

Public Law 102-175
102d Congress

An Act

Dec. 2, 1991
[H.R. 2270]

Amending certain provisions of title 5, United States Code, relating to the Senior Executive Service.

Senior Executive
Service
Improvements
Act.
5 USC 3301 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Executive Service Improvements Act".

SEC. 2. PROTECTION AGAINST PAY REDUCTION UPON ENTERING THE SES.

Section 5383 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) This subsection applies to—

"(A) any individual who, after serving at least 5 years of current continuous service in 1 or more positions in the competitive service, is appointed, without any break in service, as a career appointee; and

"(B) any individual who—

"(i) holds a position which is converted from the competitive service to a career reserved position in the Senior Executive Service; and

"(ii) as of the conversion date, has at least 5 years of current continuous service in 1 or more positions in the competitive service.

"(2)(A) The initial rate of pay for a career appointee who is appointed under the circumstances described in paragraph (1)(A) may not be less than the rate of basic pay last payable to that individual immediately before being so appointed.

"(B) The initial rate of pay for a career appointee following the position's conversion (as described in paragraph (1)(B)) may not be less than the rate of basic pay last payable to that individual immediately before such position's conversion."

SEC. 3. LIMITATION ON AUTHORITY TO REASSIGN.

Section 3395(e) of title 5, United States Code, is amended—

(1) by amending clause (ii) of paragraph (1)(B) to read as follows:

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

(2) by adding at the end of the following new paragraph:

"(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."

SEC. 4. ENCOURAGEMENT OF SABBATICALS AND OTHER FORMS OF PROFESSIONAL DEVELOPMENT BY CAREER APPOINTEES.

Section 3396(d) of title 5, United States Code, is amended—

(1) by inserting “(1)” after “(d)”; and

(2) by adding at the end the following new paragraph:

“(2) In order to promote the professional development of career appointees and to assist them in achieving their maximum levels of proficiency, the Office shall, in a manner consistent with the needs of the Government provide appropriate informational services and otherwise encourage career appointees to take advantage of any opportunities relating to—

“(A) sabbaticals;

“(B) training; or

“(C) details or other temporary assignments in other agencies, State or local governments, or the private sector.”.

SEC. 5. AUTHORITY TO MITIGATE.

Section 7701(b) of title 5, United States Code, is amended by adding at the end the following new paragraph:

“(3) With respect to an appeal from an adverse action covered by subchapter V of chapter 75, authority to mitigate the personnel action involved shall be available, subject to the same standards as would apply in an appeal involving an action covered by subchapter II of chapter 75 with respect to which mitigation authority under this section exists.”.

Approved December 2, 1991.

LEGISLATIVE HISTORY—H.R. 2270:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 12, considered and passed House.
Nov. 20, considered and passed Senate.