



U.S. Chemical Safety and Hazard Investigation Board

SUBJECT: Senior Executive Service (SES) Staffing

CONTENTS

1.	Purpose.....	2
2.	Effective Date.....	2
3.	Scope	2
4.	References	2
5.	Policy	2
6.	Definitions.....	2
7.	Responsibilities	3
8.	Ethics and Integrity	4
9.	Establishment of the Executive Resources Board (ERB)	5
10.	Appointment and Service of ERB Members.....	6
11.	Duration of the ERB’s Activities	7
12.	General Operation of the ERB	7
13.	Preliminary Rating Panel (PRP)	8
14.	Recruitment.....	9
15.	Application Review Process	10
16.	ERB Interviews	13
17.	Identification of Best Qualified Candidates and Recommendations to the Board	14
18.	Board Action	15
19.	Suitability Investigation	19
20.	Certification and Submission to OPM	19
21.	Recordkeeping.....	20

1. **PURPOSE.** This Order establishes policies and procedures for the conduct of the merit staffing process for initial Senior Executive Service (SES) career appointments to the Chemical Safety and Hazard Investigation Board (CSB). This Order also establishes an Executive Resources Board (ERB) within the CSB, for the purpose of conducting the SES merit staffing process. This Order further establishes policies and procedures for the operation of the ERB, and the selection and conduct of its members.
2. **EFFECTIVE DATE.** This Order is effective upon passage by the Board.
3. **SCOPE.** The provisions of this Order apply to: the merit staffing process for initial SES career appointments to the CSB; the ERB; subordinate panels of the ERB; Board Members; and CSB employees who are members of the ERB and its subordinate panels, or otherwise involved in the merit staffing process.
4. **REFERENCES.** This Order is based upon section 3393 of Title 5 of the United States Code and section 317.501 of Title 5 of the Code of Federal Regulations.
5. **POLICY.** It is the policy of the Board that initial appointments to career SES positions within the CSB shall be made in full compliance with the merit staffing process established by Federal statute and regulation for such appointments, and with the merit system principles. It is further the policy of the Board that the CSB ERB, and its subordinate panels, shall at all times operate within the boundaries of applicable statutes and regulations; and that members of the ERB, and its subordinate panels, shall conduct themselves professionally, competently, ethically, and with scrupulous fairness.

The Board hereby provides that the competition for SES positions within the CSB shall be fair and open, all candidates for such positions shall be rated and ranked on the same basis, and selection for such positions shall be based solely on qualifications and not on political or other non-job-related factors.

6. **DEFINITIONS.**
 - a. **Appointing authority** – the Board, which has the authority by law to make appointments to the SES.
 - b. **The Board** – the multi-member board which heads the CSB. To avoid confusion in this Order, the term “the Board” never refers to the ERB.
 - c. **Board Member(s)** – an individual member or members of the multi-member board which heads the CSB. To avoid confusion in this Order, the term “Board Member(s)” never refers to members of the ERB.
 - d. **Chairperson** – the Chairperson of the CSB, or in the absence of a Chairperson, the Board Member delegated personnel authority.

- e. **Crediting plan** – a predetermined (before posting of the vacancy announcement) set of criteria, based upon the executive and technical qualifications required for a position, used to evaluate and assign scores to candidates' applications. There is only one crediting plan for any given position.
- f. **Days** – all references to “days” in this Order are to calendar days.
- g. **Executive Resources Board (ERB)** – a panel of CSB employees responsible, by law, for conducting the merit staffing process for career appointments to SES positions.
- h. **Merit staffing** – the process by which an agency recruits for and selects an applicant for a vacancy in the SES.
- i. **Personnel consultant** – the individual or firm under contract with the CSB to provide professional, expert advice on Federal personnel management issues. If no such contract is in place while the staffing process is being conducted, responsibilities assigned by this Order to the personnel consultant shall be performed by a personnel specialist employed by the CSB or the CSB's servicing personnel agency.
- j. **Qualifications Review Board (QRB)** – a panel comprised of current members of the SES, which is convened by the Office of Personnel Management to certify the executive qualifications of individuals tentatively selected by agencies for initial career appointment to the SES. Through independent peer review, QRB members ensure that all new executives have a broad perspective of government and solid executive skills.
- k. **Score sheets** – forms used to record the results of application evaluations and interviews. Several different score sheets are used at various stages in the selection process, as noted throughout this Order.
- l. **Servicing personnel agency** – the government agency or agency component contracted by the CSB to perform certain personnel management functions for the CSB.

7. **RESPONSIBILITIES.**

- a. **The Board** – sets general policy for the SES staffing process; establishes the CSB ERB; appoints CSB employees to the ERB; sets general policy and procedures for the operation of the ERB and the conduct of its members; based upon recommendations from the ERB, selects for interview and ultimately selects candidates to fill SES positions; and fulfills other responsibilities as specified in this Order.

- b. **The ERB** – conducts the SES merit staffing process in accordance with all applicable statutes and regulations, general Board instructions, and this Order.

8. **ETHICS AND INTEGRITY.**

- a. **Merit system principles.** The merit system principles (5 U.S.C. § 2301) provide a statutory benchmark for the fair and appropriate conduct of the SES merit staffing process. These principles state, among other things, that “selection . . . should be determined solely on the basis of relative ability, knowledge and skills, after fair and open competition which assures that all receive equal opportunity.” Moreover, “all employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition” Furthermore, “all employees should maintain high standards of integrity, conduct, and concern for the public interest.”
- b. **Prohibited personnel practices.** The prohibited personnel practices (5 U.S.C. § 2302) specifically set forth actions that may not be taken in carrying out personnel actions. Several of the prohibited practices, listed below, are of particular note in the SES selection process.
 - (1) A government employee shall not “deceive or willfully obstruct any person with respect to such person’s right to compete for employment.”
 - (2) A government employee shall not “influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment.”
 - (3) A government employee shall not “grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment . . . for the purpose of improving or injuring the prospects of any particular person for employment.”
- c. **Standards of conduct.** The Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635) are another source of guidance on the proper conduct of official duties. All CSB personnel involved in the SES merit staffing process should keep in mind the following general principles established by the standards of conduct:
 - (1) Employees shall act impartially and not give preferential treatment to any private organization or individual.
 - (2) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

- (3) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards
- d. **Application to SES staffing process.** In light of the above principles and standards, Board Members and members of the ERB should limit their contact and communication with applicants or potential applicants to matters such as factual information that is publicly available in advertising or the vacancy announcement, and general information about the selection process. Potential applicants may be told how to apply and whom to contact for additional information. Actual applicants should be referred to a neutral contact, such as a designated personnel specialist in the CSB's servicing personnel agency and/or the CSB personnel specialist responsible for administrative support of the selection process. Because of their roles in rating, ranking, and selecting candidates, Board Members and members of the ERB or the preliminary rating panel (PRP) are not neutral contacts. It is government-wide policy that all applicants have equal access to information about the selection process. Board Members and other CSB employees who have contact with applicants (or potential applicants) should be extremely careful about the kind of information they give and receive, and when they have contact with applicants (or potential applicants), to avoid giving anyone an unfair advantage. The best approach may be to answer questions about particular vacancies or the SES selection process by referring to the vacancy announcement and the OPM website. Board Members and employees cannot directly accept resumes or referrals of candidate names. Potential applicants and people who know of potential applicants should be directed to the vacancy announcement. Board Members and employees who receive unsolicited resumes, application materials, and/or requests for information should refer such items to the personnel specialist assigned to the selection process.
- e. **Guidance.** Any questions about appropriate conduct in the merit staffing process should be directed to the CSB Designated Agency Ethics Official.
9. **ESTABLISHMENT OF THE EXECUTIVE RESOURCES BOARD (ERB).** The Board hereby establishes within the CSB an Executive Resources Board (ERB), and charges the ERB with the responsibility of conducting the merit staffing process for initial SES career appointments to the CSB. The role of the ERB is to coordinate and manage the merit staffing process from early planning, through the recruiting and evaluation of candidates, to the point at which it recommends the best qualified candidates to the Board. As directed by the Board, the ERB may also provide support to the Board's selection process. The CSB ERB shall be governed by applicable statutes and regulations, general Board instructions, and the provisions of this Order. Members of the ERB shall be appointed by the Board from among the employees of the CSB, in accordance with the procedures contained in section 10 of this Order.

10. APPOINTMENT AND SERVICE OF ERB MEMBERS.

- a. **Appointing authority.** The Board shall appoint the members of the CSB ERB.
- b. **Source of members.** Members of the ERB must be appointed from among the employees of the CSB. Board Members and non-employees of the CSB cannot be appointed to, or otherwise serve on, the ERB.
- c. **Number and qualifications of members.** The ERB shall have at least three members. The Board shall determine, in its sound discretion, the appropriate number and qualifications of such members. Factors the Board may take into account in making these determinations include the complexity of the SES staffing process and the managerial and technical expertise of prospective ERB members.
- d. **Initial appointment procedure.** The Chairperson and Board Members may each propose one CSB employee for appointment to the ERB, if there are to be as many ERB members as there are Board Members. If there will be fewer ERB members than the number of Board Members, the Chairperson shall choose first, followed by the remaining Board Members in descending order of length of service on the Board. If there will be more ERB members than the number of Board Members, the selection order stated in the preceding sentence will be repeated until all ERB slots are filled. The Board shall act on proposals for ERB membership and appoint members of the ERB by notation item. The notation item shall indicate by name each employee appointed. A Board Member whose proposed appointee is rejected by the Board may make an alternate proposal.
- e. **Chair.** The Board shall designate, by notation item, one of the members of the ERB as the Chair of the ERB. The Chair of the ERB shall direct the operations of the ERB, within the limits of authority conferred by the Board and this Order. The Chair of the ERB will also be the point of contact between the ERB and the Chairperson of the Board. The Board may change the Chair of the ERB at any time and for any reason, by notation item.
- f. **Service of members.** Members of the ERB shall continue to serve until their resignation from the ERB, deactivation of the ERB, or removal by the Board for cause (i.e.: any reason that is not legally impermissible). If a member of the ERB ceases to be a CSB employee, that member's term of service automatically ends at the close of business on his/her last official day of duty at the CSB. The Board shall fill a vacancy on the ERB as soon as possible after the vacancy occurs. Proposals of employees to fill a vacancy shall first be made by any Board Members, in descending order of seniority, who did not participate in the initial appointment procedure described in subsection d., above. If there are no such Board Members, proposals shall be made by the Chairperson, and then by the other Board Members in descending order of seniority.

- (1) Resignation. A member of the ERB may resign at any time by tendering a written notice of resignation to the Chairperson of the Board.
- (2) Deactivation. See section 11 of this Order.
- (3) Removal. The Board, by notation item, may remove a member of the ERB for cause. The notation item shall indicate the member to be removed by name and set forth the reasons for the removal.

11. DURATION OF THE ERB's ACTIVITIES.

- a. It is Board policy that the ERB should remain active as long as is necessary to complete the staffing process for a particular SES position, and that the ERB should be activated as soon as the need to fill an SES position is identified. The ERB should remain active until after an Office of Personnel Management (OPM) Qualifications Review Board (QRB) has approved the selected candidate, and that person has commenced official duty with the CSB. After the occurrence of these events, the ERB may be formally deactivated by the Board.
- b. Activation and deactivation of the ERB shall be ordered by the Board, by notation item.
- c. The terms of ERB members end upon deactivation of the ERB. When the ERB is reactivated, the Board must reappoint members to the ERB. These members must be appointed in accordance with section 10 of this Order, but need not be the same individuals who previously served on the ERB.

12. GENERAL OPERATION OF THE ERB.

- a. The Chair of the ERB shall schedule meetings of the ERB as necessary to carry out the functions and activities of the ERB. The Chair of the ERB is the point of contact between the ERB and the Chairperson of the Board.
- b. Meetings of the ERB shall generally be called with a written agenda provided in advance to the members of the ERB. Meetings may be conducted either formally or informally, at the discretion of the Chair of the ERB. The ERB shall conduct its business by consensus whenever possible. As necessary, it will make required decisions by majority vote (see Sections I and IV.E.1. of Board Order 001). Any and all disputes as to meeting procedure shall be resolved with reference to Robert's Rules of Order.
- c. If requested by the ERB, the Chairperson of the Board may direct appropriate CSB staff to provide necessary administrative support to the ERB.

13. **PRELIMINARY RATING PANEL (PRP).** To contribute to the efficiency and effectiveness of the SES merit staffing process, the ERB shall delegate the preliminary rating of applications to a subordinate preliminary rating panel (PRP), unless the ERB determines that such a panel is not appropriate for a particular position. In that case, the ERB shall request an exception from the requirement for a PRP from the Chairperson. The ERB remains responsible for overseeing the work of the PRP, ensuring that it is functioning in accordance with instructions from the ERB, the provisions of this Order, and the following guidelines and procedures:
- a. **Establishment of the PRP.** The ERB shall establish the PRP by majority vote of ERB members.
 - b. **Selection authority.** The ERB shall select the members of the PRP. Each Board Member may recommend one potential PRP member to the ERB. At the ERB's request, Board Members may also issue, on behalf of the ERB, an invitation to the potential PRP member they have recommended, subject to the ERB's final approval. If the selected members are not Federal government officials or employees at the time of selection, such members may be appointed temporarily as experts under the authority of 5 U.S.C. § 3109 and 5 C.F.R. Part 304. Alternatively, the services of PRP members who are not employed by the Federal government at the time of selection may be procured using the micro-purchase authority provided by Federal procurement regulations.
 - c. **Source of members.** Members of the PRP may be appointed from any source, including CSB employees, employees or officials of other Federal, state, or local government entities, or individuals in the private sector. Board Members cannot be appointed to, or otherwise serve on, the PRP.
 - d. **Number and qualifications of members.** The PRP shall have at least three members. The ERB shall determine the exact number. The SES positions being filled may require that the person filling the position have both executive and technical qualifications. Members of the panel should be expert in at least one of the two areas and at least competent in the other two. The PRP should have at least two members competent in each of the two areas required for the SES position being filled, so as to enable them to rate candidates according to criteria based on those qualifications.
 - e. **Initial appointment procedure.** The ERB shall first consider and vote on for appointment to the PRP those individuals, if any, recommended by Board Members. If there are no Board recommendations, or if those recommendations are rejected, the Chair of the ERB shall so inform the Chairperson of the Board and provide the reasons for such rejections. The Chair of the ERB should not disclose to the Chairperson of the Board the votes of individual ERB members on the acceptance or rejection of Board recommendations. Board Members may then make second recommendations; if these are rejected by the ERB, each member of the ERB may then propose one person for appointment to the PRP. The Chair of

- the ERB shall have first choice, followed by the remaining ERB members in descending order of length of Federal service. The ERB shall approve or disapprove all appointments by majority vote. A member of the ERB whose proposed appointee is rejected by the ERB may make an alternate proposal.
- f. **Organization.** There shall be no chair or vice chair, nor any other hierarchical organization of the PRP. The PRP shall not hold meetings. The PRP members shall perform their functions, as described in this Order, independently of each other.
- g. **Service of members.** Members of the PRP shall continue to serve until their resignation from the PRP, termination of the PRP, or removal by the ERB for cause. The ERB shall fill a vacancy on the PRP as soon as possible after the vacancy occurs. Vacancies shall be filled in accordance with the procedures in subsection e., above.
- (1) Resignation. A member of the PRP may resign at any time by tendering a written notice of resignation to the Chair of the ERB.
- (2) Termination. The ERB may, by majority vote, rescind its delegation of the rating function and terminate the PRP.
- (3) Removal. The ERB may, by majority vote, remove a member of the PRP for cause. A memorandum shall be prepared setting forth the reasons for the removal.

14. **RECRUITMENT.**

- a. **Source of recruitment.** The minimum source of recruitment to fill a SES position by career appointment is all groups of qualified individuals within the civil service. The Board may direct that the source of recruitment be expanded to also include qualified individuals outside of the civil service. It is the policy of the Board that CSB SES vacancies shall be open to all qualified candidates, inside and outside of the civil service.
- b. **Duration and content of announcement.** By law, announcements of SES vacancies to be filled by initial career appointment must be included in the OPM SES vacancy announcement system for at least 14 calendar days, including the date of publication. However, it is the policy of the Board that announcements for CSB SES vacancies shall remain open for at least 45 days. The ERB shall ensure, before posting, that the vacancy announcement contains a complete and accurate description of the materials required for a complete application.
- c. **Recruitment firms.** A commercial recruiting firm or nonprofit employment agency may be used to recruit for SES vacancies. The use of such a firm or agency must fully comply with Subpart D of Part 300 of Title 5 of the Code of

Federal Regulations. The Chairperson shall decide whether to use the services of a recruiting firm or employment agency. A contract for such services may not be awarded until after the vacancy announcement and crediting plan for the SES position have been approved by the ERB. The firm or agency may not contact any potential candidate before the vacancy announcement is publicly posted, nor may it contact any potential candidate after the closing date of the vacancy announcement.

15. **APPLICATION REVIEW PROCESS.**

- a. **Initial screening.** The ERB shall designate the CSB administrative support staff or the CSB's servicing personnel agency to perform an initial screening of all applications received for an SES position. The screening shall consist of reviewing each application to determine whether it was received prior to the submission deadline, and whether it meets all requirements of the vacancy announcement (including all required forms, documents, narrative statements, etc.). Applications which are submitted after the deadline and/or missing any required material shall be set aside and will receive no further consideration. Applications which are complete and timely shall be forwarded by the screener(s) to the ERB. Applications should be screened and forwarded to the ERB on an ongoing basis, as they are received. Screening should be complete, and all applications in the ERB's possession, no later than 5 days after the closing date of the vacancy announcement.
- b. **Preliminary rating and ranking.** In accordance with section 13 of this Order, the ERB will delegate the preliminary rating of applications to a preliminary rating panel (PRP). The scores submitted by the PRP will be tabulated and put into rank order by the ERB's administrative support staff. The rating and ranking process will be conducted according to the following procedures:

(1) **Communications.**

- (a) The input of the PRP into the selection process is strictly limited to the panel's submission of scored applications to the ERB. The panel members shall make no other communications (including, but not limited to, suggestions, opinions, and/or recommendations about individual candidates) pertaining to the selection process to members of the ERB, Board Members, or other CSB employees.
- (b) The prohibition stated in the preceding paragraph does not apply to requests by the PRP to the ERB for technical clarification of the crediting plan or evaluation procedures. All such requests should be made and answered in writing. Alternatively, the Chair of the ERB may conduct a meeting or teleconference with the PRP members to answer requests for technical clarification. Minutes should be kept of any such meeting or teleconference. The Chair of the ERB is the point of contact for all

requests for technical clarification. Prior to the start of the rating panel's work, the Chair of the ERB will provide each panel member with written instructions for their tasks.

- (2) Rating. As soon as possible after the closing date of the vacancy announcement, but not later than 10 days after that date, the ERB will distribute copies of each application that passed the initial screening (see subsection a., above) to the PRP. Each member of the PRP will receive a copy of every candidate's application. The PRP members will then review and score, independently of each other, each candidate's application, evaluating their executive and technical qualifications in accordance with the crediting plan. The PRP members shall not discuss, confer on, or otherwise collaborate on the rating of the applications. The PRP members shall neither compare nor attempt to reach a consensus on applicants' scores. Upon completing their ratings of every application, the PRP members shall each submit their scored applications to the ERB for tabulation and ranking. The preliminary rating of applications should be completed no later than 21 days after the date on which applications were distributed to PRP members.
- (3) Ranking. The ERB will delegate to the CSB administrative support staff the actual tabulating and ranking of preliminarily scored applications. The support staff will receive from the ERB, no later than 3 days after their receipt by the ERB, all copies of each application – each with a total score assigned by each of the PRP members. For each application, the support staff will calculate an average total score by adding together the total scores assigned by each PRP member and dividing the sum by the number of PRP members. After calculating an average total score for every application, the support staff will put the applications in order of rank from highest to lowest average total score. The support staff will not break ties in rank based on identical average total scores. Instead, the support staff shall indicate the rank at which there is a tie and which applicants are tied, then continue the ranking at the point where the next lower-scored applicant would fall if there was no tie (e.g.: if three applicants are tied for rank position five, indicate that fact, then rank the next-lower scored candidate at position eight). The support staff will return the rated and ranked applications, all preliminary score sheets for each application, and a list of every applicant in order from highest to lowest rank, to the ERB for its review. The support staff should return these materials to the ERB no later than 7 days after receiving them.

Before conducting the tabulating and ranking as described above, the support staff shall check each application for mathematical errors in scoring. If such an error is discovered, the support staff shall return that application to the ERB. The ERB shall immediately review the scoring of that application, and correct the score, if the mathematical error is confirmed. The corrected application shall then be returned to the support staff for tabulation and ranking.

- c. **ERB review.** After completion of the preliminary rating and ranking of applications, the ERB will independently review each application, according to the following procedures:

(1) Communications.

- (a) *With the PRP.* Communications between the ERB and the PRP shall be strictly limited to the receipt by the ERB of the PRP's scored applications. Members of the ERB shall make no other communications (including, but not limited to, requests for suggestions, opinions, and/or recommendations about individual candidates) pertaining to the selection process to PRP members. Notwithstanding this restriction, the ERB may provide to the PRP written instructions and written answers to requests for technical clarification of the crediting plan or evaluation procedures.
- (b) *With the Board.* Communications between the ERB and the Board shall be limited to those communications clearly necessary to the ERB's function of carrying out the SES merit staffing process. Under no circumstances shall there be any communication between the ERB and the Board pertaining to the qualifications, experience, or desirability of any candidate(s), or related matters, except within the context of formal, written recommendations on candidates or a formal, written certification of most-qualified candidates.

(2) Review. The reviews described below should be completed no later than 14 days after the date the ERB receives the rated and ranked applications from the support staff.

- (a) *De novo review.* The ERB will conduct a complete and independent re-review of at least those applications ranked one through ten, inclusive, based upon the average total score calculated from the scores assigned by the PRP. Prior to the posting of a vacancy announcement, the ERB may decide to conduct a de novo review of more than the top ten applications (e.g.: top 15 or top 20). The number of applications to be reviewed de novo cannot be changed after the position is publicly posted. Each member of the ERB will review and re-score (using the crediting plan and a score sheet developed by the CSB's personnel consultant), independently of each other, each of the top ranked candidate's applications, evaluating their executive and technical qualifications in accordance with the crediting plan. The ERB members shall not discuss, confer on, or otherwise collaborate on the numerical scoring of the applications during this review phase. The ERB members shall neither compare nor attempt to reach a consensus on applicants' numerical scores during this review phase. Upon completing their scoring of the applications, the ERB members shall each forward their scored applications to the administrative support staff for tabulation and ranking.

(b) *Ranking.* The ERB will delegate to the administrative support staff the actual tabulating and ranking of the ERB-scored, top ranked applications. The support staff will receive one copy of each of the ERB-scored applications from each of the ERB members who actually scored the particular application, with each of those applications having a total score assigned by one of the ERB members who actually scored the application. (Because certain ERB members may need to recuse themselves from scoring individual applications, some applications may not be scored by every ERB member.) For each application, the support staff will calculate an average total score by adding together the total scores assigned by each ERB member who actually scored that particular application and dividing the sum by the total number of ERB members who scored that particular application. After calculating an average total score for each of the applications, the support staff will put the applications in order of rank from highest to lowest average total score. The support staff will not break ties in rank based on identical average total scores. Instead, the support staff shall indicate the rank at which there is a tie and which applicants are tied, then continue the ranking at the point where the next lower-scored applicant would fall if there was no tie (e.g.: if three applicants are tied for rank position five, indicate that fact, then rank the next-lower scored candidate at position eight). The support staff will then return the rated and ranked applications, all score sheets for each application, and a list of the ERB-scored applicants in order from highest to lowest rank, to the ERB. The support staff should return these materials to the ERB no later than 5 days after receiving them.

(c) *Limited review.* The ERB will conduct a limited review of those applications not among the top ranked, based upon the average total score calculated from the individual scores assigned by the PRP members. It is necessary for the ERB to perform this limited review on all applications that were eligible for consideration but not among the top-ranked. This review will consist of a check to ensure that the PRP members complied with merit system principles in assigning their scores, and that there was no clear error in the application of the crediting plan criteria. The ERB members shall discuss and confer on their review of the applications outside the top ranked, to ensure that there is no pattern of merit system non-compliance or technical error on the part of the PRP members.

16. **ERB INTERVIEWS.** The following process should be completed no later than 14 days after the ERB receives ranked applications back from the administrative support staff, following completion of the ranking described in section 15.c.(2)(b) of this Order.

- a. **Selection for interview.** Based upon the average total score calculated from the scores assigned by the ERB members in their *de novo* review of applications, the ERB will select a certain number of top-ranked candidates with whom to conduct

telephone interviews. The ERB may select any number of top-ranked candidates for telephone interviews (e.g.: top-three, top-five, top-ten, etc.), but that number must be determined before the ERB begins its *de novo* review of applications.

- b. **Interview format.** The ERB will conduct its interviews jointly (i.e.: each ERB member who has not recused himself/herself from evaluating a particular candidate will be present at the same time for each interview) by telephone. The ERB may determine the exact interview format (e.g.: areas for questioning, how many questions, who asks, etc.), but an identical format must be used for each candidate. The ERB shall develop one standard list of questions that will be asked, without substantial deviation, of each candidate. The questions should generally relate to the executive and technical qualifications for the position.
- c. **Evaluation of interview performance.** The ERB members shall, as a group, develop a consensus evaluation for each candidate based on that candidate's interview performance. Before beginning its interview process, the ERB shall develop a formula for rating candidates' interview performance and for using the interview rating, in combination with the application score, to ultimately identify the best qualified candidates. After interviewing each candidate, the ERB will meet as a group to review and discuss the interview and reach a decision on the appropriate rating. A unanimous consensus decision on the rating is highly desirable and every effort should be made to reach one. If such a decision cannot be reached, the matter shall be put to a vote, in accordance with section 12.b. of this Order. For each candidate, the ERB shall record its interview rating in writing, along with a brief (no longer than one page) explanation of the basis for that rating.

17. **IDENTIFICATION OF BEST QUALIFIED CANDIDATES AND RECOMMENDATIONS TO THE BOARD.**

Upon completing its interviews, the ERB must perform two additional steps. First, the ERB will identify to the Board the best qualified candidates, who will be subject to further consideration by the Board for selection. Second, the ERB will make written recommendations to the Board on every candidate whose application passed the initial screening (see section 15.a. of this Order). These two steps should be completed no later than 10 days after the date the ERB completes its candidate interviews. The following procedure shall be used to complete these steps:

a. **Identification of best qualified candidates.**

- (1) In accordance with the procedures of this section, the ERB shall identify at least five candidates as best qualified, so as to warrant referral to the Board for consideration for selection.
- (2) After completing its candidate interviews, the ERB shall meet as a group to determine who among the interviewed candidates is best qualified for the position. The ERB's determination of which candidates are best qualified

shall be based upon the candidates' scores from the *de novo* review of applications and their interview evaluation rating. The ERB should develop a methodology for considering the application scores and interview ratings in making the best qualified determination. Such methodology shall be consistently applied to every interviewed candidate. The ERB shall also prepare a written narrative justifying its determination as to which candidates are best qualified. The number of best qualified candidates identified by the ERB may not exceed the maximum determined pursuant to subsection a.(2), above. A unanimous consensus determination as to which candidates are best qualified is highly desirable and every effort should be made to reach one. If such a determination cannot be reached, the matter shall be put to a vote, in accordance with section 12.b. of this Order.

- (3) The ERB shall prepare a list of the candidates it identifies as best qualified, certify the list in writing, and forward it to the Board, along with the written justification of the best qualified determination and the complete application packages (including all score sheets) of the best qualified candidates.

- b. **Recommendations.** The ERB shall make its recommendations on all the candidates who were not among the best qualified by forwarding to the Board the score sheets for each such candidate. Score sheets from the preliminary rating panel and the ERB (if applicable) shall be forwarded to the Board. Forwarding the score sheets fully satisfies the recommendation requirement; no additional documentation is necessary.

18. **BOARD ACTION.** In the SES merit staffing process, the Board is the appointing authority, which will select a candidate to fill the SES position. By law, the Board must make its selection from among the candidates certified as best qualified by the ERB. The Board will adhere to the following procedures in interviewing candidates and selecting an individual to fill the SES position:

- a. **Communication.**

- (1) With the preliminary rating panel. The Board and its individual Members shall not communicate in any manner with the members of the PRP regarding any aspect of the merit staffing process. Under no circumstances shall there be any communication between PRP members and Board Members pertaining to the qualifications, experience, or desirability of any candidate(s), or related matters, except within the context of formal, written ratings of candidates.
- (2) With the ERB. Communications between the Board (or its individual Members) and the ERB (or its individual members) shall be limited to those communications clearly necessary to the ERB's function of carrying out the SES merit staffing process, and to the Board's oversight function. Under no circumstances shall there be any communication between the ERB and the Board pertaining to the qualifications, experience, or desirability of any

candidate(s), or related matters, except within the context of formal, written recommendations on candidates or a formal, written certification of most-qualified candidates.

- (3) With other CSB employees. The Board and its individual Members shall not communicate in any manner with any other CSB employees involved in the SES merit staffing process regarding the qualifications, experience, or desirability of any candidate(s), except as expressly permitted by this Order.

b. Evaluation and review of applications.

- (1) Prior to beginning its selection process, the Board will develop an evaluation formula by which to rate the candidates for selection. This formula should provide for taking into account the results of: the Board's review of applications, score sheets, and ERB interview results; the Board interview with the candidate; the results of the reference checks conducted by the ERB (see subsection d., below); and, if desired by the Board, the results of an employee panel interview with the candidate. The evaluation formula may be either quantitative or qualitative, as long as it allows for the objective and fair selection of a candidate to fill the position. The evaluation formula should be in writing and approved by notation item. The CSB's administrative support staff and outside personnel consultant will, in accordance with Board instructions, develop an application score sheet to record Board Members' evaluations of each candidate.
- (2) Each Board Member will review, according to the evaluation formula, the application packages, all score sheets (preliminary rating panel and ERB), and ERB interview results of the candidates certified as best qualified by the ERB. Each Board Member will record his or her evaluations on a separate application score sheet for each candidate.

c. Board Member interviews.

- (1) The Board will invite for interviews each of the candidates certified as best qualified by the ERB. If the Board does not wish to interview all of the best qualified candidates, it may select, by notation item, a lesser number of best qualified candidates to be invited for interviews. All candidates who are invited for a Board interview shall be asked to provide a list of references to the ERB, in accordance with subsection d., below.
- (2) Prior to conducting the interviews, each Board Member will develop a set of standard interview questions. Each Board Member's questions may be different from the other Board Members', but each Board Member must use the same set of questions for each candidate he or she interviews. The questions should relate to the executive and technical qualifications for the position.

- (3) Based on the interview questions developed by the Board Members, the CSB administrative support staff and the CSB personnel consultant will create score sheets for each Board Member to use in evaluating candidates' interview performance.
 - (4) Each Board Member will meet individually with each candidate, conducting the interview with his or her respective set of standard questions. During the interviews, Board Members should take notes of responses and impressions they wish to highlight on their score sheets. At a Board Member's request, a CSB administrative support or Board staff member may sit in on the interviews to take more extensive notes of candidates' complete responses.
 - (5) After each interview, Board Members should review their interview notes and complete, based on those notes, a score sheet for the candidate. All score sheets from Board Member interviews should be turned over to the CSB administrative support staff. The support staff will compile all the score sheets and provide each Board Member with a complete package of score sheets (i.e.: each Board Member will receive the sheets from the other Board Members' interviews, in addition to the sheets from his or her own interviews). The Board's interview score sheets, along with the score sheets prepared by the PRP and ERB, the ERB interview results, the reference check results, and the employee panel recommendation (if sought), will be used by the Board to make its final selection of a candidate to fill the position (see subsection f., below).
- d. **Reference checks.** The candidates invited for interviews by the Board shall each be required to submit four references to the ERB. The references should include a candidate's immediate supervisor in his or her most recent position. After the Board Member interviews have been completed, the members of the ERB shall attempt to contact every reference. The ERB should develop a means for consistently checking and recording the comments of each candidate's references. After the reference checks are completed, the Chair of the ERB shall forward the results to the Chairperson of the Board for distribution to each Board member for use in the Board evaluation process.
- e. **Employee panel interviews.**
- (1) The Chairperson may require that each candidate who is invited for an interview by the Board also be interviewed by a panel of CSB employees.
 - (2) Each Board Member may select one CSB employee to sit on the employee interview panel. Board Members should attempt to achieve a mix of supervisory and non-supervisory employees in their selections. Selection is informal and does not require a vote. The Chairperson may delegate to the ERB the selection of panel members or may direct the ERB to select a certain number (determined by the Chairperson) of panel members in addition to

those selected by the Board Members. The Chairperson may also direct the Chair of the ERB to coordinate, as a non-interviewer, the employee panel interview process.

- (3) The employees selected for the interview panel will meet in advance of the interview to develop a list of questions for the candidates. The employees shall create a set of standard questions that will be asked of all candidates. The questions should focus on areas of interest to both supervisory and non-supervisory employees, such as the candidates' general management philosophy and style, approach to interacting with supervisors, and plans for particular CSB offices.
- (4) The employee panel will interview each candidate separately. During the interview, panel members may, if they wish, take notes of their impressions and the candidate's responses to questions. Panel members' recommendations on the candidates will be recorded on score sheets, which will be based on the agreed upon list of questions.
- (5) Employee panel members will choose from among three recommendation categories for each candidate – "Highly Recommend," "Qualified," or "Do Not Recommend." After interviewing each candidate, each employee panel member should separately record his or her recommendation on the score sheet, which will be provided. After all panel interviews are complete, the panel interview score sheets for all candidates should be forwarded to the Chairperson of the Board for distribution to all Board Members.
- (6) Except where disclosure is permitted by this Order, or otherwise required by law, candidates' responses to employee panel questions and panel members' evaluations of those responses are strictly confidential. Panel members shall not discuss with or otherwise reveal to each other, other CSB employees, or any person or entity outside the CSB, the candidates' responses, or their (the panel members') recorded or personal evaluations and impressions of those responses. Panel members shall not communicate to Board Members about these matters, except by way of the panel interview score sheet. Board Members shall not discuss or reveal any contents of the employee panel interview process (either candidates' responses or panel members' evaluations of those responses), except among themselves (the Board Members).

f. Final selection.

- (1) The Board will make an independent determination of which one of the best qualified candidates should be selected to fill the position and recommended to OPM for an SES appointment. This determination shall take into account the results of: each Board Member's review of the application packages and PRP and ERB score sheets, the results of the ERB interviews, the results of the Board's interview(s), the results of the reference checks, and the results of

the employee panel interview(s), in the context of the evaluation formula developed by the Board.

- (2) After reviewing the materials described in paragraph (1), above, any Board Member may propose a candidate for selection to fill the position. To make such a proposal, a Board Member should ask the Office of General Counsel to draft a notation item, which sets forth the name of the candidate proposed for selection and a brief recitation of that candidate's qualifications. The notation item will then be circulated and voted on in accordance with the procedures of Board Order 001. The proposed candidate is selected to fill the position when a majority of participating Board Members return the notation item with affirmative votes. If the proposed candidate is not selected, the proposing Board Member may resubmit the candidate's name, or any Board Member may propose a different candidate. This process continues until a proposed candidate has received the affirmative votes of a majority of Board Members.
 - (3) If the Board Members find that none of the best qualified candidates warrant proposal for selection to fill the position, the Board may direct the ERB to reopen the vacancy announcement and solicit additional applications. Such direction to the ERB shall be by notation item. New applications shall be evaluated through the staffing process described in this Order. In the event the vacancy announcement is reopened, new applications shall not be accepted from individuals who applied during the first round, nor shall applications received and evaluated during the first round be reevaluated.
19. **SUITABILITY INVESTIGATION.** The candidate selected to fill the SES position shall be required to submit to a suitability investigation. The selected candidate's final appointment is subject to and contingent upon a positive determination of suitability. The purpose of the investigation is to ascertain whether the selectee's character or conduct may have an adverse impact on the integrity or efficiency of the Federal service. As soon as possible after the Board has selected a candidate to fill the position, the Chair of the ERB shall initiate the suitability investigation and determination process, coordinating with OPM as necessary.
20. **CERTIFICATION AND SUBMISSION TO OPM.** After the Board selects a candidate to fill the SES position, several additional steps must be taken to complete the staffing process. These steps, described below, consist of completing two different certifications and submitting the selected candidate's package to OPM.
- a. **Certification of executive and technical qualifications.** The Board must certify in writing the executive and technical qualifications of the candidate selected to fill the SES position.
 - b. **Certification of merit staffing compliance.** The ERB and the Board must certify in writing that all appropriate merit staffing procedures were followed in selecting the candidate to fill the SES position.

- c. **Submission to OPM.** The selected candidate's application package must be submitted to OPM for presentation to a Qualifications Review Board (QRB). The QRB certifies that the candidate selected by the CSB possesses the necessary executive qualifications to qualify for a SES appointment. The CSB's selection of a candidate is not final until a QRB has approved that candidate's executive qualifications.

21. **RECORDKEEPING.**

- a. In all phases of the SES staffing process, such records shall be kept as are necessary to adequately document the basis of qualifications, rating, and ranking determinations.
- b. The CSB must retain for two years such documentation of the SES staffing process as OPM prescribes, to permit the reconstruction of merit staffing actions. Those records shall be maintained by the Board or its designee, who shall not be the individual whose hiring process the records pertain to.

U.S. CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

October 24, 2001

Revised, January 31, 2002

Revised, March 14, 2002

Revised, April 3, 2002

Revised, April 24, 2002