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ADS Chapter 423

Senior Executive Service

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ADS 423 – Senior Executive Service

POC for ADS 423: Lena Travers, (202) 712-1234; hr-helpdesk@usaid.gov

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423.1 OVERVIEW

Effective Date: 07/17/2020

This chapter provides the policies and essential procedures that govern the Senior Executive Service (SES), assigning roles and responsibilities of personnel and USAID Operating Units, and detailing procedures to establish and eliminate positions, recruit, pay, move, appraise, train, and remove personnel from SES positions at the U.S. Agency for International Development (USAID).

The goal of the SES system at USAID is to ensure that executive management at the headquarters level is responsive to the needs and goals of U.S. foreign assistance and effectively directs the administrative, legislative, and policy-making systems that support this initiative. The objective is to maintain executive resources in a manner that allows the SES cadre at USAID to achieve their full potential in an environment characterized by both equity and consistency in all personnel management decisions affecting the SES.

These policies apply to all USAID SES members, except SES members in the Office of the Inspector General (OIG).

423.2 PRIMARY RESPONSIBILITIES

Effective Date: 07/17/2020

- a.** The **Administrator**, or his or her designee, serves as the Appointing Authority for the SES. The Appointing Authority is responsible for:
- 1) Establishing SES positions within the numerical position authorization and appointment authority quotas allocated by the Office of Personnel Management (OPM);
 - 2) Establishing qualifications standards for SES positions;
 - 3) Approving Executive Resources Board (ERB) membership;
 - 4) Approving all career appointments, reassignments and details of USAID's SES members;
 - 5) Approving Performance Review Board (PRB) membership;
 - 6) Approving annual summary ratings, bonuses, and pay adjustments based on each executive's performance, and PRB recommendations;
 - 7) Approving sabbaticals for SES members;
 - 8) Establishing policies for setting and adjusting pay, and granting awards for SES members;

9) Ensuring SES members' performance-based pay and award actions demonstrate appropriate differentiation based upon performance ratings; and

10) Approving the following pay actions:

- Those that result in a rate of basic pay above the rate of Level III of the Executive Schedule;
- Those that result in a rate of basic pay more than 10 percent above the SES member's rate of basic pay in effect on the last day of the preceding fiscal year;
- Reinstatement after a break in SES service of 30 days or less; and
- Off-cycle pay adjustments.

b. The **Executive Resources Board (ERB)** is appointed by the Administrator and is responsible for:

- 1) Overseeing the merit staffing process for initial SES career appointments;
- 2) Reviewing internal requests for reassignments or rotation assignments and making recommendations to the Administrator;
- 3) Endorsing the final SES selection recommendation submitted to the Administrator for approval; and
- 4) Overseeing the development and certification of Presidential Management Fellowship (PMF) graduates (as described in [ADS 460, Pathways Program](#)).

c. The **Qualifications Review Board (QRB)** is an independent U.S. Office of Personnel Management (OPM)-administered board of senior executives. The QRB is responsible for assessing the executive qualifications of individuals selected for initial career appointment to the SES and determining whether an SES candidate possesses sufficient breadth and depth of executive/management qualifications to assume a variety of SES assignments within appropriate occupational and functional areas at the executive level. The QRB must certify that these qualifications are met before initial appointment may be made to an SES position.

d. The **Performance Review Board (PRB)** is appointed by the Administrator and is responsible for:

- 1) Reviewing SES performance plans at the beginning of the appraisal period;

- 2) Providing written recommendations to the Appointing Authority for rated executives concerning summary ratings, performance-based awards, performance-based pay adjustments, and nominations for Presidential Rank Awards; and
 - 3) Evaluating USAID's SES performance appraisal system and providing written recommendations when changes are warranted.
- e. The **Chief Human Capital Officer (CHCO)** in the Office of Human Capital and Talent Management (HCTM) is responsible for:
- 1) Approving pay actions that do not require Appointing Authority approval;
 - 2) Recommending initial, reinstatement, transfer, and reassignment pay setting amounts to the Appointing Authority when necessary;
 - 3) Serving as the Oversight Official and administering USAID's SES performance management system;
 - 4) Overseeing the Agency's performance-based pay system and providing the certifications described in [5 CFR §430 Subpart C – Managing Senior Executive Performance](#), for the performance appraisal and pay system; and
 - 5) Submitting performance appraisal system reports and system certification requests to OPM.
- f. The **Office of Human Capital and Talent Management, Center for Performance Excellence, Executive Resources Division (HCTM/CPE/ER)** is responsible for:
- 1) Developing Agency policy directives and required procedures related to the SES in compliance with Merit System Principles (MSP);
 - 2) Evaluating and administering all SES programs;
 - 3) Developing pay recommendations;
 - 4) Maintaining records and documentation related to the SES;
 - 5) Conducting the merit staffing process, including recruitment for initial SES career appointments;
 - 6) Facilitating all SES reassignments, details, transfers, rotations, and reinstatements;

- 7) Developing and executing administrative controls regarding compliance with statute and regulations, agency policy, limitations on the maximum rate of pay, and aggregate limitation on pay;
- 8) Developing annual compensation guidance for adjusting SES rates of basic pay in coordination with the Bureau for Management's Office of Management Policy, Budget, and Performance (M/MPBP) and preparing an annual Performance Management Pay Administration Plan;
- 9) Providing training and guidance on the performance management, pay, and award processes, and requirements contained in law, regulations, policies, and procedures to executives and their rating officials; proper preparation and completion of SES performance plans;
- 10) Coordinating and disseminating information on organizational performance and results;
- 11) Issuing performance guidance;
- 12) Communicating annual results of the SES performance system to SES members; and
- 13) Preparing annual performance appraisal system reports and system certification requests for submission to OPM.

g. The **Bureau for Management, Office of Management Policy, Budget, and Performance (M/MPBP)** is responsible for collaborating with HCTM/CPE/ER to provide a summary of organizational performance measures and results for executive, rating official, and PRB consideration; and collaborating with the HCTM/CPE/ER staff to recommend the level of funding for the Annual Performance Management and Pay Administration Plan.

h. Bureaus and Independent Offices (B/IOs) are responsible for:

- 1) Submitting all required recruitment and staffing documents to HCTM/CPE/ER;
- 2) Identifying the Subject Matter Expert (SME) to serve on the Rate and Rank Panel;
- 3) Convening the Interview Panel to interview all, some, or none of the candidates referred by the Rate and Rank Panel;
- 4) Reporting the members of Interview Panels to HCTM/CPE/ER following diversity guidelines; and

- 5) Following merit staffing procedures as defined by this ADS Chapter and rules, regulations, and statutes governing the administration of the Agency's SES system.

i. **Senior Executive Service (SES)** members are responsible for completing their required sections of the Executive Performance Agreements, ensuring that they complete required sections by established deadlines, and verifying that the information contained in their Employee Data Record and Electronic Official Personnel Folder (eOPF) is accurate and current.

j. The **Office of General Counsel Ethics and Administration Division (GC/EA)** provides legal advice on all aspects of this chapter.

423.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

423.3.1 Establishing SES Positions

Effective Date: 07/17/2020

USAID must determine which of its positions are to be established in the SES and must ensure that such positions are administered consistent with Title 5 Sub-Chapter II of the U.S. Code, the guiding principles of the SES enumerated in [5 U.S.C. 3131](#), and OPM guidance. The Administrator establishes SES positions within the numeric position authorization and appointment authority quotas allocated by OPM and determines the qualification standards for these positions.

423.3.1.1 Classifying SES Positions

Effective Date: 07/17/2020

- a. **Grade Level Criteria** - To be classified as an SES position, a position must be classifiable above GS-15 or equivalent, based on the duties, responsibilities, and qualifications required by the job.
- b. **Functional Criteria** - A position meets the SES functional criteria if its incumbent engages in the following activities:
 - 1) Directs the work of an organizational unit;
 - 2) Is held accountable for the success of one or more specific programs or projects;
 - 3) Monitors progress toward organizational goals and periodically evaluates and makes appropriate adjustments to such goals;
 - 4) Supervises the work of employees (other than personal assistants); or

- 5) Otherwise exercises important policy-making, policy-determining, or other executive functions.

For additional guidance on classifying SES positions, see [ADS Chapter 456, Personnel Operations: Position Classification](#).

423.3.1.2 Types of Positions

Effective Date: 07/17/2020

SES positions are designated as Career Reserved or General (see [5 U.S.C. 3132](#)).

- a. Career Reserved – A position is designated as Career Reserved if it must be filled by a career appointee to ensure the impartiality, or the public’s confidence in the impartiality, of the government. USAID must follow the criteria established in [5 CFR 214](#) to determine whether a position must be designated as Career Reserved. Once a position has been designated as Career Reserved, it may not be changed without OPM approval.
- b. General – Any SES position that does not meet the criteria for Career Reserved designation is a General Position, which may be filled at any time by a career, noncareer or limited-term appointee.

423.3.1.3 Types of Appointments

Effective Date: 07/17/2020

There are four types of appointing authorities for the SES.

- a. Career SES Appointment is made without time limitation and may be made to either a Career Reserved or a General position. An initial career appointment must meet the competitive SES merit staffing provisions of [5 U.S.C. 3393](#).
- b. Noncareer SES Appointment is made without time limitation, but the appointee serves at the pleasure of the Administrator. Noncareer appointments are made to General positions only. Noncareer appointees must meet the qualifications of the position and be approved by OPM. Noncareer appointments do not require merit staffing procedures. Competitive procedures are not required, but the Appointing Authority must determine in writing that the appointee meets the qualification requirements for the position (see [5 U.S.C. 3131 et. seq](#)).
- c. Limited-Term SES Appointment is a nonrenewable appointment for a term of three years or less, with duties that expire at the end of the term. See [5 U.S.C. 3132](#). A Limited-Term SES appointee does not have career tenure and serves at the pleasure of the Appointing Authority. Competitive procedures are not required, but the Appointing Authority must determine in writing that the appointee meets the qualification requirements for the position.

- d. Limited Emergency Appointment is a nonrenewable appointment, not to exceed 18 months, to an SES position established to meet a bona fide, unanticipated, urgent need, as defined in [5 U.S.C. 3132](#). A Limited Emergency SES appointee does not have career tenure and serves at the pleasure of the Appointing Authority unless the appointee is covered by 5 C.F.R. 752.601(c)(2). Competitive procedures are not required, but the Appointing Authority must determine in writing that the appointee meets the qualification requirements for the position.

423.3.2 Biennial Review

Effective Date: 07/17/2020

USAID is required to examine its SES position needs each even-numbered calendar year and submit to OPM a written request for a specific number of SES position allocations for each of the two successive fiscal years. USAID will comply with procedures as set forth by OPM when submitting its Biennial Request.

- a. Minimum Career SES Allocation - The Agency must ensure that at least 75 percent of its SES positions are filled by career SES appointees.
- b. Minimum Career Reserved Allocations - The Agency must maintain a minimum number, or floor, of Career Reserved positions, as allocated by OPM. The Agency may cancel Career Reserved positions and establish new ones without OPM approval, as long as the Agency's numerical floor is maintained. Changes to the floor must be approved by OPM. This is based on the rule-making process required by [5 U.S.C. 3133](#), which directs OPM to maintain a minimum number of SES Career Reserved positions government-wide.
- c. Noncareer Allocations -
 - 1) HCTM must consult with OPM before establishing a new noncareer SES position.
 - 2) Under [5 U.S.C. 3134](#), the number of SES positions filled by noncareer appointees must not exceed 25 percent of the Agency's SES position allocation. The total number of SES noncareer authorities may not exceed 10 percent of the government-wide SES position allocation.
 - 3) An SES noncareer allocation is valid only for the individual and position for which it is approved. If the Agency wants to reassign the individual to another position, or to place another noncareer appointee in the position, it must submit a new request to OPM.
 - 4) The President may also impose a limit on noncareer allocations.

423.3.3 Executive Resources Board

Effective Date: 07/17/2020

The Administrator appoints ERB members to oversee merit staffing procedures for career entry into the SES, and designates an ERB Chair. Current ERB members make new member recommendations to the Administrator. The majority of ERB members must be career SES members. The ERB should be diverse in regards to gender, race, national origin, and organization.

423.3.4 Merit Staffing Plan

Effective Date: 07/17/2020

In accordance with applicable laws, regulations, and OPM guidance, USAID's merit staffing program for initial SES career appointments must ensure that competition be fair and open, that all candidates compete and be rated and ranked on the same basis, and that selections be based solely on qualifications. This SES Merit Staffing Plan covers all initial career appointments to the SES, reassignments, transfers, details, and reinstatements.

423.3.5 Recruitment Process

Effective Date: 07/17/2020

- a. USAID uses the Traditional Recruitment Process to competitively fill SES vacancies, which requires applicants to submit a resume and narratives addressing the executive core qualifications (ECQs) and technical qualifications (TQs). Applicants who are current or reinstatement eligible SES and/or graduates of an OPM-approved Candidate Development Program (CDP) are not required to submit ECQ narratives; however, they must submit evidence of QRB certification (*e.g.*, SF-50 showing career appointment to the SES, CDP certificate) and TQ narratives. Applications that do not include all required documents are deemed incomplete and will not be considered further.
- b. Noncompetitive applicants are rated and ranked using the same criteria as competitive applicants. Because they are already QRB certified, they are not required to submit ECQs with their applications.

423.3.5.1 Establishing Qualifications Standards and Requirements

Effective Date: 07/17/2020

- a. The Administrator is responsible for establishing Qualifications Standards for SES positions.
- b. Qualification Standards must be in writing and established for a position before any appointment is made to the position. If a position is being filled competitively, the standard must be established before the position is announced.

- c. The standards must identify the breadth and depth of the professional/technical and executive/managerial knowledge, skills, and abilities that are essential and desirable for successful performance. All mandatory qualifications must be met for a candidate to be eligible for the position.
- d. In consultation with the B/IO, HCTM/CPE/ER prepares the Qualification Standards and Crediting Plan for approval by the hiring manager. The Qualifications Standards and Crediting Plan comprise the five ECQs, as defined by OPM, and two to three mandatory TQs. The B/IO develops the technical qualifications along with evaluation criteria and numerical scores (*i.e.*, Highly Qualified (HQ), Qualified (Q), Minimally Qualified (MQ) or Not Qualified (NQ)) for ranking applicants.
- e. The Qualification Standards and Crediting Plan must be approved and signed by the hiring manager before the vacancy is announced.
- f. If a Qualifications Standard has changed, or a position is cancelled, the former standard must be maintained for two years from the date the selectee is appointed or the vacancy is closed without making a selection.

423.3.5.2 Posting a Career Competitive Vacancy Announcement

Effective Date: 07/17/2020

- a. To initiate a recruitment action, the B/IO must submit to HCTM/CPE/ER:
 - 1) A classified position description,
 - 2) SF-52, Request for Personnel Action,
 - 3) Two to three mandatory TQs with evaluation criteria for each; and
 - 4) A Request to Recruit document.
- b. In consultation with the B/IO, HCTM/CPE/ER finalizes the Qualifications Standards and Crediting Plan (see Establishing Qualifications Standards and Requirements).
- c. HCTM/CPE/ER drafts the vacancy announcement using input from the position description and Qualification Standards and Crediting Plan.
- d. For career appointments, the area of consideration may be all groups of qualified individuals, or all groups of qualified individuals in the civil service.
- e. HCTM/CPE/ER posts the vacancy announcement for a minimum of 14 days on OPM's [USAJobs.gov](https://www.usajobs.gov). In no case will a vacancy close on a weekend or Federal holiday. All application materials must be received by HCTM/CPE/ER before the vacancy closes to be considered. The closing date may be extended upon request by the B/IO.

- f. With input from the B/IO, HCTM/CPE/ER engages HCTM's Center for External Outreach and Strategic Recruitment (HCTM/XOSR) to develop a Targeted Recruitment Plan and post the announcement to sites identified in the plan.

423.3.5.3 Minimum Qualifications Review

Effective Date: 07/17/2020

- a. HCTM/CPE/ER is responsible for conducting the initial minimum qualifications review of all applicants using the Qualifications Standard and Crediting Plan.
- b. Minimum qualifications review results are documented and retained as part of the recruitment case file.
- c. Applicants meeting minimum qualifications are referred to the Rate and Rank Panel for further evaluation.
- d. If six or fewer applicants meet minimum qualifications, HCTM/CPE/ER may convene the Rate and Rank Panel or submit the applicants directly to the B/IO for possible interview.

423.3.5.4 Rate and Rank Panel

Effective Date: 07/17/2020

- a. The Rate and Rank Panel is composed of two ERB members and one subject matter expert (SME) identified by the B/IO. At least one member of the panel must be a career SES and all must be SES equivalent. As much as possible, the panel should be diverse in terms of skill, background, and experience, in addition to gender, race and national origin. HCTM/CPE/ER engages the ERB to identify which members will serve in it.
- b. HCTM/CPE/ER schedules and facilitates the Rate and Rank Panel. HCTM/CPE/ER also prepares all panel material for the members, which includes:
 - 1) Applications of candidates meeting minimum qualifications (resumes and narratives addressing ECQs and TQs).
 - 2) Qualifications Standards and Crediting Plan.
 - 3) ERB Qualification Analysis, a document that includes instructions for reviewing and rating the applicants and Individual Candidate Qualification Assessment Sheet.
 - 4) Position Description.
 - 5) Vacancy Announcement.

- 6) Rate and Rank Panel Spreadsheet, a document customized for each recruitment action where all of the applicants' scores are recorded to become an official document for the recruitment case file. The spreadsheet is formatted so that all of the scores when added together provide a final rating score.
- c. When possible, HCTM/CPE/ER distributes the panel material two weeks before the scheduled meeting to allow panel members adequate time to conduct a thorough review of each application.
- d. Before the meeting, panel members review each of the applications, using the Qualifications Analysis and Crediting Plan and the ERB Qualification Analysis Instruction Sheet, and record their numerical scores on the Individual Candidate Qualification Assessment Sheets (one per applicant) for each ECQ and TQ for Competitive applicants and each TQ for Noncompetitive applicants. The panel members record their scores in the Rate and Rank Panel Spreadsheet before the scheduled meeting.
- e. During the Rate and Rank Panel meeting, the panel members convene as a group to rank each applicant as highly qualified (HQ), qualified (Q), minimally qualified (MQ), or not qualified (NQ) based on their review, discussion, and final rating scores, which are recorded on the Rate and Rank Panel Spreadsheet. The final rating score falls within one of the ranges for HQ, Q, MQ or NQ for Competitive or Noncompetitive applicants. Panel members do not have to reach consensus on the scores for each ECQ and TQ. However, they do have to reach consensus on each applicant's final ranking.
- f. The Rate and Rank Panel Spreadsheet is retained as part of the recruitment case file.

423.3.5.5 Certificate of Candidates

Effective Date: 07/17/2020

- a. At the conclusion of the Rate and Rank Panel, HCTM/CPE/ER generates a Certificate of Candidates. Each panel member must concur in writing with the final certificate before HCTM/CPE/ER submits it to the B/IO and/or Interview Panel.
 - 1) HQ candidates are automatically referred for possible interviews.
 - 2) Q candidates may be referred if there are fewer than three HQ candidates or if the Interview Panel submits a written request to HCTM/CPE/ER to review the Q candidates. In this case, Q candidates are only referred if all of the HQ candidates have been interviewed.
 - 3) MQ and NQ candidates are not referred for further consideration.

- 4) Noncompetitive candidates are referred to on the certificate based on the same criteria, but in a Noncompetitive section.
 - 5) All referred candidates are listed in alphabetical order in the appropriate section of the certificate.
- b. HCTM/CPE/ER submits the Certificate of Candidates, along with the referred candidates' applications, to the Interview Panel for possible Interview.

423.3.5.6 Interview Panel

Effective Date: 07/17/2020

- a. The Interview Panel is composed of three to four members proposed by the B/IO. At least one member of the panel must be a career SES and all must be SES equivalent. The panel should be diverse in terms of skill, background, and experience, in addition to gender, race and national origin, and should include at least one member outside of the hiring B/IO. The panel may also can include SES representation external to USAID.
- b. The B/IO must submit the names of the proposed panel members to HCTM/CPE/ER to ensure the panel composition criteria is satisfied, prior to convening the Interview Panel.
- c. When identifying panel members, the B/IO must ensure that all members will be available to participate in all of the interviews. If a panel member is unexpectedly unable to complete all interviews, his or her input will not be considered when evaluating all candidates for the final selection recommendation.
- d. The Interview Panel may choose to interview all, some or none of the candidates referred on the Certificate of Candidates. However, it is strongly recommended that all referred candidates be interviewed.
- e. The Interview Panel is responsible for scheduling the interviews and preparing interview questions. HCTM/CPE/ER is available to provide behavioral-based structured interview questions based on the ECQs and TQs and a pre-brief, upon request by the Interview Panel.
- f. Prior to the first interview, the panel designates a Chair and determines the methodology for conducting the interviews and reaching consensus. All interviews must be conducted using the same format, questions, and approach.
- g. Upon conclusion of the interviews, the Chair prepares the Selection Recommendation Memorandum with primary and alternate selections. The Interview Panel submits the memo with all required attachments for ERB review and concurrence through HCTM/CPE/ER. The required attachments include candidate

application packages, interview questions, completed Certificate of Candidates, and reference check summary.

- h. The Interview Panel is responsible for conducting reference checks.

423.3.5.7 Executive Resources Board

Effective Date: 07/17/2020

- a. Upon receipt of the Selection Recommendation Memorandum, the ERB reviews the candidates and either concurs with the Interview Panel's recommendations or returns the package for additional information or clarification.
- b. Once a majority of ERB members concur with the selection recommendation(s), the ERB prepares the Selection Recommendation Memorandum for Administrator Approval. HCTM/CPE/ER routes the recommendation memo to ES in accordance with appropriate procedures.

423.3.5.8 Selection

Effective Date: 07/17/2020

- a. Per [ADS Chapter 103, Delegations of Authority](#), the Administrator approves all SES appointments.
- b. Upon receipt of the approved Selection Recommendation Memorandum, HCTM/CPE/ER:
 - 1) Notifies the B/IO of the approval;
 - 2) Notifies the selectee of his or her selection and requests salary documentation if he or she is not a USAID employee;
 - 3) Submits a pay-setting proposal to the B/IO for concurrence;
 - 4) Drafts a Pay-Setting Recommendation Action Memorandum for CHCO or, depending on the SES position, Administrator approval;
 - 5) Issues a tentative job offer to the selectee; and
 - 6) Initiates the security process.

423.3.5.9 Executive Core Qualifications Submission

Effective Date: 07/17/2020

- a. If the selectee's ECQs require QRB certification, HCTM/CPE/ER works with the selectee to finalize his or her package for submission.

- b.** ECQs must be submitted to OPM no later than 90 business days from the closing date of the vacancy announcement, unless USAID is under a QRB moratorium.
- c.** QRB Moratorium:
 - 1)** OPM imposes a QRB moratorium when an agency head leaves, announces his or her intention to leave, or the President nominates a new agency head.
 - 2)** OPM may also suspend processing QRB cases during a Presidential transition period.
 - 3)** During a QRB moratorium:
 - OPM will not accept agency submissions of new QRB cases; and
 - OPM suspends the usual 90-day deadline for agency submissions of QRB cases.
 - 4)** USAID can continue conducting SES merit staffing actions during a moratorium up to the point of submission of the selected candidate for QRB review and certification.
 - 5)** The acting Agency head may request an exception to a QRB moratorium for a specific position based upon critical need.
 - 6)** Resumption of QRB Case Processing:
 - After a new Agency head has been appointed, HCTM/CPE/ER verifies that the Agency head wants to resume QRB case processing and submits a request to OPM.
 - The 90-day deadline resumes after OPM acknowledges receipt of USAID's request to resume QRB case processing.
- d.** If the appropriate deadline for submitting a QRB case for review is not met, the vacancy announcement may be cancelled.
- e.** In accordance with OPM procedures, HCTM/CPE/ER submits the ECQ package to OPM, certifying that the selectee was selected from among the best qualified candidates referred to the selecting official, that the selectee's qualifications were evaluated by the ERB against the established qualification standards, and that merit staffing principles were followed throughout the recruitment process.
- f.** Once the selectee's ECQs have been certified by OPM's QRB and the selectee clears security, HCTM/CPE/ER initiates the onboarding process.

423.3.5.10 Onboarding

Effective Date: 07/17/2020

- a. HCTM/CPE/ER negotiates the entrance on duty (EOD) date with the B/IO and selectee.
 - 1) For current Federal employees, the EOD will be on the first day of the pay period.
 - 2) For new Federal employees, the EOD will be on the first business day of the pay period.
- b. Once the EOD date has been finalized, HCTM/CPE/ER issues a Final Appointment Letter and registers the selectee for New Employee Orientation (NEO).
- c. All new USAID employees are required to attend NEO.

423.3.5.11 SES Merit Staffing Case File

Effective Date: 07/17/2020

- a. HCTM/CPE/ER is responsible for maintaining all digital SES Merit Staffing Case files for a period of two years after the appointment of the selectee, cancellation of the vacancy, or OPM audit.
- b. Rate and Rank and Interview Panel Members must also keep any panel notes for a period of two years after the appointment of the selectee, cancellation of the vacancy, or OPM audit.

423.3.5.12 Probationary Period

Effective Date: 07/17/2020

- a. The appointee's initial appointment as a career SES becomes final only after a one-year probationary period. To successfully complete the probationary period, the appointee's performance must be assessed during the probationary period and the Appointing Authority, or designee, must certify that the appointee has performed at the level of excellence expected of a senior executive during the probationary period.
- b. If the appointee does not successfully complete the one-year probationary period, he or she may be removed from the SES.
 - 1) Probationers who, at the time of appointment to the SES, held a career or career-conditional appointment, or an appointment of equivalent tenure as defined in [5 CFR 359](#), are entitled to guaranteed placement at the GS-15 level or above (e.g., senior level) upon removal from the SES.

- 2) Probationers who are not entitled to guaranteed placement are separated from Federal service.
- c. The probationary period begins on the effective date of the SES career appointment and ends one calendar year later. If the last day of the probationary period falls on a non-workday, the appointee is considered to have completed probation at the end of his or her last tour of duty within the probationary period.
- d. To document the completion of the probationary period,
 - 1) At least 45 days prior to the last day of the probationary period, HCTM/CPE/ER sends an SES Probationary Period Recommendation document to the probationer's immediate supervisor and B/IO head for completion.
 - 2) Upon receipt of the completed SES Probationary Period Recommendation, HCTM sends an action memorandum to the Administrator for approval, which includes the recommendation from the probationer's immediate supervisor and B/IO head, recommending certification that the probationer has successfully completed his or her probationary period.
 - 3) Upon approval by the Administrator, HCTM/CPE/ER notifies the probationer of his or her successful completion of the probationary period.
- e. The following conditions apply to credit service towards completing the probationary period:
 - 1) Time on leave with pay while in an SES position is credited. Earned leave for which the employee is compensated by lump-sum payment on separation is not credited.
 - 2) Time in a non-pay status (e.g., Leave Without Pay and furlough) while in an SES position is credited up to a total of 30 calendar days (or 22 workdays). After 30 calendar days, the probationary period is extended by adding time equal to that served in a non-pay status. For example, if the individual is absent for 50 calendar days, the probationary period is extended by 20 calendar days.
 - 3) Time following transfer to an SES position in another agency is credited. Credit is given for time served during a probationary period prior to transfer.
 - 4) Time absent on military duty or due to compensable injury is credited upon restoration to the SES when no other break in SES service has occurred.
- f. If the appointee resigns or is removed from the SES before completing the probationary period, he or she must undergo a new merit staffing competition to be

reappointed to the SES. However, the employee is not required to be recertified by a QRB unless removed for performance or disciplinary reasons.

- g.** An appointee who separates from the SES during the probationary period and is out of the SES more than 30 calendar days must serve a new one-year probationary period upon reappointment and may not credit previous time served in a probationary period towards completion of the new probationary period. In the following situations, however, the individual is only required to complete the remainder of the previously served probationary period:
- 1)** The appointee left the SES without a break in service for a Presidential appointment and is exercising reinstatement rights and following the procedures outlined by [5 U.S.C. 3593](#) and [5 CFR 317](#).
 - 2)** The appointee left the SES without a break in service for other civilian employment that provides a statutory or regulatory reemployment right to the SES (*e.g.*, service with an international organization) when no other break in service has occurred.
 - 3)** The break in SES service was the result of military duty or compensable injury, and the time credited was not sufficient to complete the probationary period (see previous section on crediting service towards completing a probationary period).
- h.** An appointee may not be removed from the SES during his or her probationary period, if that period falls within 120 days of the start a new Presidential Administration, the appointment of a new USAID Administrator, or the appointment of an immediate supervisor who is a noncareer appointee and has the authority to make an initial appraisal of the career appointee's performance. If the appointee completes the probationary period while the restriction is in force, removal when the restriction ends must be affected under procedures that apply to post-probationers. There is no provision for extending the probationary period.

423.3.6 Other Staffing Actions

423.3.6.1 Reassignments

Effective Date: 07/17/2020

- a.** A career appointee may be reassigned to any SES position within USAID for which he or she is qualified.
- b.** A limited term or noncareer appointee may be reassigned to any SES position within USAID for which he or she is qualified. White House and OPM approval is required for all noncareer SES reassignments.

- c. There is no prohibition on reassigning a career appointee during the probationary period.
- d. All reassignments must be coordinated with HCTM/CPE/ER and approved by the Administrator.
 - 1) Upon notification that a career SES will be reassigned, an action memorandum is submitted to the Administrator for approval. At a minimum, the action memo must include the position description and resume of the SES to be reassigned.
 - 2) Once the reassignment is approved by the Administrator, the career appointee is provided with a written notice of the reassignment at least 15 calendar days before the effective date. The appointee may voluntarily waive the 15-day notification in writing, which must be retained as a temporary record in the employee's Official Personnel Folder.
 - 3) If the appointee waives the 15-day notification, the effective date of the reassignment will be the first day of the pay period following the date of the Administrator's approval.
 - 4) If the appointee does not waive the 15-day notifications, the effective date of the reassignment will be the first day of the pay period after the 15-day notification period.
- e. If a career appointee fails to accept a reassignment, he or she will be subject to removal under adverse action procedures.
- f. A career appointee must not be reassigned within 120 days after the appointment of a new USAID Administrator, or the appointment of an immediate supervisor who is a noncareer appointee and has the authority to make an initial appraisal of the appointee's performance. If the career appointee is serving on a detail or other temporary assignment separate from his or her regular position, up to 60 days may not be counted when calculating the 120-day moratorium.
 - 1) Along with the 15-day notification, HCTM/CPE/ER advises the career appointee in writing of the 120-day moratorium and his or her option to voluntarily waive the moratorium in writing, which must be retained as a temporary record in the appointee's Official Personnel Folder.
 - 2) If the appointee waives the 120-day moratorium, the effective date of the reassignment will be the first day of the pay period following the signing of the waiver.

- 3) If the appointee does not waive the 120-day moratorium, the effective date of the reassignment will be the first day of the pay period following the 120th day of the new Administrator's or noncareer supervisor's appointment.
- g. The 15-day advance notice for a reassignment may run concurrently with the 120-day moratorium. However, if the advance notice is issued after the moratorium begins, the reassignment may not be made effective until the moratorium ends.
- h. The restrictions on reassigning a career SES do not apply to adverse or disciplinary actions initiated prior to the appointment of a new Administrator or noncareer supervisor or to reassignments required because the career SES received an unsatisfactory performance rating under [5 U.S.C. 4314](#).

423.3.6.2 Transfers

Effective Date: 07/17/2020

- a. A career appointee may be transferred only with the consent of the appointee and the gaining agency, except where there is a transfer of function between agencies.
- b. Transfers may be noncompetitive; however, the appointee must meet the qualification requirements of the position to which transferred.
- c. A career appointee affected by a transfer of function between agencies has rights comparable to a competitive service employee, as provided by [5 U.S.C. 3595](#). The appointee is entitled to accompany his or her function if the appointee would otherwise be removed from the SES.
- d. A career appointee who fails to accompany a transfer of function may be removed from the SES and the Federal service under [5 CFR Part 752 – Subpart F](#). As an alternative to removal, the agency losing the function may reassign the appointee to another SES position in a different function.
- e. All transfers of career SES must be coordinated with HCTM/CPE/ER.
- f. Transfers to International Organizations, including reemployment rights, are covered by [ADS Chapter 434, Details and Transfers to International Organizations - Civil Service and Foreign Service](#).

423.3.6.3 Details Within USAID

Effective Date: 07/17/2020

- a. Initial details and extensions within USAID must be made in accordance with [5 U.S.C. 3341](#) and [5 CFR 317](#), which authorizes details in increments of no more than 120 days.
- b. All SES details and details of non-SES to SES positions must be approved by the Administrator.

- c. Competitive service merit promotion procedures must be observed when detailing a non-SES employee to an SES position for more than 240 days. However, competition is not required if the employee is eligible for noncompetitive career SES appointment (e.g., is eligible for reinstatement to the SES under [5 CFR 317 Subpart G](#) or is a QRB certified CDP graduate).
- d. Only career SES employees and career-type non-SES employees may be detailed to a Career Reserved position. Any SES employee or non-SES employee may be detailed to a General position (see section **423.3.1.2(b)**).
- e. All details of career SES to other SES positions or non-SES to SES positions must be made in coordination with HCTM/CPE/ER. HCTM requires a position description for the established SES position and the resume of the employee to be detailed. For career SES details to other SES positions, HCTM/CPE/ER submits a memorandum to the Administrator requesting approval of the detail. For non-SES details to SES position, the B/IO submits a memorandum to the Administrator requesting approval of the detail through and with the clearance of HCTM/CPE/ER.

423.3.6.4 Details Outside of USAID

Effective Date: 07/17/2020

All details of career SES employees to organizations outside of USAID must be made in coordination with HCTM/CPE/ER and approved by the Administrator.

- 1) For guidance on details to positions outside of USAID, see [ADS Chapter 432, Details - Civil and Foreign Service](#).
- 2) For guidance on details to international organizations, see [ADS Chapter 434, Details and Transfers to International Organizations - Civil Service and Foreign Service](#).
- 3) For guidance on Intergovernmental Personnel Act (IPA) assignments, see [ADS Chapter 437, Temporary Assignments under the Intergovernmental Personnel Act \(IPA\)](#).

423.3.6.5 Presidential Appointments of Career SES Members

Effective Date: 07/17/2020

- a. A career SES member who accepts a Presidential appointment is entitled to retain some or none of the following benefits: basic pay, performance awards, rank awards, severance pay, annual and sick leave, and retirement. To be eligible to retain these benefits, there must be no break in service between the SES career appointment and the Presidential appointment and:
 - 1) The appointment is made by the President with Senate confirmation (PAS) to a position at a rate of basic pay equivalent to Executive Level V or higher; or

- 2) The appointment is made by the President without Senate Confirmation (PA) to a position covered by the Executive Schedule, or the rate of the basic pay for the position is fixed by statute at a rate equal to one of the five levels of the Executive Schedule.
- b. HCTM/CPE/ER is responsible for advising the affected career SES of his or her election rights. The elections must be in writing and the employee must have the opportunity to make a new election on the 12-month anniversary of the initial election. Thereafter, the election may be changed no more than once during any 12-month period.
- 1) An employee who elects to retain SES performance and/or rank award eligibility remains subject to the SES performance appraisal system.
 - 2) If an employee elects to retain SES leave coverage, the employee must continue both annual and sick leave coverage.
 - 3) If an employee elects to retain SES basic pay and is later reinstated to the SES, the individual's pay rate will be adjusted only if 12 months have elapsed since the last SES pay adjustment. The Administrator may approve an additional pay adjustment, subject to the off-cycle pay increase rules, if he or she determines that pay adjustment is warranted.
- c. The retirement coverage for an employee who receives a PAS appointment on or after November 10, 1988 is determined by the position to which the employee is appointed and is not affected by any election on the employee's part under the general appointment provisions of [5 U.S.C. 3392](#).
- 1) If the position is an Executive Schedule position listed in [5 U.S.C. 5312](#), the employee is subject to mandatory Social Security coverage under the Civil Service Retirement System (CSRS) Offset or Federal Employees Retirement System (FERS).
 - 2) If the position is not listed in [5 U.S.C. 5312](#), the employee retains whatever retirement coverage was previously applicable under the SES career appointment, whether it was regular CSRS, CSRS Offset, or FERS.

423.3.6.6 Foreign Service Limited (FSL) Appointments

Effective Date: 07/17/2020

Section 309 of the Foreign Service Act of 1980 authorizes Foreign Service Limited (FSL) appointments that may not exceed five years. SES members who are interested in FSL appointments (including reinstatement rights) may obtain additional guidance on FSL appointments via [ADS Chapter 415, Civil Service to Foreign Service](#)

Appointment Program and **ADS Chapter 422, Personnel Operations: Senior Foreign Service.**

423.3.6.7 Reinstatement in the SES

Effective Date: 07/17/2020

The following conditions apply for reinstatement to the SES as a career appointee:

- 1) Reinstatement may be based only on prior career service in the SES. Reinstatement eligibility acquired in the competitive service is not transferable to the SES. Receipt of QRB certification is not a basis for reinstatement.
- 2) The appointee must have successfully completed an SES probationary period or been exempt from probation.
- 3) Separation from the SES must not have been for reasons of performance, for disciplinary reasons, or a resignation in lieu of removal for these reasons. However, reinstatement is permitted if separation was because of failure to accept a directed geographic move and there was no written mobility agreement.
- 4) There is no time limit after leaving the SES for reinstatement of an eligible appointee.
- 5) Reinstatement is not subject to merit staffing requirements, nor must the position be advertised.
- 6) The individual must meet the qualification requirements of the position to which reinstated, as determined by the Agency, but does not require new QRB certification.

423.3.6.8 Reinstatement Following a Presidential Appointment

Effective Date: 07/17/2020

- a. A former SES career appointee who was appointed by the President (with or without Senate confirmation) to a civil service position outside the SES without a break in service from the career appointment and who left the Presidential appointment for reasons other than misconduct, neglect of duty, or malfeasance is entitled to be reinstated to the SES as a career appointee.
- b. If an appointee is serving under a Presidential appointment with reinstatement entitlement and receives additional Presidential appointments without a break in service between the appointments, the individual continues to be entitled to be reinstated to the SES following termination of the subsequent appointments.
- c. There must not be any break between the SES career appointment and the Presidential appointment. Intervening appointments, such as expert and consultant

appointments, constitute a break and will result in loss of directed reinstatement rights.

d. To be reinstated, the appointee must:

- 1) Apply to OPM for reinstatement within 90 days after separation from the Presidential appointment, or
- 2) Apply directly with the Agency by submitting a request to HCTM/CPE/ER to be reinstated in the SES to the same or like position held prior to the Presidential appointment. Along with the request to HCTM/CPE/ER, the appointee must submit his or her resignation letter to the President with the final date in the position and current resume. HCTM/CPE/ER, in coordination with the Administrator's Office, identifies a position to be reinstated to, prepares, and submits a memorandum to the Administrator requesting approval to appoint the individual to the position and to set the individual's pay. Upon approval, HCTM/CPE/ER issues a reinstatement appointment letter to the individual with the approved salary and effective date of the SES appointment.

423.3.6.9 Reemployment Rights

Effective Date: 07/17/2020

- a. Reemployment rights of SES members who accept certain assignments outside the SES and USAID (e.g., to international organizations) are covered by [5 CFR Part 352](#). To be eligible, the individual must have held a career SES appointment before the assignment to be entitled to reemployment and, in some instances, must have completed the SES probationary period.
- b. Policies and procedures for exercising reemployment rights following an FSL appointment are covered by [ADS Chapter 412, Reemployment Rights](#).
- c. Policies and procedures for exercising reemployment rights following a detail or transfer to an international organization are covered by [ADS 434, Details and Transfers to International Organizations - Civil Service and Foreign Service](#).

423.3.6.10 Restoration Rights

Effective Date: 07/17/2020

Restoration rights following military duty or recovery from compensable injury are covered in [5 CFR 353](#).

423.3.6.11 Intergovernmental Personnel Act Assignments

Effective Date: 07/17/2020

The Intergovernmental Personnel Act (IPA) provides for assignments to or from state and local governments, institutions of higher education, Indian tribal governments, and

other eligible organizations (as defined in the Act) in order to facilitate cooperation between the Federal Government and those non-Federal entities through the temporary assignment of skilled personnel. For additional guidance on the IPA program, see [ADS Chapter 437, Temporary Assignments Under the Intergovernmental Personnel Act \(IPA\)](#).

423.3.7 Pay

Effective Date: 07/17/2020

USAID's SES pay policy is derived from requirements in [5 CFR 534 Subpart D](#).

423.3.7.1 SES Pay Range

Effective Date: 07/17/2020

- a. The minimum rate of basic pay is 120 percent of the rate of basic pay for GS-15 step 1 without locality pay.
- b. The maximum rate of basic pay when the Agency's SES appraisal system is certified is the rate payable for Level II of the Executive Schedule (EX), and the aggregate compensation limit is equal to the Vice President's salary. (See Aggregate Pay Limitation).
- c. The maximum rate of basic pay when the Agency's SES appraisal system is not certified is the rate payable for EX III, and the aggregate compensation limit is equal to the rate for EX-I.

423.3.7.2 Special Considerations for Political Noncareer SES

Effective Date: 07/17/2020

- a. Political noncareer SES members are eligible for performance-based pay adjustments.
- b. Pay actions for political noncareer SES members generally follow the Agency's SES pay policy and guidance.
- c. Additional policies and procedures for political noncareer SES include:
 - 1) HCTM/CPE/ER must consult with the White House Liaison Office (WHLO) prior to processing pay actions for noncareer SES members.
 - 2) OPM must approve initial pay setting actions for political noncareer SES members.
 - 3) Political noncareer SES pay may be restricted by Executive Order or other official guidance.

- 4) Political noncareer SES members are not eligible for performance-based awards.

423.3.8 Setting Pay

423.3.8.1 Upon Initial Appointment to an SES Position

Effective Date: 07/17/2020

- a. Pay may be set at any rate of basic pay within the pay range and will be determined by considering the individual's leadership skills, experience, accomplishments, requirements of the position, and any unique skills, qualifications, or competencies the individual possesses as they relate to the requirements of the SES position and its impact on the Agency's performance.
- b. Rates of basic pay above the rate for Level EX-III, but less than or equal to the rate for Level EX-II, are reserved generally for those newly appointed SES members who possess superior leadership or other essential competencies required for the position.
- c. General Pay Setting Rule
 - 1) Upon initial appointment to an SES position, HCTM/CPE/ER will recommend an initial rate of basic pay to the B/IO based upon a review of:
 - The appointee's current salary,
 - The salaries of subordinates who will report to the appointee,
 - The appointee's qualifications, and
 - The requirements of the SES position.
 - 2) For current Federal employees, HCTM/CPE/ER may recommend an increase of up to 10 percent above the employee's rate of basic pay when setting pay for an initial appointment to the SES.
 - 3) With the B/IO's concurrence, HCTM/CPE/ER submits the proposed salary to the appropriate official for approval.
 - For salaries below EX-III, the CHCO is authorized to approve.
 - For salaries at or above EX-III, or that involve special circumstances, the Administrator must approve.
 - 4) The B/IO may request an increase above the HCTM/CPE/ER's recommendation using the special circumstances procedures below.

d. Special Circumstances

- 1) One purpose of the pay for performance system is to provide flexibility to agencies when they need to address special program needs, face recruitment difficulties, or when a candidate has unique qualifications for a position.
- 2) B/IOs may request a pay increase that is different from the initial recommended amount by documenting the factors and circumstances related to the position and/or the unique qualifications of the particular candidate and submitting the request to HCTM/CPE/ER.
- 3) Special circumstances salary requests must be prepared on a case-by-case basis for each appointee and include an Executive Pay Setting Analysis. Details regarding the Executive Pay Setting Analysis are posted on USAID's [Civil Service Executive Pay](#) webpage.
- 4) The Appointing Authority must approve pay actions that include special circumstances.

423.3.8.2 Upon Transfer of an SES to USAID from Another Agency

Effective Date: 07/17/2020

- a. Pay may be set at any rate of basic pay within the applicable rate range based upon the individual's experience, accomplishments, and any unique skills, qualifications, or competencies the individual possesses as they relate to the requirements of the SES position and its impact on the Agency's performance.
- b. Upon selection of an external candidate for a USAID SES position, HCTM/CPE/ER will review the candidate's qualifications, current assignment, and the requirements and responsibilities of the USAID SES position and make a salary recommendation.
- c. Pay will generally be set at a rate of basic pay at least equivalent to that earned by the SES member in his or her current position unless the SES member voluntarily accepts a lower rate.
- d. HCTM/CPE/ER may recommend a salary increase up to 10 percent above the candidate's current rate of basic pay based on the scope and requirements of the position and the candidate's qualifications.
- e. B/IOs may request a pay increase that is different from the initial recommended amount by documenting the factors and circumstances related to the position and/or the unique qualifications of the particular candidate and submitting the request to HCTM/CPE/ER, including an Executive Pay Setting Analysis. Details regarding the Executive Pay Setting Analysis are posted on USAID's [Civil Service Executive Pay](#) webpage.

- f. HCTM/CPE/ER will determine if the pay setting action is an off-cycle pay adjustment that triggers the 12-month rule and the need for Appointing Authority approval (see section **423.3.10.4 Off-Cycle Pay Increases – 12-Month Rule**).
- g. Notwithstanding factors described above, an SES member with a pay rate above EX-III must not be subject to a reduction in pay by reason of transfer to an agency in which the applicable appraisal system is not certified.

423.3.8.3 Following a Break in SES Service

Effective Date: 07/17/2020

- a. Pay may be set at any rate of basic pay within the applicable rate range if there has been a break in SES service of 30 days or more.
- b. An SES member who is reappointed within 30 days to the same position or a successor position may not receive a higher rate of basic pay unless the Appointing Authority determines it is warranted.

423.3.8.4 Upon Reinstatement to a Career SES Position Following a Presidential Appointment

Effective Date: 07/17/2020

- a. When the individual elected to remain subject to SES pay provisions:
 - 1) If it has been at least 12 months since the individual's last SES pay adjustment, pay may be set at any rate of basic pay.
 - 2) If it has been less than 12 months since the individual's last SES pay adjustment, the Appointing Authority may approve an additional pay adjustment, subject to the off-cycle pay increase rules, if he or she determines that pay adjustment is warranted.
- b. When the individual did not elect to remain subject to SES pay provisions, pay may be set at any rate within the pay range subject to maximum pay limitations.

423.3.9 Adjusting Pay

423.3.9.1 Performance-Based Pay Adjustments

Effective Date: 07/17/2020

- a. The PRB recommends and the Appointing Authority approves performance-based pay adjustments for SES. These responsibilities extend to individuals who elect to remain subject to SES pay and performance management provisions while serving on a Presidential appointment.

- b. HCTM/CPE/ER and M/MPBP collaborate to recommend the level of funding for the Annual Performance Management and Pay Administration Plan, following guidance from OPM and the U.S. Department of State.
- c. PRB performance-based pay adjustment recommendations for SES members are linked to SES critical element ratings and annual summary ratings.
- d. Performance-based pay adjustments must reflect differentiation based on meaningful distinctions in performance between performance rating levels (*e.g.*, the higher the rating level, the higher the pay increase), and/or within a single performance level (*e.g.*, the higher the employee's relative performance within a rating level, the higher the pay increase).
- e. SES members who receive a summary rating of Outstanding must be considered for a performance-based pay adjustment subject to maximum pay rate limitations.
- f. SES members who receive a summary rating of Exceeds Fully Successful or Fully Successful may be considered for a performance-based pay adjustment subject to maximum pay rate limitations.
- g. SES members who receive a rating of Minimally Successful in one or more critical elements will receive a smaller pay adjustment than SES members who receive the same annual summary rating but are rated Fully Successful or above in all critical elements.
- h. SES members whose rates of basic pay would otherwise fall below the minimum rate of the pay range must be provided a pay adjustment that maintains their salary at the minimum rate.
- i. SES members who receive a summary rating below Fully Successful may not receive a pay increase and may have their pay reduced up to 10 percent subject to minimum pay limitations.
- j. Pay rates above EX-III are reserved for SES members who demonstrate the "highest levels of individual performance" or "make the greatest contributions to the Agency's performance," or both (see [5 CFR - Part 534](#)). Following are the procedural requirements for increasing an SES member's rate of basic pay above EX III under a certified appraisal system:
 - 1) The rating of record or performance rating used to justify the increase must cover a period of at least 90 days of performance during which the appraisal system is certified;
 - 2) The rating of record or performance rating used to justify the increase must become final while the appraisal system is certified;

- 3) The rating and performance-based pay adjustment must be approved in accordance with this pay policy;
 - 4) The pay increase must become effective while the appraisal system is certified; and
 - 5) The Appointing Authority must approve the pay adjustment.
- k. An SES member with a rate of basic pay higher than EX III cannot receive a performance-based pay adjustment unless the Agency is certified.

423.3.9.2 Upon Reassignment to a Different SES Position Within USAID

Effective Date: 07/17/2020

- a. Pay may be set at any rate of basic pay within the applicable rate range based upon the individual's experience, accomplishments, and any unique skills, qualifications, or competencies the individual possesses as they relate to the requirements of the SES position and its impact on the Agency's performance.
- b. Pay will generally be set at a rate of basic pay at least equivalent to that earned by the SES member in his or her current SES position.
- c. HCTM/CPE/ER may recommend a salary increase up to 10 percent above the candidate's current rate of basic pay based on increased scope and responsibility of the new position and the candidate's qualifications. A salary increase upon reassignment within USAID triggers the 12-month rule (see section **423.2.9.4 Off-Cycle Pay Increases – 12-Month Rule**).
- d. B/IOs may request a pay increase that is different from the initial recommended amount by documenting the factors and circumstances related to the position and/or the unique qualifications of the particular candidate and submitting the request to HCTM/CPE/ER, including an Executive Pay Setting Analysis. Details regarding the Executive Pay Setting Analysis are posted on USAID's [Civil Service Executive Pay](#) webpage.

423.3.9.3 Upon Change to the Rates of Basic Pay for Members of the SES

Effective Date: 07/17/2020

- a. If the minimum or maximum rate of the SES pay range increases after the Agency has granted performance-based pay adjustments to its SES members, the Appointing Authority may consider whether and to what extent additional SES pay adjustments are warranted based on the same criteria used for the performance-based pay adjustment.
- b. The pay adjustment(s) must be approved and made effective as of the effective date of the change to the executive schedule.

423.3.9.4 Off-Cycle Pay Increases - 12-Month Rule

Effective Date: 07/17/2020

- a. Subject to exceptions summarized in this section, Agencies may not adjust the rate of basic pay of an SES member more than once in a 12-month period except as allowed by regulation.
- b. The Appointing Authority must approve off-cycle pay increases for SES members.
- c. USAID vets SES members who are recommended for off-cycle pay increases (see section **423.3.17 Vetting SES Pay Adjustment and Award Recommendations**).
- d. Off-cycle pay increases may be provided for:
 - 1) Exceptionally meritorious accomplishments that contribute significantly to the Agency's performance and that were not included in a performance-based pay adjustment;
 - 2) The need to offer a pay increase to reassign the individual to a position that has a substantially greater scope and responsibility;
 - 3) The need to recruit an SES member with superior leadership or other competencies from another agency;
 - 4) The need to retain an SES member whose contributions are critical to the mission of USAID and who is likely to leave the Agency without such an increase; or
 - 5) The approved pay increase conforms to USAID's appraisal and pay adjustment cycle.
- e. Pay actions that trigger the 12-month rule:
 - 1) Pay setting upon initial appointment to a career SES position.
 - 2) Pay adjustments upon transfer to USAID.
 - 3) Pay adjustments upon reassignment within USAID.
 - 4) Performance-based pay adjustments.
 - 5) Any other pay adjustments, increase or reduction, in the rate of basic pay granted to the executive other than pay actions that do not trigger the 12-month rule.
- f. Pay actions that do not trigger the 12-month rule:

- 1) Performance-based pay adjustments equal to a \$0.00 pay increase. For example, after reviewing an SES member's current salary, annual accomplishments, critical element ratings, initial summary rating, and PRB recommendations, the Appointing Authority determines the SES member's salary is correctly positioned within the pay range and awards a pay adjustment equal to \$0.00, while other similarly rated SES members receive a pay adjustment of one percent (1%).
- 2) Additional pay adjustments when there is an increase in Executive Schedule rates of pay.
- 3) Pay adjustments that are the minimum amount necessary to ensure the executive's rate of pay does not fall below the minimum rate of the pay range.

423.3.10 Reducing Pay

Effective Date: 07/17/2020

- a. The Appointing Authority may reduce a Career SES member's pay by up to 10 percent for performance or disciplinary reasons, subject to the restrictions defined in [5 CFR 534](#).
- b. The rate of basic pay for a career SES may be reduced without the executive's consent:
 - 1) If the executive received a Minimally Satisfactory or Unsatisfactory annual summary rating,
 - 2) If the executive failed to meet the performance requirements and standards for a critical performance element, or
 - 3) As a disciplinary or adverse action resulting from a conduct-related activity, including, but not limited to, misconduct, neglect of duty, or malfeasance.
- c. Prior to reducing the rate of basic pay of a career SES, the Agency must comply with the requirements included in [5 CFR 534.404 \(j\)\(3\)](#) and provide:
 - 1) Written notice of the reduction at least 15 days in advance of the effective date;
 - 2) A reasonable period of time (seven workdays) for the SES to respond, orally or in writing, and to provide affidavits and other documentation in support of the response;
 - 3) An opportunity to be represented by an attorney or other representative;

- 4) A written decision and specific reasons for the pay reduction at the earliest practical date after the executive's response; and/or
 - 5) An opportunity to request, within seven days after the date of that decision, reconsideration by the head of the Agency, unless the written decision was provided by the head of the Agency.
- d. A decision by the head of the Agency is final and not subject to further review.
- e. Reductions in pay for performance, disciplinary, or adverse actions are not appealable.
- f. Reductions in basic pay exceptions, including voluntary actions by an employee, are described in [5 CFR 752](#) – Sub-Part D.
- g. An SES member may voluntarily accept a reduction in pay upon transfer to a different agency, except that the law precludes the reduction in pay of an SES member with a rate of basic pay above EX III upon transfer to an SES position in an agency with an appraisal system that is not certified. This exception does not apply if:
- 1) An SL or ST employee is appointed to an SES position, or
 - 2) An SES member is appointed to an SL or ST position.
- h. An individual moving from an SES position to a GS position is entitled only to pay at the first step of the grade, unless the Agency provides a higher rate under:
- 1) The maximum payable rate rule (see [5 CFR 531.221](#)),
 - 2) Superior qualifications and special need pay setting authority (see [5 CFR 531.212](#)), or
 - 3) Pay retention rules (see [5 CFR Part 536 Subpart C](#)).

423.3.11 Travel Expenses

Effective Date: 07/17/2020

- a. The Agency may authorize payment of candidates' pre-employment interview travel expenses or new appointees' travel and relocation expenses for SES appointees (see [ADS 467, Federal Employees Pay Authorities and Flexibilities](#)).
- b. SES career appointees may be eligible for payment of travel, transportation, and household goods moving expenses when they leave Federal Service (see [5 USC 5724\(a\)\(3\)](#)).

423.3.12 Other Pay Provisions

Effective Date: 07/17/2020

- a. Incentive Pay. SES members are eligible for recruitment, relocation, and retention incentives subject to aggregate pay limitations (see [ADS Chapter 467, Federal Employees Pay Authorities and Flexibilities](#)).
- b. Pay while on detail or transfer to an international organization is addressed in [ADS 434, Details and Transfers to International Organizations—Civil Service and Foreign Service](#).
- c. Premium Pay. SES members are not eligible for premium pay, including overtime pay, compensatory time in lieu of overtime pay, night differential, or compensatory time off for travel (see [ADS 472 - Premium Compensation](#)).
- d. Retained Pay. SES appointees may be eligible for retained pay if the Agency removes them from the SES and places them in a General Schedule position (see [5 CFR 536](#)).
- e. Saved Pay. SES career appointees who are entitled to guaranteed placement in a position outside the SES when removed during the probationary period for performance or as a result of a reduction in force, may be eligible for saved pay (see [5 U.S.C. 3594](#) and [5 U.S.C. 5382](#)).
- f. Severance Pay. SES members may be eligible for severance pay if they meet the provisions included in [5 CFR 550 – Subpart G](#).

423.3.13 Aggregate Pay Limitation

Effective Date: 07/17/2020

- a. The aggregate pay limitation is the maximum total compensation that can be paid to an employee in any calendar year.
- b. Total compensation includes the rate of basic pay, performance awards, Presidential Rank Awards, incentive pay, and any other pay or compensation paid to the employee.
- c. If a performance award, rank award, or other additional payment would cause an executive's aggregate compensation to exceed the aggregate pay limitation, the excess amount is withheld from the award or additional payment, rather than the executive's base pay. The withheld excess amount is paid as a lump sum at the beginning of the next calendar year unless the payment would cause the executive's aggregate compensation to exceed the limit for that calendar year. Lump sum payments must be considered part of the member's aggregate compensation for the new calendar year (see [5 CFR 530](#)).

- d. In a certified agency, the aggregate pay limitation is equal to the Vice President's salary.
- e. In an agency that is not certified, the aggregate pay limitation is equal to Level I of the Executive Schedule (EX I).

423.3.14 Annual Performance Management and Pay Administration Plan

Effective Date: 07/17/2020

- a. HCTM/CPE/ER maintains the Annual Performance Management and Pay Administration Plan.
- b. The plan contains:
 - 1) Details regarding USAID's performance-based pay adjustment policies,
 - 2) Annual information regarding SES member salaries, and recommended appraisal levels, performance-based pay-adjustments and awards,
 - 3) Annual guidance from U.S. Department of State, and
 - 4) Annual guidance from OPM.
- c. HCTM/CPE/ER and M/MPBP prepare joint recommendations on the level of funding for the Annual Performance Management and Pay Administration Plan.

423.3.15 Work and Leave

Effective Date: 07/17/2020

- a. SES members are subject to the normal provisions of law governing hours of work and leave. Work administration and flexibilities are addressed in [ADS 479, Hours of Duty](#).
- b. SES members may be employed on a part-time, full-time, or intermittent basis, when appropriate.
 - 1) The employee must be able to perform at the SES level under the work schedule established.
 - 2) The Administrator, or his or her designee, must approve part-time employment for SES members.
- c. Leave administration for SES members is addressed in [ADS 480, Leave](#).
 - 1) SES members accrue annual leave at the rate of eight hours per pay period.

- 2) SES members, both full-time and part-time, have a maximum annual leave ceiling of 720 hours.
 - 3) If an employee moves from a non-SES appointment to an SES appointment, any annual leave at the time of the move that is in excess of the employee's maximum accumulation level prior to appointment to the SES is subject to forfeiture if it is not used within the leave year.
- d. SES members are eligible to request approval for modified work schedules or to work compensatory overtime for the purpose of taking time off without charge to leave for religious observances (see Leave for Religious Holidays in [ADS 480, Leave](#)).

423.3.16 Awards

423.3.16.1 Performance-Based Awards

Effective Date: 07/17/2020

- a. USAID distributes bonuses in accordance with its Annual Performance Management and Pay Administration Plan guidelines and regulations in [5 CFR Part 534, Subpart D](#).
- b. OPM issues annual guidance regarding SES performance awards. The SES performance awards pool is computed based on the annual OPM guidance as either:
 - 1) A percentage of the aggregate career SES rates of basic pay for the Agency as of the end of the fiscal year prior to the fiscal year in which the award payments are made; or
 - 2) A percentage of the average annual rates of basic pay for the Agency's career SES appointees as of the end of the fiscal year prior to the fiscal year in which the award payments are made.
- c. The following employees are eligible for an SES performance award:
 - 1) Current career SES members,
 - 2) Former career SES members who elected to retain award eligibility while serving on a Presidential Appointment, or
 - 3) Individuals who are no longer SES but who were SES career members at the end of the appraisal period.

- d. The PRB makes performance-based award recommendations to the Appointing Authority that differentiate between performance achievements among USAID SES members.
- e. Performance award recommendations are based on critical element ratings, the summary rating, and the relative value of the executive's achievement to the accomplishment of organizational goals, the degree of difficulty inherent in successful achievement by the executive, and the timeliness of submitting performance appraisal documentation.
- f. An executive who receives an Outstanding rating must be considered for a performance award.
- g. An SES member who receives a rating of Exceeds Fully Successful or Fully Successful may be considered for a performance award.
- h. The amount of a performance award paid to an individual career executive must be at least 5 percent and not be more than 20 percent of the executive's SES rate of basic pay as of the end of the performance appraisal period, subject to aggregate pay limitations.

423.3.16.2 Presidential Rank Awards

Effective Date: 07/17/2020

- a. Presidential Rank Awards recognize extraordinary achievements by career executives in Federal service. These awards provide an excellent opportunity to recognize top individuals who have made significant and lasting contributions to their agency and the Federal Government. Nominees must exhibit regularly the ability to develop a strong team, collaborate across the Agency and government, create an environment of high engagement, and dedication to mission above self.
- b. Presidential Rank Awards are approved by the President at either the Distinguished or Meritorious level.
 - 1) A Distinguished Rank Award includes an award equal to 35 percent of the executive's rate of basic pay.
 - 2) A Meritorious Rank Award includes an award payment equal to 20 percent of the executive's rate of basic pay.
- c. OPM issues annual guidance regarding Presidential Rank Award nominations.
- d. The PRB makes recommendations for Presidential Rank Awards to the Appointing Authority after reviewing initial summary ratings and prior year appraisal documentation.

- e. The Appointing Authority approves Presidential Award nominations.
- f. Presidential Rank Awards are subject to aggregate pay limitations. If necessary, discretionary pay and/or the full award Presidential Rank Award amount may be paid in more than one calendar year.
- g. Nominees prepare accomplishment and biographical narratives.
- h. HCTM/CPE/ER prepares the nomination memo to OPM and coordinates Administrator approval and signature.
- i. USAID vets SES members who are nominated for Presidential Rank Awards (see section **423.3.17 - Vetting SES Pay Adjustment and Award Recommendations**).

423.3.16.3 Superior Accomplishment Award for Special Acts

Effective Date: 07/17/2020

- a. These awards recognize superior accomplishments for a one-time special act or service that is beyond or outside normal job responsibilities as covered by the employee's job description and/or as set forth in the executive's annual evaluation plan and performance standards (see [ADS 491, USAID Incentive Awards Program](#)).
- b. Monetary superior accomplishment and special act awards for SES members must be cleared through HCTM and approved by the Administrator.
- c. USAID vets SES members who are nominated for superior accomplishment awards for special acts (see section **423.3.17 - Vetting SES Pay Adjustment and Award Recommendations**).

423.3.16.4 Certificate of Appreciation

Effective Date: 07/17/2020

These awards recognize a contribution by an individual executive who performed a special assignment in an outstanding manner (see [ADS 491, USAID Incentive Awards Program](#)).

423.3.17 Vetting SES Pay Adjustment and Award Recommendations

Effective Date: 07/17/2020

- a. The Office of Inspector General (OIG), Office of Security (SEC), Office of Civil Rights and Diversity (OCRD), and HCTM's Office of Employee and Labor Relations (ELR) vet employees recommended for off-cycle pay adjustments, Superior Accomplishment Awards, and Presidential Rank Awards before Appointing Authority approval.

- b. If any issues are identified, OIG, SEC, OCRD, and/or ELR submit a written recommendation to the Appointing Authority on whether to approve the proposed pay adjustment or award, or to hold the proposed pay adjustment or award until the case is adjudicated.
- c. If held and the case is resolved in favor of the SES member, the pay adjustment or award is submitted to the Appointing Authority for approval. If approved, the effective date of the pay adjustment or award is the case resolution date.
- d. If held and the case is not resolved in favor of the SES member:
 - 1) SES off-cycle pay adjustments and/or Superior Accomplishment Awards are not processed.
 - 2) Presidential Rank Award nominations are not forwarded to OPM.
 - 3) The Appointing Authority may reduce the SES member's rate of basic pay (see section **423.3.10 - Reducing Pay**).

423.3.18 Performance Management

Effective Date: 07/17/2020

USAID's SES performance management system is based on OPM's basic SES performance management system and incorporates the system requirements contained in [5 CFR 430 Subpart C](#). USAID designed its system to ensure accountability for individual and organizational performance and to improve overall Agency performance. This performance management system:

- a. Promotes excellence in SES performance;
- b. Encourages continual development for all USAID senior executives;
- c. Establishes five ECQ-based critical performance elements for all SES plans to provide a balanced emphasis on strategic leadership and performance results, including quality of performance;
- d. Establishes government-wide, Agency, and individual performance standards that must be met to be rated at a given level of performance;
- e. Establishes and communicates individual and organizational performance goals, expectations, standards, and accomplishments;
- f. Holds executives accountable for both executive leadership and business results by linking executive performance to the ECQs and using results-oriented measures, as established through the Agency's strategic planning initiatives and the [GPRA Modernization Act of 2010](#);

- g.** Establishes executive accountability for 1) aligning subordinate performance plans with organizational mission and goals and 2) completing performance plans and appraisals of subordinates;
- h.** Appraises executive performance using measures that balance organizational results with customer, employee, or other perspectives; and
- i.** Uses performance results as the primary basis for determining SES pay adjustments, awards, development, retention, performance-related removal, and other employment decisions.

423.3.19 Performance Review Board (PRB)

Effective Date: 07/17/2020

- a.** The Administrator appoints PRB members in a manner that ensures consistency, stability, and objectivity in recommending ratings, bonuses, and base pay adjustments. Current PRB members make new member recommendations to the Administrator. The PRB should be diverse in regards to gender, race, national origin, and organization.
- b.** The majority of PRB members must be career SES members.
- c.** USAID may appoint a career SES member from another Federal agency to its PRB.
- d.** HCTM recommends SES members serve two-year terms on the PRB.
- e.** The Appointing Authority approves PRB members.
- f.** The names of PRB members are published in the Federal Register, as required by regulation.

423.3.20 Performance Appraisal Period

Effective Date: 07/17/2020

- a.** The annual performance appraisal period for executives begins on October 1 and ends on September 30 of the following year.
- b.** Executives must be appraised on their performance at least annually and an annual summary rating must be assigned for the relevant period of performance each year.
- c.** The minimum period of performance for which an executive may receive an appraisal is 90 days.
- d.** If, as of September 30, an executive has not been under an established SES performance plan for the minimum appraisal period of 90 calendar days, he or she

cannot receive a performance rating for the current appraisal period. His or her performance rating will be delayed until the following appraisal period.

- e. The appraisal period may end any time after the minimum appraisal period is completed if there is an adequate basis on which to appraise and rate the Senior Executive's performance (for example, the executive's rating official retires on September 10).
- f. Details, temporary assignments, and rotation assignments of 120 days or more constitute an appraisal period and require both a performance plan and written narrative performance assessment.
- g. USAID will not appraise any career executive within 120 days after the beginning of a new Presidential Administration (see [5 CFR 430](#)).

423.3.21 Performance Standards

Effective Date: 07/17/2020

- a. Performance standards provide the benchmarks for developing performance requirements against which actual performance will be assessed.
- b. Rating officials, higher-level reviewers, and PRB members must consider the performance standards when developing or reviewing requirements, assigning or reviewing ratings for each critical performance element, and verifying the derived initial summary rating.
- c. Benchmark descriptions of the performance standards are included on the Executive Performance Agreement. Benchmark descriptions and performance indicators for the top three performance levels are provided on USAID's [Executive Performance Management](#) webpage (click on SES – Performance Standards and Indicators.)

423.3.22 Planning Performance

Effective Date: 07/17/2020

- a. Each senior executive must have a performance plan that describes the individual and organizational expectations during the appraisal period that apply to the senior executive's area of responsibility.
- b. Rating officials must prepare performance plans in consultation with the executive and communicate the plans in writing on or before October 1, the beginning of the appraisal period.
- c. Rating officials must use the SES Executive Performance Agreement, which incorporates OPM policies, regulations, and system standards, five ECQ-based critical performance elements, and performance standards.

423.3.22.1 Performance Plans

Effective Date: 07/17/2020

Performance Plans:

- a. Establish responsibility for the achievement of the government-wide mandatory performance requirements for the Leading Change, Leading People, Business Acumen, and Building Coalitions critical performance elements;
- b. Identify any individual and organizational goals and objectives assigned to the executive;
- c. Include duties and responsibilities that are critical to the implementation of recruitment and selection decisions, in accordance with the Agency's Merit Staffing Policy and hiring plans; and
- d. Are established in concert and alignment with subordinate performance plans, so that the executive's direct reports understand how their jobs apply and contribute to the Agency's mission.

423.3.22.2 Performance Requirements

Effective Date: 07/17/2020

- a. Performance requirements describe what the senior executive must accomplish or the competencies that he or she must demonstrate to be rated at a specific performance level. Performance requirements are not used to describe general tasks, activities, duties or responsibilities of an ongoing job.
- b. The Executive Performance Agreement includes government-wide mandatory performance requirements for the Leading Change, Leading People, Business Acumen, and Building Coalitions critical performance elements.
- c. Agency-specific performance requirements may be included on the Executive Performance Agreement at the fully successful performance level for any of the five critical performance elements. SES members and rating officials may request changes to an agency-specific performance requirement by contacting HCTM/CPE/ER.
- d. USAID has the option to issue shared executive goals as mandatory results-driven performance requirements.
- e. B/IO performance requirements for Leading Change, Leading People, Business Acumen, and Building Coalitions are optional and may be added by a rating official and executive.

- f. Rating officials and executives must use the performance standards for each performance level as benchmarks when developing performance requirements. The performance standards are included on the executive performance agreement.
- g. Rating officials and executives must have at least three and no more than five performance requirements for the Results-Driven critical performance element that are clearly linked to an externally published organizational goal or objective and describe expected results or demonstrated competencies for fully successful performance.
- 1) Results-Driven performance requirements must align with USAID’s mission, strategic planning initiatives, Agency priority goals, Presidential mandates, and/or Congressional mandates.
 - 2) Results-Driven performance requirements must describe the result, either the output or outcome that will be delivered by the executive to contribute to the Agency’s goal or objective. Results must be differentiated by using underlined font on the executive performance agreement.
 - 3) Results-Driven performance requirements must include a quality indicator, which is a measure or metric that identifies the level of quality that must be delivered in order to determine the acceptability, or fitness for use, of the output or outcome. **The quality indicator must be differentiated by using BOLD FONT on the executive performance agreement.**
 - 4) Results-Driven performance requirements may also include measures or metrics regarding quantity, quality, timeliness, cost savings, or manner of performance expected for the level of performance. Measures and metrics must be objective, specific, and achievable during the performance period. Rating officials and executives must use interim outputs or milestone achievements if the full performance requirement will span more than one appraisal period. **Measures must be differentiated by using BOLD FONT on the executive performance agreement.**
 - 5) At a minimum, the quality indicator and any additional measures/metrics for each results-driven performance requirement must be written at the Fully Successful level. Rating officials and executives are encouraged to establish measures/metrics at other levels of performance (e.g., outstanding, exceeds fully successful, minimally successful).
- h. Tips for developing and examples of SES Results-Driven performance requirements are published on USAID’s [Civil Service Executives, Performance Management](#) webpage.

423.3.22.3 Assigning Weight Values

Effective Date: 07/17/2020

- a. Each critical performance element must include a weight value with the total weights for all critical performance elements adding to 100. The weights are used as one factor in deriving the annual summary rating.
- b. For most SES positions, Agency standard weight values are:
 - 1) Leading People – 25,
 - 2) Building Coalitions – 15, and
 - 3) Results-Driven – 35.
- c. Rating officials and executives have some flexibility in setting the weight values for the Leading Change and Business Acumen critical performance elements.
 - 1) The weight value for Leading Change must be at least 10 and no more than 15.
 - 2) The weight value for Business Acumen must be at least 10 and no more than 15.
 - 3) The total weight for Leading Change and Business Acumen must be 25.
- d. The CHCO establishes Agency standard weight values for the Leading People, Building Coalitions, and Results-Driven critical performance elements.
 - 1) Agency standard weight values are based on the SES position.
 - 2) Similar SES positions will have the same Agency standard weight values. For example, all Deputy Assistant Administrators will have the same weight values for the same critical performance elements.
 - 3) HCTM/CPE/ER will work with the particular B/IO when different weights are warranted for a unique SES position.

423.3.22.4 Certifying the Performance Plan

Effective Date: 07/17/2020

- a. The rating official and the executive must certify by signing and dating the consultation line on the executive performance agreement.
- b. The executive's signature indicates that he or she was consulted in developing the performance plan. It also indicates that the rating official and executive discussed

the performance requirements applicable to the executive's position, and that these criteria will be the basis of any rating for the ensuing appraisal period.

- c. If the rating official and the executive cannot reach agreement on the plan, the rating official will decide what is expected and inform the executive.
- d. If the executive refuses to sign the performance plan, the rating official must annotate the plan with the comment "[name of executive] refused to sign" in the executive's signature block on the executive performance agreement.
- e. Once signed, the rating official must send an electronic copy of the performance plan to HCTM/CPE/ER, who then coordinates PRB review of SES performance plans.

423.3.22.5 PRB Plan Review

Effective Date: 07/17/2020

- a. PRB members meet once to review SES performance plans during the first or second quarter of the appraisal cycle.
- b. PRB members ensure that each plan complies with OPM and USAID guidance, that plans include performance requirements that are linked to organizational performance, are consistent with the executive's leadership position, and include a quality indicator.
- c. HCTM/CPE/ER notifies executives and rating officials of PRB plan recommendations.
- d. SES members may request a separate HCTM/CPE/ER and/or PRB review if they submit plans after the PRB meeting.

423.3.23 Monitoring Performance

Effective Date: 07/17/2020

- a. USAID strongly encourages, as a best practice, frequent and informal communication between rating officials and executives to discuss the executive's progress in meeting established performance requirements and to provide advice and assistance on performance improvement, as needed.
- b. The rating official must conduct at least one formal progress review with the executive during the annual appraisal period. At the review, the rating official apprises the executive on how well he or she is performing against established performance requirements.
- c. At the progress review(s), the rating official and executive may also discuss any necessary changes to the performance plan, if circumstances warrant them. The

executive and rating official must document any such revisions on the executive performance agreement and submit the updated version to HCTM/CPE/ER.

- d. If progress on a particular performance element is less than Fully Successful, the rating official must follow the guidance provided in section **423.3.28, Addressing Less Than Fully Successful Performance**.
- e. Rating officials and executives must certify that they completed the required formal progress review by signing and dating in the Progress Review signature blocks on the executive performance agreement.
- f. If the executive refuses to sign, the rating official must annotate the plan with the comment “[name of executive] refused to sign” in the executive’s Progress Review signature block on executive performance agreement.

423.3.24 Assessing Agency Performance

Effective Date: 07/17/2020

- a. HCTM/CPE/ER coordinates with M/MPBP to conduct an organizational performance assessment of USAID Bureaus and Independent Offices.
- b. HCTM/CPE/ER includes the organizational performance assessment in end-of-year appraisal guidelines that instruct executives, rating officials, PRB members, and the Appointing Authority to take organizational performance into account in appraising and reviewing individual performance.
- c. Organizational performance indicators include assessments of each Bureau’s and Independent Office’s efforts in accomplishing organizational goals, including:
 - 1) The Annual Performance Report (APR);
 - 2) Reports of the Agency’s GPRA goals;
 - 3) Reviews conducted by OMB;
 - 4) Annual performance plans, targets, and program performance measures; and
 - 5) Other appropriate data.

423.3.25 Appraising Performance

423.3.25.1 Executive

Effective Date: 07/17/2020

At the end of the appraisal period, the executive:

- a. Provides names of customers, subordinates, and/or peers to provide 360-degree feedback to the rating official. For SES employees who serve as Agreement Officer (AO)/Agreement Officer's Representative (AORs) or Contracting Officer (CO)/Contracting Officer's Representative (CORs), implementing partners must not be included in the list of 360-degree feedback sources provided to the rating official.
- b. Prepares and submits an optional self-assessment within 15 days of the end of the appraisal period cycle according to annual guidance provided by HCTM/CPE/ER. Note that self-assessments are optional but may be requested/required by the rating official. Self-assessment guidelines are published on USAID's [Civil Service Executives, Performance Management](#) webpage.

423.3.25.2 Rating Official

Effective Date: 07/17/2020

The rating official who is serving as the senior executive's supervisor at the end of the appraisal period will complete the initial summary rating for the senior executive. To complete the initial summary rating, the rating official:

- a. Obtains and considers a written self-assessment of performance and accomplishments from the executive within 15 days after the end of the appraisal cycle.
- b. Obtains and must consider any interim appraisals related to a detail or transfer.
- c. Obtains and considers employee and customer perspective through use of 360-degree feedback.
 - 1) Request feedback from all the SES member's direct reports, or
 - 2) Request feedback from peers and internal and external customers as necessary. Implementing partners are prohibited from directly or indirectly providing 360-degree feedback for SES members who serve as AO/AORs or CO/CORs.
- d. Receives and must consider the annual appraisal guidelines, including the assessment of agency performance.
- e. Appraises the executive's performance on success in meeting the requirements for each critical performance element, using the performance standards as the benchmark for each performance level.
 - 1) The rating official must use an approach that balances organizational results and leadership effectiveness in promoting diversity, inclusion, and

engagement with the perspectives of distinct groups, including customers and employees.

- 2) In cases where one or more critical performance elements is rated less than Fully Successful, the rating official must follow the guidance provided in section **423.3.28, Addressing Less Than Fully Successful Performance**.
 - 3) In cases where the senior executive has not served in a position for the minimum appraisal period (90 days), the initial summary rating may be compiled from interim appraisals. This may arise if the senior executive is assigned to a new position or rotation assignment after June 30.
- f. Derives the Results-Driven critical performance element rating.
- 1) USAID includes multiple components in the Results-Driven critical performance element. The rating is determined by averaging the scores for all Results-Driven performance requirements.
 - 2) The rating official assigns a score to each Results-Driven performance requirement, adds the individual scores, divides the total score by the number of Results-Driven performance requirements, and rounds the score to the nearest whole number.
 - 3) Examples of deriving the Results-Driven performance element rating are published on USAID's [Civil Service Executives, Performance Management](#) webpage.
- g. Derives the Summary Rating.
- 1) Assigns point values to the critical performance element ratings:

Critical Performance Element Rating Level	Points
Level 5 - Outstanding	5
Level 4 - Exceeds Fully Successful	4
Level 3 - Fully Successful	3
Level 2 - Minimally Satisfactory	2
Level 1 - Unsatisfactory	1

- 2) If any critical performance element is rated Unsatisfactory, the initial summary rating is Unsatisfactory.

- 3) Otherwise, for each critical performance element, multiply the point value of the critical performance element rating by the weight value assigned to that critical performance element on the executive’s performance agreement.
- 4) Add the results from the previous step, for each of the five critical performance elements, to come to a total score.
- 5) Assign the initial summary rating using the ranges below:

Total Score Range	Initial Summary Rating Level
475-500	Level 5 - Outstanding
400-474	Level 4 - Exceeds Fully Successful
300-399	Level 3 - Fully Successful
200-299	Level 2 - Minimally Satisfactory
Any Critical Performance Element rated at Level 1 - Unsatisfactory	Level 1 - Unsatisfactory

- 6) Examples of deriving the initial summary rating are published on USAID’s [Civil Service Executives, Performance Management](#) webpage.
- h. Prepares a narrative assessment for each critical performance element and an overall summary narrative that describes the executive’s role in delivering performance requirement results and accomplishing organizational goals over the appraisal period and completes the executive performance agreement. The rating official’s narrative should not duplicate the executive’s self-assessment narrative.
 - i. Meets with the executive to discuss and sign the initial summary rating.
 - 1) The rating official must meet with the executive for a detailed discussion of goals and accomplishments, comments from employees, customers, and key stakeholders, and the significance of these factors in assessing the executive’s actual performance over the appraisal period.
 - 2) The rating official and executive must sign and date the initial summary rating signature blocks on the executive performance agreement to certify that the end-of-year discussion took place.

- 3) The executive's signature indicates that the end-of-year discussion took place; it does not indicate that the executive agrees with the summary rating.
 - 4) If the executive refuses to sign, the rating official must annotate the plan with the comment "[name of executive] refused to sign" in the initial summary rating signature block on the executive's performance agreement.
- j. Notifies the executive of his or her right to prepare a written response and/or request a higher-level review.
 - k. Forwards a copy of the signed executive performance agreement to HCTM/CPE/ER.

423.3.25.3 Higher Level Review – Optional

Effective Date: 07/17/2020

- a. The executive has five business days to provide a narrative statement regarding performance, request a higher-level review, or both.
- b. The initial summary rating is derived from the ratings for each critical performance element; therefore, the higher-level review request needs to document specific areas of disagreement and include information to justify change(s) to particular critical performance element rating(s).
- c. The request must be submitted to HCTM/CPE/ER, who will coordinate the review by an appropriate higher-level reviewing official. The reviewer should be an individual who was not involved in the initial rating process and is generally at a higher organizational level than the supervising official, but not necessarily in the same organization.
- d. The higher-level reviewing official must prepare a separate written finding and recommendation to the PRB within seven working days of receipt of the request for his or her review of the initial summary rating.
- e. The higher-level review must precede the PRB review so that the PRB may consider the higher-level reviewer's comments in their deliberations.
- f. The higher-level reviewing official may not change a critical performance element rating or the initial summary rating but may recommend a rating other than the one the rating official assigned. The higher-level reviewing official must provide a copy of his or her findings to HCTM/CPE/ER. HCTM/CPE/ER provides a copy to the executive, the rating official, and the PRB.

- g.** The PRB will consider the higher-level reviewing official's recommendation in determining a recommended rating.

423.3.25.4 PRB Appraisal Review

Effective Date: 07/17/2020

- a.** PRB members review initial summary ratings in the first quarter following the end of the appraisal cycle.
- b.** PRB members must not take part in any deliberations involving their own appraisals, bonuses, or pay adjustments, or those of their immediate supervisor or subordinates.
- c.** PRB members consider organizational performance documented in the performance appraisal guidance and timely submission of plans and ratings during their review and evaluation of initial summary ratings of individual executive performance.
- d.** PRB members review the following:
 - 1)** The executive's self-assessment;
 - 2)** The rating official's narrative and initial summary rating;
 - 3)** The rated executive's written response, if any, and;
 - 4)** Written recommendations prepared by a higher-level reviewing official, if any.
- e.** PRB members may conduct any further reviews they feel is necessary.
- f.** The PRB ensures that ratings are fair and consistent across USAID B/IOs.
- g.** If the PRB's recommendations differ from the recommendation of the rating official, the board must document in writing its rationale for the recommended change.
- h.** PRB Appraisal Recommendations
 - 1)** The PRB must prepare a unified set of written recommendations to the Appointing Authority regarding annual summary ratings, performance-based pay adjustments to include any recommended pay reductions, performance awards, and nominations for Presidential Rank Awards.
 - 2)** The PRB must base its recommendations on the extent to which the executive met organizational goals, with due consideration given to employee and customer perspectives.

- 3) The PRB Chair signs the recommendation Action Memo to the Appointing Authority.

423.3.25.5 Final Approval of Annual Summary Rating

Effective Date: 07/17/2020

- a. The Administrator assigns annual summary ratings after giving due consideration to the PRB's recommendations.
- b. The Administrator certifies that the results of the SES appraisal process make meaningful distinctions in performance ratings and pay, including base-pay adjustments and performance awards.
- c. The annual summary rating is the official rating of record assigned by the Administrator.
- d. Annual summary ratings are not appealable. However, the senior executive may appeal allegations of prohibited personnel practices under [5 U.S.C. 2302\(b\)](#) that arise from the appraisal process.
- e. The Agency may not prescribe a forced or pre-established distribution of ratings.

423.3.26 Interim Appraisals for Details, Rotation Assignments and Job Changes

Effective Date: 07/17/2020

- a. When a senior executive changes positions within the Agency or transfers to another agency after completing the 90-day minimum appraisal period, the losing rating official must provide a narrative assessment of the executive's performance, in writing, before the executive leaves. This interim appraisal will serve as one of the executive's appraisals for the appraisal period. The gaining rating official must consider this interim appraisal when developing the initial summary rating at the end of the appraisal period.
- b. When USAID details, temporarily reassigns, or provides a rotation assignment to an executive for a period expected to last 120 days or longer, the gaining rating official must provide the executive with a written performance plan and performance requirements as soon as possible, but no later than 30 calendar days after the beginning of the detail or temporary reassignment. The gaining rating official must provide a narrative assessment of the executive's performance in writing, and this interim appraisal must be factored into the initial summary rating that the rating official prepares at the end of the appraisal period.
- c. When a USAID senior executive serves on a rotation assignment in a different government agency or an external organization for 120 days or longer, the executive's rating official must make a reasonable effort to obtain appraisal information from the other agency or outside organization. The rating official must

consider the information in developing the initial summary rating at the end of the appraisal period.

- d. USAID treats a long-term training assignment in the same way as a detail away from the Agency.
- e. When an executive moves to another agency, HCTM/CPE/ER forwards all appropriate performance-related documents five-years old or less in the Employee Performance Folder, along with the executive's Official Personnel Folder.

423.3.27 Using Performance Results

Effective Date: 07/17/2020

- a. The annual summary rating is used as a basis for making decisions on pay adjustments, performance awards, performance removals, reduction in force, executive development, and reassignments.
- b. USAID recognizes SES performance at the fully successful level and above through:
 - 1) Performance-based pay adjustments, and/or
 - 2) Performance-based awards.
- c. USAID addresses performance deficiencies through:
 - 1) Development,
 - 2) Reductions to the rate of basic pay, or
 - 3) Reassignment or removal.

423.3.28 Addressing Less Than Fully Successful Performance

423.3.28.1 Progress Review

Effective Date: 07/17/2020

If the rating official determines that the executive's progress on a particular critical performance element is less than Fully Successful, the rating official must:

- a. Contact HCTM/CPE/ER;
- b. Provide written documentation outlining the specific performance deficiencies, the measures the executive must take to correct the performance deficiencies, and the timeframe to correct the deficiencies;
- c. Prepare form [AID 421-2](#), Executive Development Plan (EDP) Template for the executive.

- 1) The EDP describes what efforts both the executive and the rating official will undertake to improve the SES member's performance to the fully successful level.
 - 2) Improvement activities can include closer supervision; mentorship; executive coaching; on-the-job, online, and classroom training; mentoring; and counseling.
- d. Provide a copy of the written documentation and EDP to the executive and HCTM/CPE/ER.

423.3.28.2 Performance Appraisal

Effective Date: 07/17/2020

- a. If the rating official determines that a Minimally Satisfactory rating in any one critical performance element is appropriate, the rating official must:
- 1) Contact HCTM/CPE/ER;
 - 2) Document the reasons for the Minimally Satisfactory rating in the appraisal narrative;
 - 3) Prepare or update an Executive Performance Agreement (EPA) for the next performance cycle to identify specific, measurable, performance requirements for the critical performance element at the Fully Successful, Minimally Satisfactory, and Unsatisfactory performance levels;
 - 4) Discuss the EPA and performance requirements with the executive;
 - 5) Develop a plan for frequent (at least quarterly) formal progress reviews;
 - 6) Inform the executive regarding possible actions for the current appraisal cycle, such as receiving a reduced pay adjustment and/or award, receiving no pay adjustment and/or award, and/or a pay reduction (see section **423.3.10, Reducing Pay**); and
 - 7) Provide a copy of the written documentation and EDP to the executive and HCTM/CPE/ER.
- b. If an executive receives an Unsatisfactory or Minimally Satisfactory annual summary rating, the rating official must contact HCTM/CPE/ER prior to documenting the EPA. HCTM/CPE/ER will work with the rating official to determine appropriate action(s), including:
- 1) Reducing Pay (see section **423.3.10, Reducing Pay**), and/or

2) Removal, Reassignment, or Suspension (see section 423.3.34, Removal or Reassignment for Performance).

423.3.29 SES Performance Management System Evaluation

Effective Date: 07/17/2020

- a. Agencies must periodically evaluate the effectiveness of their performance management systems and implement improvements as needed.
- b. The PRB serves as the body that evaluates the USAID SES performance management system. The PRB reports its findings and recommendations to the Appointing Authority. This function is typically performed after the PRB's annual review of final ratings and recommendations for bonuses, base pay adjustments, and Presidential Rank Award nominations conducted at the end of year appraisal cycle.
- c. The Appointing Authority reviews and has the option to approve some, none, or all of the recommendations.
- d. HCTM/CPE/ER communicates the results to PRB and SES members and incorporates approved recommendations into the ADS and/or SES Performance Appraisal System when necessary.

423.3.30 Training

Effective Date: 07/17/2020

- a. HCTM/CPE/ER provides periodic training or supplemental guidance, as appropriate, to SES members, members of the PRB, and other agency officials on pay policies to ensure understanding and to clarify how they are applied.
- b. HCTM/CPE/ER provides training to rating officials and executives on performance management, including pay-for-performance criteria.
- c. HCTM/CPE/ER provides training to newly selected SES members on the performance management system.
- d. HCTM/CPE/ER staff is available to consult with executives and rating officials regarding the SES performance management system and to help during the development of performance plans and performance requirements.
- e. HCTM/CPE/ER provides training and guidance to the PRB annually regarding its role, responsibilities, and USAID policies for SES performance management.

423.3.31 Executive Development

Effective Date: 07/17/2020

- a. Executive development is an ongoing responsibility for all USAID SES members. USAID uses executive development to enhance existing skills, prepare SES members for career advancement, and improve executive performance. Rating officials and senior executives must use [AID 423-2, Executive Training and Development Plan Template](#), to identify short and long-term developmental goals.
- b. All SES members must prepare an annual EDP that contains at least one developmental activity at the beginning of each appraisal cycle (October 1). SES members who are new to USAID must prepare an EDP within 30 days of their initial appointment.
- c. Developmental activities can include executive coaching, on-the-job training, reading, online and classroom training, mobility assignments, mentoring, action learning, details, sabbaticals, and rotation assignments. (Guidance on details and temporary assignments may be found in [ADS 432, Details - Civil and Foreign Service](#), [ADS 434, Details and Transfers to International Organizations - Civil Service \(CS\) and Foreign Service \(FS\)](#), and [ADS 437, Temporary Assignments Under the Intergovernmental Personnel Act](#)). Guidance on rotation assignments may be found in USAID's [Senior Executive Service 2-Year Rotation Plan](#).
- d. Rating officials must prepare an improvement plan using the EDP for any SES member with an annual summary rating below the fully successful level who the Agency retains in an SES position.
 - 1) The improvement plan describes what efforts both the executive and the rating official will undertake to improve the SES member's performance to the fully successful level.
 - 2) Improvement activities can include closer supervision; mentorship; executive coaching; on-the-job, online, and classroom training; mentoring; and counseling.
- e. USAID uses EDPs as one factor in the SES reassignment process as discussed in the SES Two-Year Rotation Plan. SES members have the opportunity to identify internal SES positions for rotation assignments or permanent reassignment.

423.3.32 Sabbaticals

Effective Date: 07/17/2020

- a. The Administrator, or his or her designee, is authorized to grant sabbaticals for up to 11 months for full-time study or uncompensated work experience that will contribute to the development and effectiveness of executives. A sabbatical is a prolonged period away from work with all the benefits and is not a part-time activity. The Agency must assure that sabbaticals do not violate conflict-of-interest regulations.

b. To be eligible, the SES member must be a career appointee and:

- 1) Must have completed seven years of service in SES positions or equivalent civil service positions. At least two of the seven years must have been in the SES.
- 2) Must not be eligible for voluntary (optional) retirement at the time the sabbatical begins.
- 3) Must not have been granted a sabbatical more than once in a 10-year period.
- 4) Must sign an agreement to continue in the civil service for a period of two consecutive years following the sabbatical.

c. Sabbatical activities may include:

- 1) Teaching, study (independent or structured), research, or some combination of these at a college or university;
- 2) Non-institutional study or research (independent or guided);
- 3) Periods of relevant and developmental work experience in the private sector; with non-profit organizations, or with state or local governments; and
- 4) Activities or projects not covered above (*e.g.*, bench research, invention, design, development; trouble-shooting or problem-solving assignments; writing).

d. While on sabbatical, the executive:

- 1) Continues to occupy his/her SES position of record and to receive SES pay;
- 2) Continues to earn leave and is charged for any leave taken;
- 3) Remains subject to the SES performance appraisal system and must receive a performance rating, against appropriate standards;
- 4) Is eligible to receive performance-based pay adjustments and awards; and
- 5) May be eligible to receive travel expenses (including per diem) provided the Administrator, or his or her designee, determines the expenses to be essential for the sabbatical study or experience.

e. USAID must submit the following information to OPM before the start of the sabbatical:

- 1) The name of the SES member;
- 2) A general description of planned activities, developmental benefits, and expected contributions to the government; and
- 3) The approximate dates of the sabbatical.

423.3.33 Records Management

423.3.33.1 Retention of Records Documenting Qualification Standards, Recruitment, and Selection Standards

Effective Date: 07/17/2020

- a. If a qualifications standard is changed or a position is cancelled, the former standard must be retained for two years.
- b. Recruitment and selection documentation for SES positions must be retained for two years from the date of appointment or cancellation to permit reconstruction of merit staffing actions.

423.3.33.2 Retention of Summary Rating Record and Transfer of Performance Records

Effective Date: 07/17/2020

- a. The Executive Performance Agreement includes a summary rating of record that is approved by the Appointing Authority. HCTM/CPE/ER files the summary rating of record on the Electronic Official Personnel File (EOPF) system and the record is maintained for each executive for a minimum of five years.
- b. Upon transfer of the executive to another Federal agency, HCTM/CPE/ER will forward all appropriate performance-related documents five years old or less to the gaining agency.

423.3.33.3 Adverse Action

Effective Date: 07/17/2020

- a. HCTM/ELR maintains copies of and will furnish to the Merit Systems Protection Board (MSPB) and to the SES member upon his or her request any of the following:
 - 1) Notice of the proposed action;
 - 2) SES member's written reply, if any;
 - 3) Summary of the SES member's oral reply, if any;
 - 4) Notice of decision; and

- 5) Any order affecting the action, together with any supporting material.

423.3.34 Removal, Reassignment, and Suspension

423.3.34.1 Removal or Reassignment for Performance

Effective Date: 07/17/2020

- a. During the probationary period, the following rules apply:

- 1) Removal or reassignment may be based on a performance assessment made during the appraisal period and does not need to be based on a final performance assessment.
- 2) An executive cannot be appraised for 120 days after the start of a new Presidential administration.
- 3) The agency must provide written notification before the effective date of the proposed action. The written notice must:
 - State the performance issues and inadequacies,
 - State whether the appointee has placement rights and, if so, identify the position to which the employee will be assigned, and
 - Show the effective date of the action.

- b. Following the probationary period, the following rules apply:

- 1) Removal or reassignment of a career appointee from the SES for less than fully successful performance must be based on a rating(s) of record assigned by the Appointing Authority following recommendations from the PRB.
- 2) The Agency does not need to retain an unsatisfactory performer in a position until the end of the annual appraisal period.
 - The appraisal period may end when there is an adequate basis on which to appraise and rate an SES member (*i.e.*, a minimum of 90 days).
 - The Agency must complete the full rating process including PRB review and approval by the Appointing Authority.
 - An executive cannot be appraised for 120 days after the start of a new Presidential administration.

- 3) Optional removal:** An SES member who receives an unsatisfactory annual summary rating must be reassigned or transferred within the SES or removed from the SES.
- A reassignment may be appropriate when the executive is capable of performing at the SES level but was/is not suited for the original SES position.
 - The Agency may reassign the executive to another SES position for which he or she is qualified.
 - The executive may be reassigned within the Agency, or, with the executive's approval, transferred to another agency.
 - If reassignment is not appropriate, the executive must be removed from the SES.
- 4) Mandatory removal:** An executive must be removed from the SES when he or she receives:
- Two Unsatisfactory ratings in five consecutive years,
 - Two Minimally Satisfactory ratings in three consecutive years, or
 - One Unsatisfactory rating and one Minimally Satisfactory rating in three consecutive years.

c. Removal notice requirements:

- 1) A career executive post-probationer must receive a 30-calendar day advance written notice before the effective date of removal from the SES. The notice must provide the following:**
- The reason for the removal (rating and dates);
 - Notification of the executive's placement rights;
 - Notification that the executive has a right to request an informal hearing before an official designated by the MSPB. The notification must also include the fact that the request must be made to the MSPB's Headquarters Office at least 15 days before the effective date of the action;
 - The effective date of the action; and

- The executive's eligibility for discontinued service retirement when applicable.
- 2) The employee's appeal rights to the MSPB are described in 5 CFR 359.502.
 - 3) An informal hearing does not delay the effective date of removal.
 - 4) An SES removed for performance is not eligible for reinstatement in the SES.

d. Placement Rights

- 1) SES, including post-probationers, probationers, limited term, and limited emergency, who were in career or career-conditional appointments immediately prior to their SES appointment are eligible for placement outside the SES if removed for performance reasons.
- 2) If eligible, an executive is entitled to be placed in any Agency in a vacant position that:
 - Is not SES;
 - Has tenure equivalent to that of the position held at the time of appointment to the SES;
 - Is a continuing position at GS-15 or above or equivalent that will last at least three months; and
 - Is a position for which the executive meets the qualification requirements.
- 3) If eligible for placement, an executive is entitled to receive basic pay at the highest of the following:
 - The rate of basic pay in effect for the position in which he or she is placed;
 - The rate of basic pay currently in effect for the position the executive held in the Civil Service immediately before being appointed to the SES; or
 - The rate of basic pay in effect for the executive immediately before removal from the SES.

423.3.34.2 Removal and Suspension for Disciplinary Reasons

Effective Date: 07/17/2020

a. SES Members

- 1) SES members covered under [Title 5, Sub-Chapter B Part 359](#) (Removal, Suspension, for More than 14 Days, Reduction in Grade or Par, or Furlough for 30 Days or Less) of the United States Code include post-probation, probationary, limited term, and limited emergency employees who held career or career-conditional appointments immediately prior to their appointment to the SES.
- 2) Reasons for removal or suspension include misconduct, neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.
- 3) Separation for failure to accept a directed reassignment or to accompany a position in a transfer of function outside the commuting area must not be considered a removal for cause when determining eligibility for discontinued service retirement.
- 4) When suspended for disciplinary reasons, SES members must be suspended for more than 14 days.
- 5) When removed for disciplinary reasons, SES members are removed from Federal Service.
- 6) USAID's SES members are also subject to the rules in [ADS 109, Ethics and Standards of Conduct](#). SES suspensions and removals generally follow adverse action procedures described in [ADS 487, Disciplinary and Adverse Actions Based Upon Employee Misconduct - Civil Service](#). HCTM/CPE/ER coordinates with HCTM/ELR and GC regarding any proposed disciplinary actions against an SES.

b. Probationers Who Did Not Hold Career or Career-Conditional Appointments Prior to an SES Appointment

- 1) Removal may be based on misconduct, neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.
- 2) The agency must provide written notification at least one day before the effective date. The written notice must:

- State the reason for the removal action, including the acts of misconduct, neglect of duty, or malfeasance when those factors are involved, and
- Show the effective date of the action.

c. For Conditions Arising Before Employment:

- 1)** The agency may separate a probationer for conditions arising before appointment to the SES when those conditions have a bearing on the probationer's fitness or qualifications for continued employment in the SES.
- 2)** Probationers, who did not hold career or career-conditional appointments prior to an SES appointment, are afforded an opportunity to answer or refute the derogatory information bearing on fitness or qualifications for continued employment.
- 3)** The agency must provide written notification before the effective date stating the specific reasons for the proposed removal. The appointee has seven days to provide a response. The agency must provide a written decision before the effective date stating the reasons for the action and the effective date.

d. Exceptions and Restrictions

1) Involuntary reassignments

- The agency cannot involuntarily reassign an SES in a career reserved or general position for 120 days after the appointment of a new agency head or for 120 days after the appointment of the SES member's most immediate supervisor who is a non-career appointee.
- The SES member may waive the moratorium in writing.
- Reassignments based on performance can proceed if the performance rating occurred before the Agency head or supervisor changed.

2) Removal

- The Agency cannot remove a career executive for performance for 120 days after the appointment of a new agency head or for 120 days after the appointment of the SES member's most immediate supervisor who is a noncareer appointee and has the authority to remove the SES.
- Removal based on performance can proceed if the removal action was started before the appointment.

- Removal for conduct is not affected by the 120-day moratorium.

3) Notice requirements

Timeframes for notice requirements may be waived if the Agency has reasonable cause to believe the appointee committed a crime for which a sentence of imprisonment may be imposed.

- e. Noncareer, Limited Emergency, and Limited Term Appointees Who Did Not Hold Career or Career-Conditional Appointments Immediately Prior to Appointment to the SES:
- 1) Can be removed at any time.
 - 2) The agency must notify the appointee in writing before the effective date.
 - 3) There are no guaranteed placement rights.
 - 4) Actions are not appealable to the MSPB (see [5 U.S.C. 2302\(a\)\(2\)\(B\)](#)).

423.3.35 Reduction in Force
Effective Date: 07/17/2020

See [ADS 455, Reduction in Force in the Senior Executive Service](#).

423.3.36 Furloughs
Effective Date: 07/17/2020

See [ADS 553, Furlough - Civil Service and Foreign Service](#).

423.4 MANDATORY REFERENCES

423.4.1 External Mandatory References
Effective Date: 07/17/2020

- [5 CFR 214 - Senior Executive Service](#)
- [5 CFR 317 - Employment in the Senior Executive Service](#)
- [5 CFR 353 - Restoration to Duty from Uniformed Service or Compensable Injury](#)
- [5 CFR 359 - Removal from the Senior Executive Service](#)
- [5 CFR 430 Subpart C - Managing Senior Executive Performance](#)

- f. [5 CFR 534 Subpart D - Pay and Performance Awards Under the Senior Executive Service](#)
- g. [5 CFR 536 – Grade and Pay Retention](#)
- h. [5 CFR 550 – Pay Administration](#)
- i. [5 CFR 752 Subpart F – Regulatory Requirements for Taking Adverse Actions Under the Senior Executive Service](#)
- j. [5 U.S.C. 2302 – Prohibited Personnel Practices](#)
- k. [5 U.S.C. 3341 – Details; within Executive or military departments](#)
- l. [5 U.S.C. 3392 - 3395](#)
- m. [5 U.S.C. 4311 – 4315 – Performance Appraisal in the Senior Executive Service](#)
- n. [5 U.S.C. 5381 – 5483](#)
- o. [Executive Order 13714 – Strengthening the Senior Executive Service](#)
- p. [GPRM Modernization Act of 2010](#)

423.4.2 Internal Mandatory References

Effective Date: 07/17/2020

- a. [ADS Chapter 109, Ethics and Standards of Conduct](#)
- b. [ADS Chapter 412, Reemployment Rights](#)
- c. [ADS Chapter 415, Civil Service to Foreign Service Appointment Program](#)
- d. [ADS Chapter 422, Personnel Operations: Senior Foreign Service](#)
- e. [ADS Chapter 432, Details - Civil and Foreign Service](#)
- f. [ADS Chapter 434, Details and Transfers to International Organizations - Civil Service \(CS\) and Foreign Service \(FS\)](#)
- g. [ADS Chapter 437, Temporary Assignments Under the Intergovernmental Personnel Act \(IPA\)](#)
- h. [ADS Chapter 455, Reduction in Force in the Senior Executive Service](#)

- i. [ADS Chapter 456, Personnel Operations: Position Classification](#)
- j. [ADS Chapter 479, Hours of Duty](#)
- k. [ADS Chapter 480, Leave](#)
- l. [ADS Chapter 487, Disciplinary and Adverse Actions Based Upon Employee Misconduct - Civil Service](#)
- m. [ADS Chapter 491, USAID Incentive Awards Program](#)

423.4.3 Mandatory Forms

Effective Date: 07/17/2020

- a. [AID Form 423-1, SES Performance Management System Executive Agreement](#)
- b. [AID Form 423-2, Executive Development Plan Template](#)

423.5 ADDITIONAL HELP

Effective Date: 07/17/2020

- a. [Executive Pay Setting Analysis](#)
- b. [Executive Performance Management Tools](#)
- c. [Moratorium White Paper](#)
- d. [SES Recruitment Tools](#)
- e. [USAID SES Two-Year Rotation Plan](#)

423.6 DEFINITIONS

Effective Date: 07/17/2020

See the [ADS Glossary](#) for all ADS terms and definitions.

12-Month Rule

Agencies may only adjust the rate of basic pay of an SES member once in a 12-month period except as allowed by regulation. (**Chapter 423**)

Aggregate Pay Limitation

The aggregate pay limitation is the maximum total amount of basic pay, allowances, differentials, bonuses, awards, or other similar payments an employee may receive in a calendar year, when combined with the employee's basic pay. Payments in excess of the aggregate limitation on pay (other than basic pay) must be deferred and are generally paid as a lump-sum payment at the beginning of the following calendar year. (**Chapter 423**)

Annual Performance Management and Pay Administration Plan

The Annual Performance Management Pay Administration Plan provides funding information and any necessary additional guidance related to end-of-year performance-based pay adjustments and awards. **(Chapter 423)**

Annual Summary Rating

The overall rating level that an Appointing Authority (*i.e.*, the Administrator or Deputy Administrator) assigns at the end of the appraisal period after considering the initial summary rating, any input from the executive or a higher level review, and the Performance Review Board's (PRB) recommendations. This is the official rating of record. **(Chapter 423)**

Appointing Authority

The Agency Head or other official who has delegated authority to make appointments in the SES and who assigns the annual summary rating, approves bonuses and performance-based pay adjustments. **(Chapter 423)**

appraisal period

USAID's official performance appraisal period for which an annual summary rating must be prepared. For SES members, the appraisal period runs from October 1 through September 30 of the following year. The minimum appraisal period for an SES member is 90 days. **(Chapter 423)**

Candidate Development Program

A U.S. Office of Personnel Management (OPM)-approved program designed to prepare individuals through developmental assignments and formal training for career appointment to the Senior Executive Service (SES). Participants are chosen through a competitive SES merit staffing process. Those who successfully complete the program are eligible for certification by the Qualifications Review Board (QRB) and may receive an SES career appointment without further competition. **(Chapter 423)**

Career Reserved SES Position

An SES position that must be filled by an SES career appointee. **(Chapter 423)**

Certified

Certification that OPM, with Office of Management and Budget (OMB) concurrence, grants under 5 USC 537(d) and part 430, Subpart D only to a performance appraisal system that makes meaningful distinctions based on relative performance in both its design and its implementation. **(Chapter 423)**

Critical Performance Element

A key component of a senior executive's work that contributes to the achievement of organizational goals and results and is so important that unsatisfactory performance of the element would make the executive's overall job performance unsatisfactory. **(Chapter 423)**

Detail

The temporary assignment or loan of a Direct-Hire employee to an outside organization or within USAID without change of position from that held in USAID, and/or the temporary assignment of non-USAID personnel to USAID, with the expectation that the employee will return to the official position of record upon the expiration of the detail. **(Chapter 423)**

Executive

A member of the Senior Executive Service (SES); also referred to as a member or a senior executive. **(Chapter 423)**

Executive Core Qualifications (ECQs)

The ECQs define the competencies needed to build a Federal corporate culture that drives for results, serves customers, and builds successful teams and coalitions within and outside the organization. The ECQs are required for entry to the SES and are used by many departments and agencies in selection, performance management, and leadership development for management and executive positions. **(Chapter 423)**

Executive Development Plan (EDP)

A formal document that specifically identifies short- and long-term learning and developmental goals including rotation assignments. **(Chapter 423)**

Executive Performance Agreement

The form used to document a senior executive's performance plan, progress reviews, any performance requirements modifications, interim ratings, initial summary rating, and annual summary rating. The executive performance agreement contains the written critical performance elements and performance requirements that are established before the beginning of the appraisal period and that will be used to evaluate the executive's performance by applying the established performance standards. The plan includes all critical performance elements, performance standards, performance requirements, including many specific goals, targets, or other measures established for the senior executive. **(Chapter 423)**

Executive Resources Board (ERB)

A panel of top agency executives responsible under the law for conducting the merit staffing process for career appointment to SES positions. Most ERBs are also responsible for setting policy on and overseeing such areas as SES position planning and executive development. **(Chapter 423)**

General SES Position

An SES position that may be filled by any type of SES appointee (*i.e.*, career, noncareer, limited term, or limited emergency). **(Chapter 423)**

Higher-Level Reviewer

A supervisory official, generally at a higher level, who was not involved in the initial appraisal process. (Chapter 423)

Implementing Partner

An organization or individual with which/whom the Agency collaborates to achieve mutually agreed upon objectives and to secure participation of ultimate customers. Partners include host country governments, private voluntary organizations, indigenous and international non-governmental organizations (NGOs), universities, other U.S. Government agencies, the United Nations and other multilateral organizations, professional and business associations, and private businesses and individuals. (Chapter 423)

Initial Summary Rating

An overall rating level the rating official derives by appraising the senior executive's performance during the appraisal period in relation to the performance standards and requirements and then applying the established derivation formulas. (Chapter 423)

Interim Rating

A rating that covers a period of performance lasting a minimum of 90 days. Examples include a rating when an executive serves on a detail or special assignment, serves on a rotation assignment, or concludes an assignment in one position upon reassignment to a new SES position in USAID or transfer to an SES position in another agency. (Chapter 423)

Maximum Pay Rate

The maximum rate of SES basic pay when the Agency's SES appraisal system is certified is the rate payable for Level II of the Executive Schedule (EX), and the aggregate compensation limit is equal to the Vice President's salary. (Chapter 423)

Merit Staffing

The merit system is the process of promoting and hiring government employees based on their ability to perform a job, rather than on their political connections. (Chapter 423)

Minimum Pay Rate

The minimum rate of SES basic pay is 120 percent of the rate of basic pay for GS-15, step 1 without locality pay. (Chapter 423)

Oversight Official

The agency head or individual specifically designated by the Agency head who provides oversight of the SES performance management system and issues performance appraisal guidelines. (Chapter 423)

Pay Adjustment

A change from one salary rate to another salary rate while employed in the SES. Pay may be adjusted once in any 12-month period. (Chapter 423)

Performance

The accomplishment of assigned work described in the senior executive's performance plan. **(Chapter 423)**

Performance Appraisal

The review and evaluation of a senior executive's performance against critical performance elements, performance standards established by OPM, and all performance requirements—Mandatory Government-wide, Agency-Specific, and Bureau/Independent Office—established at the beginning of the appraisal period. **(Chapter 423)**

Performance Awards

An award, ranging from 5 to 20 percent of basic salary, granted by an Appointing Authority to an SES career appointee who has at least a fully successful performance rating, commonly referred to as a bonus. **(Chapter 423)**

Performance Levels

USAID's SES performance management system has five performance levels: Level 1 - Unsatisfactory; Level 2 - Minimally Satisfactory; Level 3 - Fully Successful; Level 4 - Exceeds Fully Successful; and Level 5 - Outstanding. **(Chapter 423)**

Performance Management System

The framework of policies, practices, and procedures established for planning, monitoring, developing, evaluating, and rewarding both individual and organizational performance and for using performance results in making personnel decisions. **(Chapter 423)**

Performance Requirements

A description of what a senior executive must accomplish, or the competencies demonstrated, for a critical performance element. A performance requirement establishes the criteria to be met to be rated at a specific level of performance. Performance requirements must include a quality indicator and generally include measures of quality, quantity, timeliness, cost savings, manner of performance or other factors. **(Chapter 423)**

Performance Review Board (PRB)

A group of career senior executives appointed by the Appointing Authority that reviews initial summary ratings and any input from the executive or a higher level reviewer, and provides recommendations regarding senior executive service performance appraisals, bonuses, pay adjustments, and rank award nominations. **(Chapter 423)**

Performance Standards

The descriptions for each of five described levels of performance—from Unsatisfactory to Outstanding—that apply to all USAID senior executives. Performance standards

provide the benchmarks for developing performance requirements against which actual performance will be assessed. **(Chapter 423)**

Post Probationer

A career appointee who has successfully completed the SES probationary period or did not have to serve one (*e.g.*, an individual who converted to the SES as a career appointee upon its establishment in 1979). **(Chapter 423)**

Presidential Rank Award

An award granted by the President to career SES members, following nomination by their agency and recommendation by the Director of OPM. Meritorious Executive rank is sustained accomplishment and carries an award value equal to 20 percent of the executive's rate of basic pay. Distinguished Executive rank is for sustained extraordinary accomplishment and carries an award value equal to 35 percent of the executive's rate of basic pay. **(Chapter 423)**

Probationary Period

A one-year trial period for new career appointees to the SES. **(Chapter 423)**

Probationer

A career appointee who is serving during the SES probationary period. **(Chapter 423)**

Progress Review

A review of the senior executive's progress in meeting established performance requirements. A progress review normally occurs midway through the appraisal period and is not a performance rating. **(Chapter 423)**

Off-Cycle Pay Increase

Any increase in an SES member's rate of basic pay that becomes effective on a date other than the date of an annual performance-based pay adjustment. **(Chapter 423)**

Qualifications Review Board (QRB)

A board attached to OPM that certifies the executive qualifications of individuals for initial career appointment to the SES. A majority of QRB members must be career appointees. **(Chapter 423)**

Quality Indicator

The descriptive language that explains how the rating official will determine the work product identified in a performance requirement is acceptable. These indicators often are expressed as smaller, verifiable accomplishments (*i.e.*, mini-results) that must be completed successfully to produce the principal result identified in the performance objective. **(Chapter 423)**

Rate and Rank Panel

A Rate and Rank Panel is comprised of two ERB members and one subject matter expert identified by the B/IO. At least one member of the panel must be a career SES

and all must be SES equivalent. The Rate and Rank panel convenes as a group to rank each applicant for an SES position as highly qualified (HQ), qualified (Q), minimally qualified (MQ), or not qualified (NQ) based on their review, discussion and final rating scores. **(Chapter 423)**

Rate of Basic Pay

For pay-setting purposes, the rate of basic pay means the rate of pay fixed by law or administrative action for an SES member before any deductions and exclusive of additional pay of any other kind, such as locality-based comparability payments or special pay adjustments for law enforcement officers. **(Chapter 423)**

Rating Official

The senior executive's immediate supervisory official who prepares the initial summary rating and any required interim rating. **(Chapter 423)**

Reassignment

A reassignment is the movement from one SES position to another SES position within the Agency. **(Chapter 423)**

Reduction in Force

The release of a career or probationary appointee from a position in the SES because the appointee has been displaced by a career or probationary appointee in a surplus position who has a higher retention standing, or the release of a career or probationary appointee from a surplus position in the SES when such appointee has the lowest retention standing of those occupying SES positions for which the appointee is qualified. **(Chapter 423)**

Reemployment

The agreement between the Agency (either by statute or administratively granted) and a career SES employee to return to the Agency upon completion of an assignment outside of the SES and their agency. To be eligible, the employee must have held a career SES appointment prior to the assignment and must have completed the SES probationary period. **(Chapter 423)**

Reinstatement

The noncompetitive reappointment of a career employee in the SES who under a previous career appointment successfully completed the SES probationary period. **(Chapter 423)**

Restoration

The return of an SES employee who leaves the Agency to serve on active duty, including training, in the Armed Forces or who has recovered from a compensable injury. **(Chapter 423)**

Rotation

A development process involving movement to another position or an assignment that broadens the executive's knowledge, skill, and experience in order to improve talent development, mission delivery, and collaboration. A rotation must last a minimum of 120 consecutive days and provide experience outside the executive's current role.

(Chapter 423)

Sabbatical

An absence from duty, with pay, that an agency may grant to an SES career appointee for up to 11 months to engage in study or uncompensated work experience for developmental purposes. A sabbatical is a prolonged period of time away from work with all the benefits and is not a part-time activity. **(Chapter 423)**

Saved Pay

The SES rated pay that the individual receives by accepting a lower graded position after leaving the SES as the result of reduction-in-force or removal during probationary period. (See 5 U.S.C. 3594 for definitions and limitations of SES pay). **(Chapter 423)**

Senior Executive

A member of the SES. **(Chapter 423)**

Senior Executive Service (SES)

The SES includes most managerial, supervisory, and policy positions classified above GS-15 or equivalent positions. A position meets the SES functional criteria if its incumbent engages in any of the following activities: directs the work of an organizational unit; is held accountable for the success of one or more specific programs or projects; monitors progress toward organizational goals and periodically evaluates and makes appropriate adjustments to such goals; supervises the work of employees (other than personal assistants); or otherwise exercises important policy-making, policy-determining, or other executive functions. Members of the SES serve in the key positions just below the top Presidential appointees. SES members are the major link between these appointees and the rest of the Federal workforce. They operate and oversee nearly every government activity in approximately 75 Federal agencies. **(Chapter 423)**

SES Career Appointee

An individual in an SES position whose appointment to the position, or previous appointment to another SES position, was based on a competitive SES merit staffing process and whose executive qualifications for the SES were certified by a QRB, or an individual who converted to the SES with a career appointment. **(Chapter 423)**

SES Limited Emergency Appointee

An individual who was appointed non-competitively, under a non-renewable appointment not to exceed 18 months, to an SES General position to meet a bona fide, unanticipated, urgent need. **(Chapter 423)**

SES Limited Term Appointee

An individual who was appointed non-competitively, under a non-renewable appointment not to exceed three years, to an SES General position, the duties of which must expire at the end of such term. (**Chapter 423**)

SES Non-Career Appointee

An individual, other than one serving under a career or limited appointment, who was appointed non-competitively to an SES General position. (**Chapter 423**)

SES Position

A position that is classified above GS-15 or is in level IV or V of the Executive Schedule, or an equivalent position, which is not required to be filled by Presidential appointment with Senate confirmation (see SES above). (**Chapter 423**)

Strategic Planning Initiatives

Agency strategic plans as required by the GPRA Modernization Act of 2010, annual performance plans, organizational work plans, and other related initiatives. (**Chapter 423**)

Transfer

The change of an individual from an SES position in one agency to an SES position in another agency without a break in service of one full workday. (**Chapter 423**)

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