

DEPARTMENTAL REGULATION		Number: 1061-002
SUBJECT USDA Executive Resources Board	DATE: October 4, 2012	
	OPI: Office of Human Resources Management	

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1. PURPOSE

Each Federal agency is required by 5 U.S.C. § 3393(b) to establish one or more Executive Resources Boards (ERB's), the members of which shall be appointed by the Secretary. The ERB will conduct the merit staffing process for career entry into the Senior Executive Service (SES); entrants into the Presidential Management Fellows Program (PMF); and other functions relating to the management of the Department's executive resources, as delegated by the Secretary, to include the oversight of human resources matters related to Senior Level (SL) and Scientific or Professional (ST) employees. The purpose of this directive is to set forth the Department of Agriculture's (USDA) policies and procedures for administering the USDA ERB.

2. REFERENCES

- a. 5 U.S.C. § 3393(b)
- b. 5 CFR § 317.501(a)
- c. 5 CFR § 412.401
- d. 5 CFR 430.301(c)
- e. 5 CFR § 362
- f. OPM SES Desk Guide
- g. USDA Desk Guide for Executive Resources

3. SPECIAL INSTRUCTIONS

This replaces Departmental Regulation 1061-001, dated September 8, 2009.

4. POLICY

It is USDA's policy to ensure the conduct of proper merit staffing for career appointment to SES and SL positions and to provide institutional continuity in executive personnel management in the Department through the general oversight of the management of the agency's executive staffing resources, development, evaluation, pay policy, and various other executive policies through the ERB.

There shall be one ERB at USDA that serves as the Departmental governing board for executive resources policy. There will be no executive resources policy decisions made or delegated to the agencies. The ERB will provide institutional continuity in executive and senior employee personnel management for the Department by overseeing the merit staffing process for career appointment to the SES and to SL positions and providing advice to the Secretary in executive and senior employee personnel planning, executive resource utilization, executive development, and other related activities as the Secretary deems necessary. The Chair may establish ERB subgroups and committees to facilitate the successful accomplishment of Board business, as deemed appropriate.

5. DELEGATIONS OF AUTHORITY

The Secretary reserves the right to delegate, in writing, additional roles and responsibilities under this Directive, as the Secretary may, from time to time deem necessary.

The Secretary delegates authority under this directive to their Chairperson the authority to appoint all other Members as outlined in this directive.

6. ERB MEMBERSHIP

ERB members must be SES and SL/ST employees of the Department. To the extent practicable, ERB membership should be a cross section of career and non-career appointees and be reflective of the broad diversity of the Department.

7. RESPONSIBILITIES

a. The USDA Secretary shall:

- (1) Have the sole discretion to appoint the Chairperson.

The USDA Secretary may:

- (1) establish a specific term of service for ERB members and the ERB Chairperson; and

document such discussions in the ERB Charter.

- (2) delegate to the ERB additional functions and authorities beyond the mandatory responsibilities in 5 U.S.C § 3393(b) and 5 CFR § 412.401, as the Secretary deems appropriate.
- b. The ERB Chairperson, serves as a permanent member of the board and is responsible for overseeing the activities of the ERB, to include, but not limited to the following:
- (1) appointing the Vice chair, who will serve as a permanent member;
 - (2) appointing members as delegated by the Secretary;
 - (3) convening ERB meetings;
 - (4) establishing the ERB agenda;
 - (5) serving as ERB point of contact with the appointing authority, the Office of Personnel Management, and others, as appropriate;
 - (6) seeking technical and or legal advice and guidance, as necessary; and
 - (7) distributing work of the ERB among small groups of members or appointing outside work groups and subcommittees to efficiently accomplish the work of the ERB.
- c. The Director, Office of Human Resources Management, serves as a permanent member of the board and is responsible for:
- (1) establishing, revising and issuing Department-wide policy directives and guidance for the ERB and updating such policy directives as needed;
 - (2) serving as Executive Secretary to the ERB;
 - (3) providing staff support to the ERB, including all administrative, analytical or other services necessary to carry out the functions of the ERB; and
 - (4) conducting all day-to-day operations pertaining to personnel actions and administration of executive personnel programs.
- d. ERB Members are responsible for overseeing the merit staffing process for career appointment to SES and SL positions and for advising the Secretary in executive and senior employee personnel planning, executive resource utilization, executive development, and other related activities as the USDA Secretary deems necessary.

The major responsibilities of ERB members include:

(1) Position Management/Succession Planning/Resource Utilization

Ensures that the USDA has the appropriate number and kinds of SES, SL and ST positions and appointing authorities needed for accomplishing the Department's mission, and structures the work of its executive/senior positions for maximum program efficiencies and effectiveness.

(2) Staffing Management

Ensures the USDA recruits, selects, and retains executive staff with the qualifications needed for accomplishing the Department's present mission and future program needs.

ERB members are statutorily required to conduct the merit staffing process for career appointments to the SES, by:

- (a) Reviewing the executive qualifications of each candidate for a position to be filled by a career appointee (5 U.S.C § 3393(b)(1); and
- (b) Making written recommendations to the appropriate appointing authority concerning such candidates (5 U.S.C. § 3393(b)(2);

The ERB delegates authority to Agency "Executive Merit Staffing Boards" to conduct the merit staffing process for SES career appointments and other such responsibilities as the ERB deems necessary. The Chair of each Executive Merit Staffing Board will work closely with Executive Resources Management Division, Office of Human Resources Management to ensure adherence to merit staffing principles. In addition, the Executive Merit Staffing Board will:

- (a) Review and evaluate competitive candidates for SES vacancies against the executive core qualifications and any mandatory technical qualifications identified;
- (b) Ensure that candidates are evaluated and rated in accordance with Departmental procedures and that evaluations are fully documented;
- (c) Certify and refer the "Best Qualified" group of candidates to the servicing Mission Area Human Resources Director who refers the certified group and the non-competitive group of qualified applicants to the recommending official.

(3) Executive Development Management

Ensures that USDA identifies and prepares its best employees for the future assumption of executive and management positions and provides opportunities for continuing growth of its current executive and senior team to enhance

accomplishment of the Department's mission.

SES Career Development Program (SES CDP) - The ERB will approve the SES CDP Plan for USDA; certify Individual Development Plans (IDPs) for each candidate participating in the program; and certify graduate executive core qualifications and completion of program requirements prior to submission of a graduating participant's packages to OPM.

The ERB may delegate the review of IDPs and participant packages to a sub or ad hoc executive group.

(4) Performance Management

Ensures the Department's SES and SL/ST employees have clear work objectives and performance standards; that progress and accomplishments are reviewed periodically, with adjustments, as appropriate, to objectives, standards, and assignments to improve the attainment of Departmental goals.

(5) Compensation Management

Ensures that SES and SL/ST employees are compensated equitably for their work and that their accomplishments are recognized and rewarded, by reviewing and recommending pay level increases and/or nominations for Presidential Rank Awards; and providing advice on matters relating to executive/senior compensation (e.g., bonuses, incentive awards, base pay, etc.).

(6) Presidential Management Fellows Program

Oversees the development and certification of USDA's Presidential Management Fellows (PMF) Program. The ERB provides oversight of both the Senior component of the Program (GS-13 through GS-15) and the Fellows component of the Program (GS-9 through GS-12). In accordance with 5 CFR 362, the ERB may delegate these responsibilities to a sub or ad hoc executive group:

- (a) Approve initial appointments of Senior Fellows;
- (b) Request appointment extensions from the Office of Personnel Management (OPM) of up to one additional year for both Fellows and Senior Fellows;
- (c) Certify Individual Development Plans for Senior Fellows; and
- (d) Certify successful completion of all program requirements and direct the Executive Secretary to submit certifications to OPM and agency PMF Coordinators for both Fellows and Senior Fellows.

8. PROCEDURES

- a. A quorum is required for ERB action. A quorum is defined as the ERB Chairperson or Vice-Chairperson and at least 50 percent of its appointed members.
- b. Consensus shall be the preferred decision-making process; however, in the absence of consensus, the ERB Chairperson shall call for majority vote.
- c. The ERB may establish such procedures as necessary to carry out its functions.

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