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5 U.S. Code § 3393 - Career appointments

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(a) Each agency shall establish a recruitment program, in accordance with guidelines which shall be issued by the Office of Personnel Management, which provides for recruitment of civil service employees from—

- (1)** all groups of qualified individuals within the civil service; or
- (2)** all groups of qualified individuals whether or not within the civil service.

(b) Each agency shall establish one or more executive resources boards, as appropriate, the members of which shall be appointed by the head of the agency.

from among employees of the agency or commissioned officers of the uniformed services serving on active duty in such agency. The boards shall, in accordance with merit staffing requirements established by the Office, conduct the merit staffing process for civilian appointees, including—

- (1)** reviewing the executive qualifications of each candidate for a position to be filled by a civilian appointee; and
- (2)** making written recommendations to the appropriate appointing authority concerning such candidates.

(c)

(1) The Office shall establish one or more qualifications review boards, as appropriate. It is the function of the boards to certify the executive qualifications of candidates for initial appointment as civilian appointees in accordance with regulations prescribed by the Office. Of the members of each board more than one-half shall be appointed from among civilian appointees. Appointments to such boards shall be made on a non-partisan basis, the sole selection criterion being the professional knowledge of public management and knowledge of the appropriate occupational fields of the intended appointee.

(2) The Office shall, in consultation with the various qualification review boards, prescribe criteria for establishing executive qualifications for appointment of civilian appointees. The criteria shall provide for—

- (A)** consideration of demonstrated executive experience;
- (B)** consideration of successful participation in a career executive development program which is approved by the Office; and
- (C)** sufficient flexibility to allow for the appointment of individuals who have special or unique qualities which indicate a likelihood of executive success and who would not otherwise be eligible for appointment.

(d) An individual's initial appointment as a civilian appointee shall become final only after the individual has served a 1-year probationary period as a civilian appointee.

(e) Each civilian appointee shall meet the executive qualifications of the position to which appointed, as determined in writing by the appointing authority.

(f) The title of each career reserved position shall be published in the Federal Register.

(g) A career appointee may not be removed from the Senior Executive Service or civil service except in accordance with the applicable provisions of sections 1215,,
[1] 3592, 3595, 7532, or 7543 of this title.

(Added Pub. L. 95–454, title IV, § 403(a), Oct. 13, 1978, 92 Stat. 1161; amended Pub. L. 97–35, title XVII, § 1704(c), Aug. 13, 1981, 95 Stat. 758; Pub. L. 98–615, title III, § 306(b)(1), Nov. 8, 1984, 98 Stat. 3220; Pub. L. 101–12, § 9(b), Apr. 10, 1989, 103 Stat. 35; Pub. L. 101–194, title V, § 506(b)(2), Nov. 30, 1989, 103 Stat. 1758; Pub. L. 101–280, § 6(d)(1), May 4, 1990, 104 Stat. 160; Pub. L. 107–296, title XIII, § 1321(a)(1)(A), Nov. 25, 2002, 116 Stat. 2296; Pub. L. 114–92, div. A, title XI, § 1105(c)(2), Nov. 25, 2015, 129 Stat. 1024; Pub. L. 117–81, div. A, title XI, § 1106(b)(2)(B), Dec. 27, 2021, 135 Stat. 1950.)



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