



U.S. Chemical Safety and Hazard Investigation Board

SUBJECT: SENIOR EXECUTIVE SERVICE (SES) STAFFING

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1. **PURPOSE.** This Order establishes policies and standard operating 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), including establishment of an Executive Resource Board (ERB) for SES merit staffing purposes.
2. **EFFECTIVE DATE.** This Order is effective upon passage by the Board.
3. **SCOPE.** This Order applies to all candidates for career SES vacancies at the CSB.
4. **REFERENCES.**
 - a. 5 U.S.C. § 3391-3395 – Appointments, Reassignment, and Transfer in the Senior Executive Service
 - b. 5 C.F.R. Part 317 – Employment in the Senior Executive Service
5. **POLICY.** The CSB’s SES merit staffing process is designed to provide a fair and transparent method for filling senior level, executive positions within the agency; it also ensures that the agency makes sound hiring decisions based on merit system principles.
6. **DEFINITIONS.**
 - a. **Appointing Authority.** The CSB official with authority to make appointments in the SES. The CSB Chairperson serves as the appointing authority.
 - b. **Career Appointment.** Appointment of an individual whose executive qualifications were approved by a Qualifications Review Board (QRB) established by the Office of Personnel Management (OPM). Career appointments may be made to career reserved or general positions.
 - c. **Chairperson.** The designated Chairperson of the CSB. In the absence of a Chairperson, this role will be filled with the Board Member delegated personnel authority.
 - d. **Crediting Plan.** A pre-determined set of criteria (established prior to posting the vacancy announcement), based on the executive and technical qualifications required for the position, and which are used to evaluate and assign scores to candidates’ applications, interview responses, etc.
 - e. **Days.** All references to days in this procedure are to calendar days, unless otherwise stated.
 - f. **Executive Core Qualifications (ECQ).** Managerial competencies that are required for entry into the SES.
 - g. **Executive Resources Board (ERB).** A three-member panel consisting of current SES-level employees either within or outside the CSB responsible by law for conducting the merit staffing process for initial appointments to SES positions.

- h. **Merit Staffing.** The process by which an agency recruits for and selects a candidate for a vacancy in the SES.
- i. **Non-Career Appointment.** A non-competitive appointment to an SES general position; the appointment may be made without competitive procedures.
- j. **Qualifications Review Board (QRB).** A board assembled and managed by the Office of Personnel Management (OPM) to certify executive/managerial qualifications of candidates proposed by agencies for initial career appointments to the SES.
- k. **Qualification Standard.** Basic qualification standards prescribed by OPM; these standards may be supplemented by professional and technical standards; candidates not meeting these standards will not be considered further.
- l. **Technical Qualifications.** Also called professional qualifications that are specific to the position to be filled and are in addition to ECQs.

7. **RESPONSIBILITIES.**

- a. The Chairperson serves as the selecting official and appointing authority, and is responsible for appointing members to serve on the ERB and designating one member to serve as ERB Chair.
- b. The ERBs are responsible for:
 - (1) conducting the merit staffing process for initial SES appointments, as required by 5 C.F.R. §317.501;
 - (2) serving as the rating panel and making written recommendations on the best qualified candidates to the appointing authority; and
 - (3) advising on or otherwise participating in SES program management as appropriate.
- c. The Office of Human Resources (OHR) is responsible for conducting an initial review of applications received for basic qualifications and providing technical support and guidance to ERB. OHR also contacts other Federal agencies and SES members to solicit their participation on the agency's ERB and commitment to the SES merit staffing process.

8. **ETHICS AND INTEGRITY.**

- a. **Merit System Principles.** The Merit System Principles contained in 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 candidates 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, during the hiring process all employees should maintain high standards of integrity, conduct, and concern for the public interest.

- b. **Prohibited Personnel Practices.** The Prohibited Personnel Practices in 5 U.S.C. § 2302 specifically set forth actions that may not be taken during hiring. The following prohibited practices, listed below, must be avoided in the SES merit staffing process. Specifically, a government employee must not:
 - (1) Deceive or willfully obstruct any person with respect to such person's right to compete for employment;
 - (2) 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; or
 - (3) Grant any preference or advantage not authorized by law, rule, or regulation to any employee or candidate for employment for the purpose of improving or injuring the prospects of any particular person for employment.

9. QUALIFICATIONS.

- a. The qualifications standard must be written and approved by the Office of Human Resources (OHR) before announcement of the vacancy. For career SES positions, the standard must:
 - (1) identify the breadth and depth of the professional/technical and executive/managerial knowledge, skills and abilities or other qualifications required for successful performance in the position;
 - (2) be specific enough to enable the rating of candidates according to their degree of qualifications;
 - (3) include only job-related criteria; agency-related experience may not be emphasized to the extent that it precludes from consideration otherwise well-qualified candidates from outside the Agency; and
 - (4) not include a minimum length of experience or education requirement beyond that authorized for similar positions in the General Schedule other than certification or licensure requirements.
- b. Executive and managerial qualifications will generally be covered by the Executive Core Qualifications (ECQs).
- c. OPM has established five (5) ECQs or qualifications that describe leadership skill areas common to most executive positions. Candidates are evaluated on these qualifications in addition to professional/technical qualifications.

- (1) **ECQ 1, Leading Change:** this core qualification measures the ability to bring about strategic change within and outside the organization to meet organizational goals. Inherent to this ECQ is the ability to establish an organizational vision and to implement it in a continuously changing environment;
- (2) **ECQ 2, Leading People:** this core qualification involves the ability to lead people toward meeting the organization's vision, mission and goals. Inherent to this ECQ is the ability to provide an inclusive workplace that fosters the development of others, facilitates cooperation and teamwork, and supports constructive resolution of conflicts;
- (3) **ECQ 3, Results Driven:** this core qualification involves the ability to meet organizational goals and customer expectations. Inherent to this ECQ is the ability to make decisions that produce high-quality results by applying technical knowledge, analyzing problems and calculating risks;
- (4) **ECQ 4, Business Acumen:** this core qualification involves the ability to acquire and manage human, financial and information resources strategically; and
- (5) **ECQ 5, Building Coalitions/Communication:** this core qualification involves the ability to build coalitions internally and with other Federal agencies, state and local governments, nonprofit and private sector organizations, foreign governments, or international organizations to achieve common goals.

10. COMPETITIVE STAFFING PROCEDURES.

- a. Career SES appointments may be made to either general or career reserved positions.
- b. Merit staffing procedures must be followed in making initial career appointments to the SES.
- c. When an SES position becomes vacant, the Office of Human Resources ensures that a current valid position description is prepared or updated and finalized and works with the Chairperson to determine options for filling the position and to develop a recruitment plan.
- d. The recruitment plan and supporting documents must be written and approved by the Chairperson prior to announcement of the vacancy.
- e. The recruitment plan must include the following:
 - (1) a current, approved and appropriately classified position description;
 - (2) a qualification standard with professional/technical qualifications, and Executive Core Qualifications (ECQs);
 - (3) proposed recruitment sources and the area of consideration;

- (4) a written crediting or rating plan by which candidates will be evaluated; and
- (5) a designation of a selection method, either accomplishment-based, resume-based or traditional.
 - i. Accomplishment-based Selection Method – a method of assessing applicants based on a resume and narratives addressing selected competencies underlying the Executive Core Qualifications and any technical qualifications.
 - ii. Resume-Based Selection Method – a method of evaluating applicants based on a resume on which they show possession of the ECQs and technical qualifications.
 - iii. Traditional Selection Method – a method of evaluating applicants based on a resume and narratives addressing the ECQs and any technical qualifications.

11. VACANCY ANNOUNCEMENTS.

- a. In accordance with 5 U.S.C. § 3393(a), the CSB will announce SES vacancies intended to be filled by initial career appointment to at least all civil service employees.
- b. In order to consider a broader, more diverse candidate pool, the Office of Human Resources may recommend advertising outside the Civil Service (i.e., all qualified candidates).
- c. Vacancy announcements must be published on USAJOBS (www.usajobs.gov), or the official government job posting system, and be open for a minimum period of 14 calendar days. Any request for extensions of the vacancy announcement must be made in writing and coordinated with the Office of Human Resources prior to the closing date of the announcement. No vacancy announcement will remain open for more than 60 days.
- d. All SES vacancy announcements will comply with requirements for publishing vacancies as prescribed in 5 C.F.R. §330.104 and must assess candidates on the Executive Core Qualifications (ECQs) and mandatory technical qualifications (MTQs).
- e. 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 5 C.F.R., Part 300, Subpart D. The Chairperson will 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 the crediting plan for the SES position have been approved. The firm 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.

12. QUALIFICATIONS REVIEW AND REFERRAL.

- a. All applications are reviewed (ideally within 10 business days) by the Office of Human Resources (OHR) to eliminate candidates who provide incomplete packages or who are determined to be “Not Qualified.”
- b. OHR may include borderline candidates to obtain the expert view of the ERB Rating Panel.
- c. The applications of all qualified candidates will be forwarded to the Executive Review Board (ERB) for rating and ranking. The qualified candidates will be sorted into three groups:
 - (1) Group I – Non-SES applicants, i.e., candidates who are not currently career SES employees or who do not have reinstatement eligibility into the career SES but who are seeking an initial appointment into the career SES.
 - (2) Group II – SES applicants, i.e., candidates who are currently career SES employees or applicants eligible for reinstatement into the career SES and who are applying for reassignment, transfer, or reinstatement into the career SES.
 - (3) Group III – SES Candidate Development Program applicants, i.e., candidates who were competitively selected for and who have successfully completed an approved SES Candidate Development Program and whose executive qualifications have been approved by the QRB convened by OPM.
- d. Once the candidates have been rated and ranked based on their executive and technical qualifications, the ERB makes a written recommendation to the Chairperson on candidates that are rated best qualified. The ERB also certifies that required merit staffing procedures have been followed in filling the position.
- e. The Chairperson determines how interviews of the best qualified candidates are conducted; he/she will use a panel of interviewers (including, but not limited to, Board Members), who each may participate on the panel.
- f. The interview process used must be consistently applied to all candidates being interviewed.
- g. After all interviews have been conducted, the Chairperson will make a tentative selection, and return all materials and documentation to the Office of Human Resources. If no selection is made, the agency will reissue a new vacancy announcement at a later date and repeat the competitive selection process.
- h. The tentative selectee will undergo a pre-employment background check (i.e., references) in accordance with Agency security procedures.

- i. For an initial career SES appointment, the ECQs of the tentative selectee must be approved by a Qualifications Review Board (QRB) convened by the Office of Personnel Management (OPM). OHR is responsible for assembling required documentation and submitting the package to OPM for review.
- j. Final employment offers cannot be made to the selectee until QRB approval is received.

13. EXCLUSIONS FROM COMPETITIVE STAFFING PROCEDURES.

- a. SES appointments may also be made through non-competitive actions including reassignments, appointments of certified graduates of an OPM-approved SES Candidate Development Program, details, transfers, or reinstatements.
 - (1) Career SES members may be reassigned to any SES position for which he/she is qualified. Non-career appointees may be reassigned at the pleasure of the appointing authority to any general position for which he/she is qualified. Limited emergency or limited term appointees may be reassigned to SES general positions in accordance with relevant OPM regulations.
 - (2) Graduates of an OPM-approved SES Candidate Development Program whose ECQs have been approved by a QRB may be appointed without further competition to any SES position for which qualified.
 - (3) SES members can be detailed within the agency or to another agency and to certain non-Federal organizations, international organizations, and foreign governments. Details do not affect the member's appointment, pay, or benefits.
 - i. SES members may be detailed to other SES positions or to non-SES positions, generally in increments of 120 days. This 120-day increment requirement does not apply to interagency details.
 - ii. Any SES employee or non-SES employee can be detailed to a general position. Only career and career-type SES employees can be detailed to Career Reserved positions. An SES non-career employee cannot be detailed to a competitive service position outside the SES.
 - iii. The CSB may not detail an SES member to unclassified duties for more than 240 days. For a longer detail, the agency must determine whether the duties are at the SES level and whether or not to establish an SES position.
 - iv. OPM approval is required for a detail of more than 240 days only if a non-SES employee is being detailed to an SES position that supervises other SES positions, or if an SES employee is being detailed to a position at GS-15 or below or an equivalent level.
 - (4) Career and non-career SES members may transfer to the CSB from another agency to an SES position for which he/she is qualified.

- (5) Within certain constraints, a former SES career executive may be reinstated to an SES position for which qualified without merit staffing procedures. An individual so reinstated becomes an SES career appointee if he/she completed an SES probationary period under his/her last career appointment or was exempted from that requirement and the separation from the last SES career appointment was not a removal for performance or for reasons resulting in an adverse action under 5 C.F.R. Part 752, Subpart F or a resignation in lieu of removal under these regulations.
- b. The CSB may make a non-career SES appointment only to an SES general position for which the appointee meets the qualifications. Non-career appointees serve at the pleasure of the Chairperson and can be removed at any time. Non-career appointment authorities must be requested from OPM on an individual case basis before any appointment is made.
 - c. Limited-term or limited emergency appointments may be made only to an SES general position for which the appointee meets the qualifications. With few exceptions, limited appointments are not used to staff permanent SES positions normally filled by career or non-career appointments. Authority for these appointments must be requested from OPM on an individual case basis before any appointment is made.

14. ADDITIONAL INFORMATION.

- a. New career appointees must serve a one-year probationary period. Successful completion of the probationary period confers non-competitive SES reinstatement eligibility.
- b. Individuals are entitled to obtain information on the process used to recruit and select candidates for career appointment to SES positions. Requests for information should be directed to the Office of Human Resources. Upon request, applicants must be told whether they qualified for the position and were referred for appointment consideration. They may have access to written material regarding their own qualifications, except for material that would identify a confidential source. The release of any additional information must be handled in accordance with the Freedom of Information (FOIA) and/or Privacy Acts.
- c. There is no right of appeal to OPM on SES staffing actions taken by ERBs, QRBs, or appointing authorities.

15. RECORDS.

- a. All records used as part of the SES staffing process (for qualifications, rating, and ranking purposes) will be kept as long as required under CSB records schedules, OPM, and other federal recordkeeping requirements.
- b. Documentation must be maintained to permit the reconstruction of each merit staffing action. The records will be retained by the Office of Human Resources.
- c. If a complaint or formal inquiry is filed, the files must be retained according to

procedures relevant to that action.

U.S. CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

October 24, 2001; Amended, January 31, 2002; Amended, March 14, 2002; Amended, April 3, 2002; Amended, April 24, 2002; Amended, December 10, 2017.

Appendix A
EXECUTIVE RESOURCES BOARD (ERB) CHARTER

AUTHORITY.

Each Federal agency is required by 5 U.S.C. §3393(b) to establish one or more Executive Resources Boards (ERB). By statute, the ERB must conduct the merit staffing process for career entry into the Senior Executive Service (SES).

RESPONSIBILITIES.

CSB Chairperson. The CSB Chairperson shall:

- a. appoint the members to the ERB for a specified term of service from among SES employees of the agency, commissioned officers of the uniformed services serving on active duty in the agency; or from other federal agencies;
- b. designate one member of the ERB to serve as ERB Chairman; and
- c. delegate to the ERB additional functions and authorities beyond the mandatory responsibilities in 5 U.S.C. § 3393(b) and 5 C.F.R. § 412.302, as deemed appropriate.

ERB Members. ERB members are required to conduct the merit staffing process for career appointments in the SES, by:

- a. reviewing the executive qualifications of each candidate for a position to be filled by a career appointee (5 U.S.C. § 3393(b)(1));
- b. making written recommendations to the appropriate appointing authority concerning such candidates (5 U.S.C. § 3393(b)(2));
- c. approving development plans for each candidate participating in the agency's SES candidate development program, should such a program exist within the agency. (5 C.F.R. § 412.302).

ERB Chairman. The ERB Chairman shall:

- a. oversee activities of the ERB, including, but not necessarily limited to the following:
 - o convene ERB meetings;
 - o establish the ERB agenda;
 - o serve as ERB point of contact with the CSB Chairperson, Office of Human Resources, the Office of Personnel Management, and others, as appropriate;
- b. certify ERB merit staffing actions;
- c. oversee additional duties or functions as assigned by the CSB Chairperson; and
- d. obtain administrative assistance through the Office of Human Resources as needed.

OPERATIONS.

- a. A quorum is required for ERB action. A quorum means the ERB Chairman plus two other ERB members.
- b. Consensus shall be the preferred decision-making process; however, in the absence of consensus, the ERB Chairman shall call for majority vote.
- c. The ERB may also establish such procedures as necessary to carry out its functions.