



UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

SEP 13 2006

SUBJECT: Merit Promotion and Placement Program

Instruction 1416

(CHR)

ABSTRACT

This Instruction implements OPM requirements for a merit promotion program. Each agency is required to adopt and administer a "program designed to ensure a systematic means of selection for promotion according to merit." To comply with this requirement, this Instruction sets forth the procedures for filling positions in the competitive service, and incorporates the responsibilities of all key components in executing this program.

A. Reissuance and Purpose.

This reissues the Uniformed Services University of the Health Sciences (USUHS) policy and procedures for promotion and internal placement of employees in the competitive service in accordance with 5 Code of Federal Regulations (CFR) 335.

B. References. See Enclosure 1.

C. Applicability. This Instruction is applicable to the staffing of General Schedule (GS) and Federal-Wage System (FWS) civilian positions in the competitive service. USUHS employees who are in the excepted service are excluded from the provisions of this Instruction; they are covered by USUHS Instruction 1425.

D. Program Coverage.

1. The following types of personnel actions must follow the procedures described in this Instruction.

a. Promotion, transfer, or reinstatement to a higher graded position in the competitive service (unless excluded

under paragraph C.2.b., below).

b. Position change, transfer, or reinstatement to a position with more promotion potential than a position that the employee held previously in the competitive service.

c. Reassignment or demotion to a position with more promotion potential than a position previously held on a permanent basis in the competitive service (except as permitted by reduction-in-force).

d. Reinstatement to a permanent or temporary position at a higher grade than the highest grade previously held under a non-temporary appointment in the competitive service.

e. Temporary promotions for more than 120 days to higher-graded positions. A temporary promotion may be made permanent without competition provided that the temporary promotion was originally made under competitive procedures; the area of consideration was sufficiently broad to provide an adequate number of well-qualified candidates; and the temporary promotion might lead to a permanent

promotion is made known to potential candidates. In computing the 120 days, an individual's non-competitive temporary service in all higher graded positions during the preceding 12 months is counted, including details to classified positions and other temporary and term promotions.

f. Term promotions to higher-graded positions. A term promotion may be made permanent without further competition provided the term promotion is originally made under competitive procedures, and all potential candidates are informed that it might lead to a permanent promotion. Term promotion is limited to five years, unless OPM authorizes an extension.

g. Details for more than 120 days to higher-graded positions or positions with known promotion potential greater than the employee's present or former position. A permanent promotion may be made from a detail to a higher-graded position without further competition provided the term promotion is made under competitive procedures, and all potential candidates are informed that it might lead to a permanent promotion. Service is counted toward the 120-day limitation in the same manner as is described in paragraph D.1.e., above.

h. Selection for training, which is part of an authorized training agreement, or part of a promotion program, and is required before an employee is qualified for reassignment to a different occupational series or considered for promotion.

2. The USUHS Merit Promotion and Placement Program does not apply to the following personnel actions:

a. Positions in the excepted service which are covered by USUHS Instruction 1425.

b. Career ladder and other promotions (e.g., selection from a merit promotion

certification), the appointment of a candidate from an Office of Personnel Management (OPM) register, or noncompetitive conversion of a cooperative education student or junior fellowship student.

c. Promotion based on accretion of duties and responsibilities when all of the following provisions are met:

(1) The major duties of the employee's old position are absorbed into the new position, and the former position is cancelled.

(2) The new position has no known promotion potential.

(3) The addition of the duties and responsibilities does not adversely affect another employee.

(4) The employee meets all eligibility and qualification requirements for the position.

d. Repromotion, reassignment, transfer, or reinstatement to a grade that has no known promotion potential than that held or previously held on a permanent basis in the competitive service.

e. A temporary promotion of an employee for more than 120 days to a grade level previously held on a permanent basis, except when the employee has been demoted for reasons related to performance or conduct.

f. A temporary promotion, or detail to a higher graded position or a position with known promotion potential, of 120 days or less.

g. Promotion that results from an upgrading of a position due to issuance of a new classification standard or the correction of a classification error.

h. Positions in which the employee is subject to an OPM approved training or career agreement, provided the employee initially competed for the position.

i. Priority consideration for employees who did not receive proper consideration for promotion in a prior case due to a procedural, regulatory, or employment opportunity discrimination complaint.

j. Reduction-in-force placements under CFR 351-1 to different pay systems, which result in an employee receiving higher pay.

k. Selection from the Reemployment Priority List at the same or lower grade level than the position from which the employee was separated.

l. The placement of an employee from the DoD Priority Placement Program (PPP), at the same or lower grade level than the position from which previously and/or currently held.

E. Definitions. Terms used in this Instruction are defined in Enclosure 2.

F. Policy.

1. The USUHS Merit Promotion and Placement Program is established to ensure that civilian positions are staffed based on merit and without regard to race, color, religion, sex, national origin, political affiliation, marital status, age, membership or non-membership in an employee organization, or disabilities.

2. The USUHS Merit Promotion and Placement Program, and Job Opportunity Announcement's (JOA) are sources of information about merit promotion and placement policies, procedures, and opportunities.

G. Responsibilities.

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

a. Ensure that Human resources specialists assist managers

in accomplishing their responsibilities by determining basic qualifications of applicants, and by providing advice and support to managers in developing job analyses and crediting plans, or other pertinent documentation.

b. Develop, implement, and administer the Merit Promotion Plan.

c. Ensure that operating officials, supervisors, and employees are aware of the provisions of this Instruction.

d. Ensure that CHR staff members are knowledgeable of the procedures covered in this Instruction.

e. Ensure that the principles of the Priority Placement Program are followed.

f. Ensure that applicants who are current USUHS career or career-conditional employees are aware that they may request the CHR submit an application for promotion on their behalf for current job opportunities within USUHS during legitimate absence (e.g., on detail, on leave, at training courses, in the military services, or serving in public internal organizations, etc.).

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

2. Operating official and supervisors will:

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

b. Prepare an accurate description of each subordinate position and develop applicable qualification rating and ranking criteria (knowledge, skills, abilities and other characteristics).

c. Provide panel members for qualification rating panels as requested by CHR.

d. Meets the goals of the USUHS

affirmative action plan for equal employment opportunity.

e. Ensure that all selections are based solely on merit principles.

3. Employees are encouraged to:

a. Check the bulletin boards and web pages on a regular basis and apply for any vacancies in which they have an interest.

b. Take advantage of opportunities

for self-development and acquire the skills and training necessary for advancement.

c. Ensure that their official personnel records accurately reflect all pertinent, acquired education; experience; and training. Report all changes to CHR for inclusion in CHR's files.

d. Participate on qualification rating panels, as required.

H. Effective Date. This Instruction is effective immediately.



Charles L. Rice, M.D.
President

Enclosures:

1. References
2. Definitions
3. Procedures

REFERENCES

- (a) USUHS Instruction 1416, "Merit Promotion Program," 30 August 1988 (hereby cancelled)
- (b) 5 CFR 335
- (c) DoD Manual 1400.20-1-M, "DoD Program for Stability of Civilian Employment Policies, Procedures, and Programs Manual," September 2006
- (d) USUHS Instruction 1106, "Equal Employment Opportunity (EEO)," 31 May 2005
- (e) USUHS Instruction 1008, "Employee Grievances," 13 October 1982

DEFINITIONS

1. Area of Consideration. The area of consideration is a geographic and/or organizational area in which the organization reasonably expects to recruit (and then select) sufficiently high quality candidates.

2. Candidates.

a. Qualified. Eligible promotional candidates who, by the closing date of the vacancy announcements, meet the qualification criteria in the Office of Personnel Management (OPM) Qualification Standards, Handbook X-118 or X-118C, and any applicable selective factors.

b. Best Qualified. Eligible promotional candidates who rank above a cut-off score when compared with all other candidates.

3. Career Ladder Position. A position which is filled through competitive procedures below the full-performance level. Employees who are selected for career ladder positions may be promoted at management's discretion without further competition when they (1) meet regulatory and qualifications requirements, and (2) demonstrate the ability to perform at the next grade.

4. Certificate (Merit Promotion). A list of qualified, promotional candidates certified by the Civilian Human Resources Directorate (CHR) sent to the requesting official for selection.

5. Commuting Area. For the purpose of this Instruction, the commuting area is defined as the District of Columbia, Baltimore,

Alexandria, Fairfax, and Falls Church cities; Baltimore, Charles, Montgomery, Anne Arundel, Prince Georges, St. Mary's, Howard, and Frederick counties, Maryland; and Arlington, Fairfax, Loudoun, Prince William, Fauquier, Stafford, and King George counties, Virginia.

6. Competitive Service. An appointment or position in the Federal government that is not specifically excepted from the Civil Service laws by Executive Order or OPM regulations.

7. Competitive Status. Status obtained by an employee based on prior service under a career or career-conditional appointment.

8. Crediting Plan. A set of rating guides for a position(s) against which all eligible, qualified, or promotional candidates are evaluated.

9. Detail. A temporary assignment of an employee to a different position or set of duties for a specified period, with no change in pay and with the employee returning to his/her regular duties at the end of the detail period.

10. Excepted Service. An appointment or a position which the Office of Personnel Management has exempted from competitive service. Examples are USUHS faculty appointments, USUHS positions paid from extramural funds, appointments of the handicapped, and stay-in-school appointments.

11. Full Performance Level. The level of work that has been designated by

management and established by the application of the appropriate position classification standard(s), which depicts the highest level of duties and responsibilities inherent in a position.

12. Job Analysis. The process of systematically collecting, processing, analyzing, and interpreting information about a specific position or group of similar positions to provide a job-related basis for evaluation and selection.

13. Job Opportunity Announcement. A written, distributed, and posted notice advertising one or more positions that are open to competition under the merit promotion and placement program.

14. Non-Competitive Candidate. A candidate who, on the basis of prior competition, or on an exemption from the requirement to compete, may be referred to the selecting official without evaluation and competition under the provisions of Reference (b).

15. Non-Status Applicant. A candidate who is not under a career or career-conditional appointment, or is not reinstatement eligible.

16. Performance Appraisal. A document that provides the annual, mid-year, or interim evaluation of the employee's performance as measured against the critical elements, objectives, and standards for the position that the employee occupies.

17. Promotion. The change of an employee to a position at a higher grade level or to a position with a higher rate of basic pay.

18. Promotion Potential. Employees in positions from which career promotions can be made. These include: (1) positions filled at a grade (or grades) below the established or anticipated full performance grade level; (2) career ladder positions; (3) trainee positions; and (4) understudy positions.

19. Qualification Rating Factors. The knowledge, skills, abilities, and other characteristics which have been determined to be relevant for successful job performance.

20. Qualification Rating Panel. Subject-matter experts, EEO/AA designee and/or a CHR representative who have been designated to rate eligible, qualified, promotional candidates against evaluation criteria that have been established for the vacant position.

21. Reinstatement. Noncompetitive reemployment in a competitive service as a career or career-conditional employee. This person must have had a competitive status, or must have been serving probation when he/she was separated.

22. Selecting Official. An individual who has the authority to make a selection for the position to be filled. The selecting official is usually the first- or second-level supervisor over the position, but may be a higher level official in the chain of command.

23. Selective Placement Factor. Knowledge, skill, or ability that is essential for the satisfactory performance in a particular position that it becomes part of the qualifications requirements in addition to those outlined in the X-118 or X-118C.

Enclosure 2

Selective placement factors are readily identifiable from the position description and are defined by the appropriate management officials. Some examples of selective factors are: one's ability to speak,

read, and/or write in a language other than English; one's ability in a functional area (i.e., one's ability to evaluate alternative ADP systems).

PROCEDURES

1. Vacancy Announcements.

a. Vacancy announcements [Job Opportunity Announcements (JOAs)] will include all information necessary to establish the requirements of the job, and to fill the position. JOAs must include: title, series, and grade of the position; promotion potential; general and specialized experience requirements; selective placement factors, if any; education and training requirements; security requirements; a description of the duties of the position; the qualification rating factors for the position; and notification if the position is designated for drug testing. (These announcements will provide general information on legal requirements involved in the competitive staffing process.) Announcements will be posted on the Navy Human Resources Service Center - Northwest (HRSC-NW) web page. USUHS's web page will have the appropriate link to the above.

b. A listing of all USUHS's current vacancies will be made available to interested persons upon request. The duration of the advertisement will be consistent with the area of consideration. The JOAs will generally have an application period for the following time frames, but may be adjusted to meet management needs:

- (1) Nationwide or worldwide: 30 calendar days.
- (2) Region-wide: 21 calendar days.
- (3) Commuting area: 10 working days.

c. Vacancies may be open continuously for those occupational categories that have

frequent turnover, or have recurring vacancies because of limited supply of qualified candidates, or significant recruiting difficulty.

2. Area of Consideration.

The minimum area of consideration will be USUHS and/or AFRRI activities. A wider area of consideration will be determined upon mutual agreement of the appropriate management official and the human resources specialist.

3. Applications.

a. Interested candidates for USUHS positions must submit an application using procedures developed by the HRSC-NW. Failure to comply with these Instructions may result in failure to receive further consideration.

b. Applications from promotion-eligible candidates and candidates eligible for consideration under merit promotion procedures must be received by the HRSC-NW by the closing date on the announcement unless otherwise annotated in the vacancy announcement. Applications that are received after the closing date will not be considered.

c. Applications will be accepted from non-status candidates, provided the acceptance of such applications is included in the area of consideration and they are received by the HRSC-NW by the closing date of the announcement.

d. Applicants will not be considered for positions at lower grades than their resumes indicate they will accept. If applicants do not indicate a willingness to accept

positions other than permanent positions (i.e., temporary or term), they will be considered for these types of appointments.

e. Each applicant is responsible for the completeness and timely subdivision of his/her application. HRSC-NW will retain all documents submitted with the application for a vacant position as part of the recruitment case file; however, an applicant should not submit any item that is not specifically requested in the vacancy announcement.

f. A candidate must meet the time-in-grade requirements by the closing date of the JOA.

g. An applicant must meet the time-after-competitive appointment requirements by the closing date of the JOA.

4. DoD Priority Placement Program (PPP).

The HRSC-NW will check the PPP upon receipt of the SF-52 and throughout the recruitment process until the issuance of the certificate to the selecting official.

5. Determining Basic Eligibility.

a. Applicants must meet qualification requirements by the closing date of the JOA. In the case of the open continuous announcement, eligibility requirements must be made upon submission of the application.

b. Minimum qualification standards are described or approved by OPM for the particular titles, series, and grades of the positions involved, plus any selective factors. Any selective factor must have a basis in the position description as a qualification requirement of the position being advertised. For General Schedule positions, the qualifications requirements

are found in the Operating Manual for Qualification Standards for General Schedule Positions, August 1995; for Wage Grade Positions, they are found in the OPM Handbook X-118C.

6. Job Analysis.

a. Minimum qualifications and/or education requirements will be listed on the vacancy announcement. If a resume does not show these skills, the applicant will be rated not qualified for the specific vacancy.

b. In evaluating an applicant for selection, consideration will be given to any awards received, training, self-development, and outside activities pertinent to the position being filled.

c. Developing Qualification Rating Factors: Managers/supervisors are responsible for developing qualifications rating factors (knowledge, skills, abilities, and other characteristics) which are used to identify those candidates who can be expected to perform in a superior manner. These factors will be used to assess qualifications of candidates, resulting in the ranking of candidates in order of qualification scores. Qualification standards are as follows:

(1) Crediting Plans:

(a) A crediting plan is a guide, developed jointly by the selecting official and the human resources specialist to rate and rank candidates for specific positions. It is designed to assess the level at which applicants possess job-related qualifications rating factors. Crediting plans should normally be developed prior to the advertisement of the vacancy.

(b) Candidates will be evaluated using a crediting plan which involves the use of benchmark/level descriptions for

each of the factors determined during the job analysis. Such descriptions provide examples of what is acceptable for assignments of a given point value.

(2) Evaluation of Qualified Candidates:

(a) Human Resources Specialists at the HRSC-NW will rate all eligible competitive candidate against the qualifications rating factors as defined by the crediting plan. (Non-competitive candidates are referred without rating.)

(b) Using the candidate's resume and attachment (if applicable), the rater will assess the candidate for each qualification rating factor.

(c) The final ranking of candidates will be accomplished using the total score of all of the factors. Candidates will be ranked as follows:

1) Qualified: This group is composed of candidates who meet the minimum qualification standard for general schedule positions or X-118X qualification standard for wage grade positions.

2) When it is necessary to determine rank order among applicants with identical scores, a standard tie-breaking device will be used, or all tied candidates (of the best-qualified candidates) will be referred.

3) Qualification-Rating Panels:

(a) Qualification rating panels may be used to evaluate candidates for Upward Mobility positions, and all supervisory positions. However, panels are not required when there are five or fewer promotion-eligible candidates.

(b) The Director, CHR, may, at his/her discretion, waive or direct the use of rating panels for a particular vacancy.

(c) Panels will be composed of at least three members, at least two of whom will be subject-matter experts, at or above the level of the position to be filled and in the specialized field in which the vacancy exists. A designated representative from the Equal Employment and Affirmative Action (EEO/AA) Division will also be a panel member. A personnel representative will be the procedural advisor to the panel, and will be present at all panel meetings.

(d) The selecting official, or anyone in the supervisor chain of the position to be filled, will not serve as a panel member.

7. Referral of Candidates.

a. The selecting official should have the opportunity to make a choice from sufficient number of qualified candidates.

(1) If there is an insufficient number of candidates, the human resources specialist and the selecting official will determine if the area of consideration should be extended or if alternative recruitment strategies and/or other sources should be explored.

(2) Merit promotion certificates will be signed and dated by the human resources specialist responsible for the vacancy.

Certificates are valid for 30 calendar days from the date issued, and should be returned within that time frame unless an extension is granted. Extensions may be approved by a HRSC-NW representative.

(3) Delegated Examining (external) certificates are valid for 30 calendar days from the date issued and should be returned within that time frame unless an extension is granted. Two 30-day extensions can be granted if requested in writing prior to the

expiration date. All requests will go to the HRSC-NW via the USUHS HRO. After a total of 90 days, the certificate will expire and recruitment efforts must be reinitiated.

b. If the selecting official is considering candidates who are eligible for non-competitive appointments, such applicants may be referred at any time prior to selection. Non-competitive eligibles are referred separately from promotional candidates.

8. Selection of Employees.

a. 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, and assure that both evaluation and selection procedures conform to EEO guidelines.

b. **The selecting official has 30 calendar days from the date he/she receives the certificate to make a selection**, unless an extension is granted by the HRSC-NW representative. He/she is entitled to select any of the applicants certified or to non-select all candidates. If the selecting official decides not to select any of the candidates, he/she will return the certificate to HRO with a written statement of the reason(s) for its nonuse. The selecting official should consult with the HRO staff representative to determine the best course of action based on a mutual knowledge of the availability of candidates.

c. Interviews are highly 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 for each interviewee.

d. **Selecting officials may use the current or previously issued referral certificate to fill other positions with the same title, series, and grade without re-announcing.** The PPP will be re-cleared with each subsequent selection. This procedure can be used provided that the certificate is used within 90 days of original issuance and the duties and conditions of employment are similar to those in the original vacancy announcement.

9. Employee Notification.

a. Once the selecting official has made his/her selection, he/she completes and returns the certificate to the HRO for action. Job offers and hiring commitments are made by an authorized HRSC-NW and/or HRO representative, who will ensure that the selectee meets all legal, security, and regulatory requirements for placement in the position.

b. Selecting officials should not advise either the selected candidate or those not selected about the action without prior concurrence of the HRO.

c. HRSC-NW will notify, in writing, those who were not selected or who did not meet the qualifications requirements for the position.

d. The HRSC-NW will issue a Notice of Rating to those who apply to Delegated Examining announcements. Notification will also be sent when a Merit Promotion recruitment is cancelled. No other notification is sent.

10. Release of Selected Candidates. HRO staff members will arrange for release of selected candidates, as follows:

a. Candidates selected for either permanent or temporary promotions to positions at USUHS or another federal agency, for details to higher-graded positions, or for positions with known promotion potential, will normally be released at the end of the first full pay period following the request for release.

b. Candidates selected for reassignment, demotion, or detail to the same or a lower-graded position, will normally be released within 2 full pay periods after request for release.

c. Personnel actions covered by this Instruction will normally be effective on Sunday (for current Federal employees) or on the first official workday for new Federal employees or reinstatement eligibles.

d. No personnel action (other than a detail) can be effective until the position has been classified, the candidate has met all legal and security qualifications, and advance notification requirements have been met.

11. Information to Employees.

Information which applicants are entitled to receive, after recruitment actions are completed, is as follows:

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

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

c. Selectees' names.

d. The qualification rating factors used for sources of information about merit promotion and placement policies, procedures, and opportunities.

e. Their own rating scores.

f. Their written test scores (if used).

g. Any comments made for the record,

either general in nature or concerning the individual in question.

12. Questions and Complaints.

a. Every effort will be made to provide an appropriate explanation or information in response to a question or complaint about a particular action, or about the merit staffing program in general when requested by an applicant or a representative he/she has designed in writing.

b. If any matter cannot be resolved in this manner, the issue may be processed under administrative grievance procedures, negotiated grievance procedures, or EEO complaint procedures, as appropriate. It must be recognized, however, that for each individual selected, there normally will be those who will not be selected. Therefore, failure to be selected from among a group of properly rated and ranked candidates is not a basis for a grievance.

13. Records. HRSC-NW will maintain a record of each competitive stating action for two years from the date of selection or until an Office of Personnel Management (OPM) evaluation is conducted (whichever occurs first). The records must be sufficient to allow reconstruction of the entire case.

14. Prohibited Practices.

a. Nepotism. Supervisors and public officials are prohibited from participating in any portion of any selection process if a relative is under consideration (see 5 Code of Federal Regulations, Part 310). Neither supervisors nor public officials may advocate the selection of a relative.

(1) Advocating nepotism includes the referral of an application of a relative for consideration for employment, promotion,

etc.

(2) If a relative of the selecting official is among the candidates who are certified for selection, he/she must disqualify himself/herself, and the selection authority will be exercised at a higher level in the chain-of-command.

(3) Supervising relatives, either as an immediate supervisor or elsewhere in the chain-of-command, is strictly prohibited. Should a supervisor and his/her subordinate become relatives through their own marriage or the marriage of family members, they will be responsible for notifying management and CHR, and taking steps to resolve any conflict with these regulations. However, 5 CFR 310.103(d) permits the employment of

preference eligible relatives under certain conditions.

b. Discrimination.

(1) Selection and all procedures leading to selection must be made without regard to a person's race, color, religion, national origin, sex, age, mental or physical disability. Discrimination for any of these reasons is a serious offense subject to appropriate disciplinary action.

(2) Each manager and supervisor must ensure that all candidates receive full consideration and should take no action which would either discourage (or give the appearance of discouraging) potential candidates from applying for a position. Supervisors and selecting officials must avoid practices that may lead employees to believe that a person was pre-selected for a job or that a selection was based on favoritism