



# Chemical Safety and Hazard Investigation Board

## Office of General Counsel

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### Memorandum

To: Board Members

From: Christopher Warner

Cc: Leadership Team

Subject: Board Action Report – Notation Item 885

Date: November 10, 2011

On November 3, 2011, Notation Item 885 was calendared. This item would have resulted in the repeal of Board Order 023, “Senior Executive Service Staffing.”

### Voting Summary – Notation Item 885

**Disposition: CALENDARED**

**Disposition date: November 3, 2011**

	Approve	Disapprove	Calendar	Not Participating	Date
<b>R. Moure-Eraso</b>	X				10/28/2011
<b>J. Bresland</b>			X		11/3/2011
<b>M. Griffon</b>			X		11/4/2011



U.S. Chemical Safety and Hazard Investigation Board

MEMORANDUM

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October 28, 2011

To: Board Members

From: Rafael Moure-Eraso

A handwritten signature in blue ink that reads "Rafael Moure-Eraso".

Cc: Leadership Team

Subject: Notation Item 885

Attached for your review and vote is Notation Item 885. This item provides for the repeal of Board Order 023, "Senior Executive Service Staffing."

The CSB adopted Board Order 023 more than ten years ago to effect a specific initial career appointment to the Senior Executive Service (SES). Board Order 023 is unnecessary in light of comprehensive and well considered regulations promulgated by the U.S. Office of Personnel Management (OPM) regarding the staffing of SES positions. A review of other small and micro-agencies indicates that most have not issued any internal rules regarding SES staffing, and those that have, merely restate the fundamental statutory and regulatory provisions.

Moreover, Board Order 023 clearly was written to address only initial career appointments to the SES, and does not deal with other types of SES appointments, including career transfers, limited-term or emergency-appointments, and non-career appointments.

OPM's rules governing SES appointments are clear and comprehensive. They reflect current regulatory requirements and administrative practices.

In repealing Board Order 023, I ask that the Board reaffirm its commitment to adhering to all government-wide statutory and regulatory requirements governing appointments in the SES.

Please return your completed vote sheets to Chris Kirkpatrick as soon as possible, but no later than the close of business on November 4, 2011. Thank you for your attention to this item.

**U.S. Chemical Safety and  
Hazard Investigation Board**



Hon. Rafael Moure-Eraso  
Chairperson

Hon. John S. Bresland  
Board Member

Hon. Mark Griffon  
Board Member

**CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD  
MEMBER VOTING RECORD**

**Notation No.: 885**

**Voting Period: October 28 – November 4, 2011**

Subject: Repeal of Board Order 023, "Senior Executive Service Staffing"

Whereas,

The CSB adopted Board Order 023 more than ten years ago to effect a specific initial career appointment to the Senior Executive Service (SES). Board Order 023 is unnecessary in light of comprehensive and well considered regulations promulgated by the U.S. Office of Personnel Management regarding the staffing of SES positions.

Therefore, the Board hereby votes to:

- a. Repeal Board Order 023, "Senior Executive Service Staffing;" and
- b. Reaffirm its commitment to the following government-wide requirements:

"In conducting its staffing for all appointments in the Senior Executive Service (including all initial career appointments), the CSB shall adhere to all applicable provisions of Subchapter VIII of chapter 33 of title 5, U.S.C., as well as all applicable provisions of 5 CFR, Part 317 – Employment in the Senior Executive Service."

\_\_\_\_\_ I **APPROVE** this notation item **AS PRESENTED**.

\_\_\_\_\_ I **CALENDAR** this notation item for discussion at a Board meeting.

\_\_\_\_\_ *Some of my concerns are discussed below or on the attached memorandum.*

\_\_\_\_\_ I **DISAPPROVE** this notation item.

\_\_\_\_\_ *A dissent is attached.*

\_\_\_\_\_ *I will not file a dissent.*

\_\_\_\_\_ I am **NOT PARTICIPATING**.

Date: \_\_\_\_\_

Member: \_\_\_\_\_