

A Handbook for Political Appointees

How to Effectively Engage Career
Executives to Enable Success



Version 1.0

Prepared by the SEA Professional Development League
with the support of the Distinguished Executives Advisory Network

SEA PDL is releasing sections of the Handbook as they are developed throughout the year. The Handbook will be updated as new material becomes available and feedback is received. Your comments and suggestions are welcomed.



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Senior Executives Association

SEA is a non-profit, non-partisan professional association that has served as the voice of the career federal executive corps since 1980. SEA's mission is to improve the efficiency, effectiveness, and productivity of the federal government; and to enhance public recognition of their accomplishments.

For additional information about SEA, visit www.seniorexecs.org.

SEA Professional Development League

The SEA Professional Development League, founded in 1981, is a non-profit educational organization which is committed to advancing the professionalism of career federal executives through the sponsorship of training, recognition activities, and research.

DEAN's List

The Distinguished Executives Advisory Network (DEAN) was established by SEA's Professional Development League in 2015 to make the experience and expertise of individuals who have been recognized for their excellence through receipt of the Presidential Rank of Distinguished Executive or Distinguished Senior Professional, available for the advancement of government effectiveness, efficiency and improvement. This cadre of individuals is referred to as the "DEAN's List."

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1 - FORWARD

The Mission and Goals of the SES and SEA

The Senior Executive Service (SES) and Senior Professionals (SP) lead America's workforce. As the keystone of the Civil Service Reform Act of 1978, the SES was established to "...ensure that the executive management of the Government of the United States is responsive to the needs, policies, and goals of the Nation and otherwise is of the highest quality." SES and SP leaders possess well-honed executive skills and share a broad perspective on government and a public service commitment that is grounded in the Constitution.

There are over 7000 career members of the SES and Senior Professionals who serve in the key positions just below Presidential appointees, and are the link between these appointees and the rest of the Federal workforce. They operate and oversee nearly every government activity in approximately 75 Federal agencies. The cardinal role of the career Senior Executive is that of serving any and every Administration to the very best of his or her ability without regard to personal political beliefs. The career executive is essential to the success of the political appointee(s) with whom he or she works.

The Senior Executives Association (SEA) is a professional, not-for-profit, organization whose membership consists of career Federal Executives (SES members and Senior Professionals), and career managers who are on the SES track. The SEA's mission is to:

- Improve the efficiency, effectiveness and productivity of the Federal government
- Advance the professionalism and advocate the interests of career Federal executives
- Enhance public recognition of the many valuable contributions of these executives
- Disseminates information to the media on public policy issues affecting federal executives
- Engages with the Congress and Executive Branch political leadership, and joins with other groups with similar interests in promoting good government.

SEA's key goals are to ensure equitable compensation, fair treatment, continuing professional development and recognition for the 7,000 career federal executives who comprise the United States' highest civil service ranks. In terms of organizational values, SEA actively supports and promotes a federal career executive corps that, among other things:

- Exhibits the high degree of competence essential to effective government, both in providing continuity and in meeting the challenges of change
- Upholds the highest standards of professional integrity and ethics and exhibits a strong commitment to public service
- Responds to policy direction while ensuring fair and impartial treatment of all citizens consistent with our laws and the Constitution of the United States
- Is committed to the highest quality service to the American people
- Maintains and enhances its management skills through continuing professional education and development for executives and their subordinates

Presidential transitions are challenging periods for new political appointees and career executives alike. In our carefully balanced form of government, each have important roles to play in ensuring that Federal programs are launched and maintained in ways that best serve the American public and vital national interests. At the core of successful transitions within federal agencies lies the critical work relationships between career executives and political leadership.

SEA strongly believes in the importance of supportive, respectful, and collaborative relationships among career and political appointees in furtherance of an efficient and effective Federal government. To this end, and as part of its 2016 Presidential Transition guidance series, the Association hopes this Handbook will promote better understanding of the SES, their personnel system, and how political appointees can effectively engage career executives to enable their success during transition.

2 - INTRODUCTION

Political appointees accept government service with varied backgrounds, goals, experiences, and expectations, and often have pre-conceived ideas about career civil servants and government in general. Appointees may find themselves “in a government of strangers.” They are most likely just getting to know other appointees in the agency and trying to figure out the Cabinet member’s style and priorities as well as that of the senior political appointee to whom they report. They inherit a ready-made staff about whom they know very little. Appointees may harbor reservations born of exposure to detractors of the civil service, concerning the dedication, industry, intelligence, and ideological orientation of career managers and staff.

Appointees also frequently enter their new jobs with a conviction that things are done better in the private sector, and that the Federal government ought to be remade in the private sector image. Many appointees will come on board with little knowledge or understanding of the career executive corps.

New political appointees, particularly following a Presidential Transition, are also inundated with briefing books, extensive information regarding the agencies in which they will work, their Administration’s policy objectives, as well as advice from many organizations and individuals on the management reforms which are needed, and how they can hit the ground running and succeed in their new roles. The new appointee may, and usually is, faced with a backlog of decisions - many of them urgent, held-over during the transition period while awaiting new political leadership - in difficult and complex areas such as staff resource allocation, budget, scale and scope of programs, regulations and guidance under development, legislative initiatives, pending awards, and other “hot potatoes.”

Because of the lack of knowledge about one another, and because of preconceptions each may have about the other, the initial relationship between appointees and career executives is often an uneasy one. As described by career executives, and often echoed by political appointees as they reflect back on their appointment, “every transition eventually becomes a transformation of the political appointee’s views of, and relationship with, career executives. It moves from initial distrust to (his or her) eventually saying, ‘civil servants are great, their contribution is invaluable, and I didn’t realize it

when I walked in.”ⁱ

The challenge is to minimize the time it takes for that transformation to take place and for the career-political team to function well, enabling the Administration’s agenda to be met. Irrespective of the policy or management goals of the Administration generally, or of the agencies for which they will work, the success of individual political appointees will depend very much on the relationships they develop with the career Federal executives who will work for them.

This Handbook is intended to minimize the time needed for this inevitable “transformation” by helping appointees understand the role of the career Federal executive, the personnel rules which apply to the career executive corps, and how best to engage the corps and utilize their talents. While the career executive/political appointee interface ultimately functions well, a substantial amount of time can elapse before that occurs in a given relationship or in a new Administration. It is in everyone’s best interest to minimize the time required for the career-political team to function successfully.

More than at any previous time in our history, it is crucial that the next Administration find ways to make maximum use of the career SES corps to achieve the swift and successful implementation of its critical initiatives. To do so, you must focus on how best to use this critical resource and how to get off on the right foot with career executives. Career executives should strive to fundamentally affect how the relationship with the new appointees will evolve by being cooperative, supportive, prepared, accommodating, and relevant. Political appointees should communicate their priorities clearly and take full advantage of the expertise, institutional memory, and ideas of career executives in pursuing their agenda. If both parties are earnest, open, and value the roles and potential contributions of each other, a “win-win” relationship can develop which benefits their agencies and the government as a whole.

3 - WHY IS THE CAREER EXECUTIVE CORPS CRITICAL TO MEETING YOUR GOALS?

The election of a new President of the United States and the change of Administration will result in policy and management shifts at both the government-wide and agency levels. It also invariably leads to staffing and assignment changes in the ranks of the Senior Executive Service as the new Administration seeks to establish new priorities - and to identify senior managers to lead key initiatives.

Career executives are the interface or link between policy and implementation, and an effective working relationship between political appointees and career executives is crucial to mobilization of the approximately two million Federal civilian employees (plus hundreds of thousands of contractor support staff) to carry out new initiatives, reforms and improvements of existing programs, and increased attention to priority services.

The next President, and his or her Administration, will face urgent challenges spanning virtually every facet of the federal establishment, including national defense, health care, the economy, environmental management, homeland security, the nation's infrastructure, energy, the long-term sustainability of entitlement and social safety net programs, the federal debt and many other national challenges. Given the myriad of jobs and the substantial responsibilities exercised by the career Federal executive corps, these almost 7,000 men and women are critical to high performing government, and are key to implementing your political and management agenda. These individuals are the top career professionals in government, with an average of 26 years of experience, who obtained their positions on the basis of merit. Career executives are an absolutely essential link between your administration and agency activities such as legislation, rulemaking, implementation, enforcement and operations.

The top 1% of executives are awarded the Presidential Rank of Distinguished Executive or Distinguished Senior Professional for sustained extraordinary accomplishment. Those honored with the Presidential Distinguished Rank award in 2015 saved the government a total of 121 billion dollars. Several examples of Presidential Distinguished Rank executives below illustrate the breadth of responsibilities, capabilities, and accomplishments of this executive corps, a number of

whom have been recognized with Nobel Prizes:

- Serving as Deputy Chief Operating Officer for the largest purchaser of health care in the world with 85 million beneficiaries and one-third of the nation's health expenditures. She led one of the biggest changes in the history of the Medicare program, expanding coverage to over 500,000 Americans and to an additional 800,000 for coverage for prescription drugs.
- Managing a nationwide environmental cleanup program whose efforts directly led to nine sites – including the Rocky Flats weapons production site, once called the “most dangerous place on Earth” – being 100 percent environmentally cleaned up.
- Being the principal architect of a smart identity card which has received more than a dozen technology awards and led development of a physical access system with biometric capabilities which can scale up authentication requirements as threat increases.
- Negotiating a groundbreaking agreement with General Motors, Chrysler and Ford through which over 5,000 minority businesses were able to win supply contracts of almost \$9 billion, as well as management and technical assistance.
- Overseeing the separation of the Social Security Administration from the Department of Health and Human Services which required the division of the home office, 125,000 employees, and a budget of almost \$1 trillion, one of the largest reorganizations in the history of the government up to that time. She achieved this on schedule and without the filing of a single personnel grievance.
- Providing retail, food, and vending services in 180 healthcare facilities at no cost to the government, and returns all earnings – almost 6 percent of sales, unequalled in the commercial sector – to support projects including assisting destitute family members of severely injured veterans under treatment.

For a full listing of recent accomplishments of Presidential Distinguished Rank Executives, visit <https://seniorexecs.org/150-presidential-distinguished-rank-award-winner-accomplishments>.

What Do They Offer You?

- A long-developed understanding of the government process. “We know how to get something that is good moving”
- Functional expertise: they understand all of the systems – budgets, procurement, personnel
- Deep subject matter expertise
- A strong historical perspective, including
 - A strong commitment to an agency’s history and mission
 - A knowledge of methods that did, or did not, work in the past
- A responsibility to maintain the long-term capacity of the government
- A duty to accommodate the political program
- An ability to get your agenda moving by designing and implementing appropriate agency actions

The work of these executives is rated highly by political appointees. In the Brookings Administration journal, *Governance*, George C. Edwards wrote, “[A]ccording to surveys of appointees ranging from the administration of Lyndon Johnson to the present, political appointees – regardless of party, ideology, or administration – find career executives both competent and responsive.”ⁱⁱ “In interview after interview,” observes Paul Light, “presidential appointees celebrate the dedication of their bureaucrats.”

The most recent data, from the Brookings Presidential Appointee Initiative, confirms that more than four out of five appointees found the career officials with whom they worked to be both responsive and competent. Only 25 percent of appointees found directing career employees to be a difficult task. Indeed, every other task about which appointees were asked was more difficult. More than a third of appointees, for example, found it harder to deal successfully with the White House.

A key piece of advice from Timothy Horne, Federal Transition Coordinator and career co-chair of the Agency Transition Directors Council is for new political appointees to rely on career employees and Senior Executive Service members to “learn what’s going on in the agency to leverage and build on successes, not to come in and say, ‘I want to turn the place upside down.’”

The advice was echoed by Deputy Secretary of Labor Christopher Lu, who in 2008 headed up Obama’s transition. “For the overwhelming number of employees, the job doesn’t change on Jan. 20,” he said. But it does

change for the senior leadership, who are under multiple pressures. “The success of political appointees is directly tied to ability to engage the career people,” he said. Agency handling of the 2009 Recovery Act “couldn’t have happened without career employees,” Lu said.ⁱⁱⁱ

Clay Johnson III, who directed the incoming and outgoing transitions for President George W. Bush, also has praised the federal workforce, calling agencies “highly motivated to greet their new boss.”^{iv}

4 - ENABLING THE CAREER POLITICAL EXECUTIVE TEAM TO FUNCTION WELL

To enable career executives to effectively support your goals, and the career/political team to function well, political appointees must continuously communicate fully with their career corps and share their objectives for their agencies and programs.

A conference, “Transitional Leadership,” convened by SEA with the Brookings Institution and the Darden School of Business, included a panel featuring two teams of career executives and political appointees who had worked together. At that session, the political appointees described their arrival:

“I didn’t go in with an open enough mind. I didn’t realize I didn’t know anything.”

“I was inundated and had little time. Staff had 30 seconds to brief me.”

“I accepted my appointment without knowing what the job really was.”

“I arrived with a ‘quick strike’ mentality, and short term goals, many of which required substantial agency changes.”

“I inherited a ready-made staff who I didn’t know.”

These experiences are typical, but developing a solid relationship, early on, with career executives can help a political appointee get off to a solid start.

The Career Executive Perspective

It will help if you understand the perspective of a career executive. For example, he or she:

- Sometimes needs to say: “Your idea isn’t good. Here’s why. But here’s how we can get to your objective.”
- Sometimes can be caught between political appointees’ struggles with each other.
- Sometimes needs to deal with the tendency of political appointees to lurch from one crisis to

another, with a request that may stem from political overreaction.

- May have invested 4 or 5 years in a major program or policy, then suddenly not see it to fruition.
- Has to insulate from politics those who work for him or her, help them understand the new policy directions, keep them focused and reassure them that the overall agenda is important. In other words, he or she serves as a buffer, insulation, reassurance, and, to some extent, protection, helping the staff stay focused on the big picture.
- Has to re-prove or reinvent him or herself over and over – each time a new party takes over or new political appointee comes on board.

It will also help if you understand how career executives will see you, namely, as:

- The vehicle of the Administration’s political goals.
- Having political verve and being able to “manage the message” to outside stakeholders and the media.
- Being able to build political coalitions and work Capitol Hill, garnering support for agency objectives.
- Having an ability to fight the necessary political battles within the Administration
- Having limited time. They have to judge what is important for you to know and what you needn’t be burdened with.

Above all, career executives appreciate appointees who are “willing to learn the business.”

Here’s What You Should Expect Career Executives Will Do

- Understand your agenda early on and present viable options for reaching the two or three critical policy goals that are crucial to the new agenda.
- Identify major program issues requiring resolution within 30-90 days, flash points, and targets of opportunity.
- Present both pros and cons of issues and program options in a neutral, balanced way.
- Work within the agency to make certain that changing missions are understood.

How to Ensure Career Executives Can Enable You to Succeed

- Brief you on conflict-of-interest rules and ethics restrictions and keep you out of trouble.
- Be sensitive to your work style.

As noted earlier, the cardinal role of the career Senior Executive is that of serving any and every Administration to the very best of his or her ability without regard to personal political beliefs. So it will help to follow a few rules to help ensure that they can do that:

Do Not:

- Assume that career executives are less able or hard-working than their counterparts in the private sector.
- Assume that career executives are unwilling to make changes in policies and/or programs. In fact, they typically have many good ideas for beneficial change.
- Hold career executives responsible for policy decisions of previous Administrations. They work under the direction of the President and his appointees and have a responsibility to implement policy decisions that are legal and within the mandate of their agencies.
- Shield yourself from, or marginalize, career executives.
- Misread career executives' laying out the possibilities and providing the options as a sign that they are "not on the team".

Do:

- Build a strong working relationship with career executives on your staff.
- Develop open and honest communication to build trust, confidence, and understanding of one another. Insist that your key political-appointee advisors do the same.
- Schedule, early in your term, an off-site meeting with your career executive corps to establish working relationships and share information regarding policy directions and management issues.
- Clearly articulate your vision, your objectives.
- Have a realistic agenda.
- Be willing to be told what you can't do.
- Make clear whether you prefer a briefing and consultation or an executive summary and a detailed paper.
- Ask that your staff help you anticipate and pre-empt problems.

- Ask for options. Remember, any differences of opinion will likely be about means, not ends.
- Remember that what you say will be taken very literally.

Key Actions to Reinforce Your Approach

Meet early in your first months in office with the career executives who report to you. Such a meeting was held in Constitution Hall by President George H.W. Bush in the first weeks of his Administration. His clear intention to look to the career corps as partners in meeting his goals sent a powerful message both to career executives and to political appointees and inspired not only the career executives present but others who were aware of the event. Other successful Cabinet Secretaries have followed this example over the years, and it applies at every level.

Demonstrate your intention to rely on career executives by ensuring that a) political appointees who report to you are fully briefed on the value and operation of the executive corps shortly after their appointments, and b) you and political leadership who report to you schedule, early in their term, off-site meetings with their career executive corps to establish working relationships and share information regarding policy directions, as well as management issues.

To enable career executives to effectively support your goals, political appointees must continue to communicate fully with their career corps and share their objectives for their agencies and programs.

Recognize Presidential Distinguished and Meritorious Executives and Senior Professionals in your agency by holding a ceremony in their honor. For many years, there has been little or no White House recognition of these winners of the nation's highest civil service award. Since 1986, the Senior Executives Association has held an annual black-tie banquet at the Department of State Diplomatic Reception Rooms for these awardees. In most years, this event has constituted their only public recognition. When you do so, you will not only be recognizing their achievements, but demonstrating excellence and motivating others in the agency to aspire to the executive corps and to excellence.

5 - THE BENEFITS OF STAFFING POLITICAL POSITIONS WITH SES's

In order to enhance the ability of career executives to contribute fully to their agencies' programs and policies, and further the agenda of the new Administration, SEA recommends that political appointees consider using the full extent of their flexibility to utilize career executives in positions typically held by political appointees and limiting the number of layers between political leadership and career executives.

- Consider placing high-performing career executives in positions typically held by political appointees, and include career SES members (and other career experts) on blue ribbon and interagency task forces engaged in carrying out key Administration initiatives.

Whether as Assistant Secretary for Administration and other key positions requiring long-term experience at each agency, or as deputies within your component, sub-agency or your office, positions typically reserved almost exclusively for political appointees can benefit greatly from placing career executives in charge.

SEA makes this recommendation because a) there is no continuity in leadership and expertise during the transition from one Administration to another, as well as no such continuity when a political appointee resigns and another takes his or her place, and b) relatively short-term political appointees have limited ability to accomplish long-term agendas. Further, Administrations are not gaining the benefit they might from seasoned, accomplished career executives who know how to get agendas accomplished.

As the Government Accountability Office (GAO) has noted:

“As agencies across the federal government embark on large-scale organizational change needed to address 21st century challenges, there is a compelling need for leadership to provide the continuing, focused attention essential to completing these multiyear transformations...sustained management attention (is) essential for addressing key stewardship responsibilities in an integrated manner while helping to facilitate the

business transformation process within an agency. These long-term responsibilities are professional and non-partisan in nature and cover a range of ‘good government’ responsibilities that are fundamental to effectively executing any administration’s program and policy agenda.”

Further, “High turnover among politically appointed leaders in federal agencies can make it difficult to follow through with organizational transformation because of the length of time often needed to provide meaningful and sustainable results.”

Donald Kettl, a University of Maryland professor, has noted “Fast-moving problems require complex and interpersonal relationships that just don’t grow up overnight.”

- Consider cutting the number of appointed positions and reducing the political layers which have multiplied over the years.

All new administrations use the last administration’s appointed positions as their starting point for determining where appointees go and where careerists go. As of December 2012, the so-called Plum Book reported a total of 3,653 appointees (including 1,392 “Schedule C” positions and 680 SES “general” positions filled by non-career appointments). Begin with a “zero base” approach and look hard at the necessity for and value of these appointed positions.

SEA makes this recommendation because an increase in political layering has moved many career executives further and further from political leadership, diminishing their autonomy, their opportunities, and their effectiveness. Extra layers also minimize the direct influence the most senior political appointees can have on the careerists who carry out their agendas. Several institutions have released numerous studies confirming an increase in political appointments over the years. As the report of the second Volcker National Commission on the Public Service noted,

“When President Kennedy came to office in 1960, he had 286 positions to fill in the ranks of Secretary, Deputy Secretary, Under Secretary, Assistant Sec-

retary, and Administrator – the principal leadership positions in the executive branch. By the end of the Clinton administration, there were 914 positions with these titles. Overall in 2001, the new administration of President George W. Bush confronted a total of 3,361 offices to be filled by political appointment.”^{viii}

More recently the House Committee on Government Reform released a report (in May 2006) which revealed that the number of political appointees had declined from 3,029 in 1992 to 2,479 in 2000, but grew again to 2,786 by 2005. The Committee noted a particularly steep increase in the number of “Schedule C” appointments. The 2012 Plum Book lists 3653 political appointee positions. The 2016 Book is in preparation and will be released later in the year.

The net result is to inhibit the ability of career executives to contribute fully to their agencies’ programs and policies because of their loss of autonomy and insufficient communication with agency and department political leadership. Hannah Sistare, former Executive Director of the second Volcker National Commission on the Public Service, has said, “The Commission, among others, was concerned about the layering at the top of government.....What gets lost is that we have gotten into a situation where the secretary of a department is far removed from the top civil servants who have knowledge and experience and a lot to offer.”^{ix}

This layering apparently has an impact on program management as well. David Lewis of the Woodrow Wilson School at Princeton University utilized the Bush Administration’s Program Assessment Rating Tool (PART) scores to analyze the relationship between political appointees and program performance. He found that federal programs administered by politically appointed bureau chiefs received systemically lower PART evaluations than programs run by bureau chiefs drawn from the civil service. “I find that career managers have more direct bureau experience and longer tenures, and these characteristics are significantly related to performance.....I conclude that reducing the number of appointees or increased sensitivity to appointee selectioncould improve federal bureau management.”^x

6 - UNDERSTANDING THE SENIOR EXECUTIVE SERVICE: SES 101

The Civil Service Reform Act (CSRA) of 1978 created the Senior Executive Service as a separate personnel system in the Executive Branch in order to create a corps of senior managers and policy developers to serve in positions just below Presidential appointees. The SES became operational in July of 1979. As the keystone of the CSRA, the SES was established to ensure that the executive management of the government of the United States is responsive to the needs, policies, and goals of the nation and otherwise is of the highest quality. The SES is comprised of the men and women charged with leading the federal government and producing results for the American people. The SES was designed to be a corps of executives selected for their leadership qualifications. Members of the career SES are the major, ongoing link between Administration political appointees and the rest of the federal workforce.

Material in this section serves to summarize applicable human resources policies and guidance pertaining to the SES during the transition period. As such, it should not take the place of careful examination of federal laws and personnel policies that pertain to specific situations affecting career and non-career employees, including agency-specific policies and guidelines that may apply in particular circumstances. Also, this material reflects policies in place at this point in time. With the passage of time, underlying laws and regulations affecting the SES may change. In this regard, SEA urges agency officials to consult, as needed, with their human resources staffs and/or the U.S. Office of Personnel Management (OPM) on specific personnel policy matters pertaining to career and non-career SES employees.

The SES Personnel System

A Career Senior Executive Service Employee

- Was appointed to his/her position following competition
- His/her executive qualifications have been certified by a Qualifications Review Board convened by the Office of Personnel Management (OPM)
- His/her personnel system is completely different from the General Schedule under which most Federal employees work

SES Staffing

- Agency head determines which positions are SES positions (within a number allocated by OPM)
- Staffing process is overseen by the agency or department's Executive Resources Board; members are appointed by the agency head
- Two types of SES positions:
 - General (may be filled by a career, non-career, or limited term SES appointee) or
 - Career Reserved (must be filled by a career SES appointee)

The designation (from either one to the other) may not be changed without written approval from the Office of Personnel Management (OPM).

SES Pay and Performance

The maximum rate of pay for a Senior Executive (if an agency's SES performance management system has been certified by OPM and the Office of Management and Budget is Executive Schedule II (\$185,100 for 2016).

- Adjustments are based solely on performance ratings
- May be reduced up to 10% for poor performance or misconduct
- Mandatory removal from SES if
 - a. 2 minimally successful ratings within 5 years, or
 - b. 2 less than fully successful ratings (i.e., unsatisfactory and/or minimally satisfactory) within 3 years. If one unsatisfactory rating, must be moved to another SES position or removed from SES.
- Fallback rights to GS-15 (with saved SES pay) if removed for unsatisfactory performance
- Appeal of removal or reduction in pay due to poor performance essentially limited to prohibited personnel practices (e.g., whistleblower reprisal)

Performance Awards

- Agency Pool: Up to 10% of aggregate career SES basic pay (for FY 2017, the Obama Administration administratively set a limit of 7.5%)

The average salary of a Senior Executive in FY 2015 was \$171,124. The average performance award in FY 2015 for executives who received one was \$10,000.

Awards

- Amount:
 - Minimum award (if given) is 5 percent of basic pay
 - Maximum is 20 percent of basic pay
- Presidential Rank Awards
- Distinguished:
 - Limited to 1 percent of career SES corps annually
 - Award is 35 percent of salary
- Meritorious:
 - Limited to 5 percent of career SES corps annually
 - Award is 20 percent of salary

Recruitment, Retention, and Relocation Allowances (all Federal employees are eligible)

- Retention Incentives
 - 25% of salary
 - Waivers to permit up to 50% if based on critical agency need
- Recruitment & Relocation Incentives
 - Capped at 25% of employee's annual salary multiplied by the number of years of the incentive up to maximum of 4
 - Both require a written service agreement, the length of which also determines the limit on the size of the incentive

Unlike Other Federal Employees...

- Members of the Senior Executive Service hours of work are unlimited and they are not eligible for overtime or compensatory time
- Unlike most other Federal employees, the Hatch Act prohibits career Senior Executives from participating in partisan elections by:
 - Making campaign speeches or campaigning for or against candidates
 - Circulating nominating petitions
 - Distributing campaign literature
 - Volunteering to work on a partisan political campaign
 - Running for office
 - Holding office in political organizations
- Virtually all Senior Executives are prohibited from contacting their former agencies, with intent to influence, for one year after leaving government (Post-employment ethics restrictions)

Your Duties as a Supervisor of SES

Clarify criteria for success: Performance Plan

- Must be developed in consultation with a career executive and communicated to the executive on or before the beginning of an appraisal period
- Must describe:
 - The critical elements of his/her work and any other relevant performance elements. Elements must reflect individual and organizational performance with a focus on results
 - The requirements for fully successful performance
 - Elements must relate to agency's strategic mission and organizational goals if the agency's SES performance management plan is to be certified by OPM and OMB

Provide Feedback: Progress Reviews

- You must conduct at least one with the Senior Executive during the appraisal period (typically October 1 – September 30)
- You must provide feedback to him/her on progress in meeting performance plan requirements and provide advice (re: improving performance)
- The review may be informal
- The review may be used to modify performance elements or requirements to reflect changes since the plan was initially developed

Appraise Performance: Annual Performance Review

- The performance rating will be used to determine both salary adjustment and also a performance award, a.k.a. bonus, if any
- A minimum of 90 days is required to formally evaluate and rate a Senior Executive's performance
- You must review the evaluation with him/her
- The performance rating bonus recommendation will be reviewed by a Performance Review Board appointed by the agency head. More than one half of the members must be career executives

Your Flexibilities as a Supervisor of SES

Senior Executives can be reassigned to any SES position in the same agency for which he/she is qualified.

- 15 days written notice must be given for a non-geographic reassignment
- 60 days written notice if the reassignment involves relocation (outside the executive's commuting area)
- Before final notice for geographic reassignment is given, you must consult with the executive
- If SES refuses reassignment, they may retire (if eligible) or are subject to removal from Federal service

THE 120-DAY RULE DURING TRANSITION

Involuntary reassignments, removals and performance appraisals of career Senior Executives are prohibited for a period of 120 days after specified transition events. This statutory requirement for a "get acquainted period" provides an opportunity for the career executive and political appointee to get to know each other. These moratoria do not necessarily operate independently of one another and may not apply in some limited circumstances. The following is a description of the applicable 120-day moratoria:

REASSIGNMENT

When the head of the department or agency (not a component agency, except within the Department of Defense - DoD) is new or when a new non-career immediate supervisor is appointed who has authority to conduct an initial appraisal of the career executive's performance: no involuntary reassignments or performance-based removals of career SES may take place for 120-days (unless the performance based removal is based on a less than Fully Successful rating given before the appointment of the new agency head that triggered the moratorium). If a career SES is detailed, the first 60 days of the detail do not count towards fulfilling the 120-day requirement (see discussion of details below). However, an executive can waive his/her rights under the 120-day reassignment moratorium requirements. (5 U.S.C. & 3395)

PERFORMANCE APPRAISAL

With the beginning of a new Presidential Administration: no performance appraisals and ratings may be given to career SES. (5 U.S.C. & 4314)

PERFORMANCE-BASED REMOVAL

When the head of the department or agency (not a component agency, except within the Department of Defense - DoD) is new or when a new non-career immediate supervisor is appointed who has authority to remove

the career executive: no involuntary performance based removal action against a career SES may be taken (unless the performance based removal is based on a less than Fully Successful rating given before the appointment of the new non-career appointee that triggered the moratorium). (5 U.S.C. & 3592)

As is True with Regard to all Federal Employees

Assignments cannot be made for a reason which constitutes:

- Illegal discrimination on the basis of age, race, sex, religion or other reason prohibited by EEO laws
- Retaliation against an employee for utilizing an appeals procedure, for cooperating in the conduct of an EEO or criminal investigation, or for whistle-blowing activities where the whistle-blowing is done in good faith and the allegations concern violations covered by whistle-blowing
- Coercing partisan political activities

Non-Career Senior Executives: The Differences

By law:

- No more than 10 percent of the total number of SES allocated positions government-wide can be filled by non-career appointees
- No more than 25 percent of any agency's SES allocated positions can be filled by non-career appointee

Non-Career Senior Executives:

- Are appointed without regard to competitive requirements
- White House Office of Presidential Personnel must approve his/her appointment
- Serve at the pleasure of the agency head
- Do not undergo scrutiny by a Qualifications Review Board
- Have no appeal rights
- 120 day "get acquainted" period does not apply
- Are not eligible for SES performance awards (though they may be for other agency awards)

As of September 2014, there were 7,014 career executives and 682 non-career executives.

Footnotes

ⁱ Reflections of Presidential Distinguished Rank Executives, Senior Executives Association, 2003, p. 15.

ⁱⁱ Governance, published by the Brookings Institution, Spring 2001 issue.

ⁱⁱⁱ October 7, 2016. http://www.govexec.com/oversight/2016/10/both-clinton-and-trump-said-be-taking-presidential-transition-seriously/132190/?oref=govexec_today_nl.

^{iv} September 30, 2016. http://www.govexec.com/management/2016/09/presidential-transition-alums-laud-longer-runway-formality-2016-process/132015/?oref=govexec_today_nl.

^v November 1, 2007 letter to Senators Akaka and Voinovich, transmitting GAO 08-34, Organizational Transformation.

^{vi} Ibid. GAO report 08-34, p. 8.

^{vii} “Homeland Security Prepares for Its First Transition,” Washington Post, 21 January 2008.

^{viii} Urgent Business for America, January 2003, p. 18.

^{ix} Leader’s Reflections, Fall 2006, National Academy of Public Administration.

^x Journal of Politics, November 2007.

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