

§ 359.807

(3) The basis for selecting the appointee for furlough when some but not all Senior Executive Service appointees in a given organizational unit are being furloughed;

(4) The reason if the notice period is less than 30 days;

(5) The place where the appointee may inspect the regulations and records pertinent to the action; and

(6) The appointee's appeal rights, including the time limit for the appeal and the location of the Merit Systems Protection Board office to which the appeal should be sent.

§ 359.807 Records.

The agency shall preserve all records relating to an action under this subpart for at least one year from the effective date of the action.

Subpart I—Removal of Noncareer and Limited Appointees and Reemployed Annuitants

§ 359.901 Coverage.

(a) This subpart covers the removal from the SES of—

- (1) A noncareer appointee;
- (2) A limited emergency or a limited term appointee; and
- (3) A reemployed annuitant holding any type of appointment under the SES.

(b) Coverage does not include, however, a limited emergency or a limited term appointee who is being removed for disciplinary reasons and who is covered by 5 CFR 752.601(c)(2).

§ 359.902 Conditions of removal.

(a) *Authority.* The agency may remove an appointee subject to this subpart at any time.

(b) *Notice.* The agency shall notify the appointee in writing before the effective date of the removal.

(c) *Placement rights.* An appointee covered by this subpart is not entitled to the placement rights provided for career appointees under subpart G of this part.

(d) *Appeals.* Actions taken under this subpart are not appealable to the Merit Systems Protection Board under 5 U.S.C. 7701.

5 CFR Ch. I (1–1–10 Edition)

PART 362—PRESIDENTIAL MANAGEMENT FELLOWS PROGRAM

Subpart A—Definitions

Sec.
362.101 Definitions.

Subpart B—Program Administration

- 362.201 Agency programs.
- 362.202 Announcement, nomination, and selection.
- 362.203 Appointment and extensions.
- 362.204 Development, evaluation, promotion, and certification.
- 362.205 Waiver.
- 362.206 Movement between departments or agencies.
- 362.207 Withdrawal and readmission.
- 362.208 Resignation, termination, reduction in force, and appeal rights.
- 362.209 Placement upon completion.
- 362.210 Transition.

AUTHORITY: E.O. 13318 of Nov. 21, 2003, 3 CFR, 2003 Comp., p. 265.

SOURCE: 70 FR 28780, May 19, 2005, unless otherwise noted.

Subpart A—Definitions

§ 362.101 Definitions.

For purposes of this part,

An *agency* means a component within the Executive Office of the President, or an Executive department, Government corporation, or independent establishment as defined in 5 U.S.C. 101, 103, and 104, respectively.

An *Executive Resources Board (ERB)* has the same meaning as specified in §317.501(a) of this chapter; in those agencies that are not required to have an ERB pursuant to that section, it means the senior agency official or officials who have been given executive resource management and oversight responsibility by the agency head.

A *Presidential Management Fellow* or *Fellow* is an individual appointed, at the GS-9, GS-11, or GS-12 level (or equivalent), in the excepted service under §213.3102(ii) of this chapter, or under an agency-specific authority if the agency is excepted from the competitive service. The individual must have completed a graduate course of study at a qualifying college or university, received the nomination of the dean or academic director, successfully

completed an Office of Personnel Management (OPM) administered assessment process, been selected as a finalist, and been appointed by an agency as a Presidential Management Fellow.

A *Qualifications Review Board (QRB)* has the same meaning as specified in § 317.502(a) of this chapter.

A *qualifying college or university* is an academic institution that meets the requirements as stated in the “General Policies and Instructions” section of the Office of Personnel Management’s “Operating Manual: Qualification Standards for General Schedule Positions,” under “Educational and Training Provisions or Requirements.” The Operating Manual is available on OPM’s Web site at <http://www.opm.gov>.

A *Senior Presidential Management Fellow or Senior Fellow* is an individual appointed, at the GS-13, GS-14, or GS-15 level (or equivalent), in the excepted service under § 213.3102(jj) of this chapter, or under an agency-specific authority if the agency is excepted from the competitive service. The individual must have completed a graduate course of study at a qualifying college or university; have an outstanding record of achievement in an applicable leadership, policy, managerial, professional, or technical position or area; have successfully completed an OPM-administered assessment process; been selected as a finalist by the OPM Director, or the Director’s designee; and been appointed by an agency as a Senior Fellow.

Subpart B—Program Administration

§ 362.201 Agency programs.

(a) On or about October 1 of each year, the OPM Director will determine the number of Fellows and the number of Senior Fellows that may be appointed during that fiscal year. Those determinations will be based on input from the Chief Human Capital Officers Council, as well as input from agencies not represented on the Council.

(b) Thereafter, subject to the provisions and requirements of this chapter, an agency may appoint individuals selected by the OPM Director, or the Director’s designee, as Fellows finalists and/or Senior Fellows finalists accord-

ing to its short-, medium-, and long-term senior leadership and related (senior policy, professional, technical, and equivalent) recruitment, development, and succession requirements, as set forth in 5 U.S.C. 1103(c)(2)(C).

§ 362.202 Announcement, nomination, and selection.

(a) At least once each year, OPM will announce the availability of Fellow and Senior Fellow appointments and conduct a competition for the selection of finalists as set forth below.

(b) *Fellows.* (1) Graduate students from all academic disciplines who complete or expect to complete an advanced degree from a qualifying college or university by August 31 of the academic year in which the competition is held, are eligible to become Fellows. These individuals must demonstrate an exceptional ability for, as well as a clear interest in and commitment to, leadership in the analysis and management of public policies and programs.

(2) For an individual to apply to become a Fellow:

(i) His/her school must first establish a competitive nomination process to ensure that all eligible graduate students are aware of the Presidential Management Fellows Program and know how to apply for nomination. The school must establish procedures to ensure that each candidate receives careful and thorough review and receives equal opportunity for nomination.

(ii) He/she must compete in the school’s nomination process.

(iii) His/her school must rate those who want to be considered for nomination either qualified or not qualified. The school will determine preliminary eligibility for veterans’ preference, and must nominate any student who is eligible for veterans’ preference and is found qualified for nomination. Students eligible for veterans’ preference who believe they met the school’s nomination qualification requirements, but were not nominated, may obtain a review by OPM by requesting it in writing.

(iv) He/she must be officially nominated by the dean, chairperson, or academic program director using an OPM-provided application form.