



POLICY STATEMENT

Policy Statement 335.1

Policy Area: Human Resources

Effective Date: **JUL 31 2001**

Approved: *Paul A. Quander, Jr.*
Paul A. Quander, Jr., CSOSA Director

MERIT PROMOTION PLAN

I. COVERAGE

This Policy Statement provides coverage for all employees of the Court Services and Offender Supervision Agency for the District of Columbia (“CSOSA” or “Agency”); it does not include the Pretrial Services Agency.

This policy governs the filling of all Agency competitive service positions at grade level GS-15 and below. This policy does not apply to non-status employees serving on temporary appointments, to employees serving in the excepted service, or employees in the Senior Executive Service or equivalent executive systems. However, organizations are encouraged to follow the merit concepts embodied in this policy when filling excepted positions in instances where merit staffing procedures or plans for excepted positions have not been formally established.

II. BACKGROUND

This Policy Statement establishes the policy and guidance for operating the Agency’s Merit Promotion Plan (“MPP”). The MPP supports the systematic, competitive placement of individuals based on merit and implements the policies and procedural requirements contained in Title 5, Code of Federal Regulations (“C.F.R.”), Parts 330 and 335. The MPP does not guarantee promotion or selection, but is intended to ensure that qualified applicants receive fair consideration for positions filled under competitive procedures.

III. POLICY

It is the Agency’s policy to staff positions with the best-qualified candidates available through the Civil Service employment system and to assure to the greatest degree possible that employees have an opportunity to develop and advance to their full potential according to their capabilities and performance. Accordingly, the Agency follows the MPP procedures. This policy outlines competitive procedures to be used in selecting highly qualified persons to fill

vacancies on the basis of merit and fitness, and without regard to sex, age, politics, religion, marital status, sexual orientation, race, color, national origin, non-disqualifying handicapping condition, membership or non-membership in an employee organization, or on the basis of personal favoritism. Selection will be based solely on job related criteria. Promotions and related placement actions also will be made in accordance with this policy.

Management may fill a vacancy by promotion, demotion, non-competitive conversion, reassignment, transfer, reinstatement, or appointment from a Delegated Examining Unit (“DEU”) or other appropriate source of applicants.

IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

A. Authorities

- 5 C.F.R. Parts 330 and 335, Recruitment, Selection and Placement
- 5 C.F.R. Part 337, Examining System
- 5 C.F.R. § 531.203(b), Superior Qualifications
- 5 C.F.R. Part 575, Recruitment and Relocation Bonuses; Retention Allowances
- 5 C.F.R. Parts 771-772, Employee Grievances
- 5 U.S.C. Chapter 23

B. Policy Supersedures

- HRD 335.1 Merit Promotion Plan Change 1 (12/12/2000)

C. Procedural References

- Operating Manual for Qualification Standards for General Schedule (“GS”) Positions (March 1999)
- Delegated Examining Operations Handbook (October 2003)

D. Attachments

- Appendix A. Definitions
- Appendix B. Responsibilities
- Appendix C. General Procedures

APPENDIX A DEFINITIONS

Area of Consideration – the designated area of search in which enough high quality candidates can be expected to be located for a particular position or group of positions announced under competitive procedures.

Best Qualified Candidates – those who rank at the top when compared with other eligible candidates evaluated for a position under competitive merit promotion/staffing procedures.

Career Ladder Promotion – promotion of an employee without current competition when competition was held at an earlier stage (competitive promotion procedures) for an assignment intended to prepare the employee for the position being filled. Career ladders are documented on position descriptions, vacancy announcements, and requests for certificates of eligibles from the Office of Personnel Management (“OPM”).

Change to Lower Grade – an employee moves to a lower grade when both the old and the new positions are under the same pay schedule (e.g., GS, Wage Grade, etc.) or an employee moves from one pay schedule to another or from an ungraded position to another ungraded position and the new position has a lower rate of basic pay.

Crediting Plan – a rating plan used to evaluate qualified applicants and identify the best qualified candidates by using pre-determined point levels assigned to each of the rating criteria (e.g., knowledge, skills, and abilities - KSAs) necessary for successful performance in the position being filled.

Cut-off Score – the minimum rating score which a candidate must meet in order to rank among the best qualified candidates.

Delegated Examining Unit – Unit in a federal agency with authority delegated by OPM to fill competitive service positions within the agency.

Delegated Examining Unit Certificate – a list of the highest-ranked eligible candidates in score and veterans preference order, submitted to a selecting official for appointment consideration in accordance with the competitive selection laws and regulations.

Detail – the temporary assignment of an employee to different duties or to a different position for a specified period of time with the employee returning to his/her regular duties at the end of the temporary assignment.

Highly Qualified Candidates – candidates who are determined by the Agency to exceed basic qualification requirements on the basis of objective, job-related criteria.

KSAs – the criteria of “Knowledge, Skills, and Abilities” used to evaluate candidates.

Merit Promotion Certificate - the list of qualified candidates evaluated under competitive promotion procedures and referred to the selecting official for further consideration.

Panel – a group of subject-matter experts (usually two or more) who are appointed by the Human Resources Specialist to evaluate candidates.

Position Change – a promotion, change to lower grade, or reassignment made during an employee’s continuous service within the same agency.

Priority Consideration – an exception to competitive promotion procedures that means the employee is to be considered by the selecting official ahead of other candidates for the next appropriate vacancy. It may be a remedy for a previous erroneous merit promotion action. The selecting official is not required to select or to defend his/her non-selection of the employee.

Promotion – the change of an employee to a higher grade level within the same job classification system and pay schedule, OR to a position with a higher rate of basic pay in a different job classification system and pay schedule, OR a temporary promotion made permanent.

Qualified Candidates – individuals who meet the basic qualifications and requirements for a position, including selective placement factors.

Reassignment – the change of an employee -- serving continuously within the Agency -- from one position to another without promotion or change to lower grade.

Reinstatement – the reappointment of a person with competitive status based on previous employment in a permanent competitive service position.

Selective Factors – the KSAs determined by the selecting official to be *essential* for satisfactory performance on the job, and which represent an addition to the basic qualification standard for a position.

- If the vacancy announcement identifies selective factors, all applicants must possess these selective factors before their qualifications are evaluated against the crediting plan. The following are examples of appropriate selective factors for determining eligibility when the factors are essential for successful job performance: (a) ability to speak, read, and/or write a language other than English; (b) knowledge and abilities pertaining to certain programs when these

cannot readily be acquired within a reasonable period of time; and (c) ability in a functional area (e.g., ability to evaluate Automatic Data Processing systems).

Time-After-Competitive-Appointment Restriction – the provision requiring that 90 days must elapse after an employee’s latest non-temporary competitive appointment or direct hire authority appointment before he/she may be promoted, reassigned, detailed, transferred, or reinstated to a higher grade, a different line of work, or a different geographical area in the competitive service.

Time-In-Grade Restriction – the part of the Civil Service regulations that protects competitive principles by preventing agencies from making excessively rapid promotions to positions subject to the General Schedule. This restriction applies to promotion to positions above GS-5 and requires employees to serve a minimum of one year at the next lower grade level (in the normal line of progression) before they are eligible for promotion.

Transfer – the change of an employee from a permanent competitive service appointment in one agency to another (with or without promotion) without a break in service.

Vacancy Announcement – the advertisement of a position or positions available to be filled. All vacancy announcements will include at least the following information:

- agency name;
- announcement number and year in the following order: office acronym - two-digit year - vacancy announcement number, Human Resources Specialist’s initials, followed by (MPP) or (DEU). For example: OHR-05-001 (SH) (MPP). If the vacancy is a re-advertisement, add the letter R; if it has been amended, add the letter A;
- area of consideration;
- any known promotion potential;
- title, series, grade, and number of positions;
- duty location;
- opening and closing dates (including cut-offs, if any);
- deadline for acceptance of applications;
- duties of the position;

- all qualification requirements, including any selective factors;
- evaluation methods (to include the definition of “well-qualified” and the Career Transition Assistance Plan (“CTAP”) and Interagency Career Transition Assistance Plan (“ICTAP”), if applicable);
- application procedures;
- suitability requirements;
- equal employment opportunity statement;
- reasonable accommodation statement;
- statement on whether relocation expenses are authorized; and
- any non-standard condition of work (i.e., frequently required overtime, etc.).

APPENDIX B RESPONSIBILITIES

A. Selecting Officials

Selecting Officials are responsible for applying the principles and requirements of 5 C.F.R., the Equal Employment Opportunity Commission's Title VII regulations (29 C.F.R. Part 1614), as well as this MPP when filling positions.

B. Appointing Officials

Appointing Officials are responsible for assuring that merit principles and requirements have been applied before effecting an action to fill a position, and for taking appropriate corrective action if violations of these principles and requirements occur.

C. Management Officials

Management Officials at all levels (including selecting and appointing officials) are responsible for applying merit principles including the principle of equal employment opportunity when filling vacancies. They will be held accountable for actions that violate law, regulations, or this MPP.

D. Office of Human Resources

The Office of Human Resources ("OHR") is responsible for:

- (1) Implementing and overseeing the MPP and ensuring its full and equitable application to all covered employees and positions;
- (2) Taking appropriate action to make sure qualified candidates are located and referred to selecting officials;
- (3) Maintaining promotion records as detailed in 5 C.F.R. § 335.103(b)(5) and in this policy; and
- (4) Advising managers on all Human Resources ("HR") staffing issues.

E. Employees

Employees are responsible for:

- (1) Obtaining the necessary vacancy information in order to submit the required application forms in response to a vacancy in which they have an interest;
- (2) Providing full, complete, and accurate information regarding their qualifications for a vacancy with respect to both the minimum qualification requirements and the applicable KSAs addressed in the evaluation factors (selective and ranking); and
- (3) Submitting application forms to be received online by the Office of Human Resources by the closing date of the vacancy announcement.

APPENDIX C
GENERAL PROCEDURES

A. Promotion and Internal Placement

- (1) Actions for which Competitive Procedures are *Required*
- (a) Time-limited promotions under 5 C.F.R. § 335.102(f) – for more than 120 days to higher graded positions (prior service during the preceding 12 months under noncompetitive time-limited promotions and noncompetitive details to higher graded positions counts toward the 120-day total). A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under competitive procedures and the fact that it might lead to permanent promotion was made known to all potential candidates;
 - (b) Details of more than 120 days to a higher graded position or to a position with higher promotion potential (prior service during the preceding 12 months under noncompetitive details to higher graded positions and under noncompetitive time-limited promotions counts toward the 120-day total);
 - (c) Selection for training which is part of an authorized training agreement, part of a promotion program, or required before an employee may be considered for a promotion as specified in 5 C.F.R. § 410.302;
 - (d) 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 regulations);
 - (e) Transfer to a position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service; and
 - (f) Reinstatement to a permanent or temporary position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service.

- (2) Actions for which Competitive Procedures are *not* Required
- (a) A promotion without current competition of an employee who was appointed in the competitive service from a civil service register, by direct hire, by non-competitive appointment or non-competitive conversion, or under competitive promotion procedures for an assignment intended to prepare the employee for the position being filled (the intent must be made a matter of record and career ladders should be documented in the vacancy announcement, merit promotion file and on the Notification of Personnel Action - SF-50);
 - (b) A promotion resulting from an employee's position being reclassified at a higher grade because of the accretion of additional duties and responsibilities;
 - (c) A promotion resulting from the upgrading of a position without significant change in duties and responsibilities due to issuance of a new classification standard or the correction of a classification error;
 - (d) A position change permitted by reduction-in-force regulations;
 - (e) A promotion, reassignment, demotion, transfer, reinstatement or detail to a position having promotion potential no greater than the potential of a position the employee currently holds or previously held on a permanent basis in the competitive service from which the employee was separated or demoted for other than performance or conduct reasons. (The employee must submit acceptable evidence of a career ladder in a previously held position. If a determination cannot be made with submitted documents, the applicant will have to apply under competitive procedures);
 - (f) A temporary promotion of 120 days or less (prior noncompetitive temporary promotion or a noncompetitive detail to a higher graded position in the last 12 months counts toward the 120-day total);
 - (g) A detail of 120 days or less to a higher-grade position or one with greater promotion potential (prior noncompetitive temporary promotion or a noncompetitive detail to a higher graded position in the last 12 months counts toward the 120-day total);
 - (h) Promotion made after competitive selection for detail or temporary promotion when the possibility of permanent promotion was initially publicized;

- (i) Action taken based on “priority consideration” for an employee as a remedy for failure to receive proper consideration in a competitive promotion action; or
 - (j) Promotion to a grade previously held on a permanent basis in the competitive service (or other OPM merit system approved under 5 C.F.R. § 6.7) from which an employee was separated or demoted for other than performance or conduct reasons.
- (3) Reclassification Based on Accretion of Duties
- (a) Accretion of duties is used to describe rare situations in which a change in duties and responsibilities results in the position being reclassified at a higher grade. Situations such as this must be documented and submitted to OHR for evaluation. OHR may conduct a classification desk audit to determine the proper classification of the position.
 - (b) The following conditions must be met for the position to be reclassified based on accretion of duties:
 - (i) Over time, or as a result of programmatic changes, the individual’s position has expanded to include higher-level duties;
 - (ii) The employee continues to perform the same basic functions of the former position and the duties of the former position are administratively absorbed into the new position;
 - (iii) The addition of the duties and responsibilities does not adversely affect another encumbered position (for example, a supervisor cannot take duties from one employee and assign them to another, resulting in one position being downgraded and the other upgraded); and
 - (iv) The addition of the duties and responsibilities does not provide one employee with an unfair advantage over other employees who are qualified to perform them (for example, a supervisor takes duties and responsibilities which he or she knows, or has good reason to believe, are grade-enhancing, and arbitrarily assigns them to a particular employee even though there are other employees who are qualified to perform these duties and responsibilities).

B. Locating and Identifying Candidates for Vacancies

(1) Areas of Consideration

- (a) The area of consideration will be indicated on the vacancy announcement. The scope of competition for each vacancy will be individually determined by consultation between the HR representative and the respective supervisor/manager. Each vacancy will be advertised in a geographic/organizational area large enough that a reasonable number of well-qualified candidates may be anticipated.
- (b) Employees working outside the commuting area may apply, but are subject to budget and ceiling constraints and/or the inability of the organization to pay relocation expenses. An agency's decision to pay or not pay relocation expenses must be stated on the vacancy announcement.
- (c) "Commuting Area" means a geographic area that usually constitutes one area of employment. It includes a population center and surrounding localities in which people live and reasonably can be expected to travel back and forth daily from home to work in their usual employment.

(2) Job Opportunities

Job opportunities will be publicized through the use of written/electronic notifications or other media that provide sufficient notice to potential candidates within the minimum area of consideration. Minimum posting time will be five (5) workdays and notifications will state the last date for acceptance of applications.

(3) Method of Applying

- (a) To apply for a merit promotion vacancy, candidates must submit all of the application material requested in the vacancy announcement. Failure to provide required information may result in either disqualification from consideration or a lower rating than would otherwise be possible. In addition, candidates with prior government status are required to provide a copy of their most recent SF-50, Notification of Personnel Action. Excepted service candidates (i.e., Veterans Readjustment Act eligibles, persons with disabilities) are required to submit any supporting documentation for the excepted appointing authority, (e.g. DD 214, medical documentation, etc.) and their most recent SF-50 if applicable.

- (b) All required application materials stated on a specific vacancy announcement must be received in the Office of Human Resources by the closing date. Electronic resumes/applications will be accepted.
- (c) Employees within the area of consideration who are absent for legitimate reasons during the posting period of an announcement, (e.g., on external details, on leave, attending external training, on Intergovernmental Personnel Assignments, on military duty, service in public international organizations), and wish to apply after the closing date of the announcement, may submit an application and be considered up to the point when the certificate is issued. Such applications must include appropriate government documentation that verifies an acceptable reason for applying after the closing date.

C. Evaluation of Candidates

(1) Minimum Qualification Standards

- (a) The Operating Manual for Qualification Standards for General Schedule positions will be used to determine minimum qualifications for applicants. All applicants who meet the experience required as specified in the appropriate standard will be eligible for the vacancy. A summary of these standards will be included on the vacancy announcement. Also, to be considered eligible for competitive merit promotion consideration, candidates must meet time-in-grade requirements within 30 calendar days of the closing date of the announced vacancy.
- (b) New employees who have recently been appointed to the federal service must have served in their initial position for 90 days before they are eligible for a promotion or reassignment to another type of work.

(2) Special Qualifications - Selective Factors

Special qualification requirements may be used when they are essential to the successful performance of the position to be filled. The Human Resources Specialist ("HR Specialist") must approve such special requirements before they can be used in screening candidates or included in the vacancy announcement. Selective placement factors must not include requirements that would eliminate otherwise qualified candidates who need only a brief period (approximately 90 days) of orientation and training to successfully perform the duties.

(3) Methods of Evaluation

Candidates determined to meet basic eligibility requirements will be further evaluated in relation to specific KSAs. Eligible candidates will be evaluated based on possession of these specific KSAs. This evaluation will consider experience, training, awards, outside activities, and other job related information that may be appropriate to the evaluation of the particular KSA.

If there are ten or fewer qualified candidates for a merit promotion vacancy, the candidates will not be ranked. However, the HR Specialist will, at a minimum, (a) screen all candidates to ensure they meet basic qualification requirements – including any selective factors, and (b) identify job-related criteria to distinguish well-qualified candidates from those who only meet minimum qualification requirements.

If more than 10 qualified competitive candidates apply, rating and ranking is required using the applicable rating plan for the position.

The evaluation procedures contained in this plan will be used to rate all applicants who meet the basic qualification requirements for vacancies filled through the MPP. OHR is responsible for determining whether applicants meet the basic qualifications and will also rate the qualified applicants when a panel is not utilized.

(a) Ranking Factors

Applicants who meet the basic qualification requirements for a position (including selective factors) will be further evaluated to determine the extent to which they possess the KSAs to succeed in the position being filled. To receive maximum consideration, employees should include in their applications all experience, training, education, outside activities, and awards relevant to the position being filled.

Performance appraisals may be used as a tool for evaluating the candidate's work habits and past performance of duties. Rating criteria used in the rating process must be identified and recorded as part of the merit promotion file.

Structured interviews may also be used as an evaluation tool. Structured interviews are used to obtain information on important elements of the job when such information cannot be readily obtained by other means. When there is a need to use this type of structured interview, all competitive eligibles must be interviewed. Questions to be asked in the structured

interview process should be standardized in order to provide an objective basis for the comparison of candidates.

Methods used to rate applicants will be noted in the vacancy announcement.

(b) Rating Plan

The HR Specialist in consultation with the selecting official will conduct a thorough job analysis and develop relevant rating plans.

Changes in rating plans may be necessary if the duties and responsibilities of the position change significantly, or if it can be demonstrated that the plan was not effective in producing best qualified candidates in the past. Factors that may necessitate changing established plans must be approved by the HR Specialist.

Quality levels (excellent, good, acceptable) will be used to determine the degree to which each candidate's background reflects the KSAs to perform the duties of the position. Point values assigned to each KSA may vary based on the KSA's importance to success in a particular position.

(c) Benchmarks

The selecting official and the HR Specialist should develop a crediting plan that describes, at a minimum, three quality levels (excellent, good, and acceptable), and examples of experience and education that reflect how one could have acquired a particular KSA. The excellent level should describe the most outstanding factors for successful performance in the position. The good and acceptable levels should reflect criteria that indicate significant performance, but with lesser degrees of expertise and experience than the excellent level.

Benchmarks should be definitive and concise, neither so general as to be ineffective for evaluation purposes nor so specific as to be unnecessarily restrictive. They are to be developed to provide a sufficient basis for comparing a candidate's background to the quality levels and for determining which of them most closely matches the information in the application.

(d) Cut-off Score

The HR Specialist will establish a cut-off score to identify the best qualified candidates for the position being filled. The cut-off score will be the natural break in total scores. OHR may deviate from this method when appropriate, and then document it in the merit promotion file.

(4) Merit Staffing Evaluation

A designated HR Specialist or a rating panel may perform the rating. HR Specialists and panel members are required by law to maintain the confidentiality of the material they review.

(5) Evaluation by Rating Panel

Panels must include at least two subject matter experts who should be at least the same grade as the advertised position. The HR Specialist shall coordinate the appointment of panel members. The designated HR Specialist will serve in an advisory capacity and conduct the panel. Recommending officials, selecting officials and relatives of applicants may not serve as panel members or participants in the deliberations.

(6) Grouping of Candidates

If there are 10 or fewer eligible candidates at a given grade level, ranking is not required. However, the HR Specialist will screen all candidates to ensure that they meet the basic qualification requirements for the position, including any selective factors. The HR Specialist will also use one of the following methods to distinguish the best-qualified candidates:

- (a) The HR Specialist will identify job-related criteria to distinguish best-qualified candidates from those who only meet the minimum qualification requirements, and refer only the best-qualified candidates to the selecting official;
- (b) The selecting official will distinguish the best-qualified candidates based on a key knowledge, skill, or ability requirement, and select from that group;
- (c) A subject matter expert will certify that the referred candidate(s) is the best-qualified based on job-related criteria; or

- (d) Candidates will be rated and ranked against an established crediting plan under regular evaluation procedures, and the best-qualified candidates will be referred to the selecting official.
- (e) If there is an insufficient number of qualified candidates, consideration will be given to expanding the area of consideration. If there are no additional qualified candidates and further expansion of the area of consideration is impractical (for documented reasons), then the candidates in the qualified group may be considered for the position. Candidates eligible for noncompetitive selection will not be rated, but will be referred on a separate list without evaluation.
- (f) There is no requirement for formal evaluation of qualified candidates eligible for noncompetitive consideration. These candidates may be referred for selection consideration non-competitively, i.e., without evaluation other than qualification requirements.
- (g) Selecting officials may choose to interview any, all, or none of the candidates in this non-structured interview process. (The structured interview process is discussed in Section C. 3(a) above.)

(7) Category Rating

Under 5 U.S.C. § 3319, agencies are authorized to develop Category Rating as an alternative process to assess applicants for jobs filled through competitive examining. This method may also be used to fill any competitive service position, including a position filled through a term or temporary appointment. The process is similar to the traditional rating and ranking method, but allows managers greater flexibility to hire qualified applicants based on merit, veterans' preference and staffing needs. See also 5 C.F.R. 337, Subpart C, regulations for category rating and selection procedures.

Category Rating is an alternative ranking and selection procedure wherein qualified eligible candidates are evaluated using quality categories rather than by assigning individual numeric scores. Following an assessment of their skills against job-related criteria (as in the traditional method described above), candidates are then placed into two or more pre-defined categories (e.g., Good, Better, Best) based on their qualifications and veterans' preference.

If fewer than three candidates have been assigned to the highest quality category, the highest and the second-highest quality categories may be merged. The HR Specialist should merge the two categories before the certificate is issued to the selecting official.

Managers are not limited to choosing from among the top three ranked candidates as they are under the traditional process. They may select any candidate from among the top group. The Category Rating method allows agency human resources staff to present a larger group of qualified candidates to hiring managers.

Veterans' preference still applies under Category Rating, with veterans automatically moving to the top of their appropriate category. Agencies must hire veterans -- before all others -- from the highest-rated category in which a candidate appears. Agencies may opt to use the Category Rating method on a position-by-position basis.

D. Selection of Candidates

The selecting official has the right to select or not select any of the candidates on the certificate based on his/her judgment of how well the candidate will perform in the particular job being filled in accordance with the qualification requirements. The selecting official may use appropriate authorities such as reinstatement, transfer, Schedule A (persons with disabilities) or Veterans Readjustment Act eligibles or those within reach on a DEU certificate.

In addition, there are circumstances where decisions are impacted by agency and other staffing and placement programs. For example, filling vacancies may be subject to the placement of individuals through the agency's Reemployment Priority List and the CTAP. Also, filling vacancies from outside the agency may be subject to ICTAP. [CTAP and ICTAP carry special selection rights that assist surplus and displaced employees.]

In accordance with the Agency's Drug-Free Workplace Program, all applicants tentatively selected for initial appointments will be required to submit to a drug test (urinalysis) to screen for illegal drug use. A preliminary background investigation prior to appointment is also required. In addition, all employees and contractors may be subject to a comprehensive criminal background investigation (see Homeland Security Presidential Directive 12).

Also, according to regulations, if a Law Enforcement Officer ("LEO") employee is currently serving in a primary LEO position (such as a Community Supervision Officer ("CSO") position at CSOSA), and is selected for a secondary position

(such as a Supervisory CSO (“SCSO”) position at CSOSA), he or she must have completed three (3) years in their primary position to be covered by LEO retirement. See 5 C.F.R. § 842.803(b)(ii).

E. Setting Pay on New Appointments

Pay on new appointments can be set in one of two ways:

- At the minimum rate (first step) of the grade; or
- At above the minimum rate because of the person’s superior qualifications. (See F. below)

In most cases, pay on a new appointment is set at the minimum rate of the grade for the position to which the employee is being appointed. The minimum rate is the first step of the regular rate pay schedule or the first step of a special salary rate schedule.

F. Superior Qualifications – Above-the-Minimum

Current law and regulations permit the new appointment (or reappointment if the candidate has had a break in service of at least 90 days) of a candidate at a rate above-the-minimum rate of the appropriate grade because of the candidate’s superior qualifications or a special need of the agency for the candidate’s services. A determination may be based on either the relevance of the candidate’s experience and education to the particular work he/she will do, or on the quality of the candidate’s accomplishments compared to others in the field as it relates to the duties of the position.

All superior qualification appointments must be approved before the candidate enters on duty. A recruitment bonus must be considered before an above the minimum will be approved.

Pay may be set at a rate not more than 25 percent greater than the candidate’s existing pay. In setting the appropriate step, consideration should be given to the availability of highly qualified candidates, the existing compensation of the candidate and legitimate and confirmed competing job offers. A justification must be provided to support the advanced pay rate. Pay may not exceed the Step 10 of the grade.

The CSOSA Associate Director for HR or designee may approve appointments at above the minimum rate.

G. Validity of Certificates

Certificates are valid until selection(s) are made but the life of a certificate may not exceed twelve months. The certificate of eligibles may be used again to make additional selections.

In addition, if one or more vacancies arise after the certificate is issued for which the certificate of eligibles is appropriate, it may be used again for those vacancies, regardless of the number of vacancies indicated on the announcement.

H. Recruitment/Retention/Relocation Regulations

(1) Recruitment Bonuses

- (a) The Agency may pay a lump sum recruitment bonus up to 25 percent of the annual rate of basic pay to an employee “newly appointed” to the federal government, in a difficult-to-fill position, including an employee reappointed with a 90-day break in service;
- (b) Recruitment bonuses may be paid to eligible individuals who are appointed to a GS position or to another type of position for which such payments have been approved by OPM;
- (c) Before receiving a recruitment bonus, an employee must sign a written agreement to complete a specified period of employment with the Agency. The minimum allowed service period is twelve months.

(2) Relocation Bonuses

- (a) The Agency may pay a lump sum relocation bonus up to 25 percent of the annual rate of basic pay to an employee who must relocate to accept a difficult-to-fill position in a different commuting area;
- (b) Relocation bonuses may be paid to eligible individuals who are serving in a GS position or in another type of position for which payments have been approved by OPM;
- (c) Only current employees serving in covered positions may receive a relocation bonus; newly appointed employees are not eligible;
- (d) Before receiving a relocation bonus, an employee must sign a written agreement to complete a twelve-month period of employment with the Agency.

(3) Retention Allowances

- (a) The Agency may pay a retention allowance of up to 25 percent of basic pay to an employee if the unusually high or unique qualifications of the employee or a special need of the Agency for the employee's services makes it essential to retain the employee, and the Agency determines that the employee would be likely to leave the federal service without the allowance;
- (b) Retention allowances may be paid to current federal employees holding a GS position or another type of position for which payments have been approved by the OPM;
- (c) Before paying a retention allowance, the Agency must determine that the unusually high or unique qualifications of the employee or a special need for the employee's services makes it essential to retain the employee, and the employee would be likely to leave the federal service (for any purpose) in absence of the allowance.

I. Release of Candidates

Only the HR Office will make official requests for the release of employees selected for positions. The employees selected will normally be released in two weeks or at the end of the first full pay period after a release date has been officially requested. For reassignments, a longer time may be appropriate when mutually agreed upon by the losing and gaining offices but normally not longer than 30 calendar days.

J. Maintenance of Records

- (1) Merit promotion files will be retained for two years and maintained in such a manner that the actions may be reconstructed.
- (2) Merit promotion files will be safeguarded and not released to unauthorized persons. When sent to authorized persons (i.e., third party investigations) for authorized review, audit and inspection, they must be placed in sealed envelopes marked "CONFIDENTIAL — TO BE OPENED BY ADDRESSEE ONLY."

K. Access to Information

(1) Employees and Labor Organizations

The HR Office will inform employees and concerned or appropriate labor organizations of the merit promotion policies, changes, evaluation techniques and ranking methods, and career and promotion opportunities. Employees will be notified in writing of the merit promotion program provisions and informed where copies of the MPP are available.

(2) Employee Applicants

Employees who apply for specific vacancies will receive:

- A notification of receipt of their application; and
- A written notice of the disposition of the vacancy.

(3) Documents Available to Applicants

- (a) An applicant is entitled to see, upon written request, only those documents used in considering him/her for a particular vacancy. The crediting (rating) plan cannot be released because it is considered to be test material.
- (b) Applicants may review appropriate regulations, policies, and qualification standards in the OHR, on the CSOSA website, or on OPM's website.

L. Corrective Actions

(1) Error Correction

Corrective action prescribed by 5 C.F.R. must be taken in some cases when errors or violations are found. The OHR may initiate corrective actions involving, for example, an employee who for some reason did not receive proper consideration in a competitive promotion action. Corrective action of a particular kind could be directed by the Agency or OPM when resolving a grievance or a discrimination complaint, or as a result of an evaluation review.

(2) Priority Consideration

An employee who was not considered in an original promotion action because of a procedural error or a regulatory or merit promotion program violation, and who has not been promoted since, will be given priority consideration for

the next promotion opportunity for which the priority candidate meets all qualification requirements, and which is the same grade level and type of position in the same commuting area as the position for which the employee was not considered. A person given priority consideration will be referred to the selecting official prior to any other qualified applicants who have applied for the vacancy. Such referral does not entitle the employee to selection, and only one such consideration is authorized. If not selected, the priority candidate is entitled to written notice and the reason for non-selection.

M. Employee Questions and Concerns

(1) Contact the Human Resources Specialist

Employees should contact their HR Specialist in OHR when any questions or concerns arise regarding either the merit promotion program in general or a particular position for which they applied. These questions typically will be answered by the HR Specialist. Generally, most questions or concerns can be resolved through this exchange of information.

(2) Addressing Issues

In the event an exchange of information with OHR does not resolve a concern, the individual may utilize one of the established mechanisms, as appropriate, for addressing the issue. The established mechanisms are: CSOSA's administrative grievance procedures, Alternative Dispute Resolution, and the discrimination complaint process. These procedures all have required time frames for initiating the process if the matter is to be considered timely filed. Individuals should contact OHR for information about the grievance procedures and their respective time frames, and contact the EEO Office for information about the discrimination complaint process and its time frames. Non-selection for a position in itself may not be regarded as cause for a grievance or a discrimination complaint.