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# 5 U.S. Code § 3395 - Reassignment and transfer within the Senior Executive Service

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**(a)**

**(1)** A career appointee in an agency—

**(A)** may, subject to paragraph (2) of this subsection, be reassigned to any Senior Executive Service position in the same agency for which the appointee is qualified; and

**(B)** may transfer to a Senior Executive Service position in another agency for which the appointee is qualified, with the approval of the agency to which the appointee transfers.

**(2)**

**(A)** Except as provided in subparagraph (B) of this paragraph, a career appointee may be reassigned to any Senior Executive Service position only if the career appointee receives written notice of the reassignment at least 15 days before the effective date of such reassignment.

**(B)**

**(i)** A career appointee may not be reassigned to a Senior Executive Service position outside the career appointee's commuting area unless

**(I)** before providing notice under subclause (II) of this clause (or seeking or obtaining the consent of the career appointee under clause (ii) of this subparagraph to waive such notice), the agency consults with the career appointee on the reasons for, and the appointee's preferences with respect to, the proposed reassignment; and

**(II)** the career appointee receives written notice of the reassignment, including a statement of the reasons for the reassignment, at least 60 days before the effective date of the reassignment.

**(ii)** Notice of reassignment under clause (i)(II) of this subparagraph may be waived with the written consent of the career appointee involved.

**(b)**

**(1)** Notwithstanding section 3394(b) of this title, a limited emergency appointee may be reassigned to another Senior Executive Service position in the same agency established to meet a bona fide, unanticipated, urgent need, except that the appointee may not serve in one or more positions in such agency under such appointment in excess of 18 months.

**(2)** Notwithstanding section 3394(b) of this title, a limited term appointee may be reassigned to another Senior Executive Service position in the same agency the duties of which will expire at the end of a term of 3 years or less, except that the appointee may not serve in one or more positions in the agency under such appointment in excess of 3 years.

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

**(d)** A noncareer appointee in an agency—

**(1)** may be reassigned to any general position in the agency for which the appointee is qualified; and

**(2)** may transfer to a general position in another agency with the approval of the agency to which the appointee transfers.

**(e)**

**(1)** Except as provided in paragraph (2) of this subsection, a career appointee in an agency may not be involuntarily reassigned—

**(A)** within 120 days after an appointment of the head of the agency; or

**(B)** within 120 days after the appointment in the agency of the career appointee's most immediate supervisor who—

**(i)** is a noncareer appointee; and

**(ii)** has the authority to make an initial appraisal of the career appointee's performance under subchapter II of chapter 43.

**(2)** Paragraph (1) of this subsection does not apply with respect to—

**(A)** any reassignment under section 4314(b)(3) of this title; or

**(B)** any disciplinary action initiated before an appointment referred to in paragraph (1) of this subsection.

**(3)** For the purpose of applying paragraph (1) to a career appointee, any days (not to exceed a total of 60) during which such career appointee is serving pursuant to a detail or other temporary assignment apart from such

appointee's regular position shall not be counted in determining the number of days that have elapsed since an appointment referred to in subparagraph (A) or (B) of such paragraph.

(Added Pub. L. 95-454, title IV, § 403(a), Oct. 13, 1978, [92 Stat. 1163](#); amended Pub. L. 98-615, title III, § 304(a), Nov. 8, 1984, [98 Stat. 3218](#); Pub. L. 102-175, § 3, Dec. 2, 1991, [105 Stat. 1222](#).)



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