

SENIOR EXECUTIVE SERVICE

- 1. REASON FOR ISSUE:** To issue Department of Veterans Affairs (VA) policy regarding the Senior Executive Service.
- 2. SUMMARY OF CONTENT/MAJOR CHANGES:** This directive sets forth policies previously contained in numerous other issuances. No substantive changes have been made.
- 3. RESPONSIBLE OFFICE:** The Human Resources Management Programs and Policies Service (051), Office of the Deputy Assistant Secretary for Human Resources.
- 4. RELATED HANDBOOK:** VA Handbook 5027, "Senior Executive Service."
- 5. RESCISSIONS:** Refer to the Transmittal Sheet for VA Directive 5001, "General Introduction and Administration."

CERTIFIED BY:

/s/
John A. Gauss
Assistant Secretary for
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**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/
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SENIOR EXECUTIVE SERVICE

1. PURPOSE. This directive provides Department of Veterans Affairs (VA) policies related to the Senior Executive Service (SES). The procedures and operational requirements implementing these policies are found in VA Handbook 5027, Senior Executive Service.

2. POLICY

a. **SES Position.** Subject to the numerical limitation of SES positions allocated to VA and the exclusions set forth below, a position must be designated as an SES position when it is:

- (1) not specifically excepted by statute or by the President;
- (2) not required to be filled by a Presidential appointment by and with the advice and consent of the Senate;
- (3) classifiable above the GS-15 level of the General Schedule or an equivalent position;
- (4) not above Executive Level IV of the Executive Schedule; and
- (5) held by an individual who:
 - (a) directs the work of an organizational unit;
 - (b) is held accountable for the success of one or more specific programs or projects;
 - (c) monitors progress toward organizational goals and periodically evaluates and makes appropriate adjustments to such goals;
 - (d) supervises the work of employees other than personal assistants; or
 - (e) otherwise exercises important policy-making, policy-determining or other executive functions. (5 U.S.C. 3132(a)(2) and 5 CFR 214.201).

b. Exclusions

(1) Positions which meet the above criteria but whose incumbents are title 38 physicians or dentists, or appointed under authorities contained in 38 U.S.C., ch. 73 and 74 are excluded from the SES except for the following:

- (a) Performance Appraisal System (see part V).
- (b) Awards (see part VI).

(2) Members of the Board of Contract Appeals allocated by the Administrator for Federal Procurement Policy under Public Law 95-563 (Contract Disputes Act of 1978) are excluded from the SES.

- (3) Members, Board of Veterans' Appeals.

c. **Administration.** The SES shall be administered in a manner which is consistent with law, regulation and Department policy and which is responsive to the goals and objectives of the Department.

d. **Merit System Principles.** Senior Executives are subject to and protected by the merit system principles and prohibited personnel practices defined in 5 U.S.C. 2301 and 2302.

e. **General Employment.** The general employment policies set forth in VA Handbook 5005, Staffing, are applicable to employment actions involving SES positions unless modified by policies outlined in this directive, its accompanying handbook, or in applicable law or Office of Personnel Management (OPM) regulation.

f. **SES Boards.** In accordance with the requirements of 5 U.S.C. 3393(b) and 4314(c), this directive establishes three Executive Resources Boards (ERBs) and four Performance Review Boards (PRBs) to oversee and conduct various activities related to management of VA's executive human resources. The specific responsibilities of the ERBs and the PRBs are set forth in the accompanying handbook and in additional supplemental instructions issued by the Under Secretary for Health, Under Secretary for Benefits and Inspector General.

g. **SES Position Management.** The objective of VA's SES position management program is to support accomplishment of the Department mission through effective and efficient management of executive personnel resources. SES position management activities will be conducted in accordance with relevant law and regulations and without discrimination for reason of race, religion, color, sex, national origin, age, nondisqualifying physical or mental disability or lawful political affiliation. Actions proposed or approved under this directive are not subject to appeal or grievance.

h. Appointment, Reassignment, Transfer, Reinstatement, Detail, and Guaranteed Placement

(1) The objective of VA's SES staffing program is to support accomplishment of the Department's mission through the recruitment and placement of well qualified individuals for SES positions.

(2) Management retains the right to determine whether an SES position will be filled through the career appointment of an individual identified through merit competition or through a noncompetitive action such as noncareer appointment, reassignment, transfer, reinstatement, or appointment of a certified graduate of an SES Executive Development Program. Initiation of the merit staffing process does not limit this management right in any way.

NOTE: *Only career Senior Executives can be placed in SES career reserved positions.*

(3) SES staffing operations will be conducted in accordance with relevant laws and regulations and without discrimination for reason of age, sex, race, color, religion, national origin, marital status, non-disqualifying physical disability, or lawful political affiliation.

i. Recertification of Senior Executives

(1) SES career executives who have been continuously employed in the SES for 156 weeks preceding the end of the recertification period are subject to recertification. This period includes any service as an SES noncareer or limited appointee. It also includes service in any agency.

(a) If an individual is recertified in another agency and then transfers to VA during the calendar year, the individual is not subject to recertification in VA.

(b) If an individual transfers from another agency during the calendar year and no recertification decision was made in that agency, a recertification decision must be made in VA.

(2) One or more breaks in SES service of a total of 6 months or less do not interrupt the 156 weeks of continuous employment. A break is defined as a time period during which the SES career executive was not officially counted against the Department's SES position allocation.

(3) SES career executives who are on extended assignment or absence from their positions at the time of recertification are generally subject to recertification as long as they are officially occupying an SES position at the end of the recertification period as a career executive and meet the 156-week length of service requirement.

(4) This recertification plan does not apply to SES noncareer or limited appointees. Nor does it apply to former SES career appointees who accepted Presidential appointments at Executive Level V or higher with Senate confirmation and elected to retain SES benefits. These individuals can be removed from their positions at any time if they fail to meet the required standard of excellence.

j. Performance Appraisal System. The performance appraisal system for Senior Executives shall serve as a tool for executing basic management and supervisory responsibilities by:

(1) Communicating and clarifying organizational goals and objectives.

(2) Identifying individual accountability for the accomplishment of Department goals and objectives.

(3) Evaluating and improving individual and organizational accomplishments.

(4) Providing a basis for SES performance awards and other personnel actions including pay adjustments, executive development, reassignments, reduction-in-force and removals.

k. Awards. VA will encourage and reward excellence in performance by granting appropriate awards to deserving executives. The factor used to identify award recipients will be performance. This encompasses individual performance achievements as well as the executive's contribution to accomplishment of organizational and Department goals and objectives.

l. Executive Development. VA will provide, within the constraints established by available resources, appropriate developmental opportunities for VA executives and individuals competitively selected as candidates for executive positions within VA. Such opportunities will be provided to ensure the effectiveness of, and to meet the replacement needs for, VA's executive personnel resources. Also, such opportunities will be provided without regard for race, color, age, religion, sex, national origin, disability, lawful political affiliation, or other non-job-related factors and will reflect VA's earnest

commitment to promote equal employment opportunity and to build a diverse executive corps that reflects the diversity of the labor force.

m. **Reduction in Force (RIF) and Furlough.** Before initiating RIF procedures, VA will make a concerted effort to reassign employees who occupy surplus positions to appropriate vacant SES positions or facilitate other appropriate actions, such as transfer to other agencies or voluntary changes to non-SES positions. If a RIF becomes necessary, all executives shall be accorded fair and equitable treatment, consistent with applicable laws and policies.

n. **Records**

(1) Except for merit staffing records maintained for the Departmental ERBs, the Office of Human Resources Management (OHRM) maintains Department records on SES actions and Employee Performance Folders for all executives. All actions involving SES positions and appointees which require the Secretary's approval, the Inspector General's approval, or submission to OPM for approval or information must be submitted through the OHRM.

(2) The respective ERBs will maintain merit staffing records for positions under the purview of the Veterans Health Administration or Veterans Benefit Administration.

3. RESPONSIBILITIES

a. The Secretary of Veterans Affairs or designee shall determine the allocation of SES positions among all VA organizational elements. Unless specifically modified in subsequent issuances, the Secretary retains prior approval authority for all actions involving SES positions and their incumbents.

b. The Inspector General is the approval authority for all career appointments to SES positions established by the Secretary within the Office of the Inspector General and for other actions specified in this directive and accompanying handbook.

c. Administration Heads, Assistant Secretaries, and Key Officials who report directly to the Secretary or Deputy Secretary shall monitor the SES position requirements for their organizations and make recommendations as appropriate.

d. The Deputy Assistant Secretary for Human Resources Management shall provide technical advice and assistance on SES matters, monitor SES activities, submit required OPM reports on SES actions, and assure that notice of the names of PRB members is published in the Federal Register before recommendations are made on SES performance appraisals and awards.

e. Additional responsibilities are specified in individual parts of the accompanying handbook.

4. REFERENCES

a. 5 United States Code (U.S.C.), chapter 21, chapter 23, subchapter II of chapter 31 and subchapter II of chapter 43.

b. 5 Code of Federal Regulations (CFR), parts 214 and 317.

c. Specific references are noted in the individual parts of the accompanying handbook.

5. DEFINITIONS

a. **Senior Executive Service (SES).** The SES is a separate service, distinct from the competitive service, the excepted service and the personnel systems established under chapters 73 and 74 of title 38 U.S.C. for certain employees in the Veterans Health Administration. Individuals in the SES are covered by a personnel management system applicable to SES positions as described in para. 2a. (5 U.S.C. 2101a, 2102(a)(1)(C), 2103(a))

b. **Senior Executive.** An individual appointed to the SES under a career, noncareer, limited term or limited emergency appointment.