

1 February 2010

Civilian Personnel
Merit Promotion and Placement Plan

***This regulation supersedes Eighth Army Regulation 690-335, 19 Jul 04.**

FOR THE COMMANDER:

LEWIS F. SETLIFF III
Colonel, GS
Chief of Staff

OFFICIAL:



GARRIE BARNES
Chief, Publications and
Records Management

Summary. This regulation provides policy and procedures for promotions and other competitive placement actions of U.S. citizens to appropriated fund positions in the competitive and excepted services serviced by Civilian Human Resources Agency (CHRA), Far East Region. This regulation is consistent with statutory and regulatory guidance issued by the Office of Personnel Management (OPM), Department of Defense (DoD), and Department of the Army (DA).

Summary of Change. This regulation has been substantially changed. A full review of its contents is required.

Applicability. This regulation applies to Eighth United States Army (EUSA), its subordinate commands and assigned units, United States Forces Korea (USFK) joint positions occupied by Army employees, and all other Army activities in Korea unless otherwise addressed by appropriate agreements or understandings authorized by Army Regulation 10-87.

Note: This plan applies to all other activities that are serviced by the CHRA, Far East Region in the absence of applicable command-specific merit promotion and placement criteria. This plan also

applies to all non-Army activities serviced by CHRA, Far East Region, in the absence of applicable agency-specific merit promotion and placement criteria provided for in individual Intra-Service Support Agreements.

Supplementation. Further supplements to this regulation by subordinate commands or other Army and non-Army activities are prohibited unless prior approval is obtained from the Commander, EUSA, ATTN: Directorate of Human Resources Management (DHRM), Unit #15236, APO AP 96205-5236.

Records Management. Identification, maintenance and disposition of records created as a result of processes prescribed by this regulation is accordance with AR 25-400-2. Record titles and descriptions are available on the Army Records Information System website at: <https://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is the Commander, EUSA, ATTN: DHRM, Unit #15236, APO AP 96205-5236. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Commander, EUSA, ATTN: DHRM, Unit #15236, APO AP 96205-5236.

Distribution. Electronic Media Only (EMO).

CONTENTS

Chapter 1

General, page 1

- 1-1. Purpose
- 1-2. References
- 1-3. Explanation of Abbreviations and Terms
- 1-4. Responsibilities
- 1-5. Policy

Chapter 2

Prohibited Personnel Practices and Nepotism, page 5

- 2-1. Prohibited Personnel Practices
- 2-3. Nepotism — Employment of Relatives and Personal Favoritism

Chapter 3

Exclusions and Coverage, page 6

- 3-1. Exclusions
- 3-2. Covered Competitive Actions

Chapter 4

Competitive Procedures, page 9

- 4-1. Locating Candidates
- 4-2. Candidate Evaluation and Referral

Chapter 5

Selection, page 12

- 5-1. Selection
- 5-2. Effective Dates
- 5-3. Missed Consideration
- 5-4. Order of Consideration

Chapter 6

Program Effectiveness and Integrity, page 15

- 6-1. Program Effectiveness and Integrity
- 6-2. Employee Grievances and Complaints

Appendix A. References, page 17

Glossary, page 18

Chapter 1

General

1-1. Purpose

This regulation establishes policy, assigns responsibilities, and prescribes procedures for promotions and other competitive placement actions of U.S. citizens to appropriated fund positions in the competitive and excepted services. This regulation complies with the requirements of applicable OPM, DoD, DA, and other higher headquarter regulations. Higher-level regulations and authority must be used for policy on areas not included in this plan.

1-2. References

Related publications are listed in appendix A.

1-3. Explanation of Terms and Abbreviations

Terms and abbreviations used in this regulation are explained in the glossary.

1-4. Responsibilities

a. CHRA, Far East, Civilian Personnel Advisory Centers (CPACs) will —

(1) Administer the merit promotion and placement program to ensure that the provisions of this plan and the spirit and intent of the United States Code, Title 5, are met.

(2) Advise, assist, and provide information and guidance to management officials on recruitment methods, sources, strategies, appropriate areas of consideration, supervisory and employee responsibilities, regulatory requirements, and the provisions of this plan, including outreach and/or other special emphasis programs or requirements.

(3) Provide information to the workforce on the merit promotion and placement program.

(4) Participate in job fairs and provide information to the applicant pool or labor market on recruitment processes and application procedures.

(5) Assist management or subject matter experts (SMEs) with job analysis to identify the necessary skills required or desired for successful job performance.

(6) Prepare and distribute vacancy announcements through electronic means.

(7) Evaluate applicant qualifications as required by the recruitment method used.

(8) Issue referral lists to selecting officials or designated representatives, as appropriate.

(9) Advise, assist, and provide information and guidance to applicants regarding access to information on the status of their resumes and applications for employment or placement consideration through the Automated Notification System Web-Enabled Response (ANSWER).

(10) Respond to inquiries regarding rating determinations.

(11) Coordinate selections with the appropriate Equal Employment Opportunity officer, as required.

(12) Make tentative job offers, as applicable, obtain eligibility documentation from selectees, verify eligibility for selection, make allowances and benefits determinations, make final job offers, coordinate employment effective dates, and process selections to the CHRA, Far East, Regional Processing Center (RPC) in accordance with (IAW) applicable laws, rules, and regulations and within established timeframes. Normally, job offers will be made in writing via e-mail with a requirement that the selectee respond to the CPAC within two workdays. If no response is received within this timeframe, an effort will be made to contact the applicant by telephone to obtain a response. Applicants who cannot be reached by phone after having failed to notify their HR representatives within 2 workdays without an approved extension will be considered to have declined the job offer.

(13) Fully document all actions taken under this plan IAW all applicable laws, rules, regulations, and Standing Operating Procedures (SOPs).

b. CHRA, Far East, RPC will —

(1) Process selections in the Defense Civilian Personnel Data System (DCPDS) IAW applicable laws, rules, and regulations and within established timeframes.

(2) Establish, request, maintain, and/or transfer employee Official Personnel Files (OPFs).

(3) Periodically audit personnel actions to ensure compliance with applicable laws, rules, and regulations.

c. Managers will —

(1) Familiarize themselves with this plan and provide information on its provisions to employees.

(2) Apply the principles and procedures established in this plan including positive support of the Equal Employment Opportunity (EEO) and Affirmative Action Programs (AAPs).

(3) Ensure all candidates referred are considered without regard to discrimination or favoritism based on personal relationship, kinship, or patronage.

(4) Anticipate personnel requirements and initiate appropriate action sufficiently in advance to allow for effective recruitment.

(5) Provide all required information on the Request for Personnel Action (RPA) Gatekeeper Checklist for recruitment actions.

(6) Participate in the job analysis and development of required/desired skill or other placement criteria.

(7) Serve or release subordinates to serve as subject matter experts (SMEs) and raters for job analysis and rating/ranking or selection panels.

(8) Assist employees in applying for vacancies. Managers will help employees who are absent from work for legitimate reasons (for example, approved leave, detail, military duty, deployment, training, etc.) with the application process if the employee requests this support in writing. These employees may be self-nominated for vacancies announced during their absences

by management provided they have an active resume in Army Centralized Resumix Database and specify in writing the types of positions for which they would like to be considered.

(9) Schedule interviews with candidates referred for selection, if desired. Interviews and reference checks are highly recommended. The selecting official may elect to interview all, some, or none of the candidates referred; however, job-related criteria must be used to determine which candidates to interview.

(10) Review and monitor selection procedures to ensure compliance with the spirit and intent of affirmative action program goals and objectives and the merit principles of the USC, Title 5.

(11) Obtain any required organizational or higher-level approvals for selections.

(12) Make primary and alternate selections, when feasible, from any appropriate candidate source and return selections to the CPAC in a timely manner (normally within 14 calendar days).

(13) Annotate the referral selection documentation to explain the merit-based reasons for selection and/or nonselection of individuals, as applicable.

(14) Notify employees in writing of the conditions of time-limited appointments and temporary promotions.

(15) Provide assistance and counseling to employees on self-development opportunities, application procedures, and nonselection.

d. Employees will—

(1) Submit and maintain an active resume in the Army Centralized Resumix Database. Resumes that are sent by e-mail or surface mail must comply with the guidance in the Army Job Application Kit and/or specific vacancy announcement.

(2) Regularly review job announcements and apply (self-nominate) for positions for which they are within the prescribed area of consideration, interested, available, and qualified by following the instructions specified in the announcement within required timeframes. Self-nominations must be submitted not later than midnight Eastern Time on the closing date of the announcement.

(3) Inform CPAC human resources (HR) representatives within 2 workdays after being offered a job whether they accept or decline the offer. Applicants who cannot be contacted by phone after failing to notify their HR representatives within 2 workdays without an approved extension will be considered to have declined the job offer.

(4) Notify their supervisor or manager in writing of job opportunities for which they are interested in applying during periods of legitimate absences (see paragraph 1-4c (8) above). To be self-nominated for a position--

(a) The employee must have an active resume in the Army Centralized Resumix Data base.

(b) The employee's written request must provide specific titles, series, and grades for which he or she wants to be considered and include all information required for the supervisor or manager to submit the self-nominations.

(5) Seek advice and assistance from supervisors and CPAC representatives on the provisions of this plan.

e. EEO Offices will—

(1) Review actions taken under the merit promotion and placement plan to ensure opportunities for all candidates are consistent with affirmative action plans and programs.

(2) To the extent practicable, work in conjunction with supervisors, managers, and HR representatives to assure recruitment efforts reach potential employment sources that include minorities, women, persons with disabilities, and other special emphasis groups.

1-5. Policy

a. All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights. This plan does not conflict with U.S. Laws, International Agreements, OPM, DoD, or DA regulations or employment policy, including limitations on overseas employment, family member employment, military spouse employment, and the DoD Priority Placement Program.

b. Military spouses shall be given preference when filling vacancies competitively through either internal or external placement in all positions designated for U.S. citizen occupancy IAW the Civilian Personnel Manual, DoD 1400.25-M, Subchapter 315. Preference applies to positions at or equivalent to the GS-15 level and below.

c. Family members (Korean citizen, U.S. citizen, and third-country citizen) of active duty members of the U.S. Armed Forces and of U.S. citizen civilian employees of U.S. Government agencies assigned in Korea, may be placed on a Korean National (KN) position under the provisions of USFK Reg 690-1, Chapter 1, para 1-5a (1), provided that no well-qualified in-service KN employees are available. In these instances, Resumix procedures will be used to fill vacant KN positions with family members only. If a vacant KN position is reengineered, restructured or changed during the recruitment process, the action must be returned to the CPAC for recruitment action.

d. Employees on appointments under the family member SCH A 213.3106(b)(6) authority who subsequently lose family member status and are without other appointment eligibility must compete for continued employment as outside applicants for U.S. citizen positions. Family members on competitive status appointments or on appointments leading to competitive status are not affected by their loss of family member status and are eligible to apply for all U.S.-designated positions.

e. The appointment of U.S. citizens, without other appointment eligibility, under the overseas limited appointment (OSLA) authority may only be made when there is a shortage of eligible applicants, as defined at 5 CFR 337.202, resulting from one or more delegated examining unit (DEU) competitive announcements that are open to applicants in the local overseas area. Sufficient effort must be made to demonstrate that there is a shortage of eligible applicants through one or more competitive examining efforts before CHRA, Far East CPACs will issue a vacancy announcement open to U.S. citizen employees in the commuting area who are not ordinarily resident and who are otherwise eligible for employment under the OSLA authority. OSLA

appointments are subject to the observance of veterans, military spouse, and family member preferences and may be made for periods of not-to-exceed five years, if all conditions are met.

f. Employees currently on OSLAs will be considered as internal candidates under merit promotion procedures. When an employee serving on an OSLA is demoted, promoted, or reassigned under merit promotion procedures, the action will be processed as a conversion to an OSLA and the not-to-exceed date will be the remainder of his/her original appointment. Employees may receive a new OSLA not-to-exceed five years only if the requirements in paragraph 1-5e above are met and they are within reach for selection under external competitive procedures. OSLAs made under external competitive procedures are subject to veteran's preference restrictions.

g. Applicants who apply for consideration as Veteran's Recruitment Act (VRA) eligibles will compete against other VRA eligibles for appointment. Applicants who currently hold a VRA or other permanent career or career-conditional appointment will not compete for new VRA appointments. Applicants in this category will be considered as "In-service Army Eligible" and/or any other applicable eligibilities.

h. Candidates will be referred for all applicable appointing authorities and, if selected, will be appointed using the authority most advantageous to the applicant subject to any regulatory or other restrictions.

Chapter 2 Prohibited Personnel Practices and Nepotism

2-1. Prohibited Personnel Practices

Federal employees with personnel authority must observe the merit system principles in 5 USC 2301 and may not commit prohibited personnel practices. A Federal employee has personnel authority if they can take, direct others to take, recommend, or approve any personnel action. This includes appointments, promotions, discipline, details, transfers, reassignments, reinstatements, or any decisions concerning pay, benefits, training, and any decision to order psychiatric testing or examination. A personnel action also includes any significant change in duties, responsibilities, or working conditions which is inconsistent with the employee's salary or grade. People with personnel authority -- managers and supervisors - are charged with avoiding prohibited personnel practices. Any official who commits a prohibited personnel practice is subject to disciplinary action.

2-2. Nepotism—Employment of Relatives and Personal Favoritism

No official may, in recommending or selecting candidates for positions show or give preference to any candidate based upon factors not pertinent to their qualifications including personal friendship, kinship, or political connections. A public official may not appoint, employ, promote, or advance one of his relatives (by blood or marriage) to a position in his agency, nor may he advocate a relative for appointment, employment, promotion, or advancement in the agency. These provisions apply to all individuals involved in the rating, ranking, evaluation, and/or selection processes for actions under this plan.

Chapter 3 Exclusions and Coverage

3-1. Exclusions

Competitive procedures do not apply to—

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

b. Placement made during or in lieu of a reduction-in-force (RIF) as permitted by applicable regulations.

c. Action involving statutory, regulatory or administrative placement, including actions directed by higher command levels, arbitration decisions, court decisions, the Merit Systems Protection Board, negotiated settlements, and discrimination complaint decisions.

d. Promotion without further competition of an employee who was appointed from a civil service register, by direct hire, by noncompetitive appointment or noncompetitive conversion, or under the competitive promotion procedures of this plan for an assignment intended to prepare the employee for the position being filled. (The intent of the career ladder must be made a matter of record and be documented.)

(1) In accordance with DA policy, a noncompetitive career-ladder promotion will be made effective the first full pay period after the employee becomes eligible for promotion. Eligibility requires management's certification that the employee is performing satisfactorily, that all training and qualification requirements have been met, and that funds are available.

(2) The manager is required to initiate a Request for Personnel Action (RPA) for career promotion 30 days before the effective date of the action.

(3) When the career-ladder promotion is effected retroactively, the CPAC must include the following statement in the remarks section of the RPA: RPA processed IAW DA memorandum, dated 25 Oct 00, subject: Policy for Career Ladder Promotions.

e. 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 the employee was separated or demoted for other than performance or conduct reasons.

f. Promotion to the highest grade previously held on an excepted service, Schedule A, 213.3106(b)(6), family member appointment, to another excepted service appointment if all qualifications are met.

g. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having no greater promotion potential than that of a position the employee currently holds or previously held on a permanent basis in the competitive service from which the employee was separated or demoted for other than performance or conduct reasons.

h. Temporary promotions or details to a higher-graded position of 120 days or less, or up to 179 days to maintain continuity of essential functions during base closures and major drawdowns. Prior service during the preceding 12 months under noncompetitive, time-limited promotions and noncompetitive details to higher-graded positions counts toward the 120-day total. An employee

need not meet time-in-grade or minimum qualification requirements (other than positive education requirements) to be detailed to another position.

i. Placement of employees who have repromotion or reemployment eligibility through special consideration programs.

j. Promotion resulting from the employee's position being reclassified at a higher grade because of additional duties and responsibilities. These actions represent the upgrade of the employee's existing position when no vacancy exists and, in addition to the new higher graded duties, the employee continues to perform the same basic duties of his or her former position.

k. Promotion or placement of an employee entitled to noncompetitive priority consideration as a corrective action for failure to be given proper consideration under the requirements of this plan.

l. Noncompetitive appointment of a family member from a KN appointment to U.S. appointment when the family member obtains U.S. citizenship. The conversion is to the same position and equivalent General Schedule (GS) using the same nonstatus appointment authority.

m. Noncompetitive appointment of an eligible veteran with a 30-percent or more disability from a time-limited provisional appointment and promotion after conversion to a competitive appointment provided the position occupied has an established full performance level (career ladder). Although a waiver is not required during this period of declared national emergency, the statutory requirements regarding the employment of retired members of the armed forces remain in effect when appointing retired military within 180 days of their retirement. Noncompetitive appointments of retired military within 180 days of their retirement may not be made without having first announced the positions to afford full consideration to eligible career employees.

n. Noncompetitive appointment of a VRA eligible and promotion after conversion to a competitive appointment provided the position occupied has an established full performance level (career ladder). As indicated in paragraph 3-1m above, noncompetitive appointments of retired military within 180 days of their retirement may not be made without having first announced the positions to afford full consideration to eligible career employees.

o. Noncompetitive conversion of severely disabled individuals and promotion after conversion provided the position occupied has an established full performance level (career ladder).

p. Noncompetitive appointment of an OPM interchange agreement eligible to the same or lower representative rate of pay or a reinstatement eligible to a grade no higher or with no more promotion potential than previously held on a permanent basis in the competitive service.

q. A grade-band promotion, either temporary or permanent, of a Defense Civilian Intelligence Personnel System (DCIPS) employee to a position serviced by the CPAC at a higher grade level within the employee's current grade band and within the employee's current line of work. Positions are generally in the same line of work if they permit the movement of employees from one position to another without significant differences in the knowledge, skills, and abilities (KSAs) required for successful performance. The determination that two positions in different series are in the same line of work will be documented in the case file. This authority may not be used to promote an employee from a nonsupervisory to a supervisory position.

r. Promotion or detail of a DCIPS employee to a grade no higher than previously held on a permanent basis in either the competitive or the excepted service.

s. Placement in senior executive service or equivalent-grade position.

t. Reassignment or changes to lower grades in excepted service, including to positions with promotion potential, when the grades are no higher than currently or previously held on a nontemporary basis.

u. Other types of actions not specified above that are permitted by regulation and consistent with the spirit and intent of the merit principles in the USC, Title 5.

3-2. Covered Competitive Actions

a. Permanent promotion to a higher-graded position or to a position with more promotion potential than any position previously held on a permanent basis.

b. Reassignment or demotion to a position with more promotion potential than any position previously held on a permanent basis (except as permitted by reduction-in-force regulations).

c. Appointment, transfer, or reinstatement to a position at a higher grade or with more promotion potential than previously held on a permanent basis.

d. Excepted appointment under Schedule A, 213.3106(b)(6) authority for employment of family members.

e. Time-limited promotion and detail for more than 120 days (or more than 179 days to maintain continuity of essential functions during base closures and major drawdowns) to a higher-graded position. Paragraph h below provides additional information for DCIPS employees.

(1) Prior service during the preceding 12 months under noncompetitive, time-limited promotions and noncompetitive details to higher-graded positions counts toward the 120-day total.

(2) A temporary promotion may be made permanent without further competition provided that—

(a) The temporary promotion was originally made under competitive procedures.

(b) The fact that the promotion may be made permanent was made known to all potential candidates in the area of consideration.

(3) Competitive, time-limited promotions and details will not be considered when computing the 120-day limit.

(4) Competitive, time-limited promotions may be made for up to 5 years.

f. Selection for training that is part of an authorized training agreement, part of a promotion program, or required by regulation before an employee may be considered for a promotion.

g. Appointment of an employee under an OPM interchange agreement to a higher representative rate position.

h. Except as specified in paragraphs q and r above, temporary promotions and details of DCIPS employees to higher grades beyond 180 days must be made under competitive procedures. Temporary promotions must be made for a definite period of 2 years or less, but may be extended for additional periods of up to 1 year at a time at the discretion of the local commander.

Chapter 4 Competitive Procedures

4-1. Locating Candidates

a. Merit promotion announcements are the primary means used to locate candidates within the area of consideration when filling positions under the competitive procedures of this plan. The area of consideration must—

(1) Be broad enough to ensure the availability of a reasonable number of high-quality candidates.

(2) Take into consideration the nature and level of the position being filled, merit principles, equal employment opportunity affirmative-action goals and objectives, and applicable regulations.

b. The area of consideration must be identified in the vacancy announcement.

c. Except as stated in subparagraph e below, the minimum area of consideration must include—

(1) Persons with military spouse preference (MSP) living within the commuting area of the vacancy, whether or not on leave without pay (LWOP).

(2) Family members on LWOP living within the commuting area of the vacancy.

(3) Current DA employees with competitive status regardless of location.

(4) Veterans Employment Opportunity Act (VEOA) applicants regardless of location.

(5) Interagency Career Transition Assistance Plan (ICTAP) eligibles within the commuting area.

(6) Military Spouses eligible for appointment under Executive Order 13473 - Noncompetitive Appointing Authority for Certain Military Spouses, who reside in the commuting area of the sponsor, or the commuting area of the sponsor's future duty location based on PCS orders

d. The minimum area of consideration may be expanded to include other sources, such as—

(1) Family members who are eligible for a Schedule A, 213.3106(b)(6) appointment.

(2) Transfer eligibles.

(3) Reinstatement eligibles.

(4) VRA eligibles.

(5) 30-percent disabled veteran (30% DAV) eligibles.

(6) Nonappropriated fund (NAF) employees eligible for appointment under the DOD/OPM interchange agreement.

- (7) DCIPS interchange agreement employees.
 - (8) Applicants eligible for appointment under other interchange agreements.
 - (9) Individuals eligible under other special appointing authorities, as appropriate.
 - (10) All U.S. citizens eligible for competitive appointment through DEU procedures
 - (11) All U.S. citizens residing in the commuting area who are not ordinarily resident and who are otherwise eligible for employment under the OSLA authority
- e. For competitive details and temporary promotions of more than 120 days but not to exceed 1 year, managers may limit the area of consideration to in-service employees in the organization or directorate with the vacancy.
 - f. For filling temporary and term positions through other than delegated examining, the area of consideration will be limited to candidates eligible for SCH A, 213.3106(b)(6) family member or other competitive and noncompetitive appointments as specified in 5 CFR 316.302 and 316.402.
 - g. Eligible children of military personnel and DOD civilian employees are considered family members for employment purposes during school vacation periods (e.g., summer, Christmas, and Spring recesses) and part-time when school is in session. A student may designate in writing someone in the local area to accept or decline job offers for them when they are absent from home while attending school.
 - h. Only U.S. citizens may be placed in U.S. appropriated fund positions overseas.
 - i. Employees on term appointments may not be promoted to, or noncompetitively placed in, permanent positions unless otherwise eligible for a 30% DAV, VRA, family-member appointment, or other appropriate appointment eligibility.
 - j. Announcements must be open for at least seven calendar days. Approval to open announcements for less than the minimum time must be obtained from the servicing CPAC Chief.
 - k. Open continuous announcements or standing registers and inventories may be used consistent with applicable guidance when deemed appropriate. For open continuous announcements, the initial cutoff date will be a minimum of at least seven calendar days from the opening date. Candidates who apply after the initial cutoff date will be considered for subsequent vacancies provided that their resume is received prior to the subsequent referral date.

4-2. Candidate Evaluation and Referral

- a. For most positions, the CPAC uses an automated rating and referral system called Resumix for filling positions under this plan. To apply for vacant positions, applicants will be required to submit a résumé to the Army Centralized Resumix Database for processing. Once the résumé is processed in the database, applicants can self-nominate for open vacancy announcements. Résumés and self-nominations must be received by the closing date of the vacancy announcement.
- b. To be eligible for promotion or placement under this plan, applicants must meet all eligibility requirements and minimum qualification requirements prescribed by OPM within 30 calendar days after the closing date of the announcement, or within 30 calendar days after the date of the rating

for open continuous announcements. Applicants for promotion or placement into a job having greater growth potential than their current job (or one previously held) must have a rating of fully successful or higher in their most recent annual performance appraisal. In the absence of an appraisal, applicants will be presumed to be fully successful.

c. The résumés of applicants who are self-nominated will be matched against the required and desired skills criteria as defined by the selecting official. To be eligible for referral, candidates must generally be among the best qualified groups of applicants. In addition, candidates must meet the OPM minimum qualifications, any special placement requirements, time in grade, and other applicable criteria for referral. Requests from selecting officials to waive the best qualified determination process and refer all qualified candidates are not permitted.

d. When an analysis of the candidate pool suggests the manager will be better served by separately providing the names of candidates eligible for noncompetitive referral without subjecting them to screening against the Resumix skills search criteria, the CPAC HR representative should consult with the manager about this option. If appropriate, the HR representative may apply the skills search criteria only to those candidates who must be subjected to competitive procedures in order to be referred. Candidates referred noncompetitively under these conditions may be selected without regard to the presence of MSP eligibles.

e. No minimum or maximum number of applicants must be referred. A referral list is considered valid if it includes at least three available candidates. A referral list with fewer than three available candidates is also valid when the selecting official chooses to accept the list and make a selection from it.

f. When fewer than three candidates are referred, management may request a supplemental referral list.

g. The CPAC Chief or his/her designee will consider all requests for supplemental referral lists based on the facts of the case and determine if a subsequent referral is warranted. A request for an additional referral because a known applicant did not apply in a timely manner or a name request did not appear on the referral list will not be approved. When reviewing requests for subsequent referrals, the CPAC Chief or his/her designee will ensure the integrity of the Merit Promotion Program. Examples of additional reasons and justification procedures that may support a supplemental referral request are as follows:

(1) After working the referral list, management determines that there are fewer than three available candidates remaining on the referral list. The selecting official must document the referral list annotating reasons candidates are not available. The CPAC will review the documented referral list.

(2) Management provides justification that identifies reasons that candidates are minimally but not highly qualified for the position. If sustained by the CPAC Chief or his/her designee that the desired or required skills were not appropriate to produce a high-quality referral list, the CPAC will help management identify desired and required skills that will produce high-quality candidates.

(3) Poor reference checks.

(4) When remaining candidates on the referral list exceed or are within one year of the 5-year limitation on foreign employment and the following applies:

(a) The losing organization did not approve an extension.

(b) The gaining organization states that the position being filled does not warrant an exception to the 5-year limit under its mission criteria.

NOTE: Candidates near or exceeding the 5-year limit will remain on the referral list and must be given proper consideration in conjunction with the supplemental referral list.

(5) Other reasons as determined on a case-by-case basis that are justified by management and approved by the CPAC Chief or his/her designee.

h. The selecting official should make selections within 14 calendar days after the date the referral is issued. Extensions to the 14 calendar day referral suspense may be granted by the CPAC for compelling reasons (e.g., selecting official absence, change in selecting official, rating/ranking or selection panels, higher level approvals, etc.). A selecting official will make their selection from a properly issued referral list within 90 calendar days from the original issuance date.

i. Selecting officials may make additional selections from referral lists up to 90 days after initial issue for additional, identical vacancies (e.g., same title, series, grade, promotion potential and skill requirements).

Chapter 5 Selection

5-1. Selection

a. Management has the right to select candidates from any appropriate source before, during or after competitive procedures are applied. Management also retains the right to select or not select from a properly constituted list of competitive candidates.

b. Selection rules for MSP and family member preference will be observed as appropriate.

c. MSP candidates referred for selection will block selections of non-MSP candidates when a selection is made from a competitive source. This policy applies whether the MSP candidate is on LWOP or is an external candidate. MSP does not contravene existing statutes or regulations on veterans' preference or nepotism.

Note: Any wife or husband who meets the definition of "preference eligible" under 5 USC 2108(3)(E) is entitled to veterans' preference when filling positions under competitive examining or other procedures for which the observance of veterans' preference is applicable. However, spouses do not have priority over other veterans' preference eligibles when competing for those appointments.

d. MSP candidates who are within 6 months of their sponsors' tour rotation dates may be nonselected for permanent (continuing) positions without regard to preference.

e. Noncompetitive sources may be used to fill positions without regard to MSP (for example, VRA, 30% DAV, reassignment, change to lower grade, transfer to the same or lower grade, or DOD or OPM interchange agreement eligibles determined to be equivalent to the same or lower grade).

f. Commanders and equivalent-level positions may approve exceptions to MSP selections based on locally developed procedures IAW Civilian Personnel Manual, DoD 1400.25-M, SC 315.8.1.4. The Secretary of the Army has granted Army commands the authority to allow exceptions to MSP selections. Locally, this authority is redelegated to commanders O6 and above. Exceptions must be based on compelling hardship to the mission or the applicant and documented in writing.

g. When conducting interviews, the selecting official will not give written performance or job related tests. Selecting officials should structure interviews to include only questions which are job related. Interviewers will not ask questions of a personal or private nature in soliciting information from applicants.

h. Selection of candidates for OSLAs must comply with the requirements of paragraphs 1-5e and 1-5f of this plan.

5-2. Effective Dates

a. CPACs will notify selected candidates, make tentative and/or final job offers, and establish entrance on duty or proposed effective dates.

(1) A selecting official may advise a candidate of his or her tentative selection prior to returning the referral list to the CPAC. The responsibility for extending the final job offer will, however, remain with the CPAC. The commitment is not firm until such time as the CPAC makes the final job offer. In order to mitigate any risks associated with advising candidates of tentative selections, a selecting official should ensure that the selected candidate thoroughly understands that the selection is "tentative," subject to verification of employment documents and completion of all pre-appointment requirements. The selecting official must also advise the selected candidate not to take any irrevocable actions, such as resigning, giving notice to employer, selling/renting home, signing realtor contract, etc., prior to receiving the official, "final" job offer from the CPAC.

(2) Some of the conditions that a selecting official should be aware of when advising a candidate of his or her tentative selection that could potentially affect the ability to proceed with the final job offer are:

(a) Validation of any required employment documents such as college transcripts, licenses, credentialing documents; receipt of DD Forms 214; completion of physicals; security clearance determinations, etc.;

(b) Clearance of DoD Priority Placement Program;

(c) Verification of candidate appointment eligibility (rule of three/Veterans' Preference determinations, etc.); and

(d) Salary determination rules and conditions.

(3) Any selecting official who advises a candidate of his or her tentative selection must inform the CPAC that notice of the tentative selection was made and indicate, to the extent practicable, the candidate's availability by annotating the referral list prior to returning it to the CPAC. For selecting officials not choosing to directly advise the tentative selectee, the CPAC will continue to extend both the tentative and final notices.

b. Employees selected for promotion, reassignment, or change to lower grade will be released by managers after serving the remainder of the pay period during which the offer is made and another full pay period. Exceptions may be made if the releasing official and the gaining official agree.

c. If a geographic move is involved, the selected employee will normally be released within 30 days of receipt of a firm job offer for PCS moves within Korea or to other overseas areas and 45 days if the employee is selected from the continental United States.

d. Actions normally will be effective on the first day of the pay period. Actions that return an employee to pay status may be effective earlier, especially if a delay would cause a break in service.

5-3. Missed Consideration

a. Applicants who miss consideration for a vacancy because of administrative or other error will be granted priority consideration for the next like vacancy. The CPAC will provide written notification to the applicant explaining the reason(s) priority consideration is being afforded and, again, when priority consideration has been afforded.

b. Priority consideration does not mandate selection and will be granted only once when it can be determined that the applicant would have been on the referral list had the error not occurred.

c. A like vacancy is typically one with the same position title, series, and grade, and at the same geographic location as the vacancy for which consideration was missed. Based on a written request by the applicant to the CPAC, this may be modified on a case-by-case basis. The CPAC will give a written approval or disapproval to the applicant regarding any modifications to the terms of the priority consideration.

5-4. Order of Consideration

The order of consideration for employee placement is as follows:

- a. Statutory, reemployment, or restoration placements.
- b. Directed placements (for example, those directed by a court, the Equal Employment Opportunity Commission, or the Merit Systems Protection Board) or other corrective actions.
- c. RIF actions or placements in lieu of a RIF.
- d. Local repromotion eligibles.
- e. Certain actions permitted under the DOD Program for Stability of Civilian Employment (for example, job swaps, medical accommodations).
- f. Reemployment priority list (RPL) registrants for positions at or below the grade last held by the registrant.
- g. DOD Priority Placement Program registrants and RPL candidates other than those in subparagraph f above.
- h. Special considerations after failure to receive consideration under the Merit Promotion Plan.

i. ICTAP eligibles.

j. All other competitive and noncompetitive placement actions subject to the rules and regulations governing military spouse preference, family member preference, and veterans' preference.

Chapter 6 Program Effectiveness and Integrity

6-1. Program Effectiveness and Integrity

a. The CPAC will ensure that this MPP is readily accessible to employees. In addition to the information in this plan and information provided in vacancy announcements, the CPAC will publish special announcements, articles, and/or guidance whenever there are changes directed by higher authority or when program reviews mandate a change in policies, principles, or procedures.

b. The CPAC will maintain a complete electronic case file on each promotion/placement action made under this plan for a period of two years. These records will be used for such purposes as evaluating the merit promotion program, providing assurance and evidence that placement actions are being made IAW established merit principles and procedures, and responding to questions about the program or specific actions. Sufficient documentation will be available within the placement records to provide a clear audit trail and permit a complete reconstruction of any action.

c. Failure to adhere strictly to laws, OPM regulations and instructions, DOD/DA policies and guidelines, and provisions of promotion plans constitute violations as follows:

(1) Procedural violation. Not in conformance with the requirements of this regulation.

(2) Program violation. Failure of local merit promotion plan to conform with OPM requirements or DoD/DA merit promotion guidelines.

(3) Regulatory violation. Actions in which the employee did not meet legal OPM or other eligibility requirements at the time of the action.

d. Erroneously promoted employees may or may not be retained in the position, depending upon the facts surrounding the violation. Employees not promoted or given proper consideration may be given priority consideration for promotion to the position concerned or to the next appropriate vacancy, depending upon the circumstances of the case. In any event, OPM, DoD, and Army regulations will be strictly adhered to in taking any corrective actions.

e. Violations of the promotion program can have a serious impact on personnel management that goes beyond the particular cases involved. Proper promotion actions are essential to ensure that the agency is being staffed with the best persons available and employees are receiving fair consideration. Thus, management officials have a special responsibility for seeing that violations do not occur either by error or design.

6-2. Employee Complaints and Grievances

a. If a candidate believes that the provisions of this plan were not followed in filling a particular position, or that qualifications were not correctly evaluated in determining eligibility for consideration, he or she should immediately refer any questions to his or her supervisor or

servicing CPAC. Inquiries regarding qualification determinations must be submitted IAW the procedures described in the Army Job Application Kit. Appropriate grievance procedures may be followed if this does not satisfy the employee.

b. Nonselection from a properly constituted referral list is not grievable.

c. The EEO complaint procedures are covered under 29 CFR 1614 and AR 690-600. Employees who allege discrimination based on race, color, national origin, sex, age, disability, and/or reprisal should contact their servicing EEO office.

Appendix A References

Section I. Publications

United States Code, Title 5, Government Organizations and Employees

5 CFR 213, Excepted Service

5 CFR 300, Employment (General)

5 CFR 315, Career and Career-Conditional Employment

5 CFR 335, Promotion and Internal Placement

29 CFR 1614, Federal Sector Equal Employment Opportunity

DoD Directive 1400.25, DoD Civilian Personnel Management System

DoD Civilian Personnel Manual 1400.25-M, Subchapter 315, Employment of Spouses of Active Duty Military

DoD Instruction 1400.23, Employment of Family Members of Active Duty Military Members and Civilian Employees Stationed in Foreign Areas

DoD Priority Placement Program Operations Manual

AR 25-400-2, The Army Records Information Management System (ARIMS)

AR 690-300, Employment

AR 690-335-1, Evaluation of Employees for Promotion and Internal Placement

AR 690-600, Equal Employment Opportunity Discrimination Complaints

AK 690-6, Family Member Youth Employment Programs

USFK Regulation 690-1, Regulations and Procedures – Korean Nationals

Section II. Forms

DA Form 2028, Recommended Changes to Publications and Blank Forms

Glossary

Section I. Abbreviations

30% DAV	30 Percent Disabled Veteran
AAP	Affirmative Action Programs
AEP	Affirmative Employment Plan
ANSWER	Automated Notification System Web-Enabled Response
CFR	Code of Federal Regulations
CHRA-Korea	Civilian Human Resources Agency – Korea
CPAC	Civilian Personnel Advisory Center
DA	Department of the Army
DCIPS	Defense Civilian Intelligence Personnel Management System
DOD	Department of Defense
EEO	Equal Employment Opportunity
FWS	Federal Wage System
GS	General Schedule
HR	Human Resources
IAW	In Accordance With
ICTAP	Interagency Career Transition Assistance Plan
FWS	Federal Wage System
KN	Korean National
LWOP	Leave Without Pay
MPP	Merit Promotion Plan
MSP	Military Spouse Preference
NAF	Nonappropriated Fund
OSLA	Overseas Limited Appointment

OPM	Office of Personnel Management
PCS	Permanent Change of Station
RIF	Reduction-in-force
RPA	Request for Personnel Action
RPL	Reemployment Priority List
SME(s)	Subject Matter Expert(s)
SOP	Standing Operating Procedures
TDY	Temporary Duty
U.S.	United States (of America)
USFK	U.S. Forces Korea
VEOA	Veterans Employment Opportunities Act
VRA	Veterans Recruitment Appointment
WG	Wage Grade

Section II. Terms

Area of Consideration. The area in which a focused search is made for eligible candidates for a specific competitive placement action. The area of consideration typically describes both the geographic coverage and appointment eligibilities for those eligible to apply. With the exception of current DA employees with competitive status and VEOA eligibles, candidates who are outside of the area of consideration will not be considered.

Best Qualified Candidates. Candidates in this category possess the knowledge, skills, and competencies comparable to or greater than others who meet the competitive referral criteria and/or skills for the specific position.

Career Promotion. The promotion of an employee without current competition when competition was previously conducted at an earlier stage. Promotion to a higher grade may be made noncompetitively provided the intention was made a matter of record at the time of competitive announcement.

Change-to-Lower Grade.

GS - Change of an employee, while continuously employed, from one GS grade to a lower GS grade, with or without a reduction in pay.

FWS - Change in the position of an employee who, while continuously employed—

(1) Moves from a position in one grade of a prevailing rate schedule to a position in a lower grade of the same type prevailing rate schedule, whether in the same or different wage area;

(2) Moves from a position under a prevailing rate schedule to a position under a different prevailing rate schedule (e.g., WL to WG) with a lower representative rate; or

(3) Moves from a position not under a prevailing rate schedule to a position with a lower representative rate under a prevailing rate schedule.

Commuting Area. The geographic area that is normally considered one area for employment purposes. For military spouses and family members, it includes the military sponsor's duty station and the surrounding localities where people reasonably can be expected to travel daily to and from work. Areas I, II, and III are within the same commuting area. Area IV stands alone as a commuting area.

Desired Skills. Skills that help determine which of the basically qualified applicants are likely to be better qualified for the position. The demonstration of possession of the most important or greater number of desired skills may be used to establish a cut-off point for determining which candidates will be referred for selection consideration.

Detail. The temporary assignment of an employee to a different position for a specified period of time. The employee returns to his/her regular duties at the end of the detail. While detailed, an employee still officially occupies his/her permanent position of record.

Employee-initiated Reassignment. Reassignment at the employee's request, normally initiated by the employee applying for a vacant position through an advertised vacancy announcement.

Family Member. The spouse, or unmarried dependent children, including stepchildren, adopted children, and foster children not more than 23 years of age residing with a member of the U.S. Armed Forces or a U.S. citizen civilian employee of a U.S. Government Agency, including nonappropriated fund activities whose duty station is in a foreign area. Once appointed, unmarried dependent children may be retained until their sponsor departs from the commuting area of his or her duty station or completes current period of service requirement, whichever occurs first.

Highly Qualified Candidates. Candidates in this category possess the knowledge, skills, and competencies comparable to others who meet the competitive referral criteria and/or skills for the specific position to a degree that indicates they have the potential to perform in the job in an above average manner.

Job Analysis. The analysis of the major job requirements, specialized experience, and associated knowledge, skills, and abilities required to perform the work of a position. Related required and/or desired skills are identified for use in the evaluation process to distinguish highly qualified candidates.

Management-directed Reassignment. Reassignment initiated or directed by management. While the employee may agree to be reassigned, this action normally does not include the employee applying through an advertised vacancy.

Military Spouse. The wife or husband of an active duty member of the U.S. Armed Forces, including the U.S. Coast Guard and the full-time National Guard or Reserves.

Military Spouse Preference Eligible. A military spouse who relocates via a PCS move to the military sponsor's new permanent duty station. Eligible spouses must have married the military sponsor prior to his/her reporting date to the new geographic area; be on the sponsor's PCS orders (e.g., command-sponsored), meet all pre-employment criteria and be immediately appointable under the applicable recruitment procedures; and meet basic qualifications and be among the best qualified for a position.

Minimum Area of Consideration. The minimum area in which a focused search is made for eligible candidates for a specific competitive placement action. Normally, the minimum area of consideration will include the categories of candidates identified in paragraph 4-1c.

Panel. A group of subject matter experts (SMEs) who are appointed by the selecting official or his/her designee to review and/or rank applications and when appropriate, interview some or all of the certified candidates for a vacant position, and make recommendations to the selecting official. Whenever possible, minorities and women will be represented on panels and panel members will occupy positions at grade levels equal to or higher than the target grade of the position being filled.

Promotion.

GS employee's movement from one GS grade to a higher GS grade while continuously employed (including such a movement in conjunction with a transfer);

FWS employee's change in the position who, while continuously employed—

(1) Moves from a position in one grade of a prevailing rate schedule to a position in a higher grade of the same type prevailing rate schedule, whether in the same or different wage area;

(2) Moves from a position under a prevailing rate schedule to a position under a different prevailing rate schedule (e.g., WG to WL) with a higher representative rate; or

(3) Moves from a position not under a prevailing rate schedule to a position with a higher representative rate under a prevailing rate schedule.

Rating. The evaluation of each candidate against the OPM Qualification Standards for GS positions or the OPM Job Qualification System for Trades and Labor Occupations for FWS positions.

Reassignment.

GS/FWS – The change of an employee from one position to another, within the same agency, without promotion or change-to-lower grade.

Reduction-in-Band. Movement to a lower pay band on a permanent basis.

Relative. Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Repromotion. Noncompetitive promotion of an employee within the area of consideration who has been demoted without personal cause to a position at his/her former grade, or any intervening grade, for which he/she meets the basic eligibility requirements.

Required Skills. Skills that are absolutely essential to successfully perform the duties of the position. The use of required skills must be justifiably based on duties contained in the position description. Candidates who do not possess the required skills do not receive further consideration for a position.

Resumix. A commercial software application used throughout Army in the candidate evaluation process scans resumes and match applicants' skills to the desired and/or required skills of a position.

Temporary Promotion. Promotion made on a temporary, time-limited basis.

Time-in-Grade Restriction. 5 CFR 300, Subpart F, restricts advancement to certain positions with the GS by placing a time-in-grade restriction on position changes involving promotion. As a general rule, to be promoted to positions above the GS-5 level, current employees must have served for one year at the next lower grade. This restriction does not apply to filling positions outside of the GS.

Transfer. The movement of a career or career-conditional employee in the competitive service from one Federal government agency to another.