



**Court Services and Offender Supervision Agency and
Pretrial Services Agency for the District of Columbia**

POLICY STATEMENT

Policy Statement 214.1

Policy Area: Human Resources

Effective Date: MAY 11 2011

Approved:

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SENIOR EXECUTIVE SERVICE POSITION MANAGEMENT AND RECRUITMENT

I. COVERAGE

This Policy Statement establishes policies and procedures for position management and recruitment for all positions in the Senior Executive Service (SES) in the Court Services and Offender Supervision Agency (CSOSA) and the Pretrial Services Agency for the District of Columbia (PSA), collectively referred to as "Agency." All provisions in this policy apply to both agencies except when otherwise specified.

II. BACKGROUND

The head of each department or agency is required by law and regulation to establish policies for management of the SES program, including position allocation, recruitment and staffing. This Policy Statement provides these policies and implementing procedures for CSOSA and PSA.

III. POLICY

The Agency's SES program is designed to attract and retain individuals who have the highest levels of both executive and professional competencies required for Agency mission accomplishment. SES position and employment policies must comply with relevant law, regulation and federal policy and must be administered according to merit principles. Decisions are made without regard to political, religious, or labor organization affiliation or non-affiliation, marital status, race, color, gender, sexual orientation, national origin, age, non-disqualifying disability, or any other non-merit-based factor. Recruitment procedures and resulting decisions are consistent with the Uniform Guidelines on Employee Selection Procedures, found in 29 CFR Part 1607, and all actions are based solely on job-related factors and merit.

IV. AUTHORITIES, SUPERSEDURES, REFERENCES AND ATTACHMENTS

A. Authorities

5 U.S.C. §§ 2102, 3110, 3131-3133, 3392-3395, 5108

5 C.F.R. Parts 214 and 317

29 C.F.R. Part 1607

84 Stat. 641, Pub. L. 91-358, title II § 210(a); D.C. Official Code § 23-1304(a)

84 Stat. 642, Pub. L. 91-358, title II, § 210(a); D.C. Official Code § 23-1306

111 Stat. 748, Pub. L. 105-33, § 11233; D.C. Official Code § 24-133(b)(C)

B. Policy Supersedures

None

C. Procedural References

CSOSA/PSA Policy Statement "Senior Executive Service Performance Management System"

Office of Personnel Management SES Desk Guide, January 2010

Office of Personnel Management Guide to Senior Executive Service Qualifications

D. Attachments

Appendix A — Definitions

Appendix B — Responsibilities

Appendix C — General Procedures

APPENDIX A DEFINITIONS

Accomplishment Record Selection Method—a method of assessing applicants based on a resume and narratives addressing selected competencies underlying the Executive Core Qualifications and any technical qualifications.

Appointment of Equivalent Tenure—an appointment in the excepted service other than an appointment to a Schedule C position or a position meeting the same criteria as a Schedule C position, or to a position where the incumbent is traditionally changed upon a change in the Presidential Administration.

Authority to Appoint the CSOSA Director—the CSOSA Director is appointed by the President by and with the advice and consent of the Senate.

Authority to Appoint the PSA Director—the PSA Director is appointed by the Chief Judge of the United States Court of Appeals for the District of Columbia Circuit and the Chief Judge of the United States District Court for the District of Columbia in consultation with the other members of the PSA Executive Committee.

Career Appointment—appointment of an individual whose executive qualifications were approved by a Qualifications Review Board (QRB) established by the Office of Personnel Management (OPM). Career appointments may be made to career reserved or general positions.

Career Reserved Position—a position of which the principal duties (1) involve day-to-day operations without responsibility for or involvement in the determination of public advocacy of the Administration or Agency; and/or (2) require impartiality or the public's confidence in impartiality, as determined by the Agency in light of its mission. Career reserved positions must be filled by a career appointee.

Category Rating—the method used by PSA and/or CSOSA for the rating official/panel to evaluate candidates to place them in one of three quality categories: Best Qualified, Well Qualified and Qualified.

Crediting Plan— the tool used for evaluation of candidates by PSA and/or CSOSA. Three levels are described for each qualification/competency: Best Qualified, Well Qualified, and Qualified; these descriptions are made in terms of experience, responsibilities, accomplishments and other factors.

Detail—the temporary assignment of an SES member to another position (within or outside the SES) or the temporary assignment of a non-SES member to an SES position with the expectation that the employee will return to the official position of record at the end of the detail. For pay and benefit purposes, the employee continues to occupy the official position of record through the duration of the detail.

Executive Core Qualifications (ECQ)—managerial competencies that are required for entry into the SES.

Executive Resources Board (ERB)—a group of Agency executives that is responsible under the law for conducting the merit staffing process for career appointment to the SES.

General Position—an SES position, other than a career reserved position, which may be filled by an SES career, non-career, limited emergency, or limited term appointment.

Job/Task Analysis—a systematic process for gathering, analyzing and documenting information about the content, context and requirements for the job; it provides the basis for the professional or technical qualifications for an SES position.

Limited Emergency Appointment— a noncompetitive, nonrenewable appointment not to exceed 18 months to an SES general position established to meet a bona fide, unanticipated, and urgent need.

Limited Term Appointment—a noncompetitive, nonrenewable appointment for a term of three (3) years or less to an SES general position, the duties of which will expire at the end of such term.

Non-Career Appointment—a noncompetitive appointment to an SES general position; the appointment may be made without competitive procedures.

Probationary Period—the one-year period that a new SES career executive must successfully complete for determination on his/her retention in the SES.

PSA Executive Committee – seven members composed of the following persons or designees: the Chief Judge of the United States Court of Appeals for the District of Columbia Circuit; the Chief Judge of the United States District Court for the District of Columbia; the Chief Judge of the District of Columbia Court of Appeals; the Chief Judge of the Superior Court of the District of Columbia; the United States Attorney for the District of Columbia; the Director of the District of Columbia Public Defender Service; and the Director, CSOSA.

Qualifications Review Board—a board assembled and managed by OPM to certify executive/managerial qualifications of candidates proposed by agencies for initial career appointments to the SES.

Qualification Standard—basic qualification standards prescribed by OPM; these standards may be supplemented by professional and technical standards; candidates not meeting these standards will not be considered further.

Rating and Ranking—one method used by CSOSA/PSA to evaluate candidates and to determine those that are referred for further consideration.

Reassignment—the change of an individual, while serving continuously, from one SES position to another in the same agency.

Reemployed Annuitant—an individual retired under a civil service retirement system whose annuity continues after the individual is reemployed.

Reinstatement—the noncompetitive reemployment as a career appointee in the SES of an individual who under a previous career appointment successfully completed the SES probationary period or did not have to serve a probationary period and whose removal from that position was not for disciplinary or performance reasons.

Resume-Based Selection Method—a method of evaluating applicants based on a resume on which they show possession of the ECQs and technical qualifications.

SES Position—a position in the Executive Branch that is classified above GS-15, or is in level IV or V of the Executive Schedule, or an equivalent position, which is not filled by Presidential appointment with Senate confirmation, and in which the incumbent:

- 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 adjustment to these goals;
- supervises the work of employees other than personal assistants; or
- otherwise exercises critical policy development or other executive functions.

Technical Qualifications—also called professional qualifications that are specific to the position to be filled and are in addition to ECQs.

Traditional Selection Method—a method of evaluating applicants based on a resume and narratives addressing the ECQs and any technical qualifications.

Transfer—the voluntary movement of an individual, without a break in service of one full workday, from an SES position in one agency to an SES position in another agency.

Vacancy Announcement—the advertisement of a position or positions to be filled through competitive procedures.

Veterans' Preference—preference given to veterans meeting certain requirements. It does not apply to candidates for positions in or to members of the SES.

**APPENDIX B
RESPONSIBILITIES**

A. Director, CSOSA, and Director, PSA. The Director, CSOSA, is the Appointing Authority for SES positions in CSOSA. The Director, PSA, is the Appointing Authority for SES positions in PSA.

B. The Director, CSOSA transmits requests for position allocations to the Office of Personnel Management (OPM), and, relative to PSA SES positions, works collaboratively with the Director, PSA, who is the Appointing Authority for PSA SES positions.

C. The CSOSA Associate Director for Human Resources (OHR) or the Director of the PSA Office of Human Capital Management (OHCM) for PSA positions, implements and oversees all aspects of SES position management and employment. Responsibilities include:

1. advising Agency senior management on SES program requirements;
2. implementing this policy and relevant procedures, ensuring adherence to merit principles, and performing portions of the merit staffing process;
3. preparing and maintaining documents, records and files for SES positions and employment;
4. developing and implementing appropriate training on SES-related issues; and
5. establishing required ERBs, providing technical advice and training to members and preparation of documentation required for ERB actions.

D. ERBs are responsible for:

1. conducting the merit staffing process for initial SES appointments, as required by 5 C.F.R. 317.501;
2. serving as the rating panel and making written recommendations on the best qualified candidates to the appointing authority; and
3. advising on or otherwise participating in SES program management as appropriate.

E. The Chairperson of an ERB is responsible for administering ERB functions and ensuring written recommendations and documentation as required.

APPENDIX C GENERAL PROCEDURES

A. EXECUTIVE RESOURCES BOARD

1. **Function of Executive Resources Board.** The Executive Resources Board (ERB) conducts the merit staffing process for initial SES appointments, as required by 5 C.F.R. 317.501, including rating candidates and making written recommendations to the Director, CSOSA, or Director, PSA, on selections. The ERB also rates applicants who are already in the SES on technical qualifications.
2. The ERB may have other functions as delegated by the Director, CSOSA or Director, PSA or as described in other SES policies.
3. **ERB Composition.** The ERB is composed of at least three (3) members chosen from among Agency employees. The Director, CSOSA, in collaboration with the Director, PSA, for PSA positions, designates members and the chairperson.
4. **Training.** CSOSA's OHR or PSA's OHCM will brief the ERB members on their responsibilities before exercising their responsibilities and will provide continuing technical advice as needed.
5. **Documentation.** The chairperson of an ERB ensures that required documentation is prepared and maintained consistent with this Policy Statement and relevant law and regulation.

B. SES POSITION MANAGEMENT

1. **Position Allocations.** SES positions are controlled and allocated by the Office of Personnel Management (OPM). The Director, CSOSA, in collaboration with the Director, PSA, for PSA positions, are responsible for identifying SES resource requirements in their organizations, documenting them and submitting requests to OPM.
2. **Position Descriptions.** SES position descriptions include a narrative and an Optional Form 8 "Position Description." The narrative portion of the description must include:
 - a. a functional statement or comparable information showing the location of the position and functional areas assigned;
 - b. duties and responsibilities;
 - c. supervisory relationships; and
 - d. professional/technical qualifications, including any mandatory qualifications such as certifications or licensures. These are in addition to the Executive Core Qualifications (ECQs) required for all SES positions.

3. **Grade Certification.** Each position description has an associated evaluation statement that:

- a. documents classification above grade GS-15 and a supporting analysis;
- b. certifies that the position meets managerial criteria required by 5 U.S.C. § 3132(a)(2); and
- c. identifies the position as general or career reserved.

4. **Position Description Requirements for Filling SES Positions.** A current, approved position description that includes all of the above documentation described in section C below must be completed prior to initiation of the merit staffing process to fill a vacant position or prior to making other assignments to SES positions through reassignment, detail, reinstatement, or transfer.

5. **Changes in SES Position Descriptions.** Changes in position descriptions must be approved by the Director, CSOSA (for CSOSA positions), or Director, PSA (for PSA positions). Changes requiring OPM approval are processed as described above.

C. RECRUITMENT AND STAFFING

1. **Recruitment Planning.** When an SES position becomes vacant, OHR for CSOSA or OHCM for PSA ensures that a current valid position description is prepared/updated and finalized and works with appropriate staff to determine options for filling the position and to develop a recruitment plan. OHR or OHCM may convene the Executive Resources Board (ERB) to review and make recommendations on the plan and its adherence to law and regulation. The recruitment plan and supporting documents must be written and approved by the Director, CSOSA, or Director, PSA, as appropriate, or designee prior to announcement of the vacancy. The plan must include:

- a. a current, approved and appropriately classified position description;
- b. a qualification standard with professional/technical qualifications, and Executive Core Qualifications (ECQs);
- c. a discussion of proposed recruitment sources and the area of consideration;
- d. a written crediting or rating plan by which candidates will be evaluated; and
- e. a designation of a selection method, either accomplishment-based, resume-based or traditional.

2. **Executive Resources Board (ERB).** OHR (CSOSA) or OHCM (PSA) arranges for ERB meetings as necessary to ensure proper oversight during the merit staffing. The Associate Director, OHR, or Director, OHCM, schedules meetings, ensures preparation and issuance of required documentation to appoint and/or instruct the ERB, and provides training or briefing for ERB members. ERB deliberations are confidential.

3. **Qualification Standard.** This standard must be written and approved by the appropriate director before announcement of the vacancy. For career reserved positions, the standard must:

- a. identify the breadth and depth of the professional/technical and executive/managerial knowledge, skills and abilities or other qualifications required for successful performance in the position. The executive/managerial qualifications will generally be covered by the ECQs; however, where necessary these may be supplemented;
- b. be specific enough to enable the rating of candidates according to their degree of qualifications;
- c. include only job-related criteria; agency-related experience may not be emphasized to the extent that it precludes from consideration otherwise well-qualified candidates from outside the Agency; and
- d. not include a minimum length of experience or education requirement beyond that authorized for similar positions in the General Schedule other than certification or licensure requirements.

These criteria must also be applied when filling a general position; if they are not applied, OPM must be consulted before development of the standard.

4. **Executive Core Qualifications (ECQs).** OPM has established five (5) ECQs or qualifications that describe leadership skill areas common to most executive positions. Candidates are evaluated on these qualifications in addition to professional/technical qualifications. They are:

- a. **ECQ 1, Leading Change:** this core qualification measures the ability to bring about strategic change within and outside the organization to meet organizational goals. Inherent to this ECQ is the ability to establish an organizational vision and to implement it in a continuously changing environment;
- b. **ECQ 2, Leading People:** this core qualification involves the ability to lead people toward meeting the organization's vision, mission and goals. Inherent to this ECQ is the ability to provide an inclusive workplace that fosters the development of others, facilitates cooperation and teamwork, and supports constructive resolution of conflicts;
- c. **ECQ 3, Results Driven:** this core qualification involves the ability to meet organizational goals and customer expectations. Inherent to this ECQ is the ability to make decisions that produce high-quality results by applying technical knowledge, analyzing problems and calculating risks;
- d. **ECQ 4, Business Acumen:** this core qualification involves the ability to acquire and manage human, financial and information resources strategically; and
- e. **ECQ 5, Building Coalitions/Communication:** this core qualification involves 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.

5. Career assignments may be made to either general or career reserved positions; merit staffing procedures must be followed in making initial career appointments to the SES.

6. Vacancy Announcement. Vacancy announcements must include the following at a minimum:

- a. Announcement number;
- b. A designation of a selection method that is agreed upon by the ERB;
- c. Area of consideration. The minimum area of consideration in the search for candidates is "all groups of individuals within the civil service," including employees of the executive, judicial and legislative branches of the Federal government and employees of the U. S. Postal Service;
- d. Opening and closing dates. The minimum period is 14 calendar days, during which the announcement must be posted on USA Jobs. The 14 days begin with the day of publication on USA Jobs;
- e. Number of vacancies;
- f. Title, series and duty location;
- g. Salary range;
- h. Organizational location;
- i. Information on payment or non-payment of relocation expenses;
- j. Brief description of organization in which the vacancy is located and summary of primary duties and responsibilities;
- k. Qualification requirements, including professional/technical and Executive Core Qualifications;
- l. Evaluation Methods. These include internal evaluation; if applicable, evaluation by OPM's Qualification Review Board (QRB); and information for current members of the SES, or those who have completed an OPM-approved SES Candidate Development Program that qualifies them for appointment without review by an OPM Qualifications Review Board;
- m. Application procedures. This includes the information applicants must submit; mailing address, e-mail address and fax number for submission; and the name and telephone number of a staff member who can provide additional information about the vacancy;
- n. Suitability and drug testing requirements;
- o. Statements on other requirements including salary direct deposit, or financial disclosure; and
- p. Statements on:
 - i. equal employment opportunity and reasonable accommodation,
 - ii. citizenship requirement,
 - iii. probationary period requirements,
 - iv. non-application of veterans' preference to SES positions and candidates, and
 - v. Selective Service registration requirements.

7. **Vacancy Announcement Publishing.** The announcement is published on USA Jobs, hard copies are posted as required (i.e., on bulletin boards), and copies are sent to other recruiting sources, if applicable.

8. **Application Processing.** After an announcement has closed, OHR or OHCM staff receive and control applications, notify candidates of the status of applications, answer questions from candidates and ensure proper documentation and adherence to law and regulation. Staff reviews applications to determine those candidates meeting basic qualifications and prepare applications and related documentation for ERB rating or ranking. The documentation for the ERB must include, at a minimum:

- a. vacancy announcement;
- b. applications of basically qualified applicants;
- c. position description;
- d. qualification requirements;
- e. plan for rating candidates' professional/technical qualifications and ECQs;
- f. rating sheets to document decisions: these rating sheets must clearly document the basis for ratings of each qualification requirement; and
- g. documents explaining the computation of ratings and determination of best candidates.

9. **ERB Review and Certification.** The ERB rates applications of all candidates who are found basically qualified, documents ratings, makes a written recommendation on candidates that are best qualified and certifies that required merit staffing procedures have been followed in filling a position.

10. **Interview and Tentative Selection.** The Director, CSOSA (for CSOSA positions), or Director, PSA (for PSA positions), determines how interviews of the best qualified candidates are conducted; he/she may use a panel of interviewers or may conduct the interviews personally, or a combination of the two. Any processes that are used must be consistently applied to all candidates being interviewed. Subject to funds availability, the Agency may pay travel expenses for interviewees. After a tentative selection, the candidate will undergo a pre-employment background check in accordance with Agency security procedures.

11. **Qualifications Review Board (QRB).** For an initial career SES appointment, the ECQs of the tentative selectee must be approved by a QRB convened by OPM. OHR or OHCM is responsible for assembling required documentation required by OPM for this review. QRB approval is also required for an individual to be reappointed if he/she was removed during the probationary period for performance or disciplinary reasons or completed a probationary period and was removed for a reason that makes him/her ineligible.

12. Noncompetitive Actions. Noncompetitive actions include reassignments, appointments of certified graduates of an OPM-approved SES Candidate Development Program, details, transfers, or reinstatements.

- a. Reassignment.
 - i. Career SES members. These individuals may be reassigned to any SES position for which qualified. The member being reassigned is provided 15 days notice, unless the member waives this notice in writing. Failure to accept a directed reassignment is cause for removal from the SES.
 - ii. Non-career appointees. These individuals may be reassigned at the pleasure of the appointing authority to any general position for which qualified.
 - iii. Limited emergency or limited term appointee. These individuals may be reassigned to SES general positions in accordance with relevant OPM regulations.
- b. Appointments of graduates of SES Candidate Development Programs. Graduates of an OPM-approved SES Candidate Development Program whose ECQs have been approved by a QRB may be appointed without further competition to any SES position for which qualified.
- c. Detail. Details are a management tool for dealing with short-term staffing needs. SES members can be detailed within the agency or to another agency and to certain non-Federal organizations, international organizations and foreign governments. Details do not affect the member's appointment, pay or benefits.
 - i. SES members may be detailed to other SES positions or to non-SES positions, generally in increments of 120 days. This 120-day increment requirement does not apply to interagency details.
 - ii. Position restrictions: any SES employee or non-SES employee can be detailed to a General position. Only career and career-type SES employees can be detailed to Career Reserved positions. An SES non-career employee cannot be detailed to a competitive service position outside the SES.
 - iii. To unclassified duties: agencies may not detail an SES member to unclassified duties for more than 240 days. For a longer detail, the agency must determine whether the duties are at the SES level and whether or not to establish an SES position.
 - iv. For more than 240 days: competitive merit promotion procedures must be observed when detailing non-SES employees to an SES position for more than 240 days. Competition is not required if the employee is eligible for a non-competitive SES career appointment.
 - v. OPM approval: OPM approval is required for a detail of more than 240 days only if a non-SES employee is being detailed to an SES position that supervises other SES positions, or if an SES employee is being detailed to a position at GS-15 or below or an equivalent level.

- vi. Notice: the Agency is not required to give the member advance written notice of the detail.
- vii. Detail during moratorium: if a career appointee is detailed during a moratorium, the first 60 days of the detail or any combination of details are not counted in calculating the 120 days.
- d. Transfer. Career and non-career SES members may transfer from one agency to an SES position for which qualified in another agency. Such transfers require the consent of the member and the approval of the receiving agency.
- e. Reinstatement. Within certain constraints, a former SES career executive may be reinstated to an SES position for which qualified without merit staffing procedures. An individual so reinstated becomes an SES career appointee if he/she completed an SES probationary period under his/her last career appointment or was exempted from that requirement and the separation from the last SES career appointment was not a removal for performance or for reasons resulting in an adverse action under 5 C.F.R. Part 752, Subpart F or a resignation in lieu of removal under these regulations.

13. Non-career appointments. A non-career appointment may be made only to an SES general position for which the appointee meets the qualifications. Non-career appointees serve at the pleasure of the appointing authority and can be removed at any time. Non-career appointment authorities must be requested from OPM on an individual case basis before any appointment is made.

14. Limited appointments.

- a. A limited term or limited emergency appointment may be made only to an SES general position for which the appointee meets the qualifications. With few exceptions, limited appointments are not used to staff continuing positions as these are normally filled by career or noncareer appointment. Authority for these appointments must be requested from OPM on an individual case basis before any appointment is made.
- b. Limited term appointments may be made up to three (3) years and a limited emergency appointment may be made up to 18 months.
- c. An individual can serve under a combination of limited term and limited emergency appointments no more than an aggregate of 36 months in a 48-month period.
- d. Limited term and limited emergency appointees serve at the pleasure of the appointing authority and can be removed at any time.
- e. An employee who accepted a limited appointment without a break in service in the same agency as the one in which the employee held a career, career-conditional or equivalent appointment in a permanent civil service position outside the SES shall be entitled to placement in his/her former position or a position of like status, tenure and grade when the limited appointment is terminated for reasons other than misconduct, neglect of duty or malfeasance.

15. 120-Day Moratorium.

- a. Relevant law and OPM regulation establish a 120-day moratorium on certain actions affecting career SES members during top management transitions. Included actions may not be taken within 120 days of the appointment of a new agency head or appointment of a career appointee's most immediate supervisor who is a noncareer appointee with the authority to make an initial appraisal of that career appointee's performance. For removal actions, the restriction applies to an immediate supervisor who is a noncareer appointee with the authority to remove the career appointee.
- b. This 120-day restriction applies to involuntary reassignments, details, removals for performance and removals during probation.

16. Employment of relatives. Employment of all SES personnel must comply with the provisions of 5 C.F.R., Part 310, which prohibits any public official from hiring, promoting or advocating the employment of a relative in the organization in which he/she is serving or over which he/she exercises jurisdictional control. Relatives covered by the prohibition are: father; mother; son; daughter; brother; sister; uncle; aunt; first cousin; nephew; niece; husband; wife; father-in-law; mother-in-law; son-in-law; daughter-in-law; brother-in-law; sister-in-law; stepfather; stepmother; stepson; stepdaughter; stepbrother; stepsister; half brother; or half sister. Relatives may be employed in positions that do not involve direct supervisory authority over each other.

17. Probationary period. New career appointees must serve a one-year probationary period.

18. Appeals and Inquiries. Individuals are entitled to obtain information on the process used to recruit and select candidates for career appointment to SES positions. Requests for information should be directed to OHR or OHCM. Upon request, applicants must be told whether they qualified for the position and were referred for appointment consideration. They may have access to written material regarding their own qualifications, except for material that would identify a confidential source. The release of any additional information must be handled in accordance with the Freedom of Information and/or Privacy Acts. There is no right of appeal to OPM on SES staffing actions taken by ERBs, QRBs or appointing authorities, and SES actions taken by ERBs are not grievable.

19. Documentation. OHR or OHCM maintains documentation of SES recruitment and staffing. Merit staffing files must be retained for two (2) years from the effective date of the appointment or from the closing date of the announcement if no selection was made. If a complaint or formal inquiry is filed, the files should be retained according to procedures relevant to that action.