



UNITED STATES MARINE CORPS

HEADQUARTERS MARINE CORPS AIR STATION MIRAMAR
PO BOX 452006
SAN DIEGO CA 92145-2006

StaO 12335.1
HRO

29 JUN 1999

STATION ORDER 12335.1

From: Commanding General
To: Distribution List

Subj: MERIT STAFFING OF CIVILIAN CIVIL SERVICE POSITIONS

Ref: (a) 5 CFR Part 300, 330, and 335 (NOTAL)
(b) CPI 335 and Supplements (NOTAL)
(c) Master Labor Agreement

Encl: (1) Merit Staffing Program

1. Purpose. To prescribe the policy governing selections to fill vacant positions and to publish the Merit Staffing Program. Enclosure (1), has been developed in accordance with the references.

2. Effective Date. The provisions of this Order are effective on the date of issuance. However, merit staffing actions initiated prior to the date of this publication will be completed under procedures in effect when the actions were initiated.

3. Policy

a. Promotions will be made on the basis of merit and fitness under systematic and equitable procedures. There shall be no discrimination in evaluation, selection, or any other phase of the promotion process, for any nonmerit reason, such as race, religion, sex, color, age, national origin, marital status, politics, labor organization affiliation or nonaffiliation, or nondisqualifying physical handicap.

b. Competitive staffing procedures are but one means of filling a vacancy. Other systems, such as Department of Defense (DoD) or Navy-wide Career Management Programs, Office of Personnel Management competitive civil service registers, etc., may properly be used concurrently or to the exclusion of the merit staffing process. Additionally, the provisions of the DoD Program for Stability or Civilian Employment (Priority Placement Program) take precedence and will be adhered to.

4. Goals. The goals of the Merit Staffing Program are as follows:

a. To provide a method in which the activity may meet its internal staffing needs in a timely fashion;

29 JUN 1999

b. To enhance organizational effectiveness by assuring that internal competitive actions are made by selecting from among available candidates of those who are most capable of performing the duties of the position to be filled;

c. To ensure that employees receive fair and appropriate consideration for advancement and developmental opportunities;

d. To provide incentive for employees to improve their performance and develop their knowledge, skills, and abilities.

e. To provide a proper balance between maximum usage of the activity's employees and the infusion of new talent;

f. To assure that promotions are made only when there is an actual need for performance of higher level duties and only when there is a candidate with the ability to perform at the higher level;

g. To foster employee understanding of and confidence in the activity's employee usage policies; and

h. To provide management the flexibility to staff positions from any source as long as merit requirements are met.

5. Action

a. Supervisors. Supervisors at all levels play a key role in the success of the Merit Staffing Program. Supervisory personnel are obligated to adhere to both the spirit and the letter of merit system principles and requirements in the recruitment and placement process. Specifically, supervisors will:

(1) Comply with the policies and procedures outlined in this directive;

(2) Provide advice and assistance to subordinates concerning the Merit Staffing Program and maintain a copy readily available for reference by any interested employee;

(3) Give fair, equitable, and full consideration to all candidates referred to them by the Human Resources Service Center-Southwest (HRSC-SW);

(4) To the extent practicable, provide subordinate employees with opportunities for development of skills and abilities through cross-training, details, special assignments, and schooling on an equitable basis;

(5) Assist in development of realistic job requirements, crediting plans, and evaluation criteria.

b. Employees. The interest and support of all employees is essential to the success of the Merit Staffing Program. Employees should:

(1) Keep informed on provisions of the program, request information when needed and follow procedures for applying for vacancies;

(2) Check bulletin boards for vacancy announcements on a regular basis and submit an appropriate resume to the HRSC-SW;

(3) Make their career aspirations and interests known to their supervisors and enhance their chances for advancement through superior job performance and personal self-development efforts;

(4) Demonstrate through their conduct, attitude, interest, and capabilities that they merit consideration for promotion;

(5) Review and update their personnel records in a timely manner to reflect changes in or additions to their experience, training, awards, or education; and

(6) Understand the intent of the Merit Staffing Program is to provide employees with the opportunity for fair and appropriate consideration and not to guarantee a right to promotion.

c. Human Resources Office Manager. The Human Resources Office Manager is responsible for administering, evaluating, and revising the Merit Staffing Program in accordance with applicable directives. Specifically, the Human Resources Office Manager will:

(1) Administer, direct and coordinate Merit Staffing Program operations to include implementing changes to conform to changes in regulatory or statutory requirements;

(2) Provide advice and assistance to operating officials, supervisors, and employees in the performance of their related responsibilities;

(3) Make available vacancy announcements, changes in policies and procedures; and other aspects of the Merit Staffing Program in order to keep employees informed and enhance their understanding of the promotion process;

StaO 12335.1
29 JUN 1999

(4) Determine when positions are to be filled by sources specified under Department of Defense, Department of the Navy, statutory or other regulatory requirements, and advise operating officials and supervisors; and

(5) Evaluate the Program's effectiveness, recommend, and implement changes to make the Program more efficient, effective, and responsive to activity needs. As a part of the evaluation, the views of employee organizations and management will be solicited.

6. Applicability. This Order is applicable to all commands, organizations, units, and activities located aboard Marine Corps Air Station Miramar.


P. A. CAUGHLAN
Chief of Staff

MERIT STAFFING PROGRAM

1. GENERAL PROVISIONS

a. For any situation not clearly covered by this Order, which is subject to competitive procedures, the guidelines and instructions published in the references will be used. Applicable instructions subsequently issued by the Office of Personnel Management (OPM), Department of Defense, Department of the Navy, or other higher authority will take precedence.

b. All actions (identification, qualification, evaluation, and selection) shall be made without regard to political, religious, or labor organization affiliation or nonaffiliation, marital status, race, color, sex, sexual orientation, national origin, nondisqualifying physical handicap, or age, and shall be based solely on job related criteria.

c. Merit Staffing is but one means of filling a vacant position. Management has the right to select from other sources and must retain that right.

2. DEFINITIONS

a. Area of Consideration. The area in which the activity makes an intensive search for candidates (where it is anticipated that highly qualified candidates can be located, where the vacancy announcement is distributed, and from which candidates' applications will be accepted.

b. Job Analysis/Crediting Plan. The methodology used to determine criteria through identification of major job duties and the knowledge, skills, and abilities by which applicants will be rated and ranked for promotion consideration.

c. Evaluation of Candidates. A process of assessing candidates' qualifications for promotion and the degree to which they possess the knowledge, skills, abilities and personal characteristics (KSAP's) needed for successful performance in the job to be filled. For each qualified/eligible candidate, the end product of the evaluation is a rating indicative of his/her demonstration and/or potential ability to do the job.

d. Ranking of Candidates. The process of arranging eligible candidates, in order of merit, relative to each other in accordance with their rating.

ENCLOSURE (1)

29 JUN 1999

e. Qualified/Eligible Candidates. Applicants who meet the qualifications standard for the position, including any appropriate selective factors, and all legal and regulatory requirements.

f. Highly Qualified Candidates. Eligible/qualified candidates whose experience, training, and potential substantially exceed the qualification standard for the position to a degree that indicates that they are likely to be able to perform in the job to be filled in a superior manner.

g. Best Qualified Candidates. Eligible candidates who rank at the top when compared with other candidates and who are referred to the selecting official on a promotion certificate (although normally highly qualified candidates, this group may, under certain conditions, contain both highly qualified and qualified candidates or just qualified candidates).

h. Selective Factors. Knowledge, skills, or abilities that are essential for satisfactory performance on the job and represent an addition to the basic standard for a position. The following are examples of appropriate selective factors for determining basic eligibility. These factors are essential for successful job performance:

(1) Ability to speak, read, and/or write a language other than English.

(2) Knowledge and ability pertaining to a certain program or mission, when these cannot readily be acquired after promotion.

(3) Ability in a functional area (for example, ability to evaluate alternative ADP systems).

i. Known Promotion Potential. Positions with known promotion potential are those from which career promotions can be made. They include: (1) positions filled at a grade (or grades) below the established or anticipated grade level; (2) career ladder positions; and (3) apprentice and trainee positions.

j. Appointable Employees Within the Area of Consideration. Appointable means career or career-conditional employees (including reassignment or change to lower grade eligibles), employees serving under Veterans Readjustment Appointments (VRA's), Nonappropriated Fund Employees (must meet certain requirements), and temporary employees with reinstatement or VRA eligibility.

ENCLOSURE (1)

29 JUN 1999

k. Relative. With regard to the prohibition on nepotism, the term relative includes the following specific relationships: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepbrother, stepsister, half brother, or half sister.

l. Personnel Process Improvement (PPI). The automated system in which you input the automated personnel action request (APAR), to effect certain personnel actions.

m. AUTOMATED PERSONNEL ACTION REQUEST (APAR). The automated SF-52, Request for Personnel Action.

3. COVERED PERSONNEL ACTIONS. Competitive procedures of the Merit Staffing Program must be applied to all promotions made under Section 335.102 of civil service regulations (unless made under one of the exceptions or exclusions in Sections IV or V below) and to the following actions:

a. A temporary promotion of more than 120 days (prior service under all temporary promotions and details to higher graded positions during the previous 12 months count toward this limitation).

b. Selection for detail for more than 120 days to either a higher graded position or to a position with higher known promotion potential.

c. Selection for training required for promotion.

d. Reassignment or demotion to a position with more potential than the employee's current position (except as permitted by Reduction in Force (RIF) regulations).

e. Transfer of an employee to another agency to a higher graded position.

f. Reinstatement to a permanent or temporary position at a higher grade than the last grade held under a nontemporary appointment in the competitive service.

g. Selection of a person from the Reemployment Priority List (RPL) for a position at a higher grade than that from which separated.

ENCLOSURE (1)

StaO 12335.1
29 JUN 1999

4. COMPETITIVE PROCEDURES DO NOT APPLY TO:

a. A promotion resulting from the upgrading of a position without significant change in duties and responsibilities due to the issuance of a new classification standard or the correction of an initial classification error.

b. A position change permitted by reduction-in-force (RIF) regulations (See 5 CFR Part 351)

5. ACTIONS IN LIEU OF COMPETITIVE PROCEDURES:

a. Management has the right to take the following actions in lieu of announcing vacancies:

(1) Selections from OPM registers, and registers established under delegated examining authority.

(2) Reinstatement to the same or lower grade than the last held permanent grade level.

(3) Reassignment or demotions of employees to positions with no higher potential than the currently held position.

(4) Selections from the RPL at the same or lower grade level than the position from which separated.

(5) Transfers of employees of other Federal agencies to the same or lower level with no higher potential than the currently held position.

(6) Selections from the DoD Stopper List.

b. Exceptions: Competitive procedures will not be required for any of the following actions when the actions are in accordance with Appendix A.

(1) The promotion of an employee whose position is classified at the higher grade level due to the accretion of duties which are directly related to the employee's major (and grade controlling) duties when there is no change in organizational entity (immediate supervisor) and when there is no addition of supervisory duties to a nonsupervisory position. (NOTE - See Appendix A-1 for additional requirements and guidance on these cases.)

ENCLOSURE (1)

29 JUN 1999

(2) Career promotions of employees when competition was held at an earlier date either through appointment from an OPM register or through internal merit staffing procedures (including the initial appointments of students in cooperative education programs and in the Federal Junior Fellowship Program). (NOTE - Appendix A-2 contains additional information on career promotions and career ladders.)

(3) Temporary promotions of not more than 120 days. (See Section V, paragraph C below and Appendix A-3 for additional information on temporary promotion procedures and requirements.)

(4) Details of not more than 120 days to higher graded positions or to positions with known promotion potential.

(5) The repromotion, to a level no higher than the level from which demoted, of an employee who was demoted, through no fault of his/her own and not at his/her own request. (NOTE - See Section V, paragraph D below for additional requirements.)

(6) Selections of permanent government employees from OPM registers for higher graded positions or positions with known promotion potential.

(7) The promotion of an employee to any position and/or grade level which he/she formerly held on a permanent basis.

(8) The promotion of an employee to a position with a representative rate which is the same or lower than that of the position currently held, which because of pay setting policies results in a technical promotion only.

(9) The reinstatement of a former Federal employee to a position with known promotion potential which is no higher than and has the same promotion potential as the last held permanent position.

(10) The position change (either reassignment, demotion, or promotion) of any Federal permanent employee from a position having known promotion potential to a position having no higher potential.

(11) The selection of an employee who did not receive proper consideration in a prior promotion case due to a procedural, regulatory, or promotion violation. (NOTE - see Section V, paragraph D below and CPI 335.)

ENCLOSURE (1)

StaO 12335.1
29 JUN 1999

c. Temporary Promotions. No temporary promotion may be made to a supervisory position for less than 31 calendar days. Temporary promotions to nonsupervisory positions for periods of shorter duration than 28 calendar days will not be effected. Temporary promotions may be made noncompetitively if the employee has not served in either a detail(s) to a higher grade position(s) or on other temporary promotions during the preceding 12 months which will exceed 120 days (or the total time will exceed 120 days) must be made competitively.

d. PRIOR CONSIDERATION FOR PLACEMENT. Before taking any action to fill a vacant position either competitively or noncompetitively (except the placement of an employee with statutory or regulatory rights), employees who are entitled to prior consideration for placement will be referred. The following order of precedence is to be followed:

(1) Activity employees under Civil Service Reform Act (CSRA) grade and pay retention, CSRA pay retention only. (To be eligible for referral, employees under pay or salary retention must have been demoted for reasons not stemming from personal cause or request. Such consideration does not extend to those employees who accept a change to lower grade to enter formal development or upward mobility positions nor to those who accept change to lower grade as a result of solicitation for a hard-to-fill position.) These employees must be referred for each position for which fully qualified which is at or below the saved grade level or the level from which demoted and above the level of the position to which assigned. Such employees will be afforded first offer of repromotion to positions from which they were downgraded unless there are justifiable reasons for nonselection. If the employee is not provided first offer of the position, the reason(s) will be provided to the employee in writing. Eligibility terminates when entitlement to pay/salary retention terminates or employee declines a reasonable offer of repromotion.

(2) Employees who did not receive proper consideration for promotion in a prior case due to a procedural, regulatory, or program violation. Such employees must be awarded prior consideration for the next appropriate vacancy. This privilege will be granted for a 1 year period and may be extended for an additional year. (CPI 335 contains additional information.)

(3) Department of Defense Priority Placement Program registrants in priorities 1, 2, and 3. Prior consideration rights do not apply to positions which offer higher known promotion potential. Eligible employees are entitled to bona fide consideration for appropriate vacancies before other equally proper

ENCLOSURE (1)

means of filling the position are instituted. There is no "entitlement" to selection. If an employee is not selected under priority consideration and the employee applies for and is certified as one of the best qualified under competitive promotion procedures for the same position, the selection official must state reason, in writing, if he or she does not then select the employee. The Human Resources Office will maintain appropriate documentation on employee eligibility and consideration.

6. METHODS OF LOCATING CANDIDATES

a. Appropriate Sources. Management has and must retain the right to select from any appropriate source. In deciding which source or sources to use, the activity/manager has an obligation to determine which is most likely to best meet Navy's and the activity's mission objectives, including the infusion of fresh ideas and new viewpoints and considerations of affirmative action and Federal Equal Opportunity Recruitment Program goals and objectives. Appropriate sources in addition to competitive merit staffing procedures include:

1. Reemployment Priority Lists;
2. DoD Stopper Lists;
3. Reinstatement of eligibles;
4. Transfer eligibles from other agencies;
5. Handicapped applicants;
6. Veterans Readjustment Appointment eligibles;
7. OPM Register/Certificate eligibles;
8. Prior consideration for placement;
9. Disabled veterans who have compensable service connected disability of 30 percent or more; and
10. Reassignment and of demotion eligibles.

b. Announcing Vacancies

(1) Vacancies to be filled through the competitive process must be advertised via a vacancy announcement. Vacancy announcements are to be clearly written, with sufficient information for the candidates to understand what the area of

Sta0 12335.1
29 JUN 1999

consideration is, what the duties of the job are, what qualifications (including selective factors) are required, and what the candidate has to do in order to apply. If it is not practical to put all the information in the announcement in total, the candidates must be told where the information can be obtained.

(2) Other methods of locating candidates, such as skill files or computerized referral systems may be used concurrently.

c. Areas of Consideration. Areas of consideration will be set that are sufficiently broad to ensure the availability of highly qualified candidates and which will provide for successful accomplishment of Affirmative Action Plan goals and the requirements of the Federal Equal Opportunity Recruitment Program. An expanded area of recruitment may be used without first recruiting in the minimum area. The duration of the advertisement must be consistent with the area of consideration but will always be at least 10 calendar days. In determining the area of consideration and duration, requirements of career (and other special) programs must be followed. The area must be descriptive geographically, organizationally, and must specify categories of employees eligible to apply. Recommendations submitted by supervisors and managers will be considered; however, it is the responsibility of the Human Resources Office to determine the area of consideration to be used for each vacancy announcement. Consideration of candidates solicited through vacancy announcements will be limited to those in the categories and from the areas specified in the announcement.

d. Open Continuous Announcements. Announcements for vacancies that occur frequently will be open on a continuous basis. Applicants may file under these announcements at any time. Only those applications on file at the time an approved Automated Personnel Action Report (APAR) is received in the Human Resources Service Center-Southwest (HRSC-SW), will be considered for that particular vacancy.

e. Acceptance of Applications

(1) All appointable employee/applicants within the area of consideration who apply must be considered.

(2) An application must be accepted from a candidate who is appointable, meets the legal and regulatory requirements, and whose application the activity solicited without spelling out any other preconditions affecting consideration unless covered under paragraph J below, Rejection of Applications.

ENCLOSURE (1)

29 JUN 1999

(3) Handicapped employees serving under Schedule A appointments are not eligible for consideration under the competitive merit staffing process; however, any who are qualified can be referred separately to the selecting official who could then select them. In this case the position would become excepted for the duration of the incumbency period or until conversion to career or career conditional appointment.

f. Application Procedures

(1) Mail accurate and complete merit promotion application to the HRSC-SW in sufficient time to meet the closing date specified in the vacancy announcement. The application must be in typewritten resume format, in accordance with the HRSC-SW Job Kit. Date of postmark will be used to determine timely filing. Faxed copies of applications will not be accepted, because the HRSC cannot ensure accurate/complete fax transmission.

(2) Apply at any time for consideration under HRSC-SW Open Continuous (OC) merit promotion announcements. Ensure that the merit promotion application, once on file with the HRSC-SW, is kept current with the latest information. Applicants are encouraged to apply in advance of actual vacancies to get maximum consideration under OC announcements.

(3) Resumes, applications, supplemental forms, etc., submitted under the Merit Staffing Program will not be returned to applicants. All such applications and forms will be retained as part of the Merit Staffing files.

g. Employees on Leave, Official Travel, or Absent Because of Compensable Injury. Employees, including those who expect to be absent on authorized leave or temporary duty, may authorize another employee to submit applications in their behalf for announced vacancies, provided that such applications are completed and signed by the applicant.

h. Employees in Military Service or in Public International Organization Service. Employees in Military Service, who are entitled to restoration, and employees in public international organization service will be considered along with other candidates for positions for which they are considered qualified. Absentees who fall within the range of selection will have their names annotated and will be included with those certified to the selecting official for consideration. Written tests and oral interviews will be waived. Such waivers will be canceled for subsequent placement consideration upon the employee's return to duty at this activity. The employee is responsible for updating application forms prior to departure from this Station.

ENCLOSURE (1)

29 JUN 1999

1. Rejection of Applications. The following constitutes a basis for rejection of applications:

1. They are from non-status candidates;
2. Outside the area of consideration and concurrent consideration was not extended;
3. There is not enough information upon which to make a qualifications determination;
4. If the applicant falsified the application (if an activity employee is involved appropriate disciplinary action should be taken);
5. If filed untimely; and/or
6. Any preconditions affecting consideration of solicited applications which were spelled out in advance are not met.

7. BASIC ELIGIBILITY. To be eligible for promotion or placement, candidates must meet the minimum qualification standards prescribed by the OPM plus any appropriate Selective Factors established by job analysis as being essential for immediate satisfactory performance on the job. If a selective placement factor is used, justification for its use must be kept with the job analysis record. A qualification standard may not be changed after the recruitment process is underway unless an inappropriate standard has been used or OPM has issued a new or revised standard.

a. General Schedule (GS) Positions. Qualification standards must meet the requirements contained in the Qualifications Standards Handbook for General Schedule Positions.

b. Federal Wage Service (WG-WL-WS, etc.) Positions. Procedures contained in OPM Handbook X-118C will be used in establishing basic eligibility for wage grade positions.

8. LEGAL AND REGULATORY REQUIREMENTS. Candidates must meet the time-in-grade requirements, qualifications requirements, and time-after-competitive appointment requirements on the closing date of the vacancy announcement.

ENCLOSURE (1)

9. EVALUATION OF CANDIDATES

a. General

(1) Candidates must be formally evaluated against the knowledge, skills, abilities, and personal characteristics (KSAP's) determined to be important to the position being filled, using an associated crediting plan. These KSAP's must be identified through a job/task analysis process and documentation of this analysis must be retained. The job analysis and crediting plan is a methodology used to determine criteria through identification of major job duties and the knowledge, skills, and abilities by which applicants will be rated and ranked for promotion consideration.

(2) There is no requirement for formal evaluation of candidates eligible for non-competitive selection.

b. Qualifications Evaluation. The qualifications evaluation will give due consideration to the following:

(1) Experience. Length of experience, beyond any minimum requirement, will be used as an evaluation factor only when there is a clear and positive relationship with quality of performance.

(2) Annual Performance Appraisals. The current Navy annual performance appraisal will be used in the evaluation process to the extent that they are relevant to the position to be filled.

(3) Awards. Qualifications demonstrated or implied by the candidates' awards, such as initiative, resourcefulness, or planning ability will be assessed in terms of their relationship to the requirements determined to be essential to the position to be filled.

(4) Training. Pertinent training, self-development, and outside activities which would increase an employee's potential or affect performance will be considered in evaluation to the extent it relates to skills, knowledge, etc., essential to the position to be filled.

10. REFERRAL OF CANDIDATES

a. Candidates eligible for non-competitive selection may be referred on a separate list for the selecting official's consideration at any time. That is, they may be referred before rating and ranking of promotional candidates or at any other point in the process.

ENCLOSURE (1)

StaO 12335.1
29 JUN 1999

b. When ten or fewer qualified candidates meet the basic qualification requirements, they will be certified without formal ranking.

c. Normally, the ten promotional candidates with the highest score will be referred to the selecting official. Promotional candidates referred will be listed in alphabetical order within the groupings of highly qualified or qualified. Exceptions to the above procedures are as follows:

(1) The requirement to certify alphabetically within groups (when the best qualified group contains both highly qualified and qualified candidates) may be modified if there is less than a 5-point spread (on a 100 scale) between the highest candidate to be certified and the lowest candidate to be certified. If this occurs, all best qualified candidates may be certified as one group in alphabetical order.

(2) When ties produce more than ten top candidates, all candidates with the same score as the lowest score being referred will be included on the certificate.

(3) When the DoD Priority Placement Program, Reemployment Priority List, other higher authority places restrictions on recruitment sources.

(4) For each additional vacancy to be filled from the same competitive Selection Certificate, one additional candidate per additional vacancy will be certified.

(5) If one or more candidates decline consideration after a Selection Promotion Certificate has been issued, an additional candidate(s), if available, will be certified if requested by the Selecting Official.

d. Selecting officials will be given all qualification information available on certified promotional candidates, including applications; supplemental questionnaires; and information received by candidates.

e. A Selection Certificate issued as a result of an open continuous announcement may be used to make additional selections for vacancies occurring within 30 days from the date the certificate was issued.

ENCLOSURE (1)

f. A Selection Certificate issued as a result of an announcement with a specific closing date may be used to make additional selections for vacancies occurring within 90 days of the closing date.

11. SELECTION. The selecting official shall be entitled to select any candidate certified or to nonselect all candidates. Each candidate certified must be given full consideration and the selection made based on who will best fill management's needs in terms of productivity and the total objectives of the organization, including affirmative action and equal opportunity. Selecting Officials when filling supervisory or managerial positions, must give consideration to candidates' "willingness to support the EEO program." When the performance appraisal system required by CSRA is operational, selecting officials must give consideration to the candidates' current performance rating. While selecting officials may select or nonselect, they should be aware that in the event of a discrimination complaint, the selection may have to be defended.

a. Selecting Officials. The appropriate Department Director will be the selecting official for all positions at grades GS-13 and above. For positions at grade GS-12 and below, selections will normally be made by the immediate supervisor and will be submitted to the next level supervisor for review.

b. Interviews. Interviews are not mandatory, but equity must be observed. If one candidate referred on the Selection Certificate is interviewed, all candidates (excluding VRA appointment eligibles, OPM certificate eligibles, and Direct Hire appointment eligibles) must be interviewed if available. Interviews may be conducted between the selecting official and each candidate as an exchange of information, dealing with questions and answers pertaining to the duties and requirements of the vacant position or by a panel of interviewers (Advisory Selection Panel) as an extension of the evaluation process. All candidates should be asked the same questions. All interview questions should be job related. Such practices as administering written, oral, or performance tests to candidates are specifically prohibited.

c. Advisory Selection Panels (Interview Panels). The use of Advisory Selection Panels is encouraged only when a key or high level position is involved or when for some reason there is a number of best qualified candidates and further distinctions must still be made. The operation of such a panel is governed by the requirement in this Order. Use of Selection Panels will be as follows:

ENCLOSURE (1)

29 JUN 1999

(1) Panels, to be appointed by the appropriate Department Director, will be used for general schedule positions at the GS-13 level and above.

(2) Panels, to be appointed by the immediate supervisor, may be used for positions at the GS-12 level, and at the General Foreman level.

(3) When used, Advisory Selection Panels (Interview Panels) will consist of three or more persons, one of which is designated as the chairperson. (The important factor in selecting panel members is that they have a knowledge of the duties and requirements of the position.) A member of the Human Resources Office staff (normally, a Staffing Specialist) will act as a technical advisor to the panel. Technical advice includes providing standardized methodology for conducting panels and an advance review of the questions to be asked of the applicants during the interview process. Physical attendance at the interview is not required. Names of interview panel members will be submitted to the Human Resources Office along with the Selection Certificate.

12. NEPOTISM

a. Supervisors and other public officials, are prohibited from participating in the rating, ranking, or selection process if a relative is under consideration. Neither supervisors nor public officials may advocate the selection of a relative. This does not preclude a supervisor, when necessary, from responding to an inquiry on a relative, provided the supervisor refrains from advocating, as long as he/she notes the relationship on the appraisal form.

(1) Advocating would also include the referral of an application of a relative for consideration for employment, promotion, and the like.

(2) If a panel is used, all members of the panel are considered to be officials, even though they may not occupy a supervisory position.

(3) If a relative is a candidate for a position, the selecting official must disqualify him/herself and selection should be exercised at the next higher level in the chain-of-command. Public officials should leave a wide margin of safety insofar as advocating, recommending, or referring is concerned. In addition

ENCLOSURE (1)

to avoiding the appearance of nepotism, public officials should also avoid any action which might result or create the appearance of preferential treatment to any person.

13. RELEASE OF EMPLOYEES. Employees selected under competitive merit procedures (either for promotion, reassignment, demotion, or detail) are to be released in accordance with the following:

a. Promotions. Temporary or Permanent within the activity, permanent to another activity, or details to higher-graded positions or positions with known promotion potential within the activity must be released within 2 weeks except in unusual circumstances, but no later than 30 days. Application of this requirement must be consistent with the policy that promotions will be effective at the beginning of the pay period.

b. Reassignment or Demotions. Details to the same or lower grade within the activity - normally 2 to 4 weeks; however, the time may be extended upon mutual agreement between the selecting official and releasing official. If disputes arise and both the selecting official and the releasing official are in the same department, the department head will make the decision. Disputes concerning release dates for employees moving from on Station department to another will be referred to cognizant department heads. If the matter cannot be settled at that level, the decision of whether to release will be made by the Chief of Staff who has the authority to determine if the proposed action would or would not be in the best interest of the activity.

c. Reassignment or Demotions. To another activity will normally be released within 2 weeks and must be released within 30 days, unless there is a mutual agreement between two activities.

14. NOTIFICATION. All applicants for promotion will be notified in writing by the HRSC-SW as soon as possible after the selection decision has been made. No commitment, either expressed or implied, shall be made by anyone without prior approval of the Human Resources Office.

15. EFFECTIVE DATE OF PERSONNEL ACTION. Permanent promotions of activity employees will be made effective the beginning of pay periods. Since promotional personnel actions cannot be made retroactively, selection documents must be received in the Human Resources Office no later than five calendar days preceding the proposed date of promotion. Effective dates of career promotions will be made at the beginning on the pay period if the APAR has been submitted at least five days prior.

ENCLOSURE (1)

Sta0 12335.1

29 JUN 1999

16. GRIEVANCES AND COMPLAINTS. Management officials should respond promptly to an employee question or complaint and provide an appropriate explanation, if possible. If the matter pertains to a merit staffing policy or procedure that can best be answered by a member of the Human Resources staff, the employee should be referred to the Human Resources Office for resolution of the problem on an informal basis. If the matter cannot be resolved on an informal basis and the employee submits a formal complaint, the complaint will be processed under applicable grievance procedures. Grievance procedures do not apply if the complaint is covered by a statutory appeals procedure such as the discrimination complaints process. Technical advice on grievance procedures is available from the Human Resources Office.

17. EMPLOYEE DISSATISFACTION CONCERNING BASIC ELIGIBILITY AND RATING DETERMINATIONS. For those employees in the bargaining unit, matters of dissatisfaction concerning basic eligibility and rating determinations will be addressed as outlined in the Master Labor Agreement.

ENCLOSURE (1)

MERIT STAFFING OF CIVILIAN CIVIL SERVICE POSITIONS

APPENDIX A

ACCRETION OF DUTIES/CAREER PROMOTIONS/CAREER LADDERS/
DOCUMENTATION OF PRIOR CONSIDERATION CASES

A-1 ACCRETION OF DUTIES

a. Noncompetitive promotions will only be appropriate when the position is classified at a higher grade due to the accretion of duties which are directly related to the employee's major (and grade-controlling) duties. In order for an employee to be eligible for a noncompetitive promotion all of the following conditions must be met:

(1) The new position must be determined to be a clear successor to the former position (that is, major duties of the replaced PD are absorbed into the new PD and the replaced PD is abolished);

(2) The new position is in the same organizational location and retains the same supervisor (there may be rare exceptions to the requirement to retain the same supervisor such as when a level of supervision is eliminated);

(3) The new position does not involve the addition of project leader, team leader, or other supervisory duties to a nonsupervisory position (duties not titling) or the addition of duties which identify the new position as a successor to a higher level supervisory position. (This is when the new supervisory duties are a part of the basis for the upgrading.)

b. There are rare instances of other upgradings which would fall under the umbrella of accretion, such as when a present supervisory position is upgraded by application of the General Schedule Supervisory Guide because of the addition of more employees or because the supervised employees' base level of work was upgraded. This is only where there is no change in major duties and responsibilities.

A-2 CAREER PROMOTIONS

a. Definition - A career promotion is the promotion of an employee without current competition when competition was held at an earlier date (including the initial appointment of students in cooperative education programs and in the Federal Junior Fellowship Program) and the employee was appointed on an entry level and intermediate position designed or intended to prepare him/her for the full performance level of the position being filled. An

activity may make successive noncompetitive promotions of such an employee until the full performance level of the career series or occupation is reached.

b. Types of Career Promotions

(1) The promotion of an employee occupying a designated career ladder position including a cooperative education student converted noncompetitively. This is where an employee is hired below the full performance level and is one of a group of employees who are being given grade-building experience and are promoted as they demonstrate the ability to perform at the next higher grade level and where there is enough work at the full performance level to support all employees in the group at that grade level. The full performance level is that grade recognized in the position classification standards which depicts an independent level of operation for a particular type of work, presuming proper position management considerations have been used in structuring the work of the group. The nature of the organization, the work performed, and the way it is structured (following good position management practices) all affect the determination of the full performance level. When management appoints an individual in one of the career ladder series at the entrance level or intermediate level, the appointment is made with the full expectation that the employee will realize the higher grade and all applicants must have been made aware of the promotion potential. Consequently, management must select only those employees that they fully intend to use in grade-building assignments. However, employees are not entitled to promotion at any given point and management must ensure that each employee so appointed is in fact capable of performance at the higher grade level before promotion. If an employee in a career ladder position is not promoted, due to inability to perform at the higher grade level, within a reasonable amount of time, he/she must either be reassigned or appropriate adverse action should be taken.

(2) The promotion of an apprentice in a recognized trade or craft up through the various phases of the program to the journeyman level.

(3) The promotion of a trainee in a well defined training program subsequent to a determination of satisfactory completion of the required training by the appropriate management official. This training period may involve both on-the-job and classroom training, or the performance of tasks on a rotating or nonrotating basis for a specific period of time under close guidance.

(4) The promotion of an understudy when the target position is vacated. An understudy is an employee competitively selected for the purpose of being trained to assume the duties of a position scheduled to be vacated in a definite period of time, normally 1 year or less.

(5) The promotion of an employee in a position filled below the established or anticipated grade level after all requirements are met. This is when a position is filled competitively at a grade below the established or anticipated grade level for such reasons as shortage of candidates who meet the requirements for the higher grade or to provide employees the opportunity to develop the necessary knowledge and skills. The potential for future promotion must be made known to all potential applicants. Vacancies may be appropriately filled on this basis when the organizational structure is such that there is likely to be a limited supply of qualified candidates, where the position has been restructured to satisfy budget or average grade requirements or where possibilities exist of accomplishing affirmative action goals (or in other similar situations).

(6) The promotion of an employee under an OPM/DOD/DON (as applicable) approved training or executive development agreement upon satisfactory completion of the training.

(7) The promotion of an employee detailed for training or evaluation, if selected from a detail that was competitive and the fact that the promotion would be noncompetitive was announced.

A-3 TEMPORARY PROMOTIONS

a. Uses. Except for brief periods of time, a temporary promotion generally is the most appropriate means of meeting a situation requiring the temporary service of an employee in a higher-grade position. For example, it may be appropriate when an employee has to perform the duties of a position during the extended absence of the incumbent, to fill a position which has become vacant until a permanent appointment is made, to assume responsibility for an increased work load in the duties of a higher-level position for a limited period, or to participate in a special project which will last for a limited period. A temporary promotion is not appropriate, however, primarily for training or evaluating an employee in a higher-grade position. For example, it may not be used to give an employee a trial period before a permanent promotion, to decide among candidates for permanent promotion, or to train an employee in higher-grade duties. Further, a temporary promotion will not be made for an assignment not covered by an established and authorized civilian position. Supervisors are cautioned not to initiate action requesting a temporary promotion until the matter is discussed with the Human Resources Office to determine that the employee is fully qualified and that such action is, in fact, the most appropriate means to meet the temporary requirement.

b. Length of Temporary Promotion. Temporary promotions must have a definite not-to-exceed date of 1 year or less but may be extended for up to an additional four years if the needs of the

Department of Navy require it. Any request to extend a temporary promotion beyond 1 year must be submitted to the Human Resources Office, fully documented as to the need for the extension, not later than 60 days before the expiration of the 1 year period.

c. Employee Qualifications. An employee selected for temporary promotion must meet the same qualifications and eligibility requirements that would apply in making a permanent promotion to the position involved.

d. Notice and Documentation at the time of Temporary Promotion. An employee selected for a temporary promotion must be informed in advance of the promotion of the reasons why a temporary, as opposed to a permanent promotion, is appropriate. The employees must be informed of conditions related to the need for a temporary promotion, its expected duration and that he/she will be returned to the original position when the temporary promotion is terminated. The promotion record (APAR and the SF-50 Notification of Personnel Action) must be documented to show that the employee has full knowledge of the action taken and the conditions under which the temporary promotion is made.

e. Making a Temporary Promotion Permanent. Competitive promotion procedures apply in making temporary promotions permanent unless the temporary promotion was made initially under competitive procedures and the fact that it might lead to permanent promotion was made known to all potential candidates.

f. Terminating a Temporary Promotion. Temporary promotions may be terminated at any time at the discretion of management regardless of the expected or established expiration date.