

Merit Staffing Policy

335.1

CHAPTER 2. COVERAGE OF POLICY

2-1 Positions Covered

This policy applies to the staffing all positions in the competitive and excepted service at grade levels GS-15 and below, and supervisory wage system positions in the competitive service. Staffing of bargaining unit positions is covered by collective bargaining agreements.

2-2 Actions Covered

The following actions require competition:

A. Permanent promotions, unless excluded under paragraph 2-3 of this Chapter.

B. Temporary promotions over 120 days; and temporary promotions of less than 120 days, if, by the end of the promotion period an employee will have served more than 120 days of the proceeding 12 months in temporary promotions and/or in details to higher graded positions or positions with known promotion potential.

A temporary promotion may be made permanent, provided:

1. the temporary promotion was originally made under competitive procedures;
2. the appropriate minimum area of consideration as determined by application of paragraph 3-5.3 was used to hold competition for the temporary promotion, and
3. the fact that it might lead to a permanent promotion was clearly stated on the vacancy announcement.

C. Details over 120 days to higher graded positions, or positions with known promotion potential; and details of less than 120 days, if, by the end of the detail period an employee will have served more than 120 days of the preceding 12 months in higher graded positions or in positions with known promotional potential. (Prior service during the preceding 12 months under non-competitive details to higher graded positions and non-competitive time-limited promotions counts toward the 120-day total.)

A permanent promotion may be made from a detail without further competition, provided the same three conditions prescribed for making a temporary promotion permanent are met.

D. Selections for training which is part of an authorized agreement, part of a promotion program, or required before employees may be considered for promotion.

E. Reassignments or demotions to positions with more promotion potential than the position previously held on a permanent basis in the competitive service (except as permitted by reduction-in-force regulations), or to an action due to reclassification based on new OPM Standards being issued or an accretion of duties promotion.

F. Transfers between Federal agencies to higher graded positions or to positions with greater promotion potential than previously held on a permanent basis in the competitive service.

G. Reinstatement to a permanent or temporary position at a higher grade or with higher promotion potential than the last grade previously held on a permanent basis in the competitive service.

H. Term promotions.

I. Promotion to a grade or position from which an employee was demoted at his/her request provided if the employee was awarded Highest Previous Rate upon being demoted.

2-3 Actions not covered

The following actions do not require competition:

A. Appointments at GS-5 and below to positions for which the agency has been granted direct hire authority by OPM;

B. Career or career-conditional appointments from a civil service certificate of eligibles issued by OPM or the Delegated Examining Unit (DEU);

C. Reassignments between positions having the same promotion potential;

D. Promotions when earlier competition occurred, e.g., career ladder promotions;

E. Promotion to the full performance level in the career ladder of a position when an employee has been placed in that position as a result of RIF or reclassification;

F. Promotion to the grade level of the position under career or career-conditional appointment, from which the incumbent was not demoted or separated from that grade because of deficiencies in performance or "for cause" reasons;

G. Promotions when an employee's position has been reclassified at a higher grade because of additional duties and responsibilities. Such a promotion may occur whether or not the assumption of higher-level duties and responsibilities resulted from planned management action; however, the supervisor must submit a statement explaining how the additional duties evolved into the new position;

H. The promotion of an incumbent of a position which has been

upgraded, without significant change in duties and responsibilities, on the basis of either the issuance of a new classification standard or the correction of a classification error;

I. Selection of a candidate from the Reemployment Priority List, for a position at the same or lower grade than that last held in the competitive service;

J. Selection of a candidate from the Priority Consideration Program for a position at the same grade level and the same promotion potential as the one for which proper consideration was not given;

K. Selection of a candidate from the Special Reassignment Plan for movement to a position at the same or lower grade from which demoted;

L. Promotions directed by special authorities, such as court decisions, EEO consent decree, OPM decisions, or other appropriate authorities; and,

M. Non-competitive conversions, appointments, and promotions of employees in certain excepted positions.

1. A non-competitive conversion to career or career-conditional appointment, if authorized by OPM policies, is excluded from coverage. This exclusion applies to an employee who, while serving on excepted appointment, has successfully satisfied the specific requirements of a special employment program. Examples of such programs include: Student Educational Employment Program, Veteran's Readjustment, Selective Placement, Career Intern and Presidential Management Intern;

2. Appointments and promotions in excepted positions, such as Attorney, Schedule C, Student Educational Employment Program, Selective Placement, Career Intern and Presidential Management Intern;

3. Promotions to competitive positions following the conversion of employees from certain excepted appointments, such as Student Educational Employment Program and Presidential Management Intern; and,

4. Appointment of candidates under special appointment authorities, such as Peace Corps returnees, Vietnam-Era veterans, or persons with handicapping conditions.

N. Transfers

1. Transfers from another agency to a position at the same grade level with no known promotion potential.

2. Lateral transfers from another agency below the full performance level if, the promotion potential of the position being vacated is the same as or higher than the position being filled at HUD.

3. Transfers under special appointment authorities from other branches of government, such as the legislative branch, Postal Service, and the D.C. Government.

0. Reinstatement up to the highest grade previously held on a permanent basis under career or career-conditional appointment, provided the employee was not demoted or separated from that grade because of deficiencies in performance or "for cause" reasons.

2-4 Restrictions (5 CFR 300.604)

The following time-in-grade restrictions must be met under competitive procedures.

A. Advancement to positions at GS-12 and above

Candidates for advancement to a position at GS-12 and above must have completed a minimum of 52 weeks in positions no more than one grade lower (or equivalent) than the position to be filled.

B. Advancement to positions at GS-6 through GS-11

Candidates for advancement to a position at GS-6 through GS-11 must have completed a minimum of 52 weeks in positions:

1. No more than two grades lower (or equivalent) when the position to be filled is in a line of work properly classified at 2-grade intervals;
2. No more than one-grade lower (or equivalent) when the position to be filled is in a line of work properly classified at 1-grade intervals; or,
3. No more than one or two grades lower (or equivalent), as determined by the Department, when the position to be filled is in a line of work properly classified at 1-grade intervals but has a mixed interval promotion pattern.

C. Advancement to positions up to GS-5

Candidates may be advanced without time restriction to positions up to GS-5 if the position to be filled is no more than two grades above the lowest grade the employee held within the preceding 52 weeks under his or her latest non-temporary competitive appointment.

2-5 Creditable Service (5 CFR 300.605)

A. All service at the required or higher grade (or equivalent) in positions to which appointed in the Federal civilian service is creditable towards the time periods required by 5 CFR 300.604, except as provided in paragraph C of this section.

Creditable service includes competitive and excepted service in positions under the General Schedule (GS) and other pay systems,

including employment with a non-appropriated fund instrumentality. Service while on detail is credited at the grade of the employee's position of record, not the grade of the position to which detailed. Also creditable is service with the District of Columbia Government prior to January 1, 1980 (or prior to September 26, 1980, for those District employees who were converted to the District personnel system on January 1, 1980).

B. Service in positions not subject to the General Schedule is credited at the equivalent GS grade by comparing the candidate's rate of basic pay with the representative rate (as defined in 5 CFR 351.203) of the GS position in effect when the non-GS service was performed. The equivalent GS grade is the GS grade with a representative rate that equals the candidate's rate of basic pay. When the candidate's rate of basic pay falls between the representative rates of two GS grades, the non-GS service is credited at the higher grade.

C. In applying the restrictions in 5 CFR 300.604 of this part, prior service under a temporary appointment at a level above that of a subsequent non-temporary competitive appointment is credited as if the service had been performed at the level of the non-temporary appointment. This provision applies until the employee has served in pay status for 52 weeks under non-temporary competitive appointment; thereafter, the service is credited at its actual grade level (or equivalent).