

Senior Executive Service Reduction in Force Procedures

April 10, 2025



The Reduction in Force (RIF) Learning Series

RIF Policy Advisory Team

Workforce Policy and Innovation

U.S. Office of Personnel Management

Housekeeping Items

- A copy of this slide presentation is posted on OPM's [Reductions in Force \(RIF\)](#) Resources and Templates page.
- Ask questions in the Q&A, but please wait until a topic is covered so you're not posting a question that's already been answered. We have built in time at appropriate points to take questions.
- We'll respond to as many questions as we can; however, we cannot answer agency-specific or individual-specific questions.
- A recording of this webinar may be found on OPM's [Reductions in Force \(RIF\)](#) Resources and Templates page.

Senior Executive Service Reduction in Force Procedures

U.S. Office of Personnel Management
Workforce Policy and Innovation
Executive Services and Workforce Development

Agenda

- Introduction to SES RIF
- SES RIF Planning
- Competitive Procedures
- Placement Rights: Post-Probationary SES
- Notice Requirements: Post-Probationary SES
- Removal / Notice Requirements: Probationary SES
- Placement Rights: Probationary SES
- Appeal Rights & Other Statutory Protections
- Other Reminders
- Questions

Introduction to SES RIF

SES Reduction in Force (RIF)

Importance of Understanding SES RIF Procedures:

- SES members are subject to different RIF rules than those that apply to General Schedule RIFs.
- Agencies must ensure SES RIFs are conducted in compliance with applicable laws and regulations.

Notes:

- The information in this briefing does not apply to removal of noncareer, limited term or limited emergency SES employees who may be removed from the SES based upon 1-day advance written notice.
- The 120-day moratorium on SES removals does not apply when the removal is because of RIF.
- For RIF purposes “agency” means an executive department or an independent establishment (e.g., Department of Defense is one agency and Army, Navy, Air Force, Space Force are all components within that agency).

SES RIF - Legal and Regulatory Framework

Statute:

- [5 U.S.C. 3595](#) - **Reduction in force in the Senior Executive Service**

Regulation:

- [5 CFR part 359, subpart F](#) - **Removal of Career Appointees as a Result of Reduction in Force**
- [5 CFR part 359.405](#) - **Removal: Reduction in force (probationary SES)**

OPM Guidance:

- [SES Desk Guide](#) - **Chapter 9**
- [Memorandum](#) - **Guidance on Agency RIF and Reorganization Plans Requested by Implementing The President's "Department of Government Efficiency" Workforce Optimization Initiative (February 26, 2025)**

Who is Affected by SES RIF?

Career SES Appointees

Probationary career SES appointees

Post-probationary career SES appointees

Competitive Procedures for determining who will be removed from the SES in a RIF

Appeal Rights

Procedures are different for **Probationary** SES when it comes to:

- Placement
- Separation
- Notices

Procedures are different for **Post-probationary** SES when it comes to:

- Placement
- Separation
- Notices

SES RIF Planning

Agency SES RIF Plans

Agencies must publish written SES RIF plans:

- An agency must publish its written RIF procedures ***before*** initiating any specific RIF action ([5 CFR 359.601\(c\)](#)).

Agencies must submit SES RIF plans to OPM ([5 CFR 359.601\(c\)](#)):

- Please advise OPM as far ahead as possible about potential RIF activity, so that OPM can plan for priority placement assistance. Agencies may consult with OPM's Executive Services and Workforce Development (ESWD) when developing or significantly modifying their plans.
- Agencies shall submit a copy of their final SES RIF plan and any substantive changes to ESWD by email at SESRIF@opm.gov.
- If your agency included its SES RIF plan in its Phase 1 Agency RIF and Reorganization Plan (ARRP) submission, please submit the SES portion of the RIF plan to SESRIF@opm.gov.

Agency's Published SES RIF Procedures

Checklist of recommended items to include in published SES RIF procedures:

- ☐ Identify the area or areas of competition (i.e., the full agency or a specified portion of the agency);
- ☐ Indicate how positions or employees will be grouped within a competitive area;
- ☐ Indicate how retention registers will be set up;
- ☐ Describe the competitive procedures used to determine job retention;
- ☐ Establish a mechanism for considering post-probationers for vacant SES positions and indicate whether probationers will be considered for such positions;
- ☐ Establish a procedure for referring post-probationers to OPM for placement assistance when they cannot be placed in the SES within the agency;
- ☐ Provide for placement outside the SES of post-probationers who cannot be placed in the SES;
- ☐ Provide for the separation, or placement outside the SES, of probationers affected by RIF;
- ☐ Provide for the separation from the Government of a post-probationer who declines a directed reassignment in their own agency (an adverse action taken under 5 CFR part 752); and
- ☐ Set forth the notice requirements for implementing RIF actions.

Competitive Procedures

Competitive Procedures

Competition for job retention [5 U.S.C. 3595\(a\)](#):

- Competitive procedures are required for **all SES career appointees** (**probationers** and **post-probationers**) but not reemployed annuitants.
- An SES career appointee whose position becomes excess may not be assumed to be the one who will eventually be identified for displacement.
- Competitive procedures for determining who shall be removed from the Senior Executive Service must be designed to ensure that such determinations are **based primarily on performance**, under subchapter II of chapter 43 of title 5.

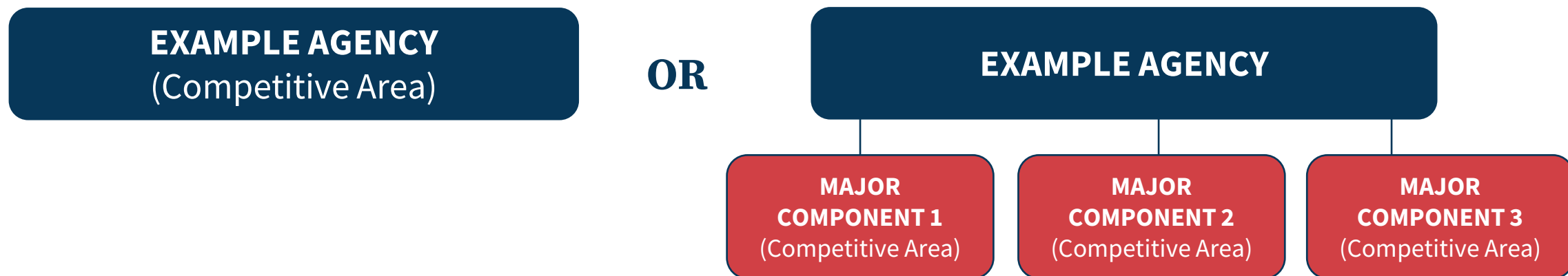
Competitive procedures are not required when an agency is being abolished:

- If an agency is being abolished (without a transfer of functions) and its SES members are being separated at the same time or within 3 months of the abolishment, it is not necessary to use competitive procedures ([5 CFR 359.602\(a\)\(4\)](#)).

Competitive Procedures

1) As a first step, the agency establishes the area of competition “Competitive Area:”

- The competitive area could be the **full agency** or **major components** of the agency.



- An SES member in one competitive area who is released from his/her position due to RIF will not displace an SES member in any other competitive area.

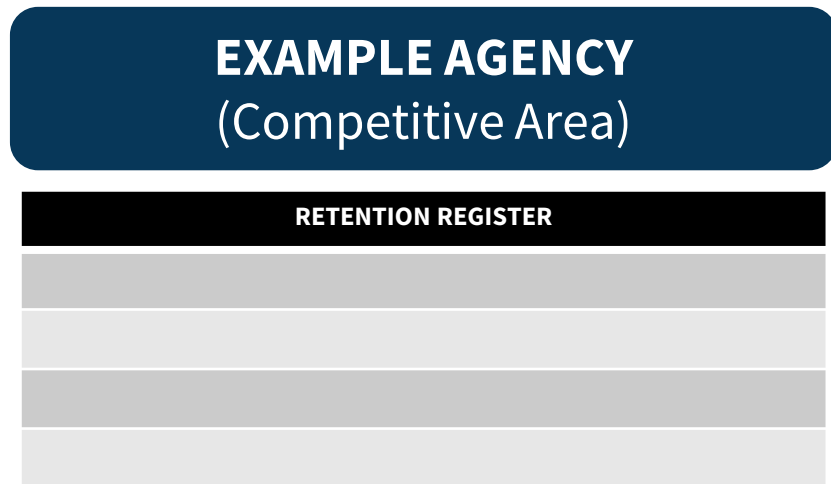
Note: See Chapter 9 of the [SES Desk Guide](#) for more detailed explanation.

Competitive Procedures

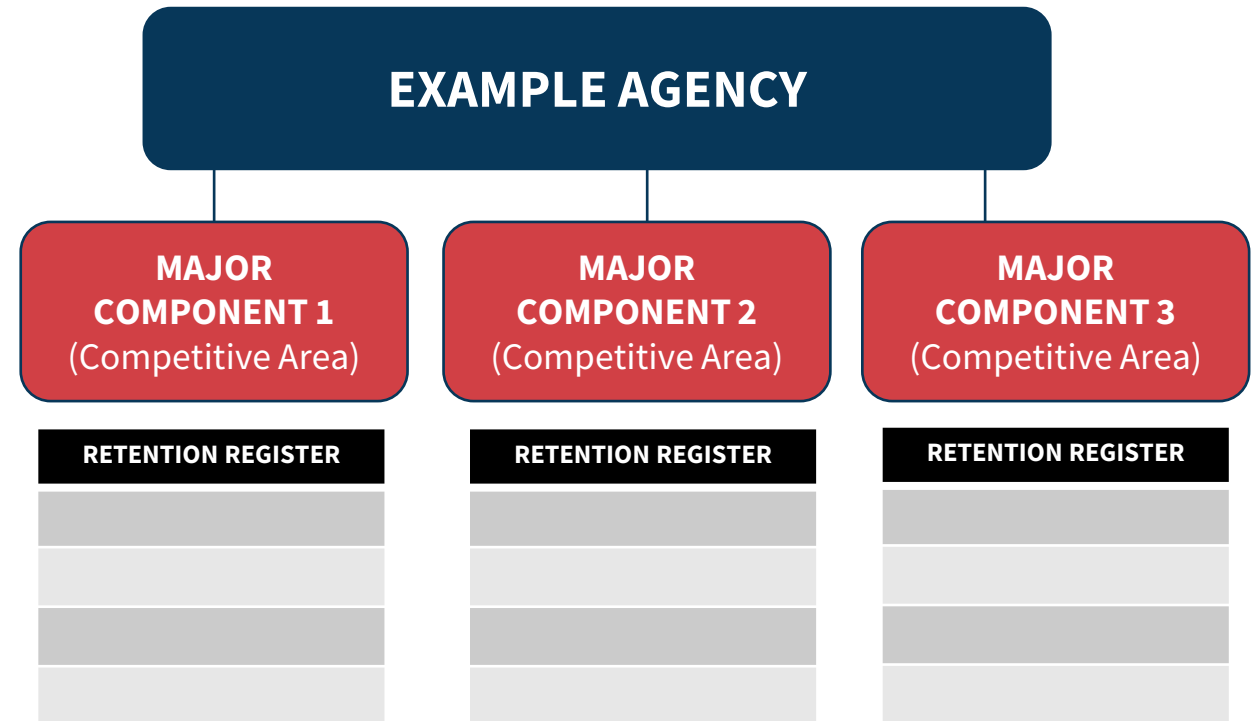
2) Retention Registers:

- Retention registers must be developed for affected SES and there are different ways to develop them:

Example 1: Agency develops retention register that contains all SES incumbents in the **competitive area(s)**.



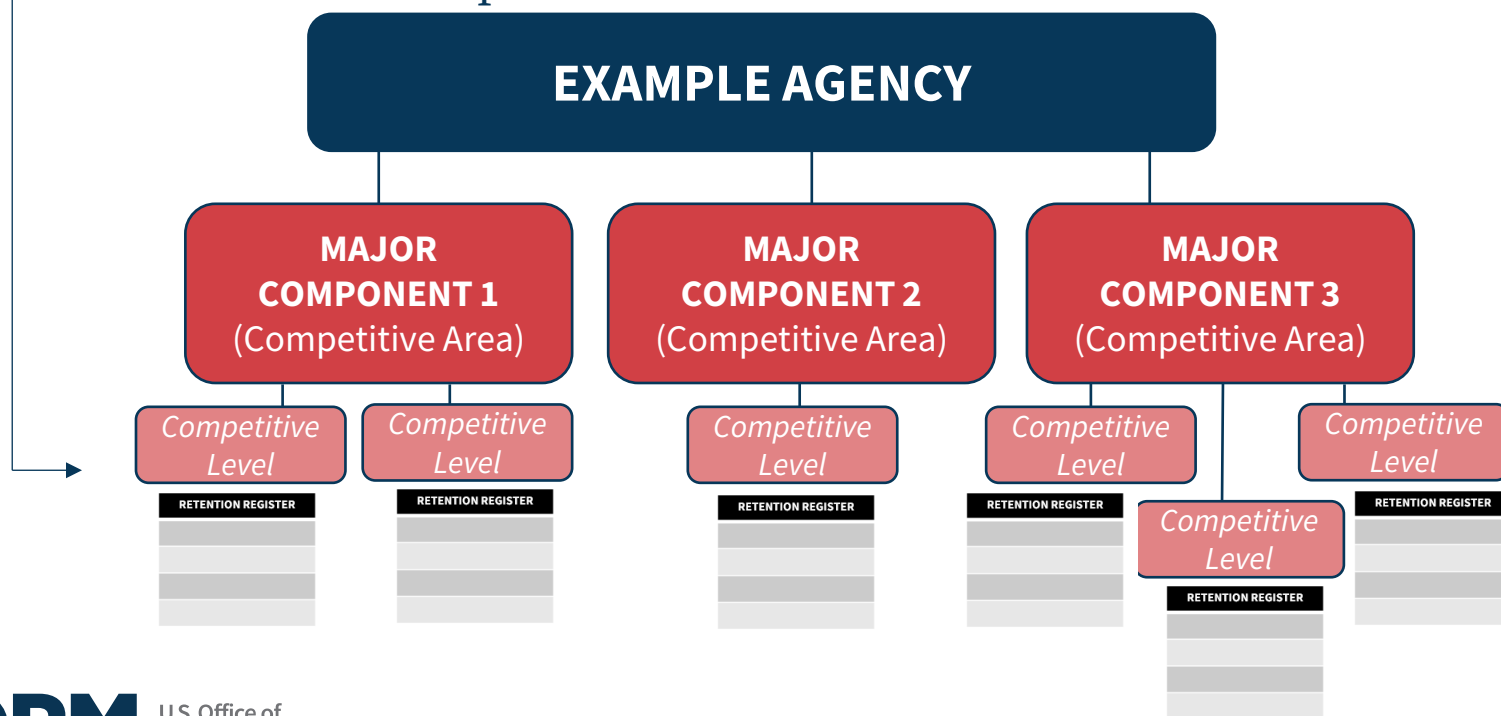
OR



Competitive Procedures

Example 2: Agency develops **competitive levels** within each **competitive area** and then develops a retention register for each competitive level.

Competitive levels consist of all positions in the competitive area that are sufficiently alike (qualifications, duties, responsibilities) such that the agency may reassign incumbents of any one position to another without undue disruptions.



When a position in a competitive level is abolished, it displaces the employee with the lowest retention standing.

Or, if employees are grouped, the agency may select for release any SES member in the lowest group.

Competitive Procedures

3) Method for ranking individuals:

- The agency must have a method for ranking individuals on the retention register.
- The method must be designed to assure retention determinations are **primarily based on performance**, as determined under an approved SES performance appraisal system.
 - **Example:** Group the employees by Annual Summary Rating level → Length of SES Service → Awards
 - **Example:** Utilize a point system (e.g., 75 pts. for performance; 25 pts. for other factors)
- Veterans' preference may not be considered, since SES are excluded by law from such preference.
- In ranking the SES members based on rating, only the annual summary rating may be used (no interim rating). Performance for more than one year may be considered.

Example Retention Register Groupings

Here are two examples of how an agency could group SES members on a retention register:

Grouping Plan I

Post-probationer with Outstanding rating

Probationer with Outstanding rating

Post-probationer with Great rating

Probationer with Great rating

Post-probationer with Satisfactory rating

Probationer with Satisfactory rating

Post-probationer with Needs Improvement rating

Probationer with Needs Improvement rating

Post-probationer with Unacceptable rating

Probationer with Unacceptable rating

Grouping Plan II

Post-probationer with Outstanding rating

Post-probationer with Great rating

Post-probationer with Satisfactory rating

Probationer with Outstanding rating

Probationer with Great rating

Probationer with Satisfactory rating

Post-probationer with Needs Improvement rating

Probationer with Needs Improvement rating

Post-probationer with Unacceptable rating

Probationer with Unacceptable rating

Reminder: Individuals can be *further ranked* within each group (an example of a group would be post-probationer with Outstanding rating). The use of unnecessarily large groups is discouraged.

Uncommon Retention Situations

Uncommon retention situations and the proper action:

If a **probationer and a **post-probationer** have the same retention standing.**

- The post-probationer must be retained over the probationer.

If an individual is qualified for two or more vacant positions.

- The agency may decide to place the individual in either position.

Placement Rights: **Post-Probationary SES**

Placement Rights: **Post-Probationary SES**

Scenario:

A **post-probationary** SES is selected by competition for release from the retention register.

- The post-probationary SES is statutorily entitled to—

Placement within the agency in another SES position ([5 U.S.C. 3595\(b\)\(3\)\(A\)](#)):

- The SES appointee is entitled to be offered any vacant SES position within the agency for which he/she is qualified.

Otherwise →

45-day OPM priority placement assistance ([5 U.S.C. 3595\(b\)\(3\)\(B\)](#)):

- If the agency head certifies, in writing, to OPM that no such position is available in the agency, OPM shall place the appointee in any vacant SES position in any agency, unless the agency head determines the appointee is not qualified for that position.

Certifications and Placement Assistance Requests should be sent to:
SESRI@opm.gov

Placement Rights: **Post-Probationary SES**

45-day OPM priority placement assistance:

- The 45-day period begins on the day the certification is acknowledged by OPM.
- OPM must take all reasonable steps to place the appointee and may **require an agency** to take any action OPM determines necessary to carry out the placement ([5 U.S.C. 3593\(b\)\(3\)](#)).

The SES member must apply to OPM for placement assistance:

- SES member submits request to ESWD at SESRIF@opm.gov and will include—
 - Completed, signed, and current application for employment (up to 2-page resume, or equivalent)
 - Most recent SES performance evaluation;
 - Information about geographic availability;
 - Information about the pay level the executive is willing to accept; and
 - A Privacy Act statement that gives permission to release this information to other agencies and other potential sources of employment.
- If this information is not provided, OPM will conclude the individual declined OPM placement assistance.

Placement Rights: **Post-Probationary SES**

OPM referrals:

- OPM will contact agencies where there are vacancies to give advance notice about potential referrals.
- OPM may formally (by letter) refer a career appointee to an agency for a specific SES vacancy or general priority placement.
- Temporary SES allocation may be provided to facilitate a priority placement.

Agency response:

- An agency shall respond to an OPM referral within the time period (e.g., 10 days) prescribed by OPM.
- Any objection by the agency to the qualifications of the appointee must be based on the **professional/technical qualifications** in the standard for the position (agency may not rely solely on lack of agency-specific experience if the appointee is otherwise qualified).
- **If an agency declines to place a priority candidate** because it determines the candidate is not qualified for the position, or other reason, the agency must certify this decision in writing to OPM and include a copy of the qualifications standard and detailed explanation of why the candidate is not qualified.

Placement Rights: **Post-Probationary SES**

START

45-day period

END

Note: An individual remains a career SES appointee in his/her agency during the OPM placement period.

Declination of a reasonable offer for placement in the SES:

- If the appointee declines a reasonable offer for placement in the SES, OPM assistance will cease and the agency may initiate removal at the expiration of the 45-day period.
- In such case OPM will advise the employing agency of the declination.

Appointee may accept placement outside the SES:

- The appointee is entitled to placement outside the SES in a continuing position at the GS-15 level or above and may accept such placement before the end of the 45-day OPM placement assistance period ([5 U.S.C. 3594\(b\)\(2\)](#)).
- Pay upon placement is determined under [5 U.S.C. 3594\(c\)\(1\)\(B\)](#).

If the appointee is not placed in another SES position by the end of the 45-day period:

OPM will notify the employing agency that it may initiate removal from the SES.

Notice Requirements: **Post-Probationary SES**

Notice Requirement: **Post-Probationary SES**

Written notice requirement (first notice):

- The agency must give a written notice if a post-probationary SES is released from a retention register and cannot be placed in another SES position within the agency. The notice must be given at least **45 calendar days** before the effective date of the removal ([5 CFR 359.605\(a\)](#)).
- The notice shall state, as a minimum—
 1. The nature of the RIF competition, including the appointee's **competitive area** (if less than the agency) and **standing on the retention register**;
 2. The place where the appointee may inspect the regulations and records pertinent to the competition for job retention;
 3. Efforts made to place the employee in a vacant SES position within the agency;
 4. The **date** on which the agency **certified** the employee to OPM for placement assistance;
 5. Information about **OPM's placement assistance program**, including what the employee must do to apply; the prospective effective date of removal if the individual cannot be placed elsewhere in the SES during the 45-day OPM placement period. If the specific date is not known, the agency may use a "no later than" date. (A specific termination date is needed to ensure eligibility for discontinued service retirement.); and
 6. The **appointee's right to appeal** the competitive procedures used in the RIF to the Merit Systems Protection Board if removed from the SES, the time limit for making an appeal, and the MSPB office to which the appeal should be sent.

Notice Requirement: **Post-Probationary SES**

Written notice requirement (second notice):

- A post-probationary SES who received the first notice at least 45 days prior to removal is also **entitled to a second notice in writing at least 1 day before removal from the SES.**
- The notice shall state, as a minimum—
 - (1) The basis for the removal (i.e., [5 U.S.C. 3595\(b\)\(5\)](#)) if the basis is expiration of the 45-day OPM placement period, or [5 U.S.C. 3595\(b\)\(4\)](#) if the basis is declination of a reasonable offer of placement, in which case identify the position offered and the date on which it was declined;
 - (2) The effective date of the removal;
 - (3) Placement rights outside the SES and, when applicable, the appointee's eligibility for discontinued service retirement in lieu of placement; and
 - (4) Reminder of the appointee's appeal rights.

Removal / Notice Requirements: Probationary SES

Removal / Notice Requirement: Probationary SES

Scenario:

A **probationary** SES is selected by competition for release from the retention register.

- Removal action is taken under [5 U.S.C. 3592\(a\)](#) and [5 CFR 359.405](#).

Written notice requirement (only notice):

- The agency shall notify the appointee in writing **at least 1 day before** the effective date of the action. The notice shall state, as a minimum—
 - (1) Whether the appointee has **placement rights** under [5 CFR 359.701](#) to a position outside the SES and, if so, the position to which the appointee will be assigned;
 - (2) The **effective date** of the action;
 - (3) The appointee's **appeal rights**, including the time limit for appeal and the location of the Merit System Protection Board office to which an appeal should be sent; and
 - (4) Such **other information** as may be required by OPM.

Placement Rights: Probationary SES

Placement Rights: Probationary SES

Guaranteed placement (if covered):

- Placement rights of probationary SES outside the Senior Executive Service are covered under [5 CFR part 359, subpart G](#).
- An appointee covered by this subpart is entitled to be placed in a vacant civil service position (other than an SES position) in any agency that is—
 - (1) A continuing position at GS-15 or above, or equivalent, that will last at least three months; and
 - (2) A position for which the appointee meets the qualifications requirements.

Agency responsibility for placement:

- The agency taking the removal action is responsible for placing the appointee in an appropriate position within the agency, or for arranging a transfer to an appropriate position in another agency. Any transfer must be mutually acceptable to the appointee and the gaining agency.
- Placement of an appointee under 5 CFR part 359, subpart G shall not cause the separation or reduction in grade of any other employee.

Appeal Rights & Other Statutory Protections

Appeal Rights and Other Statutory Protections

Merit Systems Protection Board (MSPB) appeal rights:

(applies to both **probationary** and **post-probationary** SES)

- [5 U.S.C. 3595\(c\)](#) provides a right of appeal to MSPB, under [5 U.S.C. 7701](#), for career appointees (both probationers and post-probationers) **on the competitive procedures taken under a RIF.**

Equal Employment Opportunity (EEO) protections:

- SES members may file complaints for discrimination claims under EEO laws (<https://eeoc.gov>).

Whistleblower protections:

- SES members may seek redress if they believe SES RIF actions were retaliatory for whistleblowing.
 - See: Office of Special Counsel - [Fact Sheet for Whistleblower Retaliation](#).

Other Reminders

Other Reminders

Limited term and limited emergency employees:

- If included in an agency's RIF, limited appointees must be placed on separate retention registers from career appointees and the agency plan should include information regarding the treatment of these employees. Their removal is under [5 CFR part 359, subpart I](#).

Retaining RIF records ([5 CFR 359.607](#)):

- Agencies must retain **all records pertaining to a RIF** for at least **2 years** from the effective date of the RIF (including retention registers, efforts made to place the appointee in the SES).
- Agencies **shall** allow the inspection of retention registers and related records by an appointee to the extent that they have a bearing on the appointee's situation.

Other Reminders

SES RIF in an Inspector General organization:

- Generally, RIF within an OIG operates in a similar manner as a RIF within the parent agency, but separately.
- As the head of a separate agency for purposes of SES statutes, an IG may determine when SES RIF is required in the OIG and establish any OIG competitive area **separate and apart from the parent agency**.
- An OIG should **not** be included in an SES RIF conducted by a parent agency.
- If the IG wants to adopt or adapt existing written competitive procedures of the agency within which the OIG is established, the IG must establish them in writing for the OIG and assure the written procedures meet the requirements of [5 CFR 359.602\(a\)](#).



You may also submit questions to:
SESRIE@opm.gov

Wrap Up and Final Questions

SES RIF Online Resources for Agencies

- SES RIF Statute: [5 U.S.C. 3595](#)
- SES RIF Regulations:
 - [5 CFR part 359, subpart F](#) - Removal of Career SES Appointees as a Result of RIF
 - [5 CFR part 359.405](#) - Removal: Reduction in force (probationary SES)
- SES RIF Guidance: OPM SES Desk Guide, [Chapter 9](#)

Thank You

Please take a moment to complete a short survey to provide your feedback on today's session:

<https://surveys.opm.gov/se/5B5534D40AFD0BB4>



The Reduction in Force (RIF) Learning Series
RIF Policy Advisory Team