



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

APR 19 2004

MEMORANDUM FROM THE CHIEF OF STAFF

D. W. Moore

TO: Under and Assistant Secretaries
Departmental Staff Offices
Agency Heads

SUBJECT: Appointments and Awards During the 2004
Presidential Election Period – USDA Political Appointees

My February 28, 2003, memorandum (copy attached) clarified USDA policy governing the receipt of performance based and other awards by political appointees, including Senior Executive Service (SES) non-career appointees and Schedule C employees. Generally, the policy restricts the eligibility for awards to Schedule C appointees at GS-12 and below – all being subject to a case-by-case review by the Secretary's office.

We are now entering a Presidential election period and new policies will soon take effect on awards and appointments. I have attached the Office of Personnel Management's (OPM) "Guidelines on Processing Certain Appointments and Awards During the 2004 Election Period," which covers the eligibility of non-career staff for competitive service and SES appointments, incentive awards, and other employment matters, as well as instructions for submitting requests to OPM for pre-appointment review. Since our existing policy has been administered in a strict manner and awards to political appointees have been extremely limited, our Department will experience little change in this Presidential election period from that existing policy. Nevertheless, everyone should be aware of the new restrictions and know that no exceptions will be made.

Beginning June 1, 2004, through January 20, 2005, restrictions are more extensive. During this Presidential election period, no SES non-career appointee or Schedule C employee, at any grade level, may receive an incentive award. Also during the Presidential election period, appointment restrictions are applicable. In particular, the appointments of Schedule C and SES non-career employees to competitive service positions or SES career appointments require careful attention to ensure that they comply with the merit principles regarding fair and open competition. In addition, we must ensure that all official personnel actions remain free of political influence or other improprieties; meet all relevant civil service laws, rules and regulations; be clearly documented to show adherence with Federal merit principles; and remain free of any prohibited personnel practices.

If an SES non-career appointee or Schedule C employee is selected for a competitive position, your Personnel Officers must complete the form provided in the attached guidelines from OPM. In addition, please inform me and Drew DeBerry, White House Liaison, of all such applications by non-career appointees for career positions at your earliest opportunity.

Attachments



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

FEB 28 2003

Dale W. Moore

MEMORANDUM FROM THE CHIEF OF STAFF

TO: Under and Assistant Secretaries
Departmental Staff Offices
Agency Heads

SUBJECT: USDA Policy – Awards for Political Appointees

This memorandum clarifies the USDA policy for awards to political appointees including non-career Senior Executive Service employees and Schedule C employees. USDA has established the policy that political appointees should not receive performance based and other awards unless otherwise approved via the clearance process outlined in this policy memorandum. It is regarded as a distinct privilege to serve in one of these politically appointed positions. Therefore, these incumbents should be evaluated under stricter standards than other federal employees.

Exceptions to this policy will be handled on a case-by-case basis and must be approved by the Secretary's Chief of Staff. Any awards that might be granted will be based on substantial work achievements that go well beyond the performance of routine duties.

General Provisions

- Non-career Senior Executive Service employees, and Schedule C employees at GS-13, 14, and 15 levels will not be eligible for USDA performance-based awards.
- Non-career Senior Executive Service employees, and Schedule C employees at GS-13, 14, and 15 levels will not be eligible for USDA incentive awards unless an exception to this policy is specifically approved by the Secretary's Chief of Staff.
- Schedule C appointees at the GS-12 level and below are eligible for case-by-case considerations to receive monetary and non-monetary performance-based awards. All such awards, including cash, quality-step-increases, and time off, are subject to the approval process as outlined in this memorandum.
- During Presidential election periods (June 1 in a calendar year in which the popular election of the President occurs, and ending on January 20 following the date of such election), no non-career appointee at any grade level is eligible to receive either a monetary or a non-monetary award. (Title 5, USC, Part III, Subpart C, Chapter 45, Subchapter I, Section 4508.)
- The Secretary's Chief of Staff must approve all awards for political appointees.

- Any award nominations for non-career appointees will follow the normal procedure for awards, but will be subject to the following approvals before the award can be granted:
 - **Review and Approval.** The form AD-287-2, Recommendation & Approval of Awards (found on the USDA website at <http://dab.nfc.usda.gov/forms/ad287-2.pdf>) requires the signature of the Immediate Supervisor, the Senate Confirmed Appointee for whom the employee works, and the Secretary's Chief of Staff.
 - **Submission of Forms.** If approval is granted, the completed and approved forms shall be forwarded to the Office of Human Resources Executive Resources and Services Division for processing.

For forms, procedures and general information please follow the guidance as outlined in the Guide for Employee Recognition, which is available from your servicing personnel office, or on the USDA website at <http://www.usda.gov/da/employ/recog.htm>. Questions concerning this policy as it applies to political appointees should be directed to Marilyn Caul, Executive Resources and Services Division, 202-720-2101.

March 18, 2004

MEMORANDUM FOR HEADS OF DEPARTMENTS AND AGENCIES

FROM: KAY COLES JAMES
Director

Subject: Appointments and Awards During the 2004
Presidential Election Period

I hope you'll never take the honor of public service for granted. Some of us will serve in government for a season; others will spend an entire career here. But all of us should dedicate ourselves to great goals: We are not here to mark time, but to make progress, to achieve results, and to leave a record of excellence.

*George W. Bush
President of the United States
Constitution Hall
October 15, 2001*

As the 2004 Presidential election period approaches, I wish to remind all agency heads of the need to ensure that agency personnel actions remain free of political influence or other improprieties and meet all relevant civil service laws, rules, and regulations. All official personnel records should clearly document the continued adherence with Federal merit principles and remain free of any prohibited personnel practices. In particular, the appointments of Schedule C and Noncareer Senior Executive Service (SES) employees to competitive service positions require careful attention to ensure that they comply with the merit principles regarding fair and open competition.

As the Office of Personnel Management has done in the past, I am instituting a requirement for the pre-appointment review of all competitive service appointment actions that involve the appointment or conversion of a Schedule C or Noncareer SES employee. In addition, OPM will continue to conduct merit staffing reviews of proposed SES selections of Schedule C or Noncareer SES appointees **before** they are formally presented to a Qualifications Review Board for certification of their executive qualifications.

I have attached additional guidance concerning competitive service and SES appointments, incentive awards, and other employment matters, as well as instructions for submitting requests for pre-appointment review. If you have questions or are in need of any further information, please contact me at (202) 606-1000. Staff inquiries should be referred to your agency's OPM Human Capital Officer.

Attachments

cc: Chief Human Capital Officers
Human Resources Directors

GUIDELINES ON PROCESSING CERTAIN APPOINTMENTS AND AWARDS DURING THE 2004 ELECTION PERIOD

The Office of Personnel Management (OPM) and Federal agencies share basic responsibility for ensuring that all personnel actions adhere to the Federal merit principles at 5 U.S.C. 2301 and remain free of any prohibited personnel practices set forth at 5 U.S.C. 2302. During an election period, these requirements warrant particularly close attention. OPM has provided guidance concerning the special considerations that apply during an election period to ensure that all agency personnel actions adhere faithfully to these principles. This guidance specifies those personnel actions that require particular attention and establishes procedures for the pre-appointment review of certain competitive service appointment actions **before** they are effected.

I. Appointing Excepted Service Employees to the Competitive Service

OPM will conduct a pre-appointment review of the following competitive service appointment actions to ensure that they comply with all applicable civil service laws, rules, and regulations. In no case may an agency make an appointment covered by this section prior to receiving specific authorization from OPM.

- A. Proposed competitive service appointment actions that involve a current or former (within the last 5 years) incumbent of an executive branch position excepted from the competitive service under Schedule C.
- B. Proposed competitive service appointment actions that involve a current or former (within the last 5 years) Noncareer Senior Executive Service (SES) appointee.

Note: Schedule C employees may not be detailed to competitive service positions without prior OPM approval [see 5 CFR 300.301(c)] and no competitive service vacancy should be created for the sole purpose of selecting a Schedule C or Noncareer SES employee.

Agencies should use the attached Pre-Appointment Review Record of Proposed Competitive Service Appointment to request OPM review of a competitive service appointment action involving a Schedule C or Noncareer SES employee.

II. Appointing Employees to the Senior Executive Service

OPM will continue to conduct merit staffing reviews of proposed SES selections that involve a current or former Schedule C or Noncareer SES appointee before such cases are formally presented to a Qualifications Review Board. Agencies should carefully review all actions which would result in the Career SES appointment of a Schedule C or Noncareer SES before such cases are forwarded to OPM.

Note: All SES vacancies to be filled by initial Career appointment must be

publicly announced (5 CFR 317.501). Only a Career SES or career-type non-SES appointee may be detailed to a Career-Reserved position (5 CFR 317.903(c)).

In addition, OPM may suspend the processing of Qualifications Review Board cases when an Agency Head leaves office or announces his/her intention to leave office, if the President has nominated a new Agency Head, or if there is a Presidential transition. Typically, OPM will impose a moratorium on Qualifications Review Board cases as a courtesy to a new Agency Head when it learns of an Agency Head's planned departure. However, OPM will consider requests for exceptions to such a moratorium on a case-by-case basis.

III. Prohibition on Awards to Certain Appointees

No senior politically appointed officer, who serves in an SES position and is not a career appointee as defined in 5 U.S.C. 3132(a)(4) or who serves in a position of a confidential or policy determining character as a Schedule C employee, may receive an incentive award during the period beginning June 1, 2004, through January 20, 2005 (5 U.S.C. 4508). The statute prohibits such officers from receiving incentive awards under subchapter I of chapter 45 of title 5, United States Code.

For additional guidance regarding appointments and awards during the 2004 Presidential election period, please contact the Deputy Associate Director for your agency in OPM's Human Capital Leadership & Merit System Accountability Division by calling 202-606-2131. Staff inquiries should be referred to the appropriate OPM Human Capital Officer.

PRE-APPOINTMENT REVIEW OF PROPOSED APPOINTMENT

Agency: _____

Selectee: _____

Current Position/Appt. Authority: _____

Proposed Position/Appt. Authority: _____

Please provide the following documentation:

1. The position description and employment application for the candidate's current position/appointment. List any positions the candidate has previously held in public service.
2. The record of merit selection, including position description and employment application for the proposed position. *Note: If the duties of the proposed position are similar to those currently or previously performed by the employee, state when and why this position is being filled through the competitive process.*
3. The vacancy announcement published in *USAJOBS* on OPM's Internet website, the public notice distribution list, and a copy of the rating schedule.
4. The name of the selecting official (include title, telephone number, and type of appointment, e.g., career SES, Schedule C, Presidential Appointee).
5. The names of other qualified candidates forwarded to the selecting official and the merit staffing procedures used to refer these candidates.
6. A statement concerning the disposition of the candidate's current Schedule C or Noncareer SES position if vacated.
7. A description of how the agency met the regulatory requirements of the Interagency Career Transition Assistance Plan (ICTAP) as it relates to filling the proposed position.
8. Certification from the appointing authority that the proposed action meets all merit and fitness requirements in 5 U.S.C. 2301 and 2302, and Civil Service Rules 4.2 and 7.1.

Contact your agency's Human Capital Officer at OPM for additional guidance on submission of requests for Pre-appointment Review.