

MERIT PROMOTION

SECTION 1. GENERAL:

A. Purpose: The purpose and intent of this Article is to ensure that merit promotion principles are applied in a consistent manner, with equity to all bargaining unit employees and based solely on job-related criteria.

B. Reserved Rights: The Agency retains the right to use any lawful means to fill positions either concurrently with or in lieu of competitive procedures. Toward this end, and in order to meet the total objectives of the organization, the Agency has the right to fill positions using means other than competitive procedures to select from appropriate sources, such as eligibles for reinstatement, transfer, reassignment, excepted appointment or those within reach on an appropriate OPM or delegated examining unit certificate.

SECTION 2. ACTIONS COVERED BY COMPETITIVE PROCEDURES: In accordance with 5 C.F.R. § 335.103, except as provided in Section 1B above for bargaining unit positions, competitive procedures will apply to the following types of personnel actions:

1. Promotions (except those listed in Section 3 of this Article).
2. Temporary promotion of more than 120 days.
3. Selection for detail for more than 120 days to either a higher graded position or to a position with known promotion potential.
4. Selection for training required for promotion.
5. Reassignment or demotion to a position with greater promotion potential than the position last previously held, except the reassignment of an intern or trainee as part of the training and development plan.
6. Transfer to a higher-grade position never previously held.
7. Reinstatement to a permanent or temporary position at a higher grade level than previously held in a non-temporary position in the competitive service.

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SECTION 3. ACTIONS NOT COVERED BY COMPETITIVE PROCEDURES: In accordance with 5 C.F.R. § 335.103, competitive procedures will not apply to the following personnel actions, which are exceptions to Section 2 above:

A. Promotion Based on Reclassification when:

1. No significant change occurs in the duties or responsibilities of the position and the position is upgraded due to issuance of a new classification standard, an updated Agency-wide classification policy or the correction of a classification error;
2. The position is upgraded due to accretion of additional duties and responsibilities and the accretion is supported by a written analysis of the position (which may involve an audit with the employee and/or the employee's supervisor, or other fact gathering method);
 - a. The employee continues to perform the same basic functions in the same organization, working for the same supervisor (the duties of the former position are absorbed into the new position, and the former position is abolished);
 - b. The new position has no promotion potential;
 - c. The additional duties and responsibilities assigned do not adversely affect or impact other positions in the unit;
 - d. The employee has performed the higher level duties consistently and management concurs on the continuation of the employee performing the additional duties and responsibilities;
 - e. The position must be in the same series as the former position and is not reclassified from a one-grade interval position to a two-grade interval position.
 - f. The position does not require supervisory responsibilities.

B. Permanent Promotion to a position held under a temporary promotion when:

1. The assignment was originally made under competitive procedures;
2. It was known to all competitors at the time that the assignment may lead to a permanent position.

C. Temporary Promotion: temporary promotion of an employee for less than one hundred and twenty (120) days; or for more than one hundred and twenty (120) days to a grade level previously held on a permanent basis, unless the employee was demoted for reason related to performance or misconduct.

D. Placement as a Result of Priority Consideration: (see Section 5: Priority Consideration)

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E. Reduction in Force Placements: Reduction in force placements that result in an employee receiving a position with higher promotion potential.

F. Promotion to a Grade Previously Held: promotion to a grade 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. This includes placement as a result of a reasonable accommodation.

G. Promotion Resulting from Successful Completion of a Training Program: promotion resulting from successful completion of a training program for which the employee was competitively selected.

H. Selection from the Re-employment Priority List: selection from the re-employment priority list at the same or lower grade level than the position from which previously separated.

I. Promotion as a Legal Remedy: promotion as a legal remedy as ordered and agreed upon in a legal or administrative proceeding.

J. Details: details for one hundred and twenty (120) days or less to a higher graded position or to a position with known promotion potential (see Details Article of this CBA).

K. Transfer or Reinstatement: Transfer of a current Federal employee or reinstatement of a former Federal employee to a position that is no higher than a position previously held on a permanent basis under a career or career conditional appointment, provided the employee was not demoted or separated from that previous position for cause or for performance deficiencies;

L. Position Change: Position change (either reassignment, demotion, or promotion) of any permanent employee from a position having known promotion potential to a position having no higher potential; or

SECTION 4. PROMOTIONS DUE PLANNED MANAGEMENT ACTION: a planned management action (for a promotion) is when the addition of duties and responsibilities to an encumbered position where the promotion must be competitive because it does not fully meet local accretion of duties criteria, but may be an exception to PPP procedures. The Union may request a review of an encumbered position to determine if a competitive action is warranted, based on additional duties.

SECTION 5. PRIORITY CONSIDERATION: For the purpose of this Article, a priority consideration is the consideration for non-competitive selection given to an employee as the result of a previous failure to properly consider the employee for selection because of procedural, regulatory or program violation. Normally, employees will receive priority consideration once for each instance of improper consideration. This means that the employee must be referred to the selecting official for consideration before using the competitive procedures; this does not mean that the employee is guaranteed to be selected for the position.

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A. Procedure: An employee will receive bona fide consideration by the selecting official before any other candidate is referred for consideration. The employee will not be considered in competition with other candidates and will not be compared with them. If selected on the basis of the priority referral, the employee is promoted or reassigned noncompetitively.

B. Additional Options: When circumstances warrant, the Agency and the Union agree to consider additional options for priority consideration.

SECTION 6. MANDATORY PLACEMENT PROGRAMS:

A. Entitlement: If an employee in any of the categories below is available and qualified when a vacancy occurs, that employee must be given appropriate placement entitlement:

1. Persons with statutory, regulatory, or administrative reemployment or restoration rights. These include employees returning from military service, employees returning from overseas assignments under the terms of a return rights agreement or persons whose names appear on a Reemployment Priority List;
2. Placement actions required in connection with Reduction in Force (RIF);
3. Placement, reassignment or promotion that is directed by the OPM, the MSPB or other authority to effect a corrective action resulting from an appeal, grievance, EEO complaint decision or to correct a violation of law or regulation;
4. Placement of employees entitled to mandatory placement under provisions of the DoD Priority Placement Program. Refer to the DoD Priority Placement Program Operations Manual; or
5. Placement of qualified recovered disability annuitants and former employees receiving workers compensation.

B. Notification: Employees entitled to priority consideration will be notified when they are considered for placement under priority consideration procedures.

C. Re-promotion Eligibles: Employees who are involuntarily demoted in the Agency without personal cause or who are in grade retention status are entitled to consideration for re-promotion before using the competitive procedures. This applies to positions at the employee's former grade or at any intervening grades that are to be filled under competitive procedures. The right to this consideration does not apply to a position with promotion potential higher than that of the position held at the time of the change to the lower grade.

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SECTION 7. VACANCY ANNOUNCEMENTS:

A. Area of Consideration: The area of consideration in announcing vacancies will be no less than NCR-MD

B. Publication: Positions to be filled through the competitive promotion process will be publicized using USAJOBS and a notice of the vacancy will be posted on the Agency's web site. The Agency will provide information to employees with respect to the filing of applications and the regulatory aspects of the promotion program.

C. Announcement Content: At a minimum, vacancy announcement shall include the following information:

1. The vacancy announcement number;
2. The position title(s), occupational series, and grades(s), bargaining unit status will include the different grade levels at which the position may be filled.
3. Opening and closing dates;
4. A brief summary of the representative duties of the position(s), including length of temporary promotion or detail (if appropriate);
5. Area of consideration, including a statement that applications will be accepted from VRA eligible and 30 percent or more disabled veterans if appropriate;
6. Number of anticipated vacancies to be filled; Geographic and organizational location;
7. Statement concerning relocation expenses (e.g. Permanent Change of Station);
8. Qualification requirements, including a description of any modification of established qualifications requirements. Specific information relevant to the evaluation of the candidates, e.g., writing samples, portfolios;
9. Selective placement factors if any: test(s) required, statement as to Security Clearance requirement, statement as to whether the position is a drug testing designated position;
10. Evaluation factors and the due consideration of weights they will receive in arriving at composite or total scores for ranking purposes;
11. A statement that the position(s) covered has (have) known promotion potential which can result in subsequent career promotion(s), if applicable;

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12. Any unusual conditions of employment which it might be advisable to publicize: tour of duty, temporary duty (TDY) travel, driver's license, financial statement filing requirement, security requirements, overtime, weather essential, Emergency Essential (EE), deployable, whether the position is subject to mobility or rotation (e.g. Interns);
13. The statement: "The Agency is an equal employment opportunity Agency";
14. Statement that basic eligibility requirements such as time in grade, minimum qualifications and other regulatory requirements must be met by the date the referral is issued;
15. Agency contact information for information relating to the announcement, including any special forms required;

D. Posting Period: Vacancy announcements, other than Interagency Career Transition Assistance Program (ICTAP) or announcements with applicant limits will be open for a minimum of seven (7) days.

E. Multi-location Vacancy Announcements/Registers: vacancy announcements may be issued to establish registers for similar positions located throughout the Agency.

F. Direct Hire: For each job series with Direct Hire Authority (DHA), the Agency will post on the intranet the contact information for submission of resumés and supporting documentation.

G. Open and Continuous Postings: For vacancies announced on an open continuous basis cut off dates for any and all vacancies will be defined in the vacancy announcements.

H. Amending or Re-advertising Vacancy Announcements: If a vacancy announcement has been posted and is later found to contain a substantial error a determination will be made by management whether the announcement should be amended or re-advertised and if so, all applicants will be notified. The amendment should cite the change(s) and indicate whether or not the original applicants need to re-file in order to be considered.

I. Notice of Cancellation: Notice of cancellation of vacancy announcements will be communicated to applicants through the automated recruitment system.

J. Multiple Applications: When an employee applies for more than one announcement, full consideration will be given for each vacancy applied for, regardless of selection to one or more vacancies.

SECTION 8. EMPLOYEE APPLICATIONS:

A. Filing an Application: To be considered for a vacancy, an employee must complete their application as described in the announcement.

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B. Electronic Application:

1. The Agency will give bargaining unit employees access to computers to complete automated applications under this Article. With a supervisor's approval, an employee may be granted a reasonable amount of time during working hours to prepare or modify his or her application.
2. Upon request, the Agency will provide assistance on how to apply for vacancies.

C. Right to Apply: Employees may apply for any position (i.e. Wage Grade and General Schedule) for which they believe they are qualified or eligible.

D. Updated Resumé: Employees are expected to keep applications submitted for open continuous and continuing promotion registers current by submitting updated resumé's.

E. Geographic Preference: Applicants are required to specify their geographical/organizational preference(s) when requested or they will only be considered for positions within their assigned organization.

SECTION 9. EVALUATION, CERTIFICATION AND SELECTION OF APPLICANTS UNDER COMPETITIVE PROCEDURES:

A. Eligibility: To be eligible for promotion or placement, candidates shall meet the legal and minimum qualification standards prescribed or approved by OPM and selective placement factors or other qualification requirements identified as essential for successful performance by the closing date of the announcement. Applicants shall be notified through USAJOBS of the determination of eligibility at the time of submission of the referral list to the selecting official.

B. Automated System: The Agency will use an automated system for evaluation of candidates. The Agency agrees to provide training to employees and Union representatives regarding the operations of the automated system. For each position or group of positions, which will be filled through competitive promotion procedures, the method of rating must be documented. This job analysis will address:

1. The skills identified through job analysis as necessary for successful job performance; each assessment questions will be equally weighted.
2. Assessment criteria used to evaluate candidates must be based solely on job related criteria and applied equitably.

C. Evaluation: Skills to be used for evaluation purposes must be derived from the official position description for the position being filled.

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SECTION 10. ESTABLISHING THE BEST QUALIFIED LIST:

A. Minimum Qualification Standards: To be eligible for promotion or placement, candidates shall meet the legal and minimum qualification standards prescribed or approved by OPM and selective placement factors or other qualification requirements identified as essential for successful performance by the closing date of the announcement.

B. Assessment Criteria: Assessment criteria used to evaluate candidates must be job related and in accordance with this CBA, applicable Agency policies, laws and regulations, including those regulations and policies prohibiting discrimination.

C. Job Analysis: A job analysis must be conducted to determine the knowledge, skills, abilities, and competencies (KSACs) required for the position. This may include other characteristics, if applicable. The assessment questions will be developed based on this job analysis.

D. Candidate Rating and Ranking: Candidates will be rated and ranked against the KSACs and assessment questions as described in the vacancy announcement.

E. Cutoff Score: When there are more than twelve (12) qualified competitive candidates, the best qualified candidates who will be referred for consideration will be determined based on an appropriate cutoff score. All scores equal to or above the cutoff score will be forwarded to the selecting official.

F. Lowering Cutoff Score: When a pre-established score generates a list of at least twelve (12) best qualified candidates, the cut off score may not be lowered to increase the candidate referral pool until all referred candidates have been exhausted.

SECTION 11. REFERRAL OF CANDIDATES FOR SELECTION:

A. Certificate of Eligibles: When a certificate of eligibles (e.g. referral list, promotion certificate, reassignment, etc.) contains at least three qualified candidates, the selecting official may not reject the certificate as inadequate solely on the basis that it contains an insufficient number of eligible candidates.

B. Certificate Re-announcement: If the certificate of eligibles contains fewer than three qualified candidates or if declinations reduce the number to fewer than three, the selecting official may request that recruitment effort be renewed or he or she may proceed with the selection process. If recruitment is renewed, previous applicants will be notified whether or not they need to reapply to receive consideration.

C. Multiple Grade Levels: In cases where the position was announced at more than one grade level, the selecting official will be provided a list for each grade level (see Section 11 B).

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SECTION 12. CANDIDATE INTERVIEWS:

A. Interview Panels: Panels may be used to evaluate, rank and/or interview candidates for selection consideration and may not function in a way which preempts the selecting official's authority.

B. Interview: The selecting official has the option to interview or not interview the candidates referred. If one bargaining unit candidate is interviewed, it is encouraged that all bargaining unit candidates will be interviewed. Interviews will be conducted in essentially the same manner in regard to questions asked and the information being sought so that all candidates are given an equitable opportunity to present themselves and their qualifications.

C. Interview Questions: The selecting official or panel will ask valid job-related interview questions that allow for an objective evaluation of the candidate's competencies as they relate to the position being filled.

D. Release for Interview: Employees will be released, after making appropriate arrangements with their supervisor, for the time necessary for the interview to be conducted.

SECTION 13. SELECTION PROCEDURES:

A. Selection: Selecting officials may select any of the candidates referred on the certificate of eligibles or any candidate eligible for noncompetitive consideration.

B. Affirmative Employment Plan: If the vacancy is one for which an under-representation exists and is a targeted occupation as identified in the Affirmative Employment Plan and there are well qualified candidates whose selection would reduce the under-representation, then the selecting official will give the appropriate consideration consistent with the Affirmative Employment Plans.

C. Types of Interviews: When a face-to-face interview is not possible, a telephone interview or other electronic method is acceptable.

D. Selection Criteria: The selecting official will give consideration to the candidate's qualifications. The selection shall be based solely on job-related criteria.

E. Documentation: If a rationale for the selection is prepared, it will be made a part of the case file.

F. Release and Notification of Applicants: The Civilian Human Resource Center will work with program officials to establish mutually agreeable release dates based on mission and program requirements.

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1. Promotion: An employee selected for merit promotion will normally be released no later than one (1) complete pay period, following the selection and after required security clearance or other condition(s) are satisfied (i.e., pre-employment drug test).
2. Non-Promotion: When local workforce and program conditions permit, an employee will be released no later than two (2) complete pay periods for reassignments/transfers, following the selection and after required security clearance or other condition(s) are satisfied (i.e., pre-employment drug test).
3. Within-Grade: When an employee is nearing the end of a waiting period for a within-grade increase, consideration should be given to releasing the employee at the beginning of a pay period on or after the effective date of the within-grade increase, provided such an action would benefit the employee.

G. Assistance with Information: An employee may contact the Civilian Human Resource Center to request information regarding their application.

H. Employee Improvement: Upon request, an employee may seek guidance on how they can potentially improve their application to increase their chances for future consideration to similar positions.

SECTION 14. CAREER LADDER PROMOTIONS: It is the policy of the Agency to provide appropriate opportunities for bargaining unit employees to develop and advance in their careers. Career ladder promotions are promotions of employees without further competition when:

1. at an earlier stage the employee was selected from an OPM certificate of eligibles under competitive procedures; and
2. the selection was for an assignment intended to prepare the employee for the position being filled, including any promotion up to and including the full performance level of the position.

A. Regulations: Pursuant to 5 CFR §335.104, career ladder promotions are not automatic; an acceptable level of performance must be demonstrated for progression. Employees in career ladders must clearly demonstrate the ability to perform at the next higher grade level before being promoted to the next grade in the career ladder. The Agency must have the appropriate level of work available and necessary budgetary resources to support the promotion. Once the promotion has been made, supervisors will assign work at the new grade level.

B. Opportunity for Promotion: Employees in career ladder positions will be given opportunity to reach the full potential of their assigned career ladders. Upon placing an employee in a career ladder position, the supervisor will identify the job requirements and expectations to reach the

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next higher level. The supervisor will hold discussions with the employee at each level of the employee's progression within the career ladder.

C. Non-Competitive Promotion: Career ladder promotions are permitted when an employee is appointed or assigned to any grade level below the established full performance level of the position (i.e. the position has a documented career ladder and promotion potential). These promotions may be made non-competitively for any employee who entered the career ladder by:

1. Competitive procedures;
2. Non-competitive appointment under special authority.

D. Timely Decision: At the time an employee meets time-in-grade and any other promotion requirements, the supervisor will make a decision to promote or not to promote. This decision will be made in a timely manner but no employee shall receive a career ladder promotion unless his or her rating of record is "achieved results" or higher.



E. Effective Date: The promotion will normally be effective at the beginning of the next pay period, provided that the employee satisfies the career ladder promotion criteria, and all required documentation has been received by CHRC.

F. Feedback: The supervisor will periodically provide feedback to the employee about their performance in the career ladder position.

G. Failure to Meet Promotion Criteria:

1. Employees not meeting the criteria for promotion will be counseled by their supervisor regarding areas needing improvement before the promotion can be effected in accordance with applicable law, rules, or regulation.
2. The supervisor and employee will work together to assist the employee in meeting the specific promotion requirements. Such assistance should identify applicable training as well as any other appropriate support. Employees may request Union assistance.

SECTION 17. PROMOTION RECORDS FOR UNIT POSITIONS: In accordance with 5 C.F.R. § 335.103, a file sufficient to allow for reconstruction of the competitive action will be kept for two (2) years, unless there is a grievance or complaint pending on the particular promotion action, in which case the file will be kept pending final decision of the grievance or complaint, whichever is longest. Upon completion of the selection process, the Union may request the information used by the Agency to make the selections. The Agency will provide the requested information consistent with the requirements of law.

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