

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**

**ICE Directive 1056.1: Senior Executive Service Program**

**Issue Date:** July 31, 2019

**Superseded:** This Directive supersedes all U.S. Immigration and Customs Enforcement policy documents on the hiring and recruitment of Senior Executive Service members, including local guidance and procedures.

**Federal Enterprise Architecture Number:** 306-112-002a

- 1. Purpose/Background.** This Directive and accompanying Executive Resources Board (ERB) Charter, Performance Review Board (PRB) Charter, and Senior Executive Service (SES) Selection Procedures and Guidelines establish U.S. Immigration and Customs Enforcement (ICE) policies and procedures regarding the administration of the ICE SES Program. The ICE SES Program establishes a framework for managing the selection, development, performance, and compensation of SES members. The ICE SES Program ensures that all SES candidates and career appointees are assessed and recognized through a fair and open process based on individual qualifications and achievements in a manner consistent with ICE's diversity objectives and applicable legal requirements. The ERB and the PRB play a significant role in managing the SES Program.<sup>1</sup>
- 2. Policy.** It is ICE policy to maintain consistent, fair, and equitable practices for the selection and staffing of SES positions to provide the agency with flexibility for filling executive vacancies and resolving executive staffing requirements. Additionally, ICE will attract and retain individuals who have both executive and professional competencies required to accomplish the mission and goals of ICE through performance management and professional development.

The ICE Deputy Director is the Appointing Authority for SES positions at ICE and serves as the Chair of the ERB. The ERB will oversee and manage the selection of SES positions and the PRB will oversee and manage the performance and awards for SES positions. The recommendations of the ERB and PRB are subject to the review and approval of the ICE Deputy Director.

For certain ICE SES positions, upon concurrence by the ICE Deputy Director, the ICE Chief Human Capital Officer will submit recommendations to the U.S. Department of Homeland Security (DHS) Office of Human Capital for approval by the Deputy Secretary.

Individuals selected for the SES must serve a one-year probationary period following initial appointment into the SES.

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<sup>1</sup> The roles, responsibilities, and functional areas of the Executive Resources Board (ERB) and Performance Review Board (PRB) are provided in their respective Charters.

3. **Definitions.** The following definitions apply for purposes of this Directive only.
  - 3.1. **Appointing Authority.** The individual who has the authority by law, or by lawfully delegated authority, to make appointments to SES positions, to set pay, and/or to assign final SES performance ratings.
  - 3.2. **Candidate Development Program (CDP).** An Office of Personnel Management (OPM) approved program designed to prepare individuals through developmental assignments and formal training for career appointment to the SES.
  - 3.3. **Career Appointee.** An individual in an SES position whose appointment to the position was based on a competitive SES merit staffing process and whose executive qualifications for the SES were certified by the OPM Qualifications Review Board.
  - 3.4. **Executive Development.** Assignments and formal training an employee will undertake to gain competency in the Executive Core Qualifications (ECQs).
  - 3.5. **Executive Resources Board (ERB).** A panel of ICE SES members responsible for conducting the merit staffing process for career appointment to SES positions and for setting policy and overseeing SES position planning, executive development, and performance management.
  - 3.6. **Headquarters Responsible Officials (HROs).** The Executive Associate Directors (EADs) of Homeland Security Investigations, Enforcement and Removal Operations, and Management and Administration (M&A); the Principal Legal Advisor; the Associate Director of the Office of Professional Responsibility; and the Assistant Directors, Officers, or equivalent positions who report directly to the Director, Deputy Director, the Chief of Staff, or the EAD of M&A.
  - 3.7. **Merit Staffing.** The competitive process by which an agency recruits for and selects an applicant for a vacancy in the SES or for its SES CDP.
  - 3.8. **Performance Appraisal.** The review and evaluation of the SES member's performance against performance elements and requirements.
  - 3.9. **Performance Review Board (PRB).** A panel of ICE SES members responsible for making recommendations to the Director on the performance ratings and bonuses of ICE executives.
  - 3.10. **Performance Award.** Granted by the head of U.S. Department of Homeland Security (DHS), following a fully successful performance rating, commonly referred to as a "bonus," ranging from five percent to 20 percent of basic salary.
  - 3.11. **Presidential Rank Award.** Granted by the President to a career appointee, following nomination by their agency and recommendation by the Director of OPM.

- 3.12. Qualification standards.** The minimum requirements necessary to successfully perform work for a particular occupation as prescribed by OPM which may be supplemented by professional and technical requirements.
- 3.13. Reassignment.** The permanent assignment of an SES member from one SES position to another SES position within the same agency.
- 3.14. Reinstatement.** The noncompetitive reemployment as a career SES appointee of an individual who under a previous career appointment successfully completed the SES probationary period or did not have to serve one.
- 3.15. Senior Executive Service (SES) Position.** Executive branch positions classified above GS-15, or in level IV or V of the Executive Schedule, or an equivalent position, which is not required to be filled by Presidential appointment with Senate confirmation, and in which the incumbent:
- 1) Directs the work of an organizational unit;
  - 2) Is held accountable for the success of one or more specific programs or projects;
  - 3) Monitors progress toward organizational goals, and periodically evaluates and makes appropriate adjustments to such goals;
  - 4) Supervises the work of employees other than personal assistants; and
  - 5) Otherwise exercises important policy-making, policy-determining, or other executive functions.
- 3.16. Transfer.** The change of an individual, without a break in service of one full workday, from an SES position in one agency to an SES position in another agency.

**4. Responsibilities.**

- 4.1.** The **ICE Deputy Director** is responsible for:<sup>2</sup>
- 1) Serving as the SES Appointing Authority and Chair of the ERB;
  - 2) Ensuring that ICE Directorates and Program Offices comply with applicable merit principles;
  - 3) Reviewing and approving recommendations of the ERB and PRB and making final decisions for SES appointments, reinstatements, transfers, details, and reassignments;

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<sup>2</sup> See U.S. Immigration and Customs Enforcement (ICE) Delegation Order 10004.1, *Human Capital Management* (February 24, 2014).

- 4) Approving nominations for Presidential Rank Awards; and
- 5) Approving final performance ratings, summary ratings, performance-based bonuses or awards and other performance-based actions after considering recommendations from the PRB.<sup>3</sup>

**4.2. HROs** are responsible for:

- 1) Submitting proposals to establish new SES positions within their program area; and
- 2) Requesting approval for recruitment of vacant positions, appointments, reinstatements, reassignments, transfers, details to, and removals from SES positions.

**4.3. The ERB** is responsible for:

- 1) Conducting the merit staffing process for initial career SES appointments and ensuring selections for career SES appointments are based solely on qualification standards and follow applicable law and policy;
- 2) Reviewing the executive qualifications of SES candidates for career appointment and certifying the executive qualifications of final candidates for appointment to the SES, including making written SES selection recommendations; and
- 3) Overseeing the management of executive resources, executive compensation, executive development, and succession planning, including retention and succession strategies.

**4.4. The PRB** is responsible for:

- 1) Ensuring the fair, equitable, and consistent review of SES performance appraisals and performance-based actions;
- 2) Reviewing annual performance ratings, performance award determinations, and pay adjustments for SES members; and
- 3) Providing recommendation to the ICE Deputy Director on SES performance appraisals and performance-based actions for approval.

**4.5. The ICE Chief Human Capital Officer** is responsible for:

- 1) Serving as the primary liaison with the DHS Chief Human Capital Officer, in the staffing and management of ICE SES positions; and

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<sup>3</sup> This duty is reserved for the ICE Director and may not be further delegated.

- 2) Coordinating, staffing, classification, recruitment, compensation, training, pay administration, the SES CDP, succession planning, awards and benefits for ICE SES members through the ICE Executive Services Unit (ESU).

**4.6.** The ICE ESU is responsible for:

- 1) Supporting the ERB, as directed, with merit staffing processes including the review of SES applications to determine those that meet the minimum qualifications;
- 2) Establishing the initial SES rating panel(s), including both a resume screening panel and interview panel(s) that will consider both the mandatory ECQs as well as any professional and/or technical qualifications for each applicant who meets the minimum qualifications;
- 3) Preparing and maintaining documents, records and files for SES positions and employment;
- 4) Providing technical advice to ERB and PRB members and preparing documentation required for ERB and PRB actions; and
- 5) Transmitting requests for SES position allocations to OPM.

**5. Procedures/Requirements.** See ERB Charter, PRB Charter, and SES Selection Procedures and Guidelines for implementing procedures and requirements.

**6. Recordkeeping.** ERB records will be retained for at least two years after the initial career SES appointment. If no appointment is made, the records must be kept for a minimum of two years from the closing date of the announcement.

The ESU shall retain the SES annual summary ratings and the performance plans used for the ratings for five years (from the date the appraisal is issued) as mandated by Title 5, Code of Federal Regulations (C.F.R.) § 293.404 and OPM's Guide to Personnel Recordkeeping.

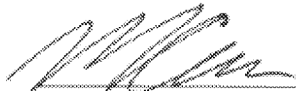
**7. Authorities/References.**

- 7.1.** Civil Service Reform Act of 1978 (Public Law 95-454, 92 Stat. 1111).
- 7.2.** Title 5, United States Code (U.S.C.) § 3131, *The Senior Executive Service*.
- 7.3.** 5 U.S.C. § 2301, *Merit System Principles*.
- 7.4.** 5 U.S.C. § 2302, *Prohibited Personnel Practices*.
- 7.5.** 5 C.F.R. § 293.404, *Retention Schedule*

- 7.6. 5 C.F.R. Part 317, *Employment in the Senior Executive Service*
- 7.7. Government Performance and Results Act of 1993 (Public Law 103-62).
- 7.8. DHS Management Directive 0006, *Human Capital Line of Business Integration and Management* (October 28, 2004), or as updated.
- 7.9. DHS Management Directive 3030.1, *Senior Executive Service Merit Staffing Plan* (March 25, 2003), or as updated.
- 7.10. DHS Management Directive 3150.1, *Noncareer and Limited Senior Executive Service Employment* (Undated), or as updated.
- 7.11. OPM Operation Manual, *The Guide to Personnel Recordkeeping* (June 1, 2011), or as updated.
- 7.12. ICE Delegation Order 10004.1, *Human Capital Management* (February 24, 2014), or as updated.

**8. Attachments.**

- 8.1. Executive Resources Board Charter (July 31, 2019), or as updated.
  - 8.2. Performance Review Board Charter (July 31, 2019), or as updated.
  - 8.3. Senior Executive Service Selection Procedures and Guidelines (July 31, 2019), or as updated.
  - 8.4. Senior Executive Service Selection Memorandum Template.
9. **No Private Right.** This document provides internal ICE policy guidance, which may be modified, rescinded, or superseded at any time without notice. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigative prerogatives of ICE.



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