

# WAEPA GUIDE

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## Senior Executive Service



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## Senior Executive Service Guide

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# Introduction

In the 21st century, Government executives face special challenges. They must be visionary leaders with a strong commitment to public service. They must be able to apply “people skills” to motivate their employees, build partnerships, and communicate with their customers. Finally, they need solid management skills in order to produce optimum results with limited resources.

Membership in the Senior Executive Service (SES) demands leadership, professional integrity, a broad perspective, and a commitment to the highest ideals of public service. The women and men charged with leading the continuing transformation of government possess well-honed executive skills and share a broad perspective of government and a public service commitment, which is grounded in the Constitution.

WAEPA's **Senior Executive Service Guide** gives you an inside look at the SES that includes staffing, pay, leave, performance management and, most importantly, leadership.

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– *The WAEPA Staff*

# SES Background

The SES is comprised of the men and women charged with leading the Federal Government and producing results for the American people. The SES was designed to be a corps of executives selected for their leadership qualifications. Members of the SES serve in key positions just below the top Presidential appointees, and are the major link between these appointees and the rest of the Federal workforce. These leaders operate and oversee nearly every Government activity in approximately 75 Federal agencies.

OPM manages the overall Federal executive personnel program and provides assistance to agencies as they develop, select, and manage their Federal executives. Agency human resources offices are available to help SES members with agency-specific policy and procedural information.

## Background

The SES was established by the Civil Service Reform Act (CSRA) of 1978 and became effective in July 1979. CSRA envisioned a senior executive corps with solid executive expertise, public service values, and a broad perspective of Government.

CSRA established the SES as a distinct personnel system that applies the same executive qualifications requirements to all of its members. The system was designed to provide greater authority to agencies to manage their

executive resources, including the flexibility for selecting and developing Federal executives within a framework that preserves the larger corporate interests of Government.

### Key Goals of the SES:

- Improve the executive management of the Government.
- Select and develop a cadre of highly competent senior executives with leadership and managerial expertise.
- Hold executives accountable for individual and organizational performance.

### Coverage

The SES covers managerial, supervisory, and policy positions classified above GS-15. The law excludes certain:

- Agencies and agency components, such as independent Government corporations and intelligence agencies; and
- Positions, such as Foreign Service and Administrative Law Judge positions.

### Structure of the SES

There are two types of positions and four types of appointments in the SES.

#### Positions:

- General Positions: may be filled by any of the appointment types--career, noncareer, limited term, or limited emergency appointee.

- Career Reserved Positions: must always be filled by a career appointee to ensure the impartiality, or the public's confidence in the impartiality, of the Government.

#### Appointments:

- Career Appointments: may be made to either type of position – General or Career Reserved. Incumbents are selected using the agency merit staffing process and must have their executive core qualifications (ECQs) approved by a Qualifications Review Board (QRB) convened by OPM.
- Noncareer Appointments: may be made only to General positions. Noncareer appointments are approved by OPM on a case-by-case basis and the appointment authority reverts to OPM when the noncareer appointee leaves the position.
- Limited Term Appointments: may be made for up to 3 years, are nonrenewable and must be to an SES General position only, which will expire because of the nature of the work (e.g., a special project).
- Limited Emergency Appointments: are also nonrenewable appointments, may be for up to 18 months, and must be to an SES General position only established to meet a bona-fide, unanticipated, urgent need.

# Allocations and Positions

## Executive Resources Allocations

OPM allocates executive “spaces” to each agency on a 2-year basis, as specified in the law. OPM may adjust an agency’s allocation during that 2-year period, on a case-by-case basis, to meet unanticipated needs. In addition, OPM may grant a temporary space to support an agency sending an executive on a short-term assignment, e.g., an interagency detail, during which the individual will occupy an agency space even though he or she is not available for agency work. The temporary space “compensates” an agency for the fact that the executive continues to encumber an agency space while on detail.

### Requirements

- Each agency examines its SES position needs and submits a written request to OPM for a specific number of SES position allocations for a 2-year period.
- OPM allocates SES spaces to each agency on a biennial basis, after analyzing agency needs and consulting with the Office of Management and Budget (OMB).

### Agency Flexibility

Within their allocations, agencies have authority to establish and/or abolish positions and to reassign career executives to manage variations in program and mission requirements.

Impact of SES Space Allocations on Noncareer and Limited Appointments There are limits on the numbers of SES noncareer and limited appointments.

- Total SES noncareer appointees Governmentwide cannot exceed 10% of all SES allocations.
- Total SES noncareer appointees in an agency cannot exceed 25% of that agency’s allocation, with a few exceptions (i.e., agencies with fewer than 4 SES spaces and certain agencies that had a higher ratio before CSRA). Congress has imposed stricter limits on some agencies through legislation.
- Total SES limited appointees Governmentwide cannot exceed 5% of all SES allocations.

## Establishing SES Positions

### SES Criteria

Within the allocation OPM authorizes, each agency determines which positions will be established in the SES. Positions must meet both the SES functional criteria and grade level criteria.

### Functional Criteria

A position meets the SES functional criteria if the incumbent engages in any of these activities:

- Directs the work of an organizational unit;

- Is held accountable for the success of one or more specific programs or projects;
- Monitors progress toward organizational goals and periodically evaluates and makes appropriate adjustments to such goals;
- Supervises the work of employees (other than personal assistants) at least 25 percent of the time; or
- Otherwise exercises important policy-making, policy determining, or other executive functions.

### Grade Level Criteria

The position must be classifiable above GS-15, based on the level of duties, responsibilities, and qualifications required by the job.

### Applying the SES Criteria

The SES was intended to be a corps of senior executives, not technical experts. In determining whether a position meets the criteria for placement in the SES, the agency needs to evaluate the position and determine if it functions as a part of the management team, or as an independent advisor or technical expert. This evaluation should consider the position’s duties, responsibilities, and qualifications requirements.

# Staffing

## Executive Core Qualifications

The executive core qualifications (ECQs) define the competencies needed to build a Federal corporate culture that drives results, serves customers, and builds successful teams and coalitions within and outside the organization. The ECQs are the primary selection criteria for the SES. While technical job-specific qualifications are important, the essence of the SES is the ability to lead. OPM has developed the following five ECQs that represent the critical leadership skills all executives need to succeed today and in the future.

1. *Leading Change.* This core qualification involves the ability to bring about strategic change, both within and outside the organization, to meet organizational goals. This ECQ requires the ability to establish an organizational vision and to implement it in a continuously changing environment.
2. *Leading People.* This core qualification involves the ability to lead people toward meeting the organization's vision, mission, and goals. This ECQ requires the ability to provide an inclusive workplace that fosters the development of others, facilitates cooperation and teamwork, and supports constructive resolution of conflicts.

3. *Results Driven.* This core qualification involves the ability to meet organizational goals and customer expectations. This ECQ requires the ability to make decisions that produce high-quality results by applying technical knowledge, analyzing problems, and calculating risks.
4. *Business Acumen.* This core qualification requires the ability to manage human, financial, and information resources strategically.
5. *Building Coalitions.* This core qualification requires the ability to build coalitions internally and with other Federal agencies, State and Local governments, nonprofit and private sector organizations, foreign governments, or international organizations to achieve common goals.

## Qualifications Review Boards

OPM convenes Qualifications Review Boards (QRBs) to provide an independent peer review of candidates proposed for initial career appointment to the SES. The QRB review is the critical last step in the SES selection process.

### Criteria

OPM prescribes the criteria for QRB certification of career candidates that provide for consideration of:

- executive experience;
- Successful participation and graduation from an OPM-approved SES Candidate Development Program; or
- Special or unique qualities that indicate a likelihood of executive success.

### Peer Review

QRBs provide a critical, independent peer review of a candidate's executive qualifications to be a member of the SES. This objective review assures that the Government is hiring executives with leadership qualifications and ensures that technical skills do not outweigh leadership expertise in the selection of new senior executives.

### QRB Membership

- The Board normally consists of three SES members, each from a different agency.
- A majority of Board members must be SES career appointees.
- QRB members cannot review the qualifications of candidates from their own agencies.

### QRB Certification

After the agency completes its merit staffing process and makes a selection, the agency requests QRB certification of the selectee's executive qualifications. A QRB reviews each case and either approves

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## Staffing

### *Continued*

or disapproves the candidate's executive qualifications. If approved, the certification never expires. The agency may proceed with the appointment.

#### **QRB Moratorium**

When an agency head leaves or announces the intention to leave, or if the President nominates a new agency head, OPM suspends QRB case processing for SES career appointments until a successor is appointed at the agency. OPM takes this action as a courtesy to the new agency head to afford him/her the greatest flexibility in making executive resources decisions. However, if an agency has a selection it considers urgent, OPM may consider whether to make an exception.

#### **Career Appointments**

##### *Appointment Methods*

SES career appointments are made without time limitation and provide certain job protections and benefits. Agencies may make career appointments to either General or Career Reserved positions, provided the individual meets the qualifications requirements.

- *New SES Member.* Agencies must follow competitive merit staffing requirements for the initial career appointment to the SES or for appointment to a formal SES Candidate Development Program (CDP). A candidate cannot receive a career

appointment to the SES until the QRB certifies his/her ECQs.

- *Reinstatement.* Agencies may noncompetitively reinstate a former career SES member who has completed an SES probationary period and left the SES under circumstances that did not make the individual ineligible for reinstatement (e.g., poor performance or disciplinary reasons).
- *SES Candidate Development Program (CDP) Graduate.* Agencies may noncompetitively appoint an SES CDP graduate if the individual was selected through at least civil service-wide competition for the CDP and the QRB has already certified his/her ECQs.

##### *Merit Staffing Requirements*

Each agency head appoints one or more Executive Resources Boards (ERBs) to conduct the merit staffing process for initial career appointments. ERBs review the qualifications of each eligible candidate and make recommendations to the appointing authority concerning the candidates.

- *Recruitment.* Agencies must announce SES vacancies that will be filled by initial career appointment to at least all Federal civil service employees. Agencies list their vacancies in OPM's Governmentwide automated

SES vacancy announcement system (USAJOBS available at [www.usajobs.gov/](http://www.usajobs.gov/) for at least 14 calendar days.

- *Rating and Ranking.* All eligible candidates are rated and ranked on the basis of their knowledge, skills, and abilities and other job related factors, as reflected in the position's qualifications standard. Veterans' preference may not be considered since SES members are excluded by law from such preference.

##### *Appeals*

There is no right of appeal by the applicant to OPM on staffing actions taken by the ERB, the QRB, or the appointing authorities. An agency is responsible for answering applicant inquiries about the merit staffing competition.

##### *SES Probation*

An individual's initial career appointment becomes final only after he/she has successfully completed a 1-year probationary period.

##### **Noncareer Appointments**

###### *Appointment after OPM Authorization*

Agencies must make SES noncareer appointments to General SES positions only. Agencies must obtain a noncareer appointment authorization from OPM and approval from the White House

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## Staffing

### *Continued*

Office of Presidential Personnel for each appointment.

There is no time limit on the appointment, but the individual serves at the pleasure of the appointing authority. Competition is not required, nor is QRB certification. The appointing authority must determine that the individual meets the qualifications requirements for the position.

#### ***Reassignment within an Agency***

An agency may reassign a noncareer appointee to another General SES position for which he/she qualifies after obtaining approval from OPM and the Office of Presidential Personnel. The agency is not required to give the appointee advance written notice of the reassignment.

#### ***Transitions and Presidential Nominees***

To help with transitions, OPM may make noncareer appointment authorities available to agencies following the inauguration of a new President or the nomination of a new agency head. Presidential nominees may be given noncareer appointments while awaiting Senate confirmation, but cannot be appointed to the target positions. The appointee normally functions in an advisory or consultative capacity in another position until confirmed.

#### **Limited Appointments**

Limited appointments must be made only to a General SES position that meets the statutory condition for the type of appointment. Competition and QRB certification are not required. The appointing authority determines that the appointee meets the qualifications requirements for the SES position. A limited appointee serves at the pleasure of the appointing authority.

#### ***Appointment Types***

Agencies may use two types of SES limited appointments to address short-term staffing needs.

- **Limited Emergency Appointments** may be made for up to 18 months, to meet bona-fide, unanticipated, and urgent needs.
- **Limited Term Appointments** may be made for up to 3 years, to positions that will expire in 3 years or less. Generally, these appointments are used for project-type positions or for positions established to facilitate transition between Administrations.

#### ***Additional Time Limit***

There is a limit on the total time an individual can serve under a combination of limited term and limited emergency appointments. The limit is no more than an aggregate of 36 months in a 48-month period.

#### ***OPM Authorization***

OPM must authorize each limited appointment in advance, unless the agency has signed a delegation agreement with OPM that authorizes the agency to make a certain number of limited appointments under specified circumstances without advance approval (e.g., 2-year rotating assignments to bring individuals from universities to a scientific organization within the agency).

#### ***Pool Authority***

OPM has given each agency a pool of limited appointment authorities equal to 3% of its total SES space allocation. Agencies may use this authority to make limited term or limited emergency appointment without OPM approval. However, an individual appointed under this pool authority must be a career or career-type Federal employee outside the SES. Agencies should exhaust their pool authorities before requesting OPM approval of a limited appointment authority.

#### ***Expiration of the Appointment***

An agency must terminate a limited appointee when the appointment expires or when the executive has served the maximum period of time permitted under law, whichever occurs first.

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# Staffing

## *Continued*

### ***Fallback Rights***

After termination, a limited appointee is entitled to placement in his/her former position (or a position of like status, tenure, and grade) if the following conditions are met:

- The limited appointment was in the same agency as the one in which he/she held a career or career-conditional appointment in a permanent non-SES position;
- There was no break in service; and
- The termination was not for misconduct, neglect of duty, or malfeasance.

### ***Transitions and Presidential Nominees***

To help with transitions, OPM can make noncareer appointment authorities available to agencies following the inauguration of a new President or the nomination of a new agency head. Presidential nominees may be given noncareer appointments while awaiting Senate confirmation, but cannot be appointed to the target positions. The appointee normally functions in an advisory or consultative capacity in another position until confirmation.

### **Career Reassignments and Transfers**

#### ***Reassignments***

An agency may reassign a career SES member to any SES position in the agency for which he/she is qualified.

- Reassignments in the Same Commuting Area require a 15-day advance written notice, which may be waived only when the appointee consents in writing.
- Reassignments to a Different Commuting Area require consultation with the executive and a 60-day advance written notice, which may be waived only when the appointee consents in writing.

An agency may remove a career appointee who fails to accept a directed reassignment under adverse action procedures. The appointee is entitled to appeal the removal to the Merit Systems Protection Board.

#### ***Moratorium on Involuntary Reassignments***

Career appointees cannot be reassigned involuntarily within 120 days of the appointment of —

- A new agency head, or
- The career appointee's most immediate supervisor who is a noncareer appointee with the authority to make an initial appraisal of the career appointee's performance.

The intent of this moratorium is to provide a "get acquainted" period to allow the new

agency head and noncareer appointees to get to know the career senior executives and their skills and expertise. However, after 120 days, they are free to reassign career appointees to any position for which they are qualified.

#### ***Transfers***

A career appointee may be transferred to another agency to an SES position for which he/she is qualified, with the consent of the appointee and the gaining agency.

#### **Details**

A detail is the temporary movement of an individual within, into, or out of the SES for a specified period, usually with the expectation that the employee will return to his/her regular position at the end of the detail. SES members can be detailed within the agency or to another agency. They can also be detailed to certain non-Federal organizations, to international organizations, and to foreign governments. Details do not affect an SES member's appointment, pay, or benefits.

#### ***Conditions***

SES members may be detailed to other SES positions or to non-SES positions, generally in increments of 120 days.

#### ***Position Restrictions***

The following restrictions apply to detailing members of the SES:

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## Staffing

### *Continued*

- Any SES appointee or non-SES employee can be detailed to a General SES position.
- Only career SES appointees and career-type non-SES employees can be detailed to a Career Reserved position.
- An SES noncareer appointee cannot be detailed to a competitive service position outside the SES.

#### ***Unclassified Duties***

Agencies may not detail an SES member to unclassified duties for more than 240 days.

#### ***Non-SES Details***

Competitive service merit promotion procedures must be observed when detailing non-SES employees to an SES position for more than 240 days. However, competition is not required if the employee is eligible for a noncompetitive SES career appointment (e.g., a QRB-certified graduate of an SES CDP).

#### ***OPM Approval***

OPM must approve a detail of more than 240 days if a —

- Non-SES employee is being detailed to an SES position

that supervises other SES positions, or

- An SES employee is being detailed to a position at GS-15 or below or an equivalent level.

#### **Presidential and Other Appointments of SES Career Members**

##### ***Retention of SES Benefits***

An SES career appointee may elect to continue certain SES benefits if there is no break in service between the SES career appointment and the Presidential or other covered appointment AND —

- The appointment is by the President, with Senate confirmation (PAS), to a civil service position in the Executive branch outside the SES, at a rate of basic pay at or equivalent to the rate for Executive Schedule V or higher. OR
- The appointment is to a non-SES position that is covered by the Executive Schedule, or the rate of basic pay for which is fixed by statute at a rate equal to one of the levels of the Executive Schedule. (This does not have to be a Presidential appointment.)

#### ***SES Benefits***

The executive may elect to retain some, all, or none of these SES benefits--basic pay, performance awards, rank awards, severance pay, leave, and retirement coverage. The appointing agency is responsible for advising executives of their election opportunity. The election decision must be in writing. The executive may change his/her election only once in a 12-month period.

#### ***Reinstatement in the SES***

An SES career member who receives a Presidential appointment (with or without Senate confirmation) is entitled to be reinstated to the SES after the Presidential appointment ends if —

- The Presidential appointment was to a civil service position outside the SES;
- There was no break in service between the career SES appointment and the Presidential appointment; and
- The executive leaves the Presidential appointment for reasons other than misconduct, neglect of duty, or malfeasance.

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# Pay

The SES pay range has a minimum rate of basic pay equal to 120 percent of the basic pay rate for GS-15, step 1 and a maximum rate of basic pay equal to the rate for level III of the Executive Schedule (EX-III). However, for any agency certified as having a performance appraisal system which, as designed and applied, makes meaningful distinctions based on relative performance, the maximum rate of basic pay is the rate for level II of the Executive Schedule (EX-II).

The minimum rate of basic pay for the SES rate range will increase consistent with any increase in the rate of basic pay for GS 15, step 1. The applicable maximum rate of basic pay for the SES rate range will increase with any increase in the rates for level EX-II or EX-III.

## Rates of Basic Pay

In 2017, the rates of basic pay for SES members in:

	<b>Minimum</b>	—	<b>Maximum</b>
Agencies with a Certified SES Performance Appraisal System	\$124,406		\$187,000
Agencies without a Certified SES Performance Appraisal System	\$124,406		\$172,100

This pay information is updated annually at [www.opm.gov/policy-data-oversight/pay-leave/salaries-wages](http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages).

## Performance-Based Pay System

- Each agency must establish a written pay policy for setting and adjusting the rates of basic pay for SES members.
- An agency must set and adjust the rate of basic pay on the basis of the individual's performance and/or contribution to the agency's performance.
- An agency may not adjust pay more than once during any 12-month period (with few exceptions).
- The typical compensation package for career senior executives also includes performance awards.

## Pay Flexibilities

Agencies have discretionary authority to provide additional compensation to meet recruitment, relocation, and retention needs. Detailed information on recruitment, relocation, and retention incentives, including examples and payment methods, is available at [www.opm.gov/3rs/fact/index.asp](http://www.opm.gov/3rs/fact/index.asp).

# Leave and Work Schedules

## Annual Leave

SES members earn 26 days of annual leave a year. SES member accrue 8 hours for each pay period, regardless of years of service. (See Extension of Higher Annual Leave Accrual Rate to SES and SL/ST Equivalent Pay Systems fact sheet available at [www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/extension-of-higher-annual-leave-accrual-rate-to-ses-and-slst-equivalent-pay-systems/](http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/extension-of-higher-annual-leave-accrual-rate-to-ses-and-slst-equivalent-pay-systems/)).

SES members may carry over up to 90 days into the new leave year (See annual leave fact sheet at [www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/annual-leave/](http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/annual-leave/)).

**Use or Lose Leave:** If an SES member has annual leave in excess of the applicable leave ceiling on the last day of the leave year, he or she is subject to the “use or lose” rules for the forfeiture of excess annual leave.

## Sick Leave

A full time SES member is entitled to 4 hours of sick leave per biweekly pay period.

## Other Leave

SES members also are entitled to leave such as: court leave, military leave, leave for bone marrow or organ donation, and other types of leave.

## Work Schedules

As a general rule, it is necessary to establish a 40-hour basic administrative workweek for SES members on a full-time work schedule in the same way agencies must for other employees who are subject to the leave system. There are certain flexibilities, however, available to agencies. For example, agencies may adopt flexible or compressed work schedules under an alternative work schedule (AWS) program for SES members. (For additional information, see OPM’s Handbook on Alternative Work Schedules at [www.opm.gov/oca/aws/index.asp](http://www.opm.gov/oca/aws/index.asp)).

## *Prohibition on Compensatory Time Off (Overtime and Travel):*

- SES members are not eligible for overtime pay. Therefore, they also may not receive compensatory time off in lieu of overtime pay for work performed as an SES member. Each agency should establish policies governing the handling of accrued compensatory time off for an employee who is subsequently placed in an SES position.
- Members of the SES are not eligible to earn compensatory time off for travel. If an individual has unused compensatory time off for travel at the time of appointment to the SES, the individual forfeits it.

**Credit Hours:** SES members are prohibited from accumulating credit hours under a flexible work schedule program. SES members can use credit hours accumulated prior to their SES appointment. However, they may not receive compensation in lieu of any unused credit hours.

# Performance Management

Performance management incorporates planning, monitoring, developing, evaluating, and rewarding both individual and organizational performance.

## Performance Management Systems

Basic SES System: In January 2012, OPM, in conjunction with OMB, issued the “Basic SES Appraisal System.” The basic SES appraisal system promotes consistency, clarity, equity, and transferability of performance processes, standards, feedback and ratings throughout Government. Agencies can modify the Basic SES appraisal system and performance plans.

## Senior Executive Performance Plans

Performance plans must be established for all SES members (including individuals serving on career, noncareer and limited appointments). A template for an executive performance plan is included as part of the basic SES appraisal system.

Performance plans must be developed in consultation with the executive. On or before the beginning of an appraisal period, the executive’s immediate supervisor must communicate the plan to the executive. Each executive performance plan must describe:

1. The critical elements of the executive’s work and any other relevant performance elements. The elements must reflect individual and organizational performance for which the executive is responsible with a focus on results.
2. Performance requirements described at the Fully Successful level of performance of the executive’s work.

Critical elements, performance requirements, and standards, must be consistent with the goals and performance expectations in the agency’s strategic planning initiatives.

The agency performance management system should provide for revision of the performance plan during the appraisal period if modifications are necessary because of such factors as changes in agency or organizational priorities, available resources (e.g., budget or staff), deadlines, or workload. The supervisor should consult with the executive and provide in writing any modification of the plan to the executive. (For more information about SES performance plans visit [www.opm.gov/policy-data-oversight/senior-executive-service/basic-appraisal-system/](http://www.opm.gov/policy-data-oversight/senior-executive-service/basic-appraisal-system/)).

**Appraising Performance:** SES members must be given an annual summary rating. The agency SES appraisal system shall indicate the beginning and ending dates of the official appraisal period. The agency SES appraisal system shall also establish a minimum appraisal period of at least 90 days. If an executive has not served the minimum period as of the end of the appraisal period, the appraisal period must be extended.

**Progress Review:** Supervisors must monitor each senior executive’s performance during the appraisal period and give him/her feedback on progress in meeting performance goals and expectations. The supervisor must hold at least one progress review with the executive during the appraisal period.

**Initial Summary Rating:** The supervisor rates each critical performance element, derives an overall summary rating, and discusses the initial rating with the executive.

**Higher Level Review:** The agency system must provide an opportunity for a higher-level review of the supervisor’s initial summary rating, which occurs before the rating is forwarded to the Performance Review Board (PRB).

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# Performance Management

*Continued*

## **Performance Review**

**Board Action:** Agencies must establish Performance Review Boards to make recommendations to the appointing authority on the performance of executives, including recommendations on performance ratings and bonuses. A PRB helps to assure consistency and objectivity in appraising executive performance. Each PRB has three or more members appointed by the agency head.

**Annual Summary Rating:** The annual summary rating is the official rating of record assigned by the appointing authority, after considering the PRB's recommendations. There is no appeal of the annual summary rating.

**Moratorium:** Performance appraisals and ratings for career appointees may not be made within 120 days after the beginning of a new Presidential administration (i.e., the administration of a President other than the one in office immediately before the beginning of the current administration). When the new President is inaugurated on January 20, appraisal actions may not be taken until May 20.

## **Removals from the SES for Poor Performance**

Agency managers can take a performance-based action after the career appointee has: received a performance plan; been given a progress

review; served the minimum appraisal period; and been rated on his/her performance. If the rating is unsatisfactory, the agency has two options: remove the individual from the SES, or reassign or transfer him/her to another SES position. If the executive is retained in the SES, the agency should provide assistance in improving performance. There is no requirement for a formal performance improvement plan (PIP), as there is for positions at GS-15 and below.

## **Removal Requirements:**

- The appointee must be given a written notice at least 30 days before removal from the SES.
- If eligible, the individual may elect discontinued service retirement.
- Performance removals cannot be appealed, but the individual can request an informal hearing before MSPB.
- A performance removal is subject to the 120-day moratorium, unless it is based on an unsatisfactory rating given before the appointment of the new agency head or noncareer appointee that triggered the moratorium.

## **Awards and Other Recognition**

The law authorizes the granting of special recognition, awards, and incentive payments to

members of the SES to help attract, retain, recognize, reward, and motivate highly competent executives. The following constitute three categories of SES award programs:

- Presidential Rank Awards;
- Performance Awards; and
- Other Awards.

Agencies have the flexibility to develop policies and procedures for performance and other awards.

## **Presidential Rank Awards:**

recognize sustained overall high-level performance by SES career appointees. Rank awards are based on service over an extended period of time. Distinguished Rank recipients receive a lump-sum payment of 35 percent of their rate of annual basic pay; Meritorious Rank recipients receive 20 percent of their rate of annual basic pay.

## **Performance Awards:**

Agencies must give performance awards (bonuses) to career appointees to encourage excellence in performance. These awards recognize and reward demonstrated excellence over a 1-year performance appraisal cycle. To be eligible, individuals must have received at least a fully successful rating.

- **Individual Award Amounts:** Performance awards must be at least 5% but no more than 20% of basic pay as of

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# Performance Management

*Continued*

the end of the performance appraisal period. An individual may not voluntarily agree to accept a bonus of less than 5%.

- **Award Determinations:** The agency head determines who receives a performance bonus and the amount of the award, after considering recommendations from the agency's Performance Review Board (PRB). The PRB must be composed of a majority of career SES members.

**Other Awards:** Other forms of recognition are available to recognize a single, significant act or contribution that is not tied to overall performance. Examples include:

- Suggestion,
- Invention,

- Superior accomplishment,
- Productivity gain, or
- Other personal effort that contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork or a special act or service in the public interest in connection with/related to official employment.

***Restrictions on Cash Awards for Noncareer Appointees:***

There is a statutory prohibition on granting awards to noncareer appointees during the Presidential election period (between June 1 of a Presidential election year and the following January 20).

Agencies must give performance awards (bonuses) to career appointees to encourage excellence in performance.

# Reduction in Force

**R**eduction in force (RIF) is a management tool for dealing with the consequences of abolishing functions or positions. It is not a tool for dealing with performance issues. When an agency abolishes SES positions due to reorganizations, eliminated programs or functions, or reduced resources, there are several ways to deal with the affected SES members. They can be reassigned to vacant positions anywhere in the agency. They can be offered early retirement (if eligible). Agencies can help them find job opportunities elsewhere in government. Reduction in force is usually the last resort.

**Key Statutory Requirements:** Agencies establish competitive procedures for determining who is removed during a RIF that affects career appointees. These procedures must ensure that RIF determinations are based primarily on performance. The agency must place a career executive who has completed the probationary period in a vacant SES position for which he/she is qualified.

If the agency cannot place the executive, OPM offers placement assistance (45 days) to try to place the executive elsewhere in the government. If the executive cannot be placed in any SES position, he/she is removed from the SES, but is entitled to placement in his/her agency at GS-15, with saved base pay.

OPM can require an agency to take any action that OPM considers necessary to carry out a RIF placement. A career executive has an appeal right to MSPB on agency compliance with competitive RIF procedures.

**Moratorium:** The 120-day moratorium on certain removal actions does not apply to a removal as a result of RIF.

When an agency abolishes SES positions due to reorganizations, eliminated programs or functions, or reduced resources, there are several ways to deal with the affected SES members.

# Fallback Rights

A career SES appointee is entitled to be placed (“fallback”) in a position outside the SES, with saved base pay, when removed from the SES under certain circumstances. The appointee may elect discontinued service retirement, if eligible, in lieu of fallback. The appointee has fallback rights in the following circumstances:

- During SES probation, for other than disciplinary reasons, if the individual held a career or career-conditional appointment, or an appointment of equivalent tenure, at the time of his/her appointment to the SES.
- After SES probation, as the result of a less than fully successful performance rating.
- After SES probation, as the result of a reduction in force.

**Conditions of Offer:** The placement offer must be to a continuing position (i.e., one that will last at least 3 months); the position must be at GS-15 or above, or equivalent; the individual must meet the qualifications requirements for the position. For an individual who was appointed to the SES from a career or career-conditional (or equivalent) position) the tenure of the appointment must be equivalent to the tenure of the appointment he/she held at the time of entry into the SES. The placement may not cause the separation or grade reduction of any other employee. If there is no vacant position for which the individual is qualified, the agency must create a position.

For an individual who was appointed to the SES from a career or career-conditional (or equivalent) position) the tenure of the appointment must be equivalent to the tenure of the appointment he/she held at the time of entry into the SES.

# Adverse Actions

SES appointees may be removed from the Federal service or suspended for more than 14 days for misconduct, neglect of duty, malfeasance, failure to accept a directed reassignment, or failure to accompany a position in a transfer of function.

**Coverage:** Career appointees who have completed SES probation. Some probationers and limited appointees may be covered, depending on their adverse action coverage prior to entering the SES.

**Suspension:** Agencies may suspend members of the SES for more than 14 days. An agency may issue a reprimand or admonishment for offenses that do not warrant a suspension for more than 14 days.

## **Disciplinary Removal v.**

### **Unacceptable Performance:**

An agency may find it difficult at times to distinguish between unacceptable performance and misconduct, neglect of duty, or malfeasance. Each may result in the appointee's

failure to carry out significant duties and responsibilities of the position. Unacceptable performance generally results from the appointee's inability to perform due to a lack of managerial competence or technical knowledge. Misconduct, neglect of duty, and malfeasance, on the other hand, denote intentional wrongdoing on the part of the appointee.

**Placement:** Adverse action removal of an SES member is removal from the civil service. There is no authority for an agency to move the appointee directly from the SES to a non-SES position. However, following the action removing the appointee from the Federal service, an agency may subsequently as a separate action appoint the individual to a position outside the SES for which eligible.

**Appeals:** Adverse action removals and suspensions can be appealed to the Merit Systems Protection Board.

An agency may find it difficult at times to distinguish between unacceptable performance and misconduct, neglect of duty, or malfeasance.



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# Continuing Learning

There are many ways to provide training and development opportunities for executives, including formal and informal training experiences, seminars, forums, and mobility assignments. In December 2012, OPM published the Executive Development Best Practices Guide ([www.chcoc.gov/content/release-opm's-executive-development-best-practices-guide](http://www.chcoc.gov/content/release-opm's-executive-development-best-practices-guide)). This guide contains a compilation of executive development best practices used by the public and private sector to support the continued learning of executives. With an emphasis on impact, cost and innovation, the information contained in the guide will help agencies more efficiently and effectively meet the development needs of federal executives. OPM offers orientation programs for newly appointed SES members as well as development opportunities at training centers. Agencies are encouraged to use OPM's Executive Onboarding Manual and Framework as a tool to create an executive onboarding program. The framework outlines the critical steps for developing and implementing a successful formal executive onboarding program from pre-boarding through the first year. The Executive Onboarding framework is available on OPM's: ([www.opm.gov/WIKI/uploads/docs/Wiki/OPM/training/Hit the Ground Running Establishing a Model Executive Onboarding Framework 2011.pdf](http://www.opm.gov/WIKI/uploads/docs/Wiki/OPM/training/Hit%20the%20Ground%20Running%20Establishing%20a%20Model%20Executive%20Onboarding%20Framework%202011.pdf))

## *OPM Training and Development Policy Wiki*

In 2011, OPM created the Training and Development Policy Wiki (Wiki) for Federal government training and development practitioners. The shared goal of Wiki users is to learn, share relevant information, and collaborate across the government on all matters related to Federal training and development. The OPM Wiki is open to everyone to view and search for content. However, only Federal Government employees may register and post content tools, resources and best practices directly onto the wiki. All users are encouraged to provide comments relevant to the page topic thus making the wiki a "living" and ever-evolving resource. The OPM Training and Development Policy Wiki ([www.opm.gov/WIKI/training/MainPage.ashx](http://www.opm.gov/WIKI/training/MainPage.ashx)) is a great resource to find tools and resources for continuing executive development.

**SES Briefings:** Periodically, OPM sponsors 2-day orientation programs for new career and noncareer SES appointees. Participants are briefed about their role as senior executives and given introductory information about the SES. Key Administration officials and others provide insights and information on current domestic and foreign policy issues and initiatives, as well as advice about working with Congress. Speakers cover other relevant topics such as working with Congress and

dealing with the media as well. Presentations emphasize the senior executive's corporate leadership responsibilities for meeting the challenges facing a government undergoing change. These sessions also provide an opportunity for new executives to begin to interact as a community and build the corporate perspective.

For more information on onboarding new executives go to: [www.opm.gov/wiki/training/New-Employee-Orientation.ashx](http://www.opm.gov/wiki/training/New-Employee-Orientation.ashx).

## **SES Leadership Seminars:**

SES Leadership Seminars accelerate early success and interagency networking of executives in their first or second year in the SES or equivalent with access to public-private sector strategies. Executives gain real-world perspectives and strengthen effectiveness in the OPM Executive Core Qualifications (ECQs) to foster a more efficient, effective, performance-driven Federal government. The Seminars feature:

- Content developed from agency and industry executive onboarding best practices.
- Keynote speakers and session moderators experienced with achieving results.
- Interaction and lessons learned with current and former SES members, public, private and nonprofit sector senior leaders.

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## Continuing Learning

### *Continued*

- Discussions in small interagency groups; expert panel discussions.
- Individual study guides and self-assessment exercises.

For more details go to: [cldcentral.usalearning.net/mod/page/view.php?id=297](http://cldcentral.usalearning.net/mod/page/view.php?id=297).

**Residential Leadership Development Programs:** OPM offers leadership and management development programs for all levels of leadership from team leaders to senior executives through the Center for Leadership Development (CLD). The CLD is comprised of the Federal Executive Institute (FEI) and the two Management Development Centers (MDCs). These professional development programs may be taken separately or as an integrated 'Leadership Journey' through the very popular Leadership Education and Development (LEAD) Certificate Program. All CLD programs employ a wide range of learning methods and approaches to address the Executive Core Qualifications and competencies as identified by OPM for success in the Federal work environment. The programs at FEI and the MDCs are open to leaders and managers in career and noncareer positions, senior policy specialists, political appointees, and participants in similar positions and at appropriate levels in local, state, and foreign governments.

**Federal Executive Institute:** FEI guides participants to explore their personal strengths and to further develop their leadership capabilities related to personal leadership, organizational transformation, the policy framework in which the public sector leadership occurs, and the broad context of international trends that shape Government agendas. For more information about these programs contact:

**Federal Executive Institute**  
1301 Emmet Street  
Charlottesville, VA 22903-4899  
Voice: **(434) 980-6200**  
TDD: **(434) 980-6299**

**Management Development Centers (MDCs):** The Eastern and Western Management Development Centers focus on developing leadership and management skills for team leaders through executives in an interagency residential environment.

**Eastern Management Development Center**  
1900 E Street, NW  
Washington, DC 20415  
Voice: **(202) 606-2008**  
Fax: **(478) 757-3057**  
Email: [register@opm.gov](mailto:register@opm.gov)

**Western Management Development Center**  
Byron Rogers Federal Building  
1961 Stout Street, 16th Floor,  
Suite 16-111  
Denver, CO 80294  
Email: [register@opm.gov](mailto:register@opm.gov)  
Phone: **(303) 671-1010**

For more information on developing SES members go to: [www.opm.gov/wiki/training/Executive-Development.ashx](http://www.opm.gov/wiki/training/Executive-Development.ashx)

**Executive Development Plans:** Agencies should prepare, implement, and continually update Executive Development Plans (EDPs) for all senior executives. EDPs should outline a senior executive's short-term and long-term developmental activities, which will enhance the executive's performance. These developmental activities included in an executive's EDP should allow the executive to develop a broader perspective in the agency as well as Governmentwide. These activities should meet organizational needs for leadership, managerial improvement, and results. EDPs should be reviewed annually and revised as appropriate by an Executive Resources Board or similar body designated by the agency to oversee executive development.

For further information, see the Sample EDP template at [www.opm.gov/policy-data-oversight/senior-executive-service/executive-development/edptemplate.pdf](http://www.opm.gov/policy-data-oversight/senior-executive-service/executive-development/edptemplate.pdf).

# Preparing the People Pipeline

**S**ES Candidate Development Programs (CDPs): Senior Executive Service Candidate Development Program (SES CDP) is an OPM-approved training program designed to develop executive core qualifications. The SES CDP is one succession management tool agencies may use to identify and prepare future senior leaders. SES CDPs provide potential SES candidates with training and development opportunities to enhance their executive competencies and broaden their understanding of the wide range of Federal Government

programs and issues beyond their agencies and professions. An SES CDP must last a minimum of 12 months. Recruitment for SES CDPs is either from all groups of qualified individuals within the civil service, or all groups of qualified individuals whether or not in the civil service. Graduates of an OPM-approved SES CDP who are selected through civil service-wide competition and are certified by OPM's Qualifications Review Board (QRB) may receive a career SES appointment without further competition. These

graduates are eligible for noncompetitive career appointment to an SES position for which they meet the professional/technical qualification requirements. It is important to understand that QRB certification does not guarantee placement in the SES.

For more information on SES CDPs go to:

[www.opm.gov/wiki/training/Senior-Executive-Service-Candidate-Development-Program.ashx](http://www.opm.gov/wiki/training/Senior-Executive-Service-Candidate-Development-Program.ashx).