

U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C. 20250

<b>DEPARTMENTAL REGULATION</b>		<b>Number:</b> 4090-920
<b>SUBJECT:</b>  Senior Scientific Research Service	<b>DATE:</b> March 7, 2003	
	<b>OPI:</b> Office of Human Resources Management	

1 PURPOSE

This regulation establishes the policy and framework for implementing and administering the Senior Scientific Research Service (the "Service").

2 AUTHORITY

The Farm Security and Rural Investment Act of 2002, Public Law 107-171, Section 7219 authorizes the Secretary of Agriculture to establish the Service.

3 REFERENCES AND RESOURCES

- a Public Law 107-171, Section 7219, The Farm Security and Rural Investment Act of 2002, May 13, 2002
- b Public Law 105-185, Subtitle B of title VI of the Agricultural Research, Extension and Education Reform Act of 1998, June 23, 1998, codified as 7 United States Code (U.S.C.), Section 7651, et. seq.

4 SPECIAL INSTRUCTIONS/CANCELLATION

This is a new issuance and remains in effect until modified or superseded.

5 RESPONSIBILITIES

The Director, Office of Human Resources Management (OHRM), is responsible for setting Departmental policy and providing overall technical guidance and direction for the Service.

## 6 DELEGATIONS OF AUTHORITY

Authority to develop policies and procedures for implementing the Service at the Agency level consistent with this Departmental Regulation, is delegated to Agency heads.

## 7 POLICY

Members of the Service shall not be covered by the following provisions of Title 5 U.S.C.:

- a Those governing appointments in the competitive service;
- b Chapter 35, Subchapter I, Retention Preference;
- c Chapter 43, Performance Appraisal and Actions Based on Unacceptable Performance
- d Chapter 51, Classification;
- e Chapter 53, Subchapter III, General Schedule Pay Rates; and
- f Chapter 75, Adverse Actions.

## 8 DEFINITIONS

- a Agency-convened Peer Panel: A panel of research scientists convened by agencies specifically to assess the impact, stature, and recognition of Service candidates.
- b Departmentally-approved Peer Review Process: Any process that the Department determines to be suitable to measure Service candidates' contributions objectively and qualitatively, applying the similar standards used for any member of the national/international scientific community.
- c Outstanding Research: Research which establishes the candidate as a nationally and internationally recognized authority and leader in an area of widespread scientific interest and investigation. The work will have resulted in honors and awards from major national organizations, and service as an advisor and consultant on scientific and technological programs and problems that extend well beyond the candidate's own field. The candidate's reputation as a scientific leader will serve as a recruiting attraction for recent graduates and collaborators, and is likely to be a major consideration in agency sponsorship of research programs in his/her field.
- d Senior Scientific Research Service: A cadre of no more than 100 experienced and talented scientists, separate from the competitive Federal service, who conduct outstanding research in the field of agriculture or forestry.

## 9 ELIGIBILITY

To be eligible for appointment to the Service, an individual shall:

- a have conducted outstanding research in the fields of agriculture or forestry as determined by a Departmentally-approved peer review process;
- b have earned a doctoral level degree at an institution of higher education [as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)];
- c meet the qualification standards prescribed by the Director of the Office of Personnel Management for appointment to a position at grade 15 of the General Schedule (GS);
- d be recommended by their Agency head and concurred on by the Director, OHRM; and
- e be approved by the Secretary.

## 10 CITIZENSHIP

Non-citizens may be hired subject to the same limitations as members of the excepted Civil Service.

## 11 PROBATIONARY PERIOD

An individual's initial appointment to the Federal service shall become final only upon completion of a probationary period of uniform length determined by the Secretary and an assessment of the appointee's performance as satisfactory during the probationary period. Individuals who have already completed an initial probationary period of Federal service will not be required to serve any additional period.

## 12 PAY AND COMPENSATION

- a The Service is an ungraded system, with a single, flexible pay range, to include all members.
- b The rate of pay for a member of the Service shall not be less than the minimum rate for a GS-15 and not more than Level I of the Executive Schedule, unless a higher rate is approved by the President.
- c Annual adjustments to pay rates will be made effective on the first day of the first pay period on or after January 1 of each calendar year.

### 13 PERFORMANCE MANAGEMENT

Members of the Service will be covered by a performance management plan developed by their respective agencies and approved by the Director, OHRM.

### 14 PEER REVIEW PROCESS

- a All positions included in the Service will be professional research positions. After favorable determinations as to the outstanding quality of their research by a Departmentally-approved peer review process as set out in subparagraph 9a of this Departmental Regulation, candidates will be considered for Service membership as set out in subparagraphs 14b, 14c, and 14d below.
- b Agency-convened peer panels then will evaluate candidates.
- c Agency-convened peer panel determinations will be documented by a narrative evaluation report.
- d The narrative evaluation report and other case material for candidates passing Agency review by the Agency-convened peer panels and recommended for appointment into the Service by their Agency heads will be forwarded to OHRM for concurrence or non-concurrence by the OHRM Director. Candidates whose recommended appointments are concurred in by the OHRM Director will be forwarded to the Secretary for appointment into the Service.

### 15 DISCIPLINARY ACTION FOR CAUSE AND NON-DISCIPLINARY SEPARATION WITHOUT CAUSE

- a A member of the Service may be subject to disciplinary action, including reprimand, suspension from pay and duty, or removal from the Service, for misconduct, performance, national security considerations, or other cause determined by the Secretary or his/her designee. A member may also be involuntarily separated for non-disciplinary reasons without cause.
- b Employee Rights

A member of the Service shall have the same right to appeal to the Merit Systems Protection Board and the same right to file a complaint with the Office of Special Counsel as an employee appointed to a GS-15 position.

- c Involuntary Separation For Non-Disciplinary Reasons Without Cause
  - (1) A member of the Service who is separated from the Service involuntarily and without cause and who, immediately prior to appointment to the Service, was a career appointee in the civil service or the Senior Executive Service, may be appointed by the Secretary to a GS-15 career position in the competitive civil service.
  - (2) A member of the Service who is separated from the Service involuntarily and without cause and who, immediately prior to appointment to the Service, was not a career appointee in the civil service or the Senior Executive Service, may be appointed to a GS-15 position in the excepted civil service for a period not to exceed two years.

## 16 REPORTS AND RECORDS

- a Each agency will record the number of appointments, the source of the appointees, their earnings immediately prior to appointment, and their Service pay at appointment.
- b Each fiscal year, OHRM will request Race, Sex, National Origin, and Disability information from the National Finance Center database. This information will be reviewed and evaluated to determine if there are any disparities or issues related to protected groups.
- c All records pertaining to the Service will be maintained in accordance with the National Archives and Records Administration records schedule.