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DOD 1402.3-H

Chapter 6

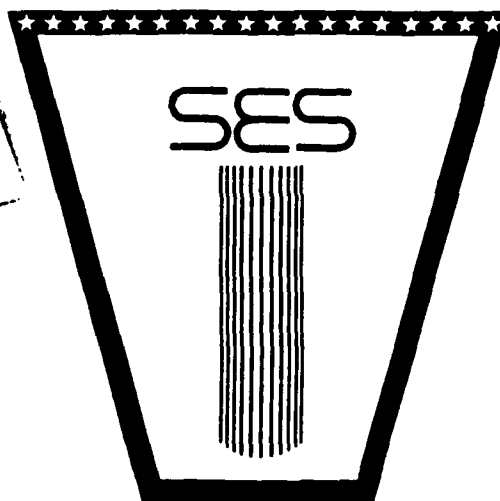


OFFICE OF THE SECRETARY OF DEFENSE

Director of Administration and Management
, Office of the Secretary of Defense
(703) 697-8304

SENIOR EXECUTIVE SERVICE

Reassignments and Transfers



DEFENSE MANAGEMENT A
1-800-451-7234
1-800-451-7234

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Office of the Secretary of Defense, OSD Field Activities,
Organization of the Joint Chiefs of Staff, the U.S. Court of
Military Appeals, the U.S. Mission to NATO, and the Defense Agencies

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SENIOR EXECUTIVE SERVICE
REASSIGNMENTS AND TRANSFERS

Applicable For	
1. ☒ Active Duty	
2. ☐ Reserve Component	
3. ☐ National Guard	
per form 50	
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Senior Executive Service Handbook

Chapter 6



COMPTROLLER

(Administration)

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

DoD 1402.3-H
Chapter 6

FOREWORD

The Senior Executive Service Handbook is issued under the authority of DoD Directive 1402.3, "Administration of the Senior Executive Service Program in the Office of the Secretary of Defense and the Defense Agencies," August 16, 1984.

The purpose of this chapter is to provide information to the Senior Executive Service (SES) members and management officials relative to reassignments and transfers within the SES. Information on related procedural and other requirements is included.

This chapter applies to the Office of the Secretary of Defense (OSD), DoD field activities, the Organization of the Joint Chiefs of Staff (OJCS), the Defense Agencies (except the National Security Agency/Central Security Service and the Defense Intelligence Agency), the Office of the Inspector General (OIG), the U.S. Court of Military Appeals (USCOMA), and the U.S. Mission to the North Atlantic Treaty Organization (NATO).

This chapter is effective immediately, and its use is mandatory.

Send recommended changes through channels to the following:

SES and Classification Division
Directorate for Personnel and Security
Washington Headquarters Services
Room 3B347, The Pentagon
Washington, D.C. 20301-1155

Copies may be obtained from OSD Publications, Room 3B960, The Pentagon.

D. O. Cooke
Deputy Assistant Secretary of Defense

REFERENCES

- (a) DoD Directive 1442.2, "Personnel Actions Involving Civilian Attorneys," June 26, 1967
- (b) Title 5, United States Code, Section 3395
- (c) Title 5, United States Code, Section 5595 (Title 5, Code of Federal Regulations, Section 550.705)
- (d) Federal Personnel Manual Supplement 831-1, Chapter 311
- (e) Title 5, United States Code, Section 3592 (Title 5, Code of Federal Regulations, Section 359.601)

CHAPTER 6

REASSIGNMENTS AND TRANSFERSA. GENERAL

As provided by DoD Directive 1442.2 (reference (a)), all requests involving the reassignment or transfer of SES attorneys will be coordinated/approved by the Department of Defense General Counsel/Director, Defense Legal Services Agency (DLSA) prior to submission to the Deputy Assistant Secretary of Defense (Administration) (DASD(A)) for action.

B. DEFINITIONS

1. Reassignment. A position change from one SES position to another SES position in the same agency. A reassignment does not change the status or tenure of an SES appointee.

2. Transfer. The move of an SES career appointee from an SES position in one agency to an SES position in another agency without change in status or tenure. The move of a noncareer, limited term, or limited emergency SES appointee between agencies is processed as a new appointment.

3. Conversion. A move within an agency involving a change in SES status (e.g., a change from limited emergency to limited term appointment).

4. Agency. Collectively, the Office of the Secretary of Defense (OSD), DoD field activities, the Organization of the Joint Chiefs of Staff (OJCS), the Office of the Inspector General (OIG), the U.S. Mission to the North Atlantic Treaty Organization (NATO), the U.S. Court of Military Appeals (USCOMA), Defense Advanced Research Projects Agency (DARPA), Defense Audiovisual Agency (DAVA), Defense Security Assistance Agency (DSAA), and the Defense Legal Services Agency (DLSA).

5. Defense Agencies

- a. Defense Communications Agency (DCA).
- b. Defense Contract Audit Agency (DCAA).
- c. Defense Investigative Service (DIS).
- d. Defense Logistics Agency (DLA).
- e. Defense Mapping Agency (DMA).
- f. Defense Nuclear Agency (DNA).

C. REASSIGNMENTS1. Career Appointees

a. A career appointee may be reassigned to any general or career reserved SES position for which qualified.

b. A career appointee is entitled to receive a written notice at least 15 days in advance of the effective date of the reassignment. Part or all of the notice period may be waived by the appointee in writing.

c. Except as provided in paragraph C.1.d., a career appointee may not be reassigned involuntarily within 120 days after appointment of a new Secretary of Defense or within 120 days after the appointment in the agency of the career appointee's most immediate supervisor who is a noncareer appointee and has the authority to reassign the appointee.

d. The 120 day moratorium does not apply in the case of a reassignment action taken as a result of the career appointee having received an unsatisfactory performance rating (see 5 U.S.C. 3395, reference (b)).

e. Failure to accept a directed reassignment in the same or a different commuting area is a valid cause for removal from the Federal service. (Information governing the removal of probationers is contained in Chapter 8. Chapter 9 addresses the removal of other career appointees.)

f. A career appointee not under a geographic mobility requirement, who is removed from the Federal service for failure to accept a directed reassignment to a position in a different commuting area may be entitled to receive either severance pay (5 CFR 550.705, reference (c)) or discontinued service retirement (FPM Supplement 831-1, reference (d)). Questions on the application of these provisions should be directed to the servicing personnel office.

2. Noncareer Appointees

a. A noncareer appointee may be reassigned to any general SES position for which qualified.

b. A noncareer appointee may be removed for failure to accept a directed reassignment in the same or a different commuting area. Regulations governing the removal of noncareer appointees are contained in 5 CFR 359, Section 359.601 (reference (e)).

c. A noncareer appointee is not entitled to severance pay.

d. A noncareer appointee who is removed for reasons other than misconduct or delinquency may be entitled to discontinued service retirement (reference (d)). Questions on discontinued service retirement should be directed to the servicing personnel office.

3. Limited Term or Limited Emergency Appointees

a. A limited term appointee may be reassigned to another general SES position the duties of which will expire at the end of a term of three

years or less. However, the appointee may not serve in one or more positions in the agency under such appointment in excess of three years.

b. A limited emergency appointee may be reassigned to another general SES position established to meet a bona fide, unanticipated, urgent need. However, the appointee may not serve in one or more positions in the agency under such appointment in excess of 18 months.

c. A limited term or limited emergency appointee may not be appointed to, or continue to hold a position under such appointment if within the preceding 48 months, the individual has served 36 months in the aggregate under any combination of limited term and limited emergency appointments.

d. A limited term or limited emergency appointee may be removed for failure to accept a directed reassignment. Generally, such appointees are not eligible for either severance pay or discontinued service retirement. Questions related to the possible eligibility of a particular appointee for either benefit should be directed to the servicing personnel office.

D. TRANSFERS

1. Career Appointees

a. Except in a transfer-of-function situation, a transfer is a voluntary action negotiated between the career appointee and the gaining agency.

b. An appointee in a position identified with a function being transferred to another agency as a result of Congressional or Executive action may be transferred to the gaining agency without his or her consent. Failure to accompany a position in a transfer of function is a valid cause for removal from the Federal service. A career appointee so removed may, under certain circumstances, be eligible for severance pay or discontinued service retirement (references (c) and (d)). Questions on the application of these provisions should be directed to the servicing personnel office.

2. Other Appointees

a. A noncareer, limited term, or limited emergency appointee may negotiate a new appointment with another agency.

b. In the event that a position encumbered by a noncareer, limited term, or limited emergency appointee is affected by a transfer of function, this matter should be brought to the attention of the Director of Personnel and Security, Washington Headquarters Services (WHS) who will consult with the Office of Personnel Management regarding the rights of the appointee.