

# **3 FAM 2310**

## **MERIT PROMOTION AND PLACEMENT PROGRAM**

*(TL:PER-340; 10-17-1997)*

### **3 FAM 2311 GENERAL**

#### **3 FAM 2311.1 Authority**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- 5 U.S.C. 2301, 3301, 3302, 3329, 3361, 7106 and 522A(k)(6);
- 5 CFR 300, 335, 297.501, Subpart E.

#### **3 FAM 2311.2 Policy**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

a. To provide for an open, systematic and equitable assignment system that assures management that positions are filled with the best qualified individuals available and assures candidates that positions are filled according to merit factors which give appropriate consideration to Equal Employment Opportunity objectives. All standards used and judgments made in identification, evaluation, qualification or selection of candidates will be based solely on job related criteria. This excludes any consideration based on personal relationships, political patronage, or nepotism.

b. Management has the right to determine the method by which vacant or newly established positions will be filled. The Program is just one method available to management in filling vacant positions in the competitive service.

### **3 FAM 2311.3 Position Coverage**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

a. The Program applies to all competitive positions in the general schedule, GS-1 through GS-15 or the wage grade equivalent. Excepted service positions may also be filled through the use of the Merit Promotion plan at the discretion of the agency.

b. Separate provisions for positions in bargaining units may be negotiated with the exclusive representative for the Unit and will be contained in the contract for the Unit.

### **3 FAM 2312 APPLICABILITY OF COMPETITIVE PROCEDURES**

#### **3 FAM 2312.1 Competitive Procedures**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Competitive procedures apply to all promotions under 5 CFR 335.102 and to those positions detailed in 5 CFR 335.103(c)(1).

#### **3 FAM 2312.2 Exceptions to Competitive Promotion Procedures**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Exceptions to competitive procedures can be found in 5 CFR 335.103(c)(2) and (3).

## **3 FAM 2313 PRIORITY PLACEMENT CONSIDERATION**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

When a position becomes vacant, certain candidates must be given priority consideration before any other efforts are made to fill the position. They are:

(1) Employees who were changed to a lower grade within the Department without personal cause and not at their request;

(2) Employees whose positions have been identified to be abolished;

(3) Employees who were separated from the Department because of a reduction-in-force;

Employees described in (1) - (3), above, receive continuous consideration for two years from the effective date of the action;

(4) Employees who have not received proper consideration under Merit Promotion due to administrative error. These employees receive one consideration.

## **3 FAM 2314 APPLICANT ELIGIBILITY**

### **3 FAM 2314.1 Eligibility**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

a. This plan covers Department employees GS-1 through GS-15 and Wage Grade equivalents in Washington, DC and U.S. Field Offices, and applicants from outside the Department as appropriate and certain non-competitive eligibles. This includes:

(1) Applicants on Career or Career-Conditional Appointments, provided they have completed the 90 days time-after-competitive appointment requirement;

(2) Applicants on Temporary Appointments who have reinstatement or non-competitive appointment eligibility and employees with an Office of Personnel Management Notice of Results for shortage category occupations or for positions open to non-status candidates;

(3) Applicants with reinstatement eligibility;

(4) Applicants on Excepted Service Appointments to the extent permitted by their appointment, previous Federal service or non-competitive eligibility;

(5) Employees and other applicants with eligibility on Office of Personnel Management registers when management decides to use this recruiting source in addition to or in lieu of competitive promotion procedures;

(6) Applicants with noncompetitive eligibility, such as certain Peace Corps volunteers, disabled veterans, handicapped, VRA, certain former overseas employees, etc.;

(7) Employees and other applicants for job sharing teams.

b. No applicants or employees shall receive a promotion unless the most recent rating of record for their current position under Part 430 of 5 CFR is "fully successful" or higher.

### **3 FAM 2314.2 Area of Consideration**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

An adequate area of consideration must provide the selecting official a choice from among a reasonable number of well-qualified candidates.

#### **3 FAM 2314.2-1 Department of State Only**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The minimum area of consideration may be limited to Department of State employees agency-wide when the Department expects to locate enough highly qualified candidates from within the agency.

#### **3 FAM 2314.2-2 Field Offices Within the United States**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The minimum area of consideration for field office positions may be limited to the commuting area of the specific field geographical area.

### **3 FAM 2314.2-3 Bureau Only**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The minimum area of consideration may be limited to an individual bureau when there are sufficient highly qualified candidates from which to make a selection.

### **3 FAM 2314.2-4 Outside Candidates**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

*a. The area of consideration for positions open to candidates outside the Department of State may include all qualified candidates, or may be limited to status candidates and those with noncompetitive eligibility for appointments to the competitive service.*

*b. The area of consideration for positions open to candidates outside of the Department of State also may be limited to employees of the Arms Control and Disarmament Agency (ACDA) and/or the United States Information Agency (USIA), provided that eligible candidates under the Interagency Career Transition Assistance Program (ICTAP) also receive appropriate consideration (see 5 CFR, 330.701).*

## **3 FAM 2315 JOB OPPORTUNITY ANNOUNCEMENTS**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The principal method used by the Department to locate candidates to fill vacancies through the Merit Promotion and Placement Program is the Job Opportunity Announcement, through which three types of announcements are advertised: One-time announcements, announcements for standing registers, and open-continuous announcements.

# **3 FAM 2316 APPLICATION FOR VACANCIES**

## **3 FAM 2316.1 Department of State Applicants**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

All applicants must submit the following: *a complete and accurate Optional Application for Federal Employment (OF-612), resume, or any other written format addressing vacancy announcement requirements; the most recent performance appraisal; and performance award documentation.*

## **3 FAM 2316.2 Outside Applicants**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Applicants from outside the Department with status or non-competitive eligibility *must submit an Optional Application for Federal Employment (OF-612), or any acceptable written format specified in the announcement, SF-50, Notification of Personnel Action verifying their competitive status or non-competitive eligibility for appointment under special authorities; and the most recent performance appraisal. Nonstatus applicants must submit an OF-612, resume, or any acceptable written format specified in the vacancy announcement.*

## **3 FAM 2316.3 Application Deadline**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

a. *All application materials must be post marked by the closing date and receive in PER/CSP/POD within five working days following the closing date of the Job Opportunity Announcement. Incomplete, partial and/or late applications will not be considered.*

b. Telephone calls from Department of State field office employees on or before the closing date of the announcement will be honored as proof of timely application. Telephone calls must be confirmed by receipt of complete application materials post marked on or before the closing date of the announcement and received by COB on the seventh calendar day after the closing date of the announcement. No application material will be accepted beyond this time period.

# **3 FAM 2317 CERTIFICATION, SELECTION, RECORD MAINTENANCE**

## **3 FAM 2317.1 Evaluation of Candidates**

### **3 FAM 2317.1-1 Minimum Qualification Requirements**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

a. To be eligible for promotion or placement, all applicants must meet by the closing date of the announcement, the minimum qualification standards, including quality of experience, as prescribed in the Office of Personnel Management Handbook - Qualification Standards for Positions Under the General Schedule, or OPM Handbook - Job Qualification System for Trades and Labor Occupations, and selective placement factors for the position to be filled.

b. All applicants must meet regulatory time-in-grade and time-after-competitive appointment requirements by the closing date of the announcement.

### **3 FAM 2317.1-2 Determination of the Best Qualified**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

a. When there are ten or fewer competitive candidates eligible for promotion, no formal panel will be convened. A personnel specialist will evaluate the candidates based on job related elements.

b. When there are more than 10 competitive candidates eligible for promotion or for reassignment to a position with greater promotion potential than the one currently or previously occupied, an ad hoc panel shall be set up to evaluate the candidates.

c. Noncompetitive eligibles will be referred to the selecting official without being ranked and evaluated by the ad hoc panel.

### **3 FAM 2317.2 Certificates of Eligibles**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Certificates for one-time announcements are valid for 45 calendar days from the date of issuance. The certificates will be automatically canceled if not acted upon in 45 calendar days. If a selectee declines or resigns and/or an additional, identical position becomes vacant within forty-five days of the initial issuance of the certificate, the initial list of eligibles may be recertified for consideration.

#### **3 FAM 2317.2-1 Merit Promotion Certificates**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

a. The number of candidates to be referred to the selecting official will be determined by such factors as the scores of the candidates, the break points or gaps between scores and the number of positions to be filled.

b. Normally, only the five best qualified candidates are referred to the selecting official for consideration; however, up to 10 may be referred if there is no distinguishable difference in candidate scores. Candidates with a tie score for fifth place will be referred. If more than one position is being filled from the promotion certificate, up to five additional candidates may be certified for each additional position.

c. The best qualified candidates will be listed on the Merit Promotion Certificate in alphabetical order.

#### **3 FAM 2317.2-2 Certification of Non-Competitive Eligibles**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Candidates who apply for reassignment to a position with no greater promotion potential than the position assigned will be referred on a separate alphabetical listing.



### **3 FAM 2317.3 Selection and Release**

#### **3 FAM 2317.3-1 Interviewing**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The selecting official or someone in the supervisory chain of the position to be filled must interview all available candidates or none of the candidates certified for promotion on a Merit Promotion Certificate or list of noncompetitive eligibles.

#### **3 FAM 2317.3-2 Selection**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

a. The selecting official has the right to select or not select any candidate referred on the promotion certificate or noncompetitive list. The selecting official is required to provide justification if no selection is made when it is the selecting official's intent to readvertise the position within 30 calendar days after the nonselection.

b. No selection commitment will be made to any candidate by a selecting official. Commitments will only be made by PER/CSP/POD or the appropriate office after all necessary approvals and clearances have been obtained.

#### **3 FAM 2317.3-3 Release for Placement**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

a. Upon receipt of selection material, the issuing office will take appropriate action to arrange a release date with the losing bureau or agency.

b. For all State Department employees selected for promotion under this program, the release date will be at the end of the first full pay period following the date the release is requested. For reassignments, if a mutual date cannot be agreed upon between the losing and gaining bureau, the release date as stated above stands.

c. All placements are subject to security clearance requirements.

### **3 FAM 2317.3-4 Training and Probationary Period for New Supervisors**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

All persons newly selected for first-level supervisory positions will receive supervisory and EEO training immediately after entering on duty in their new position, or as soon as possible thereafter. All persons selected who have not previously served as a supervisor or manager for a period of one year will be required to complete a probationary period.

### **3 FAM 2317.3-5 Notification of Selection**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

PER/CSP/POD or the appropriate office will notify the selectee and non-selectees in writing within two to four weeks of receipt of a release date.

### **3 FAM 2317.3-6 Travel and Relocation Expenses**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Travel and relocation expenses will be paid only when it is in the best interest of the Department to have an individual relocated from one official duty station to another.

### **3 FAM 2317.4 Information to Applicants**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

a. The methods listed below shall be used to keep employees and employee organizations informed about the Merit Promotion Plan and its operations:

(1) Each employee, including new employees, upon entering on duty will be given a copy of this regulation and any changes thereto;

(2) A brief explanation of the merit promotion plan is published in the Employee Handbook;

(3) Periodically, information will be published in the **State** Magazine.

b. PER/CSP/POD or the appropriate office will provide to applicants upon request information on their qualifications and assessment for the position for which applied and any other information not covered by the Freedom of Information or Privacy Acts.

### **3 FAM 2317.5 Promotion and Placement Records**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

a. PER/CSP/POD or the appropriate office shall maintain a temporary record of all documentation material particular to each promotion and placement action made under this program for a period of two years or until the Program is evaluated by the Office of Personnel Management (whichever comes first), provided the time limit for an agency grievance, complaint or appeal has also lapsed, or any action proceedings related to the records have been closed.

b. The appropriate offices shall maintain copies of the promotion plans and published amendments thereto, covering all positions to which promotions and placements have been or are being made.

### **3 FAM 2318 AGENCY REVIEW**

*(TL:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

a. Periodically, the Bureau of Personnel will review the Program to assure that changes in law or regulation are incorporated and issue a notice to employees outlining the key provisions, changes, and amendments of the Program.

b. The views of managers, supervisors, and representatives of labor organizations will be obtained when significant changes are made in this program. An individual, however, may submit recommendations for changes.

## **3 FAM 2319 GRIEVANCES AND APPEALS**

### **3 FAM 2319.1 Grievances**

*(TL:PER-340; 10-17-1997)*

*(Applies to Civil Service Employees Only)*

Employees have the right to file a grievance on the application of the provisions of this regulation. Nonselection from among a group of properly ranked and certified candidates is not an appropriate basis for a formal grievance. The qualification standards, rating criteria and procedures prescribed in 5 CFR 335 and this regulation are not grievable. Corrective action will be taken in accordance with 5 CFR 335 to rectify a violation of law, Office of Personnel Management regulations and instructions, and/or agency policies and procedures.

### **3 FAM 2319.2 Appeals**

*(TL:PER-340; 10-17-1997)*

*(Applies to Civil Service Employees Only)*

There is no right to appeal an action under this regulation to the Office of Personnel Management (OPM), but OPM may conduct investigations of substantial violations of OPM requirements.

### **3 FAM 2319.3 EEO Complaints**

*(TL:PER-340; 10-17-1997)*

*(Applies to Civil Service Employees Only)*

Employees may initiate the EEO complaints process by consulting a designated EEO Counselor pursuant to 29 CFR 1614.