

April 11, 2000

Temporary Modification to Chief  
Counsel Directives Manual (30)42(13).1

**Subject:** Executive Resources Board Procedures

**Cancel Date:** December 31, 2001

This Notice provides for the establishment of a special Executive Resources Board (ERB) process for selections for Senior Executive Service (SES) positions in the Office of Chief Counsel that will be staffed in connection with the organizational changes that are now being made to the Office.

A. The provisions of this Notice modify and supersede certain provisions of Chief Counsel Directives Manual § (30)42(13) as follows:

**(30)42(13).1(1)(b)**

1 The National ERB will make recommendations to the General Counsel of the Treasury Department for the selection of qualified individuals for all Senior Executive Service positions.

**(30)42(13).1(3) Filling Vacancies**

(a) **Reassignment**--Any SES vacancy may be filled by reassignment of an individual who is already a member of the SES without advertisement. Any reassignment of an SES individual to fill an SES vacancy shall be based upon the recommendation of the Chief Counsel and the approval of the General Counsel. The Chief Counsel shall consult with the appropriate Division Commissioner in making a recommendation for a reassignment to fill a vacancy in a position of Division Counsel or Deputy Division Counsel. The Chief Counsel shall consult with the Commissioner of Internal Revenue in making a recommendation for a reassignment to fill a vacancy in a position of Associate Chief Counsel or Deputy Associate Chief Counsel.

(b) **Advertisements**--When it is determined that an SES vacancy is to be advertised, the advertisement shall conform to Treasury and OPM requirements. In the event that a previously advertised position becomes vacant within three (3) months of the original selection, the vacancy need not be readvertised and a selection may be made from the

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original applicants.

**(30)42(13).1(4) Membership and Composition of National ERB**

(a) The Chief Counsel will serve as the Chair of any National ERB convened to recommend selection for an SES vacancy to be filled during the period these special procedures are in effect. In the absence of the Chief Counsel, the Deputy Chief Counsel (Operations) or (Technical) will serve as Chair. The Associate Chief Counsel (Finance & Management), or designee, will attend all National ERB meetings and will prepare a written record of the National ERB's recommendation for transmission to the General Council.

(b) The Chief Counsel will name not fewer than 2 and not more than 6 of the following individuals to serve as the other members of each National ERB convened to consider candidates for an SES vacancy to be filled during the period these special procedures are in effect:

1 Deputy General Counsel or Associate General Counsel (Law & Ethics)

2 Commissioner of Internal Revenue or Division Commissioner (W&I; SB/SE; LMSB; or TE/GE)

3 Assistant Secretary of the Treasury (Tax Policy) or Deputy Assistant Secretary (Tax Policy)

4 Deputy Chief Counsel (Operations) or (Technical)

5 An Associate Chief Counsel or Division Counsel.

**(30)42(13).1(5)(a) National ERB -- deleted.**

B. Except as modified by this Notice, the provisions of CCDM (30)42(13) continue in effect.

C. This Notice does not affect Grade 15 vacancies. The process for filling Grade 15 vacancies will be the subject of a future Notice.

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STUART BROWN  
Chief Counsel