



United States Department of the Interior

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PERSONNEL BULLETIN NO. 20-20

SUBJECT: Agency Merit Promotion Plan Policy and Staffing Guidance

Purpose. This Personnel Bulletin (PB) replaces the DOI Merit Promotion Plan Personnel Handbook, dated July 2012, and defines and implements a Department-wide Merit Promotion Plan (MPP) policy guidance document. This PB establishes the promotion and internal placement, or merit staffing, program for Civil Service (CS) employees within the General Schedule (GS)-15 level and below and Federal Wage System (FWS). The policy document meets the requirements for a MPP contained in 5 CFR 335.103 and establishes a systematic means of selection based on merit in accordance with Title 5, United States Code, Section 2301, Merit Systems Principles and Section 2302, Prohibited Personnel Practices.

Bureaus are required to meet their statutory obligations where there is an exclusive representative for bargaining unit employees. The MPP must be used in conjunction with the current Departmental Career Transition Assistance Plan (CTAP) and the Merit Promotion Plan Personnel Handbook. Where the Departmental MPP or bureau specific operational procedures conflict with a negotiated agreement covering bargaining units, the agreement will prevail.

It is the policy of the DOI to provide a fair and systematic approach for the identification, evaluation, and competitive selection of highly qualified employees on the basis of merit after fair and open competition. Management has the right to fill or not fill a specific vacancy and to determine the most appropriate method for filling a vacancy. The MPP does not guarantee promotion. Management has the right to make selections from properly ranked and certified candidates or may choose to make selections from a variety of other appropriate sources.

Identification, qualification, evaluation, and selection will be made on the basis of merit principles, without regard to race, color, religion, sex (including pregnancy and gender identity), national origin, age (as defined by the Age Discrimination in Employment Act of 1967, as amended), disability, genetic information (including family medical history), marital status, political affiliation, sexual orientation, labor organization affiliation or non-affiliation, status as a parent, or any other non-merit-based factor and shall be based solely on job-related criteria in accordance with legitimate position requirements.

Applicability. This policy applies to all Servicing Human Resource Offices (SHRO) supporting all bureaus and offices within the DOI. This PB contains policies and procedures for filling Civil Service (CS) positions under the merit staffing program, in accordance with 5 CFR Part 330, Recruitment, Selection, and Placement and 5 CFR Part 335, Promotion and Internal Placement. Bureaus should refrain from implementing more restrictive policy, except as needed to address collective bargaining agreements, unique bureau programs or other specific needs.

Policy. This policy is effective as of the date of this PB and will remain in effect until superseded.

Responsibilities. The efficacy of the hiring process is a shared responsibility among human resource professionals, selecting officials/hiring managers, and personnel security professionals. Each stakeholder is responsible for accomplishing their tasks timely, accurately, and collaboratively.

1. *Hiring Managers/Selecting Officials* are responsible for ensuring requests (SF-52) in USA Staffing (USAS) for hiring actions are initiated, approved and consistent with DOI's T2H policy; actively engage and collaborate closely with HR personnel through the whole hiring process – especially during classification, job analysis, assessment (as SMEs), and selection phases; establishing diversity goals and objectives and monitoring achievement of those objectives; giving full and fair consideration to the qualifications of each candidate referred for a vacancy; and ensuring that selections are based on merit without regard to race, color, religion, national origin, physical or mental disability, sex (including gender identity and pregnancy), age, sexual orientation, genetic information, reprisal for engaging in the EEO complaint process or opposing protected activity, parental status, marital status, political affiliation, or other non-merit factors. Hiring Managers/Selecting Officials are responsible for the timely selection and returning of certificates of eligibles as well as ensuring accurate selection/non-selection notes and applicant record of contact documentation.
2. *Human Resource Professionals/Servicing Human Resource Offices* are responsible for administering this policy, managing the overall hiring process and actively engaging hiring managers/officials throughout the hiring process by providing technical guidance and/or training to selecting officials and employees on the use of merit staffing automated processes. HR offices are responsible for ensuring data entered into the talent acquisition system is accurate, valid and meets the minimum standards established herein. HR offices/professionals should also utilize time to hire (T2H) data to advise hiring managers on approaches to efficiently and effectively fill positions. The selecting official in conjunction with the servicing HR Office should determine which announcement mechanisms will ensure the availability of a sufficient pool of highly qualified candidates. This may include running concurrent Delegated Examining (DE) and Merit JOAs.
3. *Employees* are responsible for complying with merit staffing policies and procedures; submitting all required application materials and supporting documentation within specified time limits in accordance with vacancy announcements and fulfilling the conditions for career ladder promotions; and assuming responsibility for their own self-development and exercising diligence in pursuing job opportunities for which they are interested and qualified, including during periods when they are temporarily absent for legitimate reasons (e.g., on detail, temporary duty assignment, leave, at military training courses in the military service).
4. *Bureau Human Resource Policy Offices* are responsible for maintaining oversight of Servicing HR Offices (SHROs) to ensure adherence to policy and standards and the integrity of the system and meeting T2H goals; managing the overall vacancies,

recruitment, and hiring processes and procedures, and for issuing any individual bureau guidance that ensures selections are based on merit after fair and open competition; working with bureau and office administrative management staff and selecting officials to develop the evaluation criteria and vacancy announcements for their positions; and implementing management controls to maintain quality assurance of data entry and overall process.

5. *Department Office of Human Capital* is responsible for the overall management of this policy; assessing compliance through HR independent audit and evaluation processes; and reporting T2H metrics to Department leadership and OPM; approving exceptions to merit staffing policy and procedures; and making changes to the program as new government-wide policies are issued.

Agency Merit Promotion Plan (MPP) Requirements. Except as otherwise specifically authorized by the United States Office of Personnel Management (OPM), the DOI may make promotions to positions under the administration of the MPP program which is designed to insure a systematic means of selection for promotion according to merit.

6. Areas of consideration (AOC) must be sufficiently broad to ensure the availability of high-quality candidates, taking into account the nature and level of the positions covered. Bureaus/SHROs must also ensure that employees within the AOC who are absent for legitimate reason, e.g., on detail, on leave, at training courses, in the military service, or serving in public international organizations or on Intergovernmental Personnel Act assignments, receive appropriate consideration for promotion. AOCs may include non-competitive status eligible candidate pipelines into competitive service (e.g. Public Land Corps, Peace Corps, Military Spouse, etc). AOC cannot be limited to the LCA if competitive procedures include consideration outside of the agency.
7. To be eligible for promotion or placement, candidates must meet the minimum qualification standards prescribed by the OPM. Methods of evaluation for promotion and placement, and selection for training which leads to promotion, must be consistent with instructions in the DOI MPP Personnel Handbook.
8. Due weight shall be given to performance appraisals and incentive awards. The methodology for consideration of performance appraisals and incentive awards will be documented as part of the case file.
9. Selection procedures will provide for management's right to select or not select from among a group of best qualified candidates. They will also provide for management's right to select from other appropriate sources, such as reemployment priority lists, reinstatement, transfer, handicapped, or Veteran Recruitment Act (VRA) eligible, or those within reach on an appropriate OPM certificate. In deciding which source or sources to use, bureaus/SHROs have an obligation to determine which is most likely to best meet the agency mission objectives, contribute fresh ideas and new viewpoints, and meet the agency's affirmative action goals.
10. Management may request that appropriate non-competitive eligible applicants be referred without being evaluated for more than minimum qualifications.
11. Administration of the MPP will include recordkeeping and the provision of necessary information to employees and the public, ensuring that individuals' rights to privacy are protected. Each bureau/SHRO must maintain a temporary record of each promotion sufficient to allow reconstruction of the promotion action, including documentation on

how candidates were rated and ranked. These records may be destroyed after 2 years or after the program has been formally evaluated by OPM (whichever comes first) if the time limit for grievance has lapsed before the anniversary date.

Competitive Personnel Actions. Competitive procedures apply to the following actions:

- a. Time-limited promotions for more than 120 days to higher graded positions (prior service during the preceding 12 months under noncompetitive time-limited promotions and noncompetitive details to higher graded positions counts toward the 120-day total). A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under competitive procedures and the fact that might lead to a permanent promotion was made known to all potential candidates;
- b. Details for more than 120 days to a higher-grade position or to a position with higher promotion potential (prior service during the preceding 12 months under noncompetitive details to higher graded positions and noncompetitive time-limited promotions counts toward the 120-day total);
- c. Selection for training, which is part of an authorized training agreement, part of a promotion program, or required before an employee may be considered for a promotion;
- d. Reassignment or demotion to a position with more promotion potential than a position previously held on a permanent basis in the competitive service (except as permitted by reduction-in-force regulations);
- e. Transfer to a position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service; and
- f. Reinstatement to a permanent or temporary position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service.

Noncompetitive Personnel Actions. Competitive procedures do not apply to the following actions:

- a. A promotion resulting from the upgrading of a position without significant change in the duties and responsibilities due to issuance of a new classification standard or the correction of an initial classification error; and
- b. A position change permitted by reduction-in-force procedures.

Accretion of Duties. The upgrading of an employee's position (with no higher promotion potential) because of additional duties and responsibilities is referred to as an accretion of duties promotion. For all cases in which the reclassification of a position would result in the promotion of the incumbent, the supervisor over the position must identify the specific changes in the duties and responsibilities between the old and the new positions and the cause of the changes.

12. All of the following factors must exist in order to support an accretion promotion:

- 1) There is demonstrated evidence of higher-level work.
- 2) The old job is absorbed into the new job and is a natural successor to the previous position.
- 3) The action will not result in a residual vacancy to be filled.

- 4) The position is determined to have no further promotion potential beyond the grade level to which the employee is accreted.
 - 5) The promotion does not directly affect other employees in the organization who report to the same immediate supervisor.
13. Documentation of accretion of duty promotions must provide ample evidence showing that factors 1 through 5 above apply.
 14. Supervisors who anticipate requesting a personnel action of this type should seek the advice and assistance of the appropriate HR specialist(s) before initiating such action.
 15. A noncompetitive promotion is not permitted when supervisory duties are added to a nonsupervisory position causing it to be classified to a higher grade.

Discretionary Actions. Agencies may at their discretion exempt the following actions from competitive procedures of this section:

- a. A promotion without current competition of an employee who was appointed in the competitive from a civil service register, by direct hire, by noncompetitive appointment or noncompetitive conversion, or under competitive promotion procedures for an assignment intended to prepare the employee for the position being filled (the intent must be made a matter of record and career ladders must be documented in the promotion plan);
- b. Accretion of Duties Promotion resulting from an employee's position being classified at a higher grade because of additional duties and responsibilities;
- c. A temporary promotion, or detail to a higher-grade position or a position with known promotion potential, of 120 days or less;
- d. Promotion to a grade previously held on a permanent basis in the competitive service (or in another merit system with which OPM has an approved interchange agreement) from which an employee was separated or demoted for other than performance or conduct reasons;
- e. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having promotion potential no greater than the potential of a position an employee currently holds or previously held on a permanent basis in the competitive service (or in another merit system with which OPM has an approved interchange agreement) and did not lose because of performance or conduct reasons; and
- f. Consideration of a candidate not given proper consideration in a competitive promotion action.
- g. Consideration and selection of applicants with non-competitive hiring status, provided the Job Opportunity Announcement (JOA) stated acceptance of such applications and the individual applied, provided appropriate documentation, and meets OPM minimum qualifications.

Grievances. Bargaining unit employees covered by a collective bargaining agreement (CBA) may file a negotiated grievance regarding the selection process if such matters are not otherwise excluded from the applicable negotiated grievance procedures. However, for non-bargaining unit employees, the DOI Administrative Grievance Procedures (AGP), 370 DM 771, 1.7(B)(3), excludes grievances related to a selection process, including non-selection from a group of properly ranked and certified candidates. There is no right of appeal to OPM, but OPM may conduct investigations of substantial violations of OPM requirements.

Eligibility for career ladder promotion. No employee shall receive a career ladder promotion unless his or her current rating of record is “Fully Successful” (level 3) or higher. In addition, no employee may receive a career ladder promotion who has a rating below “Fully Successful” on a critical element that is also critical to performance at the next higher grade of the career ladder.

Notice of job announcements to OPM. The Department is required to report job announcements to OPM for vacancies in which applications were accepted from outside the agency's work force.

Special selection procedures for certain veterans under merit promotion. Preference eligibles or veterans who have been separated under honorable conditions from the armed forces after completing three or more years of continuous active military service may compete for vacancies under merit promotion when the Department accepts applications from individuals outside our workforce. Selected veterans will be given a career or career conditional appointment.

A copy of this Handbook will be available on the Department’s Electronic Library of the Interior Policies (ELIPS): <https://www.doi.gov/elips/browse>.

Questions regarding the contents of the MPP or accompanying MPP Personnel Handbook may be directed to the Departmental Office of Human Capital (OHC) at DOI_Office_of_Human_Resources@ios.doi.gov, or to the respective Servicing Human Resources Office (SHRO).

Attachments

Jennifer A. Ackerman
Director, Office of Human Capital
Deputy Chief Human Capital Officer