

**U.S. Immigration and Customs Enforcement
Executive Resources Board Charter**

I. AUTHORITY

Each agency is required to establish at least one Executive Resources Board (ERB) responsible for conducting the merit staffing process for career entry into the Senior Executive Service (SES), as well as ensuring that the agency's SES Candidate Development Program (CDP) follows merit staffing provisions. *See* Title 5, United States Code (U.S.C.) § 3393(b) and Title 5, Code of Federal Regulations (C.F.R.) § 412.302.

Additionally, the ERB approves the individual development plan for each candidate participating in the SES CDP (5 C.F.R. § 412.302) and oversees the development and certification of Presidential Management Fellows (PMF) (5 C.F.R. § 362.402).

II. PURPOSE

This Charter establishes the U.S. Immigration and Customs Enforcement (ICE) ERB and sets forth its membership, functions, procedures, and duration. The ERB will support ICE's strategic approach in recruiting and retaining a diverse and highly effective career executive cadre. The ERB will ensure that candidates are appropriately and timely assessed based on individual qualifications, achievement, and merit consistent with ICE's diversity objectives and all applicable legal requirements pursuant to 5 C.F.R. § 317.501(a).

The ERB will have general oversight over the management of ICE's executive human resources related to career SES appointments¹, including:

- 1) Executive personnel policy;
- 2) Executive staffing and development;
- 3) Utilization of executive resources;
- 4) Evaluation of the executive program;
- 5) Executive compensation and awards; and
- 6) Succession planning.

III. MEMBERSHIP

The ERB shall be composed of members from the ICE SES who have broad knowledge of ICE's missions, operations, present and future needs as well as the skills to provide meaningful advice and assistance to the Director on executive resource matters. The decisions of the ERB are subject to the review and approval of the Director.

The ERB shall consist of:

- 1) An ERB Chair;
- 2) An ERB Secretary;

¹ The ERB's responsibilities exclude decisions pertaining to Presidential Appointments, Presidential Appointments requiring Senate confirmation, and non-career SES.

- 3) An ERB Trustee; and
- 4) ERB Members.

A. ERB Chair

The Deputy Director shall serve as the ERB Chair. The Chair is responsible for:

- 1) Presiding over the ERB;
- 2) Ensuring a quorum of four voting ERB members presides over matters pending before the ERB;
- 3) Approving alternate members or designees to the ERB as needed;
- 4) Determining the need for and convening ERB meetings;
- 5) Assigning action items to the appropriate office for review and approval by the ERB;
- 6) Reviewing recommendations from the ERB on SES selections;
- 7) Approving requests for executive level details;
- 8) Approving ERB minutes and directives for distribution to all SES members;
- 9) Ensuring adherence to ICE policies and procedures;
- 10) Approving membership of the Performance Review Board (PRB);
- 11) Serving as the Director's delegate; and
- 12) Ensuring timely ERB recommendations and decisions.

B. Ex Officio members

- 1) ERB Secretary – The Chief Human Capital Officer, or his or her designee, shall serve as the ERB Secretary. The ERB Secretary shall be responsible for serving as the technical advisor and providing staff support to the ERB, including, but not limited to:
 - a) Creating and distributing the ERB agenda to the ERB members;
 - b) Setting meeting schedules with the approval of the ERB Chair and notifying ERB members;
 - c) Attending interviews to advise the interview panel, as needed, and to take notes of interviews conducted;
 - d) Obtaining and disseminating the necessary documents to support the action of the ERB;
 - e) Documenting attendance, recording ERB meeting minutes, and distributing final minutes to members after approval by the ERB Chair; and
 - f) Maintaining a file of regulations, policies and correspondence pertaining to the ERB functions.
- 2) ERB Trustee – The Assistant Director of the Office of Diversity and Civil Rights (ODCR), or their designee, shall serve as the ERB Trustee. The ERB Trustee shall be responsible for serving as the technical advisor and providing staff support to the ERB on equal opportunity and diversity matters as they pertain to the SES, including but not limited to:
 - a) Informing the ERB of diversity trends and priorities from ICE and the U.S. Department of Homeland Security (DHS) to the extent they impact the matters before the ERB;

- b) Providing recommendations to enhance the diversity of the executive applicant pool;
- c) Providing recommendations to enhance the Senior Executive CDP with the goal of increasing the diversity of the candidate pool; and
- d) Maintaining a file of regulations, policies and correspondence pertaining to diversity and equal opportunity guidance in the management of the SES and CDP program.

C. ERB Voting Members

The ERB voting members shall be composed of:

- 1) Executive Associate Director of Homeland Security Investigations;
- 2) Executive Associate Director of Enforcement and Removal Operations;
- 3) Executive Associate Director of Management & Administration; and
- 4) Associate Director of the Office of Professional Responsibility.

ERB voting members are responsible for:

- 1) Discussing agenda items before ERB meetings;
- 2) Obtaining any additional information needed to fully participate in the meetings; and
- 3) Serving as the Appointing Official for SES positions within their program office.

D. ERB Designees

- 1) Voting member duties may, on a case-by-case basis, be further delegated to other members of the SES, with the permission of the ERB Chair, to achieve a quorum in the event a voting member is absent; and
- 2) Designees will be evaluated to ensure no conflict of interest is present relating to the action before the ERB.

IV. ERB FUNCTIONS AND RESPONSIBILITIES

A. Staffing Management

The ERB will ensure that ICE appropriately recruits, selects, and retains career appointees with the qualifications needed for current and future program needs. The ERB will have the following responsibilities:

- 1) Recommending how positions are to be filled, by type (e.g., career, limited) and method of appointment (e.g., competitive, transfer, reassignment, or reinstatement) based on SES position allocations; and
- 2) Conducting the merit staffing process, which includes:
 - a) Considering the executive and technical qualification of each candidate, other than those found ineligible by the ICE Office of Human Capital's Executive Services Unit (ESU) because the vacancy requirements were not met;

- b) Coordinating with the ESU to ensure appropriate screening and rating of candidates through SES Screening and Interview Panels²;
- c) Establishing and updating the SES Selection Procedures and Guidelines, in coordination with the ESU, to ensure the selection of the best qualified candidates and maximize transparency in the hiring process;
- d) Ensuring the selection procedures sufficiently differentiate among eligible candidates based on knowledge, skills, abilities, and other job-related factors in the qualification standards for the position to enable the relative ranking of the candidates;
- e) Ensuring the staffing record is adequately documented to show the basis of qualification and selection determinations;
- f) Meeting with the ERB Chair at the conclusion of the Screening and Interview Panel process to review and certify that the final candidate(s) have the requisite executive qualifications for appointment to the SES; and
- g) Reviewing and approving the final candidate's Executive Core Qualifications (ECQ) package, if applicable, prior to dissemination to DHS.

B. Executive Position Management

The ERB will ensure that ICE structures its SES positions for maximum program effectiveness and has the number and kinds of positions and appointing authorities needed to accomplish its mission. This includes:

- 1) Recommending the necessary number of SES positions, including general and career reserved complements;
- 2) Advising the number of biennial and interim SES position allocations that should be requested from the Office of Personnel Management (OPM) through DHS; and
- 3) Reviewing and recommending details to executive level positions to the ERB Chair.

C. Executive Development and Succession Planning

The ERB will ensure that ICE identifies and prepares its best employees for the future assumption of executive and management positions as well as providing opportunities for the continued growth of its SES members. The ERB will have the following responsibilities:

- 1) Developing a pool of highly qualified and diverse CDP graduates by:
 - a) Advising the Director on selection for, and administration of, the SES CDP and ensuring adherence to DHS's CDP policies;
 - b) Overseeing the training, evaluation, progress, and graduation of candidates and the submission of candidate documentation to OPM-administered Qualification Review Board for certification; and
 - c) Overseeing the removal of program candidates who are not making adequate progress per DHS policy;

² Additional information about the SES Screening and Interview Panels can be found on the SES Rating Panel and Selection Guidelines.

- 2) Annually reviewing and revising SES Executive Development Plans using input from the performance evaluation cycle;
- 3) Ensuring supervisors receive supervisory training within one year of initial appointment to a supervisory position, with follow-up training provided at least once every three years;
- 4) Overseeing any programs for the continued development of senior executives; and
- 5) Making recommendations to the Director concerning managing the assignment, development, and career enhancement of current executives.

D. Performance Management

The ERB will ensure that ICE SES members have clear work objectives and performance standards, and that progress and accomplishments are periodically reviewed, and adjustments are made in objectives, standards, and assignments to improve both individual and agency performance. This includes:

- 1) Serving as members of the PRB as needed, if also a permanent member of the ERB;
- 2) Nominating individuals to serve on the PRB;
- 3) Reviewing all PRB performance award recommendations and ensuring they are awarded in accordance with DHS's SES management system; and
- 4) Reviewing the recommendations of the PRB to ensure the overall SES ratings are consistent with overall agency performance.

E. Compensation

The ERB will ensure that ICE executives are compensated equitably for their work and that accomplishments are recognized and rewarded. This includes:

- 1) Reviewing recommendations for SES initial salaries and pay level increases; and
- 2) Ensuring the compensation process is transparent and consistent.

V. DECISION MAKING AND QUORUM REQUIREMENTS

The ERB will make decisions by a majority vote of the voting members when called to a vote by the ERB Chair. Each voting member will issue a single vote to approve or deny the decision.

For purposes of the ERB, a quorum consists of four voting members, and/or designees, who have been approved by the Chair. The Chair of the ERB may be counted as one of the four voting members for purposes of achieving a quorum and a quorum is necessary for making decisions on matters pending before the ERB.

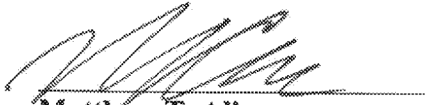
VI. DURATION

Once signed, this ERB Charter shall remain in effect until amended or terminated at the direction of the ICE Director.

VII. RECORDS

- A. Documentation regarding the SES selection processes will be maintained by the ESU consistent with agency record schedules, but not less than two years.
- B. Prior to destruction of records, ESU must confirm with the Office of the Principal Legal Advisor and ODCR that there are no pending complaints or litigation regarding the selection at issue.

VIII. APPROVAL OF THE ERB CHARTER



Matthew T. Albence
Acting Director
U.S. Immigration and Customs Enforcement

7/31/19
Date