

DEPARTMENT OF DEFENSE
PUBLICATION SYSTEM TRANSMITTAL

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OFFICE OF THE SECRETARY OF DEFENSE
Assistant Secretary of Defense for
Personnel and ReadinessCHANGE NO. 3
DoD 1400.34-M
September 24, 1993DOD CIVILIAN INTELLIGENCE PERSONNEL
MANAGEMENT SYSTEM (CIPMS)

The Assistant Secretary of Defense for Personnel and Readiness has authorized the following page changes to DoD 1400.34-M, "DoD Civilian Intelligence Personnel Management System (CIPMS) Policies," August 1989:

PAGE CHANGES

Insert: New pages C-6 through C-10

EFFECTIVE DATE

The above changes are effective immediately. Forward two copies of implementing documents to the Deputy Assistant Secretary of Defense (Civilian Personnel Policy/Equal Opportunity), Office of the Assistant Secretary of Defense for Personnel and Readiness, within 120 days.

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JAMES L. ELMER
Director
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APPENDIX C

PART II

SENIOR INTELLIGENCE EXECUTIVE SERVICE (SIES)

A. REFERENCES

1. Public Law 102-496, Section 402, Title IV of "Intelligence Authorization Act for Fiscal Year 1993," October 24, 1992, (10 U.S.C. 1590, Chapter 81, as amended).
2. Public Law 99-569, Section 504, Title V of "Intelligence Authorization Act for Fiscal Year 1987," October 27, 1986, (10 U.S.C. 1590, Chapter 81).
3. Public Law 97-89, Section 701, Title VII of "Intelligence Authorization Act for Fiscal Year 1982," December 4, 1981, (10 U.S.C. 1601, Chapter 83).
4. Public Law 97-89, Section 603, Title VI of "Intelligence Authorization Act for Fiscal Year 1982," December 4, 1981, as amended, codified in Section 12 of the National Security Act of 1959.
5. Title 5, United States Code, "Government Organization and Employees," as amended.
6. DoD Instruction 1403.2, "Reduction in Force in the Senior Executive Service," February 1, 1991.
7. DoD Directive 1400.34, "DoD Civilian Intelligence Personnel Management System (CIPMS)," December 15, 1988.

B. BACKGROUND

1. This appendix establishes the SIES within the DoD Civilian Intelligence Personnel Management System (CIPMS). Positions established in SIES are those that are classified above GS/GM-15 or equivalent but do not meet the definition for Senior Intelligence Professional as set forth in Part I.
2. The policies, guidance, and procedures in this appendix are applicable to civilian employees of the Military Departments who are appointed or converted to positions in the SIES.

C. DEFINITIONS

1. Appointing official. One who has the authority to appoint candidates to SIES positions.
2. Senior Intelligence Executive Service (SIES) positions. These positions are equivalent to positions in the SES as defined in 5 U.S.C. 3132(a)(2). The SIES are managerial positions classified above the GS-15.

D. RESPONSIBILITIES

1. The Secretary of Defense is authorized by Title 10 U.S.C. Section 1590, as amended, to establish necessary intelligence positions and fix compensation for those positions for civilian intelligence officers serving as members of the SES.
2. The OASD (P&R) shall:
 - a. Develop and issue criteria for the establishment of SIES positions.

b. In consultation with the OASD (C³I) and with advice from the CIPMS Advisory Group (CAG), develop policies governing the SIES, and authorize the establishment and allocation of these positions to the Military Departments.

c. Ensure that SIES allocations are consistent with overall DoD resource needs.

d. Coordinate with the OASD(C³I) on any change in an SIES position. This includes, but is not limited to, change in organization and/or function.

e. In consultation with the OASD(C³I), review and forward to the Secretary of Defense requests for SIES rank awards.

3. The OASD(C³I) shall:

a. Review allocations to ensure consistency with function and mission priorities.

b. In coordination with the OASD (P&R), conduct the biennial program evaluation of SIES.

4. The Secretaries of the Military Departments, or their designees, shall, subject to the conditions set forth above:

a. Select, appoint, promote, and assign individuals to SIES positions.

b. Approve reassignment of a member of the SIES.

c. Approve an advancement in rank/pay level from Intelligence Executive (IE)-4 to IE-5 and IE-6 (see paragraph E.7). This authority may be delegated to the Assistant Secretary level.

d. Classify SIES positions and conduct the recertification program.

5. Appointing officials are authorized to place an SIES in an appropriate IE rank/pay level up to IE-4, and approve advancement to that level.

E. POLICY

1. This appendix shall be implemented and administered by the Secretaries of the Military Departments, or their designees, in a manner that enables the SIES to be competitive with comparable positions in the intelligence community.

2. Each Military Department shall establish and convene boards and panels, as deemed appropriate, chaired by its Intelligence Functional Chief, to review candidate qualifications as part of the merit staffing process, to ensure equity in the evaluation of performance, to identify and develop future executives, and to provide recommendations in other executive management matters.

3. Requests to establish SIES positions shall be submitted by the Secretaries of the Military Departments, or designees, to the OASD(P&R) for approval. The OASD(P&R), in consultation with the OASD(C³I), approves positions in accordance with the CIPMS statute.

4. Appointment Procedures

a. The Secretaries of the Military Departments, or designees, may select, promote, and assign individuals to positions established within the SIES. Selection authority may not be delegated below the Assistant Secretary level.

b. SIES positions shall be filled following Component SES merit staffing policies and procedures.

c. Employees in intelligence organizations or functions who currently occupy positions in the SES shall be notified in advance when their position is converted to SIES. Employees who decline conversion to the SIES shall remain on the Military Department's SES roles and may be subject to reduction-in-force procedures. A one year trial period is required upon conversion or appointment to an SIES position if a trial or probationary period has not otherwise been completed.

d. The Secretaries of the Military Departments, or their designees, shall approve the reassignment of an SIES member to another approved SIES position within the Military Department.

e. Details of non-SIES members to SIES positions should be kept to an absolute minimum and strictly controlled. Competitive procedures are required if the detail is longer than 180 days. Details of competitive service employees will follow competitive service procedures.

f. OASD(P&R), in consultation with OASD(C³I), shall resolve disagreements between the Military Departments regarding assignments or details of SIES members to another Military Department.

g. The "preference eligible" provisions of 5 U.S.C. 2108 do not apply to applicants and members of SIES.

5. Performance Appraisal and Awards System

a. Each Military Department may adopt its existing SES system for members of the SIES until supplementary DoD policy is issued.

b. Each SIES performance appraisal system will provide for the overall evaluation of an incumbent's performance in any position and in any critical element of the position; systematic appraisals of performance of executives; and, use of the appraisal as a basis for eligibility determinations on retention, performance awards, changes in rates of basic pay, reassignment, and removal. Each performance appraisal system shall establish performance standards for each element. These elements and performance standards shall be communicated to the member at the beginning of the rating period.

6. Rank Awards

a. Rank awards recognize overall high-level performance and are based on exceptional performance over a period of years (5 U.S.C. 4507). The two levels of rank awards are: (1) Distinguished Executive - given for "sustained extraordinary accomplishment" or (2) Meritorious Executive - given for "sustained accomplishment."

b. The Secretaries of the Military Departments in accordance with established procedures may recommend annually through the OASD(P&R) to the Secretary of Defense, according to a schedule determined by the OASD (P&R), recommendations of SIES members for rank awards.

c. The Secretary of Defense reviews, approves, and submits the nominations to the President. An SIES member awarded either a

Distinguished or Meritorious rank award may not receive the same award during the 4 fiscal years following the one for which the award is given.

d. Receipt of the "Distinguished Senior Intelligence Executive Service Member" award entitles the individual to a lump-sum payment of \$20,000 paid by the respective Military Department and shall be in addition to the basic pay. An SIES may not receive a Distinguished rank award and a performance award during the same calendar year.

e. Receipt of the "Meritorious Senior Intelligence Executive Service Member" award entitles the individual to a lump-sum payment of \$10,000 paid by the respective Military Department and shall be in addition to the basic pay or any other award payment. An SIES may receive a Meritorious rank and a performance award during the same calendar year; however, the total of the two awards may not exceed 20 percent of basic pay.

7. Compensation

a. The Military Department Intelligence Functional Chief will coordinate on the recommended rate of basic pay for each SIES member before submission to the approving official. In establishing initial pay rates or adjusting existing pay rates, individual pay-setting decisions shall be based on a management assessment of the individual. In assigning the basic rate of pay for any new position assignment, consideration shall be given to the level of responsibility of the position, the qualifications of the appointee, probable impact on the position availability of qualified personnel, and geographic and organizational location.

b. Rates of pay shall not be in excess of the maximum rate, or less than the minimum rate, of basic pay established for the SES under 5 U.S.C. 5382. Rates of pay shall be equal to one of the six rates of basic pay established for the SES. Pay adjustments will occur at the same and to the same extent as adjustments to basic rates of pay for the SES. Only actual payable rates will be used for Civil Service Retirement System and Federal Employees' Group Life Insurance (FEGLI) purposes.

c. A member's rate of basic pay may be increased, in addition to paragraph E.7.b., above, to any higher rate of the schedule once in any 12 month period. The pay increase is based on the member's performance appraisal and the endorsement by the supervisory chain-of-command.

d. A member's rate of basic pay may be reduced only one rate at the time of a pay adjustment. A written notice is required 15 days before the effective date of the reduction and shall be issued by the appointing authority with reason(s) (e.g., performance) for the reduction.

e. The aggregate amount paid to an SIES member during any calendar year (e.g., rate of basic pay, performance awards, and rank award) may not exceed the annual rate payable for positions at Level I of the Executive Schedule in effect at the end of such year. Any excess is carried over and paid as a lump sum at the beginning of the next calendar year and shall be applied toward the Level I limitation (5 U.S.C. 5307).

f. Members of the SIES are covered by 5 U.S.C. 5595(a)(2)(i) for severance pay as a result of involuntary separation from the Federal service not involving reasons for cause (e.g., deficient performance, misconduct, malfeasance).

g. Annual leave accrued by an individual, while serving in an SIES position, is not subject to the limitation on accumulation of annual leave, otherwise imposed by 5 U.S.C. 6304. On retirement, resignation, or removal from the Federal service, an SIES member is entitled to lump-sum payment for unused annual leave.

h. The Secretaries of the Military Departments, or designees, may grant SIES members sabbaticals consistent with 5 U.S.C. 3396(c).

8. Removals and Appeals

a. Generally, removals from SIES shall be effected in accordance with 5 U.S.C. 3592. Exclusions include, but are not limited to, reduction-in-force (RIF) and actions granting certain appeal rights to the Merit Systems Protection Board (MSPB).

b. Removal or suspension from the Federal service shall be consistent with 5 U.S.C. 7543, except that any hearing or appeal shall be consistent with procedures for other employees covered by CIPMS, as prescribed by this Manual.

c. RIF shall be conducted in accordance with the general provisions of DoD Instruction 1403.2, except that SIES members shall be placed in their own competitive level, within the respective Military Department, separate from SES members. Additionally, paragraph F.4.c., Placement Assistance by OPM, does not apply.

d. The retention provisions for former members of the Uniformed Services as defined in 5 U.S.C. 3501 do not apply to members of SIES.

9. Supplementation

The policies in subsection E.1. through .8, above, shall not be supplemented or modified except as authorized by statute or otherwise authorized by provisions of this Appendix. In this regard, the Secretaries of the Military Departments are authorized to issue internal implementing guidance when they or their designee determine such guidance to be essential. Copies of such guidance shall be provided to the OASD(CPP/EO) for review before publication.

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