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Source of document: FOIA Request  
Securities and Exchange Commission  
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Mail Stop 2465  
Washington D.C. 20549  
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[Online Request for Copies of Documents](#)

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UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
STATION PLACE  
100 F STREET, NE  
WASHINGTON, DC 20549-2465

Office of FOIA Services

March 28, 2017

RE: Freedom of Information Act (FOIA), 5 U.S.C. § 552  
Request No. 17-01190-FOIA

This letter is our final response to the portion of your FOIA request, dated and received in this office on January 4, 2017<sup>1</sup>, for "a digital/electronic copy of the SEC Human Capital Directive" for the years 2010 through 2016.

In a subsequent telephone conversation with you on January 12, 2017, which was also confirmed by email dated January 12, 2017, you stated and confirmed that you are actually seeking the most recent manual/directive, etc. that is available and/or whatever date is available. You would just like to have one. Additionally, you further stated that the document dates that are stated within your FOIA request are not relevant to your FOIA request; rather, you only input those document dates in an effort to satisfy the requirement(s) of the request form that is in the automated system. You also stated that the date(s) that you have listed at the end of/along with the requested record(s) listed within your FOIA request, also are not to be considered as the specific date(s) that you are seeking.

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<sup>1</sup> By letter dated January 4, 2017, you requested: (1) "a digital/electronic copy of the SEC POPPS Manual (Personnel Operating Policies and Procedures)"; and (2) "a digital/electronic copy of the SEC Human Capital Directive." Please be advised, because your request includes two (2) separate subjects, we have assigned a separate FOIA control number to each of the requested subjects.

This response (FOIA No. 17-01190-FOIA), pertains only to the portion of your request for records concerning "a digital/electronic copy of the SEC Human Capital Directive," (requested subject number 2 of the 2 requested subjects) listed within your FOIA request, dated and received in this office on January 4, 2017 (assigned FOIA No. 17-01190-FOIA).

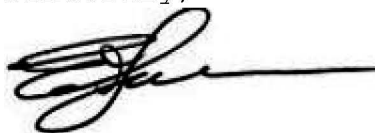
The remaining one (1) requested subject of your FOIA request, dated and received in this office on January 4, 2017, will be responded to separately under a separate SEC FOIA control number, FOIA No. 17-01191-FOIA (requested subject number 1 of the 2 requested subjects). Please refer to the assigned FOIA control number, FOIA No. 17-01191-FOIA, for information regarding the one (1) remaining requested subject.

The search for responsive records has resulted in the retrieval of the following enclosed five (5) SEC Human Capital Directives (forty-eight (48) total pages, collectively) that may be responsive to your request:

- 1) "SEC Administrative Regulations (SECR 6-26) - SEC Administrative Regulation, Credit Hours, Compensatory Time, and Premium Pay Limitations for Senior Officers and Non-Bargaining Unit SK Employees" dated August 3, 2016;
- 2) "U.S. Securities and Exchange Commission, Office of Information Technology Directive (24-4.3-PD-01)- Hand Held Communication (Mobile) Devices Operating Procedure" dated October 21, 2016;
- 3) "SEC Administrative Regulations (SECR 5-03) - SEC Administrative Regulation, Prohibition on Text Messaging While Driving" dated April 6, 2016;
- 4) "SEC Administrative Regulations (SECR 6-44) - SEC Administrative Regulation, Performance Management Program (for Non-Bargaining Unit Employees)" dated February 24, 2017; and
- 5) SEC Administrative Regulations "(SECR 6-6) - SEC Administrative Regulation, Delegated Examining" dated June 27, 2016.

If you have any questions, please contact me at [johnsonee@sec.gov](mailto:johnsonee@sec.gov) or (202) 551-8350. You may also contact me at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900. You also have the right to seek assistance from a FOIA Public Liaison, Aaron Taylor at (202) 551-7900.

Sincerely,



Everene Johnson  
FOIA Research Specialist

Enclosures

## **SEC Administrative Regulations**

**U.S. Securities and Exchange Commission  
Office of Human Resources  
Washington, D.C. 20549**

**SECR 6-26  
August 3, 2016**

### **SEC ADMINISTRATIVE REGULATION**

#### **Credit Hours, Compensatory Time, and Premium Pay Limitations for Senior Officers and Non-Bargaining Unit SK Employees**

This administrative regulation reissues the U.S. Securities and Exchange Commission's (SEC's) policy for credit hours, compensatory time (including compensatory time off in lieu of overtime pay, compensatory time off for religious observances, and compensatory time off for travel), and premium pay limitations for senior officers (SOs) and non-bargaining unit (NBU) SK employees.

This administrative regulation applies to all SEC SOs and NBU SK employees.

This administrative regulation should be reviewed at least every 2 years to ensure the contents remain relevant and reflect current Federal laws, rules, regulations, and the SEC policies and operating procedures.

**Summary of Changes.** SEC Administrative Regulation SECR 6-26, "Credit Hours and Compensatory Time for Senior Officers and Non-Bargaining Unit Employees," dated June 8, 2016; Human Capital Directives and Procedures, "Compensatory Time for Travel," dated July 13, 2005, as amended; and all other previously issued SEC guidance for credit hours, compensatory time, and premium pay limitations for SOs and NBU SK employees.

//Original Signed//

LACEY DINGMAN  
Chief Human Capital Officer, Office of Human Resources  
U.S. Securities and Exchange Commission

**U.S. Securities and Exchange Commission  
Administrative Regulation**

**Credit Hours, Compensatory Time, and Premium Pay Limitations for Senior  
Officers and Non-Bargaining Unit SK Employees**

**U.S. Securities and Exchange Commission  
Office of Human Resources  
Washington, D.C. 20549**

**SECR 6-26  
August 3, 2016**

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**1. Purpose**

1.1. This administrative regulation reissues the U.S. Securities and Exchange Commission's (SEC's) policy for credit hours (as defined in subsection 6.6. below), compensatory time (including compensatory time off in lieu of overtime pay [as defined in subsection 6.2. below], compensatory time off for religious observances [as defined in subsection 6.3. below], and compensatory time off for travel [as defined in subsection 6.4. below]), and premium pay limitations for senior officers (SOs) and non-bargaining unit (NBU) SK employees.

1.2. This administrative regulation cancels and supersedes the SEC Administrative Regulation SECR 6-26, "Credit Hours and Compensatory Time for Senior Officers and Non-Bargaining Unit Employees," dated June 8, 2016; Human Capital Directives and Procedures, "Compensatory Time for Travel," dated July 13, 2005, as amended; and all other previously issued SEC guidance for credit hours, compensatory time, and premium pay limitations for SOs and NBU SK employees.

**2. Authorities.** See Enclosure.

**3. Effective Date**

This administrative regulation is effective immediately.

**4. Applicability**

4.1. This administrative regulation applies to all SEC SOs and NBU SK employees.

4.2. This administrative regulation does not apply to bargaining unit employees. Bargaining unit employees must follow applicable provisions of the collective bargaining agreement (CBA) and SEC Administrative Regulation SECR 6-22, "Overtime, Compensatory Time, Religious Compensatory Time, Travel Compensatory Time, and Pay Limitations (For Bargaining Unit Employees).

**5. Policy.** It is the policy of the SEC to fairly and consistently compensate employees for all performed work, permit flexible work arrangements that allow employees to better

balance their work and personal responsibilities, adhere to the merit system principles as prescribed in 5 U.S.C. § 2301(b), and avoid prohibited personnel practices proscribed by 5 U.S.C. § 2302(b).

**6. Definitions.** These terms and definitions are for the purposes of this administrative regulation.

6.1. Administrative workweek. A period of seven consecutive calendar days.

6.2. Compensatory time off. Time off with pay in lieu of overtime pay for regular overtime work (as defined in subsection 6.12. below) or irregular or occasional overtime work (as defined in subsection 6.11. below).

6.3. Compensatory time off for religious observances. The time off taken by an employee whose personal religious beliefs require that he/she abstain from work at certain times of the workday or workweek.

6.4. Compensatory time off for travel. The time off for travel that may be earned by an employee for time spent in a travel status away from the employee's official duty station (as defined in subsection 6.13. below) when such time is not otherwise compensable.

6.5. Conforming work schedule. An employee's work schedule that is aligned with the official business hours of his/her office.

6.6. Credit hours. Credit hours are additional hours that an employee works with supervisory approval, under a flexible work schedule (as defined in subsection 6.7. below). If an employee elects to work credit hours, it will vary the length of a workweek or a workday.

6.7. Flexible work schedule (FWS). An FWS is a fixed work schedule in which employees may establish set arrival and departure times that may vary daily. An FWS consists of workdays with (1) core hours and (2) flexible hours. Core hours are the designated hours (10:00 a.m. until 3:00 p.m.) of the workday when all SEC employees, including those on an FWS, must be at work. Flexible hours are the part of the workday when FWS employees may vary their arrival or departure time within set hours or "bands." FWS arrival times must be between 6:30 a.m. and 10:00 a.m. FWS departure times must be between 3:00 p.m. and 10:00 p.m.

6.8. Fair Labor Standards Act (FLSA)-exempt employee. An employee who is not covered by the minimum wage and overtime provisions of the FLSA. (Refer to 5 CFR part 551 and guidance from the U.S. Office of Personnel Management's (OPM's) [website](#) for additional information).

6.9. FLSA-nonexempt employee. An employee who is covered by the minimum wage and overtime provisions of the FLSA.

6.10. Holiday premium pay. In accordance with 5 U.S.C. § 5546(b), holiday premium pay is equal to an employee's rate of basic pay. Employees who are required to work on a holiday receive their rate of basic pay, plus holiday premium pay, for each hour of holiday work.

6.11. Irregular or occasional overtime work. Overtime work which is not part of an employee's regularly scheduled administrative workweek (as defined in subsection 6.1. above).

6.12. Regular overtime work. Overtime work that is part of an employee's regularly scheduled administrative workweek.

6.13. Official duty station. The geographic area surrounding an employee's regular work site that is the same as the area designated by the SEC for determining whether travel time is compensable for the purpose of determining overtime pay, consistent with the regulations in 5 CFR § 550.112(j) and 5 CFR § 551.422(d).

## **7. Responsibilities**

7.1. Chief Human Capital Officer (CHCO), Office of Human Resources (OHR), or designee(s), shall:

7.1.1. Establish policy and procedures for credit hours, compensatory time (including compensatory time off in lieu of overtime pay, compensatory time off for religious observances, and compensatory time off for travel), and premium pay limitations for SOs and NBU SK employees.

7.1.2. Monitor and evaluate the approval of credit hours, compensatory time (including compensatory time off in lieu of overtime pay, compensatory time off for religious observances, and compensatory time off for travel), and premium pay limitations for SOs and NBU SK employees to ensure that decisions to grant or deny credit hours and compensatory time and to enforce premium pay limitations are made in an equitable manner across the SEC.

7.1.3. Ensure proper internal controls are in place for accurate recordkeeping.

7.2. Supervisors and Managers, or designee(s), shall:

7.2.1. Approve the accrual and use of credit hours and compensatory hours for subordinate employees in a fair, equitable, and appropriate manner.

7.2.2. Plan and approve travel for their employees.

7.3. Employees shall:

7.3.1. Comply with the SEC's pay and leave policies and procedures.

7.3.2. Review their biweekly earnings and leave statements and notify the appropriate official(s) (e.g., their supervisor, administrative officer, or an OHR representative) of any errors or discrepancies in their pay and leave.

7.3.3. Accurately request the accrual and use of credit hours and compensatory time within the SEC's automated time and attendance system.

## **8. Procedures and Requirements**

### **8.1. Credit Hours**

8.1.1. SOs and NBU SK employees may earn and use credit hours only if they are on a flexible work schedule ("Flexitour" or "SEC-Flex"). Employees on a conforming work schedule (as defined in subsection 6.5. above) may not earn credit hours.

8.1.1.1. Employees may request to earn up to a maximum of four (4) hours on a workday and ten (10) hours on a non-workday weekend.

8.1.1.2. Employees cannot exceed twelve (12) hours on a workday when scheduled hours and credit hours are combined.

8.1.2. For a full-time employee, only twenty-four (24) credit hours may be carried over to the next pay period.

8.1.3. Part-time employees may accumulate a maximum amount of credit hours equal to one-fourth of the hours in their biweekly basic work requirement for carryover to the next pay period.

8.1.4. Employees will be paid for unused credit hours upon separation from the SEC.

### **8.1.5. Flexible Work Schedules**

8.1.5.1. Flexible Work Schedule ("Flexitour"). A full-time employee on this work schedule has an 80-hour biweekly basic work requirement, and fulfills that requirement by working eight (8) hours a day, Monday - Friday. The employee must be present for work (or account for time away from work with approved leave or credit hours) during all of his/her office's designated core hours, but may request set arrival and departure times within the established flexible bands.

8.1.5.2. SEC Flexible Schedule (SEC-Flex). A full-time employee on this work schedule may designate a set, recurring work schedule in which he/she fulfills his/her 80-hour basic work requirement in a biweekly period



over fewer than ten (10) workdays, but not less than eight (8) workdays. Within his/her set, recurring work schedule, an employee may: (1) vary the number of hours worked from day to day or the number of hours each week to equal eighty (80) hours in a biweekly pay period and (2) vary arrival and departure times on a daily basis during the established flexible hours; provided that the established work schedule remains fixed.

8.1.5.3. While a full-time employee on this work schedule may report at set times during his/her morning flexible band, the employee's hours of work must be consistent with working the SEC's designated core hours.

8.1.5.4. A part-time employee on this work schedule has a 32-to-64-hour biweekly basic work requirement. To fulfill that requirement, he/she may work up to eight (8) hours a day, Monday - Friday. The employee may request set arrival and departure times within the established flexible bands consistent with being present for work during a significant portion of his/her office's designated core hours.

8.1.5.5. In a given week or pay-period, an employee on this work schedule may request that the supervisor/manager approve additional hours to his/her basic work requirement (credit hours) to allow him/her to be absent an equal number of hours with no loss of basic pay.

8.1.5.6. For additional guidance, please refer to the U.S. Office of Personnel Management's (OPM's) fact sheet: [Credit Hours Under a Flexible Work Schedule](#).

## 8.2. Compensatory Time

8.2.1. The SOs cannot accrue or use compensatory time off, except for compensatory time off for religious observances and compensatory time off for travel.

8.2.2. One hour of compensatory time off is granted for each hour of overtime work.

### 8.2.3. Approving Compensatory Time Off

#### 8.2.3.1. Irregular or Occasional Overtime Work

8.2.3.1.1. If requested by employees, supervisors may approve compensatory time off in lieu of overtime pay for irregular or occasional overtime work for both FLSA-exempt employees (as defined in subsection 6.8. above) and FLSA-nonexempt employees (as defined in subsection 6.9. above).

8.2.3.1.2. Supervisors may require FLSA-exempt employees (whose rate of basic pay is above the rate for the General Schedule (GS) - 10, step 10) receive compensatory time off in lieu of overtime pay for irregular or occasional overtime work. The GS [pay schedules](#) can be obtained from OPM's Pay and Leave; Salaries and Wages webpage.

8.2.3.2. Regularly Scheduled Overtime Work. If requested by employees (both FLSA-exempt and FLSA-nonexempt), supervisors may approve compensatory time off in lieu of overtime pay for regularly scheduled overtime work for employees who are ordered to work overtime hours under flexible work schedules.

8.2.3.3. Supervisors may not require FLSA-nonexempt employees to receive compensatory time off in lieu of FLSA overtime pay for overtime work.

8.2.4. Time Limits. Employees must use accrued compensatory time off by the end of the 26th pay period after the pay period during which it was earned.

#### 8.2.4.1. FLSA-Exempt Employees

8.2.4.1.1. Except as provided in subsection 8.2.4.1.2. below, an FLSA-exempt employee who: (1) fails to take earned compensatory time off within 26 pay periods, or (2) transfers to another agency or separates from federal service before the expiration of the 26 pay period time limit will forfeit the unused compensatory time off.

8.2.4.1.2. An FLSA-exempt employee whose earned compensatory time off would otherwise be forfeited due to an exigency of service beyond the employee's control must receive payment for the unused compensatory time off at the overtime rate in effect when earned.

#### 8.2.4.2. FLSA-Nonexempt Employees

8.2.4.2.1. If accrued compensatory time off is not used by an FLSA-nonexempt employee within 26 pay periods or if the FLSA-nonexempt employee transfers to another federal agency or separates from federal service before the expiration of the 26 pay period time limit, the employee must be paid for the earned compensatory time off at the overtime rate in effect when earned.

8.2.4.2.2. Separation or Leave Without Pay Status Due to Service in the Uniform Service or On-the-Job Injury. An FLSA-exempt or FLSA-nonexempt employee must be paid for compensatory time off

not used by the end of the 26th pay period after the pay period during which it was earned at the overtime rate in effect when earned if the employee is unable to use the compensatory time off because of separation or placement in a leave without pay status: (1) to perform service in the uniformed services, or (2) because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. chapter 81.

8.2.5. Except where authorized by law, employees may not volunteer services to the Federal Government (31 U.S.C. § 1342).

8.2.6. Pursuant to 5 CFR § 308.101, students who perform services for the agency as part of the Student Honors Program may perform uncompensated services for the agency. Refer to SEC Administrative Regulation SECR 6-61, "Student Honors Program."

### 8.3. Compensatory Time Off for Religious Observances

8.3.1. Employees may earn compensatory time off for religious observances before it is used or supervisors/managers may advance compensatory time off for religious observances to employees before it is actually earned.

8.3.2. Advanced compensatory time off for religious observances should be repaid within three (3) months of when the time was used but, in exceptional circumstances, within six (6) months of when the time was used.

8.3.3. Supervisors shall not approve a request to earn compensatory time off for religious observances in advance of when it will be used if: (1) the employee already has a balance of compensatory time off for religious observance that is sufficient to cover the time off needed for the religious observance(s); or (2) the religious observance(s) will occur more than one (1) year after the date of an employee's request.

8.3.4. Employees must submit a request in the automated time and attendance system to earn and use compensatory time for religious observances.

8.3.5. If employees are separated or transferred before using the compensatory time off for religious observances, any hours not used will be paid at the employees' rate of basic pay (including locality pay) in effect when the extra hours of work were performed.

8.3.6. Compensatory time off for religious observances does not count toward the biweekly premium pay limitations described in subsection 8.6. below.

### 8.4. Compensatory Time Off for Travel

8.4.1. Employees will be credited with compensatory time off for travel for time spent in authorized travel status if:

8.4.1.1. The employee is required to travel away from the official duty station; and

8.4.1.2. The travel time is not otherwise compensable hours of work under other legal authority.

8.4.2. To the maximum extent practicable, supervisors/managers shall schedule the time to be spent by an employee in travel status within the regularly scheduled workweek of the employee.

8.4.3. Compensatory time off for travel is credited and used in increments of one-quarter of an hour (15 minutes).

8.4.4. Travel Status. Time in travel status includes the time an employee actually spends traveling between the official duty station and a temporary duty station, time spent traveling between two temporary duty stations, and the usual waiting time that precedes and/or interrupts such travel subject to the following exclusions:

8.4.4.1. Meal periods during actual travel time or waiting time are not creditable as time in a travel status.

8.4.4.2. If an employee experiences an extended waiting time between actual periods of travel during which the employee is free to rest, sleep or otherwise use the time for his/her own purposes, the extended waiting time is not creditable as time in a travel status.

8.4.4.3. The usual waiting time that precedes and/or interrupts travel for which an employee may receive compensatory time off for travel is ninety (90) minutes prior to the original scheduled departure time for a domestic flight and three (3) hours prior to the original scheduled departure time for international flights.

8.4.5. Travel Between Home and a Temporary Duty Station. If an employee travels directly between home and a temporary duty station outside the limits of the official duty station, the travel time is creditable as time in a travel status, however, the time the employee would have spent in normal home-to-work or work-to-home commuting is deducted; travel outside of regular working hours between a worksite and a transportation terminal is creditable travel time, and no commuting time offset applies; and travel outside of regular working hours to or from a transportation terminal within the limits of the employee's official duty station is considered equivalent to commuting time and is not creditable travel time.

8.4.6. Alternate Form of Transportation. If an employee is offered one mode of transportation (e.g., airline) and is permitted to use an alternative (e.g., driving) or travels at a time or by a route other than that selected by the SEC, the approving official must determine the estimated amount of time in a travel status the employee would have had if the employee had used the mode of transportation offered by the SEC or traveled at the time and by the route selected by the SEC. The employee will be credited with the lesser of the estimated time in a travel status or the actual time in a travel status.

8.4.7. Timekeeping. Employees are expected to enter their approved compensatory time for travel hours in the time and attendance system within the same pay period of earning them.

8.4.8. Using Accrued Travel Compensatory Time Off. An employee must submit a premium pay request within the time and attendance system in advance for approval before using the earned compensatory time for travel hours. The supervisor will then take action to either approve or deny the premium pay request.

8.4.9. Forfeiture of Unused Travel Compensatory Time Off. Except as provided in subsection 8.4.10. below, compensatory time off for travel is forfeited: (1) if not used by the end of the 26th pay period after the pay period during which it was earned; (2) upon voluntary transfer to another agency; (3) upon movement to a position that is not covered by 5 CFR part 550, subpart N and 5 U.S.C. § 5541(2); or (4) upon separation from the Federal Government. Under no circumstances may an employee receive payment for unused compensatory time off for travel.

8.4.10. Forfeiture Exceptions. Employees in the following situations are an exception to the above forfeiture rules: Employees who separate from federal service or are placed in a leave without pay status to: (1) to perform service in the uniformed services and later return through the exercise of a reemployment right provided by law (e.g., Uniformed Services Employment and Reemployment Rights Act), Executive order, or regulation; or (2) who separate or are placed in a leave without pay status because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. chapter 81 and later recover sufficiently to return to work. For these employees, unused compensatory time off under this administrative regulation will be held in abeyance until they return at which time the employees must use all of the compensatory time off by the end of the 26th pay period following the pay period in which the employees returned to duty, or the time will be forfeited.

8.4.11. Travel During Holiday Hours. Employees may not earn compensatory time off for travel during basic (non-overtime) holiday hours because they are entitled to their rate of basic pay for those hours. Compensatory time off for travel may be earned by an employee only for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable.

8.4.12. For additional guidance, please refer to OPM's fact sheet: [OPM Compensatory Time Off for Travel Fact Sheet](#).

## 8.5. Holidays and Premium Pay

8.5.1. Full-time employees are excused only from eight (8) hours of their basic work requirement because of a holiday. (See 5 U.S.C. § 6124.) If an employee is scheduled to complete nine (9) or ten (10) hours of his/her basic work requirement on a holiday, the SEC may permit the employee to use previously accrued credit hours or annual leave in order to be absent with pay during the 9<sup>th</sup> and 10<sup>th</sup> hours. Therefore, the SEC may find it desirable to schedule only eight (8) hours of an employee's basic work requirement on a holiday. Flexible work schedules may be changed to accommodate this policy. Additionally, as an option, employees may be allowed to make up the hours on another day within the pay period.

8.5.2. If employees under flexible work schedules are required by the SEC to work during holiday hours (their basic work requirement if not for the holiday), they are entitled to holiday premium pay (as defined in subsection 6.10. above) for a maximum of 8 hours.

8.5.3. Employees may not earn any additional compensation or credit hours for working voluntarily during holiday hours.

## 8.6. Premium Pay Limitations

8.6.1. The SEC shall enforce the premium pay limitations as prescribed by 5 U.S.C. § 5547(a) and 5 CFR § 550.105.

8.6.2. Except as provided by 5 CFR § 550.105(c), SEC employees may be ineligible for holiday pay, compensatory time, or any other premium compensation in addition to their regular salary under 5 U.S.C. § 5547(a) and 5 CFR § 550.105.

8.6.3. SEC employees may receive certain types of premium pay for a biweekly pay period only to the extent that the sum of basic pay and premium pay for the pay period does not exceed the greater rate payable for: (1) GS-15, step 10 (including any applicable locality payment or special rate supplement), or (2) the rate payable for level V of the Executive Schedule. Employees may calculate the maximum numbers of hours they can work within a pay period by utilizing the [Overtime Calculator](#) available on the HR Portal.

8.7. Records Management. The OHR will maintain all associated records in accordance with all applicable Federal laws, rules and regulations regarding the confidentiality of records including the Privacy Act of 1974 (codified at 5 U.S.C. § 552a), the records schedules of the SEC, and the National Archives and Records Administration's (NARA's) General Records Schedules (GRS). These records will be

maintained until they become inactive, at which time they will be retired or destroyed in accordance with the SEC records schedules and as prescribed by the NARA's GRS.

8.8. Evaluation. The OHR will perform a self-assessment of the SEC's use of this policy on a regular basis to ensure consistency with and adherence to applicable federal laws, rules, regulations and SEC policies and operating procedures.

**ENCLOSURE**

AUTHORITIES

- (a) Sections 552a, 2301, 2302, 4802, 5541, 5543, 5546, 5547, 5550, 6120-6133, and chapter 81 of Title 5, United States Code
- (b) Section 1342 of Title 3, United States Code
- (c) Parts 308, 550, 551, and 610 of Title 5, Code of Federal Regulations, current edition
- (d) National Archives and Records Administration, General Records Schedules, current edition
- (e) SEC Administrative Regulation SECR 6-22, "Overtime, Compensatory Time, Religious Compensatory Time, Travel Compensatory Time, and Pay Limitations (For Bargaining Unit Employees)," May 18, 2016, as amended
- (f) SEC Administrative Regulation SECR 6-26, "Credit Hours and Compensatory Time for Senior Officers and Non-Bargaining Unit Employees," June 8, 2016 (hereby cancelled)
- (g) SEC Administrative Regulation SECR 6-61, "Student Honors Program," November 9, 2015, as amended
- (h) SEC Human Capital Directives and Procedures, "Compensatory Time for Travel," July 13, 2005, as amended (hereby cancelled)
- (i) Collective Bargaining Agreement Between the United States Securities and Exchange Commission and the National Treasury Employees Union, current edition



**U. S. Securities and Exchange Commission**  
**Office of Information Technology Directive**

TO: All Employees

FROM: Thomas Jackowski /Signature on file/  
Assistant Director, Enterprise Operations  
Office of Information Technology

SUBJECT: **Hand Held Communication (Mobile) Devices Operating Procedure**

**1. Purpose and Scope**

This document was revalidated on October 21, 2016 by Enterprise Operations; it supersedes the iteration dated July 24, 2015. Content is current, and changes are limited to minor revisions that clarify, but do not substantially change, the document's governance.

Its anticipated review date is 3 years from date of revalidation.

Introduction of new technology should help provide affected employees with a better and more effective work life. The SEC offers a mobile device as another tool for performing assigned duties and to facilitate the appropriate use of this technology for work-related purposes.

This directive establishes the policies and procedures governing the SEC's handheld communication devices ("mobile devices").

The provisions of this policy are effective immediately.

Program Administration

Employees shall direct all questions regarding the operation and use of mobile devices to the OIT Service Desk, except for the "Effect on Work Schedules and Performance" and "Use Outside the Duty Location" content in section 4. Questions on those areas shall be directed to the OHR Policy and Accountability Branch.

Downloaded or printed copies of this document are **uncontrolled**. Check The Insider's "Policies and Procedures" section to ensure you have the current iteration of this document.

## 2. Authority

- SECR 24-4.3, "Use of SEC Office Equipment"

## 3. Applicability

This policy applies to all SEC SK positions.

### Loss, Damage, Misuse, or Discontinuation of Access

When a participating employee inadvertently loses, damages, or otherwise causes malfunctioning of a mobile device, the employee shall suffer no adverse effect on any appraisal, promotion opportunity, or other condition of employment. If there exists a continuing "business need", the SEC shall repair and return the mobile device or provide a replacement to the employee. There may be a cost associated with the replacement if the employee intentionally damaged or lost the device, or was reckless in the care of the device which resulted in a loss.

The SEC may remove from the program employees who (a) no longer have a business need for a mobile device or (b) repeatedly lose or damage a device in such a manner that their participation ceases to be beneficial to business operations. The SEC retains the right to remove any mobile device for misuse or to reduce deployment due to budgetary reasons. Any employee being removed from the program shall have ten (10) business days to surrender the issued device and accessories without incurring any cost.

If a participating employee loses or damages an issued mobile device through the employee's intentional misconduct, the employer may immediately remove the employee from the program and the employee may be subject to discipline.

## 4. Policy

Designated employees shall participate in the mobile device program. Other eligible employees who request to participate shall notify their immediate supervisors in writing of their desire to participate in the mobile device program. Decisions on whether an eligible employee shall participate in the program are subject to management discretion, available resources, and business need.

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Participating employees shall be permitted personal use of mobile devices, subject to existing policies and rules at the SEC regarding personal use of SEC equipment.

#### Privacy

The SEC shall not publish mobile device phone numbers to anyone who is not employed by the SEC. All staff should avoid providing mobile device phone numbers for purposes other than business.

#### Global Positioning Systems

Participating employees may make an election at the time of issuance whether they wish to have enabled the global positioning system or other similar system ("GPS") capability contained within an issued mobile device. If the employee has already been issued a mobile device, the employee shall make an election whether to have the global positioning device enabled as soon as practicable.

If the participating employee elects to enable the GPS in his or her issued mobile device, or does not make an election, it shall be enabled before issuance.

If the GPS capability is enabled, the SEC shall load the software application(s) necessary to use such GPS capability before issuance.

The SEC shall not use any enabled GPS capability to monitor, record, or create/store data concerning a participating employee's location; it expressly waives any right to use GPS location information concerning any employee for taking any adverse action or disciplinary action against such employee.

#### Effect on Work Schedules and Performance

Acceptance and use of a mobile device shall not affect the participating employees' hours of work, which shall remain consistent with the Collective Bargaining Agreement in effect between the SEC and the National Treasury Employees Union (NTEU), laws, rules, regulations, and past practice at the SEC.

Mobile devices are for use when participating employees are working during their regular tour of duty. Participating employees may elect to turn off and store their mobile devices when they are not on duty. Participating employees shall not be expected to respond to communications

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via their mobile devices when not on duty. Not responding to communications when not on duty shall have no effect on annual or interim appraisals, and shall not be a consideration in any promotion action nor any other condition of employment.

The times that a mobile device is turned on or off shall not be monitored by the SEC and shall not be used for performance evaluation purposes, or for taking any adverse action against the employee.

Employees are not authorized to use mobile devices to work overtime without advance authorization from their managers.

#### Use Outside the Duty Location

Employees who are offsite with their mobile devices may not always have access to voice or data service, depending on server provider coverage. Participating employees may elect to forward their office phone calls to their assigned mobile device (e.g., when on travel status or telework).

### **5. Responsibilities**

#### **Office of Information Technology (OIT):**

OIT staff shall obtain, supply, and service mobile devices and accessories to the extent they are requested by management and funds are available.

#### **Supervisors, Branch Chiefs, Division Directors, Office Heads, and Regional Directors:**

These officials shall supply each participating employee with a mobile device and an office charger (USB cable). Currently, a hands-free wired headset is included with the device, and shall be provided to the employee as long as the headset is part of the provider's package. If at some future date a hands-free wired headset is not included in the provider's package, the SEC shall provide one for use with a mobile device at the employee's request.

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## **SEC Administrative Regulations**

**U.S. Securities and Exchange Commission  
Office of the Chief Operating Officer  
Washington, D.C. 20549**

**SECR 5-03  
April 6, 2016**

### **SEC ADMINISTRATIVE REGULATION PROHIBITION ON TEXT MESSAGING WHILE DRIVING**

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This administrative regulation reissues the U.S. Securities and Exchange Commission's (SEC) policy on text messaging (texting) while driving.

This administrative regulation applies to all SEC employees, contractors, subcontractors, interns, fellows, detailees, and others working on behalf of the SEC. The SEC also encourages contractors and subcontractors engaged by the SEC to adopt and enforce similar policies that ban text messaging while driving and engaged in non-official SEC business.

This administrative regulation should be reviewed at least every 2 years to ensure the contents remain relevant and reflect current Federal laws, rules, regulations, and the SEC policies and procedures.

**JEFFERY HESLOP**  
Chief Operating Officer  
U.S. Securities and Exchange Commission  
/signature on file/

**U.S. Securities and Exchange Commission  
Administrative Regulation**

**Prohibition on Text Messaging While Driving**

**U.S. Securities and Exchange Commission  
Office of the Chief Operating Officer  
Washington, D.C. 20549**

**SECR 5-03  
April 6, 2016**

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**1. Purpose and Background**

1.1. Purpose. This administrative regulation reissues the U.S. Securities and Exchange Commission's (SEC) policy on text messaging (texting) while driving. This policy supports the SEC's observance of Federal laws, and demonstrates leadership to improve safety on our roads and highways and to enhance the efficiency of contracting.

1.2. This administrative regulation cancels and supersedes SEC Human Resources Directive "Prohibition on Text Messaging While Driving," dated January 12, 2010.

1.3. Background. Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," requires Federal agencies to implement a policy on text messaging by employees when driving government owned, leased or rented vehicles (GOVs), when driving privately owned vehicles (POVs) on official Government business or when using electronic equipment supplied by the Government while driving. This Executive Order also directs Federal agencies to encourage federal contractors and subcontractors to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles or GOVs, or when driving personally owned, leased or rented vehicles while on official Government business or when performing any work for or on behalf of the Government.

**2. Authorities.** See Enclosure 1.

**3. Effective Date**

The provisions of this policy are effective immediately.

**4. Applicability**

4.1. This policy applies to all SEC employees, contractors, subcontractors, interns, fellows, detailees, and others working on behalf of the SEC. The SEC also encourages contractors and subcontractors engaged by the SEC to adopt and enforce similar

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policies that ban text messaging while driving and engaged in non-official SEC business.

4.2. Nothing in this policy is intended to deviate from any negotiated agreement(s), including, but not limited to, the collective bargaining agreement (CBA), memorandums of understanding, etc. To the extent there is a conflict, the negotiated agreement(s) will apply for bargaining unit employees.

## **5. Policy**

It is the policy of the SEC to:

5.1. Prohibit any and all text messaging by all SEC employees (and encourage contractors to adopt policies that ban text messaging) when driving Government-owned, Government-leased, or Government-rented vehicles (collectively referred to as "GOV"), driving privately-owned vehicles (POV) while on official Government business; and using electronic equipment supplied by the Government when driving any vehicle (even during off-duty hours).

5.2. Encourage SEC employees and contractors to protect the safety of the public and themselves when driving GOVs or when operating POVs while on official Government business.

**6. Definitions.** These terms and their definitions are for the purposes of this administrative regulation.

6.1. Driving. Operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

6.2. Electronic device. Any handheld or other electronic equipment that can be used for text messaging, including but not limited to, personal digital assistants (PDA), cell phones, global positioning systems (GPS), laptop computers, etc.

6.3. Text messaging (also referred to as "texting"). Reading from or entering data into any handheld or other electronic device, including for the purpose of short message service (SMS) texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

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## **7. Responsibilities**

7.1. Chief Operating Officer (COO), Office of the Chief Operating Officer (OCOO), or designee(s), shall:

7.1.1. Establish policy and procedures for the prohibition on text messaging while driving.

7.1.2. Ensure that the prohibition on text messaging while driving policy and operating procedures are in compliance with all applicable Federal and/or SEC laws, rules, regulations and requirements.

7.1.3. Coordinate with the Office of General Counsel for reported incidents of non-compliance with this policy.

7.2. Chief Information Officer, Office of Information Technology, or designee(s), shall:

7.2.1. Issue and inventory hand-held devices to SEC employees.

7.2.2. Ensure text messaging restrictions are addressed in the annual information technology training.

7.3. Director, Office of Acquisitions (OA), or designee(s), shall:

7.3.1. Insert related text messaging prohibition clauses in all solicitations and contracts in accordance with the Federal Acquisition Regulation.

7.3.2. Provide direction and information to SEC contract employees and subcontractors on the prohibition on text messaging while driving.

7.4. General Counsel, Office of the General Counsel, or designee(s), shall provide advice and counsel for potential disciplinary actions for reported incidents of non-compliance with this policy.

7.5. Division Directors and Office Heads, or designee(s), shall:

7.5.1. Require all employees to comply with the prohibition on text messaging while driving as described in this administrative regulation.

7.5.2. Encourage all employees to refrain from text messaging while driving in other circumstances not covered by this administrative regulation.

7.5.3. In consultation with the OGC, take prompt disciplinary or other appropriate action in accordance with agency policy for violations of this policy and report all violations to the appropriate office(s).



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7.5.4. Prepare and submit written justifications to the OCOO for review and approval of waiver requests for prohibition of text messaging while driving.

7.6. Employees shall:

7.6.1. Be familiar with and comply with the SEC policy's on the prohibition on text messaging while driving.

7.6.2. Complete all applicable user agreements and related annual training requirements.

## **8. Procedures and Requirements**

### **8.1. General Provisions**

8.1.1. The SEC will take appropriate measures to implement this policy and adopt measures to ensure compliance with this policy, including appropriate disciplinary action.

8.1.2. Any initiative taken to implement this policy should encourage voluntary compliance with the SEC's text messaging policy while off duty and using non-government issued electronic devices (use of government issued devices when driving is prohibited under this administrative regulation even when off-duty).

### **8.2. Exemptions**

8.2.1. The COO may exempt in whole or in part, certain employees, devices, or vehicles in the SEC that are engaged in or used for protective, law enforcement, or national security responsibilities or on the basis of other emergency conditions from the requirements of this administrative regulation.

8.2.2. The Division Director/Office Head, or designee(s), must prepare and submit a written exemption request to the COO, or designee(s), for review and decision.

8.2.3. The exemption request must describe how the employee, device, or vehicle is engaged in (or used for) protective, law enforcement, or national security responsibilities and must include any appropriate records, logs, and reports to substantiate the necessity for the exemption.

8.2.4. The COO, or designee(s), will review the submission, issue a decision, and notify the requesting office accordingly.

### **8.3. Penalty for Non-Compliance**

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8.3.1. A violation may result in disciplinary action up to and including termination of employment. A violation also could result in civil and/or criminal liability for the violator.

8.3.2. A management official, after consultation with the OGC, may take any appropriate corrective or disciplinary action against SEC employees found to have violated this policy in accordance with SEC Administrative Regulation SECR 6-20, "Disciplinary and Adverse Actions," and the CBA, as applicable.

#### 8.4. Records Management

The SEC will maintain these records in accordance with all applicable Federal laws, rules and regulations regarding the confidentiality of records including the Privacy Act of 1974 (codified at 5 U.S.C. § 552a), the records schedules of the SEC, and the National Archives and Records Administration's General Records Schedules. These records will be maintained until they become inactive, at which time they will be retired or destroyed when three years old in accordance with the SEC records schedules and as prescribed by the NARA's, General Records Schedule.

8.5. Evaluation. The OCOO will perform a self-assessment of the agency's use of this policy on an annual basis to ensure consistency with and adherence to applicable laws, rules, regulations, agency policies, and standard operating procedures.

#### **Enclosures:**

1. Authorities
2. Frequently Asked Questions

April 6, 2016

ENCLOSURE 1

AUTHORITIES

- (a) Highway Safety Act of 1966, as amended
- (b) Section 19, Occupational Safety and Health Act of 1970, as amended
- (c) Federal Property and Administrative Services Act of 1949, as amended
- (d) Sections 552a, 7901 and 7902(d), of Title 5, United States Code
- (e) Sections 402 and 403, of Title 23 United States Code
- (f) Section 668 of Title 29, United States Code
- (g) Section 101, et seq., of Title 40, United States Code
- (h) Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009
- (i) Subpart 23.11 of Title 48, Code of Federal Regulations, current edition
- (j) National Archives and Records Administration, General Records Schedules, current edition
- (k) SEC Administrative Regulation SECR 6-20, "Disciplinary and Adverse Actions," January 15, 2016, as amended
- (l) SEC Human Resource Directive "Prohibition on Text Messaging While Driving," January 12, 2010 (hereby cancelled)
- (m) Collective Bargaining Agreement between the United States Securities and Exchange Commission and the National Treasury Employees Union, current edition

April 6, 2016

## ENCLOSURE 2

### FREQUENTLY ASKED QUESTIONS

- 1) What is texting or text messaging?
- 2) Is entering a telephone number into a cell phone covered by the text messaging prohibition?
- 3) Does the text messaging prohibition apply to the use of GPS car navigation systems?
- 4) Does the text messaging prohibition apply to employees driving Government owned, leased or rented vehicles (GOVs) at all times?
- 5) Does the text messaging prohibition apply when an employee is driving his/her privately owned vehicle (POV)?
- 6) Does the text messaging prohibition apply when a vehicle is temporarily stopped at a traffic signal or stop sign?
- 7) Does the text messaging prohibition apply when a vehicle is stopped in a safe location off the roadway?
- 8) Does the E.O. cover Federal employees who are working overseas?
- 9) Are Federal contractors and grantees bound by the E.O.?

#### **1. What is texting or text messaging?**

Texting or text messaging means reading from or entering data into any handheld or other electronic device (including, but not limited to cell phones, navigational tools, laptop computers or other electronic devices), including for the purpose of Short Message Service (SMS) texting, e-mailing, instant messaging, obtaining navigational information or engaging in any other form of electronic data retrieval or electronic data communication.

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**2. Is entering a telephone number into a cell phone covered by the text messaging prohibition?**

No, entering a telephone number into a cell phone is not covered by the text messaging prohibition.

**3. Does the text messaging prohibition apply to the use of GPS car navigation systems?**

The texting ban applies to navigational capabilities built into cell phones or other handheld devices including hand-held GPS navigation systems. The ban does not apply, however, to glancing at or listening to a navigation device that is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to remain stationary.

**4. Does the text messaging prohibition apply to employees driving Government owned, leased or rented vehicles (GOVs) at all times?**

Yes, the text messaging prohibition applies to employees driving GOVs at any time.

**5. Does the text messaging prohibition apply when an employee is driving his/her privately owned vehicle (POV)?**

The text messaging prohibition applies to an employee driving her/her POV (i) when the employee is traveling on official Government business; (ii) when the employee is performing work for or on behalf of the Government; or (iii) when the employee is driving during off-duty hours but using electronic equipment supplied by the Government.

**6. Does the text messaging prohibition apply when a vehicle is temporarily stopped at a traffic signal or stop sign?**

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Yes, the text messaging prohibition applies to the operation of a vehicle on a roadway, including while temporarily stationary because of traffic congestion, a traffic signal, a stop sign, another traffic control device, or otherwise.

**7. Does the text messaging prohibition apply when a vehicle is stopped in a safe location off the roadway?**

No, the text messaging prohibition does not apply when a vehicle (with or without the motor running) is stopped in a location off the roadway where it is safe and legal to remain stationary.

**8. Does the E.O. cover Federal employees who are working overseas?**

Yes, the E.O. covers such employees.

**9. Are Federal contractors and grantees bound by the E.O.?**

While contractors and grantees are not bound by the E.O., they are strongly encouraged to adopt and enforce policies that ban text messaging while driving. In addition, Federal contractors and grantees are required to comply with all Federal requirements contained in Federal contracts, grants or cooperative agreements, including any text messaging prohibition, as well as agency requirements for use of Government vehicles or equipment.

## **SEC Administrative Regulations**

**U.S. Securities and Exchange Commission  
Office of Human Resources  
Washington, D.C. 20549**

**SECR 6-44  
February 24, 2017**

### **SEC ADMINISTRATIVE REGULATION**

#### **Performance Management Program (For Non-Bargaining Unit Employees)**

This administrative regulation reissues the policy and assigns responsibilities for the U.S. Securities and Exchange Commission's (SEC's) Performance Management Program for SK supervisors, managers, and other non-bargaining unit employees.

This administrative regulation applies to all SEC divisions and offices when implementing the performance management process for SK supervisors, managers, and other non-bargaining unit employees serving on nontemporary appointments and temporary appointments expected to exceed 120 calendar days during the performance cycle.

This administrative regulation should be reviewed at least every 2 years to ensure the contents remain relevant and reflect current federal laws, rules, regulations, and SEC policies and operating procedures.

**Summary of Changes (if applicable).** This administrative regulation cancels and supersedes SEC Administrative Regulation SECR 6-44, "Performance Management Program (for Non-Bargaining Unit Employees)," dated December 6, 2013, as amended.

//Original Signed//

LACEY DINGMAN  
Chief Human Capital Officer, Office of Human Resources  
U.S. Securities and Exchange Commission

**U.S. Securities and Exchange Commission  
Administrative Regulation**

**Performance Management Program  
(For Non-Bargaining Unit Employees)**

**U.S. Securities and Exchange Commission  
Office of Human Resources  
Washington, D.C. 20549**

**SECR 6-44  
February 24, 2017**

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**1. Purpose**

1.1. This administrative regulation reissues the policy and assigns responsibilities for the U.S. Securities and Exchange Commission's (SEC's) performance management program for SK supervisors, managers, and other non-bargaining unit employees.

1.2. This administrative regulation cancels and supersedes SEC Administrative Regulation SECR 6-44, "Performance Management Program (for Non-Bargaining Unit Employees)," dated December 6, 2013, as amended.

**2. Authorities:** See Enclosure.

**3. Effective Date**

The provisions of this policy are effective immediately including the October 1, 2013, through September 30, 2014, rating cycle and subsequent rating cycles.

**4. Applicability**

4.1. This administrative regulation applies to all SEC divisions and offices when implementing the performance management process for SK supervisors, managers, and other non-bargaining unit employees serving on nontemporary appointments (as defined in subsection 6.12. below) and temporary appointments (as defined in subsection 6.28. below) expected to exceed 120 calendar days during the performance cycle.

4.2. This administrative regulation does not apply to SEC senior officers, employees serving on temporary appointments not expected to exceed 120 calendar days during the performance cycle, or employees covered by the bargaining unit. Senior officers remain covered by SEC Administrative Regulation SECR 6-34, "Performance Management Program for Senior Officers," and bargaining unit employees remain covered by SEC Administrative Regulation SECR 6-21, "Performance Management Program (for Bargaining Unit Employees)."



**5. Policy.** It is the policy of the SEC to:

- 5.1. Provide a fair and transparent process for planning, monitoring, and evaluating the performance of SEC employees through the performance management program.
- 5.2. Link the contributions of the workforce to the SEC's mission and goals and support a results-driven performance culture.
- 5.3. Ensure compliance with the merit system principles as prescribed in 5 U.S.C. § 2301(b) and prevent prohibited personnel practices as prescribed in 5 U.S.C. § 2302(b).

**6. Definitions.** These terms and their definitions are for the purposes of this administrative regulation.

- 6.1. Calibration (also referred to as "calibration meeting"). A process to ensure that evaluations and ratings are appropriately and consistently applied across employees. Employee ratings within each job series/grade are compared to verify that ratings and narratives are reflective of an appropriate and consistent application of rating criteria. If any difference in interpretation of the evaluation criteria (i.e., performance objectives and performance standards) is found, the difference is reconciled.
- 6.2. Competency. A knowledge, skill, ability, or expertise in a specific subject area or skill set.
- 6.3. Competency-based performance standards (also referred to as "performance standards"). Behavioral descriptors of expected job performance for each occupational group and grade grouping. These standards serve as critical elements in accordance with 5 CFR § 430.203. An unacceptable performance on a critical element results in a determination that an employee's overall performance is unacceptable (as defined in subsection 6.29. below).
- 6.4. Critical element. A work assignment or responsibility of such importance that unacceptable performance on the element would result in a determination that an employee's overall performance is unacceptable.
- 6.5. Deciding official. The individual having authority for determining the final summary ratings/ratings of record for employees in each division/office.
- 6.6. Eligible employee. An employee serving on a nontemporary appointment or a temporary appointment expected to exceed 120 calendar days during the performance cycle who has performed work under an approved performance work plan (PWP) (as defined in subsection 6.22. below) for a minimum of 120 calendar days as of the last day of the performance cycle.

- 6.7. Employee narrative. The employee's written accomplishment narrative with specific examples of his/her performance related to the performance objectives and performance standards in his/her PWP.
- 6.8. End-of-cycle performance review. A narrative description and numeric evaluation of an eligible employee's performance under an approved PWP. The end-of-cycle performance review is completed by the rating official and documents the employee's performance related to each performance objective and performance standard.
- 6.9. Initial performance planning meeting. An initial meeting at the beginning of the performance cycle between the rating official and the employee to review the PWP and discuss performance expectations for the performance cycle. This meeting is to occur within the first 30 days of the performance cycle or within 30 days of the employee's entrance on duty for a particular position.
- 6.10. Interim review meeting. A required meeting at the mid-point of the performance cycle which takes into consideration the employee's progress related to performance objectives and performance standards but does not result in a summary rating level.
- 6.11. Minimum performance period. The minimum period during which an employee must be in a position supervised by the rating official and performing work under an approved PWP to be eligible for a rating of record.
- 6.12. Nontemporary appointment. Any appointment other than a temporary or excepted appointment with a time limit of 1 year or less. Nontemporary appointments include career, career-conditional, term, status quo, indefinite, and excepted appointment without a specific time limit or with a time limit of more than 1 year.
- 6.13. Performance. Accomplishment of work assignments or responsibilities.
- 6.14. Performance cycle. A period of performance after which an employee receives an official rating. The typical performance cycle is October 1 through September 30.
- 6.15. Performance expectations. The performance objectives and performance standards set forth in the PWP by grade and occupation that employees are expected to achieve during a performance cycle. These expectations must contain credible measures that include descriptions of quality, quantity, timeliness, cost-effectiveness, and/or manner of performance.
- 6.16. Performance improvement plan (PIP). A document created for the purpose of addressing the performance of an employee that has fallen to the level of "unacceptable" in one or more objectives or standards of his/her PWP.
- 6.17. Performance management program. The specific procedures, methods, and requirements for planning, monitoring, and rating performance. Programs have to be

designed within the boundaries of the system but can be tailored to the needs of the agency.

6.18. Performance management system. The framework of policies, procedures, and tools that support performance management.

6.19. Performance objectives. Clear, concise, measurable statements that describe the specific work products and outcomes (by grade and occupation) employees are expected to accomplish during the performance cycle. These objectives serve as the critical elements in accordance with 5 CFR § 430.203. In addition, objectives must be aligned with organizational goals identified within the agency's current Strategic Plan. An unacceptable performance rating on any one critical element results in a determination that an employee's overall performance is unacceptable.

6.20. Performance review. Documentation of the employee's work accomplishments related to the performance objectives and performance standards in the PWP.

6.21. Performance Review Committee (PRC). A group of senior managers and/or executives at the highest levels of a division/office who review ratings of record for consistency and fairness before approving them.

6.22. Performance work plan. An official form that consists of performance objectives and performance standards.

6.23. Rating official (also referred to as the first-level supervisor). An official with delegated supervisory authority who personally directs subordinates without the use of subordinate supervisors.

6.24. Rating official narrative. The rating official's narrative assessment of an individual's accomplishments related to performance objectives and performance standards in the employee's PWP.

6.25. Rating of record. The performance review prepared at the end of a performance cycle for performance of agency-assigned duties over the entire period and the assignment of a summary level. The summary rating of record is one of five levels: (5) Greatly Exceeds Expectations, (4) Exceeds Expectations, (3) Meets Expectations, (2) Needs Improvement, and (1) Unacceptable.

6.26. Recommended rating of record. The rating official's recommendation of the employee's overall level of performance during the performance cycle.

6.27. Second-level supervisor. An official with delegated supervisory authority who directs work through a layer of subordinate supervisors. This is typically the rating official's supervisor, unless otherwise directed by the deciding official.

6.28. Temporary appointment. An appointment for a specific time period not to exceed 1 year.

6.29. Unacceptable performance. Performance which fails to meet established performance standards in one or more critical elements of the employee's position. The performance did not meet the occupation and grade specific expectations for a performance objective or performance standard.

## **7. Responsibilities**

7.1. SEC Chair(man), or designee(s), shall ensure that division/office level ratings reflect organizational performance.

7.2. Chief Human Capital Officer, Office of Human Resources (OHR), or designee(s), shall:

7.2.1. Establish policy, guidance, and procedures to implement the SEC's performance management program.

7.2.2. Develop the elements of the performance management program.

7.2.3. Develop and deliver training on the performance management program to supervisors, managers, and employees.

7.2.4. Develop and maintain current information on a web-based portal for access by supervisors, managers, and employees.

7.2.5. Assist supervisors and managers with the development and implementation of PIPs.

7.2.6. Assist supervisors, managers, and employees through the administrative grievance process, as applicable.

7.2.7. Evaluate the effectiveness of the performance management program on a regular basis.

7.2.8. Ensure divisions/offices comply with the related policies and procedures.

7.2.9. Provide reports to other offices and external stakeholders, including the U.S. Office of Personnel Management (OPM), as necessary.

7.2.10. Take any action required by OPM to ensure conformance with applicable laws, regulations, and OPM policy.

7.3. Performance Review Committee shall:

7.3.1. Compare overall ratings for each position/job series/grade within each office/division from calibration meetings conducted by rating officials and reviewing officials from a broad organizational perspective.

7.3.2. Ensure that criteria are fairly and consistently applied and adjust the recommended summary rating when the adjustment would result in fair and consistent ratings.

7.3.3. Ensure ratings are reflective of appropriate application of rating criteria. If ratings require an adjustment following a review of criteria, then the adjustment will be accompanied by supporting justification.

7.3.4. Provide ratings and supporting justifications to the deciding officials.

7.4. Deciding Officials (also referred to as Division and Office Heads), or designee(s), shall:

7.4.1. Manage the performance management program in a manner consistent with agency policies and other appropriate regulatory or statutory requirements.

7.4.2. Determine consequences for first and second-level supervisors who fail to comply with the provisions of this policy and related operating procedures.

7.4.3. Make reasonable efforts to ensure that staff is adequately trained in the performance management program and related processes.

7.4.4. Review recommended ratings of record and adjust the recommended ratings when the adjustments would result in fair and consistent ratings.

7.4.5. Approve the official ratings of record, following calibration and PRC review; return the completed PWPs to the rating officials for communication with the employees.

7.4.6. Designate PRC members to serve and perform the necessary performance management responsibilities.

7.4.7. Serve as a member of the PRC, when applicable.

7.4.8. Ensure the PWPs of supervisors of their respective divisions/offices take into consideration the perspectives of employees and customers and include a critical element that holds the supervisors accountable for the performance management of subordinates.

7.4.9. Complete annual performance management program training, as required.

7.5. Second-Level Supervisors, or designee(s), shall:

7.5.1. Hold rating officials accountable for compliance with the requirements of the performance management program and related policies and processes.

7.5.2. Assume the role of rating official, if for any reason a first-level supervisor who reports to her/him is unable to act in that capacity.

7.5.3. Consult with the rating official on all ratings of employees under his/her supervision.

7.5.4. Complete annual performance management program training, as required.

7.6. Rating Officials (also referred to as first-level supervisors), or designee(s), shall:

7.6.1. Understand and apply the policies and procedures concerning the performance management program and ensure all applicable performance management steps are completed in a timely manner.

7.6.2. Encourage employee participation in the performance management process and engage in continual dialogue with employees throughout the appraisal period to ensure performance requirements are being met.

7.6.3. Manage the performance of his/her employees in accordance with the performance management program and other appropriate regulatory or statutory requirements.

7.6.4. Establish a written PWP for each employee in accordance with established timeframes.

7.6.5. Ensure the PWP used for each employee is accurate, appropriate for his/her position and grade, and compliant with this policy.

7.6.6. Meet with employees under their direct supervision to review PWPs and ensure that performance objectives and performance standards within the PWPs are clearly understood.

7.6.7. Inform employees of their duties and responsibilities as they relate to the SEC's mission, organizational strategic goals, plans, and activities of his/her specific division/office.

7.6.8. Conduct and document at least one formal, interim review around the midpoint of the performance cycle and provide written feedback to employees.

7.6.9. Recommend training, personnel actions, and/or performance-based actions related to an employee's performance objectives and performance standards.

7.6.10. Complete performance evaluations for his/her employees who have completed the minimum performance period.

7.6.11. Participate in calibration meetings with other rating officials to ensure that they are consistently applying the performance evaluation criteria.

7.6.12. Communicate the official rating of record approved by the deciding official to the employee as soon as practical but generally before the end of the calendar year.

7.6.13. Take appropriate action, with the assistance of the OHR, to address the performance of any employee that is below the "Meets Expectations" rating level for performance elements.

7.6.14. Electronically or manually sign and date the PWP's for each employee under his/her supervision.

7.6.15. Provide each employee with a copy of his/her completed performance review.

7.6.16. Prior to leaving his/her position before the end of a performance cycle, complete an appraisal for each employee who has been under his/her supervision for the minimum performance period of 120 calendar days for consideration by the new rating official.

7.6.17. Complete annual performance management program training, as required.

7.6.18. Consider organizational unit performance with the annual performance appraisal of individual employees.

7.7. Employees shall:

7.7.1. Understand the performance management program and related policies and procedures.

7.7.2. Complete annual performance management program training, as required.

7.7.3. Understand his/her PWP, to include the performance objectives (which are aligned with the organization's mission and goals) and performance standards (which describe the occupation and grade specific expectations).

7.7.4. Contribute to the development and understanding of his/her PWP.

7.7.5. Participate in his/her initial performance planning meeting, interim review meeting, and end-of-cycle performance review meeting.

7.7.6. Perform duties and responsibilities in accordance with his/her PWP and the rating official's direction.

7.7.7. Prepare an optional, written employee narrative (as defined in subsection 6.7. above) to document accomplishments against performance objectives and performance standards for the interim review and the end-of-cycle performance review.

7.7.8. Electronically or manually sign and date his/her PWP (optional).

7.8. Administrative Officers, Business Managers, or designee(s), shall:

7.8.1. Develop tracking procedures for the performance management process to ensure PWPs, interim reviews, and end-of-performance cycle reviews are delivered on time.

7.8.2. Disseminate performance management related communications.

7.8.3. Collect and review PWPs.

7.8.4. Assist with the PRC meetings, as needed.

7.8.5. Provide information to the deciding official.

7.9. Dispute Resolution Specialists, or designee(s), shall provide conflict coaching, facilitation, or mediation services at any point in the performance management process, if requested.

**8. Procedures and Requirements.** Procedures and requirements to implement the performance management program for non-bargaining unit employees are described in the SEC Operating Procedures SECOP 6-44, "Performance Management Program (for Non-Bargaining Unit Employees)" *[pending publication]*.

Enclosure:  
Authorities



ENCLOSURE

AUTHORITIES

- (a) Chapter 43, sections 2301(b), 2302(b), 4302(b)(1), and 7121 of Title 5, United States Code
- (b) Parts 316, 430, 432, and 752 of Title 5, Code of Federal Regulations, current edition
- (c) Part 1614 of Title 29, Code of Federal Regulations, current edition
- (d) Pages 35342-35363 of Volume 71, Federal Register, June 19, 2006
- (e) Federal Labor Relations Authority, Federal Impasses Panel Decision 06 FSIP 54, "Security and Exchange Commission and National Treasury Employees Union," October 19, 2006
- (f) U.S. Office of Personnel Management, "Handbook for Measuring Employee Performance," September 2011
- (g) SEC Administrative Regulation SECR 6-21, "Performance Management Program (for Bargaining Unit Employees)," December 1, 2015, as amended
- (h) SEC Administrative Regulation SECR 6-25, "Administrative Grievance Procedure," June 1, 2016, as amended
- (i) SEC Administrative Regulation SECR 6-34, "Performance Management Program for Senior Officers," February 29, 2016, as amended
- (j) SEC Administrative Regulation SECR 6-44, "Performance Management Program (for Non-Bargaining Unit Employees)," December 6, 2013, as amended (hereby cancelled)

## SEC ADMINISTRATIVE REGULATION

### DELEGATED EXAMINING

This administrative regulation reissues the U.S. Securities and Exchange Commission's (SEC's) policy and describes responsibilities for delegated examining to fill competitive civil service jobs with applicants applying from outside the federal workforce, federal employees who do not have competitive service status, and federal employees with competitive service status.

This administrative regulation applies to all competitive service hiring of non-status applicants including permanent, temporary, or term appointments.

This administrative regulation should be reviewed at least every 2 years to ensure the contents remain relevant and reflect current federal laws, rules, regulations, and the SEC policies and procedures.

**Summary of Changes (if applicable).** This policy cancels and supersedes Administrative Regulation SECR 6-6, "Delegated Examining Policy," dated September 19, 2011, and the "Category Rating Policy," dated June 18, 2010.

//Original Signed//

LACEY DINGMAN  
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U.S. Securities and Exchange Commission

**U.S. Securities and Exchange Commission  
Administrative Regulation**

**Delegated Examining**

**U.S. Securities and Exchange Commission  
Office of Human Resources  
Washington, D.C. 20549**

**SECR 6-6  
June 27, 2016**

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**1. Purpose and Background**

1.1. Purpose. This administrative regulation reissues the U.S. Securities and Exchange Commission's (SEC's) policy and describes responsibilities for delegated examining to fill competitive civil service jobs with applicants (as defined in subsection 6.1. below) applying from outside the federal workforce, federal employees who do not have competitive service status, and federal employees with competitive service status.

1.2. For delegating examining policies and procedures that are not specifically covered in this policy or the SEC Operating Procedures SECOP 6-6, "Delegated Examining," the SEC will follow the policies and procedures of the U.S. Office of Personnel Management's (OPM's) Delegated Examining Operations Handbook (DEOH). This policy supplements the DEOH, which provides detailed guidance for conducting competitive examining activities.

1.3. The policy contained in this administrative regulation does not preclude the use of other means to fill SEC positions, such as through the merit promotion procedures, use of other special authorities (e.g., the SEC's fellowship program, excepted service hiring authority, etc.), through non-competitive sources (e.g., reinstatements, transfers, reassignments, etc.), or other appropriate means when it is necessary to promptly identify and obtain highly qualified individuals. Use of the aforementioned alternative methods may be used in lieu of this delegated examining authority (as defined in subsection 6.5. below).

1.4. This policy cancels and supersedes SEC Administrative Regulation SECR 6-6, "Delegated Examining Policy," dated September 19, 2011, and the "Category Rating Policy," dated June 18, 2010, and all other previously issued SEC delegated examining guidance.

1.5. Background. The provisions of 5 U.S.C § 1104 allows OPM to delegate its authority for competitive examinations to agencies in the executive branch to fill competitive service (as defined in subsection 6.3. below) positions, except for administrative law judge positions. This authority is delegated to the SEC through the Interagency Delegated Examining Agreement Number (SEC-1) between the U.S. Office of Personnel Management and the Security [sic] and Exchange Commission.

**2. Authorities.** See Enclosure.

### **3. Effective Date**

The provisions of this administrative regulation are effective immediately.

### **4. Applicability**

4.1. This policy applies to all SEC competitive service hiring of non-status applicants for permanent, temporary, and term appointments.

4.2. This policy does not apply to the hiring of candidates for:

4.2.1. Positions covered by special authorities in the excepted service (as defined in subsection 6.7. below), such as persons with disabilities, attorneys, Pathways Programs, etc.

4.2.2. Positions covered by the SEC's excepted service hiring authority (ESHA), codified in 5 U.S.C. § 3114, for the external hiring of accountants, economists, securities compliance examiners, information technology (IT) specialists, and any approved position that requires specialized knowledge of financial and capital market formation or regulation, financial market structures or surveillance, or IT. Refer to SEC Administrative Regulation SECR 6-33, "Excepted Service Hiring Authority."

4.2.3. Positions filled under the SEC merit promotion procedures. Refer to SEC Administrative Regulations SECR 6-23, "Merit Promotion Plan for Bargaining Unit Employees," or SECR 6-24, "Merit Promotion Policy for Non-Bargaining Unit Positions," as applicable.

4.3. Nothing in this administrative regulation is intended to deviate from any negotiated agreement (e.g., collective bargaining agreement, etc.), and, to the extent there is a conflict, the negotiated agreement(s) will apply for bargaining unit positions.

### **5. Policy**

It is the policy of the SEC:

5.1. To provide a fair, open, and systematic approach for the identification, recruitment, evaluation and competitive selection of qualified candidates from outside the federal workforce and from federal employees with and without competitive service status to fill the SEC's competitive civil service positions.

5.2. To ensure compliance with the merit system principles as prescribed in 5 U.S.C. § 2301(b), and all applicable laws rules and regulations, including the provisions of section 501 of Public Law 93-112 (referred to as the "Rehabilitation Act of 1973"),

veterans' preference principles and requirements, and OPM policies governing delegating examining, and to avoid violations of prohibited personnel practices as proscribed in 5 U.S.C. § 2302(b).

5.3. To increase flexibility in filling vacant positions with the best qualified person(s) from a sufficient pool of well-qualified eligibles (as defined in subsection 6.6. below) via the competitive examining authority.

5.4. To provide equal employment opportunity on all actions taken under this delegated examining policy. Except as permissible under section 501 of the Rehabilitation Act of 1973, such actions will be based on merit and made without regard to race, ethnicity, color, religion, sex (including pregnancy and gender identity), national origin, age, disability status, sexual orientation, genetic information, marital or parental status, political affiliation, protected activities, conduct not affecting job performance, or any other non-merit based factor.

**6. Definitions.** These terms and their definitions are for the purposes of this administrative regulation.

6.1. Applicant. A person who applies for a vacant position.

6.2. Candidate. An applicant who meets the minimum qualifications requirements for a position, and is therefore eligible for consideration.

6.3. Competitive service. A term used to describe all civilian positions in the Federal Government for which appointments are subject to the provisions of chapter 33 of Title 5, United States Code and that are not specifically excepted from civil service laws under statute, by the President, or by the U.S. OPM.

6.4. Delegation agreement. An agreement between the U.S. OPM and the head of a department or agency that delegates examining authority to the agency, as provided by 5 U.S.C. § 1104.

6.5. Delegated examining authority (also referred to as "delegated examining." A hiring authority, granted by OPM to federal agencies to fill competitive civil service positions pursuant to a delegation agreement (as defined in subsection 6.4. above) and exercised in accordance with civil service laws and regulations to ensure fair and open competition.

6.6. Eligible. An applicant who satisfies the minimum qualifications requirements for the position, and therefore is eligible for consideration.

6.7. Excepted service. A term used to describe all civil service positions that are not in either the competitive service or the Senior Executive Service.

6.8. Merit system principles. The basic standards governing the management of the executive branch workforce. The principles are part of the Civil Service Reform Act of 1978 and are codified in 5 U.S.C. § 2301(b).

6.9. Prohibited personnel practices. As defined at 5 U.S.C. § 2302(b).

6.10. Temporary appointment. A non-status appointment to a competitive service position for a specific time period not-to-exceed one year.

6.11. Term appointment. A non-status appointment to a position in the competitive service for a specific period of more than one year and lasting not more than four years.

6.12. Veteran. As defined in 5 U.S.C. § 2108(1).

6.13. Veterans' preference. A special privilege that entitles qualifying veterans (as defined in subsection 6.12. above) to certain advantages in consideration for federal employment.

## **7. Responsibilities**

7.1. Chief Human Capital Officer (CHCO), Office of Human Resources (OHR), or designee(s), shall:

7.1.1. Establish policy and procedures for delegated examining activities under the terms and conditions specified in the delegated examining agreement.

7.1.2. Maintain an internal accountability system designed to ensure that SEC's delegated examining hiring practices are in compliance with merit system principles (as defined in subsection 6.8. above) and federal laws, rules and regulations and do not result in any prohibited personnel practices (as defined in subsection 6.9. above).

7.1.3. Maintain records in accordance with federal and SEC laws, rules, and regulations.

7.1.4. Partner with the Office of Minority and Women Inclusion (OMWI) to promote diversity and inclusion, and the Office of Equal Employment Opportunity (OEEEO) to ensure equal employment opportunity at the SEC.

7.2. Assistant Director (AD), OHR, Talent Acquisition Group (TAG), or designee(s), shall:

7.2.1. Develop, implement, and/or revise the delegated examining policy and procedures to ensure compliance with federal laws, rules, and regulations, and the SEC's Interagency Agreement with OPM and the DEOH.

7.2.2. Provide guidance and information to the SEC managers, supervisors, employees and applicants on the delegated examining policy and procedures.

7.2.3. Ensure that individuals responsible for delegated examining activities, including those conducting audits, are properly trained and maintain current certification by OPM to perform the work.

7.2.4. Ensure all appointments comply with applicable laws, regulations, and policies, and procedures, including, but not limited to, requirements under section 501 of the Rehabilitation Act of 1973, veterans' preference principles as outlined in 5 U.S.C. § 3319(b) and (c) and OPM notifications, assessment and qualification requirements with respect to delegated examining.

7.2.5. Ensure proper classification of positions and compliance with OPM (for position titles) and SEC's position classification standards and guidance.

7.2.6. Conduct strategic outreach and recruitment to attract a diverse pool of applicants, with special emphasis on the recruitment of individuals with targeted disabilities, as appropriate.

7.3. Assistant Director, OHR, Human Capital Strategy Group (HCSG), or designee(s), shall:

7.3.1. Manage and track allocated slots and approved hiring ceilings for the SEC in coordination with the Office of Financial Management (OFM).

7.3.2. Conduct annual self-audits of the SEC's delegated examining case files to ensure the SEC's practices are consistent with merit system principles, statutory, and regulatory requirements, policies and procedures, and negotiated agreements and report findings to TAG, CHCO, OPM, and other offices and organizations, as requested.

7.4. Assistant Director, OHR, Total Rewards Group (TRG), or designee(s), shall determine the rate of pay for applicants selected for positions.

7.5. Budget Governance Committee (BGC) shall ensure a strategic staffing approach for the SEC.

7.6. Chief Financial Officer, OFM, or designee(s), shall:

7.6.1. Provide expert advice and assistance on issues affecting the agency's appropriations related to positions/slots and related financial resources.

7.6.2. Budget for agency positions/slots, allocated hiring ceilings, and related expenditures in compliance with current appropriations laws passed by Congress

and regulations issued by Office of Management and Budget (OMB), OPM, and the U.S. Government Accountability Office (GAO).

7.6.3. Monitor salary and expense accounts.

7.6.4. Work with the OHR and organizational managers/supervisors to monitor positions/slots to ensure compliance with the SEC's appropriation.

7.7. Director, Office of Minority and Women Inclusion (OMWI), or designee(s), shall:

7.7.1. Assist the OHR and selecting officials by taking affirmative steps to enhance diversity at all levels within the SEC, including senior management of the agency as required under section 342(f) of Public Law 111-203, Dodd-Frank Wall Street Reform and Consumer Protection Act (codified at 12 U.S.C. § 5452).

7.7.2. Support delegated examining activities by providing recruitment and outreach efforts to diverse sources, including those institutions and organizations identified in 12 U.S.C. § 5452(3)(f).

7.7.3. Partner with the OHR, OEEO, hiring managers, and hiring committees to promote diversity and equal employment opportunities at the SEC.

7.8. Director, Office of Equal Employment Opportunity (OEEO), or designee(s), shall:

7.8.1. Partner with the OHR, OMWI, and selecting officials to promote diversity and ensure equal employment opportunity at the SEC.

7.8.2. Monitor compliance with EEO laws and regulations and conduct assessments of practices and procedures used to hire individuals under this policy.

7.9. Director, Office of Ethics Counsel (OEC), or designee(s), shall:

7.9.1. Provide advice, counseling, and guidance to SEC employees on Government ethics matters, including personal and financial conflicts of interest, post-employment restrictions, securities holdings and transactions subject to the Supplemental Standards of Conduct for Members and Employees of the Securities and Exchange Commission (see 5 CFR part 4401 and 17 CFR part 200), gifts, seeking and negotiating other employment, outside activities, and financial disclosure.

7.9.2. Take the necessary steps to ensure all new hires to the SEC successfully meet ethics requirements prior to their entrance on duty to the agency.

7.10. Director, Office of Support Operations (OSO), or designee(s), shall:



7.10.1. Advise the OHR on suitability determinations based on personnel security processing.

7.10.2. Administer personnel security/badging requirements for selectees.

7.11. Selecting Officials, (also referred to as "Hiring Officials"), or designee(s), shall:

7.11.1. Carry out delegated human resources responsibilities in accordance with established SEC policies and procedures.

7.11.2. Consult with the OHR when considering the use of the delegated examining authority, as appropriate.

7.11.3. Provide full-time equivalents (FTEs) and the requisite funding within their organizations.

7.11.4. Adhere to merit system principles, federal statutes and regulations to include the principle of veterans' preference, EEO laws and agency policy; and refrain from engaging in prohibited personnel practices and take appropriate corrective action when violations of these principles and requirements occur.

7.12. Applicants and Employees shall:

7.12.1. Apply for consideration for vacancies in accordance with agency procedures.

7.12.2. Comply with all pre-employment and employment requirements, including but not limited to, restrictions on financial interests and transactions, and outside employment and activities, as required by government-wide, and SEC ethics laws, regulations and policies.

7.12.3. Include veterans' preference information in their resumes/applications and submit the requisite documentation evidencing their veteran status, as applicable.

7.12.4. Demonstrate possession of the knowledge, skills, and abilities (KSAs) and selective placement factors, if applicable, and other characteristics necessary to qualify for positions which they desire consideration.

7.12.5. Comply with the provisions of this policy and corresponding operating procedures.

## **8. Requirements and Procedures**

Guidance and procedures to implement the policy for delegated examining are described in the SEC Operating Procedures SECOP 6-6, "Delegated Examining."

Enclosure:  
Authorities

ENCLOSURE

AUTHORITIES

- (a) Section 501 of Public Law 93-112, "Rehabilitation Act of 1973," September 26, 1973, as amended
- (b) Sections 1104, 2108, 2301, 2302, 3110, 3114, 3305, 3309-3319, 3327, and 3330 of Title 5, United States Code
- (c) Section 5452 of Title 12, United States Code
- (d) Parts 300, 315, 316, 330, 332, and 337 of Title 5, Code of Federal Regulations, current edition
- (e) Part 1607 of Title 29, Code of Federal Regulations, current edition
- (f) Presidential Memorandum, "Improving the Federal Recruitment and Hiring Process," May 11, 2010
- (g) Interagency Delegated Examining Agreement Number (SEC-1) between the U.S. Office of Personnel Management and the Security [sic] and Exchange Commission, March 19, 2008
- (h) U.S. Office of Personnel Management, "Delegated Examining Operations Handbook," May 2007
- (i) SEC Human Capital Directive, "Category Rating Policy," June 18, 2010 (hereby cancelled)
- (j) SEC Administrative Regulation SECR 6-6 "Delegated Examining Policy," September 19, 2011 (hereby cancelled)
- (k) SEC Administrative Regulation SECR 6-23, "Merit Promotion Plan for Bargaining Unit Employees," December 1, 2015, as amended
- (l) SEC Administrative Regulation SECR 6-24, "Merit Promotion Policy for Non-Bargaining Unit Positions," May 17, 2012, as amended
- (m) SEC Administrative Regulation SECR 6-33, "Excepted Service Hiring Authority," January 5, 2016, as amended
- (n) Collective Bargaining Agreement between the United States Securities and Exchange Commission and the National Treasury Employees Union, current edition