment And Staffing

### 423.1 OVERVIEW

Effective Date: 06/25/2003

This chapter provides the policies and essential procedures, which govern the Senior Executive Service (SES) including recruitment, selection, appointment, compensation, and reassignment.

The goal of the SES system in the USAID is to ensure that the executive management at the headquarters level is responsive to the needs and goals of the Foreign Assistance program and effectively directs the administrative, legislative, and policy-making systems that support this initiative. The objective is to maintain executive resources in a manner that allows the individual to achieve full potential in an environment characterized by both equity and consistency in all personnel management decisions affecting the SES.

### 423.2 PRIMARY RESPONSIBILITIES

Effective Date: 06/25/2003

a. The **Administrator** is responsible for:

(1) Establishing SES positions within the numerical position authorization and appointment authority quotas allocated by the Office of Personnel Management (OPM) and determining the qualification standards for these positions; and

b. The **Executive Resources Board (ERB)** appointed by the Administrator is responsible for:

(1) Overseeing the merit staffing process for initial SES career appointment;

(2) Approving the advertisement of a SES vacancy for competitive staffing, the vacancy announcement containing the mandatory and desirable qualification factors, and the recruitment sources for the position;

(3) Endorsing the Selection Certificate identifying the Best Qualified candidates for an SES vacancy which is transmitted to the appropriate official in the hiring office for final selection; and

(4) Approving the final selection of a candidate before transmitting the selectee's executive and managerial qualifications to the OPM's Qualifications Review Board (QRB) for review.

c. The **Qualifications Review Board (QRB)** is responsible for determining whether an SES candidate possesses sufficient breadth and depth of executive/management

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qualifications to be able to assume a variety of SES assignments within appropriate occupational and functional areas. The QRB must certify that these qualifications are met before initial appointment may be made to an SES position.

**d.** The **Office of Personnel Management (OPM)** is responsible for:

- (1) Maintaining SES policy, guidance, assistance, research, and oversight;
- (2) Making recommendations on legislation affecting executive personnel and preparing regulatory and guidance material;
- (3) Conducting executive position and appointment authority allocation reviews; providing administrative support for QRBs and the Presidential Rank Awards program; operating the Federal Jobs Opportunity Board and the Executive Information System; and operating placement and mobility programs, including those for SES members affected by Reduction-in-Force (RIF); and
- (4) Conducting evaluations of Agency executive personnel programs, providing required reports to Congress, and conducting research.

**e.** The **Office of Human Resources, Executive and Performance Management Division (OHR/EPM)** is responsible for:

- (1) Conducting the merit staffing process, including recruitment, for initial SES career appointment; and
- (2) Maintaining all records and documentation relative to the SES.

### **423.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES**

Effective Date: 06/25/2003

The statements contained within the .3 section of this ADS chapter are the official Agency policies and procedures.

#### **423.3.1 Establishing Senior Executive Service (SES) Positions**

Effective Date: 06/25/2003

USAID must determine, in accordance with law and the U.S Office of Personnel Management (OPM) guidance, which of its positions are to be established in the Senior Executive Service (SES) and must ensure that such positions meet both the functional and grade level criteria prescribed in [5 USC 3132\(a\)\(2\)](#). The Administrator establishes SES positions within the numeric position authorization and appointment authority quotas allocated by OPM and determines the qualification standards for these positions. (See [5 USC 3392](#)) There are four types of SES appointing authorities: career, non-career, limited term, and limited emergency. (See [5 USC 3132\(a\)\(2\)](#) and [5 USC 3392](#))

SES positions are designated as either Career Reserved or General.

#### **423.3.1.1 Career Reserved Positions**

Effective Date: 06/25/2003

A position is designated Career Reserved if it must be filled by a career appointee to ensure the impartiality, or the public's confidence in the impartiality, of the Government. (See [5 USC 3132\(b\)](#)) USAID must follow the criteria established by [5 CFR 214.402](#) to determine whether a position is to be designated as Career Reserved. (See [5 CFR 214.402](#)) Once the designation is made, it must not be changed without written approval from OPM. Any request for a change must be sent to OPM, along with an "Executive Personnel Transaction" form (OPM Form 1390). (See [OPM Form 1390](#), Executive Personnel Transaction) The request must describe the circumstances, which warrant a change in the designation and be submitted by the Administrator or the Executive Resources Board (ERB), or a designee at the personnel director level or above.

#### **423.3.1.2 General Positions**

Effective Date: 06/25/2003

Any SES position which does not meet the criteria for Career Reserved designation is a General position. General positions may be filled by career, non-career or limited appointees. The same General Position may be filled at various times with a career appointee or a non-career or limited appointee.

#### **423.3.1.3 Career SES Appointments**

Effective Date: 06/25/2003

Career appointments are made without time limitation and are made to either Career Reserved or General positions. Initial career appointments must meet competitive SES merit staffing provisions in 5 USC 3393. (See [5 USC 3393](#))

#### **423.3.1.4 Non-Career SES Appointments**

Effective Date: 06/25/2003

Non-career appointments are made without time limitation, but the appointee serves at the pleasure of the Administrator. Non-career appointments are made only to General positions. Such appointments are subject to specific authorization from OPM on a case-by-case based on written justification by the Agency of demonstrated need.

#### **423.3.1.5 Limited Appointments**

Effective Date: 06/25/2003

a. A limited emergency appointment is made to meet a bona fide, unanticipated, urgent need. The appointment must not exceed 18 months.

b. A limited term appointment must be made to a position the duties of which will expire at the end of a specified period or to a position that special circumstances require to be filled on a rotating basis. (In the latter instance, it is considered that the duties of the position change from incumbent to incumbent because of differences in their qualifications and backgrounds.) The appointment will not exceed three years.

c. Limited appointments are made only to a General position. If the incumbent for a Career Reserved position is temporarily absent (e.g., on extended training), and there is no SES career appointee available to do the work, USAID may establish a General position with similar duties and make a limited appointment for the period of absence, provided that the duties of the new position do not require the position to be Career Reserved by law or regulation.

d. An individual serving under a limited appointment must not be appointed to, or continue to hold, a position under such an appointment if, within the preceding 48 months, the individual has served more than 36 months under any combination of limited emergency or term appointments.

e. A limited appointment is non-renewable. If the appointment is made for less than the period authorized by OPM, however, the Agency may extend it to that period. The Agency must notify OPM of the extension using an [OPM Form 1390](#).

f. A limited appointment terminates automatically at the end of the appointment but may be terminated at any time by the Agency, unless the limited appointee previously served under a career or career-conditional appointment (or an appointment of equivalent tenure) in a permanent Civil Service (CS) position outside the SES. In this case, the non-career or limited appointee must be entitled to a written notice at least one day prior to the effective date of the removal.

g. 5 CFR Part 317 sets out the conditions under which the Agency makes limited term and limited emergency appointments. Such appointments are subject to specific authorization from OPM for use of the appointing authority in accordance with section 317.601 of 5 CFR Part 317. (See [5 CFR 317](#))

#### **423.3.1.6 Non-Career and Limited Appointments' Merit Staffing Procedures**

Effective Date: 06/25/2003

Non-career and limited appointments do not require merit staffing procedures. The Administrator or his designee must stipulate in writing that the appointee meets the qualifications requirements of that position. Qualifications Review Board (QRB) approval is not required.

#### **423.3.2 SES Bi-Annual Allocation Examinations**

Effective Date: 06/25/2003

In accordance with 5 USC 3133, the Agency will examine its SES position needs each even-numbered calendar year and submit to OPM a written request for a specific

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7

number of SES position allocations for each of the two successive fiscal years. (See [5 USC 3133](#))

If an increase in USAID's SES allocations is requested, the following must be provided to OPM:

- a. A brief explanation of why the allocation must be increased (e.g., new legislative requirements, new functions, a significant increase in budget);
- b. Organization charts showing requested positions, their place in the management hierarchy, and their relationship to established executive positions; and
- c. A brief description of the duties and responsibilities of any proposed new position, including such information as the mission and functions of the organization in which located, the kinds of decisions made by the incumbent and their impact within or outside the organization, the size of the organization's budget, and the number and grades of employee's reporting directly to the position.

Upon completion of its review, and after consulting with the Office of Management and Budget as required by law, OPM will issue to agencies a position allocation for each of the following two fiscal years.

#### **423.3.2.1 Minimum Career Reserved Allocations**

Effective Date: 06/25/2003

The Agency must maintain a minimum number (or "floor") of Career Reserved positions as allocated by OPM. The Agency may cancel Career Reserved positions and establish new ones without OPM approval, as long as the Agency's numerical floor is maintained. Changes in the floor must be approved by OPM. This is based on [5 USC 3133\(e\)\(1\)](#) which requires that OPM maintain a minimum number of SES Career Reserved positions government-wide at all times.

#### **423.3.2.2 Non-Career Allocations**

Effective Date: 06/25/2003

Under [5 USC 3134\(d\)](#) the number of SES positions filled by non-career appointees must not exceed 25 percent of the Agency's SES position allocation.

#### **423.3.2.3 Non-Career Allocations**

Effective Date: 06/25/2003

An SES non-career allocation is valid only for the individual and position for which approved. If the Agency wants to reassign the individual to another position, or to place another non-career appointee in the position, it must submit an [OPM Form 1390](#) and a new request to the Office of Executive Administration.



Under [5 USC 3134](#), OPM determines annually the number of non-career allocations for each agency.

### **423.3.3 Recruitment**

Effective Date: 06/25/2003

USAID must ensure that its SES consists of a corps of outstanding executives recruited in accordance with [Title IV of the Civil Service Reform Act of 1978](#) with due regard to active recruitment of qualified women and minorities.

In consultation with the employing office, a recruitment strategy must be developed to fit the needs of each SES vacancy. At minimum, all SES Vacancy announcements must be publicized on the Federal Jobs Opportunities Board, an electronic bulletin board operated by OPM; as a USAID General Notice, and for distribution to the personnel offices of all Federal departments and agencies.

The area of consideration to fill a career SES appointment must at least include all groups of qualified individuals within the Federal Civil Service. In most cases, the source of recruitment must also include all qualified individuals outside the Civil Service (CS). The area of consideration must be restricted to government-wide only with the approval of the ERB.

Vacancies must be advertised on the Federal Jobs Opportunities Board for at least 14 calendar days. Applications must be postmarked no later than the closing date of an announcement. In no case must a vacancy announcement close on a Saturday, Sunday, or legal holiday.

### **423.3.4 Merit Staffing**

Effective Date: 06/25/2003

In accordance with [5 CFR 317.502](#), USAID's merit staffing program for initial SES career appointment must ensure that competition be fair and open, that all candidates compete and be rated and ranked on the same basis, and that selection be based solely on qualifications.

The Agency must do the following when filling an SES position.

- a. Following tentative ERB approval of the use of an SES allocation, the SES Merit Staffing Officer coordinates with the Position Classification Specialist to establish or modify an existing position description.
- b. The SES Merit Staffing Officer prepares qualification standards which must include the mandatory and desirable qualification factors to be used in the recruitment and evaluation process. These standards are then reviewed by the Selecting Official and submitted to the Executive Resources Board (ERB) for final approval.

c. The SES Merit Staffing Officer must obtain ERB approval of advertisement of the SES vacancy through Merit Staffing procedures. The following information must be furnished to the ERB members, and to the Director of the Office of Equal Opportunity Programs who acts as special advisor to the ERB:

- (1) Memorandum from the Executive Secretary of the ERB transmitting the information;
- (2) SES vacancy announcement containing the mandatory and desirable qualification factors for the position and the rating schedule. The announcement must also include number of employees within the organizational entity and the budget allocation of the organizational entity. This information is recorded under "General Information" of the vacancy announcement; and
- (3) Recruitment sources (i.e., nation-wide or government-wide) and additional sources such as minority and private sector organizations that will attract available qualified candidates.

d. Following approval by the ERB, the SES Merit Staffing Officer must enter the job electronically on OPM's Federal Job Opportunities Bulletin.

#### **423.3.4.1 Mandatory Qualification Factors Review**

Effective Date: 06/25/2003

The SES Merit Staffing Officer must review applications against the Mandatory Qualification Factors and determine whether candidates are Qualified, Minimally Qualified, or Not Qualified. In addition, the SES Merit Staffing Officer must obtain Supervisory Appraisals for those candidates determined Qualified. When supervisors of applicants do not respond to USAID's written request for appraisal information, the SES Merit Staffing Officer contacts such supervisors directly to ascertain that the request was received and obtains the requested information from the supervisor verbally. However, failure of an applicant's supervisor to complete the USAID requested appraisal does not disqualify that candidate from consideration.

#### **423.3.4.2 Merit Staffing Panel Preparations**

Effective Date: 06/25/2003

##### **a. Selection of Panel Members**

The SES Merit Staffing Officer will recommend panel members for each vacant staffing action and the Executive Secretary of the ERB will approve. Panel members will be SES members or equivalent. At least one member must be a career SES and one member a technical expert in the field. None of the panel members will be assigned to a position in the chain of command above that of the position being filled. A concerted effort must be made to include minorities and women on the panel.

b. More than Six Applicants

When more than six applications are received from candidates who appear, upon pre-screening, to be Qualified, a Merit Staffing Panel is convened.

c. Six or fewer Applicants

When six or fewer candidates are deemed Qualified during pre-screening the Merit Staffing Officer has the option of:

- (1) Convening the Merit Staffing Panel;
- (2) Submitting the candidates directly to the Selecting Official; or
- (3) Re-announcing the position.

**423.3.4.3 Merit Staffing Panel Evaluation and Ranking Materials**

Effective Date: 06/25/2003

The SES Merit Staffing Officer must prepare the necessary materials used in evaluating and ranking the candidates. These materials include:

- a. Briefing material - A transmittal letter will be sent to each of the panel members at least three days in advance of the evaluation panel along with a copy of the vacancy announcement and the position description;
- b. Evaluation worksheet - An evaluation worksheet for each of the candidates is prepared for and used by the panel members during the evaluation process. The evaluation worksheet must include the name of the candidate, the vacancy announcement number, and the evaluation factors;
- c. Candidate listing - A complete list of candidates identified in the pre-screening as Qualified, Minimally Qualified, and Not Qualified; and
- d. Candidate subject file - The candidate subject file includes the Application for Federal Employment (Standard Form 171), Foreign Service Residence and Dependency Report (Optional Form 126), or Resume and other supportive documents (e.g., personal assessment, performance appraisals submitted by the applicant, and the supervisory appraisals obtained by the SES Merit Staffing Officer).

**423.3.4.4 Merit Staffing Panel Evaluation Process**

Effective Date: 06/25/2003

Members of the SES Merit Staffing Panel are expected to exercise sound judgment and to impartially apply the approved qualification standards to the experience background

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of each person who submits an application under the vacancy announcement. The evaluation panel proceedings must consist of three components.

- a. Briefing - The SES Merit Staffing Officer must brief the panel members on their responsibility and monitor the progress of the evaluation of candidates. Selecting Officials are encouraged to present their views on both the position and candidate requirements to the evaluation panel.
- b. Evaluation of applicants - Each panel member evaluates those candidates pre-screened as Qualified against the qualification factors identified in the vacancy announcement. Applicants are sorted into categories of Highly Qualified, Minimally Qualified, and Not Qualified. Applicants must be evaluated on the quality as well as the nature and extent of their experience, training, education, and as appropriate, personal characteristics and professional reputation. Pre-employment inquiries and supervisory appraisals are used to the extent practicable. At least one of the panel members reviews the candidates pre-screened as Minimally Qualified and Not Qualified along with the narrative justification prepared by the SES Merit Staffing Officer and may either concur or recommend alternative action.
- c. Deliberation - The panel convenes as a group following their evaluation of the candidates. The panel, as a group, first categorizes the candidates as Highly Qualified, Qualified, Minimally Qualified, and Not Qualified. From among the Highly Qualified, the panel determines those Best Qualified who must be referred to the Selecting Official. If none are considered Highly Qualified, then the panel selects from the Qualified group those they think Best Qualified to be referred to the Selecting Official. A consensus of the panel is encouraged, although when either one or more of the panel members do not agree, the majority rules. After determining the Best Qualified candidates, the members of the panel prepare a brief narrative statement justifying their selection, which is included on the Selection Certificate. If the initial qualification requirements or if the panel's deliberations result in an excessively large number of Best Qualified candidates for a particular position, preliminary interviews must be conducted by the panel in order to better assess the Best Qualified candidates' qualifications. In such cases, at least two members of the panel must participate in the interviews. The SES Merit Staffing Officer must be present at each interview to ensure consistency throughout the interview process. Following the interviews of all Best Qualified candidates, a second deliberation must be conducted to determine which candidates to include on the Selection Certificate.

Applications for reassignment, transfer, or reinstatement from SES candidates as a result of the vacancy announcement are reviewed for qualification requirements by the panel and referred on the selection certificate under a separate category as "Reassignment, Transfer, and/or Reinstatement" eligible.

Applications from Foreign Service (FS) employees who wish to be considered for an SES position are treated in the same manner as a non-status candidate. USAID FS

employees who wish to be considered and remain in the FS are treated in the same manner as reassignment, transfer, or reinstatement SES candidates.

#### **423.3.4.5 Selection Certificate Preparations and Executive Resources Board Consideration**

Effective Date: 06/25/2003

The SES Merit Staffing Officer prepares the Selection Certificate, identify the Best Qualified candidates alphabetically, and lists SES Reassignment, including Transfer and Reinstatement eligible under a separate category. A brief narrative statement prepared by the evaluation panel must be included for each candidate referred along with the reference information. The Selection Certificate must be transmitted as follows.

a. Executive Resources Board - Endorsement by the ERB is required. The SES Merit Staffing Officer prepares a memorandum from the Executive Secretary, ERB, to each of the members and Special Advisor of the Executive Resources Board. This memorandum must include the Selection Certificate together with qualifications and pre-employment information on each of the candidates. Each member must endorse the selection of the candidates, or suggest alternative action. In those instances in which a Merit Staffing Panel was not required, this material also includes each candidate's SF-171, OF-126, and/or resume.

b. After each member of the ERB has endorsed the Selection Certificate, the Executive Secretary must transmit it to the Selecting Official. The candidate subject files for each of the candidates identified as Best Qualified is also sent with the Selection Certificate. The Selecting Official selects from among either the non-SES or Reassignment/Transfer/Reinstatement candidates identified as Best Qualified. Interviews are encouraged. The Selecting Official must return the Selection Certificate and the candidate subject files with a memorandum justifying the selection, or recommending alternative action to the Executive Secretary.

#### **423.3.4.6 Qualifications Review Board Approval Process**

Effective Date: 06/25/2003

The SES Merit Staffing Officer informs the ERB Chairman of the name of the selected candidate to be transmitted to OPM's Qualifications Review Board (QRB). The SES Merit Staffing Officer must prepare the Executive Qualifications in the six activity areas applicable to executive positions throughout the SES. The Merit Staffing Officer must follow OPM's Guide to Executive Qualifications when preparing the Executive Qualifications of the candidate. (See Executive Core Qualifications) Information needed to prepare the Executive Qualifications is obtained from the candidate's SF-171/OF-126/Resume, personal assessment, and other supporting documents, the Official Personnel File, if the selectee is in-house, and supervisory appraisals. The SES Merit Staffing Officer must then transmit in triplicate to OPM the candidate subject file for approval of the selectee's executive qualifications. The candidate subject file must include:

- a. [OPM Form 1390](#);
- b. Mandatory and Desirable Qualification Factors;
- c. Executive Qualifications of the Selectee; and
- d. SF-171, OF-126, or Resume; personal assessment; and supervisory appraisals of the selectee.

#### **423.3.4.7 Post-Panel, Pre-Employment Procedures**

Effective Date: 06/25/2003

In coordination with the Selecting Official, the Merit Staffing Officer must ensure that appropriate pre-employment interviews are conducted by telephone with the selectee's current and/or previous supervisors to the extent possible.

A notification letter is sent to each applicant who applied under the recruitment search and was ultimately not selected for the position.

The Executive Management Division must maintain all records and documentation relating to the SES including:

- a. SES Subject Files - These files include subject matter and SES position data information;
- b. SES Merit Staffing - An SES control file is maintained for each SES position filled through Merit Staffing procedures and includes all documentation of the Merit Staffing process; and
- c. SES Candidate Subject Files - These files include all documentation received from the individual who filed in response to the outside recruitment search. These files are stored in Executive Management's files for a period of two years, after which they are destroyed.

#### **423.3.5 Probationary Period**

Effective Date: 06/25/2003

All individuals serving an initial appointment as a career member of the SES must serve a one-year probationary period. Evaluation of the performance during this period is made through application of the Agency's performance management system. (See [ADS 421, Senior Executive Service Performance Management System \(SESPMS\)](#))

The following essential and sub-essential procedures must be followed during the probationary period.

The probationary period begins on the effective date of the personnel action initially appointing the individual to the SES as a career appointee and ends one calendar year later. (See [5 CFR 317.503](#))

#### **423.3.5.1 Service Credited Toward the Probationary Period**

Effective Date: 06/25/2003

The following conditions apply to crediting service towards completion of the probationary period.

- a. Time on leave with pay while in an SES position is credited. However, if an individual separates during the probationary period, earned leave for which the employee is compensated by lump-sum payment upon separation is not credited toward completion of the probationary period.
- b. Time in non-pay status while in an SES position is credited up to a total of 30 calendar days (or 22 workdays). After 30 calendar days, the probationary period is extended by adding it to time equal to that served in a non-pay status. (For example, if the individual was absent for 50 calendar days, the probationary period is extended by 20 calendar days).
- c. Time absent on military duty or due to compensable injury is credited upon restoration to the SES when no other break in SES service has occurred. (See [5 CFR 353.107](#))
- d. Time following transfer to an SES position in another agency is credited (the individual does not have to start a new probationary period).

#### **423.3.5.2 Resignation and Separation during Probationary Period**

Effective Date: 06/25/2003

A career appointee who resigns or is removed from the SES before completing the probationary period must not receive another SES career appointment, unless selected under SES Merit Staffing Procedures. The individual, however, need not be recertified by a QRB unless the individual was removed for performance or disciplinary reasons.

An individual who separated from the SES during the probationary period and who was out of the SES for more than 30 calendar days must serve a new 1-year probationary period upon reappointment and may not credit previous time in a probationary period towards completion of the new probationary period. In the following situations, however, the individual is only required to complete the remainder of the previously served probationary period.

- a. The individual left the SES without a break in service for a Presidential Appointment and is exercising reinstatement rights under 5 USC 3593(b). (See [5 USC 3593\(b\)](#))

- b. The individual left the SES without a break in service for other civilian employment that provides a statutory or regulatory reemployment right to the SES (e.g., service with an international organization), when no other break in service occurred.
- c. The break in SES service was the result of military duty or compensable injury, and the time credited under 423.3.4, para b, #3 was not sufficient to complete the probationary period.

### **423.3.6 Career Reassignments, Transfers, and Details**

Effective Date: 06/25/2003

The following policies regarding reassignments, transfers, and details must be followed.

- a. A career SES member proposed for reassignment will be provided with a written notice of the proposed action at least 15 days in advance of the effective date. For reassignments outside the commuting area, the Agency must consult with the employee regarding the proposed reassignment. Following consultation, the Agency will provide a written notice at least 60 days before the effective date of the reassignment, which must include the reasons for the action.
- b. A career SES member must not be reassigned within 120 days after the appointment of a new USAID Administrator, or the appointment of an immediate supervisor who is a non-career appointee and has the authority to make an initial appraisal of the career appointee's performance. (See [5 USC 3395\(e\)\(1\)](#)) However, the 15 and 60-day notices under 423.5.5, para. a) may run concurrently with the 120-day moratorium period, but an involuntary reassignment must not be effected until after termination of the 120-day period.

An appointee may voluntarily waive the 15 and 60-day advance notices and the 120-day moratorium period. The appointee must do so in writing, and OHR/EM retains the waiver as a temporary record in the Official Personnel Folder.

These restrictions do not apply to disciplinary actions initiated prior to the appointment of a new Administrator or non-career supervisory official or to reassignments required because the career SES member received an unsatisfactory performance rating in accordance with 5 USC 4314(b)(3). (See [5 USC 4314\(b\)\(3\)](#))

- c. A career appointee is transferred to another Department or Agency only with the consent of the appointee and the gaining agency, except when there is a transfer of function between agencies. In addition, the appointee must meet the qualification requirements of the position.
- d. A career appointee affected by a transfer of function between agencies has rights comparable to a competitive service employee, as provided in 5 USC 3595(e). (See [5 USC 3595\(e\)](#))



e. A career appointee who fails to accompany a transfer of function may be removed from the SES and federal service under 5 CFR Part 752, Subpart F, or the agency losing the function may reassign the appointee to another SES position in a different function. (See [5 CFR Part 752, Subpart F](#))

f. Initial details and extensions within the Agency must be made in accordance with 5 USC 3341 and 5 CFR 317.903(b)(1), which authorize details in increments of no more than 120 days. (See [5 USC 3341](#) and [5 CFR 317.903\(b\)\(1\)](#))

#### **423.3.7 Non-Career and Limited Appointment Reassignments, Transfers, and Details**

Effective Date: 06/25/2003

Reassignment within the Agency or transfer to another agency of a non-career or limited appointee is made only to a General position for which the individual is qualified.

- a. Reassignment of a non-career appointee must have the prior approval of OPM.
- b. Reassignment of a limited appointee does not require the prior approval of OPM. The new position, however, must meet the same criteria under which the original appointment was made.
- c. No advance written notice of the reassignment is required.
- d. When a non-career or limited appointee is transferred to another agency, OPM must provide prior approval of the appropriate appointment authority in the new agency.
- e. In a transfer of function between agencies, non-career and limited appointees may be offered transfer at the discretion of the new agency. OPM must provide prior approval of the appropriate appointment authority in the new agency.

#### **423.3.8 Presidential Appointments of Career SES Members**

Effective Date: 06/25/2003

The career SES members who accept Presidential Appointments are entitled to elect to retain some, all, or none of the following SES benefits: basic pay, performance awards, rank awards, severance pay, annual and sick leave, and retirement.

Career SES members who accept Presidential Appointments are entitled to elect to continue certain SES benefits and reinstatement rights if either of the following conditions are met. To be eligible, there must be no break in service between the SES career appointment and the Presidential appointment.

- a. The appointment is by the President, with Senate confirmation (Presidential Appointment with Senate Confirmation (PAS)), to a position at a rate of basic pay equivalent to Executive Level V or higher.

b. The appointment, even though not by the President with Senate confirmation, is to a position covered by the Executive Schedule, or the rate of basic pay for the position is fixed by statute at a rate equal to one of the five levels of the Executive Schedule.

### **423.3.9 Presidential Appointments of Career SES Members**

Effective Date: 06/25/2003

The appointing agency is responsible for advising affected employees of their election opportunity. The election decision must be in writing. The employee must have the opportunity to make a new election on an annual basis. Thus, the employee must wait 12 months after the anniversary date of the initial election to change it. Thereafter, the election will be changed no more than once during any 12-month period.

An employee who elects to retain SES performance and/or rank award eligibility remains subject to the SES performance appraisal system ([ADS 421](#)).

#### **423.3.9.1 Retirement Benefits for SES Presidential Appointees**

Effective Date: 06/25/2003

The retirement coverage for an employee who receives a Presidential appointment with Senate confirmation on or after November 10, 1988, (the date of enactment of P.L. 100-647) is determined by the position to which the employee is appointed.

a. If the position is an Executive level position listed in [5 USC 5312-17](#), the employee is subject to mandatory Social Security coverage under Civil Service Retirement System (CARS) Offset or Federal Employees Retirement System (FERS).

b. If the position is not listed in 5 USC 5312-17, the employee retains whatever retirement coverage was previously applicable under the SES career appointment, whether it was regular CARS, CARS Offset, or FERS.

#### **423.3.9.2 Leave and Basic Pay for SES Presidential Appointees**

Effective Date: 06/25/2003

If an employee elects to retain SES leave coverage, the employee must continue both annual and sick leave coverage.

If an employee elects to retain SES basic pay and is later reinstated to the SES, the individual's pay rate will be adjusted only if 12 months have elapsed since the last SES pay adjustment. (See [5 CFR 534.401\(e\)\(2\)](#) and [534.401\(c\)](#))

#### **423.3.10 Reinstatement, Reemployment, and Restoration Rights in the SES**

Effective Date: 06/25/2003

The Agency must follow [5 USC 3593](#) and [5 CFR 317.702](#) in making determinations regarding reinstatement rights for former SES career appointees and 5 CFR Parts 352

and 353 in making determinations regarding reemployment and restoration rights. (See [5 USC 3593](#), [5 CFR 317.702](#), [5 CFR 352](#), and [5 CFR 353](#))

The Agency must adhere to the following essential procedures regarding reinstatement, reemployment, and restoration rights in the SES.

- a. Reinstatement must be based only on prior career service in the SES. Reinstatement eligibility acquired in the competitive service is not transferable to the SES. Similarly, a career appointment in the SES does not establish reinstatement eligibility in the competitive service.
- b. In order to be eligible for reinstatement, the appointee must have successfully completed an SES probationary period or been exempt from the period (e.g., converted to the SES as a career appointee when the SES was established in 1979).
- c. The appointee is not eligible for reinstatement if separation from the SES was for reasons of performance or for disciplinary reasons, or if the appointee resigned in lieu of removal for these reasons. Reinstatement is permitted, however, if separation was because of failure to accept a directed geographic move and there was no written mobility agreement.
- d. There is no time limit after leaving the SES for reinstatement of an eligible appointee.
- e. Reinstatement is not subject to merit staffing requirements, nor must the position be advertised.
- f. The Agency must determine that the individual meets the qualification requirements of the position to which reinstated, but the individual need not receive a new QRB certification.

#### **423.3.10.1 Reinstatements for Presidential Appointees**

Effective Date: 06/25/2003

If an appointee is serving under a Presidential appointment with reinstatement entitlement and receives additional Presidential appointments without a break in service between the appointments, the individual continues to be entitled to be reinstated to the SES following termination of the subsequent appointments.

A former SES career appointee who was appointed by the President to a civil service position outside the SES without a break in service from the career appointment and who left the Presidential appointment for reasons other than misconduct, neglect of duty, or malfeasance is entitled to be reinstated to the SES as a career appointee. (See [5 USC 3593\(b\)](#))

- a. The individual is entitled to be reinstated regardless of whether the Presidential appointment was confirmed by the Senate, and regardless of the grade level of the Presidential appointment.
- b. The individual must apply to OPM within 90 days after separation from the Presidential appointment or, instead, negotiate reinstatement directly with the Agency. (See [5 CFR 317.703](#))
- c. An individual who was serving an SES probationary period at the time of the Presidential appointment is required to complete the probationary period upon reinstatement. (See [423.3.4](#))
- d. The Agency will notify OPM within five work days of a reinstatement action by submitting OPM Form 1390. The Agency Remarks section of the Form 1390 must state "Reinstatement of a Presidential appointee."
- e. Reemployment rights of SES members who accept certain assignments outside the SES and the Agency (e.g. to international organizations) are covered in [5 CFR 352](#). (See [5 CFR 352](#)) The individual must have held a career SES appointment before the assignment to be entitled to reemployment, and, in some instances, must have completed the SES probationary period.
- f. Restoration rights following military duty or recovery from compensable injury are covered in [5 CFR 353](#). (See [5 CFR 353](#))

#### **423.3.11 Pay**

Effective Date: 06/25/2003

When making decisions regarding pay levels, USAID must consider performance, expertise brought to the position, qualifications required, scarcity of qualified personnel, pay for comparable private sector personnel, and geographic location, as well as the duties and responsibilities of the executive's position and its organizational location.

The following essential procedures and sub-essential procedures regarding pay for SES appointees must be followed:

There are presently six rates of base pay in the SES, designated as ES-1 (lowest) through ES-6 (highest). The lowest rate must not be lower than 120 percent of the rate of basic pay for GS-15, Step 1. The highest rate of base pay must not exceed the rate for level IV of the Executive Schedule

##### **423.3.11.1 Setting Pay Rates and Raises**

Effective Date: 06/25/2003

- a. Generally, the Agency must set the pay of new appointees at ES-1 or ES-2. However, the initial rate of pay for a new career appointee must not be less than the rate of basic pay last payable to the employee immediately before appointment if the

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appointee had at least five years of current continuous service in the competitive service either:

- (1) Immediately before the SES career appointment and there is no break in service upon entry to the SES; or
- (2) At the time the competitive service position is converted to an SES career reserved position.

b. The Agency must not adjust the rate of basic pay for an individual more than once in any 12-month period. (See [5 USC 5383\(c\)](#))

- (1) The initial establishment of a pay rate for a new SES appointee is considered a pay adjustment. The Agency must wait at least 12 months before changing the rate.
- (2) Time on leave without pay (LWOP) must be counted towards the 12 months.
- (3) The adjustment of ES rates by the President at the same time the General Schedule rates are adjusted, and any change in the payable rate resulting solely from a change in any congressionally-imposed pay cap are not considered pay adjustments for purposes of this section.

c. A senior executive's rate of basic pay may be raised any number of rates (e.g., from ES-4 to ES-6) at the time of a pay adjustment.

#### **423.3.11.2 Pay Reductions**

Effective Date: 06/25/2003

A senior executive's rate of basic pay must only be reduced one rate at the time of a pay adjustment (e.g., from ES-4 to ES-3) subject to the following restrictions:

a. The SES rate of a career senior executive may be reduced involuntarily by the Agency or upon a transfer of function to another agency only under the following conditions:

- (1) For performance reasons (i.e., the executive has received a less than Fully Successful performance rating under 5 CFR, part 430, subpart C, or has been conditionally recertified or not recertified in accordance with [5 CFR 317.504](#)); or
- (2) As a disciplinary action resulting from conduct-related activity (i.e., misconduct, neglect of duty, or malfeasance).

b. If the pay reduction is for performance reasons, a career senior executive must receive a written notice at least 15 days prior to the effective date of the reduction. (See [5 USC 5383\(d\)](#)) The 15-day period begins on the day following receipt of the notice, and the last day of the notice period must precede the effective date. The notice must be issued by the Administrator or his designee and contain a reason for the reduction.

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- c. If the pay reduction is for disciplinary reasons, the Agency must:
- (1) Provide the executive at least 30 days' advance notice;
  - (2) Provide a reasonable time, but not less than seven days for the executive to answer orally and in writing, and to furnish affidavits and other documentary evidence in support of the answer;
  - (3) Allow the executive to be represented by an attorney or other representative; and
  - (4) Provide the executive with a written decision and specific reasons at the earliest practicable date.

In disciplinary cases the Agency may reduce an employee's pay in addition to imposing another penalty (e.g., suspension). There is no appeal right of a pay reduction in the SES.

#### **423.3.11.3 Transfers, Reappointments, and Reinstatements**

Effective Date: 06/25/2003

SES members transferring from one agency to another may have their pay set at any rate even if they have not been at their current rate for 12 months. A transfer begins a new 12-month waiting period in the gaining agency only if the individual's rate is changed at the time of transfer (e.g., from ES-3 to ES-4). Otherwise, the 12-month waiting period begins at the time of the last adjustment by the losing agency.

a. Individuals may have their pay set at any ES rate upon reappointment/reinstatement following a break in SES service if any of the conditions listed below are met. Otherwise, pay must be set at the individual's former ES rate.

- (1) There has been a break in service of more than 30 days.
- (2) The break in service is 30 days or less, but the individual's last ES pay adjustment was more than 12 months earlier.
- (3) The reappointment/reinstatement is in another agency.

b. If a career SES member is appointed by the President, with Senate confirmation, to a position that is at a rate of pay equivalent to Executive Level V or higher and elects to retain SES basic pay, the rate of pay upon reinstatement to the SES must be set in accordance with pay adjustment rules in 423.3.9. (See **423.3.9**)

c. If the individual does not elect to retain SES basic pay, pay may be set at any SES rate upon reinstatement.

d. The establishment of a pay rate upon reinstatement or reappointment following a break in SES service begins a new 12-month waiting before a pay adjustment will be made if:

- (1) The new ES rate is different from the executive's former rate; or
- (2) The break in service exceeds 12 months.

#### **423.3.11.4 Compensation Aggregates**

Effective Date: 06/25/2003

The aggregate (total) compensation an SES member receives in any calendar year must not exceed the payable rate for Level I of the Executive Schedule at the end of the calendar year. Any excess amount be is carried over and paid as a lump sum at the beginning of the next calendar year, and that amount paid is considered part of the member's aggregate compensation for the new calendar year.

- a. If either a performance award or a rank award causes an executive's aggregate compensation to exceed the Level I ceiling by the end of the calendar year, the excess amount is withheld from the award, rather than from the individual's basic salary. The withheld excess will be paid at the beginning of the following calendar year.
- b. If the full excess amount causes the executive's aggregate compensation for the new calendar year to exceed the level I ceiling for that year, then the executive is paid only that portion of the excess amount which brings aggregate compensation to the ceiling. The remainder is held and paid at the beginning of the following calendar year.
- c. In the event of the executive's death, payment of the excess amount is made immediately, along with settlement of accounts, based on the pay rate anticipated to be in effect for level I of the Executive Schedule at the end of the calendar year, in accordance with 5 CFR 530.204(d)(1) and 5 USC 5582. (See [5 CFR 530.204\(d\)\(1\)](#) and [5 USC 5582](#))
- d. When an SES member separates from Federal service, payment of any excess amount is made following a 30-day break in service. Payment must include any excess amount that does not bring aggregate compensation for the calendar year above the level I salary rate anticipated to be in effect on the last day of the calendar year. Any additional excess amount is paid at the beginning of the next calendar year. If the executive is reemployed in the Federal service during the same calendar year as separation, any previous payment of an excess amount is considered part of the year's aggregate compensation for applying the level I limitation for the remainder of the calendar year.
- e. If an SES member transfers to another agency, any excess payment is made at the beginning of the next calendar year, not at the time of transfer, by the agency that gave the performance or rank award that resulted in the excess amount. The

employee's current agency keeps a record of the payment since it counts against the employee's aggregate ceiling for the new calendar year.

f. If an SES member is placed in a position outside the SES, any excess payment must be made at the beginning of the next calendar year, not at the time of separation from the SES.

g. If the Level I ceiling changes during a calendar year, the Agency must review any performance or rank award that was paid before the new ceiling was effective in such instance in which the Agency was required to withhold part of the payment because of the ceiling that then existed. The Agency must then pay any part of the withheld payment that does not exceed the new ceiling. If the SES pay rates also changed, the Agency must first recalculate the executive's total compensation for the calendar year using the new rates and any award money previously paid. Any part of the award that exceeds the new ceiling must continue to be withheld and be paid as a lump sum at the beginning of the next calendar year.

#### **423.3.11.5 Premium Pay**

Effective Date: 06/25/2003

SES members are excluded from premium pay (e.g., overtime, Sunday and holiday work, or night; standby, irregular and hazardous duty differential). (See [5 USC 5541\(2\)\(xvi\)](#)) SES members are also excluded from compensatory time in lieu of overtime pay for work performed as an SES member. SES members are eligible, however, for compensatory time off for religious purposes. Since SES members are not entitled to either premium pay or compensatory time, they also have been prohibited from accumulating credit hours under an Alternative Work Schedule (AWS) program, effective December 1, 1993. (See [5 CFR 610.408](#))

#### **423.3.11.6 Severance Pay**

Effective Date: 06/25/2003

Career SES appointees are covered by severance pay provisions of 5 CFR Part 550, Subpart G. (See [5 CFR 550, Subpart G](#)) To be eligible for severance pay, an appointee must:

- a. Be involuntarily separated from the Federal service;
- b. Meet the general severance pay eligibility requirements (e.g., currently have 12 months of continuous service, without a break of more than three calendar days);
- c. Not be eligible for an immediate annuity based on optional or discontinued service retirement;
- d. Not be removed for cause (e.g., misconduct). The separation of an SES member who declines to accept an assignment to another commuting area is not an involuntary



separation by removal for cause unless the employee's position description or other written agreement or understanding provides for such assignments.

Non-career SES appointees are excluded from severance pay, by 5 CFR 550.703. (See [5 CFR 550.703](#))

Limited SES appointees are excluded from severance pay by 5 CFR 550.703. (See [5 CFR 550.703](#)) However, there is an exception for an individual appointed for full-time employment as a limited appointee, without a break in service of more than three days, following service under an appointment without time limitation in which the individual was eligible for severance pay.

Presidential appointees are excluded from severance pay by 5 CFR 550.703. (See [5 CFR 550.703](#))

(1) An SES career appointee who takes a Presidential appointment requiring Senate confirmation at Executive Level V or higher may elect to continue to have the SES severance pay provisions apply. (See 5 USC 3392(c)) The individual is then eligible for severance pay upon involuntary separation from the Presidential appointment, even if entitled to reinstatement to the SES, provided the appointee meets the eligibility criteria listed in 5 CFR 550.703. (See [5 CFR 550.703](#))

(2) If the individual is covered by the eligibility requirements covered in the preceding criterion (i.e., #1) and the President requests the resignation of the individual, or the President requests all Presidential appointees to submit their resignation, the separation is considered involuntary. A separation is also considered involuntary if specifically requested by a recognized representative of a new incoming administration who has the authority to request such resignation.

(3) A self-initiated resignation does not qualify for severance pay.

The severance pay is based on the rate of basic pay immediately before separation.

#### **423.3.11.7 Annual Compensation for Guaranteed Placement Positions**

Effective Date: 06/25/2003

If a career appointee is entitled to guaranteed placement in a position outside the SES when removed during the probationary period, for performance, or as the result of a reduction-in-force, saved pay is provided for under 5 USC 3594. The individual must receive the full former SES basic pay and is not subject to the limitation on General Schedule pay in [5 USC 5303\(f\)](#) of level V of the Executive Schedule. In accordance with 5 USC 5304(g)(1), the maximum annual compensation that can be paid to any General Schedule employee who is covered by the saved pay provision, is the salary of an Executive Level IV. (See [5 USC 5304\(g\)\(1\)](#))

#### **423.3.11.8 Saved Pay Procedures**

Effective Date: 06/25/2003

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25

If an individual is not eligible for saved pay under [5 USC 3594](#) following separation from the SES and is placed in a General Schedule position, the individual may still be eligible for pay retention under [5 CFR 536.104\(b\)](#), which states that the head of an agency may provide pay retention to eligible employees whose rates of basic pay otherwise is reduced as the result of a management action.

- a. Retained basic pay is subject to the Executive Level V ceiling on General Schedule pay under [5 USC 5303\(f\)](#). Retained basic pay plus locality pay is subject to the Executive Level IV ceiling for General Schedule employees under 5 USC 5304(g)(1).
- b. Examples include an SES member who voluntarily accepts a GS-15 position following receipt of a notice of position abolishment, or voluntarily accepts a position below GS-15 as the result of an SES RIF in lieu of exercising guaranteed placement rights at the GS-15 or other management action that causes the employee to move to a lower-paid position.
- c. However, an employee is not eligible for pay retention, if placement in the General Schedule is at the employee's request, which is defined in 5 CFR 536.102 as an action that is initiated by an employee for the employee's benefit, convenience or personal advantage and that is not caused or influenced by a management action. (See [5 CFR 536.102](#))

If an SES member takes a position in the General Schedule at the member's request and is not eligible for saved pay, the individual may be paid under the "maximum payable rate" rule, as determined by the Agency, at any rate of the GS grade since all SES basic pay rates are currently above the maximum General Schedule rate, including the SES rate. (See [5 CFR 531.203\(c\) and \(d\)](#))

Under [5 USC 5532\(c\)](#), if the combined income of a retired member of a uniformed service from SES basic pay and retired pay is more than the payable rate for Level V of the Executive Schedule, the retired pay is reduced by the difference between the combined income and the Level V pay. If the SES basic pay exceeds the payable rate for Level V, the retired pay is reduced to zero; however, the individual must still receive the full SES pay.

### **423.3.12 Performance Management**

Effective Date: 10/01/2005

See [ADS 421, Senior Executive Service Performance Management System](#) (October 2005)

**\*[removed former section, E423.5.11, "Performance Management" and former sections 423.5.12 and E423.5.12, "Recertification"]**

**423.3.13 Recognition and Incentives**

Effective Date: 06/25/2003

See [ADS 491](#) for policies and essential procedures on recognition and incentives for SES members. (See [ADS 491](#))

**423.3.14 Removal, Suspension, Reduction-In-Force, and Furlough**

Effective Date: 06/25/2003

The Agency must adhere to the policies and essential procedures in 5 CFR Part 359.604 and 5 USC 3592.35 regarding removal from the SES and placement rights outside the SES. (See [5 CFR 359.604](#) and [5 USC 3592.35](#))

The Agency must adhere to the policies and essential procedures in 5 USC 7543 regarding adverse actions. (See [5 USC 7543](#) Chapter 75)

See ADS 455, for the Agency's policies and essential procedures regarding an SES RIF. (See [ADS 455](#)) The Agency must adhere to the policies and essential procedures in 5 CFR Part 359.801 regarding furloughs in the SES. (See [5 CFR 359.801](#))

**423.3.15 Other Provisions Affecting SES Members**

Effective Date: 06/25/2003

The Civil Service Reform Act (CSRA) did not remove SES members from the normal provisions of law governing leave and hours of work. Therefore, in accordance with [5 USC 6101\(a\)](#), a 40-hour basic administrative workweek is established for SES members as it is established for other employees who are subject to the leave system. The Agency has the flexibility to adopt flexible or compressed work schedules under an alternative work schedules (AWS) program for SES members. (See [5 USC Chapter 61, Sub II](#))

The following provisions also affect SES members.

a. ANNUAL AND SICK LEAVE: SES members are subject to the same annual and sick leave system and policies as other employees, except for the limitation on accumulation of annual leave.

(1) Public Law 103-356 amended 5 USC 6304(f) to place a 90-day (720-hour) limit on the amount of annual leave an SES member may carry over from one leave year to the next. Previously, there was no limit. (See [5 CFR Part 630.301](#)) Therefore, any individual appointed to the SES as of October 13, 1994 (date of enactment of P.L. 103-356) is subject to the 720-hour limit. Those who were SES members as of October 13, 1994, and had 720 or fewer hours of annual leave are subject to the 720-hour limit. Those who were SES members as of October 13, 1994, and had more than 720 hours

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27

of annual leave had the leave "grandfathered" as a personal leave ceiling (excluding any restored or advanced annual leave).

(2) The personal leave ceiling is the maximum amount of annual leave in excess of 720 hours that the SES member may carry over to a new leave year. If more leave is earned than used in a leave year, the excess leave is lost at the start of the next leave year, and the personal leave ceiling remains the same. If more leave is used than earned during a leave year, the difference is deducted from the personal leave ceiling at the start of the next leave year. If the personal leave ceiling falls to or below 720 hours at the end of a leave year, the member becomes subject to the 720-hour limit. SES members must be notified by the Agency of any reduction in their personal leave ceiling.

(3) If an individual serves part of a pay period under an SES appointment and part of the same period under a non-SES appointment, see instructions for prorating the annual leave in 5 CFR 630.301(b). (See [5 CFR 630.301\(b\)](#))

(4) If an individual moves from a non-SES appointment to an SES appointment, any annual leave at the time of the move in excess of the employee's maximum accumulation level is subject to forfeiture if not used by the beginning of the leave year immediately following entry into the SES, unless restored under conditions provided by 5 USC 6304(a), (b), (c), or (d). (See [5 USC 6304 \(a\) through \(d\)](#)) The annual leave which is not subject to forfeiture and the annual leave which accrues while serving in the SES are carried forward into subsequent years without limitation of forfeiture as long as the employee remains in the SES.

(5) If an individual moves from an SES appointment to a non-SES appointment, any annual leave in excess of that which otherwise is permitted remains to the individual's credit. Subsequently, if the individual uses more annual leave in a leave year than earned, the balance carried forward will become the new leave ceiling if it is still above the maximum limit normally permitted for the position. (See [5 CFR 630.301\(c\)](#))

(6) Individuals who receive Presidential appointments normally are excluded from the annual and sick leave systems, even if they were covered by those systems before their appointments. They do not accumulate leave and are not charged for leave while on the Presidential appointment. (See [5 USC 6301\(2\)\(x\)](#) or [\(xi\)](#))

(7) However, SES career members who are appointed by the President, with Senate confirmation, to a Civil Service position outside the SES at a rate of pay equivalent to Executive Level V or higher, are entitled to elect to retain annual and sick leave coverage. If coverage is retained, the individual continues to accrue leave and is charged leave as if still in the SES. If the individual separates from the Government immediately following the Presidential appointment, any lump-sum annual leave payment is based on the individual's current rate of pay (i.e., SES pay if SES pay was retained or Executive Schedule or equivalent pay if SES pay was not retained).

(8) SES non-career and limited members who receive Presidential appointments (and SES career members who do not retain leave coverage upon Presidential appointment) must have their leave balance held on account until they return to a position covered by the leave system or separate from the Government. Under 5 USC 5551, if an individual separates from the Government immediately following the Presidential appointment, any lump-sum annual leave payment must be based on the individual's SES salary at the time of the Presidential appointment.

b. PART-TIME EMPLOYMENT: SES members may be employed on a part-time (regularly scheduled tour of duty) basis when appropriate. The employee must be able to perform at the SES level under the work schedule established.

Under [5 USC 3405\(b\)](#), employees in positions paid at a level higher than a GS-15 step 10 are exempt from the part-time career program requirements (e.g., the 16 to 32 hours per week tour-of-duty requirement). Therefore, it is possible for a part-time SES employee to be placed on a tour of duty that exceeds 32 hours per week.

#### **423.3.16 Travel Expenses**

Effective Date: 06/25/2003

The Agency must pay candidates for SES positions travel expenses incurred for pre-employment interviews requested by the Agency. This authority is used regardless of whether the candidate is in another SES position, is employed by a Federal agency in a non-SES position, is applying for reinstatement to the SES from outside the Government, or has never worked for the Government. The authority covers candidates for career, non-career, or limited SES appointment. (See [5 USC 5752](#))

The Agency pays travel expenses of a new appointee (career, non-career, or limited, either from outside the Government or for individuals appointed after a break in Government service) to the SES. The Agency also pays transportation expenses of the appointee's immediate family, household goods, and personal effects, to the extent authorized by 5 USC 5724 and 5724(a), from the appointee's place of residence at the time of selection to the duty station. (See [5 USC 5724](#) and [5724\(a\)](#))

Payment is made only after the individual agrees in writing to remain in Government service for 12 months after appointment, unless separated for reasons beyond the individual's control which are acceptable to the Agency. If the individual violates the agreement, the payment is recoverable from the individual as a debt due the United States. (See [5 USC 5723\(b\)](#))

Change of duty station must be authorized under the provisions in law and the travel regulations concerning payment of travel and transportation expenses when an employee is moved in the interest of the Government from one official station or agency to another for permanent duty are applicable to SES members, including individuals newly appointed to the SES from other positions in the Government without a break in Government service. (See [5 USC 5724](#))

Under 5 USC 5724(a)(3), SES career appointees are entitled to payment of travel, transportation, and household goods moving expenses if they retire on or after September 22, 1988, and if they were moved geographically as a career appointee in the SES and, at the time of the geographic move, were eligible for optional retirement or was within five years of optional retirement, or was eligible for discontinued service retirement. (See [5 USC 5724\(a\)\(3\)](#))

**423.3.16.1 Relocation Allowances**

Effective Date: 06/25/2003

Relocation Allowances: The Agency must adhere to the policies and essential procedures contained in 41 CFR 302. (See [41 CFR 302](#))

**423.3.17 Prohibited Personnel Practices**

Effective Date: 06/25/2003

The Agency must adhere to the policies and essential procedures regarding prohibited personnel actions in 5 USC 2302(a)(2)(B). (See [5 USC 2302\(a\)\(2\)\(B\)](#))

**423.3.18 Statutory Provisions**

Effective Date: 06/25/2003

The Agency must adhere to statutory provisions in P.L. 100-504. (See [Pub. L. 100-504](#))

**423.4 MANDATORY REFERENCES**

**423.4.1 External Mandatory References**

Effective Date: 06/25/2003

- a. [5 CFR 214.402](#)
- b. [5 CFR 317](#)
- c. [5 CFR 317.503](#)
- d. [5 CFR 352](#)
- e. [5 CFR 353](#)
- f. [5 CFR 359](#)
- g. [5 CFR 530.204\(d\)\(1\)](#)
- h. [5 CFR 531.203\(c\) and \(d\)](#)
- i. [5 CFR 534.401\(e\)\(2\)](#)

*Text highlighted in yellow indicates that the adjacent material is new or substantively revised.*

- j. [5 CFR 536.102](#)
- k. [5 CFR 550.703](#)
- l. [5 CFR 610.408](#)
- m. [5 CFR 630](#)
- o. [5 USC 2302\(a\)\(2\)\(B\)](#)
- p. [5 USC 3341](#)
- q. [5 USC 3392](#)
- r. [5 USC 3393](#)
- s. [5 USC 3393a](#)
- t. [5 USC 3395\(e\)\(1\)](#)
- u. [5 USC 3405](#)
- v. [5 USC 3592.35](#)
- w. [5 USC 3593](#)
- x. [5 USC 3594](#)
- y. [5 USC 3595\(e\)](#)
- z. [5 USC 4314\(b\)\(3\)](#)
- aa. [5 USC 5303\(f\)](#)
- ab. [5 USC 5304\(g\)\(1\)](#)
- ac. [5 USC 5383\(c\)](#)
- ad. [5 USC 5532\(c\)](#)
- ae. [5 USC 5541\(2\)\(xvi\)](#)
- af. [5 USC 5582](#)
- ag. [5 USC 5723\(b\)](#)

*Text highlighted in yellow indicates that the adjacent material is new or substantively revised.*

- ah. [5 USC 5724](#)
- ai. [5 USC 5752](#)
- aj. [5 USC 6101](#)
- ak. [5 USC 6301\(2\)\(x\) or \(xi\)](#)
- al. [5 USC 6304 \(a\) through \(d\)](#)
- am. [5 USC 7543](#)
- an. [41 CFR 302](#)
- ao. [Pub. L. 100-504](#)
- ap. [Title IV of the Civil Service Reform Act of 1978](#)

**423.4.2 Internal Mandatory References**

Effective Date: 06/25/2003

- a. [ADS 421, Senior Executive Service Performance Management System](#)
- b. [ADS 455, Reduction in Force in the Senior Executive Service](#)
- c. [ADS 462, Employee Evaluation Program, Civil Service](#)
- d. [ADS 491, USAID Awards Program](#)
- e. **Executive Core Qualifications**

**423.4.3 Mandatory Forms**

Effective Date: 06/25/2003

- a. [OPM Form 1390, Executive Personnel Transaction](#)

**423.5 ADDITIONAL HELP**

Effective Date: 06/25/2003

There are no Additional Help documents for this chapter.

**423.6 DEFINITIONS**

Effective Date: 06/25/2003

The terms and definitions listed below have been incorporated into the ADS Glossary. See the [ADS Glossary](#) for all ADS terms and definitions.

*Text highlighted in yellow indicates that the adjacent material is new or substantively revised.*



**appointing authority**

The Agency Head or other official delegated authority to make appointments in the Senior Executive Service who assigns the official rating, approves bonuses and pay adjustments. (Chapters [421](#), 423)

**Candidate Development Program**

An OPM-approved program designed to prepare individuals through developmental assignments and formal training for career appointment to the SES. Participants are chosen through a competitive SES merit staffing process. Those who successfully complete the program are eligible for certification by the Qualifications Review Board and may receive an SES career appointment without further competition. (Chapter 423)

**Career Reserved Position**

An SES position that must be filled by an SES career appointee. (Chapter 423)

**detail**

The temporary assignment or loan of a direct-hire employee to an outside organization, or within USAID, without change of position from that held in USAID and/or the temporary assignment of non-USAID personnel to USAID, with the expectation that the employee will return to the official position of record upon the expiration of the detail. (Chapter [418](#), 423, [432](#))

**executive competencies**

The key skills and characteristics associated with carrying out executive management responsibilities in six activity areas that are broadly applicable to positions throughout the SES and that are the basis of certification by a Qualifications Review Board for career appointment to the SES. (Chapter 423)

**Executive Resources Board (ERB)**

A panel of top Agency executives responsible under the law for conducting the merit staffing process for career appointment to SES positions. Most ERB's are also responsible for setting policy on and overseeing such areas as SES position planning and executive development. (Chapter 423)

**general position**

An SES position that may be filled by any type of SES appointee (i.e., career, non-career, limited term, or limited emergency). (Chapter 423)

**performance awards**

An award, ranging from 5 to 20 percent of basic salary, granted by an appointing authority to an SES career appointee who has at least a fully successful performance rating, commonly referred to as a "bonus". (Chapter 423)

**Performance Review Board (PRB)**

An Agency board that is responsible for making recommendations to the appointing authority on SES Performance ratings and bonuses. (Chapter 423)

**probationary period**

A 1-year trial period for new career appointees to the SES. (Chapter 423)

**Probationer**

A career appointee who is serving during the SES probationary period. (Chapter 423)

**Post Probationer**

A career appointee who has successfully completed the SES probationary period or did not have to serve one (e.g., an individual who converted to the SES as a career appointee upon its establishment in 1979). (Chapter 423)

**Qualifications Review Board (QRB)**

A board attached to OPM that certifies the executive qualifications of individuals for initial career appointment to the SES. A majority of QRB members must be career appointees. (Chapter 423)

**rank award**

An award granted by the President to career SES members, following nomination by their agency and recommendation by the Director of OPM. Meritorious Executive rank is sustained accomplishment and carries a lump-sum payment of \$10,000. Distinguished Executive rank is for sustained extraordinary accomplishment and carries a lump-sum payment of \$20,000. (Chapter 423)

**rate of basic pay**

For pay-setting purposes, the rate of basic pay means the rate of pay fixed by law or administrative action for the position held by an employee or, in the case of an employee who is entitled to grade or pay retention, the employee's retained rate of pay, before any deductions and exclusive of additional pay of any other kind, such as locality-based comparability payments under 5 USC 5304 or special pay adjustments for law enforcement officers under section 302 or 404 of the Federal Employees Pay Comparability Act of 1990. (Chapter 423)

**reduction in force**

The release of a career or probationary appointee from a position in the Senior Executive Service (SES) because the appointee has been displaced by a career or probationary appointee in a surplus position who has a higher retention standing, or the release of a career or probationary appointee from a surplus position in the SES when such appointee has the lowest retention standing of those occupying SES positions for which the appointee is qualified. (Chapters 423, [455](#))

**reemployment**

The agreement between the Agency (either by statute or administratively granted) and a career SES employee to return them to the Agency upon completion of an assignment outside of the SES and their Agency. To be eligible, the employee must have held a career SES appointment prior to the assignment and must have completed the SES probationary period. (Chapter 423)

**reinstatement**

The noncompetitive reappointment of a career employee in the SES who, under a previous career appointment successfully completed the SES probationary period. (Chapter 423)

**restoration**

The return of an SES employee who leaves the Agency to serve on active duty, including training, in the Armed Forces or who has recovered from a compensable injury. (Chapter 423)

**sabbatical**

An absence from duty, with pay, that an agency may grant to an SES career appointee for up to 11 months to engage in study or uncompensated work experience for developmental purposes. (Chapter 423)

**saved pay**

The SES rated pay that the individual receives by accepting a lower graded position after leaving the SES as the result of reduction-in-force or removal during probationary period. (See 5 USC 3594(c)(1)(2) for definitions and limitations of SES pay.) (Chapter 423)

**Senior Executive**

A member of the Senior Executive Service. (Chapter 423)

**SES Career Appointee**

An individual in an SES position whose appointment to the position, or previous appointment to another SES position, was based on a competitive SES merit staffing process and whose executive qualifications for the SES were certified by a Qualifications Review Board, or an individual who converted to the SES with a career appointment. (Chapter 423)

**SES Limited Emergency Appointee**

An individual who was appointed non-competitively, under a non-renewable appointment not to exceed 18 months, to an SES General position to meet a bona fide, unanticipated, urgent need. (Chapter 423)

**SES Limited Term Appointee**

An individual who was appointed non-competitively, under a non-renewable appointment not to exceed three years, to an SES General position, the duties of which must expire at the end of such term. (Chapter 423)

**SES Non-Career Appointee**

An individual, other than one serving under a career or limited appointment, who was appointed non-competitively to an SES General position. (Chapter 423)

**SES position**

A position that is classified above GS-15, or is in level IV or V of the Executive Schedule, or an equivalent position, which is not required to be filled by President appointment with Senate confirmation, and in which the incumbent:

- 1) Directs the work of an organizational unit;
- 2) Is held accountable for the success of one or more specific programs or projects;
- 3) Monitors progress toward organizational goals, and periodically evaluates and makes appropriate adjustments to such goals;
- 4) Supervises the work of employees other than personal assistants; or
- 5) Otherwise exercises important policy-making, policy-determining, or other executive functions. (Chapter 423)

**transfer**

The change of an individual from an SES position in one agency to an SES position in another agency without a break in service of one full workday. (Chapter 423)

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