

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

DEPARTMENTAL REGULATION		Number: 1061-001
SUBJECT USDA Executive Resources Board	DATE: September 8, 2009	
	OPI: Office of Human Capital Management	

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1. PURPOSE

Each agency is required by 5 U.S.C. § 3393(b) to establish one or more Executive Resources Boards (ERB) to conduct the merit staffing process for career entry into the Senior Executive Service (SES). The ERB may also be responsible for other functions relating to the management of the Department's executive resources, as delegated by the Secretary. The purpose of this directive is to set forth the Department of Agriculture's (USDA) policies and procedures for administering the USDA ERBs.

2. REFERENCES

- a. 5 U.S.C. § 3393(b)
- b. 5 CFR § 317.501(a)
- c. 5 CFR § 412.104(d)
- d. 5 CFR § 362.204

3. SPECIAL INSTRUCTIONS

This directive cancels and supersedes any prior or conflicting policy/ies or charter/s relating to this topic.

4. POLICY

It is USDA's policy to ensure the conduct of proper merit staffing for career appointment to the SES 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, and pay policy, through the USDA ERB.

There shall be one ERB at USDA. The ERB will be composed of career and non-career senior personnel reflective of the broad diversity of the Department. The ERB will provide institutional continuity in executive personnel management for the Department by overseeing the merit staffing process for career appointment to the SES and providing advice to the Secretary in executive personnel planning, executive resource utilization, executive development, and other related activities as the USDA Secretary deems necessary.

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.

6. ERB MEMBERSHIP

ERB members must be employees of the Department. To the extent practicable, ERB membership should include a mix of Presidential and SES appointees, career and non-career appointees, civilian personnel and commissioned officers (if applicable), headquarters and field representatives, and be reflective of the broad diversity of the Department to the extent permitted by law.

7. RESPONSIBILITIES

a. The USDA Secretary shall:

- (1) appoint the members of the ERB from among employees of the agency; and
- (2) designate one member of the ERB to serve as ERB Chairperson.

The USDA Secretary may:

- (1) establish a specific term of service for ERB members and the ERB Chairperson; and
- (2) delegate to the ERB additional functions and authorities beyond the mandatory responsibilities in 5 U.S.C § 3393(b) and 5 CFR § 412.104(d), as the Secretary deems appropriate.

b. The ERB Chairperson is responsible for overseeing the activities of the ERB, including, but not necessarily limited to the following:

- (1) convene ERB meetings;
 - (2) establish the ERB agenda;
 - (3) serve as ERB point of contact with the appointing authority, the Office of Personnel Management, and others, as appropriate;
 - (4) seek technical and or legal advice and guidance, as necessary;
 - (5) utilize external review boards for initial rating and ranking of applications; and
 - (6) distribute the work of the ERB among panels of no fewer than three (3) members in order to efficiently accomplish the work of the ERB. To the extent permitted by law, all such panels should reflect diversity in gender, nationality, race, experience, etc.
- c. The Director, Office of Human Capital Management, is responsible for:
- (1) establishing and distributing Department-wide policy directives for the USDA ERB and updating such policy directives, from time to time;
 - (2) serving as Executive Secretary to the USDA ERB;
 - (3) providing staff support to the USDA 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 the SES and for advising the Secretary in executive 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) Executive Position Management

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

(2) Executive 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));

(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 management team to enhance accomplishment of the Department's mission. ERB members are required to approve development plans for each candidate participating in the agency's SES candidate development program, should such a program exist within the agency. (5 CFR § 412.104).

(4) Executive Performance Management

Ensures the Department's executives 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 not only the attainment of Departmental goals, but also, the performance of the Department's executive corps.

(5) Executive Compensation Management

Ensures that executives are compensated equitably for their work and that executive 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 compensation (e.g., bonuses, incentive awards, base pay, etc.).

8. PROCEDURES

- a. A quorum is required for ERB action. A quorum means 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.

9. EFFECTIVE DATE

The policies addressed in this Directive are effective immediately and replace any prior or conflicting USDA policies dealing with this topic.

Thomas J. Vilsack
Secretary