

CHAPTER 9

REMOVAL AND GUARANTEED PLACEMENT

INTRODUCTION
9.0

Employees on noncareer, limited term, and limited emergency appointments serve at the discretion of the Secretary and may be removed from the SES at any time without prior notice.

A career employee may be removed from the SES for unsatisfactory performance or for cause (i.e., neglect of duty or malfeasance in office).

Removal of Career
SES Members
9.1

Appendix C outlines the circumstances which may warrant the removal of a career employee from the SES.

Guaranteed
Placement
9.2

A career SES employee is entitled to guaranteed placement, as defined in Chapter 7, Section 7.3.

Pay Entitlement
9.3

By law, an employee covered by the guaranteed placement provision is entitled to compensation at the highest of the following pay rates:

- o The rate of basic pay in effect for the position in which he/she is being placed;
- o The rate of basic pay currently in effect for the position held by the employee in the civil service immediately before being appointed to the SES; or
- o The rate of basic pay in effect for the employee immediately before his/her removal.

Discontinued
Service Retirement
9.4

A career employee removed from the SES for: (1) unsatisfactory performance; (2) failure to accept a directed reassignment outside the commuting area; or (3) failure to accompany a position in a transfer of function

outside the commuting area, may retire on the basis of discontinued service if:

- o He/she has completed 25 years of service;
or
- o He/she is 50 years of age and has completed 20 years of service.

Removal for
Cause
9.5

A career employee who is removed or suspended for more than 14 days for cause is entitled to:

- o At least 30 calendar days advance written notice stating specific reasons for the proposed action;
- o A minimum of 7 calendar days to respond to the proposed action;
- o Representation by an attorney or other representative; and
- o A written decision at the earliest practicable date.

A career employee may appeal the removal to the Merit Systems Protection Board.

Exception
for Removal
9.6

A career employee may not be removed for unsatisfactory performance or cause within 120 days after the appointment of a new Secretary. This restriction does not apply to a disciplinary action initiated before the appointment of a new Secretary.