

GSA INSTRUCTIONAL LETTER

SUBJECT: Senior Executive Service Competitive Staffing Policy and Operating Procedures

1. Purpose. Each agency is responsible for establishing written procedures to implement the statutory provisions of 5 CFR 317, Employment in the Senior Executive Service. This Instructional Letter (IL) provides clear, transparent recruitment guidance and addresses the General Services Administration's (GSA's) Commissions and Boards Services (CABS) competitive staffing and recruitment processes for the staffing of SES positions within CABS agencies. Each commission, board, or small agency serviced by GSA CABS is established by the President of the United States or Congress under the executive or legislative branch and are independent of GSA. These unique organizations have specific missions and goals that are outlined in their individual enabling legislations or orders. This document provides overarching policy guidance to implement procedures to ensure consistency and compliance with law and regulations, while allowing CABS agencies the flexibility to tailor the SES competitive recruitment process to best meet their individual needs and circumstances.

2. 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. The CSRA established the SES as a distinct personnel system that applies the same executive qualification requirements to all of its members. This personnel system was designed to provide greater authority to agencies to manage their executive resources, including the flexibility for selecting and further developing Federal executives within a framework that preserves the designated mission of each Federal agency. GSA provides Human Resources (HR) operational and other strategic HR services to CABS organizations and this document provides broad guidance to ensure effectiveness and efficiency in competitive recruitment procedures for filing CABS, SES positions.

3. Scope and Applicability. This IL applies to all career (i.e. non-political) SES competitive recruitment actions filled within the CABS agencies that are serviced by the GSA CABS Service Center. Specifically, guidance provided in this document governs CABS managerial, supervisory, and policy. This IL does not apply to CABS SES positions that are paid at SES rates but are not covered by the regulatory provisions of 5 CFR 317, Employment in the Senior Executive Service.

This IL does not apply to GSA, SES recruitment functions as GSA performs SES recruitment actions separate and apart from the GSA, CABS Service Center. The GSA CABS Service Center provides recruitment for CABS, SES hiring in collaboration with a Shared Service Provider, Human Resources Representative.

4. Policy. This document implements the regulatory provisions of 5 CFR 317, Employment in the Senior Executive Service, for CABS agencies, to the extent that these commissions and boards are “agencies” as defined by 5 U.S.C. 3132(a) and 5 U.S.C. 3391. CABS agencies may fill SES positions under competitive or noncompetitive appointments (Noncompetitive appointments include, but are not limited to the following: reassignment or transfer of current SES appointees, reinstatement of former SES career appointees an Office of Personnel Management (OPM), certified “SES Candidate Development Program graduate”. This document addresses the GSA, CABS Service Centers’ competitive recruitment processes for SES positions located within CABS agencies. The GSA CABS Service Center shares this responsibility with individual CABS agencies. The following is a summary of the recruitment functions performed by the GSA CABS Service Center in collaboration with CABS agencies and an HR Shared Services provider:

a. Initiation of a Career SES Recruitment Action. The following steps must be performed within 10 business days of receipt of the SES recruitment request; during the initial phase of the CABS, SES recruitment request:

- (1) The requesting CABS management official sends a position description to the GSA CABS, Human Resources (HR) Service Center.
- (2) The GSA CABS Service Center, Human Resources Specialist (herein referred to as HR Specialist) classifies the position description and forwards the position description to the requesting CABS management official for review and approval.
- (3) The requesting CABS management official approves the position description by signing an OF-8 form and returns the OF-8 to the HR Specialist.

- (4) The HR Specialist routes the signed OF-8 and position description to the GSA CABS Service Center Director for final review and approval.
- (5) The GSA CABS Service Center Director signs the OF-8 and the HR Specialist completes an SF-39, "Request for Referral of Eligibles" and forwards the SES recruitment package (OF-8, position description, SF-59) request to the HR Shared Services provider.
- (6) The HR Specialist completes a job analysis (based on the classified position description) for the vacant CABS, SES position.
- (7) The requesting CABS management official reviews the Job Analysis and answers questions regarding the security level assigned to the position; drug testing eligibility; relocation requirements; telework eligibility; and, financial disclosure requirements as applicable.
- (8) The requesting CABS management official reviews and updates the job analysis for the position and returns the job analysis to the HR Specialist.
- (9) The HR Specialist sends a SES recruitment package to the GSA HR Service Provider to include: the final position description, signed OF-8 and SF-39 forms, job analysis and the SF-52.
- (10) The HR Service Provider conducts all recruitment activities (i.e. posting the vacancy announcement, accepting applications via USAJobs) for the vacant CABS, SES position.

b. SES Vacancy Announcement Posting. The HR Service Provider will post CABS SES vacancy announcements in accordance with 5 USC 3393(a).

- In accordance with 5 CFR 317.501(b)(2), vacancy announcements will be published on USAJOBS (www.usajobs.gov) and will be open for a minimum period of 14 calendar days.
- The area of consideration for SES vacancy announcement positions require only two options: 1) All Sources (i.e., vacancy announcement is open to the public), or 2) Federal Employees Only (i.e., vacancy announcement is open to Current Federal Employees, SES Career, Reinstatement Eligibles, and SES Candidate Development Program Graduates Only).

c. Executive Core Qualifications. SES candidate qualifications must be certified by a Qualifications Review Board (QRB) for all initial career appointments to the SES. These qualifications are in addition to specific professional/technical qualifications that agencies establish for individual jobs. OPM has defined executive qualifications in terms of five meta-leadership competencies associated with SES-level jobs. These Executive Core Qualifications (ECQs) are Leading Change, Leading People, Results Driven, Business Acumen, and Building Coalitions. Each competency is summarized below:

- (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.

d. OPM Recruitment Outreach. Vacancy announcements will be given the widest dissemination possible to gather the brightest and most diverse applicant pool possible. Examples (for advertising purposes only) include, but are not limited to the following: newspapers, other websites, outside stakeholders, relevant Federal agencies, minority and affinity groups, as well as through professional contacts (letters, emails, etc.) to prospective candidates. In accordance with 5 CFR 300, subpart D, the services of a nonprofit employment service or commercial recruitment firm (i.e., head hunter) may be

used to assist in providing qualified candidates who would not otherwise be available or when qualified candidates might be in short supply. The nonprofit and/or commercial recruitment firm must adhere to the requirements outlined in this document, the approved qualification standards of the position and the regulations provided in 5 CFR 300, subpart D. All candidates must apply through the USAJOBS announcements.

e. CABS Executive Resources Board (ERB). In accordance with 5 U.S.C. 3393(b), agencies are required to establish one or more ERBs to conduct the merit staffing process for career appointments in the SES, including reviewing the executive qualifications of candidates for career appointment and making written recommendations to the appointing authority.

- (1) The members of ERB will be appointed by the head of the CABS agency from among employees of the agency as specified in 5 U.S.C. 2105.
- (2) The ERB performs an important advisory and policymaking role on behalf of the CABS agency head in guiding the executive personnel system of the agency. It should be structured to be agile and responsive to evolving agency needs and its members should be individuals in whom the agency head has great confidence and trust.
- (3) The ERB exercises statutory responsibilities and must consist of CABS agency employees. This applies to CABS agencies covered by 5 CFR 317, Employment in the Senior Executive Service only.
- (4) ERB functions and responsibilities are an integral part of agency management and decision making. An individual who is on an interagency detail cannot serve as an ERB member (voting or non-voting) in the agency to which the individual is detailed.
- (5) The CABS, "Agency Head", will designate a Chairperson and approve the ERB panel membership. In assembly of the panel, consideration will be given to the diversity of the members, including race, gender, experience, background, etc. to ensure diversity of thought.

In summary, CABS, ERB Rating Panels will conduct all SES merit staffing and rating functions. In accordance with 5 CFR 317, subpart E, the ERB Rating Panels rate, rank, and review the ECQs of candidates for career appointments. Candidates may be competitive or non-competitive candidates.

- **Competitive Candidates (non-SES members)**: ERB Rating Panel members will individually evaluate competitive candidates based on an established crediting plan.
- **Non-competitive Candidates**: Candidates who are eligible for reassignment or current SES appointees eligible for transfer, reinstatement of former SES career appointees and candidates who are graduates of an OPM certified SES Candidate Development Program are considered non-competitive candidates. Non-competitive candidates who meet the ECQ requirements will be evaluated on their responses to the required MTQs. ERB Rating Panel members will conduct individual evaluations of each non-competitive candidate to determine eligibility.

f. Candidate Referral List. The CABS, ERB Board completes the recruitment process and forwards the final candidate referral lists to the Shared Service Provider, Human Resources Representative. The Shared Service Human Resources Representative performs SES recruitment functions and forwards the final candidate referral certificates to the requesting CABS management official. The Shared Service Provider, Human Resources Representative sends the GSA, CABS Service Center, Human Resources Specialist a copy of the referral lists and coordinates all of the SES recruitment actions with the requesting CABS management official.

g. Interviews. The Shared Service Provider, Human Resources Representative facilitates processes, coordinates interview panels, and leads interview discussions with the requesting CABS management official. Interviews are required for all advertised SES vacancies. All competitive and non-competitive candidates listed on referral certificates must be interviewed. An additional flexibility to this requirement exists if a position is re-advertised. If a candidate was interviewed during the first announcement and is on the referral certificate again, then the candidate does not have to be re-interviewed as long as the previous interview occurred within the last 90 days. The Shared Service Provider, Human Resources Representative, administers a structured interview panel to ensure that all candidates are afforded equal opportunities to provide information and are assessed accurately and consistently. The interview panel will not include the same members as the ERB Rating Panel. Similar to the ERB Rating Panel, when determining the composition of the interview panel, consideration will be given to the diversity of the members, including race, gender, experience, background, etc. to ensure diversity of thought. All written comments or notes during the interview(s) must be returned to the HR Service Center provider to retain in the merit staffing file.

f. Reference Checks. OPM conducts all reference checks for CABS SES appointments. If the candidate is an internal employee of the CABS requesting agency, reference checks are only conducted if the candidate's position resides outside of the CABS organization that requested the SES recruitment action. The results of the reference checks must be provided in writing and submitted as part of the complete HR Service Center's final package. Candidates will be provided guidance to ensure candidates understand that a minimum of three references must be checked from a diverse group of people (e.g., supervisors, peers, subordinates, etc.).

g. Selection and Approvals. The requesting CABS management official recommends a candidate for selection and a proposed starting salary. After obtaining proper CABS agency concurrence, the CABS requesting/selecting official returns all original materials to the CABS, Shared Service Provider Representative. The GSA, CABS Service Center, Human Resources Specialist extends a tentative offer to the candidate contingent upon additional approvals.

h. Qualifications Review Board (QRB). In accordance with 5 CFR 317.502(a), the ECQs of a proposed career appointee must be approved by an OPM, QRB before an individual's initial CABS SES career appointment. An ECQ package is submitted to OPM for QRB approval within 90 business days from the closing date of the position's vacancy announcement for all initial career SES appointments. All CABS QRB packages are coordinated through the CABS Service Center, Human Resources Specialist in collaboration with the CABS, Human Resources Service Provider Representative. ECQ packages are approved by the CABS agency appointing official, prior to submission to OPM for final QRB approval. Failure to meet the 90 business day timeline will require a reissuance of the vacancy announcement and a new competitive selection process will begin. A QRB reviews each case and either approves or disapproves the candidate's executive qualifications. If approved, the QRB will complete the certification.

i. Final Employment Offer. The CABS Service Center, Human Resources Specialist will offer the selected candidate an employment offer after GSA receives the final selection notification package from the CABS, HR Service Provider.

j. Non-Selection Notifications. During the recruitment process, the CABS, Shared Service Center Representative ensures that candidates are notified of their status in the following instances: receipt of application, assessed for qualifications, referred for appointment consideration (or not) and selected for the position (or not). The CABS, Shared Service Representative is responsible for answering candidate inquiries about the merit staffing competition process.

k. Inquiries, Appeals, and Corrective Action. The following is a summary of the inquiries, appeals and corrective actions that apply to CABS, SES vacancy announcements.

- Applicant Inquiries and Appeals. Individuals are entitled to information about the nature of the procedures used in recruiting and selecting candidates for any position. Applicants are also entitled, upon request, to know if they were found qualified for the position and if they were referred to the selecting official for consideration for appointment. They may have access to qualifications questionnaires or reports of qualifications inquiries about themselves, except for information that would identify a confidential source.
- CABS Agencies may provide other procedures tailored to their needs, to handle complaints about the staffing process.
- An applicant has no right of appeal to OPM against actions taken by the ERB, QRB, or appointing official. Other avenues afforded by law or regulation (e.g., the Office of the Special Counsel or the Equal Employment Opportunity Commission) may be appropriate (e.g., prohibited personnel practice allegations).
- Corrective Actions: If it is determined that an individual was not placed on a selection certificate of best qualified candidates as a result of a statutory, regulatory, or procedural violation, the agency may, as a corrective action, select the individual for career appointment to another SES position without conducting a new merit staffing action. However, the individual must meet the technical and executive qualifications for the new position and must be approved by a QRB. (Note: The corrective action authority does not require, but does permit, the CABS requesting management official to select the individual noncompetitively.)

l. Vacancy Announcement Close-Out. The CABS Shared Services Provider, will close-out all vacancy announcements and ensure that the GSA, CABS Service Center, Human Resources Specialist has a copy of the final referral certificate to include all required documents to validate the selection and hiring of an SES candidate.

m. Records Maintenance. The GSA, Shared Service Provider, Human Resources Representative, will maintain sufficient records to allow for reconstruction of the merit staffing process for a period of two years after an initial career appointment. If no appointment occurs, the records must be kept for two years from the closing date of the vacancy announcement.

n. SES Career Appointment Methods. The requesting CABS management official may make SES career appointments, without time limitation and provide certain job protections and benefits. Career appointments are made to fill either General or Career Reserved positions, provided the individual meets the qualifications requirements. The following SES Career appointment methods can be used to appoint eligible candidates after they have been selected for an SES position:

- **New SES Member**: Competitive merit staffing requirements must be facilitated 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 their ECQs as mentioned in item G, “Qualifications Review Board” responsibilities.
- **SES Candidate Development Program (CDP) Graduate**: CDP Graduates may be non competitively appointed to a SES Career position, if the individual was selected through at least, civil service-wide competition for the CDP and the QRB has already certified their ECQs as mentioned in item G, “Qualification Review Board” responsibilities.
- **Reassignment Eligibility**: Career SES members may be reassigned to any SES position within the CABS organization for which they are qualified and for which a vacancy exists.
- **Transfer Eligibility**: Career SES members may transfer to any SES position within the CABS organization for which they are qualified.
- **Reinstatement Eligibility**: Former career SES members, who have 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) may be reinstated to any SES position within the CABS organization for which they are qualified.

o. Final Selection/Onboarding. After receiving the CABS, final selection package, the GSA, CABS Service Center obtains a recommended onboarding date for the candidate and contacts the SES selection candidate to begin the onboarding process. Once an onboarding date is confirmed by the CABS management official, the GSA CABS Service Center, Human Resources Specialist conducts a manual onboarding process and informs the requesting CABS management official and the GSA, CABS

Shared Service Provider, Human Resources Representative of the new SES employees entrance on duty date and other specifics regarding the employee's onboarding.

5. Procedures. This IL and the procedures for the recruitment of SES must be followed until a new GSA Order is implemented to supersede this IL.

6. Responsibilities.

- The CABS "Head of Agency" has "Approval Authority" and responsibility for overseeing all aspects of the CABS, SES competitive staffing and recruitment program for their CABS agency.
- The GSA, OHRM, Chief Human Capital Officer and the OHRM, Human Resources Services Director, manage and oversee the work of the CABS Service Center. The CABS Service Center is responsible for performing SES recruitment functions for CABS agencies serviced by GSA. This work is performed in collaboration with a Shared Service Provider, Human Resources Representative.

7. Signature.

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TRACI DIMARTINI
Chief Human Capital Officer