

**U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)**

<b>MD 10.135</b>	<b>SENIOR EXECUTIVE SERVICE (SES) EMPLOYMENT AND STAFFING PROGRAMS</b>	<b>DT-21-06</b>
<i>Volume 10, Part 6, Subpart A:</i>	Personnel Management, Employment and Staffing, Senior Executive Service	
<i>Approved By:</i>	Margaret B. Doane Executive Director for Operations	
<i>Date Approved:</i>	May 19, 2021	
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<i>Issuing Office:</i>	Office of the Chief Human Capital Officer Policy, Labor and Employee Relations Branch	
<i>Contact Name:</i>	Amanda Noonan	
<b>EXECUTIVE SUMMARY</b>		
<p>Management Directive 10.135, "Senior Executive Service Employment and Staffing Programs," is revised to reflect changes in Office of Personnel Management (OPM) regulations and requirements, and U.S. Nuclear Regulatory Commission (NRC) policies and guidance. Significant changes include—</p> <ul style="list-style-type: none"><li>• Updating NRC policy and guidance related to competitive merit staffing actions; talent management and succession planning activities; and conduct of SES Candidate Development Programs;</li><li>• Changing NRC's SES pay policy as a result of the establishment of a Governmentwide SES pay-for-performance system;</li><li>• Defining the expanded role of the Executive Resources Board;</li><li>• Eliminating references to the Inspector General in accordance with the Inspector General Reform Act of 2008 (Pub. L. 110-409, October 14, 2008) under which the Office of the Inspector General is considered a separate agency and the Inspector General the head of that agency for the purpose of applying all provisions related to the SES as determined by the Office of Personnel Management;</li><li>• Eliminating references to the defunct Executive Development Committee and the Senior Level Review Panel;</li><li>• Eliminating exhibits that are obsolete, are available in the NRC Forms Library, or are on the Office of the Chief Human Capital Officer's SES Web site;</li><li>• Updating organizational responsibilities and delegations of authority; and</li></ul>		

For updates or revisions to policies contained in this MD that were issued after the MD was signed, please see the Yellow Announcement to Management Directive index ([YA-to-MD index](#)).

- Reflecting changes to NRC employment policies consistent with the “Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017.”

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### I. POLICY

It is the policy of the U.S. Nuclear Regulatory Commission (NRC) to establish fair and equitable practices for staffing Senior Executive Service (SES) positions, providing the agency with flexibility for filling executive vacancies and resolving executive staffing requirements.

### II. OBJECTIVES

- Define the role and responsibilities of the Executive Resources Board (ERB) in overseeing executive staffing programs.
- Maintain flexibility in exercising noncompetitive and competitive options in filling SES positions throughout the agency.
- Provide talent management/succession planning activities that are needed to identify candidates and options for filling key executive positions, and for the continued development of executives.

- Facilitate the timely replacement of SES members by reaching out to a wide, demographically diverse pool of qualified applicants through the NRC SES Candidate Development Program.

### **III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY**

#### **A. Chairman**

1. Serves as the appointing authority for executives on the Chairman's immediate staff, for the Director and SES staff of the Office of Public Affairs (OPA), and the Director and SES staff of the Office of Congressional Affairs (OCA).
2. Initiates, subject to the approval of the Commission, the appointment of the Chief Financial Officer (CFO) and the Deputy CFO, the General Counsel (GC), the Secretary of the Commission (SECY), the Executive Director for Operations (EDO), and the Directors of the Office of Commission Appellate Adjudication (OCAA), the Office of International Programs (OIP), the Office of Nuclear Reactor Regulation (NRR), the Office of Nuclear Material Safety and Safeguards (NMSS), the Office of Nuclear Regulatory Research (RES), and the Office of Nuclear Security and Incident Response (NSIR).
3. Approves pay for executives who report directly to, or serve in offices that report to, the Chairman or the Commission.
4. Approves limited exceptions to the rule that an executive's rate of basic pay may not be adjusted more than once during any 12-month period.

#### **B. Commission**

1. Appoints individuals to fill executive positions in their immediate offices.
2. Serves as the appointing authority for the CFO, Deputy CFO, GC, SECY, EDO, and the Directors of OCAA, OIP, NRR, NMSS, RES, and NSIR.

#### **C. Executive Director for Operations (EDO)**

1. Serves as the appointing authority for executives in offices and regions reporting to the Office of the EDO (OEDO) except those listed in Section III.B of this directive.
2. In consultation with the Chairman, determines the composition, term of service, and membership of the NRC Executive Resources Board (ERB) and appoints NRC executives as ERB members. Generally, serves as Chair of the ERB.
3. Provides pay-setting guidance for appointment to and movement among NRC SES positions.
4. Approves pay for executives in offices and regions that report to OEDO.

**D. Chief Human Capital Officer (CHCO)**

1. Administers SES employment and staffing programs, including competitive and noncompetitive staffing activities, talent management/succession planning activities, and SES Candidate Development Program activities.
2. Provides technical advice and staff assistance to rating and ranking panels, selecting officials, and the ERB in carrying out their program responsibilities.
3. Provides program information regarding oversight and evaluation of operational program activities to the ERB.
4. Coordinates SES staffing activities with the Office of Personnel Management (OPM), as required.
5. Serves as Executive Secretary of the ERB.

**E. Office Directors and Regional Administrators**

1. Office directors and regional administrators reporting to OEDO recommend the selection of individuals to fill SES positions in their immediate office or region.
2. Office directors of Commission-level offices appoint individuals to fill SES positions in their immediate offices, except those listed in Section III.A and Section III.B of this directive.
3. Conduct talent management/succession planning activities and ensure that executives in their immediate office have an appropriate Executive Development Plan (EDP).

**F. Executive Resources Board (ERB)**

1. Provides broad oversight, review, and program evaluation for policies, programs, and activities related to the SES.
2. Conducts the merit staffing process for initial career SES appointments and certifies the best qualified candidates for consideration for competitive appointment to SES positions.
3. Reviews proposed reassignments of current SES members and other non-competitive appointment actions, and makes recommendations to the appointing authority, as appropriate.
4. Reviews and recommends changes to NRC's SES pay policy.
5. Defines, conducts, and oversees talent management/succession planning activities within the NRC including continued executive development and annual review of EDPs.

6. Oversees executive position management activities and processes within the NRC.
7. Provides overall planning and management for the NRC SES Candidate Development Program.

#### **IV. APPLICABILITY**

This MD applies to and must be followed by all NRC personnel responsible for implementing the SES employment and staffing program.

#### **V. HANDBOOK**

Handbook 10.135 contains guidance and procedures for the NRC's SES employment and staffing programs, including activities related to staffing SES positions, talent management/succession planning, and the NRC SES Candidate Development Program.

#### **VI. REFERENCES**

##### ***Code of Federal Regulations***

Title 5, "Administrative Personnel."

Part 214, "Senior Executive Service."

Part 3110, "Employment of Relatives; Restrictions."

Part 317, "Employment in the Senior Executive Service."

Part 352, "Reemployment Rights."

Part 353, "Restoration to Duty from Uniformed Service or Compensable Injury."

Part 359, "Removal from the Senior Executive Service; Guaranteed Placement Rights in Other Personnel Systems."

Part 412, "Supervisory, Management, and Executive Development."

Part 530, Subpart B, "Aggregate Limitation on Pay."

Part 534, Subpart D, "Pay and Performance Awards Under the Senior Executive Service."

Part 752, "Adverse Actions."

Part 1214, "Investigation of Prohibited Personnel Practices; Corrective Action."

Part 1221, "Career Transfers."

### ***Nuclear Regulatory Commission***

NRC Internal Commission Procedures

<https://www.nrc.gov/about-nrc/policy-making/internal.html>.

NRC Executive Resources Board Charter

<https://usnrc.sharepoint.com/sites/ochco-hub/PDF/Executive/erb-charter.pdf>.

NRC Forms Library

<https://usnrc.sharepoint.com/teams/NRC-Forms-Library/SitePages/Home.aspx>.

NRC Management Directives—

7.6, “Public and Confidential Financial Disclosure Reports.”

7.7, “Security Ownership.”

10.51, “Recruitment, Relocation, and Retention Incentives.”

10.72, “Awards and Recognition.”

10.77, “Employee Development and Training.”

10.137, “Senior Executive Service Performance Management System.”

10.138, “Reduction in Force in the Senior Executive Service.”

OCHCO Senior Executive Service Web site

<https://drupal.nrc.gov/ochco/catalog/2025>.

### ***Office of Personnel Management***

Guide to Senior Executive Service Qualifications

[https://www.opm.gov/policy-data-oversight/senior-executive-service/reference-materials/guidetosesequals\\_2012.pdf](https://www.opm.gov/policy-data-oversight/senior-executive-service/reference-materials/guidetosesequals_2012.pdf).

Senior Executive Service Executive Core Qualifications

<https://www.opm.gov/policy-data-oversight/senior-executive-service/executive-core-qualifications/>.

USAJOBS Web site

<https://www.usajobs.gov/>.

### ***United States Code (U.S.C.)***

Appointment, Reassignment, Transfer, and Development in the Senior Executive Service (5 U.S.C., Part III, Subpart B, Chapter 33, Subchapter VIII).

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

Authorization of Positions; Authority for Appointment (5 U.S.C. 3133).

Awarding of Ranks in the Senior Executive Service (5 U.S.C. 4507).  
Career Appointments (5 U.S.C. 3393).  
Chief Financial Officers Act of 1990, Pub. L. 101-576, Section 206 (31 U.S.C. Section 502).  
Civil Service Reform Act of 1978 (Pub. L. 95-454).  
Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 (Pub. L. 115-73).  
Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801 et seq.).  
Establishment of Rates of Pay for the Senior Executive Service (5 U.S.C. 5382).  
Federal Insurance Contributions Act (FICA) (26 U.S.C. Subtitle C, Chapter 21).  
Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).  
Freedom of Information Act (5 U.S.C. 552).  
Inspector General Reform Act of 2008 (Pub. L. 110-409).  
Limitations on Noncareer and Limited Appointments (5 U.S.C. 3134).  
Military Selective Service Act (50 U.S.C. App 451 et seq.).  
National Defense Authorization Act (Pub L. 180-136, November 24, 2003).  
Positions at Level (5 U.S.C. 5312).  
Privacy Act of 1974, as amended (5 U.S.C. 552a).  
Reinstatement in the Senior Executive Service (5 U.S.C. 3593).  
Removal from the Senior Executive Service (5 U.S.C. 3592).  
Setting Individual Senior Executive Pay (5 U.S.C. 5383).

**U.S. NUCLEAR REGULATORY COMMISSION DIRECTIVE HANDBOOK (DH)**

<b>DH 10.135</b>	<b>SENIOR EXECUTIVE SERVICE (SES) EMPLOYMENT AND STAFFING PROGRAMS</b>	<b>DT-21-06</b>
<i>Volume 10, Part 6, Subpart A:</i>	Personnel Management, Senior Executive Service, Senior Level Positions, and Judges Senior Executive Service	
<i>Approved By:</i>	Margaret B. Doane Executive Director for Operations	
<i>Date Approved:</i>	May 19, 2021	
<i>Cert. Date:</i>	N/A, for the latest version of any NRC directive or handbook, see the <a href="#">online MD Catalog</a> .	
<i>Issuing Office:</i>	Office of the Chief Human Capital Officer Policy, Labor and Employee Relations Branch	
<i>Contact Name:</i>	Amanda Noonan	
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## **I. CONDITIONS OF EMPLOYMENT**

### **A. Citizenship**

The Senior Executive Service (SES) has no citizenship requirement. However, the Office of Personnel Management (OPM) has stated that an agency may administratively restrict consideration for SES positions to United States (U.S.) citizens. It is the practice of the U.S. Nuclear Regulatory Commission (NRC) to fill SES positions with U.S. citizens unless the Chief Human Capital Officer (CHCO), in consultation with the Chair of the Executive Resources Board (ERB), determines that a non-citizen’s potential contribution to the nuclear regulatory program will materially benefit the program by contributing unique or unusual skills or talent not possessed to any comparable degree by an available U.S. citizen.

### **B. Employment of Relatives**

Federal regulations covering the employment of relatives and related requirements and guidelines are applicable to the SES (5 U.S.C. Part III, Subpart B, Chapter 31, Subchapter I, Section 3110).

### **C. Selective Service Registration**

SES appointees are subject to the statutory bar to appointment of a person who fails to register under the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

### **D. Verification of Employment Eligibility**

SES appointees coming from outside the Federal service must verify they are eligible to work in the United States.

#### **E. Employment during Terminal Leave**

Members of a uniformed service (Army, Navy, Marines, Air Force, etc.) on terminal leave pending separation may be appointed to and receive pay from another Government position, including an SES position.

#### **F. Movement from Other Federal Services**

Because the SES is separate from the competitive and excepted services, no provision exists for non-competitive movement to an SES career appointment from the other Federal services for individuals who do not have SES reinstatement eligibility, even if an employee's current position is upgraded to the SES. NRC Regular (Excepted) (Conditional), NRC Regular (Excepted), and other types of career appointments are considered the same as competitive service for purposes of this requirement.

#### **G. Veterans' Preference**

Veterans' preference is not applicable to the SES.

#### **H. Experts and Consultants**

Positions in the SES cannot be filled by expert or consultant appointment. Therefore, it is not appropriate to assign such individuals to the policymaking or executive work that characterizes the SES.

#### **I. Private Sector Temporary Employees**

Private sector temporary employees cannot be used to perform SES work.

#### **J. Independent Regulatory Commissions**

The appointment of an individual to any SES position in an independent regulatory commission "shall not be subject, directly or indirectly, to review or approval by any officer or entity within the Executive Office of the President" (5 U.S.C. Part III, Subpart B, Chapter 33, Subchapter VIII).

## **II. MANAGEMENT OF ACTIVITIES AND RESOURCES**

### **A. Executive Resources Board (ERB)**

1. The NRC is required to establish an ERB to conduct the merit staffing process for career entry into the SES, and to oversee the NRC's SES Candidate Development Program and the continued development of executives.
2. The NRC's ERB is charged with broad oversight, review, and program evaluation for all major executive personnel policies, programs, and activities relating to the SES.

3. The ERB's [charter](#) is available on the OCHCO's Senior Executive Service Web site at <https://drupal.nrc.gov/ochco/catalog/2025>.
4. The ERB provides policy guidance, oversight, and evaluation to various boards and panels established to manage day-to-day and specialized operations, including, but not limited to, the SES Performance Review Board.

#### **B. Management of Executive Resources**

1. A major function of the NRC's ERB is the management of the agency's executive resources. The ERB ensures that executive staffing requirements are tied to major budget decisions and program priorities.
2. The Office of Personnel Management (OPM) allocates the authorized SES position ceiling for the NRC, which is reviewed biannually.
3. The ERB periodically—
  - (a) Reviews SES positions to determine their continued need by the agency,
  - (b) Reviews requests for new positions or allocations, and
  - (c) Recommends appropriate action to the Chairman or the Executive Director for Operations (EDO) regarding the utilization of SES positions.
4. Specific SES positions cannot be established until the Chairman or the EDO has approved the use of the position allocation.
5. The ERB, with the advice and assistance of the CHCO, closely monitors SES positions to facilitate recruitment and staffing activities, talent management/succession planning activities, and other, similar executive position management strategies.
6. The ERB may periodically review and make recommendations to the Chairman and the EDO regarding the propriety of assigned position designations (Career Reserved or General) based on changes in position allocations, changes in mission work, responsibilities, and other factors.

### **III. SENIOR EXECUTIVE SERVICE (SES) APPOINTMENTS**

#### **A. Career Appointment**

1. A career appointment may be given to any individual, whether or not the individual is employed within the civil service, provided the initial appointment to the position is, or a previous appointment to another SES position was, based on competitive SES merit staffing procedures and the appointee's executive qualifications were certified by an OPM administered Qualifications Review Board (QRB) (see Section VII.L of this handbook).
2. Career appointments are made without time limitation.
3. Career appointments provide certain job protections (for example, in cases of removal for performance) and certain benefits (such as eligibility for performance awards and Presidential Rank awards) that are not conferred by other types of SES appointments.
4. Career appointments may be made to either Career Reserved or General positions (see Section IV.C of this handbook). Tenure and benefits are the same for both types of positions.
5. Career appointments may be made under noncompetitive procedures to reassign or transfer a current career SES appointee, reinstate a former career SES appointee who completed an SES probationary period, or appoint a graduate of an OPM-approved SES Candidate Development Program whose executive qualifications have already been certified by the QRB. These actions do not require QRB approval.

#### **B. Noncareer Appointment**

1. A noncareer appointment may be given to any individual meeting the qualifications of the position to which the individual is appointed as determined in writing by the appointing authority.
2. Noncareer appointments can be made only to a General position (see Section IV.C.4 for more information on a General position).
3. Noncareer appointments are made without time limitation; however, the appointee serves at the pleasure of the appointing authority.
4. To make a noncareer appointment, the NRC must request a noncareer appointing authority from OPM. SES noncareer appointment authorities are approved on a case-by-case basis and are valid only for the individual and position for which approved.

5. The NRC may reassign a noncareer appointee to a different General position for which they are qualified only upon approval by OPM.

### **C. Limited Emergency and Limited Term Appointments**

1. A limited emergency appointment to an SES position established to meet a bona fide, unanticipated, urgent need may be given to any qualified individual as a nonrenewable appointment, not to exceed 18 months.
2. A limited term appointment to an SES position, with duties that will expire at the end of the term, may be given to any qualified individual as a nonrenewable appointment for a term of 3 years or less.
3. The use of limited appointments must be approved in advance by OPM, except as noted in 5 CFR 317, "Employment in the Senior Executive Service," Subpart F, "Non-Career and Limited Appointments."
4. A limited appointment may be made only to a General position for which the appointee qualifies.
5. The appointing authority must determine in writing that the appointee meets the qualifications requirements for the position. QRB approval is not required.
6. Compliance with competitive merit staffing procedures is not required to make a limited appointment, except as recommended by the ERB and approved by the Chairman or the Executive Director for Operations (EDO).
7. Subject to the expiration date of the original appointment, the NRC may reassign a limited term or limited emergency appointee without prior OPM approval, but only to a General position that meets the same statutory criteria under which the original appointment was made.

## **IV. SENIOR EXECUTIVE SERVICE (SES) POSITIONS**

### **A. General**

1. An SES position must be classifiable above grade 15 or equivalent, based on the level of duties, responsibilities, and qualifications required of the position, and must meet the SES functional criteria.
2. The NRC determines, within the allocation authorized by OPM, which of its positions will be in the SES.



## **B. SES Functional Criteria**

A position meets the SES functional criteria if the incumbent engages in any of 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 policymaking, policy-determining, or other executive functions.

## **C. SES Position Designations**

1. The two types of SES positions are General and Career Reserved.
2. A Career Reserved position is an SES position that must be filled by a career appointee. A position is designated as Career Reserved when it is considered necessary to ensure the impartiality or public confidence in the impartiality, of the work, product, or service provided by the position. Career Reserved positions are those positions that have duties that involve day-to-day operations, without responsibility for or substantial involvement in the determination or public advocacy of the major controversial policies of the Administration or the NRC, in the following occupational disciplines:
  - (a) Adjudication and appeals;
  - (b) Audit and inspection;
  - (c) Civil or criminal law enforcement and compliance;
  - (d) Contract administration and procurement;
  - (e) Grants administration;
  - (f) Investigation and security matters; and
  - (g) Tax liability, including the assessment or collection of taxes and the preparation or review of interpretative opinions.

3. Career Reserved positions also include the following:
  - (a) Scientific or other highly technical or professional positions where the duties and responsibilities of the position are such that they must be filled by career appointees to ensure impartiality;
  - (b) Other positions requiring impartiality, or the public's confidence in impartiality, as determined by the NRC in light of its mission; and
  - (c) Positions that are specifically required by law to be Career Reserved or to be filled by a career appointee.
4. A General position is any SES position other than a Career Reserved position. Qualified career, noncareer, or limited term or limited emergency appointees may fill General positions. The same General position may be filled by a career appointee at one time and by a noncareer or limited term appointee at another time.

#### **D. Staffing Implications for Career Reserved Positions**

1. Placing a position in the Career Reserved category narrows the staffing options so that the position can be filled by only four options:
  - (a) Noncompetitive reassignment of a career SES member from within the NRC or transfer of a career SES member from another Federal agency,
  - (b) Noncompetitive appointment of an individual who has successfully graduated from an OPM-approved SES Candidate Development Program and whose executive qualifications have been certified by an OPM QRB,
  - (c) Noncompetitive appointment of an individual who has SES reinstatement eligibility from a former career appointment, or
  - (d) Competitive SES merit staffing procedures.
2. Only employees with career or career-type appointments may be detailed to Career Reserved positions.

#### **E. Changing Position Designation**

1. OPM must always maintain a maximum number of SES Career Reserved positions throughout the Government. To ensure that number is maintained, OPM may allocate to agencies, including the NRC, a minimum number or floor for Career Reserved positions that must be established.
2. The NRC is authorized to establish SES positions within the agency's allocation and to designate them as either General or Career Reserved, subject to the above criteria and the requirement to maintain a Career Reserved floor.

3. The NRC can cancel Career Reserved positions and establish new ones without OPM approval provided any numerical floor allocated to the NRC is maintained.
4. Once a position designation is made, it may not be changed without written approval from OPM. Requests to OPM to change the designation of specific positions or groups of positions must describe the circumstances that warrant a change in the designation.

## V. SENIOR EXECUTIVE SERVICE (SES) PAY

### A. General

1. Federal law and regulations creating an SES performance-based pay system established a single, open-range pay band with minimum and maximum rates of basic pay fixed by statute pursuant to the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136, November 24, 2003).
2. All SES pay must be set within the following open range pay band:
  - (a) The minimum rate of SES basic pay is equal to 120 percent of the basic pay rate for GS/GG-15 step 1; the maximum rate basic pay is equal to the rate for Level III of the Executive Schedule (EX-III).
  - (b) Automatic across-the-board cost-of-living pay adjustments and locality-based comparability payments do not apply.
3. The maximum rate may be raised to the rate for Level II of the Executive Schedule (EX-II) when the NRC's SES performance appraisal system has been certified by OPM, with Office of Management and Budget (OMB) concurrence.
4. Rates of pay higher than the rate for EX-III generally are reserved for those executives who have demonstrated the highest levels of individual performance and/or made the greatest contributions to the NRC's performance.
5. The minimum rate of basic pay for the SES rate range will increase consistent with any increase to the rate of basic pay for GS/GG-15 step 1. The applicable maximum rate of basic pay for the SES rate range will increase with any increases in the rate for EX-II or EX-III.

### B. SES Position Groups

The NRC groups SES positions into pay groups (or tiers) to recognize differences in scope of responsibility, difficulty of assignment, and level of accountability, and takes those differences directly into account in compensation decisions. The [chart](#) showing the NRC's SES Pay Groups and the pay ceiling applicable to each group is available on OCHCO's Senior Executive Service Web site, <https://drupal.nrc.gov/ochco/catalog/2025>.

### **C. Initial Appointment to the SES**

The NRC has broad discretionary authority to set pay upon initial appointment to the SES. The initial rate of basic pay for newly appointed SES members generally will be set in accordance with the pay setting policy established by the EDO in effect at time of appointment, subject to the following guidelines:

1. If the NRC's SES performance appraisal system is certified, rates of basic pay above the rate for EX-III, but less than or equal to the rate for EX-II, generally are reserved for those executives newly appointed to positions with greater scope and responsibility and/or who possess superior leadership skills or other competencies.
2. If an individual receiving an initial career appointment in the SES has at least 5 years of current continuous service in one or more positions in the competitive or excepted service, and is appointed without a break in service, the basic pay rate may not be less than the rate of basic pay (including any applicability locality payment, special rate supplement, or similar payment or supplement) last payable to the individual immediately before appointment.

### **D. Following a Break in SES Service**

1. If there has been a break in SES service of more than 30 days, upon reappointment to the SES the rate of basic pay may be set at any rate within the SES pay rate range.
2. If there has been a break in SES service of 30 days or less, the rate of basic pay may be set at any rate within the SES pay rate range (without regard to whether the individual received a pay adjustment during the previous 12-month period), but not higher than the individual's former SES rate of basic pay. However, a higher rate than the former rate of basic pay may be approved by the Chairman or EDO, if warranted. This may be supported where necessary to recruit an executive with superior leadership skills or other competencies from a position outside of the NRC or to reacquire the services of an executive that are critical to the agency. Factors used in deciding on an exception to the 12-month rule may be applicable (see Section V.H. of this handbook).
3. Setting a rate of basic pay upon reappointment to the SES is considered a pay adjustment for purposes of applying the 12-month rule (see Section V.H of this handbook).

#### **E. Upon SES Reinstatement from a Presidential Appointment**

1. If the former career SES member elected to remain subject to the SES pay provisions while serving under a Presidential appointment, his or her SES pay rate may be adjusted upon reinstatement if at least 12 months have elapsed since the individual's last SES pay adjustment.
2. If fewer than 12 months have elapsed since the individual's last SES pay adjustment, an additional pay increase may be approved, if warranted. Factors in deciding on an exception to the 12-month rule may be applicable (see Section V.H. of this handbook).
3. If the former career SES member did not elect to remain subject to the SES pay provisions while serving under a Presidential appointment, his or her SES pay rate may be set upon reinstatement at any rate within the SES rate range.
4. Setting a rate of basic pay upon reinstatement to the SES from a Presidential appointment is considered a pay adjustment for purposes of applying the 12-month rule (see Section V.H of this handbook).

#### **F. Upon SES Transfer**

1. An SES member who transfers to the NRC from another Federal agency is not entitled to retain his or her rate of pay upon transfer.
2. The rate of pay of an SES member transferring from another Federal agency may be set at any rate within the SES pay range.
3. An SES member who transfers to the NRC, and whose SES pay rate is higher than EX-III, may not suffer a reduction in pay when the maximum rate of basic pay for the applicable SES rate range is equal to the rate for EX-III.
4. Setting an SES member's pay at a rate higher than that received in the former agency upon transfer to the NRC is considered a pay adjustment for purposes of applying the 12-month rule (see Section V.H of this handbook).

#### **G. Adjusting Individual Pay Rates**

1. The basic pay of an SES member may be adjusted (increased or reduced) within the SES rate range upon a determination that the executive's individual performance and contributions to agency performance so warrant, and if the executive is otherwise eligible (i.e., has not received a pay adjustment during the previous 12-month period, with certain exceptions). (See Management Directive (MD) 10.137, "Senior Executive Service Performance Management System.")

2. In addition to performance-based pay adjustments, the NRC may adjust an SES member's pay based on any of the authorities provided in 5 CFR 534, Subpart D when circumstances warrant.

#### **H. 12-Month Rule**

1. An SES member's rate of basic pay may not be adjusted more than once during a 12-month period, with limited exceptions.
2. The following limited exceptions to the 12-month rule may be approved by the Chairman if it is determined that an additional increase is warranted:
  - (a) For an exceptionally meritorious accomplishment that significantly contributes to the NRC's performance.
  - (b) For an SES member who is reassigned to a position with substantially greater scope and responsibility or for an SES member with superior leadership or other competencies who is recruited from a position in another agency
  - (c) For an SES member who is critical to the NRC's mission and who would be likely to leave the agency in the absence of a pay increase.
  - (d) To align an SES member with the NRC's SES performance appraisal and pay adjustment cycle.
3. A pay increase made as a result of a determination to approve an exception to the 12-month rule must be documented in writing, is considered a pay adjustment, and begins a new 12-month period.

#### **I. Reductions in Pay**

1. The basic rate of pay for an SES member may be reduced involuntarily only—
  - (a) For performance reasons (see MD 10.137).
  - (b) As a disciplinary action resulting from conduct-related activity (e.g., misconduct, neglect of duty, or malfeasance).
2. A career SES member's rate of basic pay may not be reduced by more than 10 percent for performance or disciplinary reasons and may not be reduced more than once during a 12-month period.
3. Procedures for reducing SES pay are described in 5 CFR 534, Subpart D.

#### **J. Aggregate Limitation on Pay**

1. An SES member's aggregate compensation in any given calendar year may not exceed the rate of pay of Level I of the Executive Schedule (EX-I) or the rate payable to the Vice President at the end of the calendar year, whichever is applicable based on the certification status of the NRC's SES performance appraisal system.
2. Aggregate compensation includes basic pay; Presidential rank and performance awards; recruitment, relocation, and retention incentives; and other similar payments.
3. If a performance award, rank award, or other additional payment, when added to basic pay, would cause the SES member's aggregate compensation to exceed the applicable aggregate amount by the end of the calendar year, the excess amount will be withheld from the award or other additional payment and be carried over and paid as a lump sum payment at the beginning of the next calendar year. Basic pay counts toward the aggregate limitation on pay, but basic pay itself is not reduced or withheld.

#### **K. Other Pay Provisions**

1. SES members are not eligible for premium pay (such as overtime pay, Sunday premium pay, holiday premium pay, night pay, standby duty pay, and hazardous duty pay) or compensatory time off in lieu of overtime pay for work performed as an SES member.
2. SES members are not eligible to earn compensatory time off for travel. If an individual has unused compensatory time off for travel that was earned before their SES appointment, it is forfeited upon their SES appointment.
3. SES members are prohibited from accumulating credit hours under a flexible work schedule. An individual can use credit hours accumulated before his or her appointment; however, they may not receive compensation instead of any unused credit hours.
4. SES members are eligible to earn compensatory time off for religious purposes.

### **VI. SENIOR EXECUTIVE SERVICE (SES) RECRUITMENT**

#### **A. Recruitment Strategies**

1. The SES provides maximum flexibility to select from any appropriate source in staffing executive positions, while still providing fair access to SES positions based on merit.

2. Sources for filling SES positions include competitive merit selection, reassignment or transfer of a current career SES appointee, reinstatement of a former career SES appointee who has completed an SES probationary period, or the non-competitive appointment of a graduate of an OPM-approved SES Candidate Development Program whose executive qualifications have been certified by an OPM QRB.
3. In deciding what source to use, NRC executive managers must consider the organization's mission objectives and needs, the need to contribute fresh ideas and new viewpoints, human capital strategic planning objectives, key management objectives embodied in the NRC's Strategic Plan, and broad agencywide objectives for SES positions in general.
4. Staffing strategies are also closely tied to the NRC's talent management/succession planning process and strategies, and to the general category in which the position falls. There are four general categories of SES positions within the NRC—
  - (a) Key Executive Positions: These positions are filled by top, NRC-career, senior executives responsible for the broad management, policy, and technical mission programs of the NRC. These positions are typically filled through the reassignment or transfer of highly talented, proven achievers from among the current NRC SES membership or by senior executives from other agencies. These positions, on occasion, may also be filled through competitive merit staffing procedures.
  - (b) Mid-Level Executive Positions: These positions are filled with senior executives of multi-disciplined organizations that deal with less policy-sensitive issues than those managed by key senior executives. These multi-disciplined organizations usually have subordinate organizational structures managed by subordinate supervising officials. Managing and leading this type of organization requires proven executive leadership skills and the ability to unite varied technical and administrative components. These positions are typically filled through reassignment or transfer of SES members internally and from other agencies. These positions may also be filled through competitive merit staffing procedures.
  - (c) First-Level Executive Positions: These positions involve front-line programs that are filled by senior executives who apply executive skills that focus on a narrower program range in related fields to provide both managerial and technical leadership and program direction. First-level senior executives are closer to day to-day operations than mid-level and key senior executives. These positions are considered entry-level SES positions and are filled through competition, selection from the SES Candidate Development Program graduate pool, and by reassignment or transfer of SES members internally and from other agencies.



(d) Policy Advisor Executive Positions: These positions are limited in number and generally have limited supervisory or organizational management responsibilities. Policy advisors provide broad policy development and policy input. Considerable variation exists in the selection of staffing strategies to fill these positions depending on the needs of the executive for whom the individual will serve as a policy advisor.

## **B. Competitive Area**

1. Recruitment for each SES position to be filled through competitive merit staffing procedures must include, at a minimum, all groups of qualified individuals within the civil service. The NRC may also recruit from outside the civil service (i.e., all groups of qualified individuals) to provide the selecting official with flexibility to consider applicants from a wide variety of sources.
2. The civil service consists of all persons who occupy positions in the executive (including excepted service), judicial, and legislative branches, except positions in the uniformed services (the armed forces, the Commissioned Corp of the Public Health Service, and the Commissioned Corps of the National Oceanic and
3. Atmospheric Administration). Included are experts and consultants who occupy appointive positions, and individuals in the Postal Service and the Postal Rate Commission. The District of Columbia Government is not part of the Federal civil service.
4. A person is civil service only if occupying a civil service position at the time of application. When competitive recruitment for an SES position is limited to the civil service, SES reinstatement eligibles and SES Candidate Development Program graduates outside of the civil service may apply for non-competitive consideration.
5. In determining the area of consideration, the selecting official should ensure that recruiting will be reasonably extensive, systematic, and representative of a positive effort to locate diverse applicants, including qualified women, minority candidates, and persons with disabilities.

## **C. Recruiting Sources**

1. All SES vacancies to be filled by initial SES career appointment must be published on the OPM Governmentwide employment page (USAJOBS) at <https://www.usajobs.gov> for a minimum of 14 calendar days. Normally, NRC SES vacancy announcements are open for a minimum of 30 calendar days to allow adequate time for applicants to complete the application process.

2. Additional recruiting sources may be used, as appropriate, to reach potential sources of candidates and to ensure that recruiting is reasonably extensive, systematic, and that represents a positive effort to locate diverse applicants, including qualified women, minority candidates, and persons with disabilities. These sources may include, but are not limited to, advertisement in professional journals and other media, distribution of the vacancy announcement to minority and professional organizations, and notification through solicitation of known individuals or groups of individuals with the applicable qualifications.
3. Nonprofit employment services and commercial recruiting firms may be used in accordance with applicable regulations when their use is likely to provide well-qualified candidates who would otherwise not be available, or when well-qualified candidates are in short supply.
4. Candidates applying directly to the NRC and those identified by a service or firm must be given equal consideration and must complete the full SES merit staffing process, including ERB referral to the appointing authority and OPM QRB certification, before appointment.

## **VII. COMPETITIVE MERIT STAFFING ACTIONS**

### **A. General Information**

1. Because the SES is separate from the competitive and excepted services, there is no provision for noncompetitive movement from these services into a career SES appointment.
2. The NRC ERB is responsible for conducting the merit staffing process for initial career appointment to the SES. This includes reviewing the executive and professional/technical qualifications of eligible candidates, making written recommendations to the appointing authority, and identifying the best qualified candidates from which the selection is to be made. The ERB may delegate preliminary qualifications screening, rating, and ranking of candidates.

### **B. Basic Qualifications**

1. Competency in the five Executive Core Qualifications (ECQs) is required of all selectees for initial career appointments to the SES. The ECQs are described in Part VII.C of this handbook
2. Qualifications standards, vacancy announcements and crediting plans, which contain evaluation criteria, must be job related and specific enough to identify qualified candidates and to make qualitative distinctions among them in referring candidates to selecting officials. The following are not permitted:

- (a) A minimum education requirement beyond that described in OPM operating guides and handbooks adopted by the NRC for positions at the GG-15 level and below.
- (b) Time-in-grade requirements (i.e., a 1-year experience requirement at the grade 15 level or equivalent does not apply to the SES).
- (c) Emphasis on NRC-related experience to the extent it precludes well qualified candidates from outside the NRC from appointment consideration.

### **C. Executive Core Qualifications**

1. "Executive Qualifications" is the term used in statute (5 USC 3393, "Career Appointments") to describe the qualifications required of all selectees for the SES, and that must also be certified by an OPM-administered QRB for all initial career appointments to the SES. These qualifications are in addition to any specific professional/technical qualifications established by the NRC for specific SES positions.
2. These qualifications are mandatory and must be met in order to meet basic eligibility requirements.
3. OPM has defined these executive qualifications in terms of five ECQs associated with SES-level positions. The five ECQs are—
  - (a) **Leading Change:** This core qualification involves the ability to bring about strategic change, both within and outside the organization, to meet organizational goals. Inherent to this ECQ is the ability to establish an organizational vision and to implement it in a continuously changing environment.
  - (b) **Leading People:** This core qualification involves the ability to lead people toward meeting the organization's vision, mission, and goals. Inherent to this ECQ is the ability to provide an inclusive workplace that fosters the development of others, facilitates cooperation and teamwork, and supports constructive resolution of conflicts.
  - (c) **Results Driven:** This core qualification involves the ability to meet organizational goals and customer expectations. Inherent to this ECQ is the ability to make decisions that produce high-quality results by applying technical knowledge, analyzing problems, and calculating risks.
  - (d) **Business Acumen:** This core qualification involves the ability to manage human, financial, and information resources strategically.

- (e) Building Coalitions: This core qualification involves the ability to build coalitions internally and with other Federal agencies, State and local governments, nonprofit and private sector organizations, foreign governments, or international organizations to achieve common goals.
4. Additional guidance on the ECQs and their underlying competencies is available on the OPM SES Web site at <https://www.opm.gov/policy-data-oversight/senior-executive-service/executive-core-qualifications>.

#### **D. Professional/Technical Qualifications**

1. Professional/Technical Qualifications (PTQs) are the position-specific qualifications determined by the NRC. Such qualifications go beyond any generic occupational requirements and deal with those factors that are specific to the individual position or group of similar positions.
2. These qualifications should be focused and critically relevant to the specific position and must be essential to success in the position. The PTQs should not duplicate qualifications requirements that are already represented in the ECQs or that are not essential to the effective evaluation of candidate qualifications.
3. These qualifications are mandatory and must be met in order to meet basic eligibility requirements. PTQs may not emphasize NRC-related experience to the extent that it precludes consideration of well-qualified candidates from outside the NRC.

#### **E. Merit Staffing Application Methods**

In consultation with the Office of the Chief Human Capital Officer (OCHCO), selecting officials may choose from one of three SES merit staffing application methods.

1. Traditional Application Method: Best suited to entry-level and lower-level SES positions. The vacancy announcement directs applicants to submit a resume and narratives addressing each of the ECQs and any PTQs identified in the vacancy announcement.
2. Resume-Based Application Method: Provides an alternative to the traditional application method and is best suited to high-level SES positions requiring sophisticated leadership skills that are generally filled by highly experienced executives whose leadership skills and professional achievements would be clear in a resume. Incumbents in such positions typically have one or more subordinate SES members reporting to them and may report directly to the top leadership in the agency. The resume-based application method may also be appropriate for positions requiring unusual or highly specialized professional/technical skills. Resumes for such applicants will commonly highlight the applicant's professional/technical prowess and achievements alleviating the need to seek information through written

- narratives addressing PTQs. The vacancy announcement directs applicants to submit only a resume that must show possession of the ECQs and any PTQs identified in the vacancy announcement. This method is intended to be used in conjunction with structured interviews as part of the rating and ranking process.
3. **Accomplishment Record Application Method:** Involves a hybrid version of the traditional application method and the resume-based method and is best suited to SES positions below the highest level. Unlike more highly experienced executives, applicants for these positions will generally benefit from the opportunity to address specific ECQs or competencies deemed by the NRC to be most critical to assessing candidates for the advertised position. The vacancy announcement directs applicants to submit a resume and narratives that address the selected competencies and must show possession of the ECQs and any PTQs identified in the vacancy announcement. This method is intended to be used in conjunction with structured interviews as part of the rating and ranking process.

#### **F. Vacancy Announcements**

1. Vacancy announcements will be prepared by the OCHCO representative in consultation with and input from the selecting official.
2. Vacancy Announcements must be open for a minimum of 14 calendar days and must be published on the OPM Governmentwide employment page (USAJOBS) at <https://www.usajobs.gov>. Normally, NRC SES vacancy announcements are open for a minimum of 30 calendar days to allow adequate time for applicants to complete the application process.
3. The area of consideration for each SES position to be filled through competitive merit staffing procedures must include, at a minimum, all groups of qualified individuals within the civil service (see section VI.B of this handbook). The NRC may also recruit from outside the civil service (i.e., all groups of qualified individuals) to provide the selecting official with flexibility to consider applicants from a wide variety of sources.
4. The vacancy announcement must include the following:
  - (a) Vacancy announcement number;
  - (b) Opening and closing dates;
  - (c) Position title, series, and pay plan;
  - (d) SES pay ranges;
  - (e) Organizational location;
  - (f) Duty location;

- (g) Number of vacancies;
- (h) Area of consideration;
- (i) Application method (Traditional, Resume-Based, or Accomplishment Record);
- (j) Brief description of duties and responsibilities;
- (k) Basic qualifications requirements;
- (l) ECQ requirements;
- (m) Any mandatory PTQs requirements;
- (n) Evaluation methods;
- (o) Application instructions and required documents;
- (p) Equal employment opportunity and reasonable accommodation statements;
- (q) Point-of-contact; and
- (r) Any special conditions of employment (i.e., payment of travel and transportation expenses, drug testing, SES probationary period requirements, public financial disclosure reporting requirements, veterans' preference is not applicable statement, security clearance requirements, consideration of payment of monetary incentives such as a relocation or recruitment incentive).

#### **G. Multiple Vacancies and Selections**

1. Although extremely rare, the NRC may advertise for more than one vacancy for an identical SES position (e.g., regional administrator positions in different geographic locations).
2. If the NRC advertises a position and the vacancy announcement states one vacancy is to be filled, the NRC may not make multiple selections from that vacancy announcement.

#### **H. Developing a Crediting Plan**

1. General
  - (a) All competitive, SES, merit staffing actions require a written crediting plan for the evaluation of candidates to ensure eligible candidates for specific SES positions are rated and ranked on the same basis using the same methodology to ensure fairness and consistency.

- (b) Crediting plans will be developed jointly by the OCHCO representative and the selecting official and must be established before eligible candidates are evaluated.
- (c) If a crediting plan is changed or a position is canceled, the former crediting plan must be retained for at least 2 years.

## 2. Structure and Content

- (a) Each qualification factor that is identified in the vacancy announcement must be addressed in the crediting plan. All eligible candidates will be evaluated and placed in one of the following three general qualification categories.
  - (i) Category “A” describes the requirements for those candidates who are best qualified for the position. The qualifications of the candidates, as determined through evaluation of the application and, when used, other candidate assessment tools, substantially exceed the basic requirements to an extent predictive of exceptionally effective performance of executive level functions and the related duties of the position.
  - (ii) Category “B” describes the requirements for those candidates who are well qualified for the position. These candidates exceed the basic requirements but are not considered best qualified. The qualifications of the candidates, as determined through evaluation of the application, and when used, other candidate assessment tools, exceed the requirements to an extent predictive of successful performance of executive level functions and the related duties of the position.
  - (iii) Category “C” describes the requirements for those candidates whose qualifications meet, but do not exceed, the basic requirements of the position. The qualifications of the candidates, as determined through evaluation of the application and, when used, other candidate assessment tools, meet basic requirements but indicate limited ability to perform executive level functions and the related duties of the position.
- (b) The content of the crediting plan must be determined based on the requirements of the position as identified through job analysis and developed to focus on the actual gradations of knowledge, skills, and abilities that are required and predictive of performance. However, the crediting plan may not emphasize NRC-related experience to the extent that it precludes consideration of otherwise well-qualified candidates from outside the NRC or be written so narrowly as to eliminate candidates from nontraditional recruiting sources.

- (c) The criteria that distinguish among the three categories for each qualification factor may include multiple measures that assess the candidate's qualifications, including scope, complexity, and depth of experience; education; development and training; awards and recognition; accomplishments; and outside activities enhancing the candidate's ability to effectively perform executive level functions and the duties of the position.
- (d) Citations of education beyond basic minimum occupational requirements, training, awards, and experience should be based on empirical evidence that supports the citations as indicators of competency and quality at the A, B, or C levels.
- (e) Descriptions that refer to the number of years served or that contain generic references to outstanding or other levels of performance without further explanation are not acceptable.
- (f) Descriptions that refer to job titles exclusively as evidence of performance are not acceptable because titles alone do not provide enough information to the rater to give appropriate credit for variables in the work performed.
- (g) Experience may be credited only to the closing date of the vacancy announcement to avoid inequities.

## **I. Rating Panel Guidance and Evaluating Candidates**

### **1. Rating Panel Members**

- (a) Panel members at the SES or equivalent level are appointed by the ERB and operate under the delegated authority of the ERB.
- (b) Whenever possible, panel members should be selected from outside the organization in which the vacancy exists.
- (c) The NRC will make every effort to ensure that panel members reflect diversity.

### **2. Evaluating Candidates**

- (a) The OCHCO representative conducts a preliminary screening of applications for completeness, basic qualifications, and eligibility. Applications found to be eligible and basically qualified are referred to the rating panel for further evaluation.
- (b) If a current SES career appointee, reinstatement eligible, or a graduate of an OPM-approved SES Candidate Development Program applies in response to a merit staffing vacancy announcement, the NRC has the option of including the individual in the competitive process or considering the individual under non-competitive procedures.



- (c) Panel members review and tentatively rate each candidate independently and then reach consensus on the level rating for each qualification factor and assign an overall qualifications category.
- (d) Each qualification factor must be evaluated against the descriptors in the crediting plan and a level assigned. The overall category rating is determined based on the preponderance of individual qualification ratings assessed at a given level.
- (e) Each candidate's experience, training, education, and accomplishments must be evaluated in terms of the work requirements or the knowledge, skills, and abilities needed for success in the position to be filled. All eligible applicants must be rated and ranked using the same methodology to ensure fairness and consistency.
- (f) Any candidate who does not receive at least a C level rating for one or more mandatory qualification factors is disqualified and can be eliminated from further consideration.

### 3. Additional Candidate Assessment Tools

- (a) The panel may use additional candidate assessment tools specific to the applicable application method and identified in the vacancy announcement to further evaluate candidates' qualifications and refine the recommended best qualified list rather than relying solely on evaluating applicants against the crediting plan.
- (b) Candidate assessment tools may include evaluation interviews, formal structured interviews, and reference checks to verify information provided by the candidate and to further assess competencies. The Resume-Based and Accomplishment Record application methods are intended to be used in conjunction with structured interviews as part of the rating and ranking process.
- (c) Use of additional candidate assessment tools must be well-planned in terms of the evaluation standards to be applied, questions to be asked, and what is to be observed. All candidates must be treated objectively and uniformly.

### 4. Summation

- (a) Depending on the overall number of eligible applicants, the evaluation process should be able to identify a reasonable number of best qualified candidates (typically, candidates with an overall category rating of "A"). In cases in which too many applicants are rated in the highest qualifications category, the panel, for example, may recommend and refer only those candidates who received an A level rating for all qualification factors and/or use the other candidate assessment

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tools described above to further evaluate candidates and refine the best qualified candidate list.

- (b) At the conclusion of the panel's deliberations, the OCHCO representative forwards the findings and written recommendations of the panel to the ERB. The findings and recommendations of the rating panel must include the ratings for all eligible candidates and must identify the best qualified candidates. Rating sheets may be used to satisfy the written recommendations for individual candidates.
- (c) The panel also should prepare a summary evaluation of the panel's process for the ERB, when appropriate. The panel should consider the effectiveness of the rating elements, the crediting plan level descriptors, the results of other candidate assessment tools when used, and other practices in clearly identifying best qualified candidates.
- (d) The ERB reviews the panel's findings and recommendations and certifies the best qualified candidates for the position.
- (e) The ERB-certified findings and recommendations are forwarded to the respective office director or regional administrator (or their designee) or directly to the appointing authority, as appropriate.

#### **J. Making Selections**

1. The appointing authority or the respective office director or regional administrator (or their designee) reviews the written recommendations of the best qualified candidates and conducts interviews and reference checks, as appropriate.
2. If the selection is made by other than the appointing authority, the respective office director or regional administrator makes a recommendation for selection to the appointing authority, typically through the ERB.
3. The appointing authority approves the selection from among the candidates identified as best qualified and certifies, in writing, that the selectee meets the qualification requirements of the position and that merit staffing procedures were followed.

#### **K. The Qualifications Review Board (QRB) Process**

1. Certification of a selectee's executive qualifications by an OPM-administered QRB is the final step in the SES selection process for initial SES career appointment.
2. OPM establishes interagency QRBs. A QRB normally consists of SES members from three different agencies, a majority of whom must be SES career appointees. Board members may not act on candidates from their own agency.

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3. QRB members fairly and objectively assess the overall scope, quality, and depth of a candidate's executive qualifications and experience within the context of the five ECQs (see Section VII.C of this handbook).
  4. The QRB process is used only after completion of the competitive SES merit staffing process or upon an individual's successful completion of an OPM-approved SES Candidate Development Program. No individual may request his or her own certification.
  5. When the selection is approved, the OCHCO representative begins the process of obtaining final approval of the selectee by an OPM QRB. The OCHCO representative works closely with the selectee to prepare the required documentation and submits the package to the QRB within the timeframe prescribed by OPM.
  6. The QRB certifies the selectee's executive qualifications based on one of the following three criteria established by law:
    - (a) Criterion A is based on demonstrated executive experience in all five ECQs. The candidate's application should reflect an overall record of the knowledge, skills, and abilities necessary to succeed in the SES.
    - (b) Criterion B is based on successful participation in and graduation from the NRC's OPM-approved SES Candidate Development Program (SESCDP). The ERB Chair must certify that the candidate has successfully completed all SESCDP activities. The QRB reviews each candidate's training and developmental experience, in addition to prior experience, to assure they provide sufficient basis for certification of the candidate's executive qualifications for initial career appointment to the SES. QRB certification of an individual based on successful completion of an SESCDP remains a valid basis for initial career appointment, with or without competition, for as long as current OPM regulations permit.
    - (c) Criterion C is based on possession of special or unique qualifications that indicate the likelihood of executive success. The candidate must possess special or unique qualifications that support the ability to perform the duties of the position and the potential to quickly acquire full competence in the ECQs. Approval of these cases is based on the NRC's entire submission, including a proposed Executive Development Plan (EDP), documentation of the candidate's unique and special qualifications, and at least one reference letter from an appropriate person (at the NRC's discretion) at a higher level than the candidate who supports the ECQs of the candidate, and imposes an obligation on the NRC to carry out the executive development activities within a 12-month timeframe. Criterion C cases are very rare and are appropriate only when exceptional candidates with demonstrated experience are not available.

## L. Qualifications Review Board Actions

### 1. Approval

- (a) If the QRB certifies the executive qualifications of the selectee, the certification process is complete, and the NRC may initiate action to appoint the selectee.
- (b) The QRB may certify a selectee but recommend additional executive development to supplement experience in one or more of the ECQs. If this occurs, the NRC may make the appointment but should develop an EDP, in consultation with the employee, to ensure the individual receives the recommended training. OPM may ask the NRC to provide written verification of progress toward implementing any such QRB recommendations.
- (c) OCHCO will arrange for any required SES orientation activities when the selectee has been formally appointed as a member of the SES.

### 2. Disapproval

- (a) If a submitted case is disapproved, the NRC may choose to have the case submitted to the next regularly scheduled QRB, as is, or to have the case returned for improvements. This decision will be made by the office director or the regional administrator in consultation with OCHCO and the ERB Chair.
- (b) If the NRC wishes to resubmit a returned case, it must do so within the timeframe prescribed by OPM after the initial QRB disapproval. The QRB will only consider experience obtained before the closing date of the vacancy announcement. The NRC also has the option of resubmitting a case originally submitted as a Criterion A case as a Criterion C case if the Criterion C special or unique qualifications requirements are met, and an EDP and other required documents are submitted.
- (c) If a case is disapproved a second time, a new case on that selectee cannot be submitted for the same position until the candidate has acquired additional qualifying experience in those deficient areas noted by the QRB. Since qualifying experience is credited only to the closing date of a vacancy announcement, OPM will generally require that the NRC hold a new merit staffing competition in order to credit the additional experience. The closing date of the new vacancy announcement must be at least 12 months later than that of the original announcement.
- (d) There is no appeal for a second-time disapproval.
- (e) If a Criterion B case is disapproved, the NRC has the option to resubmit the package or it can ask the candidate to pursue additional development to address issues raised by the QRB. If a Criterion B case is disapproved two consecutive

times, the NRC must provide the candidate additional development before submitting the case again.

3. Re-Write Option

- (a) If a submitted case is returned for re-write, it is not considered a full approval or disapproval.
- (b) This option allows the candidate and the NRC an opportunity to re-address those ECQs the QRB found lacking evidence of executive leadership.
- (c) Upon notification of the re-write, the NRC must ensure the re-write is completed and returned within the timeframe prescribed by OPM.
- (d) Re-writes are returned to the QRB that conducted the initial review for final decision.

**M. Applicant Notifications, Inquiries, and Appeals**

- 1. The OCHCO representative will communicate with all applicants on up to four occasions, as appropriate—
  - (a) Upon receipt of the application,
  - (b) Upon making a basic eligibility and qualifications determination,
  - (c) Upon referring candidates to the selecting official, and
  - (d) Upon final selection or non-selection.
- 2. Any further information regarding the selection or the status of a competitive merit staffing action can be obtained by calling the contact number on the original vacancy announcement.
- 3. Applicants may obtain information regarding the nature of the procedures used in recruiting and selecting candidates for SES positions by contacting OCHCO.
- 4. Applicants are entitled, upon request, to know whether they were found eligible for the position and whether they were referred to the selecting official for consideration for appointment. They also may review any qualifications questionnaires or reports of qualifications inquiries about themselves, except information that would identify a confidential source.
- 5. All responses to requests for information must consider the requirements of the Freedom of Information Act and the Privacy Act.

6. Applicants may address complaints about the staffing process to the ERB Chair. These complaints must be in writing and received no later than 30 calendar days from the date that applicants were notified they were disqualified or that a selection had been made.
7. Applicants have no right of appeal to OPM on actions taken by the ERB, the QRB, or the appointing authority. Other avenues afforded by law or regulation (e.g., the Office of the Special Counsel or the Equal Employment Opportunity Commission) may be appropriate (e.g., prohibited personnel practice allegations or discrimination allegations).

#### **N. Records Maintenance**

1. If a crediting plan is changed or a position is canceled, the former crediting plan must be retained for at least 2 years.
2. Adequate records must be maintained for a minimum of 2 years after an initial career SES appointment to allow for reconstruction of the merit staffing process.
3. If no appointment results from a vacancy announcement, the records must be kept for 2 years from the closing date of the announcement.

### **VIII. SENIOR EXECUTIVE SERVICE (SES) PROBATIONARY PERIOD**

#### **A. General Information**

1. An individual's initial career SES appointment becomes final only after the individual has successfully completed a 1-year SES probationary period, which is defined as a full calendar year.
2. The probationary period begins on the effective date of the personnel action initially appointing the individual to the SES as a career appointee and ends 1 calendar year later.
3. The probationary period is the final step in the SES merit staffing process. The probationary period provides a test of actual job performance, as well as the opportunity for the NRC to assess the development of a newly appointed SES career member, to assist in that development, and to return the SES member to a non-SES position if circumstances warrant.
4. The probationary period may not be extended beyond 1 year solely to provide the SES member an opportunity to improve performance.

## **B. Supervisory Responsibilities**

During the probationary period, the supervisor should—

1. Provide training initiated by the NRC or recommended or mandated by the OPM QRB.
2. Observe the SES member's performance and conduct.
3. Hold periodic, documented discussions of progress with the SES member that clearly outline the strengths and weaknesses of the executive in relation to the performance requirements of the position.
4. Complete a probationary assessment of the executive's performance before the probationary period ends. If QRB certification was based upon special or unique qualifications (Criterion C), document results of executive developmental activities undertaken based upon NRC commitments or QRB recommendations related to that certification.
5. Certify that the SES member performed at the level of excellence expected of an executive during the probationary period, or initiate action to remove the employee from the SES if it becomes apparent after full and fair consideration that the SES member's performance is not suitable for satisfactory executive work.

## **C. Notifications**

1. OCHCO will advise a new career SES appointee in writing of the requirement to serve a probationary period at the time the individual is appointed.
2. OCHCO will forward [NRC Form 372, "Certification of Completion of the Senior Executive Service \(SES\) Probationary Period"](https://usnrc.sharepoint.com/teams/NRC-Forms-Library/SitePages/Home.aspx) available in the NRC Forms Library on SharePoint at <https://usnrc.sharepoint.com/teams/NRC-Forms-Library/SitePages/Home.aspx>, to the supervising executive at the beginning of the ninth month of the SES member's probationary period. Supervising executives are expected to fill out this form and indicate in writing whether the individual should be retained as a member of the SES.
3. Office directors or regional administrators will determine if reviewing executives will be used to review certifications for their respective offices and will advise OCHCO of their decision. Use of reviewing executives is encouraged, especially when a recommendation has been made not to retain the individual as a member of the SES.
4. The certification form should be completed and returned to OCHCO no later than the end of the 10th month of the SES member's probationary period. The certification should consider the results of any discussion of performance that may have been

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held with the SES member during the probationary period and any subsequent efforts to improve performance.

#### **D. Crediting Service**

1. Time on leave with pay while in an SES position is credited toward completion of the probationary period.
2. Earned leave for which the SES member is compensated by lump-sum payment upon separation is not credited toward completion of the probationary period.
3. Time in a nonpay status, such as leave without pay or furlough, while in an SES position is credited toward completion of the probationary period 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 nonpay status.
4. Time following transfer to an SES position in another agency is credited toward completion of the probationary period (i.e., the SES member does not have to start a new probationary period). Credit is given from time served during a probationary period before transfer.
5. Time absent on military duty or due to compensable injury is credited toward completion of the probationary period upon restoration to the SES when no other break in SES service has occurred.

#### **E. Moratorium on Removal During Probation**

1. Restrictions on the removal of career appointees from the SES for 120 days after the appointment of a new agency head or noncareer supervisor also apply to the probationary period.
2. The probationary period cannot be extended if the NRC is subject to the 120-day restriction. If an individual completes the probationary period while the restriction is in force, removal when the restriction ends must be affected under procedures applicable to post-probationary employees.

#### **F. Reappointment to the SES**

1. A career appointee who leaves the SES before completing the probationary period must undergo a new merit staffing competition to be reappointed. A QRB does not have to recertify an individual unless he or she has been removed for performance or disciplinary reasons.
2. A career appointee who is separated from the SES during the probationary period and who has been out of the SES more than 30 calendar days must serve a new 1-year probationary period upon reappointment, except as noted below. Previous



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- time in a probationary period may not be credited towards completion of the new probationary period when the separation exceeds the 30-day limit.
3. A new 1-year SES probationary period is not required in the following situations. The individual is only required to complete the remainder of the probationary period if it was not previously completed.
    - (a) The individual left the SES without a break in service for a Presidential appointment and is exercising reinstatement rights.
    - (b) The individual left the SES without a break in service for other civilian employment that provides a statutory or regulatory reemployment right to the SES, such as service with an international organization, when no other break in service has occurred.
    - (c) The break in SES service was the result of military duty or compensable injury, and the time credited was not enough to complete the probationary period.

#### **G. Removal During the Probationary Period**

1. A career SES appointee who is a reemployed annuitant serves at the pleasure of the appointing authority. The removal of a reemployed annuitant who is serving a probationary period is effected under the procedures specified in 5 CFR 359, "Removal from the Senior Executive Service; Guaranteed Placement in Other Personnel Systems," Subpart I.
2. Removal of a career SES appointee for unacceptable performance during the probationary period is effected under the procedures specified in 5 CFR 359, Subpart D.
  - (a) The removal of a probationer for unacceptable performance need not be predicated upon a formal unsatisfactory rating under the performance appraisal system described in MD 10.137.
  - (b) Guaranteed placement at the GG-15 level or above upon removal from the SES for performance reasons is limited to those employees who held an NRC Regular (Excepted) or Regular (Excepted) (Conditional) appointment, or an appointment of equivalent tenure in the competitive service, at the time of appointment to the SES.
  - (c) Probationers who are not entitled to guaranteed placement may be separated from the Federal service.
  - (d) Removal of a probationer for performance reasons is not appealable to the Merit Systems Protection Board (MSPB) and does not entitle the employee to an informal hearing before the MSPB.

3. Removal during the probationary period for disciplinary reasons is effected under the procedures specified in 5 CFR 359, Subpart D.
  - (a) A probationer removed for disciplinary reasons is not entitled to placement in a position outside the SES.
  - (b) The removal of a probationer for disciplinary reasons under 5 CFR 359, Subpart D is not appealable to the MSPB.
4. Removal of a probationer for conditions arising before appointment is effected under 5 CFR 359, Subpart D.
  - (a) A probationer may be removed 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. Cases of this type should occur infrequently and generally would involve an appointee from outside the Federal service.
  - (b) The procedural requirements governing the removal of a probationer for pre-employment conditions differ significantly from those governing removals for performance or misconduct.
  - (c) A probationer removed for pre-employment conditions is not entitled to placement in a position outside of the SES.
  - (d) The removal of a probationer for pre-employment conditions is not appealable to the MSPB.
5. A probationer who is affected by a reduction in force (RIF) has no statutory or regulatory placement rights within the SES. Guidance regarding probationers affected by a RIF is contained in MD 10.138, "Reduction in Force in the Senior Executive Service."

## **IX. CAREER REASSIGNMENTS, TRANSFERS, DETAILS, AND REINSTATEMENT**

### **A. Career Reassignments**

1. A career NRC Senior Executive Service (SES) member may be reassigned to any SES position within the NRC for which he or she is qualified. There is no prohibition on reassigning a career SES member during the probationary period.
2. For non-geographic reassignments within the commuting area (those reassignments involving no change in duty station), the NRC must give the SES member a written notice at least 15 calendar days before the effective date of the reassignment. A consultation should be held with the SES member before the written notice is prepared, if possible.

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3. For geographic reassignments to another commuting area, the following conditions apply—
    - (a) The office director or the regional administrator of both organizations involved in the transfer should agree to the reassignment.
    - (b) Management must consult with the SES member on the reasons for, and the SES member's preferences with respect to, the proposed reassignment.
    - (c) A determination must be made whether a relocation incentive that meets the approval criteria will be offered before the SES member accepts the reassignment.
    - (d) Following consultation, the SES member will be provided a written notice of reassignment at least 60 calendar days before the effective date of the reassignment. A longer notification period may be considered in case of hardship. The notice must include the reasons for the reassignment.
  4. The 15- and 60-day advance written notices may be voluntarily waived by the SES member. The waiver must be in writing and must be retained as a temporary record in the SES member's electronic Official Personnel Folder (eOPF).
  5. The NRC may not involuntarily reassign a career SES member within 120 days after the appointment of a new Chairman or within 120 days after the appointment of the career SES member's most immediate supervisor who is a noncareer appointee and who has the authority to make an initial appraisal of the SES member's performance.
    - (a) The SES member may voluntarily waive the moratorium. The waiver must be in writing and must be retained as a temporary record in the SES member's eOPF.
    - (b) The 120-day moratorium period does not include any time the career SES member is on detail or other temporary assignment (not to exceed 60 days) in other than a regular position. Any days in excess of 60 days on one or more details or other temporary assignments will be counted.
    - (c) The prohibition also applies in the case of a detail of an individual or reassignment of an individual in an acting capacity to the position of Chairman or the immediate supervisory position previously mentioned.
  6. The 120-day moratorium does not apply to an involuntary reassignment of a career SES member based on a final performance rating of Unsatisfactory that was issued before the appointment that initiated the moratorium. Failure to accept a directed reassignment may result in removal of the SES member under adverse action proceedings.
    - (a) Adverse action procedures described in 5 CFR 752, "Adverse Actions," will be followed.

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- (b) If the separation is for failure to accept a geographic reassignment to a different commuting area, the SES member is entitled to discontinued service retirement (if eligible) or severance pay (if eligible) unless a position description or other written agreement or understanding provides for such geographic reassignments.
7. The NRC must give priority to an internal transfer request made by an employee (during or after probationary or trial period) who has successfully obtained from the MSPB a stay of a personnel action taken (or to be taken) in regards to a protected disclosure as a whistleblower, and who was subsequently retaliated against with the personnel action (as described in Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017, which amends 5 U.S.C. 1214, "Investigation of Prohibited Personnel Practices; Corrective Action," and 5 U.S.C. 1221, "Career Transfers").
- (a) Career transfers involve the movement of career SES members between executive agencies.
- (b) Transfers may be noncompetitive; however, the SES member must meet the qualifications requirements of the position.
- (c) A career SES member may be transferred only with the consent of the appointee and the gaining agency, except when a transfer of function between agencies is involved.
- (d) An SES member affected by a transfer of function is entitled to accompany his or her function if the individual would otherwise be removed from the SES.
- (e) A career SES member who fails to accompany a transfer of function may be removed from the SES and the Federal service.
- (f) As an alternative to the removal, the NRC (as a transferring agency) may reassign the SES member to another SES position in a different function.

## **B. Details**

1. A detail is a temporary assignment of an SES member to another position (within or outside of the SES) or the temporary assignment of a non-SES member to an SES position, with the expectation the employee will return to his or her regular position at the end of the period.
2. For the purposes of pay and benefits, the employee continues to be the incumbent of the position from which he or she is detailed.
3. Details may be within the NRC or negotiated between agencies. Usually, interagency details are made on a reimbursable basis.
4. Initial details and extensions are made in increments of no more than 120 days; however, this practice does not apply to details between executive agencies.

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5. Only a career SES member or a career-type non-SES employee may be detailed to a Career Reserved position. Any SES employee or non-SES employee may be detailed to a General position.
  6. An SES member cannot be detailed to unclassified duties for more than 240 days.
  7. Details of career SES members cannot be used to circumvent the advance notice requirements for reassignments or the 120-day moratorium on involuntary reassignments previously discussed in Section IX.A of this handbook.
  8. No requirement exists that an SES member be given advance notice of a detail; however, appropriate notice will be provided when possible. The NRC will provide advance notice for details to positions outside the commuting area.
  9. Details of non-SES employees to SES positions and SES members to non-SES positions should be kept to a minimum and be reviewed by the CHCO.
    - (a) Details of non-SES employees should not be used as trial periods, or to obtain qualifications required for SES appointment consideration other than in accordance with an OPM-approved SES Candidate Development Program.
    - (b) Competitive procedures must be used when detailing a non-SES employee to an SES position for more than 240 days, unless the employee is eligible for noncompetitive career SES appointment (e.g., is a QRB certified SES Candidate Development Program graduate or eligible for SES reinstatement).
    - (c) Details of SES members to non-SES positions are an inappropriate use of executive talent and should be avoided.
  10. Approval must be obtained from OPM for details of more than 240 days when the following conditions prevail:
    - (a) A non-SES employee is detailed to an SES position that supervises other SES positions.
    - (b) An SES employee is detailed to a non-SES position at the GG-15 level or below, or equivalent.

### **C. Reinstatement**

1. Reinstatement in the SES as a career appointee may be based only on prior career service in the SES.
2. The appointee must either have successfully completed the SES probationary period or have been exempt from probation (e.g., converted to the SES as a career appointee when the SES was established in 1979).

3. Separation from the SES must not have been for performance, for disciplinary reasons, or a resignation instead of removal.
4. Reinstatement is permitted if the separation was due to failure to accept a directed reassignment involving a geographic move and there was no written mobility agreement.
5. There is no time limit after leaving the SES for reinstatement of an eligible appointee.
6. Reinstatement is not subject to merit staffing requirements, nor must the position be advertised.
7. The reinstated individual must meet the qualifications of the position, but a new QRB certification is not required.
8. If a reemployed annuitant is reinstated, he or she serves at the discretion of the appointing authority.
9. Reinstatement rights to an SES career appointment after service under Sections 233(d) and 625(b) of the Foreign Assistance Act of 1961 are covered in 5 CFR 352, Subpart E.

#### **D. Reemployment and Restoration Rights**

1. Generally, SES members who accept certain assignments outside the SES, such as to international organizations, 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.
2. Individuals who have, or who are considering accepting, an assignment to an international organization should consult with the OCHCO representative to determine what their maximum employment limits are in relation to retaining reemployment rights.
3. When an employee's right is to a position in the SES, reemployment or return may be to any position in the SES for which the employee is qualified.
4. The NRC will consider SES employees detailed or transferred to an international organization for all pay increases for which the SES member would be considered if not absent. An increase is effective on the date it would have been made were the employee not absent.
5. Restoration rights following military duty or recovery from a compensable injury are covered in 5 CFR 353, "Restoration to Duty from Uniformed Service or Compensable Injury."

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## **X. PRESIDENTIAL AND OTHER APPOINTMENTS OF SENIOR EXECUTIVE SERVICE (SES) CAREER MEMBERS**

### **A. General**

1. A career SES member who is appointed to a civil service position in the executive branch outside the SES is entitled to continue certain SES benefits if either of the following conditions is met:
  - (a) The appointment is by the President, with Senate confirmation, to a civilian position in the executive branch that is outside the SES at a rate of basic pay equivalent to Executive Level V (EX-V) or higher.<sup>7</sup>
  - (b) The appointment is to a civilian position in the executive branch covered by the Executive Schedule, or the rate of basic pay for the position is fixed by statute at a rate equal to one of the five levels of the Executive Schedule. This does not have to be a Presidential appointment.
2. To be eligible, the executive must have no break in service between the career SES appointment and the Presidential appointment.

### **B. Retention of SES Benefits**

1. OCHCO will advise the affected individual of his or her entitlement to make an election to continue benefits.
2. The individual may elect to retain some, all, or none of the following SES benefits:
  - (a) Basic pay (including the aggregate limitation on pay),
  - (b) Performance awards,
  - (c) Presidential rank awards,
  - (d) Severance pay,
  - (e) Annual and sick leave, and
  - (f) Retirement.
3. The election decision must be in writing and will remain in effect for no less than 1 year, unless the appointee leaves the position sooner. The individual may make a new election of benefits annually. There is a 12-month waiting period after the anniversary date of the initial election before any changes can be made. Thereafter, the election may be changed no more than once during any 12-month period. A new election may add or drop any of the benefits listed above.

4. An individual who elects to retain SES basic pay or eligibility for SES performance and/or Presidential rank award eligibility remains subject to the SES performance appraisal system in the agency in which he or she accepts the appointment. Although the individual is eligible to be considered for performance or rank awards, the agency has discretion to determine whether to grant them.
5. Retirement coverage is determined by the position to which the individual is appointed and is not affected by any election of benefits on the employee's part that are available to career SES appointees.
  - (a) If the position is an Executive Schedule position listed in 5 U.S.C. 5312- the individual is subject to mandatory Social Security coverage under the Civil Service Retirement System (CSRS), CSRS Offset, or the Federal Employees' Retirement System (FERS). If the executive returns to an SES position, the executive remains subject to full Federal Insurance Contributions Act (FICA) deductions in the SES position, regardless of any election the executive made.
  - (b) If the position is not listed in 5 U.S.C. 5312, the individual retains the retirement coverage that was previously applicable under the career SES appointment whether it was regular CSRS, CSRS Offset, or FERS.
6. If the individual elects to retain SES leave coverage, the individual must continue both annual and sick leave coverage.

### **C. Reinstatement**

1. A career SES appointee who receives a Presidential appointment (with or without Senate confirmation) is entitled to be reinstated in the SES provided there was no break between the career SES appointment and the Presidential appointment, and the reason for leaving the Presidential appointment was for reasons other than misconduct, neglect of duty, or malfeasance—
  - (a) The individual may apply to OPM for reinstatement assistance within 90 days after separation from the Presidential appointment.
  - (b) The individual may negotiate his or her own reinstatement directly with an agency rather than requesting OPM assistance.
2. If a former career SES appointee is serving on one Presidential appointment and receives another Presidential appointment without a break in service between the two appointments, the individual continues to be entitled to reinstatement to the SES following the termination of the second appointment. If there is an interim period between the first Presidential appointment and the onset of the second, the individual must be reinstated to the SES as a career appointee before the effective date of the new Presidential appointment to preserve his or her reinstatement entitlement.



3. A career SES member serving in an SES probationary period at the time of the Presidential appointment is required to complete the probationary period upon reinstatement to the SES.

## **XI. NONCAREER AND LIMITED APPOINTMENTS, REASSIGNMENTS, AND TRANSFERS**

### **A. Appointments**

1. The NRC must have approval from OPM before making a noncareer, limited term, or limited emergency appointment.
2. These appointments may be made only to General positions.
3. The appointing authority must verify in writing that the appointee meets the qualifications requirements for the position.
4. Although not required, competitive procedures may be used at management's discretion. QRB certification of the appointee's executive qualifications is not required.
5. The appointee does not receive tenure and serves at the pleasure of the appointing authority.

### **B. Reassignments**

1. Reassignment of a noncareer, limited term, or limited emergency appointee within the NRC may be made only to another General position for which the individual is qualified.
2. Reassignment of a noncareer appointee requires prior OPM approval.
3. The NRC may reassign a limited term or limited emergency appointee without prior OPM approval, but only to a General position that meets the same criteria under which the original appointment was made.
4. No advance written notice of reassignment is required; however, NRC executive managers are encouraged to give reasonable notice when possible.

### **C. Transfers**

1. Transfer of a noncareer or limited appointee to the NRC may be made only to a General position for which the individual is qualified.
2. The NRC must obtain prior OPM approval of the required appointment authority to transfer the appointee.

3. In a transfer of function between agencies, noncareer and limited appointees may be offered transfers at the discretion of the agency. Prior OPM approval is required for transfer of appointment authorities.

#### **D. Limited Appointment Conditions**

1. A limited term appointment cannot exceed 3 years and a limited emergency appointment cannot exceed 18 months.
2. A limited term or limited emergency appointment is not renewable; however, if the appointment is made for less than the period authorized by OPM, the NRC may extend the appointment to that period.
3. An executive serving under a limited term or limited emergency appointment may not be appointed to, or continue to hold, a position under such an appointment if, within the preceding 48 months, the individual has served an aggregate of more than 36 months under any combination of limited term or limited emergency appointments.
4. A limited term or limited emergency appointment terminates automatically at the end of the appointment period authorized by OPM, but the NRC can terminate the appointment at any time.
5. Following termination, a limited term or limited emergency appointee is entitled to be placed in his or her former position or in a position of like status, tenure, and grade if—
  - (a) The limited appointment was made without a break in service in the same agency as the one in which the individual held an appointment of a career or career-conditional tenure (or equivalent tenure) in a permanent civil service position outside the SES and
  - (b) The limited appointment was terminated for reasons other than misconduct, neglect of duty, or malfeasance.

#### **E. Change from a Career to a Noncareer or Limited Appointment**

1. A career SES appointee cannot be required to accept a noncareer or limited appointment as a condition for appointment to another SES position.
2. If a career SES appointee voluntarily elects to accept a noncareer or limited appointment, the voluntary nature of the action must be documented in writing before appointment. The documentation must be retained as a permanent record in the eOPF.
3. If a career SES appointee is under regular CSRS coverage and is changing to a noncareer appointment, the individual must be informed that he or she will automatically acquire CSRS Offset coverage (CSRS plus social security) or FERS

coverage, depending on whether the individual has 5 years of service at the time of the action. This action also triggers an opportunity to elect FERS coverage if the individual is not automatically covered. Further, the individual must be informed that if he or she later returns to a career SES appointment, it will not be possible to return to regular CSRS coverage without social security.

**F. Change from a Noncareer to a Career Appointment**

1. OPM will not submit to a QRB any action to convert a noncareer SES employee to a career SES appointment in the employee's current position or a successor to that position.
2. OPM may conduct merit staffing reviews of proposed career appointments of current or former noncareer appointees to ensure they comply with all merit staffing requirements.

**XII. TALENT MANAGEMENT/SUCCESSION PLANNING**

**A. Purpose**

The purpose of talent management/succession planning is to ensure a pipeline of near- and longer-term, diverse, high quality successors for the full range of NRC SES positions.

**B. Goals**

1. Develop strategies to satisfy short- and long-term executive resource needs through a variety of methodologies to tap all available sources of highly qualified individuals.
2. Validate or adjust anticipated leadership competencies and attributes for NRC SES positions.
3. Review the strengths and needs of each SES member and recommend continued development, key growth experiences, mentoring, coaching, and other learning for each SES member that will enable them to fill NRC leadership needs.
4. Identify NRC SES positions for which there is little or no bench strength and develop strategies to close gaps.
5. Use talent management/succession planning results in a consistent, open, and transparent manner to prepare and update EDPs and to inform ERB staffing decisions, including the relative priority of selections, developmental assignments, and rotations that benefit the SES member and the NRC.
6. Collect lessons-learned and recommend future process improvements.

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### **C. Talent Management Roles and Responsibilities**

1. The ERB will review and, as appropriate, revise the anticipated leadership competencies and attributes for NRC SES positions and the process for assessing them.
2. Each office director and regional administrator, or their designee, will assess each subordinate SES member's strengths and needs, recommend continued development, hold succession planning discussions, and ensure that each SES member has an appropriate EDP.
3. All SES members should take an active role in the talent management/succession planning process by identifying career goals, pursuing their developmental interests, and regularly updating an EDP with training and developmental activities based on the executive's interests, as well as feedback from his or her supervisory chain, colleagues, and the ERB that will benefit and further broaden the executive.
4. The ERB will provide a forum at which members will—
  - (a) Validate or adjust anticipated competencies and attributes for NRC SES positions.
  - (b) Review the strengths and needs of each SES member and calibrate and collaborate on specific development, key growth experiences, mentoring, coaching, and/or other learning recommended for each SES member.
  - (c) Identify any NRC SES position for which there is little or no bench strength and develop strategies to close gaps.
  - (d) Share and validate results of talent management/succession planning.
  - (e) Identify priorities and actions that the ERB will take to facilitate further development of SES members.
  - (f) Conduct overview and evaluation of the talent management/succession planning process, including recommended process improvements.
5. The ERB will coordinate, monitor, and review results of talent management/succession planning activities to inform staffing decisions and developmental assignments that benefit the SES member and the NRC.
6. In accordance with Federal regulations, the ERB will review EDPs to ensure that they are appropriate and meet executive and organizational needs and priorities.

#### **D. Executive Development Plans (EDPs)**

1. Federal regulations require that each SES member prepare, implement, and regularly update an EDP for continued development. The EDP form can be found on the OCHCO's Senior Executive Service Web site at <https://drupal.nrc.gov/ochco/catalog/2025>.
2. The results of talent management/succession planning, 360-degree assessments, performance reviews, and coaching from mentors, peers, supervising executives, and executive coaches should be used to develop, refine, or revise the EDP.
3. The EDP may include a broad variety of programmatic and leadership experiences to engage and develop or enhance key competencies and skills (e.g., assignment or rotation to gain broader perspective, formal training, independent reading; work on specific competencies through assignments or projects; work with a mentor, coach, or as part of an executive pairing).
4. The EDP should not contain so many goals that it is unattainable or unfocused. The EDP should be brief and focused and ensure that the SES member completes at least one training or developmental activity annually and at least one leadership assessment involving employee feedback (e.g., a 360-degree review) every 3 years to inform each executive's developmental needs.
5. Each office director and regional administrator, or their designee, is responsible for ensuring that each SES member in their respective organization has an appropriate EDP.
6. The ERB is responsible for the annual review of EDPs to ensure they are appropriate and meet executive and organizational needs and priorities.

### **XIII. NRC SENIOR EXECUTIVE SERVICE (SES) CANDIDATE DEVELOPMENT PROGRAM**

#### **A. Purpose**

1. The purpose of the NRC SES Candidate Development Program (SESCDP) is to ensure that the NRC has a pool of well-qualified and diverse candidates to meet both present and future executive resources staffing needs.
2. The NRC SESCO is designed to support succession planning by preparing individuals who have demonstrated executive potential for SES positions. Program participants engage in developmental assignments and formal training activities to enhance their executive competencies and to increase their awareness of public policy, programs, and issues.

3. While participation in the program is not a prerequisite for, and does not guarantee, entry into the SES, it is the principal means through which the NRC seeks to assure the availability of fully trained executives to meet the future leadership needs of the NRC.

#### **B. Program Overview**

1. The NRC's SESCO is a part-time development program, lasting at least 12 months, designed for individuals who have demonstrated exceptional executive potential, normally gained through experience obtained at the grade 15 level, or equivalent.
2. The NRC conducts its SESCO in conformance with all applicable statutory and regulatory authorities related to merit selection and SESCOs, including but not limited to the regulations in 5 CFR Parts 412 and 317. The NRC is an excepted service agency but operates a merit system, recognized in its Interchange Agreement with OPM.
3. The NRC SESCO must be approved by OPM before conducting an SESCO and re-approved by OPM every 5 years or whenever there are substantial changes to the program.
4. The NRC's ERB is responsible for the overall direction and management of the SESCO policies, practices, procedures, and activities.

#### **C. Planning**

1. The NRC's SESCO is conducted on an as-needed basis.
2. The ERB conducts a periodic review of candidate development requirements based on projected turnover in target positions. Projected turnover is based on retirements, resignations, transfers, reassignments, and on identified requirements for maintaining a pool of potential executives.
3. Results of the review will be used to identify the number of participant spaces in, and the timing of, the next SESCO, where applicable.
4. The ERB will closely monitor the total number of participants and graduates in the pool to ensure that the size of the pool meets projected requirements but is not so large as to discourage participants because of insufficient placement opportunities.

#### **D. Recruitment**

1. The SESCO program announcement must include the following information.
  - (a) A summary of the program characteristics including the location of the program, its duration, the part-time nature of the program, developmental activities, and other requirements.

- (b) A summary of qualifications and eligibility requirements. The summary must discuss any generic technical requirements, the OPM ECQs, applicant requirements, and appointment characteristics.
  - (c) Information on application, evaluation, assessment, and selection methods and procedures, including information regarding veterans' preference.
  - (d) A timetable that includes the opening and closing dates, the target date for selection of candidates, and the beginning date of the program.
  - (e) A representative listing of disciplines employed by the NRC (e.g., engineering, scientific, corporate support, and legal occupations).
  - (f) Instructions for submitting applications.
  - (g) Reasonable accommodation and EEO policy statements.
2. The program announcement must be open for a minimum of 14 calendar days; however, the normal period for posting the program announcement is 30-45 days.
  3. The program announcement must be published, at a minimum, on the OPM Governmentwide employment page (USAJOBS); however, distribution and advertisement should be reasonably extensive, systematic, and represent a positive effort to locate diverse applicants,
  4. Recruitment is typically from Federal civil service employees (i.e., all groups of qualified individuals within the civil service). The NRC may also recruit from outside the civil service (i.e., all groups of qualified individuals) if the ERB identifies specific needs for the program for the year to be open more broadly to reach applicants from a wide variety of sources.
  5. Applicants self-nominate for the SESCDP by following the specific instructions for submitting applications provided in the program announcement.

#### **E. Evaluation and Selection**

1. The NRC uses merit staffing procedures to evaluate and select participants for the SESCDP. Applicants are evaluated based on the quality and extent of their total accomplishments, experience, education, training, competencies, and potential to master the ECQs, which are the leadership criteria defined by OPM to certify candidates for SES positions.
2. The OCHCO representative will screen applications for completeness, basic qualifications, and eligibility.

3. The ERB or ERB-appointed rating panels, consisting of ERB members or other NRC executives, will evaluate candidates who meet basic qualifications and eligibility requirements against the established evaluation criteria, assign tentative category ratings, and make recommendations to the ERB. The ERB will strive to ensure diversity in the rating panel members.
4. A crediting plan with evaluation criteria based on the ECQs will be developed in advance and structured to recognize potential at three category levels so that highly qualified candidates can be identified. All eligible applicants will be rated and ranked on the same basis to ensure fairness and consistency.
5. The rating panel will use the crediting plan to assess applicants and assign category ratings. Based on rating panel assessments of each core competency, the rating panel will assign points and assign candidates an overall category rating of A, B, or C.
  - (a) Category A: The scope, complexity, quality, and depth-of-experience described in the candidate's application demonstrate high potential to master the ECQs and related competencies and are predictive of successful participation in the SESCO and the ability to excel as a future executive.
  - (b) Category B: The scope, complexity, quality, and depth-of-experience described in the candidate's application demonstrate the potential to further develop the ECQs and related competencies and are predictive of successful participation in the SES Candidate Development Program and potential to perform executive level functions.
  - (c) Category C: The scope, complexity, quality, and depth-of-experience described in the candidate's application indicate limited competency and/or potential to develop the ECQs and related competencies. Additional experience, training, and/or development may be needed.
6. Applications from candidates found to have high potential will be forwarded to the ERB for further evaluation and selection consideration. That is, Category A candidates are forwarded to the ERB; Category B candidates may be forwarded depending on whether there are enough Category A candidates.
7. When making selections recommendations, the ERB may consider references, management evaluations and/or performance appraisals, or other information that may help distinguish among the most highly qualified candidates. The ERB may choose to use additional assessment methods such as a 1-day assessment center or structured interviews to further measure and evaluate the leadership and interpersonal competencies of the most highly qualified candidates. The assessment methods to be used will be described in each program announcement.



8. The principles of veterans' preference will be followed if administratively feasible when evaluating and selecting nonstatus applicants. Preference eligible nonstatus applicants will be considered before nonpreference eligible, nonstatus applicants in the same rating category.
9. The ERB forwards selection recommendations to the EDO who serves as the appointing authority and makes final selections in consultation with the Chairman.
10. All applicants will be notified in writing whether they are selected for the program.
11. Adequate records must be maintained for a minimum of 2 years after the appointing authority approves selections to allow for the reconstruction of the merit staffing process.

**F. Candidate Status**

1. NRC employees serving in career or career-type appointments will retain their grade, pay, and status of their current position while completing the program, and remain employees of their current organizations.
2. Candidates selected from outside the NRC who are currently serving in career or career-type appointments in other agencies may participate in the program while serving in their current agencies upon negotiation of a Memorandum of Understanding (MOU) with the candidate's home agency. The MOU should be submitted to OPM after the candidate is selected and before the program begins. Alternatively, the NRC may offer a career-type General Grade Schedule (GG) position to a career civil service candidate selected from another agency.
3. Candidates selected from outside the NRC who are serving in other than career or career-type appointments are offered limited-term excepted service appointments at the GG level for the duration of their participation in the program, but not to exceed 3 years. Such appointments are made to full-time positions created for SESCDP developmental purposes and may not be used to fill regular positions on a continuing basis. The appointments do not confer civil service status.
4. If an SESCDP participant serving on a limited-term excepted service appointment discontinues participation in the SESCDP for any reason, his or her employment with the NRC terminates because it is authorized only for executive development positions established in conjunction with the SESCDP. Similarly, if the participant graduates from the SESCDP, but does not obtain an SES position before the appointment expires, his or her appointment with the NRC also terminates.

### **G. Program Requirements**

1. After selectees are notified of their selection, there will be an initial orientation and assessment session and senior advisors will be designated.
2. Senior Advisor
  - (a) All SESCDP candidates are required to have an SES senior advisor who acts as the candidate's mentor during the SESCDP.
  - (b) The senior advisor is critical to ensuring that each candidate's program activities realistically reflect both individual and NRC needs and receive continuing management support.
  - (c) The senior advisor should be a career NRC SES member but not the candidate's first- or second-level supervisor.
  - (d) Careful matching of the candidate and the advisor is critical as the senior advisor's effectiveness depends greatly on the quality of his or her relationship with the participant. Candidates and senior advisors are jointly responsible for developing a productive relationship during the program.
  - (e) Senior advisors will be provided a full description of the role and responsibilities of an advisor.
3. Executive Development Plan (EDP)
  - (a) An EDP specifically tailored to the SESCDP and that addresses the ECQs will be prepared jointly by the candidate, their supervisor, and their senior advisor based on the results of the orientation and assessment session.
  - (b) The EDP serves as the blueprint and competency-based needs determination for each candidate's executive development program and is to be focused on closing identified competency gaps.
  - (c) Each candidate must complete formal interagency and/or multi-sector training that meets the minimum requirements prescribed by OPM and that addresses the ECQs and targets competency gaps.
  - (d) Each candidate must complete full-time developmental assignments that meet the minimum requirements and number of months prescribed by OPM. The assignment(s) must include executive-level responsibility and differ from the candidate's current and past assignments in ways that broaden the candidate's experience and challenge the candidate with respect to leadership competencies and the ECQs.

- (e) Additional formal training and developmental activities will depend on the individual assessment of each candidate's background and requirements. Candidates will also participate in specifically selected external and internal training events, and other NRC planned developmental activities and tailored management seminars that will be scheduled throughout the duration of the SESCO. These seminars and activities supplement the developmental assignment and the interagency training experience.
- (f) The EDP will be forwarded to the ERB for review and assessment, and either approved or returned for further work.
- (g) Progress in meeting EDP requirements will be closely monitored by the program coordinator, senior advisor, and the ERB. Delays in achieving EDP activities or changes in EDP content must be reviewed by the ERB. All modification requests must be forwarded to the CHCO for initial screening.

#### **H. Candidate Request to Voluntarily Pause Participation**

1. A candidate's request for a pause in the program will be considered on a case-by-case basis by the ERB with advice from OCHCO.
2. The ERB will consider the reasons for the pause, length of pause desired, practicality of completing all program requirements if the pause is granted, and other relevant factors.
3. The ERB may grant a specific extension to the timeframe for completing the current program, may agree to include the candidate in the next SESCO program (if, for example, the reason for the pause is compelling and the current program cannot be completed), or disapprove the pause.
4. If the pause affects a candidate on detail from another Federal agency, that agency will be consulted and any MOU will be appropriately modified.

#### **I. Termination**

1. A candidate's participation in the program may be terminated at the candidate's request or by action of the ERB.
2. When the ERB initiates termination, the candidate's progress must first be judged to be deficient and less than satisfactory. This includes a determination that the participant's performance in the program is deemed unacceptable or the candidate failed to complete program requirements in the designated time frame. The candidate must be given written notice that includes the effective date and reason for program termination.

3. Termination or a candidate's decision to withdraw from the program does not preclude the candidate from applying directly for SES positions.
4. Terminating a candidate's participation in the program is not subject to adverse action procedures and does not in itself affect the candidate's employment status, unless the candidate is serving on a limited term appointment comparable to Schedule B.

#### **J. Program Completion and Candidate Certification**

1. When a candidate has completed the EDP requirements, the ERB will then either approve successful program completion or return it to the candidate with specific recommendations on the additional formal training or developmental assignments necessary for successful completion.
2. When a candidate has successfully completed the NRC's OPM-approved SESCDP, the ERB will make a request to the OPM-administered QRB to certify the individual's qualifications for the SES under Criterion B as described in Part VII.L of this handbook, within the timeframe prescribed by OPM.
3. The OCHCO representative will work with the candidate to prepare the necessary documentation required by current OPM regulations to request Criterion B certification.
4. QRB certification of an individual based on successful completion of an SESCDP remains a valid basis for initial career appointment, with or without competition, as long as OPM regulations permit.

#### **K. Placement**

1. Candidates who successfully complete the SESCDP and receive certification of their executive qualifications by an OPM QRB are eligible for initial SES career appointment in any agency to any position for which the individual is qualified without further competition for as long as OPM regulations permit.
2. Although the NRC maintains flexibility in choosing the method to fill any SES position, SESCDP graduates are the primary applicant pool for filling entry-level SES positions and generally will be considered for first-level SES positions before any competitive method is used to fill these positions.

#### **L. Placement of Unsuccessful Candidates**

1. An internal NRC candidate who does not successfully complete the SESCDP is retained in their current position or placed in another NRC position for which they qualify at the same grade level.

2. A candidate selected from outside the NRC serving in career or career-type appointment who does not successfully complete the SESCO, and is participating in the program under an MOU, remains an employee of the candidate's home agency
3. For a candidate selected from outside the NRC and given a limited-term excepted service appointment for the duration of their participation in the program and who does not successfully complete the SESCO, employment with NRC terminates. Similarly, if the participant graduates from the SESCO, but does not obtain an SES position before the appointment expires, his or her appointment with the NRC also terminates.

#### **M. Competitive Selection**

1. A candidate who applies and is selected for an NRC SES position under competitive merit staffing procedures while participating in the SESCO is generally expected to complete the requirements of the program.
2. These selectees will generally be referred to the OPM QRB as Criterion A candidates rather than Criterion B candidates (see Section VII.K of this handbook).