

U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C. 20250

<b>DEPARTMENTAL REGULATION</b>		Number: DR 4030-335-002
SUBJECT: Merit Promotion and Internal Placement	DATE: August 20, 2013	
	OPI: Office of Human Resources Management	

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1. PURPOSE

It is U.S. Department of Agriculture (USDA) policy to recruit qualified, diverse individuals to ensure bringing the best qualified candidates to the attention of management; to give employees an opportunity to receive fair, equitable, and appropriate consideration for higher level jobs; to provide an incentive for employees to improve their performance and develop their knowledge, skills, and abilities; and to provide career opportunities for employees.

2. SPECIAL INSTRUCTIONS/CANCELLATIONS

This policy supersedes the Departmental Personnel Manual 335, Promotion and Internal Placement, dated July 1993 and Amendment No. 227, dated August 16, 1993.

### 3. POLICY

It is the policy of USDA to comply with the Merit System Principles governing competitive procedures used in selecting best-qualified applicants to fill vacancies on the basis of merit without regard to race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or whether all or part of an individual's income is derived from any public assistance program, or protected genetic information, in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) The Plan does not guarantee promotion. It is intended to ensure that all basically qualified applicants receive fair consideration for positions filled under competitive procedures.

### 4. REFERENCES

This directive must be used with:

- a. Title 5, United States Code (USC), Chapter 33, Examination, Selection, and Placement;
- b. Title 5, USC §2301, Merit System Principles;
- c. Title 5, USC §2302, Prohibited Personnel Practices;
- d. Title 5, Code of Federal Regulations (CFR), Part 335, Promotion and Internal Placement;
- e. Title 5, CFR, Part 300.102 and 300.103, Policy and Basic Requirement;
- f. Title 5 CFR, Part 330 Recruitment, Selection, and Placement (General);
- g. Title 29, CFR, Part 1607, Uniform Guidelines on Employee Selection Procedures;
- h. Veterans Information at OPM website: <http://www.fedshirevets.gov/> ;
- i. Title 5, CFR, Part 338, Qualification Requirements (general);
- j. Title 5, U.S.C. §7106 C i-ii, Management Rights;
- k. Title 5, CFR 315.611, Appointments of Certain Veterans Who Competed Under Agency Merit Promotion Announcements;
- l. Title 5, CFR 315.612, Noncompetitive Appointment Of Certain Military Spouses; and
- m. USDA Departmental Regulation 1312-002, Cooperation with the Office of the Special Counsel, Merit Systems Protection Board.

## 5. BACKGROUND

The Office of Personnel Management (OPM) established provisions for Executive Branch agencies of the United States Government which govern when competitive procedures must be used in filling competitive service positions by means of promotion and other in-service actions. The Director, Office of Human Resources Management (OHRM), is delegated authority to set policy and provide overall technical guidance and direction for the USDA Merit Promotion Plan.

This policy establishes and provides a general understanding of the staffing human resources (HR) authorities and required operation. It is to be used with support and advice from the servicing Human Resources offices (HRO). Merit Promotion policies established at the mission area, agency, or staff office level must not deviate from those established herein. It is recognized that aspects of the implementation of Department policy may be subject to collective bargaining, the results of which may modify implementation procedures stated or implied herein.

Presidential Memorandum “Improving the Federal Recruitment and Hiring Process” dated May 11, 2010, established hiring reform initiatives, streamlining hiring procedures for both internal and external applicants.

Mission areas, agencies, and staff offices may not supplement this Directive without prior approval of the Director, OHRM. Approved supplemental regulations or internal guidance issued by mission areas, agencies, or staff offices may not conflict with the contents of this Directive. Servicing HROs must make this Directive, and any approved supplemental regulations or guidance, available to all employees.

## 6. DELEGATIONS

Except as reserved to the Department, agency and staff office heads are delegated the authority to make position changes. Agency and staff offices heads may re-delegate this authority to the servicing HRO. The Director of OHRM, however, may withdraw such authority and is authorized to issue instructions on the use of delegated authorities.

Delegations of Authority reserved to the Director of OHRM:

- a. Application of Reduction in Force (RIF);
- b. Career Transition Assistance Program (CTAP);
- c. Reemployment Priority List (RPL) procedures; and
- d. Re-promotion Placement.

## 7. RESPONSIBILITIES

- a. Agency and staff office heads, or as delegated to the servicing HRO, are responsible for:
- (1) Overseeing this Plan to ensure fair and equitable treatment of all applicants for all positions;
  - (2) Providing technical assistance and guidance to management, supervisors, employees and applicants on all merit promotion matters;
  - (3) Classifying position descriptions developed by management;
  - (4) Developing organizational charts, in consultation with management;
  - (5) Preparing the classification evaluation statement;
  - (6) Assisting management in determining the area of consideration to ensure the availability of a diverse group of highly qualified applicants;
  - (7) Advising management on the pre-recruitment process including development and documentation of the job analysis process, and assisting management in the development of job-related evaluation criteria, including determining whether or not the use of a selective factor(s) is appropriate;
  - (8) Developing and posting vacancy announcements, receiving and logging of applications, determining applicant eligibility, conducting or overseeing the evaluation of applicants, issuing certificate(s) or list(s) of eligibles, extending job offers, notifying applicants of the status of their applications, certifying completion of initial suitability, entering data into HR systems in real time, and maintaining/closing-out vacancy files in accordance with this Plan. (See Records Retention and Disposal Section); and
  - (9) When necessary, making recommendations for revision of the USDA Merit Promotion Plan.
- b. Management/Selecting officials are responsible for:
- (1) Applying the principles and requirements of this Plan when filling a position, including merit system principles and the principles of equal employment opportunity, and taking appropriate corrective action when violations of these principles and requirements occur;
  - (2) Analyzing their staffing needs and keeping servicing HRO staff informed of immediate and long range human management needs;
  - (3) Initiating and submitting requests for recruitment actions to servicing HRO staff in a timely manner;
  - (4) Developing position descriptions and consulting with servicing HRO on organizational charts;
  - (5) Consulting with servicing HRO staff to complete the pre-recruitment process including developing and documenting the job analysis process along with job-related evaluation criteria;
  - (6) Consulting with servicing HRO staff in identifying recruitment sources likely to yield a diverse pool of highly qualified applicants and in determining the area of consideration for an announcement;
  - (7) Working with the servicing HRO staff towards achieving objectives pertaining to recruitment, promotion, and retention; and

(8) Making selection decisions within OPM and USDA established time-to-hire timeframes.

c. Applicants are responsible for:

- (1) Documenting possession of the required competencies and proficiency levels, any applicable selective factor(s), and other characteristics necessary to qualify for positions to which they apply, by close of the vacancy announcement unless otherwise noted (i.e. student interns);
- (2) Submitting all required application materials (as indicated on the vacancy announcement) within the specified timeframe; and
- (3) Seeking information on positions of interest and applying for such positions by the required application deadline, including those on extended approved absences (e.g., leave, official travel, detail, military service, or long term training).

## 8. COVERAGE

The requirements and procedures outlined in this plan apply to actions involving Title 5 positions in the competitive service, General Schedule (GS) 1 through GS-15 and the Federal Wage System (WG, WL, WS). (Note: Although “grades” are referred to throughout this document, agencies with an alternative personnel system may substitute “pay band” or other applicable term for “grade,” as appropriate.) This plan covers competitive and noncompetitive procedures to be used in selecting best qualified applicants to fill vacancies on the basis of merit and qualifications.

Employees of certain organizations within USDA are covered by collective bargaining unit agreements. When the terms of an applicable agreement conflict with this policy, the terms of that collective bargaining agreement take precedence over this policy.

The Merit Promotion Plan is applicable to all Title 5 USDA mission areas, agencies, staff offices, and Foreign Service; excluding Farm Service Agency County Office positions covered under Title 7. The merit principles of competitive procedure do not apply to the hiring of non-Federal (County) and excepted service positions, though permanent non-Federal County employees are eligible to compete as merit applicants when applying for a Federal position in USDA.

The policies and procedures of this plan apply to:

- a. All promotions not listed in Section 9, “Exceptions to Competition;”
- b. Selection for training which is part of an authorized training agreement, part of a promotion program (i.e. career enhancement program), or required before an employee may be considered for promotion;
- c. Reassignment or change to a lower graded position that has greater promotion potential than a position previously held on a permanent basis in the competitive service (except as permitted by RIF regulations, if applicable);
- d. Transfer to a position at a higher grade or with greater promotion potential than a position previously held on a permanent basis in the competitive service;

- e. Reinstatement to a permanent or temporary position at a higher grade or with greater promotion potential than a position previously held on a permanent basis in the competitive service;
- f. Details for more than 120 calendar days to an established/classified position at a higher grade or to a position with higher promotion potential (prior service during the preceding 12 months under non-competitive details to higher graded positions and non-competitive time-limited promotions count toward the 120 calendar day total); and
- g. Temporary or time-limited promotions in excess of 120 calendar days to higher graded positions (prior service during the preceding 12 months under non-competitive time-limited promotions and non-competitive details to higher graded positions counts towards the 120 calendar 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 a permanent promotion was made known to all potential candidates, i.e., statement included in the vacancy announcement. Time-limited promotions made under competitive procedures may be extended up to five years. Extensions beyond five years must be approved by OPM.

## 9. EXCEPTIONS TO COMPETITION

Competitive procedures do not apply to the following actions:

- a. A promotion resulting from the upgrading of a position, without significant change in the duties and responsibilities, due to issuance of a new classification standard or the correction of an initial classification error;
- b. A position change permitted by RIF regulations (see 5 CFR 351);
- c. A promotion when an employee was hired under competitive promotion procedures for a career ladder position below the full performance level.
  - (1) Career ladder positions. Positions established as a path for career advancement leading to the full performance level of the position. (See career ladder promotions.) It is important to note that the promotion potential (a.k.a. full performance level) of a position must be identified when the position is established and documented and recorded on the AD-332, SF-52/50 and the vacancy announcement.
  - (2) Career ladder promotion. Once an employee has entered a career ladder position, successive promotions are dependent on: 1) meeting legal and regulatory requirements (i.e. time-in-grade restrictions); 2) having grade building experience in order to meet all basic eligibility requirements; 3) demonstrating ability to perform at the next higher level; and 4) having a current rating of record of “Fully Successful” (level 3) or higher. Employees are not guaranteed promotion once selected for positions within an established career ladder. However, managers are encouraged to foster a work environment that affords individuals hired to career ladders an opportunity to demonstrate their ability to perform at the full performance level and receive promotions as timely as possible. Employees eligible for a career promotion who are certified by their immediate supervisor as capable of satisfactorily performing at the next higher level will be promoted on the first pay period after certification takes place and the action has been approved by the servicing HRO.

Promotions above the full performance level must be made under competitive promotion procedures.

A career promotion may not be made to a supervisory position on the basis of the addition of supervisory duties to a non-supervisory position.

- d. A promotion on or after non-competitive conversion of a Pathways employee, Veterans' Recruitment Appointment (VRA) appointee, Presidential Management Fellow, or another authorized program, provided the full performance level of the position was identified upon initial hire for Pathways recent graduates and VRA appointments, or prior to conversion for Pathways interns and Presidential Management Fellows;
- e. A promotion from a trainee position when the employee was selected for the target position and grade level under competitive procedures;
- f. A temporary promotion or detail to a higher grade of 120 calendar days or less; all details to higher grade positions and temporary promotions, held during the preceding 12 month period are counted in the calculation of the 120 day total;
- g. A promotion to a grade previously held on a permanent basis in the competitive service or in another merit system with which OPM has an interchange agreement, from which an employee was neither separated nor demoted for performance or conduct reasons;
- h. A promotion, reassignment, change to lower grade, transfer, reinstatement or detail from one position to another having no higher promotion potential than that of the position the employee currently holds or previously held on a permanent basis in the competitive service and did not lose for performance or conduct reasons;
- i. A permanent promotion to a position held under temporary promotion when:
  - (1) The assignment was originally made under competitive procedures and
  - (2) It was made known under the competitive procedures (noted on the job announcement) to all individuals at the time that it may lead to a permanent promotion;
- j. A promotion of an applicant not given proper consideration in a competitive promotion action; and
- k. A promotion based on accretion of duties (this is a non-competitive action that must be supported by a desk audit).
  - (1) The following conditions must be met before a promotion based on accretion of duties is considered:
    - (a) The major duties and basic functions of the current position must be absorbed into the new position;
    - (b) The current position must be abolished;
    - (c) The new position must not have any known promotion potential beyond its accreted grade level;
    - (d) The addition of higher level duties and responsibilities must not result in the abolishment of another position, reduce the known promotion potential of another position, or adversely impact another occupied position;
    - (e) No other employee(s) in the same organizational unit may be performing similar duties prior to the addition of the new duties and responsibilities which precipitated a promotion based on accretion of duties; and
    - (f) The employee meets time-in-grade and qualification standards.

- (2) The following actions will not be considered for a promotion based on an accretion of duties:
- (a) Promotion from one-grade interval position to a two-grade interval position (e.g., GS-5/6/7 to GS-9/11);
  - (b) Promotion from one occupational series to another occupational series (e.g., GS-685 to GS-1101);
  - (c) Movement to a vacant, higher level position;
  - (d) Promotion from an identical additional position within the same organization;
  - (e) Promotion from a non-supervisory position to a supervisory position;
  - (f) Promotion from a non-leader position to a leader position; and
  - (g) Accretion of duties across organizational lines.

The servicing Human Resources Director, in consultation with the supervisor of record for the audited position, has the authority to approve promotions based on accretion of duties.

## 10. OPERATION OF THE MERIT PROMOTION PLAN

### a. Determining Area of Consideration.

The area of consideration must be sufficiently broad to ensure the availability of a reasonable number of high quality applicants, taking into account the nature and level of the position to be filled, merit principles, Equal Employment Opportunity (EEO) principles, and applicable regulations and requirements of negotiated union agreements. The area of consideration must be identified in the vacancy announcement and may not be changed once the announcement is open.

Prior to recruiting for a position, the selecting official, in consultation with their servicing HR Specialist should determine the appropriate recruitment strategy to ensure a diverse pool of qualified applicants.

In most circumstances, the area of consideration shall be at least agency-wide. For the purpose of area of consideration at the department level, agency-wide is defined as a USDA administrative office whose head reports directly to the Secretary. The following are examples in which it may be appropriate to limit the area of consideration to less than agency-wide:

- (1) Management determines that a sufficient number of well qualified applicants will be found within a more limited area of consideration;
- (2) Budget or staffing allocations will not allow the valid consideration of applicants from other sources;
- (3) New positions at higher grades are established in an organizational unit following a higher level directed reorganization and all the positions in the unit are encumbered; and
- (4) Circumstances resulting from a reorganization or from other factors such as ceiling controls or hiring freezes that prevent the employing office from adding to the staff. When these conditions exist, the selecting official and HR Specialist must certify that



the position needs to be filled and that current or anticipated resources preclude filling the position from outside the unit.

The basis for any decision to restrict the area of consideration to less than agency-wide must be documented and approved by the direct supervisor and maintained in the vacancy case file (see Records Retention and Disposal Section). Under no circumstances may the area of consideration be less than the commuting area of the position being advertised.

b. Public Notice Requirements.

Vacancy announcements:

- (1) Must be posted to the USAJOBS website when filling vacancies through the competitive procedures described in this Directive;
- (2) Are to be open a minimum of five business days, not including weekends and Federal holidays. Additionally, vacancy announcements are not to open or close on a weekend or Federal holiday; and
- (3) Must include the following information:
  - (a) Announcement number, opening and closing dates, organization and geographic location of position;
  - (b) Area of consideration;
  - (c) The agency's intent to accept applications from groups eligible under non-competitive hiring authorities.
  - (d) When the area of consideration is government wide or All Sources, Veteran Employment Opportunities Act (VEOA) information, including documentation required for proof of eligibility;
  - (e) VRA, 30% Disabled Veterans, or other special appointment authority statement.
  - (f) CTAP/RPL/ICTAP information (if applicable), including documents required for proof of CTAP/RPL/ICTAP eligibility and the definition of "well-qualified;"
  - (g) If the position is being advertised as open continuous, cut-off dates for receipt of applications based on closing date of the announcement as appropriate;
  - (h) Position title, series, grade(s) and salary range, including identification of full performance level of the position;
  - (i) Type of appointment (permanent, time-limited, excepted);
  - (j) Work schedule (full-time, part-time (number of hours), intermittent);
  - (k) Number of positions available;
  - (l) Statement indicating that more than one position may be filled (as applicable);
  - (m) A summary of the duties of the position;
  - (n) A description/definition of specialized or qualifying experience;
  - (o) Minimum qualification requirements including selective factors (if applicable), applicable educational requirements, and any other factors which must be met in order to qualify for the position;
  - (p) For positions with a minimum education requirement or those allowing applicants to be determined as basically qualified based on their education, a

statement indicating the requirement to submit transcripts and if from a foreign institution, it must be an accredited school;

- (q) A statement indicating qualification requirements must be met by 11:59pm Eastern Time of the closing date of the vacancy announcement;
- (r) How to apply including supporting documentation receipt requirements;
- (s) Evaluation criteria and method(s) to be utilized including a list of competencies/KSAs which will be used to evaluate the applicants;
- (t) If relocation expenses, relocation bonus, recruitment bonus or other incentive(s) are authorized;
- (u) New employees subject to a one year probationary period statement;
- (v) For supervisory and managerial positions, a statement that the selectee must serve a supervisory or managerial probationary period, unless exempt based on previous completion of such probation for service in a supervisory or managerial position, as appropriate;
- (w) Requirement to be a U.S. citizen or national statement;
- (x) Required to pass a background investigation statement;
- (y) Any additional condition of employment, e.g. shift work, frequent travel, physical exam, mobility agreement, etc.;
- (z) Telework statement, if the position is eligible;
- (aa) Position bargaining unit status;
- (bb) Teletypewriter (TTY) relay service information;
- (cc) Privacy Act information;
- (dd) Reasonable accommodation statement;
- (ee) EEO statement;
- (ff) Benefits statement – permanent employees are eligible to elect life and health insurance coverage and will be covered by a retirement system. Employees will earn annual and sick leave.
- (gg) Servicing HRO point of contact for vacancy, including mailing address, e-mail address and telephone number; and
- (hh) Selective Service statement – If you are a male applicant born after December 31, 1959, you must certify that you have registered with the Selective Service System, or are exempt from having to do so under the Selective Service Law.

c. Requirements for Employees on Extended Absences.

Employees within the area of consideration who are absent from their positions for legitimate reasons (such as detail, authorized leave, temporary duty, training, Intergovernmental Personnel Act (IPA) assignments, transfer to a public international organization, or military service) are eligible to receive consideration (for promotion) under the provisions of this Plan. Employees are responsible for seeking information on positions of interest and applying for such positions by the required application deadline. The servicing HRO will not be responsible for searching and applying on the employee's behalf.

d. Information for Employees and Outside Applicants on How to Access Vacancy Announcement.

Employees and outside applicants should apply for an advertised position by submitting application information through the USAJOBS website in accordance with vacancy announcement instructions. Information concerning the duties and responsibilities of the position, application procedures, and evaluation method(s) will be specified within the vacancy announcement. Applicants should read the entire vacancy announcement as it contains information regarding the specific application procedures. Applicants must follow those procedures in order to be considered for the vacant position(s).

e. Application Requirements.

Applications must be received in accordance with the instructions referenced in the specific vacancy announcement. Failure by the applicant to submit required documentation will disqualify the applicant from consideration.

Resumes including response to selective factors, along with CTAP/RPL/ICTAP documentation, Schedule A documentation, and DD-214s (if applicable) MUST be received by 11:59pm Eastern Time on the closing date of the vacancy announcement in order to receive consideration. Applicant assessment questions (if used in evaluation/rating) must be answered in order for applicants to receive consideration. For manual cases, all resumes received must be kept in the case file (and Official Personnel Folder (OPF), if selected) (see Records Retention and Disposal Section).

Applicants with Federal status and permanent County Office employees who are eligible to compete as merit applicants are required to submit a copy of a Notification of Personnel Action (SF-50) or equivalent, preferably showing their current grade level and the full performance level or career ladder of their current or former Federal position, along with their (if applicable) career/career-conditional status. If the applicant fails to provide a copy of an SF-50 at the time of application, the applicant will be removed from further consideration. All SF-50s and related correspondence received must be kept in the case file (and OPF, if selected) (see Records Retention and Disposal Section).

Applicants with current Federal status are required to submit their most recently completed annual performance appraisal (dated within 18 months) which identifies the employee's official rating of record, signed by the supervisor, or a statement advising why the performance appraisal is unavailable. A performance plan is not an acceptable substitute. If the applicant fails to provide a copy of the performance appraisal, or a statement advising why it is unavailable, the applicant will be removed from further consideration.

Whenever there is a minimum education requirement or an applicant is using a combination of education and experience to be determined as basically qualified, the applicant must submit a copy of their transcripts. This also applies to status applicants who are applying to a position in the same occupational series than that in which they serve currently or to which they were previously appointed (prior SF-50 is not an alternative form of documentation to the transcripts). If there is a minimum education

requirement and the applicant fails to provide a copy of their transcript, the applicant will be removed from further consideration. If the applicant is using a combination of education and experience to qualify and the applicant fails to provide a copy of their transcript, the applicant will be evaluated based solely on experience. The applicant's original official transcript(s) must be received prior to the extension of a final job offer. If applicant fails to provide a copy of their transcript(s) within the specified time period, a final job offer will not be made, and the applicant is removed from further consideration. The HR Specialist must verify that schools are accredited prior to making job offer(s) when using education to qualify applicants. Visit the Department of Education's Database of Accredited Post-Secondary Institutions and Programs to verify that schools are accredited. All transcripts and related correspondence must be kept in the case file (and OPF, if selected) (see Record Retention and Disposal Section).

Education completed in a foreign institution/university must be evaluated by an accredited organization to ensure that the foreign education is comparable to education received in accredited institutions in the United States. Visit the Department of Education's Web site for a listing of credential evaluation services that can perform this evaluation. When applicable, applicants are required to submit their foreign education equivalency at the time of application. Applicants who do not submit their equivalency at the time of application will be evaluated based on the information provided. Those deemed tentatively best qualified will be considered and referred to the selecting official. A copy of the applicant's foreign education equivalency will be requested by the HR Specialist prior to extending a job offer. If the applicant fails to provide a copy of the equivalency within the specified time period, a final job offer will not be made and the applicant is removed from further consideration. All equivalencies and related correspondence must be kept in the case file (and OPF, if selected) (see Records Retention and Disposal Section).

Applicants claiming eligibility for CTAP/RPL/ICTAP must submit a copy of their RIF Notice or other equivalent agency notification, a copy of their current (or most recent) performance ratings of record, and a copy of the Notification of Personnel Actions (SF50s) showing the full performance level or career ladder of their current or previous positions at the time of application. Applicants who do not provide this proof by 11:59pm Eastern Time on the closing date will not be considered as CTAP/RPL/ICTAP eligible and are to be considered as typical applicants. All CTAP/RPL/ICTAP documentation must be kept in the case file (and OPF, if selected) (see Records Retention and Disposal Section).

Applicants with disabilities claiming non-competitive eligibility under Schedule A must submit proof of their disability at the time of application. Applicants who do not provide this proof by 11:59pm Eastern Time on the closing date will not be considered as Schedule A eligible and are to be considered as a typical applicant. Acceptable proof of an individual's mental disability, severe physical disability, or psychiatric disability and work readiness is appropriate documentation (e.g. records, statements, or other appropriate information) issued by a licensed medical professional (e.g. a physician or other medical professional duly certified by a state, the District of Columbia, or a U.S.

territory to practice medicine); a licensed vocational rehabilitation specialist (i.e., state or private); a licensed allied health professional; or any Federal agency, state agency, agency of the District of Columbia, or a U.S. territory that issues or provides disability benefits.

Applicants claiming eligibility for special veteran's appointment authorities, such as VEOA or the Veterans Recruitment Authority (VRA), MUST submit a copy of their DD-214s (Member #4 copy) showing their type of discharge and other supportive documents (if applicable) at the time of application. Preference eligibles or veterans who have been separated under honorable conditions from the armed forces after completing three or more years of continuous active military service (as determined by the agency) may compete for vacancies under merit promotion when an agency accepts applications from individuals outside its own workforce (USDA, in this instance). Those veterans selected will be given career or career-conditional appointments under 5 CFR 315.611. Applicants are encouraged to identify the specific authority under which they are applying (VEOA/VRA). Applicants who do not provide this proof by 11:59pm Eastern Time on the closing date will not be considered as VEOA/VRA eligible and are to be considered as typical applicants with the application material(s) submitted. All DD-214s received must be kept in the case file (and OPF, if selected) (see Records Retention and Disposal Section).

Military spouse applicants claiming eligibility via Executive Order 13473, dated September 28, 2008, authorizing the noncompetitive appointment of certain military spouses to competitive service positions must provide documentation supporting eligibility. The required documentation includes a valid marriage certificate or other document verifying marriage (such as any official documentation verifying a recognized common law marriage), a copy of their spouse's DD-214 (Member #4 copy), and as applicable – a copy of the military orders assigning the service member to a certain post (including authorizing the spouse) or a copy of documentation from either the Department of Veterans Affairs or the Department of Defense indicating the service member has a disability rating of 100% due to a service connected disability.

This Executive Order applies to only three categories of military spouses:

- (1) Those who are relocating with their service-member spouse as a result of permanent change of station (PCS) orders;
- (2) Spouses of service members who incurred a 100% disability because of the service member's active duty service; and
- (3) Spouses of service members killed while on active duty.

This appointing authority allows for noncompetitive entry into the competitive service. Those military spouses who are eligible under this authority do NOT have hiring preference by virtue of this authority. It does not constitute, establish, or convey a hiring preference. This hiring authority does not take precedence over other appointment options. Agencies must still clear CTAP, ICTAP, and RPL before making a selection under this Executive Order.

For some positions there may be other mandatory application requirements; therefore, it is important that applicants pay careful attention to the "How to Apply" section of the

vacancy announcement to determine all required application materials for any given announcement. Unsolicited materials, such as copies of position descriptions and publications, will not be considered in the ranking process.

f. Determining Eligibility of Applicants.

Applicants must meet all U.S. citizenship requirements by 11:59pm Eastern Time of the closing date of the vacancy announcement. Applicants who are currently status employees must meet time-in-grade requirements by 11:59pm Eastern Time of the closing date of the announcement. Male applicants born after December 31, 1959 must be registered with the Selective Service System unless they are exempt under 5 CFR 300 Subpart G, Selective Service Law.

Once a vacancy announcement closes, the HR Specialist/Assistant will:

- (1) Assess all applicants to determine if they meet the area of consideration, basic qualification requirements, any applicable selective factor(s), and time-in-grade restrictions (if applicable) for the position based on the information contained in their resumes, self-certification question responses, KSAs/applicant assessment question responses, and any SF-50s, performance appraisals, CTAP/ICTAP/RPL documentation, DD-214s (to confirm VEOA/VRA eligibility), licenses, transcripts, foreign education equivalencies, and/or Schedule A documentation received;
- (2) Evaluate applicants based on the method of evaluation chosen prior to announcing the position; and
- (3) Prepare a certificate(s) of eligible(s) listed in alphabetical order that includes only the best-qualified applicants.

g. Requirements for Convening a Merit Promotion Panel.

The selecting official, in collaboration with the HR Specialist, determines when a Merit Promotion Panel (i.e. Qualifications Review Board (QRB), Search Committee, or Evaluation Panel) is needed to evaluate the basically qualified applicants. Factors to be considered in making this decision include the complexity and organizational level of the vacant position, and the number of applicants received in response to the announcement. If convened, these panels consist of three or five Subject Matter Experts (SMEs) at an equivalent or higher-grade level than the full performance level of the position being filled who are not supervised by the position. The following procedures will be followed to ensure equitable review of the applications:

- (1) The selecting official in consultation with HR identifies individuals to serve as members of the Merit Promotion Panel. If necessary, the selecting official will consult with their agency's Civil Rights Office to ensure that, to the extent possible, there is diversity among the chosen panel members;
- (2) All Merit Promotion Panel members will be made aware of their responsibility to seek a diverse group of applicants and safeguard information;
- (3) The HR Specialist is to serve as a technical advisor/nonvoting member during the evaluation process, assuring that the panel reaches a consensus on each applicant and

- that actions taken by panel members are documented and retained as part of the vacancy case file/record (see Records Retention and Disposal Section);
- (4) The selecting official is to request that a Civil Rights (CR) staff member serve as a member of the Merit Promotion Panel. Like the HR Specialist, the CR representative will serve as a technical advisor and a nonvoting member (unless they qualify and in such cases their dual role must be noted);
  - (5) Union agreements may include a requirement for convening a Merit Promotion Panel for certain occupations. Therefore, in merit promotion actions falling within the scope of applicable collective bargaining agreement, the union agreement must be reviewed and followed for this requirement; and
  - (6) Supervisors over the position, including selecting and recommending officials, are not to participate in the minimum qualifications or applicant evaluation processes.

A Merit Promotion Panel should not be used, unless required by collective bargaining agreements, when there are 10 or fewer well qualified applications per grade level since all qualified applicants may be referred to the selecting official for consideration. (See Section 10h, “Determining Minimum Qualifications” and Section 10i, “Evaluation of Applicants”).

h. Determining Minimum Qualifications.

Applicants must meet the minimum qualification requirements as prescribed by the OPM Operating Manual – Qualification Standards for General Schedule Positions and Qualification Standards for Trades and Labor Occupations for Federal Wage System. In addition, applicants must meet any positive education requirements and selective and/or other factors identified in the announcement as essential to establish basic eligibility for consideration. Applicants will be considered basically qualified if they meet all of the requirements by 11:59pm Eastern Time of the closing date of the vacancy announcement.

i. Evaluation of Applicants.

The method(s) used to evaluate applicants must be identified in the vacancy announcement. The evaluation process assures that the selection is made from among those applicants rated best-qualified. Evaluations must be based on job-related requirements and applied fairly and consistently. Evaluation methods may include the use of crediting plans or rating guides, questionnaires, and/or other assessment tools such as structured interviews and performance exercises.

The evaluation process may be performed by the HR Specialist (or Assistant); subject-matter experts (SME); or a Merit Promotion Panel (see 10g, “Requirements for Conveying a Merit Promotion Panel”). Using the assessment tool(s) designated for the vacancy, the automated staffing system, HR Specialist or panel members review each applicant’s application materials to assess the degree to which the applicant possesses the competencies required by the position. In doing this, they must consider the applicant’s quality and type of work experience, education and training, along with awards and

accomplishments. Based on this review, a point value is assigned for each evaluation criterion, and an overall rating is ultimately assigned to each applicant.

Note: When there are 10 or fewer well qualified applicants per grade level, formal rating and ranking is not required; all well qualified applicants may be deemed best qualified and referred in alphabetical order to the selecting official for equal consideration among all those referred.

j. Applicant Referral.

Certificates referring the applicants to be considered should list candidates in alphabetical order. Certificates expire 15 calendar days from issuance, but 15 calendar day extensions up to a total of 90 calendar days may be granted.

*Competitive Applicants:* Applicants must be listed in alphabetical order without their scores unless the bargaining unit agreement covering the position indicates otherwise. VEOA candidates must be listed on the same certificate as merit promotion candidates. A separate certificate must be issued for each grade level and geographic location advertised.

*Non-Competitive Applicants:* Applicants eligible for non-competitive consideration will be identified on a referral certificate/list separate from the list of promotion applicants. Under a merit promotion announcement, the agency must consider eligible, qualified military spouses in the same manner as it considers other applicants who are eligible for non-competitive appointments (e.g., Peace Corps volunteers, 30% or more disabled veterans, VRA, Schedule A(u), etc.). 5 CFR 315 Subpart F, Career or Career-Conditional Appointment under Special Authorities, contains a complete list of non-competitive hiring authorities.

Should the original area of consideration fail to produce a sufficient number of well qualified applicants (less than three), the selecting official may decide to re-advertise the position using a wider area of consideration. Selecting officials have the right to select or not select and to consider applicants from any appropriate recruitment source (e.g., merit promotion certificate, reassignment, transfer, reinstatement, delegated examining certificate, special hiring authority, etc.). While a selecting official is not required to make a selection from the certificate(s), it is improper to return it/them unused in order to obtain another certificate at a later date. Selecting officials are required to document the reason(s) for not using a certificate and file the documentation with the announcement case file.

k. Reconsideration of Qualifications or Rating.

When a request for reconsideration is received in writing from an applicant, the HR Specialist must review the case and forward a summary of his/her initial rating decisions and any proposed changes along with the reconsideration request to the next higher level (i.e., his/her team leader or direct supervisor) for the decision. The team leader or direct



supervisor will respond in writing with his/her decision directly to the applicant, providing a copy to the HR Specialist.

If the applicant requests in writing a second level review, that request, along with decision documentation from the first review is to be forwarded to the HR Specialist's second level supervisor (i.e., the Branch Chief or the HR Director (or designee)), for additional review and a final decision. The Branch Chief or HR Director will then respond in writing with his/her decision directly to the applicant, providing a copy to the HR Specialist and first level reviewer.

Applicant's request for reconsideration must be received within five (5) business days of receipt of not qualified or best qualified notification letter. The HRO response must be provided within five (5) business days of receipt of applicant's request for reconsideration. A second level request and corresponding response must also each be within five (5) business days.

l. Sharing of Certificates.

In an effort to promote efficiency in the hiring process, every effort is to be made to share resumes of best qualified applicants among HR staff. HR Specialists are strongly encouraged to conduct internal pre-recruitment surveys (prior to posting an announcement) to see if an opportunity exists to share vacancy announcement and/or certificate. To ensure a valid opportunity exists, all aspects of the vacancies must be the same, including the title, series, grade(s), promotion potential, general job responsibilities, location (or note dual locations), selective factors, competencies documented in the job analysis, and any evaluation/testing requirements stated in the original announcement.

If a certificate is less than 90 days old, based on issuance date, the certificate may be used to make a selection for a like position (same series, grade(s), and location) without issuing a new, separate vacancy announcement. Management is not required to select from prior job opportunity announcement (JOA) certificates for like positions.

m. Applicant Interviews.

When considering best qualified candidates from a merit promotion certificate, interviewing is strongly recommended in evaluating candidates' competency levels. If interviewing, the selecting official must interview at least five candidates (or all those referred, if fewer than five) on that certificate. Selecting officials are encouraged to interview noncompetitive referrals, but such is not required.

The selecting official coordinates interview arrangements. Interviews may be conducted either in person or telephonically. Phone interviews are a viable option when it is logistically cumbersome for a face-to-face interview.

To further ensure fairness and equity in the hiring process, managers must develop standard questions for each vacancy. Follow-up questions may be asked. Selecting officials should take notes during the interview and retain them in the event the interviews need to be reconstructed.

Selecting officials and/or servicing HRO staff may receive requests for reasonable accommodation for the interview process from applicants with disabilities. Requests for reasonable accommodations should be responded to quickly and effectively. The respective agency Disability Employment Program Manager may be contacted to assist with these provisions.

n. Reference Checks.

Selecting officials are responsible for conducting reference checks prior to making a final selection. Checking references before making a final decision can save time, money, and effort, since it reduces the likelihood of making an inappropriate selection. Selecting officials should prepare a reference check form in advance and write notes on it while completing the reference checks, then retain in the event they are required to provide information regarding the feedback received.

o. Applicant Selection.

The selecting official has the right to select any applicant referred or to not select anyone. Each applicant referred must be given full consideration, and the selection must be based on job-related reasons. While a selecting official is free to inform an applicant of his/her interest, no final commitment or job offer is to be made by anyone other than a member of the servicing HRO who must confirm validity of selection.

Management reserves the right to determine whether or not to fill a vacancy through merit promotion or to select from other appropriate sources. When vacancies arise, the procedures outlined in this DR will normally be followed to identify applicants for merit promotion consideration. However, there will be situations in which a selection from another source (e.g., reassignment, transfer, reinstatement, or appointment under one of the special appointing authorities) will more appropriately meet the program's objectives. Such situations will be considered, by the servicing HR Specialist and the selecting official on a case-by-case basis.

If the selecting official is interested in applicants outside of USDA, advertisement for CTAP/RPL/ICTAP is required; however, using a shared certificate in these situations meets CTAP/RPL/ICTAP requirements.

Additional selections may be made from the referral list(s) as long as those selections occur before the expiration of the certificate(s), which is 15 calendar days from date of issue, unless an extension has been granted. Extensions may be granted in 15 day increments, not to exceed 90 calendar days total. Reminder: Certificates do not need to be extended as long as selections are identified before the expiration date.

p. The Limit on Hires After Selection.

There is a four month time limit on effecting appointment actions for selection decisions made via Merit Promotion certificates, i.e., the entrance on duty (EOD) date must be within four months from the date of the selection decision. Any extensions to the EOD date (beyond four months) must be approved by the Mission Area HR Director (or designee). To request an extension, the selecting official must submit it in writing (e-mail is acceptable) to the servicing HR Specialist for the HR Director's consideration and final decision. The request must include the reason the extension is needed as documentation for the case file. The servicing HR Director's decision is also to be retained for the case file.

q. Release Dates.

Release dates are to be coordinated between the gaining and losing servicing HR staffs. An employee selected for promotion must be released within a full pay period, or a later date if agreed to by the employee and gaining agency. For a selection other than promotion, the employee must be released no more than two full pay periods from date of selection. Exceptions may be negotiated on a case-by-case basis between the gaining and losing agency.

r. Applicant Notification.

Applicants are electronically notified four times – (1) application received, (2) applicant eligible (or not), (3) application referred to the selecting official (or not), and (4) applicant selected (or not) - during the hiring process through the automated staffing system. Individuals whose applications were processed manually must be notified at the same frequency.

s. Priority Consideration.

Priority consideration may be given to competitive candidates who were adversely affected due to a procedural, regulatory, or program violation. Such employees are entitled to priority considerations when reconstruction of a promotion action shows that (i.e. wrong qualification determination, failure to consider, improper rating, failure to follow competitive procedure, etc.) the employee would have appeared on the best qualified referral certificate.

If, due to an administrative/procedural error, an applicant fails to receive proper consideration for a merit promotion vacancy announcement, the following procedures will occur:

- (1) If the affected certificate(s) is still active and a selection has not been made, the selecting official is notified immediately and the certificate is amended to include the applicant;

- (2) If the affected certificate(s) has expired and no selection was made, the individual is not entitled to receive priority consideration for that vacancy; or
- (3) If a selection has already been made from the affected certificate(s), the individual must receive priority consideration for the next appropriate vacancy announcement open anywhere at the agency (at the same series, grade, and promotion potential and geographic location) of the position previously applied for under competitive procedures for one year. The individual eligible for priority consideration must be considered by the selecting official(s) before other applicants are ranked or referred for selection.
- (4) If an individual is referred as a priority consideration, as long as no selections are made for the position to which referred, the individual continues to be eligible for priority consideration for that merit promotion vacancy. Documentation of consideration by the selecting official and reasons for any non-selection must be maintained as part of the vacancy case file.

Employees downgraded through no fault of their own (i.e. RIF procedure) are entitled to noncompetitive priority consideration and placement for a period of two years from the effective date of the employee's downgrade.

When a position is offered and declined, the applicant is no longer eligible for priority consideration. The offer and declination must be formally made, in writing.

t. Return Rights.

Return rights from temporary promotion or detail.

- (1) At the end of a temporary promotion or detail, the employee is either returned to his or her original position or to a position anywhere else in the servicing sub-agency with the same geographic location (as possible) and of a grade and pay rate equivalent to that from which originally selected and for which the employee is qualified. The vacancy announcement (if applicable) and Memorandum of Understanding (MOU) must clearly depict the specific rights to which the employee is entitled.
- (2) An employee returning from a temporary promotion cannot be laterally reassigned to a permanent position at the same grade as that of the temporary promotion. He or she must compete for a permanent promotion to the higher grade.

Return rights from an assignment in Alaska, Hawaii, Puerto Rico, Guam, Commonwealth of the Northern Mariana Islands, and American Samoa (applies to employees who have a designated place of residence in the lower 48 continental United States (CONUS)).

- (1) Selections for such assignments are through normal merit promotion procedures and normally have an initial tour of duty of three years. An employee may elect to serve an additional two-year tour with approval from the agency head. At the completion of the initial or additional tour, the employee has guaranteed rights to a position of grade and pay equivalent to the employee's current position, whether or not such position is the product of one or more competitive promotions earned during the tour(s).

- (2) Employees should be aware that they may be returned at any time that it is determined to be in the best interest of the agency.
- (3) Managerial considerations affecting the location to which an employee is returned include, but are not limited to, such factors as staffing levels, available vacancies and budgetary concerns.
  - (a) If managerial considerations permit, an employee will be returned as follows: state employees to any office within the state from which originally selected; National Headquarters (NHQ) employees to NHQ or one of the National Centers.
  - (b) Where managerial considerations preclude this approach, return rights will be as follows: state employees to any state within the region from which the employee was originally selected; NHQ personnel to any location.
- (4) If an employee or agency chooses to exercise his or her right to return to the CONUS, the employee or agency should notify the appropriate servicing HRO or Regional Conservationist (for NRCS) through normal channels at least six months before the tour expires. The servicing HRO or Regional Conservationist (for NRCS) will then arrange for the employee's reassignment. If the employee declines an offered position, he or she will be terminated.
- (5) Guaranteed return rights are forfeited once management accepts the employee's request to extend his or her tour beyond the allowable five-year period. From this point on, if an employee decides to transfer back to the CONUS, the employee is responsible for locating a position through normal procedures (that is, applying for vacancies through the vacancy announcement process or submitting a written request to those states or other organizational units they are interested in working with to request consideration).
- (6) If an employee voluntarily separates from the agency within the five-year service period, he or she may be eligible for separation travel allowances, which are determined on a case-by case basis. The employee is only eligible for this allowance if the transfer begins within six months of separation.

u. Special Selection Priority Provisions for Surplus or Displaced Federal Employees.

Selection priority is to be given to individuals eligible under the Reemployment Priority Placement (RPL), Career Transition Assistance Plan (CTAP) and Interagency Career Transition Assistance Plan (ICTAP) placement programs. This means that a well-qualified RPL or CTAP eligible employee must be selected (in accordance with order of selection criteria) over any other candidate for vacancies with an area of consideration limited to all or some portion of the USDA organization in accordance with the local commuting area requirement. A well-qualified CTAP, RPL, or ICTAP eligible must be selected (in accordance with order of selection criteria) over any other candidate when the area of consideration is open beyond the current USDA workforce (e.g. government-wide, All Sources) for vacancies in accordance with the local commuting area requirement except as noted in 5 C.F.R. 330.705(c).

For more information on CTAP, ICTAP, and RPL including eligibility, order of selection, exceptions, and other requirements see 5 CFR 330; Departmental Regulation Special Placement Programs #4030-330-001, dated August 5, 2005; and Departmental

memorandum Changes to 5 C.F.R. 330, Recruitment, Placement, and Selection OHRM Advisory #2011-003, dated March 2, 2011.

v. Complaints and Grievance Process.

The rights of employees who are part of a collective bargaining unit should refer to their respective collective bargaining agreement for applicable grievance procedures.

Employees not covered by a collective bargaining agreement should refer to their respective agency's administrative grievance procedure and Departmental Regulation 4070-771, Administrative Grievance System.

Employees and applicants who believe they have been discriminated against because of race, sex, sexual orientation, color, national origin, religion, age, disability, or retaliation may file a pre-complaint (informal) within 45 calendar days of the alleged discriminatory incident, its effective date, or the date that the employee or applicant knew, or reasonably should have known, of the event or personnel action. Please contact your mission area Civil Rights office for more information or to file a complaint. EEO Complaint Procedures are available at: <http://www.ascr.usda.gov/>

Vacancy Announcement Information Availability.

The following information may be made available to employees, at their request, who applied for the position in question and were not selected:

- (1) Explanations and supporting regulations concerning the Merit Promotion Plan.
- (2) The qualifications required for a position.
- (3) If the employee was considered basically qualified.
- (4) If the employee was among the best qualified and how the employee was evaluated by the merit promotion panel or human resources specialist.
- (5) Cut-off score for best qualified.
- (6) Scores of other candidates (not identified by name).
- (7) Number of qualified candidates.
- (8) Number of candidates certified as best qualified.
- (9) The name of the individual hired.

The following information will not be released to applicants or their representatives:

- (1) Information provided by applicants that is subject to the provision of the Privacy Act.
- (2) Crediting plans.
- (3) Individual panel members' names and their individual ratings.

Individual judgments used in merit promotion process or non-selection from a group of properly ranked or certified candidates are not subject to the administrative grievance process.

w. Maintenance of Records.

Unless otherwise instructed, all records are to be kept for two full fiscal years or longer if a grievance, appeal, or complaint is pending. If a complaint is filed, the case file must be maintained until the complaint is formally closed (including any appeals or civil actions). Retention is to be in accordance with the National Archives and Records Administration's General Records Schedule and may be in either hardcopy or electronic format, or a combination of both.

Selecting officials are to retain formal responses to the interview questions for possible discovery in compliance with NARA – two full fiscal years or longer as applicable until related complaint, grievance or appeal is formally closed. The servicing HRO employee relations staff is responsible for timely communication with selecting officials notifying them of cases, updated status, and related guidance.

Each merit promotion case file is to contain the following:

- (1) Case file checklist;
- (2) SF-52, Request for Personnel Action, initiating recruitment;
- (3) Copy of any required approvals (e.g., freeze exception, selection/promotion, Above the Minimum Rate, etc.);
- (4) Copy of selectee's application, including appointment SF-50;
- (5) Signed and dated OF-8, AD-332 or equivalent and position description for all grade levels (or statement of difference, if applicable) up to and including the full performance level;
- (6) Pre-recruitment worksheet;
- (7) Job analysis for each grade level that is being competed. All job analyses must be signed and dated by the SME and HR Specialist.
- (8) Approved justification for selective factor(s) (if applicable);
- (9) Rating schedule/crediting plan for each grade level that is being competed. All rating schedules/crediting plans must be signed and dated by the SME and HR Specialist. This applies to manual cases only.
- (10) Weights and screen-outs report or assessment tool;
- (11) Copy of the original vacancy announcement along with any revised versions, including OPM control number;
- (12) Roster of applicants and rating sheets, including qualification determinations signed and dated by HR Specialist and SME (if applicable);
- (13) Merit promotion certificate and non-competitive list of eligibles (including amendments), signed and dated by the HR Specialist and/or Merit Promotion Panel Members and selecting official, along with the individual auditing the case as designated by the Branch Chief. If certificate(s) extended, include the request and approval;
- (14) Applicant notifications including (1) application received; (2) minimum qualifications met or not; (3) applicant referred or not referred to selecting official; (4) selected or not selected; (5) tentative and final offer of employment as applicable;

- (15) Application packages from all applicants, including supporting applicant documentation received (e.g., SF-50s, college transcripts, and other required materials);
- (16) Qualification standard if different than OPM's; and
- (17) Documentation showing RPL, CTAP, ICTAP (as applicable) requirements met (see 5 CFR 300.200, §600, and §700).

## 11. RECORDS RETENTION AND DISPOSAL.

All records (e-mail and non-e-mail) pertaining to this policy must be retained and disposed of under the authority of USDA Directive 3085-001, Vital Records Management Program dated August 19, 2011, and DR 3080-001 Records Management dated April 11, 2007.

USDA e-mail messages including attachments that are created on USDA computer systems or transmitted over USDA networks that are evidence of activities of the agency or have informational value are considered Federal records. These records must be maintained in accordance with current USDA records management guidelines. Contact your Records Liaison for additional information.

All email messages are considered Government property, and if requested for a legitimate Government purpose, must be provided to the requester. Employees' supervisors, USDA staff conducting official reviews or investigations, and the Office of Inspector General may request access to or copies of e-mail messages. E-mail messages must also be provided to Congressional Oversight Committees, if requested, and are subject to Freedom of Information Act requests. Back-up files are subject to the same requests as the original message.

- END -



## APPENDIX A

### DEFINITIONS

Agency	Mission Areas, agencies, staff offices, component or organizational unit of USDA.
Ability	A competence to perform an observable behavior or a behavior that results in an observable product.
Applicant	A person who applies for a vacant position.
Appointee	The person who is ultimately appointed to a position, and who enters on duty with the hiring agency.
Appointing Officer	A person having the authority, by law, or by duly delegated authority, to appoint, employ, or promote individuals to positions in an agency. (See 5 U.S.C. 3110.)
Appointing Authority	The legal or regulatory basis on which a specific appointment may be made to a Federal civilian position.
Area of Consideration	The area, organization, or group of organizations in which a search is made for eligible applicants to fill vacancies covered by this DR.
Assessment Instrument	A device or method used to measure the degree to which an applicant possesses the competencies/KSAs necessary for successful job performance. Examples of assessment instruments include rating schedules, written tests, work samples, and structured interviews.
Auditing	The process by which vacancy announcement case files are reviewed to ensure compliance with legal and regulatory selection rules and procedures.
Basically Qualified	An applicant being considered for any placement action who meets all established minimum qualification requirements (as prescribed in the OPM Operating Manual Qualifications Standards for General Schedule Positions or an OPM approved agency specific qualification standard including appropriate selective factor(s)) for the position being filled.
Best Qualified	Those applicants who demonstrate competencies/KSAs superior to other applicants for a position. These are the applicants referred for further consideration.
Candidate	An applicant who meets the minimum qualifications requirements for a position, and is therefore eligible for consideration. See “eligible.”
Career Conditional Appointment	Appointment to a non-temporary position in the competitive service pursuant to 5 CFR 315.

Career Ladder	<p>The range of grades in an occupational series or specialization starting with the lowest level at which an employee can be hired up to and including the full performance level of the position.</p> <p>Application: Promotion to higher grade levels within the career ladder is not guaranteed once minimum qualifications are attained. Promotions are dependent on the employee's performance rating being at least fully successful, his/her ability to perform the duties at a higher level, the continuing need for the employee to be assigned to the higher level and supervisory approval.</p>
Career Transition Assistance Program (CTAP)	A program designed by an agency to actively assist its surplus and displaced employees. (See 5 CFR 330.)
Certificate	List of best qualified applicants referred to the selecting official. Also known as "referral list."
Citizenship	An applicant applying for a competitive examination must be a U.S. Citizen or National of the United States. (See 5 CFR 7.)
Closing Date	The date beyond which applications for a position will no longer be accepted. A closing date must be provided in the job announcement advertising the position.
Competency	An observable, measurable pattern of skills, knowledge, abilities, behaviors, and other characteristics which an individual needs to perform work roles or occupational functions successfully.
Competency-Based Job Profile	A statement of the general and technical competencies required for optimal performance in an occupation or job family. Competencies identified as critical for a job provide a basis for developing applicant assessments and related products. When fully implemented, competency-based job profiles are expected to replace the OPM Qualification Standards Operating Manual that currently describes minimum qualifications for Federal jobs.
Content Validity	A characteristic possessed by an assessment instrument or the overall selection process where what is being measured reflects actual job requirements. For example, a typing test would likely have a high level of content validity for assessing a person's qualifications to be a clerk-typist.
Crediting Plan	Criteria or standards against which eligible applicants' information (e.g., positions held, levels of responsibility, accomplishments, and/or job-related education) is compared and ranked to determine highly or best qualified. Also called a "rating schedule."
Cut-off Date	The date after which applications will continue to be accepted, but will not be given initial consideration. A cut-off date may be useful where large numbers of applications are expected over an extended period of time, and there is an immediate need to fill a position. If a cut-off date is established, it must be stated in the job announcement.

Detail	The temporary assignment of an employee to a different position or to unclassified duties for a specified time period with the employee retaining his/her position of record (same pay and status) and returning to his/her regular duties at the end of the temporary assignment.
Displaced Employee	A current agency employee serving under a competitive service appointment in tenure group I or II (career or career-conditional) who received a specific RIF separation notice, or notice of proposed removal for declining a directed reassignment or transfer of function outside of the local commuting area.
Documentation	The collection of sufficient information to enable reconstruction of the action during an audit. Such information includes position descriptions and job analysis data used to develop a rating schedule, applicant availability statements, etc.
Education	Course work successfully completed by the candidate. To be qualifying, it must be related to the competencies/KSAs needed to perform the job. For some series/grades OPM standards do not restrict the field of study; for these, all areas of study are considered qualifying.
Eligible	An applicant who satisfies the minimum qualifications requirements for the position, and therefore is eligible for consideration. See "candidate."
Evaluation Criteria	The KSAs and other characteristics needed for successful performance in the position to be filled. These criteria are used to determine and validate the best qualified applicants for the position. The KSAs and other characteristics are derived from an analysis of the position and must be documented as part of an accurate job analysis process. Applicants may be evaluated through the use of KSAs, applicant assessment questions, and/or other assessment tools such as structured interviews and performance exercises in line with Hiring Reform.
Experience	The school, home, community, voluntary or work history of the applicant. To be qualifying, it must be related to the competencies/KSAs needed to perform the job.
Full Performance Level	The highest rank, grade or known promotion potential of a given position.
Indicator of Proficiency	A source of evidence that an applicant possesses job-related competencies/KSA, e.g., college coursework, work experiences, professional activities, and certifications.
Interagency Career Transition Assistance Program (ICTAP)	A special career transition assistance program designed to give re-employment priority to Federal employees affected by Federal downsizing. (See 5 CFR, Part 330.)

Job Analysis	Identifies the competencies/KSAs directly related to performance on the job. It is a systematic procedure for gathering, documenting, and analyzing information about the content, context, and requirements of the job. It demonstrates that there is a clear relationship between the tasks performed on the job and the competencies/KSAs required to perform the tasks.
Job Opportunity Announcement (JOA)	A document that informs the public of a position vacancy. A job announcement describes the requirements of the position and instructs applicants on how to apply for the vacancy, including necessary applicant documentation. JOAs must be posted on the USAJOBS website as a means of satisfying the public notice requirement. Also known as “vacancy announcement.”
Job-Relatedness	A standard met when the competencies/KSAs in the rating procedure are shown through an analysis of the position’s duties and responsibilities to be necessary for successful job performance.
Knowledge	A body of information applied directly to the performance of a function.
Merit Promotion	An appointment made under the authority of 5 CFR 335, Promotion and Internal Placement. With certain important exceptions, only career or career-conditional status (tenure I or II) employees may be considered for positions which are to be filled under merit promotion authority.
Minimum Qualifications	Qualifications an applicant must possess to be eligible for hire or promotion under the competitive system. Minimum qualifications are typically expressed in terms of years of job-related experience or education. Applicants who do not meet the minimum qualification requirements for the position are “screened out,” and receive no further consideration.
Non-competitive Action	An appointment to or placement in a position in the competitive service that is not made by selection from an open competitive examination and that is usually based on current or prior Federal service. A noncompetitive action includes (1) all of the types of actions described under in-service placement; (2) appointments of non-Federal employees whose public or private enterprise positions are brought into the competitive service under title 5 CFR 316.701; and (3) appointments and conversions to career and career-conditional employment made under special authorities covered in 5 CFR 315.
Open Period	The period during which applications may be submitted for consideration. The duration of the open period must be sufficient enough to provide adequate public notice of the vacancy and must be clearly specified in the job announcement.
Preference Eligible	A veteran, spouse, widow, or mother, who meets the definition provided in 5 U.S.C. § 2108. They are also afforded higher retention standing in the event of a reduction-in-force (see 5 U.S.C. § 3502). Preference does not apply to in-service placement action such as promotions.
Priority Consideration	Special consideration priority given to a candidate who previously was denied consideration due to erroneous or lost certification.

Rating Procedure	A single, comprehensive, documented process with specific valid and accurate criteria for making consistent and job-related determinations about the relative qualifications of applicants for a position.
Reassignment	The movement of an employee from one position to another position within USDA (including from one mission area to another) without promotion or change to lower grade.
Reemployment Priority List (RPL)	A list of employees within the local commuting area who are or will be separated from a USDA agency due to RIF or other non-conduct/performance related involuntary separation; and former employees who have been separated from service for more than one year due to a work-related injury. (See 5 CFR 330.)
Referral list	See “certificate.”
Reinstatement	Non-competitive appointment of an individual whose previous employment as a career or career-conditional employee (tenure I or II) made him/her eligible for reinstatement into the competitive service as a career or career-conditional employee. (See 5 CFR 315.)
Reinstatement Eligibility	The conditions under which a person may be reinstated into the competitive service. (See 5 CFR 315.)
Selective Factor	Knowledge, skills, abilities, or special qualifications that are in addition to the minimum requirements in a qualification standard, but are determined to be essential to perform the duties and responsibilities of a particular position. Applicants who do not meet a selective factor are ineligible for further consideration.
Skill	An observable competency or demonstrated proficiency.
Status Applicant	A current Federal employee with career or career-conditional status (tenure I or II) or an applicant with reinstatement eligibility who completed the service requirement for career or career-conditional tenure in the competitive service.
Status Employee	A current Federal employee who has completed the service requirement for career tenure in the competitive service.
Structured Interview	An assessment method in which applicants are asked a series of fixed questions concerning their job-related competencies, knowledge, skills, and abilities. In each structured interview, the applicant is asked the same questions in the same sequence and his or her responses are scored according to predetermined criteria or benchmarks.
Subject-Matter Expert (SME)	A person with bona fide expert knowledge about what it takes to do a particular job. Superior incumbents in the same or very similar positions and other individuals can be used as SMEs if they have current and thorough knowledge of the job's requirements.
Transfer	The change of an employee, without a break in service of one full workday, from a position in one agency to a position in another agency.
Vacancy Announcement	See “job opportunity announcement.”

Validity	The extent to which an assessment instrument is relevant to the requirements of the job being filled.
Veterans' Preference	A special privilege that entitles qualifying veterans or their family members to certain advantages in consideration for Federal employment.
Well Qualified	An eligible who possesses the KSAs/competencies which clearly exceed the minimum qualification requirements for the position.

## APPENDIX B

### DEVELOPING EVALUATION CRITERIA FOR MERIT PROMOTION

#### 1. Introduction

In developing evaluation criteria for use in merit promotion actions, mission areas/agencies must fulfill both Merit System Principles and the requirements of the Uniform Guidelines on Employee Selection Procedures. This appendix contains a brief discussion of the Guidelines as they apply to the merit promotion process and provides guidance for evaluating candidates.

#### 2. The Uniform Guidelines - General

The Uniform Guidelines on Employee Selection Procedures (29 CFR 1607) are a set of principles to assist employers in making employment decisions which comply with equal employment opportunity requirements of Federal law with respect to race, color, religion, sexual orientation, sex, and national origin. They are designed to provide a framework for determining the proper use of tests and other selection procedures consistent with equal opportunity requirements. According to the Uniform Guidelines, a selection procedure that has an adverse impact on the employment opportunities of a race, sex, or ethnic group is unlawfully discriminatory unless the selection procedure can be justified on grounds of business necessity and it is properly validated. While the Uniform Guidelines do not require validation studies for selection procedures that produce no adverse impact, OPM requires that evaluation methods be consistent with the instructions in 29 CFR 1607.

#### 3. Validation Processes

Selection procedures can be supported by three different validation strategies or some combination of them. Those wanting to learn more about these strategies should consult the Guidelines. Depending on the evaluation methodologies employed, any one of these strategies might be used to defend a selection procedure when the existence of adverse impact makes validation necessary. The USDA Merit Promotion Plan recommends collecting the data necessary to support a content validation study. The reasons for this choice are that validating selection procedures on the basis of job's content is the least expensive and easiest method to employ.

#### 4. Content Validity

Content validity demonstrates that the content of a selection procedure is a representative sample of important aspects of job performance. Content validity can justify selection procedures which measure work behaviors and knowledge, skills and abilities when they can be directly linked to successful job performance. Content validity cannot, however, support selections/procedures which rely on inference about mental processes or measure traits and constructs, e.g., intelligence, aptitude, personality, common sense, judgment and leadership.

## 5. Documentation Required for Content Validation

To support a content validation study, refer to the Uniform Guidelines found in 29 CFR 1607.



## APPENDIX C

### PAYMENT OF TRAVEL AND TRANSPORTATION EXPENSES

1. Prior to recruiting for candidates to fill a vacancy, the appropriate official must determine whether it is in the interest of the Government to pay travel/transportation allowances so that this information can (must, if authorized) be noted on the vacancy announcement. The determination should be based on factors such as cost effectiveness, labor market conditions, and difficulty in filling the vacancy. Budget constraints alone are not a sufficient basis to justify not authorizing travel/transportation expenses.
2. Travel and/or transportation expenses may be authorized when the following requirements have been met:
  - a. The authorized management official has determined that the new appointment or the transfer of an employee to the duty station is in the best interest of the Government and is not primarily for the convenience or benefit of the employee or at his/her request.
  - b. The authorized management official has determined that it is in the best interest of the Government to conduct in-person interviews with candidates from outside of the commuting area. The payment of travel expenses for pre-employment interviews may not be used as a recruiting device and may not be used to encourage one applicant by paying his/her expenses or to discourage another applicant by not paying his/her expenses.

#### 3. Travel/Transportation Payment Not in the Interest of the Government

If an employee actively pursues, solicits or requests a position change resulting in the geographic move of such employee from one geographic location to another, such a transfer is primarily for the convenience and benefit of the employee. The gaining, servicing HRO must formally advise the employee at the time an offer is extended that the transfer is in the interest of the employee and not in the interest of the Government, and that travel/transportation shall not be paid by the Government.

#### 4. Travel and Transportation Expenses

Questions regarding what expenses are paid should be directed to the appropriate agency travel office. Below is general guidance of expenses paid for both a new appointee and a transferee.

All new hires except former Federal employees with reinstatement eligibility and less than 180 day break in service may, at management discretion, be authorized and approved to receive any, all, or none of the travel and transportation expenses listed in the Federal Travel Regulations for a transferee.

All other new hires including former Federal employees with a break in service of three days or more AND former Federal employees with reinstatement eligibility and a break in service of three to 179 days, may be authorized and approved to receive travel and transportation expenses in accordance with Federal Travel Regulations for a new appointee.

A transferee who meets the criteria as being primarily for the benefit of the government is entitled to travel and transportation expenses which must be approved and authorized in accordance with Federal Travel Regulations for a transferee.

#### 5. Employment Service Agreement Requirements

Employees are required to sign an appropriate employment service agreement that requires them to remain for 12 months in the position they are being hired for unless a position change is in the best interest of USDA or other criteria noted in agreement (a.k.a. Memorandum of Understanding(MOU)) is met. Expenses for relocation travel, transportation, and related costs (including recruitment/relocation bonus) are authorized only after the service agreement is signed, paid soon (within first two pay periods) after the employee starts, and is incident to:

- a. Appointment or transfer to a new duty station.
- b. Transfer to a duty station at the employee's place of actual residence or to a place involving no greater distance than a transfer to the employee's place of residence when miscellaneous expenses and/or temporary quarters are authorized.

## APPENDIX D

### MERIT PROMOTION PANEL FACILITATOR'S AND MEMBERS' GUIDE

1. This serves as a guide and role description for panel members, human resource specialists, and others serving as panel facilitators.
2. PANEL FACILITATOR
  - a. The panel facilitator serves as the panel's technical advisor on all matters relating to the merit promotion process and other human resources questions which arise during the panel's deliberations. As such, the facilitator is responsible for the integrity of the evaluation process. Only a person fully trained in staffing and capable of exercising good judgment should be used in this capacity.
  - b. Specific duties include:
    - (1) Familiarization with the Department Merit Promotion Plan;
    - (2) Assuring that panel members are subject matter experts (SMEs) and capable of objectively evaluating candidates;
    - (3) Briefing panel members on the position to be filled, the rating process, and their responsibilities;
    - (4) Reminding panel members to consider only the information presented by the applicant or other authorized source (using personal knowledge is inappropriate and such knowledge may not be shared). A requested panel member may decline participating if he/she cannot be objective or give an accurate assessment of the candidate's abilities; that individual must make the personal determination;
    - (5) Taking immediate corrective action where panel deliberations are subjective and improper;
    - (6) Being available during the process to respond to questions and concerns by the panel members and follow-up to obtain additional clarifying information, as appropriate;
    - (7) Stressing to the panel members the need for confidentiality of the rating material and panel deliberations; helping to ensure that information is not shared outside the panel unless there is an official investigation or other legitimate business need to share information;
    - (8) Providing the information needed to prepare a list of the best qualified candidates (after panel process) for referral to the selecting official;
    - (9) Knowledgeable of prohibited personnel practices;
    - (10) Preparation for responding to the queries of non-selected candidates about the process; and
    - (11) Ensuring that proper procedures have been followed.

### 3. PANEL MEMBERS

- a. The evaluation of candidates requires panel members who are capable of a high degree of objectivity and able to do a comprehensive assessment of the information about each candidate as it relates to the job to be filled. As both the careers of the candidates and the needs of the organization are involved, nothing less than the best job a panel member can do is expected. Persons selected to serve as panel members must be at or above the full performance grade level of the position being filled and possess knowledge and experience in the field of the position being filled.
- b. Specific duties include:
  - (1) Being an SME of the job being filled and familiar with the Departmental Merit Promotion Plan;
  - (2) Becoming familiar with the case by reviewing the vacancy announcement (if applicable), position description, and evaluation criteria prior to evaluating candidates. At this point, panel members raise questions with the panel facilitator concerning any information that appears to be confusing or unclear. Questions may be raised before as well as during the evaluation process;
  - (3) Having a clear understanding of the rating and ranking process;
  - (4) Considering only the information on candidates that is presented, e.g., application, performance appraisal, incentive awards, etc. Personal knowledge about a candidate must not be used or discussed in the rating process;
  - (5) Declining further participation if panel member believes personal knowledge of candidate will preclude him/her from making objective/accurate assessment of the candidate's abilities;
  - (6) Reviewing all work experience, training, awards, most recent performance appraisal, etc., in the application package in comparing candidate's qualifications against the evaluation criteria and arriving at a rating level for each criterion;
  - (7) If consensus rating is used, having open discussions with other panel members to resolve major differences in the rating of candidates and coming to an agreement on the score which will indicate those to be certified as best qualified; and
  - (8) Documenting decisions by completing and affixing signature and date on appropriate rating forms.

### 4. CONFIDENTIALITY

The proceedings of a merit promotion panel are to be considered confidential. Anyone divulging information about these proceedings, except as required in the course of official business, will be subject to disciplinary action.