

Material Transmitted

HHS Instruction 920-1, Executive Resources Management (pages -4)
HHS Exhibit 920-1-A, Delegations of Authority for Executive Resources Management (pages 1-2)
HHS Instruction 920-2, The Senior Executive Service: Reduction in Force and Furlough (pages 1-3)
HHS Exhibit 920-2-A, Format for Recording Competitive Performance Standing (page 1)

Material Superseded

The following Instructions (and their Exhibits) are superseded entirely:

Instruction 920-2, Executive Resource Boards (3/88)
Instruction 920-3, SES Performance Review Boards and Performance Awards (Bonuses) (3/88)
Instruction 920-4, Pay in the SES (6/83)
Instruction 920-5, Presidential Executive Rank Awards (3/88)
Instruction 920-6, Removal, Reinstatement, and Guaranteed Placement in the SES (1/84)
Instruction 920-7, Reduction in Force in the SES (3/95)
Instruction 920-8, Furloughs in the SES (3/95)
Instruction 920-9, Controls on SES and Equivalent Non-SES Positions (8/83)
Instruction 920-10, SES Career Merit Staffing Plan (8/84)
Instruction 920-11, Executive Succession Program (10/89)

Background

In September 1995, the Secretary directed the delegation of most executive resource authorities to Heads of Operating Divisions (OPDIVs). The continued exercise of these authorities by an OPDIV is contingent on the successful implementation of an executive resource management plan. These delegations have rendered obsolete the greater part of the Department's personnel instructions in the 920 series. Accordingly, with this transmittal we are abolishing all ten of these instructions and are replacing them with just two new ones.

The first, a new 920-1, covers the broad area of executive resources management in the Department. It restates the delegations and plan requirements mentioned above, so that these will be together with the few Departmental policies and requirements that are still appropriate. The coverage of this Instruction is primarily the Senior Executive Service, but some provisions also refer to equivalent executive positions.

HHS Transmittal 96.14
Personnel Manual
Issue Date: 6/5/96

The second new instruction, 920-2, covers the topics of reduction in force and furlough in the SES. It updates two instructions issued a year ago, addressing the need for certain Departmentwide controls in the context of a decentralized program. Its exhibit is the format for recording competitive performance standing in the event of a reduction in force.

Filing Instructions

File new material. Change Table of Contents (Instruction 002-1) for the Personnel Manual to reflect changes. Post receipt of this Transmittal to the HHS Check List of Transmittals and file it in sequential order after the Check List.

John J. Callahan
Assistant Secretary for
Management and Budget

INSTRUCTIONS 920-1, 920-2

Distribution: MS (PERS) : HRFC-001

HHS PERSONNEL INSTRUCTION 920-1

Subject: EXECUTIVE RESOURCES MANAGEMENT

920-1-10	Purpose
20	Coverage
30	References
40	Executive Resources Planning
50	Executive Resources Boards (ERBs) and Merit Staffing
60	Performance Review Boards (PRBs)
70	Executive Resource Allocations
80	Program Information and Accountability

Exhibit 920- 1-A Delegations of Authority for Executive Resources Management

920-1-10 PURPOSE

This Instruction provides delegations of authority, requirements, and guidance for the management of executive resources in the Department.

920-1-20 COVERAGE

This Instruction applies primarily to the Senior Executive Service. However, in order to achieve a comprehensive approach to managing executive resources, some provisions also apply to Senior Level (SL) Scientific and Professional (ST) and Senior Biomedical Research Service (SBRS) positions. (Note that there are departmental regulations covering the SBRS at 42 CFR Part 24).

902-1-30 REFERENCES

- A. 5 U.S.C. 3104 (employment of specially qualified scientific and professional personnel)
- B. 5 U.S.C. Chapter 31, Subchapter II (the Senior Executive Service)
- C. 5 U.S.C. 3324 (appointments to positions classified above GS-15)
- D. 5 U.S.C. 3325 (appointments to scientific and professional positions)
- E. 5 U.S.C. Chapter 33, Subchapter VIII (appointment, reassignment, transfer, and development in the SES)
- F. 5 U.S.C. Chapter 35, Subchapter V (removal, reinstatement, and guaranteed placement in the SES)
- G. 5 U.S.C. Chapter 43, Subchapter II (performance appraisal in the SES)
- H. 5 U.S.C. 4507 (awarding of ranks in the SES)

(290-1-30 continued) .

- I. 5 U.S.C. 5307 (limitations on certain payments)
- J. 5 U.S.C. Chapter 53, Subchapter VIII (pay for the SES)
- K. 42 U.S.C. 228 (Senior Biomedical Research Service)
- L. 5 CFR 213.3202(m) (appointment authority for placements under 5 U.S.C. 3594(b))
- M. 5 CFR Part 214 (the Senior Executive Service)
- N. 5 CFR Part 317 (employment in the SES)
- O. 5 CFR Part 319(employment in senior level and scientific and professional positions)
- P. 5 CFR Part 359 (removal from SES; guaranteed placement in other personnel systems.
- Q. 5 CFR Part 412 (executive and management development)
- R. 5 CFR Part 430, Subpart E (performance appraisal for the SES)
- S. 5 CFR Part 451 (incentive awards)
- T. 5 CFR Part 530, Subpart B (aggregate limitations on pay)
- U. CFR Part 534, Subpart C (pay for senior level and scientific and professional positions)
- V. 5 CFR Part 534, Subpart D (pay and performance awards under the SES)
- W. 42 CFR Part 24 (SBRs)
- X. HHS Personnel Instruction 351-1 (reduction in force)
- Y. HHS Personnel Instruction 412-1 (executive development)
- Z. HHS Personnel Instruction 430-6 (SES performance appraisal)
- AA. HHS Personnel Instruction 920-2 (RIF and furlough in the SES)

920-1-40 EXECUTIVE RESOURCE PLANNING

Each OPDIV is required to prepare, for the Secretary's approval, a performance-based executive resource management plan that reflects OPDIV implementation of delegated authorities. The plan must include the following:

- identification of "**key positions**" (positions critical to the achievement of mission objectives; selections for these positions require the Secretary's concurrence)
- states desired **outcomes** in terms of program improvements, including progress towards meeting **affirmative action plan requirements**.
- describes the process to be used for **succession planning**
- describes planned **monitoring and reporting activities** in such areas as pay distribution, executive development and mobility, and executive workforce demographics
- outlines intended **redelegation** of executive resource management authorities
- for OPDIVS with **multiple pay authorities** -- describes how the various pay plans, together with the use of special pay authorities, allowances, and bonuses will be integrated (or complement each other) in achieving mission objectives.

920-1-50 EXECUTIVE RESOURCE BOARDS (ERBs)

Each OPDIV must establish at least one ERB (except that the Administration on Aging is included in the Office of the Secretary ERB). Each ERB must reflect diverse membership and must consist of three or more SES or equivalent members.

Each OPDIV must establish an SES merit staffing system that meets the OPM requirements in 5 CFR 317.501 and Departmental policies. The ERB shall conduct the merit staffing process for initial SES career appointment. The OPDIV Head may assign other executive resource management duties to the ERB.

920-1-60 PERFORMANCE REVIEW BOARDS (PRBs)

Each OPDIV must establish at least one PRB consisting of three or more SES or equivalent members. The PRB is responsible for making recommendations on the performance of senior executives in the OPDIV in accordance with the requirements in 5. CFR 430.307 and any Departmental policies. The OPDIV Head may assign other related duties to the PRB.

920-1-70 EXECUTIVE RESOURCE ALLOCATIONS

The Secretary retains authority to allocate executive position authorizations (i.e., slots) among the OPDIVs. Each Department must make a biennial report to OPM requesting allocations for SES and SES-equivalent (SL, ST) slots. The OHR will provide preparation instructions to the OPDIVs for this report and for other allocation reviews that might be required.

For limited appointments (i.e., limited term and limited emergency), the OPM provides HHS with slot authority equal to two per cent of our overall SES allocation. The OHR monitors the use of this pool. Each OPDIV may make limited appointments in a number equal to two percent of its own allocation, as long as the appointee is currently a career or career-type employee outside the SES. If an OPDIV needs additional limited appointment slots, it should request such from the ASMB.

920-1-80 PROGRAM INFORMATION AND ACCOUNTABILITY

Each OPDIV must continually monitor its executive resources management program to ensure that it supports mission accomplishment by effectively attracting, retaining, compensating, recognizing, and diversifying its executive cadre.

By November 1 each year, the Head of each OPDIV will submit a self-assessment report to the Secretary, through the ASMB, to indicate accomplishments under the specific performance measures contained in its executive resources management plan (see 920-1-40,

(920-1-80 continued)

above). Changes from baseline data that have resulted from the exercise of delegated executive resources management authorities (for such things as how long it takes to fill vacancies, changes in pay-level alignment, executive development activities, demographic changes, and other measures devised by the OPDIV) should be provided to illustrate progress. OPDIV ERBs should oversee the development of these reports and should be engaged, on an on-going basis, in assessing the degree to which its executive resources management program contributes to overall mission accomplishment.

ASMB will analyze the annual OPDIV reports and recommend to the Secretary's ERB whether authorities delegated to each OPDIV should be continued, curtailed, or otherwise modified. ASMB will also identify, and disseminate to others, strategies found to be especially successful.

Overall guidance on program assessment may be found in Instruction 273-1. OHR will provide guidance and technical assistance for the assessment of compliance and personnel process effectiveness.

DELEGATIONS OF AUTHORITY FOR EXECUTIVE RESOURCES MANAGEMENT

In September 1995, most executive resources authorities were delegated to the Heads of OPDIVs. The paragraphs below reflect the resulting status of authorities.

The following authorities are retained by the Secretary:

- allocation of all slots, for SES, SBRS, SL, and ST, among the OPDIVs
- establishment of overall bonus pools, within which individual bonus decisions will be made
- approval of all noncareer executive personnel actions
- nominations of executives for Presidential rank awards
- approval of the career appointments of current or former noncareer appointees
- approval of Assistant Surgeon General appointments and promotions
- approval of SBRS pay above Executive Level II
- concurrence with selections for key executive positions
- concurrence with selections for executive resource board (ERB) membership

The following authorities are delegated to Heads of OPDIVs, with authority to redelegate:

- establishment and abolishment of SES positions; administrative changes to position descriptions
- recommend approval of selectee's managerial qualifications to the U.S. Office of Personnel Management
- SES career appointments (with Secretarial concurrence for key positions)
- reinstatements into the SES
- transfers and reassignments
- details to and from executive-level positions
- recertification determinations
- adverse actions
- initial pay setting and pay adjustments
- performance bonuses (within established pool amounts) and special act cash awards
- recruitment and relocation bonuses and retention allowances
- sabbaticals and Intergovernmental Personnel Act assignments
- alternative work schedules (and flexiplace arrangements)
- overall management of position establishment and personnel actions for SL, ST, and SBRS (Secretarial approval required for SBRS pay above Executive Level II)
- approval of appointment of non-flag Commissioned Officers into SES equivalent positions.

(continued on next page)

These delegations must be exercised in accordance with applicable laws, regulations, and policies of the U.S. Office of Personnel Management and the Department. Any re delegations must be in writing.

HHS PERSONNEL INSTRUCTION 920-2

Subject: SENIOR EXECUTIVE SERVICE: REDUCTION IN FORCE (Section I) and
FURLOUGH (Section II)

PURPOSE

The purpose of this Instruction is to establish policies and procedures relating to the reduction in force and furlough of members of the Senior Executive Service.

REFERENCES -

- A. 5 U.S.C. 3595 (reduction in force (RIF) in the SES)
- B. 5 U.S.C. 3595a (furlough in the SES)
- C. 5 CFR 359 Subpart F (RIF in the SES)
- D. 5 CFR 359 Subpart G (guaranteed placement)
- E. 5 CFR 359 Subpart H (furlough in the SES)

SECTION I - REDUCTION IN FORCE

COVERAGE

This section applies to all SES **career appointees**. Non-career, limited term, and limited emergency SES appointees may be removed without regard to this Instruction.

POLICY

In a RIF, the objective will be to avoid the separation of affected career members by placing them in positions for which they qualify.

PLACEMENT PROCESS

OPDIV Heads have primary responsibility for identifying placement opportunities for any affected executives from their OPDIV. Placement efforts should include consideration of every reassignment option available regardless of geographic location and any emerging needs for SES positions.

If placement efforts within the OPDIV fail, the Assistant Secretary for Management and Budget (ASMB) will conduct Department-wide placement efforts. SES slot allocations may be adjusted to support placements across OPDIV lines.

COMPETITIVE RIF PROCEDURES

If the placement of one or more executives in a vacant position is not possible, ASMB will apply competitive RIF procedures.

To implement competitive RIF procedures, each OPDIV will compute, and forward to ASMB, the Competitive Performance Standing (CPS) for each of its career SES members, including those on IPA assignments or on detail. The CPS will be computed on the basis of official records reflecting individual performance recognition. Point values will be assigned in accordance with the table in Exhibit 920-2-A. Length of service, as indicated in the exhibit, is used for tie-breaking. Executives serving an SES probationary period who have not received a performance rating will be accorded a rating of "fully satisfactory. "

ASMB will conduct the process of consolidation. SES employees will be identified for release from their positions on the basis of their CPS, beginning with those having the lowest numeric total. ASMB, in consultation with the OPDIV as to required qualifications, will " determine positions for which the affected executive is qualified and which are encumbered by executives with lower CPS. If there are no such positions, the executive has exhausted placement opportunities within the Department. If more than one such position exists, the determination as to which executive will be released from his/her position will be based on the CPS totals. Ties will be broken on the basis of length of career service in the SES and equivalent level Federal civilian positions. However, appointees who have completed the SES probationary period must be retained over an appointee who has not if they both have the same retention standing. If a tie still exists, it will be broken on the basis of length of total Federal civilian service. The placement process will then begin for the newly identified displacee (with the possibility that not found).

OPM PRIORITY PLACEMENT

For career executives who cannot the competitive process may be invoked if a placement is be placed within the Department (through placement or competitive RIF process), the Department will request the Office of Personnel Management to place the executive in another Federal agency. If OPM is unable to effect placement, the cognizant OPDIV will issue the necessary RIF notice.

PROCEDURAL REQUIREMENTS

Notice requirements, appeals, records, transfer of function entitlements, and placement rights are as stated in 5 CFR 359, Subparts F and G.

SECTION II - FURLOUGH

COVERAGE

This section applies to career members of the SES, including those seining a probationary period. Furloughs of career members who are reemployed annuitants, non-career, limited term, and limited emergency SES appointees may be effected without regard to this Instruction.

POLICY

The furlough of an SES member will be made only when the OPDIV intends to bring the member back to work and pay status within one year. A furlough may not extend more than one year. The competitive areas and personnel office responsibilities that apply to non-SES reductions in force will apply to the furlough activity affecting any SES member.

SHORT FURLOUGHS

For furloughs of career appointees of 30 calendar days or less (or for 22 work days if the furlough does not cover consecutive days), the procedures that apply to furloughs of non-SES employees who are covered by 5 CFR 752, Subpart D will be followed.

LONG FURLOUGHS

For furloughs of over "30 calendar days, the competitive procedures that apply to the RIF of SES members will be followed. See Section I of this Instruction.

Format for Recording Competitive Performance Standing

Name: _____

Organization: _____

POINTS

I. Presidential Rank Award

- points credited for 5-year period of award)
Distinguished granted FY (60 points) _____
Meritorious, granted FY (40 points) _____

II. Performance Award (Bonus)

- points credited for three most recent performance periods:
bonus of 11% or higher = 20; 8-10% = 18;
6-7% = 15; 5% = 12 points)
FY _____ Rating _____ _____
FY _____ Rating _____ _____
FY _____ Rating _____ _____

III. Performance Rating

- points credited for three most recent performance periods:
Fully Successful or higher = 4 points,
Minimally Satisfactory = 1 point, Unsatisfactory = 0 points
FY _____ Rating _____ _____
FY _____ Rating _____ _____
FY _____ Rating _____ _____

TOTAL: _____

Service Length (for tie breaking only)	Years	Months	Days
SES and equivalent* civilian Federal service:	_____	_____	_____
Total Federal service, including SES and equivalent:	_____	_____	_____

Information recorded by: _____ Date _____

* includes Executive Level, SL, ST, SBRS, and "supergrade"