



UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES



SUBJECT: Appointment, Placement and Promotion Plan for Non-Faculty, Excepted Service Employees

Instruction 1425 SEP 13 2006

(CHR)

ABSTRACT

This Instruction implements OPM requirements for the appointment and placement of employees under excepted appointing authorities which are subject to veteran's preference requirements. Each agency is responsible for establishing procedures for ranking and referring candidates for excepted appointees. To comply with this requirement, this Instruction sets forth the procedures for filling positions in the excepted service, and incorporates the responsibilities of all key components in executing this program.

A. Reissuance and Purpose. This governs the recruitment, evaluation and selection of non-faculty, excepted service employees for appointment, promotion, and reassignment.

B. References. See *Enclosure 1*.

C. Applicability. This Instruction is applicable to the staffing of General Schedule (GS/GM) and Federal Wage System (FWS) civilian positions in the excepted service.

D. Policy.

1. It is the policy of USUHS that positions filled by excepted appointments adhere to merit system principles in the recruitment, evaluation, and selection of candidates as outlined in 5 Code of Federal Regulations (CFR), Part 213a.

2. The evaluation and selection procedures will be based on merit without regard to a person's race, color, religion, sex, age, national origin, mental or physical disability.

E. Responsibilities.

1. The Director, Civilian Human Resources Directorate (CHR) shall:

- a. Develop, implement, and administer the program governing excepted service employees;
- b. Ensure that operating officials, supervisors, and employees are aware of the provisions of this Instruction;
- c. Ensure that CHR staff members are knowledgeable of the procedures covered in this Instruction;
- d. Ensure that the principles of the Priority Placement Program are followed; and

e. Review the operation and effectiveness of this plan through periodic evaluation of the program.

2. Operating officials and supervisors shall:

a. Forecast manpower needs and initiate appropriate actions in sufficient time to allow for appropriate recruitment, selection, and placement procedures;

b. Ensure that vacancy announcements are distributed and posted on departmental bulletin boards; and

c. Meet the goals of the USUHS affirmative action plan for equal employment opportunity.

F. Procedures.

1. Vacancy Announcements.

a. Each Job Opportunity Announcement (JOA) will include all information necessary to communicate the requirements of the job to interested applicants, i.e., title, series and grade level;

b. The Civilian Human Resources Directorate (CHR) will distribute JOAs so that interested candidates within each area of consideration will have an opportunity to apply. Copies of announcements will also be made available to interested persons upon request. JOAs will have an area of consideration of "All Sources" and be open for a minimum of ten workdays. Vacancies may be open continuously for those occupational categories that have frequent turnover, recurring vacancies, or a limited supply of qualified candidates.

2. Applications.

a. Applications will be accepted:

(1) During periods established in the JOA for acceptance of applications; and

(2) From noncompetitive eligible applicants after the closing date.

b. Applications will be rejected from consideration when:

(1) The application contains insufficient information and/or qualification determinations, or is not legible;

(2) When the applicant is disqualified under provisions of 5 Code of Federal Regulations, Part 731^b;

(3) The application is submitted through the U.S. Mail in an official "franked" envelope.

3. Determining Basic Eligibility.

Each application accepted will be evaluated against the qualification standards for the position to be filled. No further evaluation is required when:

a. All qualified candidates are offered immediate employment;

b. A former Federal employee who is a preference-eligible candidate is re-employed;

c. No veteran's preference eligibility applies; or

d. OPM exempts the position from ranking and referral procedures^a.

4. Ranking Candidates.

Except as provided in E.3. above, all candidates who meet minimum qualification requirements will be entered on a list of eligible applicants without scores. All eligible candidates will receive a basic rating of "eligible" with veteran preference noted as shown below. Candidates will be listed in the order of their veteran's preference, using the following codes:

a. CP: Eligible for 10-point veteran preference based on a

compensative service-connected disability of 10 percent or more;

b. XP: Eligible for 10-point veteran preference on a basis other than compensative disability;

c. TP: Eligible for 5-point veteran preference on any other basis; and

d. NV: Not eligible for veteran's preference.

5. Priority Reemployment List.

a. A former USUHS employee who meets one of the following three requirements will be eligible for priority consideration:

(1) Is entitled to veteran's preference and/or has been furloughed or separated from a continuing position without delinquency or misconduct and has applied for reemployment;

(2) Is entitled to veteran's preference and is found by the Merit Systems Protection Board (MSPB) to have been unjustifiably dismissed from the agency; or

(3) Was furloughed or separated, without misconduct, from a continuing position due to compensative injury and whose recovery took longer than one year from the date compensation began. The individual must apply for reemployment under this provision within 30 days after cessation of compensation.

b. Priority reemployment candidates will receive reconsideration for positions in the commuting area where they were separated and remain on the list for two years, unless an applicable MSPB decision specifies otherwise.

6. Order of Consideration and Selection.

a. All qualified candidates on the priority reemployment list will receive

consideration before any other candidates. Priority candidates will be listed in order of their veteran's preference. A candidate who has lower standing than others on the priority list or who is not eligible for priority consideration may not be selected unless the higher standing candidates could not take over the duties of the position without undue interruption to the USUHS mission. If a selection is made, each priority reemployment candidate who is not selected must be notified of the reasons for the decision. If the candidate is also eligible for veteran's preference, he or she must be notified of their right to appeal the decision to the MSPB.

b. If there are no candidates on the priority reemployment list, referrals will be made in the following order:

(1) 10-point preference-eligible applicants based on service-connected disability;

(2) 10-point preference-eligible applicants other than those based on compensative disability;

(3) 5-point preference-eligible applicants;

(4) Non-preference-eligible applicants.

There is no limit on the number of names that can be referred, but candidates from the next lower preference group cannot be selected as long as at least three candidates remain in higher standing on the priority list.

c. A preference-eligible candidate with an equal or higher standing may be passed over in favor of a non-preference eligible applicant only with the approval of the Director, CHR. The reasons for passing over a preference-eligible applicant must be submitted in writing to the Director, CHR. A veteran may not be passed over because the non-veteran

has superior qualifications. A copy of the reasons will be sent, upon request, to the preference-eligible candidate or to his designated representative. A preference-eligible applicant who has been considered and passed over three times for appointment to the same position will not receive further consideration for that position;

d. Noncompetitive eligible applicants may be considered at the request of the selecting official;

e. Selection is a management prerogative involving the exercise of informed judgment. Each selecting official must be aware of, and adhere to, the principles of equal employment opportunity;

f. The selecting official has 30 calendar days from the date he/she receives a certificate to make a selection, unless an extension is granted by a CHR representative. He/she is entitled to select any of the applicants referred or to non-select all candidates. If the selecting official decides not to select any of the candidates from the certificate, he/she will provide CHR with a statement of the reason(s) for its non-use;

g. Interviews are recommended as a part of the selection process. The selecting official may interview all, some or none of the referred candidates. If necessary, interviews may be conducted by telephone. Interview questions must be job-related and be consistently used during all interviews.

7. Information to Applicants.

The following information may be provided to the applicants, upon request, after completion of the recruitment process:

a. Whether or not they were found to be qualified for the position;

b. Whether or not they were in the group from which the selection was made; and

c. Who was selected; and any other information allowed in accordance with the Freedom of Information Act and the Privacy Act.

8. Records.

A record of each recruitment case file will be maintained for two years from the date of selection or until an OPM evaluation takes place (whichever occurs first). The records must be sufficient to allow reconstruction of an entire case and, at a minimum, must include the following information:

a. Copy of the Request for Personnel Action;

b. Copy of the Vacancy Announcement;

c. All appropriate application forms (including the selectee's);

d. Application receipt and disposition list;

e. Referral list(s);

f. Tie-breaker documentation list; and

g. Veteran pass-over justification.

9. Appointment.

a. Appointments made in the excepted service will be made through an appropriate Excepted Service Schedule A, B, C, or statutory authority;

b. An employee who is serving under a non-temporary appointment in the competitive service and chooses employment in the excepted service will be:

(1) Informed, in writing, by CHR that he/she will no longer be in the competitive service; and

(2) Required to sign a statement attesting to the voluntary acceptance of the appointment in the excepted service.

10. Promotion, Demotion, or Reassignment.

An excepted service employee may be promoted, demoted, or reassigned only to another position appropriately filled under the same excepted appointing authority. This may be done without regard to candidates on the reemployment list. However, movement to a position covered by a different appointing authority must be processed under the ranking and referral procedures used for new appointments.

11. Details.

Excepted service employees may be detailed to the work of other excepted positions. Employees in Schedules A and B may be detailed to the work of positions in the competitive service when it is determined that the detail is necessary for efficiency, the USUHS mission, and is consistent with merit principles. All details to competitive

positions and to excepted positions classified in the General Schedule are subject to the following provisions as set forth in FPM chapter 330^c:

a. Details may be made to unclassified duties and to positions at the same, lower, or higher grade (except SES) in 120-day increments, up to a maximum of a year. The Office of Personnel Management (OPM) must approve the extension of a detail beyond one year;

b. Details for more than 120 days to a higher graded position or to a position with known promotion potential must be made under competitive procedures; and

c. All details exceeding 30 days must be officially documented with an SF-52, "Request for Personnel Action."

G. Effective Date. This Instruction is effective immediately.



Charles L. Rice, M.D.
President

Enclosure:

1. References

REFERENCES

- (a) 5 Code of Federal Regulations,
Part 213, "Excepted Service
Appointments"
- (b) 5 Code of Federal Regulations,
Part 731, "Personnel Suitability"
- (c) 5 Code of Federal Regulations,
Part 300, "Employment (General)"