



U.S. Chemical Safety and Hazard Investigation Board

SUBJECT: Senior Executive Service (SES) Performance Management System

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1. **PURPOSE.** This Order establishes procedures for managing the performance of Senior Executive Service (SES) employees of the Chemical Safety and Hazard Investigation Board (CSB). This policy is intended as a supplement to applicable statutes, regulations, and Office of Personnel Management (OPM) guidance, linking SES performance to the CSB’s mission and strategic plan.
2. **EFFECTIVE DATE.** This Board Order is effective upon passage by the Board.
3. **SCOPE.** This Board Order applies to all career, non-career, limited term, and limited emergency appointment CSB SES employees.
4. **REFERENCES.**
 - a. 5 U.S.C. § 43, Subchapter II – Performance Appraisal in the Senior Executive Service
 - b. 5 C.F.R. § 430, Subpart C and Subpart D
 - c. 5 C.F.R. § 534, Subpart D
 - d. OPM Memorandum dated February 25, 2025 - New Senior Executive Service Performance Appraisal System and Performance Plan, and Guidance on Next Steps for Agencies to Implement *Restoring Accountability for Career Senior Executives* (referred to herein as the “OPM February 25, 2025 Memorandum”).
5. **DEFINITIONS.**
 - a. **Approving Authority** – the CSB official with authority to issue final SES performance ratings of record. The approving authority under this system is the Chairperson of the CSB.
 - b. **Appraisal Period** – the established period of time for which an SES employee’s performance will be appraised and rated. The appraisal period for CSB SES employees is October 1 through September 30.
 - c. **Chairperson** – the Chairperson of the CSB or, when the position of Chairperson is vacant, the Board Member designated as the Interim Executive, pursuant to Board Order 003. To avoid confusion in this Board Order, the term “Chairperson” never refers to the Chair of the Performance Review Board (PRB).
 - d. **Critical Element** – a work assignment or responsibility that is so important that poor performance in that area would cause the SES employee’s overall performance to be rated unsatisfactory. This type of element is evaluated solely based on the individual SES employee’s performance.
 - e. **Days** – all references to “days” in this Board Order are to calendar days, unless otherwise stated.

- f. **Minimum Appraisal Period** – the shortest period of time during which an SES employee can serve under an established performance plan and still receive a rating under that plan. The minimum appraisal period for CSB SES employees is 90 days.
- g. **Performance** – the accomplishment of the work described in the SES employee’s performance plan.
- h. **Performance Appraisal** – the review and evaluation of a SES employee’s performance against performance elements and requirements.
- i. **Performance Requirement** – a description of what an SES employee must accomplish, or the competencies demonstrated, for a critical element. A performance requirement establishes the criteria to be met to be rated at a specific level of performance and generally includes quality, quantity, timeliness, cost savings, manner of performance, or other factors.
- j. **Performance Review Board (PRB)** – a panel appointed by the Chairperson, in accordance with the provisions of this Board Order, that makes recommendations to the approving authority on the performance ratings of CSB SES employees.
- k. **Progress Review** – a review of the SES employee’s progress in meeting the performance requirements. A progress review is not a performance rating.
- l. **Ratings**
 - (1) Initial summary rating – the rating level the rating official derives from appraising the SES employee’s performance during the appraisal period and forwards to the PRB.
 - (2) Annual summary rating – the overall rating level that the Chairperson as the approving authority (or the Chairperson’s delegate) assigns at the end of the appraisal period after considering the PRB’s recommendations. This is the official rating of record.
- m. **Rating Official** – the CSB official responsible for assigning initial performance ratings to a SES employee. The rating official under this system is the SES employee’s first-line supervisor.
- n. **SES Employee Performance Plan** – the written critical elements and performance requirements against which performance will be evaluated during the appraisal period by applying the established performance standards. The plan includes all critical elements, performance standards, and performance requirements, including any specific goals, targets, or other measures established for the SES employee.
- o. **SES Employee** – an individual who is employed at the CSB as a career, non-career, limited term, or limited emergency member of the Senior Executive Service.

- p. **Strategic Planning Initiatives** – agency strategic plans as required by the Government Performance and Results (GPRA) Modernization Act of 2010, annual performance plans, organizational work plans, and other related initiatives.

6. RESPONSIBILITIES.

- a. **Chairperson** – implements and administers the performance management system for CSB SES employees. Finalizes all performance standards for senior executives by November 1 of each year. Acts as the authorized agency official for purposes of setting and adjusting pay for individual SES employees pursuant to the plan outlined in Board Order 048 (*SES Pay and Compensation*).
- b. **Rating Official (when not the Chairperson)** – Establishes the performance plan, conducts progress reviews; gathers performance input from employees; evaluates SES employees fairly and accurately; provides performance ratings and the initial summary rating; and takes other actions related to appraising performance in accordance with performance appraisal statutes, regulations, OPM guidance and this Board Order. Consults with the Office of Human Resources regarding any questions or when addressing special, unique, or unusual situations.
- c. **Chair of the PRB** – coordinates and ensures timely completion of PRB tasks.
- d. **Office of Human Resources (OHR)** – provides technical assistance to the Chairperson and Chair of the PRB in administering the SES performance management system. Acts as liaison with OPM on SES system certification requirements.
- e. **SES Employee** – documents accomplishments related to their performance of critical elements during the appraisal period. Such documentation must be limited to one page per critical element for the rating official to use in their assessment of the SES employee's performance during the appraisal period.

8. SES EMPLOYEE PERFORMANCE PLANS.

- a. Each SES employee shall have a performance plan that describes the individual and organizational expectations for the appraisal period that aligns with the SES employee's area of responsibility and control. The rating official shall develop the performance plan in consultation with the SES employee. The SES employee's performance plan is documented in USA Performance¹ and must include:
 - (1) *Critical elements.* Critical elements must reflect individual performance results or competencies as well as organizational performance priorities within each SES employee's respective area of responsibility and control, and be based on OPM-validated executive competencies.

¹ USA Performance is the OPM data system used by the CSB for the agency's performance appraisal system, processes, and records.

- (2) *Performance standards.* Performance plans must include the performance standards describing each level of performance at which an SES employee's performance can be appraised. Performance standards describe the general expectations that must be met to be rated at each level of performance and provide the benchmarks for developing performance requirements.
- (3) *Performance requirements.* At a minimum, performance requirements must describe expected accomplishments or demonstrated competencies for fully successful performance by the SES employee. The CSB may establish performance requirements associated with other levels of performance as well relating to the CSB's mission and strategic plan. Performance requirements must contain measures of the quality, quantity, timeliness, or manner of performance, as appropriate, expected for the applicable level of performance.
- b. The rating official is responsible for planning performance elements and requirements, linked with agency strategic planning initiatives, for each senior executive. Although the rating official retains final authority to establish performance elements and requirements, he or she will consult with the senior executive in developing a performance plan.
- c. At or before the beginning of the appraisal period, the rating official will meet individually with the SES employee to communicate their performance plan for that appraisal period. Both the rating official and the SES employee should sign in the appropriate box on the performance plan form to acknowledge that the plan has been communicated. The SES employee's signature is simply an acknowledgement of receipt of the plan and does not signify agreement with the plan's critical elements and performance requirements.
- d. Results criteria must also ensure that the performance requirements for individual SES employees relate to their respective areas of responsibility; reflect expected agency and/or organizational outcomes and outputs, performance targets or metrics, policy/program objectives, and/or milestones; identify specific programmatic crosscutting, external, and partnership-oriented goals or objectives, as applicable; and are stated in terms of observable, measurable, and/or demonstrable performance.
- e. The Chairperson may require that certain elements be included in the performance plan of all SES employees.
- f. **Appraisal Period.**
- (1) Appraisal Period. SES employees must be appraised at least annually on their performance against their critical elements, performance standards, and performance requirements. An annual summary rating must be assigned for the relevant period of performance for each year. The CSB's SES appraisal period is October 1 through September 30 of each year.

- (2) Minimum Period. The minimum period of performance that must be completed before a performance rating can be given is 90 days.
 - (3) Adjusting Appraisal Period. The CSB may end an appraisal period at any time after the minimum appraisal period is completed, but only if the agency determines there is an adequate basis on which to appraise and rate the performance of the SES employee(s) and the shortened appraisal period promotes the effectiveness of the administration of the appraisal system.
 - (4) Presidential Transition Period. Per 5 U.S.C. § 4314(b)(1)(C), the CSB may not appraise and rate any career SES employee executive within 120 days after the beginning of a new Presidential administration.
- g. **Summary Performance Levels.** Currently, the OPM February 25, 2025, Memorandum specifies the name of the summary performance levels which are in the SES performance plan in USA Performance. The names for each summary performance level (Level 1 – Level 5) may change and therefore will not be listed in this Board Order. To review the names of the summary performance levels, see the SES performance plan. Level 5 is the highest level of performance and Level 1 is the lowest.
- h. **Critical Elements.** Critical elements are based upon SES competencies validated by OPM in accordance with 5 C.F.R. § 430.305(a)(1). Per 5 C.F.R. § 430.305 (b) an agency may develop its own performance management system, although OPM may establish a basic performance management system that which agencies may adopt with limited adaptation. Currently, the OPM February 25, 2025, Memorandum directs agencies to establish specific critical elements and performance requirements which are in the SES performance plan in USA Performance. To review the critical elements and performance requirements, see the SES performance plan. Should the OPM February 25, 2025, Memorandum be superseded or terminated, the Chairperson (or the Chairperson's delegate) will approve new critical elements and performance requirements in accordance with applicable statutes, regulations, this Board Order and/or other guidance, as appropriate.
- i. **Performance Standards for Critical Elements.**
- (1) Level 5 – The SES employee demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the SES employee's organization, agency, department, or Government-wide. The SES employee continually contributes materially to, or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule. Performance at this level may be demonstrated in such ways as the following examples:
 - Overcomes unanticipated barriers or intractable problems by developing creative solutions that address program concerns that could adversely affect the organization, agency, or Government.

- Through “leadership by example” creates a work environment that fosters creative thinking and innovation; fosters core process re-engineering; and accomplishment of established organizational performance targets.
 - Takes the initiative to identify new opportunities for program and policy development and implementation or seeks more opportunities to contribute to optimizing results.
 - Accomplishes objectives even under demands and time pressure beyond those typically found in the executive environment.
 - Achieves results of significant value to the organization, agency, or Government.
 - Achieves significant efficiencies or cost-savings in program delivery or in daily operational costs of the organization.
- (2) Level 4 – The SES employee demonstrates a very high level of performance and is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The SES employee consistently exceeds established performance expectations, timelines, or targets, as applicable. Performance at this level may be demonstrated in such ways as the following:
- Advances progress significantly toward achieving one or more strategic goals.
 - Demonstrates unusual resourcefulness in dealing with program operations or policy challenges.
 - Achieves unexpected results that advance the goals and objectives of the organization, agency, or Government.
- (3) Level 3 – The SES employee demonstrates the high level of performance expected and contributes positively toward the achievement of strategic goals and meaningful results. The SES employee is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness, within agreed upon timelines. The SES employee sometimes exceeds challenging performance expectations established for the position. Performance at this level may be demonstrated in such ways as the following:
- Seizes opportunities to address issues and effects change when needed.
 - Finds solutions to serious problems and champions their adoption.
 - Designs strategies leading to improvements.
- (4) Level 2 – The SES employee’s contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the SES employee generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the SES employee may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.
- (5) Level 1 – In repeated instances, the SES employee demonstrates performance deficiencies that detract from mission goals and objectives. The SES employee generally is viewed as ineffectual by agency leadership, peers, or employees. The

SES employee routinely does not meet established performance expectations/timelines/targets and fails to produce – or produces unacceptable – work products, services, or outcomes.

j. Monitoring Performance.

- (1) Monitor and Provide Feedback – Throughout the appraisal period, a rating official must monitor the SES employee's performance in accomplishing critical elements and performance requirements and provide feedback, including advice and assistance on improving performance, when needed and encouragement and positive reinforcement as appropriate. Rating officials and SES employees should engage in frequent two-way conversations regarding progress toward meeting the critical elements in the SES employee's performance plan. Such conversations should include the following: status updates; identification of obstacles that impede progress in attaining milestones; indicators of success or needs for improvement; and a need to revise the SES employee's performance plan to account for changing objectives, priorities and any other factors affecting the SES employee's performance toward work assignments or responsibilities.
- (2) Progress Review – Each senior executive must receive at least one progress review during the appraisal period in accordance with 5 C.F.R. § 430.307. Currently, the OPM February 25, 2025, Memorandum directs agencies to conduct quarterly progress reviews per year which are in the SES performance plan in USA Performance. Should the OPM February 25, 2025, Memorandum be superseded or terminated, the Chairperson will ensure that progress reviews are conducted in accordance with applicable statutes, regulations, this Board Order and/or other guidance, as appropriate. Rating officials shall meet individually with the SES employees to conduct a formal progress review at a minimum at the required frequency specified by OPM. The content of the review must include, at the least, an assessment of how well the executive is performing in relation to the established performance requirements. The rating official and the SES employee shall acknowledge the progress review by signing in the appropriate box on the performance plan.

k. Weight Value. Each critical element must be assigned a weight, with the total weights adding to 100 points.

- (1) Currently, the OPM February 25, 2025, Memorandum directs agencies to assign specific weight value ranges (a minimum weight value up to a maximum weight value) for each critical element in the SES performance plan in USA Performance.
- (2) Should the OPM February 25, 2025, Memorandum be superseded or terminated, the Chairperson (or the Chairperson's delegate) will assign weight values in accordance with applicable statutes, regulations, this Board Order and/or other guidance, as appropriate.

- (3) Weighted critical elements indicate the relative importance within the SES employee's scope of responsibilities, and are used to derive the initial and annual summary ratings.
- (4) Weights for each critical element should reflect the significance of that task/program/project within the framework of the goals to be achieved, not the percentage of time a SES employee spends working on that critical element.

1. Rating Critical Elements and Point Values.

- (1) Each critical element under which the SES employee has performed for at least 90 days must be rated.
- (2) Appraisal narratives should highlight overall performance results, outputs, outcomes, and impact.
- (3) To determine the rating level for the critical element, performance requirements will be rated against the performance standard definitions above.
- (4) Rating officials will assign an individual rating to each critical element.
 - Level 5 = 5 points
 - Level 4 = 4 points
 - Level 3 = 3 points
 - Level 2 = 2 points
 - Level 1 = 0 points

m. Summary Rating.

- (1) The rating official will develop an initial summary rating in writing and share the initial rating with the SES employee.
- (2) If any critical element is rated Level 1, the overall summary rating is Level 1. If no critical element is rated Level 1, continue to the next step.
- (3) For each critical element, multiply the element rating level point value by the weight assigned to that element.
- (4) Add the results from the previous step for each of the five critical elements to come to a total score.
- (5) Assign the initial summary rating using the ranges below:
 - 475-500 = Level 5
 - 400-474 = Level 4
 - 300-399 = Level 3
 - 200-299 = Level 2
 - If any rating critical element is rated Level 1, the Summary Rating is Level 1.

(6) Example below, with the initial summary rating determined to be Level 4:

Critical Element	Rating Level	Weight	Score	Summary Level Range
	Initial Element Score		Initial Point Score	
1	4	15	4 x 15 = 60	475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2	5	15	5 x 15 = 75	
3	3	15	3 x 15 = 45	
4	4	15	4 x 15 = 60	
5	4	40	4 x 40 = 160	
Total		100 points	400	

9. RECONSIDERATION PROCESS.

- a. **Opportunity for Written Response.** A SES employee may respond in writing to the initial summary rating.
- b. **Opportunity for Second Review.** The SES employee is entitled upon request to have the initial rating reviewed by another Board Member designated by the Chairperson before that rating is presented by the Chairperson to the Performance Review Board (PRB). The Board Member may not change the initial rating but may recommend a different rating to the PRB and the Chairperson (the approving authority). In instances where there is no official available to provide a second review of the initial rating, the initial and summary ratings will be given by the same official; however, there still must be PRB action between the initial and annual summary ratings.

A review may not be provided by a member of the PRB or an official who participated in determining the initial summary rating.

10. DETAILS AND JOB CHANGES.

- a. **Details.** If an SES employee is detailed or temporarily reassigned for 120 days or longer, the gaining office must set performance goals and requirements for the detail or temporary assignment. The gaining office must appraise the SES employee's performance in writing, and this appraisal must be factored into the initial summary rating.
- b. **Job Changes or Transfers.** If an SES employee changes jobs at the CSB or transfers to another agency after completing the minimum appraisal period, the SES employee's performance must be appraised in writing in accordance with this Board Order before the SES employee leaves the CSB. The senior executive's annual summary rating and any subsequent appraisals must be transferred to the gaining agency. Per 5 C.F.R. § 430.310, the gaining rating official will consider the rating and appraisals when developing the initial summary rating at the end of the appraisal period.

- c. **Transferred Ratings.** When developing an initial summary rating for an SES employee who transfers to the CSB from another agency, a rating official must consider any applicable ratings and appraisals of the SES employee's received from the former agency.
 - d. **Extending the Appraisal Period.** If the CSB cannot prepare an SES employee's rating at the end of the appraisal period because the SES employee has not completed the minimum appraisal period or for other reasons, the agency must extend the SES employee's appraisal period. Once the appropriate conditions are met, the CSB will then prepare the annual summary rating.
 - e. **Annual Summary Rating.** The annual summary rating must be assigned by the Chairperson as the approving authority only after considering the recommendations of the PRB. The annual summary rating must be communicated to the SES employee in writing normally within 3 months of the end of the appraisal period.
11. **USE OF APPRAISAL AS BASIS FOR OTHER ACTIONS.** The annual summary rating is to be used as a basis for adjusting pay; rewarding, reassigning, developing, and removing SES employees; or making other personnel decisions.
- a. An annual summary rating of Level 3, Level 4, or Level 5 makes a career SES employee eligible for a performance award under 5 C.F.R. § 534.403, at the Chairperson's sole discretion. Procedures for SES performance awards are outlined in Board Order 048 (Senior Executive Service Pay and Compensation).
 - b. One "unsatisfactory" final rating *requires* that the SES employee be transferred or reassigned within the SES or optionally be removed from the SES in accordance with 5 C.F.R. § 359.
 - c. Two "unsatisfactory" final ratings within five consecutive years or two "less than fully successful" final ratings with three consecutive years *requires* that the SES employee be removed from the SES in accordance with 5 C.F.R. § 359.
 - d. Non-probationary career appointees are removed under procedures in 5 C.F.R. § 359, Subpart E. Probationary career appointees are removed under procedures in 5 C.F.R. § 359, Subpart D. Guaranteed placement in a non-SES position will be provided in accordance with 5 C.F.R. §359, Subpart G, when applicable.
 - e. SES performance appraisals and ratings may not be appealed. The SES employee may file a complaint about any aspect of the rating process that the SES employee believes to involve unlawful discrimination (EEOC) or a prohibited personnel practice (Office of Special Counsel). A career SES employee being removed from the SES under 5 U.S.C. § 3592(a)(2) shall, at least 15 days preceding the date of removal, be entitled, upon request, to an informal hearing before an official designated by the Merit Systems Protection Board.

12. **PERFORMANCE REVIEW BOARD (PRB).** The Chairperson (or another CSB official designated by the Chairperson) must establish a PRB to make recommendations on performance ratings and performance awards for all SES employees. The PRB will convene annually to review the initial summary ratings for the SES employees. The PRB must meet the following criteria:

- a. The PRB should be appointed as close to the beginning of the rating period as possible, but can be established at any time prior to the annual performance appraisal.
- b. The CSB will publish notice of PRB appointments in the Federal Register before the appointees' service on the PRB begins.
- c. The PRB will consist of a Chair (selected by the Chairperson) and a minimum of two other members. More than one-half of the PRB's members must be SES career appointees when considering a career SES employee's appraisal or performance.
- d. In appointing PRB members, the Chairperson shall seek to assure the consistency, stability, and objectivity of the SES performance appraisal system.
- e. The PRB must review and evaluate the initial performance appraisal and summary rating, any SES employee's response, and any higher-level official's findings and recommendations on the initial summary rating or the results of an alternative review.
- f. The PRB may conduct any additional review needed to make written recommendations to the Chairperson as the approving authority on annual summary ratings, performance awards, and performance-based pay adjustments for each SES employee.
- g. PRB members may not be involved in deliberations involving their own appraisals, performance-based pay adjustments, and performance awards.
- h. The PRB may not review an initial summary rating to which the SES employee has not been given the opportunity to respond in writing.
- i. The PRB must be provided and take into account appropriate assessments of the agency/organization's performance when making recommendations.

13. **OTHER REQUIREMENTS.**

- a. **Appraisal Results.** Performance appraisals will be used as a basis for adjusting pay, granting awards, retaining and removing SES employees, and making other personnel decisions. Performance appraisals also will be a factor in assessing a SES employee's continuing development needs.
- b. **Organizational Assessment and Guidelines.** The CSB must assess organizational performance (overall and with respect to each of its particular missions, components,

programs, policy areas, and support functions). The CSB also must ensure that its assessment results (and evaluation guidelines based upon them) are communicated to SES employees, rating officials, higher level review officials, PRB members, and appointing authorities at the conclusion of the appraisal period and before completion of the initial summary ratings so that they may be considered in preparing performance appraisals, ratings and recommendations.

- c. **Oversight.** The Chairperson (or the CSB official designated by the Chairperson) provides organizational assessments and evaluation guidelines and is responsible to oversee the system and to certify that: 1) the appraisal process makes meaningful distinctions based on relative performance; 2) SES employees' ratings take into account assessments of organizational performance; and 3) pay adjustments, awards and pay levels based on the results of the appraisal process accurately reflect individual performance and/or contribution to agency performance.
 - d. **Differences in Pay Based on Performance.** Differentiation will be evident in the pay adjustments, performance awards, and rates of pay separately. SES employees who have demonstrated the highest levels of performance will receive the highest annual summary ratings and the largest corresponding performance awards, pay adjustments, and rates of pay. In general, pay adjustments and performance awards will be made within 120 days following the end of the applicable appraisal period, although government pay restrictions may impact the timeline.
 - e. **Agencies must:** 1) remove from the SES or else transfer or reassign an SES employee who receives an unsatisfactory or minimally satisfactory final summary rating; and 2) remove from the SES a SES employee who has been assigned two final summary ratings at less than fully successful within a three-year period in accordance with 5 C.F.R. § 359.
14. **RECORDS.** OHR will retain a SES employee's performance records for five years from the date the annual summary rating is issued.
15. **REVIEW AND UPDATE.** The Director of Human Resources is responsible for reviewing and proposing revisions to this Order to the Board, if needed, at least once every three years. Per 40 CFR Part 1600, this Order may be amended, rescinded, or revoked only by a majority vote of the Board. In the event that the Board consists of only a single Member (whether the Chairperson or another Member), this Order may not be amended, rescinded, or revoked by that single Member. Per 40 CFR Part 1600, in the event that the Board consists of only a single Member (whether the Chairperson or another Member), that single Member may not approve, amend, rescind, or revoke any regulation, rule, or Board Order of the CSB.

U.S. CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

October 7, 2002; Amended, November 13, 2002; Amended, January 8, 2007; Amended December 20, 2007; Amended November 21, 2017; Amended September 14, 2026.