

Issue Date: 03/25/2003

SENIOR EXECUTIVE SERVICE MERIT STAFFING PLAN

I. Purpose

This directive establishes Department of Homeland Security (DHS) policy regarding the Senior Executive Service (SES) merit staffing plan.

II. Scope

- A. This directive applies to all DHS organizational elements.
- B. This directive applies to career SES appointments, except Limited Term, in DHS.

III. Authorities

This directive is governed by numerous Public Laws and regulations, such as:

- A. 5 U.S.C., Chapter 33, Subchapter VIII
- B. 5 CFR Part 317

IV. Definitions

N/A

V. Responsibilities

- A. **The Secretary** (or his/her delegated appointing authority), unless otherwise specified, shall manage DHS's SES complement and has the authority to carry out the functions specified in the Civil Service Reform Act of 1978, to implement OPM regulations, and to carry out such additional responsibilities as may be delegated.

B. **The Inspector General**, as authorized by the Secretary and who has delegated SES appointing authority shall, in accordance with this directive, manage the SES complement in the Office of the Inspector General and carry out the functions specified in the Civil Service Reform Act of 1978 (unless otherwise specified).

C. **The Executive Resources Board (ERB)** will oversee the competitive merit staffing process for career SES appointments to ensure that:

1. Competition is fair and open;
2. All candidates are rated and ranked on the same basis; and
3. Selection is based solely on qualifications and not on political affiliation, political non-affiliation, or other non-job-related factors.

The ERB is responsible for reviewing the executive qualifications of each SES candidate and for making written recommendations to the appointing authority.

D. **The Under Secretary for Management**, through the Chief Human Capital Officer (Chief HCO) is responsible for all aspects of this directive.

E. **The Chief HCO** shall establish permanent written procedures for making career SES appointments in DHS in accordance with relevant laws and OPM regulations. In the interim, this directive remains the policy for all DHS organizational elements.

VI. Policy & Procedures

A. **Procedures.**

1. **Establishing Qualifications Standards**

The Chief HCO will review written qualifications standards for each SES position before a competitive recruitment action is initiated. To enable the relative ranking of candidates, the Chief HCO will also review for each SES vacancy a rating plan that sufficiently differentiates among eligible candidates on the basis of knowledge, skills, abilities, and other job-related factors in the qualifications standard.

In addition to any professional or technical qualification requirements, all SES positions are subject to the mandatory Executive Core Qualifications (ECQs) -- leading change; leading people; results driven; business acumen; and building coalitions/communication. More information on these ECQs can be found at www.opm.gov/ses/ecq.

The Chief HCO will also establish a recruitment plan for each SES position to ensure the broadest outreach.

The Chief HCO will present the qualification standards, the rating plan, and the recruitment plan to the ERB for approval prior to proceeding. Proposals to fill career SES without formal announcement will also be presented to the Chief HCO for review and approval of the ERB.

2. Recruitment

There are two basic approaches to filling career SES vacancies:

- a. Career SES vacancies may be filled without a formal announcement from among existing SES, reinstatement eligible SES, and Candidate Development Program-certified candidates.
- b. Vacancies filled from any other sources will require that the minimum area of consideration for career SES vacancies is “all groups of individuals within the civil service.” SES vacancy announcements must be open to the receipt of applications for a minimum of 14 days.

The rule-of-three and veterans’ preference do not apply to appointments in the SES.

3. Qualifications Review and Referral for Career SES Positions

The Chief HCO will review all applications for SES vacancies to determine those that meet the minimum qualifications requirements. The Chief HCO will then forward to an SES Rating Panel those applications meeting the minimum qualifications requirements. The Panel will rate and rank all the applications referred to it as “Highly-Qualified”, “Well-Qualified”, and “Qualified”. Non-competitive applicants will not be rated but will be forwarded to the supervisor of the SES position (noted in D below).

The SES Rating Panel will consider both the mandatory ECQs and any professional/technical qualifications of each applicant who meets the minimum qualification requirements. The rating and ranking process must differentiate among eligible candidates, based on the rating plan and on the qualifications standards established for the subject position.

The SES rating panel will develop a referral list, using the rating plan and qualifications standards.

4. Written Recommendation and Tentative Selection

The supervisor of the SES position will review the rating panel's referral list and may conduct interviews from among those candidates referred to him/her. If the supervisor chooses to interview any of those candidates, they must interview all the referred candidates. The supervisor may ask that a panel interview the candidates on his/her behalf. The supervisor will then make a written recommendation to the ERB and identify the "Best Qualified" candidate(s) for the subject position.

The ERB will review the recommendation of the supervisor, and the history of the recruitment action. The ERB will certify its recommendations on all of the eligible candidates and make a selection recommendation to the appointing authority.

The appointing authority will review the recommendations of the ERB, may choose to interview candidates, and make a final selection from among the "Best-Qualified" candidate(s) identified for the subject position.

The appointing authority and/or the ERB must certify in writing that the selected candidate meets both the mandatory ECQs and any professional/technical qualification requirements for the subject position. The appointing authority must also certify that the SES merit staffing process was conducted in accordance with applicable law and regulation.

5. QRB Certification

Before an initial career SES appointment can be affected, the selected candidate's ECQs must be certified by an OPM-administered Qualification's Review Board (QRB) as meeting the requirements for entry into the career SES.

The Chief HCO or his/her designee will forward the request for QRB certification and supporting documentation to OPM. The QRB will review the nominee's executive qualifications and make a determination to certify him/her for entry into the career SES based on one (1) of the following criteria:

- a. Demonstrated executive experience in each of the five ECQs.
- b. Successful completion of an approved SES Candidate Development Program.
- c. Possession of special and/or unique qualifications that indicate the likelihood of executive success.

Career SES appointment authorities are requested through the Executive and Schedule C System (ESCS).

6. SES Probationary Period

Members of the SES must serve a one-year probationary period following initial career appointment. Successful completion of the probationary period confers noncompetitive SES reinstatement eligibility.

7. Inquiries and Appeals

Individuals are entitled to information concerning the procedures used for rating and ranking candidates. Applicants are also entitled to know if they were found qualified for a given position and if they were referred to the selecting official for consideration. Applicants may have access to qualifications questionnaires or reports of qualifications inquiries about themselves, except for information that would identify a confidential source.

An applicant has no right of appeal to OPM against actions taken by the ERB, QRB, or appointing official. In limited circumstances, other avenues afforded by law or regulation may be appropriate (e.g., Office of Special Council, Equal Employment Opportunity Commission, etc.).

8. Records Retention

The Department will retain records sufficient to allow reconstruction of the SES vacancy action for at least two years after the initial career SES appointment. If no appointment results from an SES vacancy action, the records must be kept for two years from the closing date of the announcement.

B. **Questions or Concerns Regarding the Process.** Any questions or concerns regarding this directive should be addressed to the Office of the DHS Chief HCO.