



## **Agency Guidance**

# **Biennial Review Submission for Executive Allocations FY 2024-2025**

**November 2022**

## Background

Every two years, under [5 U.S.C. § 3133\(c\)](#), the U.S. Office of Personnel Management (OPM) reviews the request of each agency for SES allocations, in consultation with the Office of Management and Budget (OMB), and authorizes each of the two subsequent fiscal years a specific number of SES positions for each agency. OPM follows a similar process concerning agency requests for SL and ST positions and authorizations. This process requires agencies to review organizational missions, plans, and structures, and to assess its effective and efficient use of executive resources. The process also allows OPM to effectively support agencies in their strategic efforts.

Through this process, OPM expects agencies to conduct a comprehensive agency-wide review and assessment of their current resources in conjunction with the agency's strategic plan, critical needs, and priorities, to determine how its pool of SES/SL/ST spaces should be distributed. Agency assessments of allocations should also include a thorough evaluation of current positions to ensure the effective utilization of all existing allocations.

## Information Required for FY 2024-2025 Executive Resources Biennial Allocation Process

### OPM Pilot

OPM understands the constraints agencies are placed under when preparing and completing requests and would like to allow sufficient time for agencies to properly assess their needs and strategically align them with mission priorities and budget prioritizations.

For the FY2024-2025 Biennial Review, OPM, in partnership with OMB, will pilot an alternate submission process in an effort to allow agencies maximum flexibility in assessing its priorities and needs for each of the Fiscal Years 2024 and 2025.

Under the pilot, Agencies will have the option to submit separate requests for each of the projected Fiscal Years (2024 and 2025) as needed, however, prior to the deadlines established below. Or agencies can opt to submit one complete package (covering the two fiscal years) to OPM for review, as usual.

#### *(1) Agency Projections for FY 2024 and FY 2025 Changes to Allocations*

**No Later Than December 30, 2022**, agencies must complete and submit the "Agency Response Template - FY 2024-2025 Biennial Review" indicating their:

- intent to maintain, increase, or otherwise change their established executive resource allocations for FY 2024 and 2025;
- projections for each of the fiscal years 2024 and 2025; and/or
- intent to request changes in their current executive resource's allocations, such as a conversion of existing allocations, (e.g., from SES to SL or ST), or a redesignation of positions (e.g., from General to Career Reserved or vice versa)

(2) *Submission Timelines*

The table below provides the deadlines established for agency submission options.

<b>Submission Options</b>	<b>Due Date</b>
<b>Option 1:</b> Traditional Change Request Submission in <a href="http://www.max.gov">www.max.gov</a> (i.e., package covering both fiscal years)	<b>June 30, 2023</b>
<b>Option 2 (part 1):</b> Change Request Submission for FY 2024 in <a href="http://www.max.gov">www.max.gov</a> (i.e., package covering only <i>FY 2024</i> )	<b>June 30, 2023</b>
<b>Option 2 (part 2):</b> Change Request Submission for FY 2025 in <a href="http://www.max.gov">www.max.gov</a> (i.e., package covering only <i>FY 2025</i> )	<b>June 30, 2024</b>

(3) *Required Documentation for Requests for Changes to Allocations*

**Submission Templates**

To promote consistency and transparency in the submission and review process, these templates are required for agency use. Please utilize the templates that pertain to your request:

- Agency Response Template – FY2024-2025 Biennial Review
- Agency Cover Sheet – FY2024-2025 Biennial Review (***Required for all requests***)
- Agency Vacancy Status Template – FY2024-2025 Biennial Review
- Agency New Allocation Request Template – FY2024-2025 Biennial Review
- Agency Conversion Request Template – FY2024-2025 Biennial Review
- Agency Conversion Justification Template – FY2024-2025 Biennial Review
- Agency Redesignation Request Template – FY2024-2025 Biennial Review
- Agency Redesignation Justification Template – FY2024-2025 Biennial Review

*Agencies that encounter specific issues with using these templates should contact OPM directly at [SERS@opm.gov](mailto:SERS@opm.gov).*

**Guidance for Completing the Submission Templates**

**a. Completing the Agency Cover Sheet**

This form must be completed regardless of what type of request you are making (i.e., a new allocation request, a request to convert an existing allocation, or a request to redesignate an allocation from Career Reserved to General or vice versa). The form addresses four basic topics: 1) the type of change to allocations being requested; 2) the agency’s current number of allocations by type; 3) information about the agency’s vacancy rate for allocations already approved; and 4) budget considerations.

## **Vacancy Rates and Funding**

### *Vacancy Rates:*

If an agency is requesting additional allocation(s), OPM expects the agency to first analyze and address why current allocations are not being redeployed to meet critical mission needs before requesting additional allocations. Therefore, agencies should explain, for any rates at or exceeding 8 percent, (1) where in the recruitment process vacant allocations/positions are; and (2) what are the plans (if any) for vacant allocations not currently under recruitment.

Agencies should ensure that their allocations and positions data in the Executive and Schedule C System (ESCS) is current and accurate before submitting their biennial review submission, as OPM will use the ESCS data, along with data from EHRI, in conducting their review. ***Even if the agency's allocations are not changing, and the agency will not be submitting a request, OPM asks that agencies take this opportunity to verify and update agency allocations and positions data in ESCS, as appropriate.*** Agencies with questions regarding how to address this data should contact OPM at [SERS@opm.gov](mailto:SERS@opm.gov).

### *Funding:*

OMB maintains oversight of budgetary and funding considerations. In submitting requests to OPM, agencies should understand that approval of an allocation by OPM does not mean the associated budget and funding implications have been approved by OMB. Accordingly, OPM requires agencies to certify on the form that the source of funding to support the new or expanded initiative(s) have been or will be addressed with the appropriate offices within the agency, such as human capital, financial, and operational executives.

## **b. Completing the New Allocation Request Template**

### **Allocation Justification, Position Descriptions, and Organizational Chart(s)**

#### *Justification:*

Agency justification, for each allocation request, must include a detailed explanation of the need for the proposed position and potential impact to the organization/agency mission. In addition, the justification may highlight the negative impact to the organization/agency if the request allocation is not granted.

Details of the explanations should also include, when appropriate, the anticipated number of staff to be supervised, budget amount to be managed, outputs and/or outcomes from the new position, and why a current allocation or position cannot be used.

#### *Organizational Chart:*

Proposed organizational chart(s), at the office/division/component level, reflecting the current positions, as well as the proposed position, must be included with each new allocation request.

*Position Description:*

OPM recognizes, and continues to place emphasis on, the importance of agencies’ responsibility and accountability for their own resource management decisions. Under 5 CFR 214.202 (a), each agency is responsible for determining the classification of SES positions. However, while supporting this flexibility, under 5 CFR 214.202 (b), OPM will once again require agencies to provide position descriptions for each proposed position to ensure adherence with law and regulation.

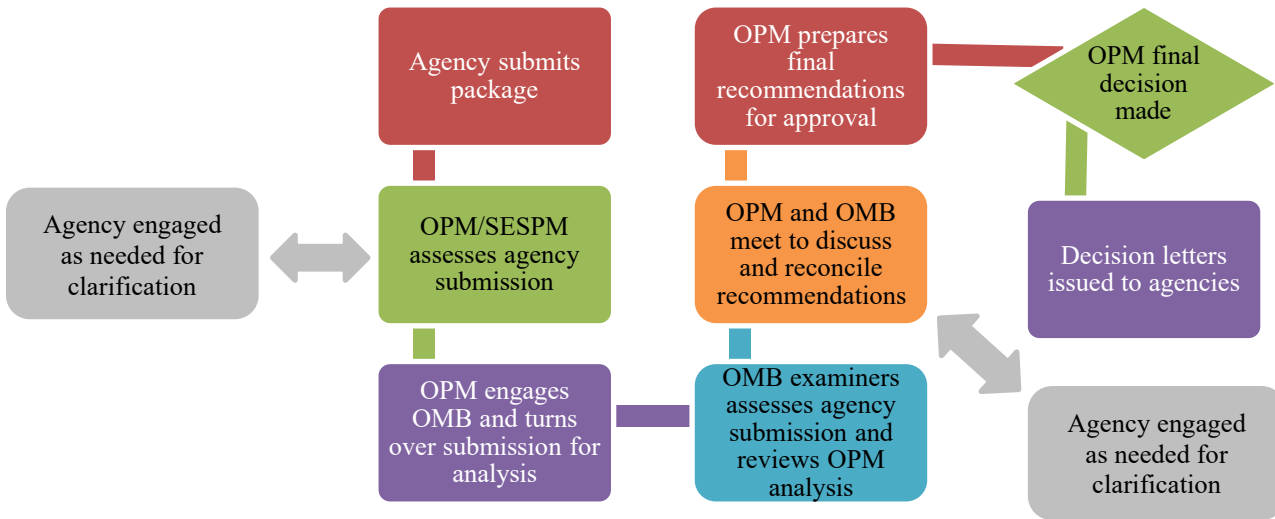
**c. Completing the Conversion Request Template**

Agencies seeking to convert existing SES, SL, and/or ST allocations must explain the underlying basis/rationale for the change (i.e. what changed in office/organization/component mission).

**d. Completing the Position Redesignation Template**

Agencies seeking to change position designations (e.g. Career Reserved (CR) designation to General, or vice versa), should refer to [5 CFR 214.402](#) for specific criteria and considerations for their analysis. OPM’s primary concerns for position designations pertain to converting positions from Career Reserved (CR) designation to General. In determining the need to change designation, Agencies must: 1) maintain the required minimum CR positions (i.e., their “career floor”); and 2) ensure the work of the position does not have responsibilities as described in [5 CFR 214.402](#) requiring CR designation. For example, certain positions must be filled by a career appointee to ensure impartiality, or the public's confidence in the impartiality, of the Government. Periodically, OPM may review an agency’s designation of an SES allocation to ensure appropriate designation.

**Review Process**



For questions or comments, please contact Phyllis Proctor, OPM Biennial Coordinator by telephone at (202) 606-2683 or by e-mail at [Phyllis.Proctor@opm.gov](mailto:Phyllis.Proctor@opm.gov) and Angela Champion, SERS Manager at [Angela.Champion@opm.gov](mailto:Angela.Champion@opm.gov).

## **Appendix A**

### **Identifying SES, SL, and ST Positions**

Agencies are responsible for determining the responsibilities, functions, classification and structure organization of its senior positions to ensure office/division/component/agency mission success. This includes identifying and deciding whether positions meet the Senior Executive Service (SES), Senior Level (SL), or Scientific and Professional (ST) criteria and establishing positions within authorized allocations.

The law, and OPM regulations, specify that SES, SL, and ST positions must be classifiable above the GS-15 level. This appendix provides general guidance to help establish cross-Agency consistency in identifying SES, SL, and ST positions.

#### **SES Functional Criteria**

The SES was intended to be a corps of executives—not technical experts. The law at [5 U.S.C. 3132\(a\)\(2\)](#) sets forth the criteria that characterize SES positions. Determining whether a position meets the criteria for placement in the SES cannot be done mechanically.

- The position must be classifiable above GS-15, or equivalent, based on the level of duties, responsibilities, and qualifications required by the job.
- The position must be evaluated as a whole and determined if it functions as a part of the management team, or as an independent advisor or technical expert.
- In borderline cases, particular attention should be given to the position’s qualification requirements and the impact these qualifications have on the position’s duties and responsibilities. For example, a principal staff advisor should be placed in the SES if executive qualifications are critical to the successful performance of the position’s duties and responsibilities.

Additionally, the incumbent must engage in any of the following five italicized activities. The five activities are followed by clarifying descriptions of what the activity involves.

#### *(1) Directing the work of an organizational unit*

- Assessing policy, program, and project feasibility;
- Determining program goals and developing implementation plans;
- Designing an organizational structure to promote effective work accomplishment; and
- Setting effectiveness, efficiency, productivity, and management/internal control standards.

#### *(2) Accountability for the success of a program or project*

- Obtaining the resources necessary to accomplish the program or project goals and assuming responsibility for their effective use; and
- Dealing with key officials from within and/or outside the agency to gain understanding and support for the program or project.

(3) *Monitoring progress toward organizational goals and making appropriate adjustments to such goals*

- Monitoring work status through formal and informal means to evaluate progress toward objectives;
- Assessing overall effectiveness, efficiency, and productivity of the organization; and
- Identifying, diagnosing, and consulting on problem areas related to implementation and goal achievement; and making decisions on alternative courses of action.

(4) *Supervising the work of employees*

- Meeting minimum requirements for coverage under OPM's *General Schedule Supervisory Guide* (April 1998);
- Requiring accomplishment of work through combined technical and administrative direction of others;
- Constituting a major duty occupying at least 25 percent of the position time; and
- Meeting at least the lowest level of Factor 3 in the *General Schedule Supervisory Guide* based on the supervision of non-contractor personnel.

(5) *Policy-making or policy-determining functions*

- Reviewing staff recommendations on policies developed to affect the organization's mission;
- Considering political, social, economic, technical, and administrative factors with potential impact on recommended policies; and
- Approving policies affecting the organization's mission.

**Note:** In deciding whether an SES allocation must be designated as Career Reserved (CR), agencies should review and apply the criteria at [5 CFR 214.401](#). If an agency finds that the position does not require the elements described at [5 CFR 214.401](#) (e.g., ensuring the impartiality, or the public's confidence in the impartiality, of the Government), it may designate the position as General.

## **Distinguishing between SES and SL/ST positions**

Positions that are classifiable above the GS-15 level, but do not meet the SES functional criteria are placed in the Senior-Level (SL) system under [5 U.S.C. 3324](#), or in the Scientific and Professional (ST) system under [5 U.S.C. 3104](#), depending on the nature of the work.

### **Senior-Level Positions (SL)**

Positions in the SL system are classified above GS-15, but do not meet the executive criteria characteristic of the SES nor do they involve the fundamental research and development



responsibilities that are characteristic of the ST pay system. (Note: Some SL positions meet SES executive criteria in certain Agencies that are excluded from the SES.) SL positions may be in either the competitive or excepted service.

## **Scientific and Professional Positions (ST)**

Positions that are classifiable above the GS-15 level, but do not meet the SES functional criteria are appropriately placed in the ST system if they involve the performance of high-level research and development in the physical, biological, medical, or engineering sciences, or a closely-related field. All ST positions are in the competitive service.

Research and development positions are characterized by the following features:

- Systematic investigation of theory, experimentation, or simulation of experiments;
- Application of the scientific method including exploring and defining problems, planning the approach and sequence of steps, executing experiments or studies, interpreting findings, and documenting or reporting findings; and
- Exercise of creativity and critical judgment, the variation in which may materially affect the nature of the end product.

The qualifications, stature, and contributions of an individual involved in research and development have a direct and major impact on the level of difficulty and responsibility for the work performed. ST incumbents would be expected to possess a graduate degree, significant research experience, and a national or international reputation in their field. Typically, the incumbent of an ST position—

- Has authored fundamental papers in the field of expertise that is widely used and cited;
- Has received significant honors from major organizations for his/her accomplishments and contributions; and
- Is sought as an advisor and consultant on scientific and technological problems that extend beyond his/her specialty.