

Directive

MRP 4335.1

6/12/00

MERIT PROMOTION PLAN

1. PURPOSE

This is the Marketing and Regulatory Programs (MRP) Merit Promotion Plan (MPP), which supplements the USDA MPP and establishes MRP policies on merit promotion in the competitive service. This MRP Plan contains decisions about the merit promotion program which are allowed by USDA's MPP. This plan applies to all MRP employees except those who are covered by collective bargaining agreements with provisions that supersede portions of this Plan.

Human Resources Desk Guide (HRDG), Subchapter 4335, Merit Promotion, provides more information for supervisors and employees on the merit promotion process. It also details the responsibilities of employees, managers, supervisors, the servicing personnel office, and MRP Human Resources in carrying out the provisions of this Directive.

2. REPLACEMENT HIGHLIGHTS

a. This Directive replaces the following agency-specific Directives:

- (1) AMS Directive 302.1, Merit Promotion Plan, dated October 13, 1989.
- (2) APHIS Directive 4335.1, Merit Promotion, dated 7/20/93.
- (3) FGIS Directive 302.1, Merit Promotion, dated July 12, 1993.
- (4) P&SA Directive 441.1, Merit Promotion, dated July 12, 1993.

b. The new MRP HRDG, Subchapter 4335, Merit Promotion, replaces the following documents containing agency-specific procedures:

- (1) HRDG Subchapter 4335, Merit Promotion Plan, dated 3/90.
- (2) Personnel Manual Subchapter 4335, Merit Promotion Plan, dated 3/90.

3. AUTHORITIES

- b. Title 5, Code of Federal Regulations, Part 335.
- c. USDA Department Personnel Manual, Chapter 335.

4. POLICY

- a. It is MRP policy to comply with all Federal and Departmental rules and regulations pertaining to merit promotion, as well as with terms of any negotiated bargaining agreements. Promotions (including selections and training that could lead to promotion) in the competitive service will be based on merit. Promotion practices will support efforts to select the best qualified persons without regard to race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status, and will be based solely on job-related criteria.
- b. This policy covers promotions through GS-15 or similar pay schedules and any prevailing rate schedule in the competitive service. It does not require that vacancies be filled by promotion.
- c. MRP will make merit promotion regulations and related information accessible to all employees.

5. WHEN COMPETITIVE PROCEDURES DO NOT APPLY

The USDA MPP states when competitive procedures must be applied (DPM 335, Appendix B, Section 1). It also allows agencies to decide which actions do not require competitive procedures. Competitive procedures will not apply to:

- a. **Career promotions** which are promotions without current competition when an employee was previously selected from an Office of Personnel Management (OPM) certificate (or a list of eligibles prepared by an agency having delegated examining authority). The intention must be made a matter of record, and career ladders must be documented in the promotion plan (see Attachment 2).
- b. **Promotion resulting from an employee's position being classified at a higher grade** because of additional duties and responsibilities when the following conditions are met:
 - (1) The employee continues to perform the same basic functions;
 - (2) The major duties of the former position are absorbed into the new position;
 - (3) The new position has no further promotion potential;

- (4) No other positions within the organizational unit are adversely affected; and,
 - (5) The new position is not a reclassification from nonsupervisory to a lead or supervisory status.
- c. **Reinstatement, transfer, promotion** (including temporary or term), **reassignment**, or **change to lower grade** provided:
 - (1) The position to be filled is at no higher grade than that previously held on a permanent basis under a career or career-conditional appointment;
 - (2) The position has no promotion potential beyond that of the employee's current position or the potential is not more than the highest grade previously held;
 - (3) The employee was not demoted or separated from that grade because of deficiencies in performance or 'for cause' reasons; and
 - (4) The former grade is documented with acceptable evidence.
- d. **Temporary promotions or details** to a higher grade position of 120 days or less.
- e. **Promotion** resulting from the upgrading of a position without significant change in duties and responsibilities due to issuance of a new classification standard or the correction of an initial classification error;
- f. **Position change** permitted by reduction-in-force regulations;
- g. **Repromotion** to a grade or position from which an employee was demoted without personal cause and not at his/her request (acceptance of a demotion in lieu of reduction-in-force or relocation in a transfer of function is not considered a demotion at the employee's request);
- h. **Career ladder** promotion following noncompetitive conversion of anyone participating in the Veterans Readjustment Act, Employees with Disabilities Program, or Student Program; or
- i. A selection based upon **priority consideration**.

NOTE: Refer to the USDA Merit Promotion Plan, Section I, Part B, for complete information and conditions of the above actions.

6. AREA OF CONSIDERATION

- a. The minimum area of consideration (MAC) will be the local commuting area (LCA) of the program (e.g., AMS Cotton, APHIS PPQ, GIPSA Grain), unless otherwise stated in Attachment 2. Until Career Transition Assistance Program (CTAP) regulations expire, the MAC must include CTAP eligibles within the agency (i.e., AMS, APHIS, GIPSA). As a result, the area of consideration on all announcements will include the following statement: “. . . and CTAP eligibles.”

Areas of consideration must be sufficiently broad to ensure the availability of high quality candidates and support affirmative employment goals and objectives. The MAC may be extended for a variety of reasons (i.e., when the established MAC does not produce or is not expected to produce enough high quality candidates, or in order to reach a more diverse applicant pool). The MAC may be extended in consultation with the servicing personnel office. When extending the area of consideration, past actions, workforce profiles, discussions with Equal Employment Opportunity (EEO) specialists, and reviews of EEO reports should be taken into consideration. The servicing personnel office will document the reason(s) for re-advertising a vacancy announcement with an extended area of consideration. Extending the area of consideration beyond the local commuting area may require payment of relocation expenses. Some possible areas of consideration include:

- Program local commuting area
- Program regionwide
- Program nationwide
- Agency local commuting area
- Agency nationwide
- Agency regionwide
- USDA local commuting area
- USDA nationwide
- Government local commuting area
- Government nationwide

- b. Applications from individuals outside the area of consideration will not be accepted. All applicants who are not required to compete under this Plan (i.e., noncompetitive eligibles, 30% Disabled Veterans, persons with disabilities, VRA, former Peace Corps) will be referred, regardless of their agency or location. CTAP must be cleared, as appropriate, before any selections are made.

7. RELOCATION EXPENSES

The requirement to pay relocation expenses is covered in the USDA MPP (DPM 335, Appendix B, Section II, Part B4). The following are exceptions to the requirement:

- a. Movement for personal reasons (i.e., the employee initiates a request for a transfer to a different geographical location).
- b. Nonpayment provision in the union agreement.
- c. Exceptions noted in Comptroller General decisions.

8. APPLYING FOR POSITIONS

- a. It is the employee's responsibility to be aware of open vacancy announcements and to meet the application requirements for each announcement. Employees who are absent (e.g., on details, leave, training, military service, in public international organizations, or Inter-governmental Personnel Act assignments) are able to request vacancy announcements through a variety of methods, including:

- (1) Checking the MRPHR home page at **www.aphis.usda.gov/mb/mrphr**;
- (2) Calling the FAXBACK system at 800-585-7407 or 612-370-2358 to retrieve a copy of a vacancy announcement;
- (3) Calling a servicing personnel office for a copy of the vacancy summary list or vacancy announcement;
- (4) Calling the OPM job line at 202-606-2700; and
- (5) Checking the OPM home page at **<http://www.opm.gov>**.

Absent employees who do not have access to the methods stated above should contact their supervisor for open vacancy announcements.

- b. Vacancy announcements will state that applications with all supporting documents must be submitted to the contact office listed and must be *postmarked* by the closing date of the announcement.
- c. In order to give consideration to performance appraisals, as required by regulations, applicants must submit a copy of their most recent performance appraisal OR a statement on the application from the applicant, self-certifying that the rating is at least "Fully Successful" and the date of rating (i.e., "Fully Successful, 1999").

9. EVALUATION OF APPLICATIONS

The following methods will be used to determine the best qualified applicants:

Number of Qualified Competitive Applicants:	Evaluation Method:
10 or Less	This is a simplified method to identify best qualified candidates, based upon a rating schedule, which may be used only when there are ten or fewer qualified applicants. The servicing personnel specialist, together with the selecting official, decides if this method will be used. 1. The servicing personnelist, while evaluating candidates to determine basic qualifications, applies the following criteria to identify the best qualified. Best qualified candidates must: a. Meet all basic eligibility requirements. b. Have a summary performance rating of at least “fully successful” or equivalent. c. Show some related experience, education, or training in each of the evaluation criteria; and, have a rating of: - Acceptable (A) or Exceeds (E) in all KSA’s, <u>and</u> - At least 1 Exceeds (E) on any one KSA. 2. If a servicing personnelist cannot determine whether the experience, education, or training relates to the evaluation criteria, he/she will obtain technical advice from a subject matter expert. When this is done, the promotion action record should reflect the basis for any of the decisions made.
More than 10	The selecting official may have the servicing staffing specialist rate and rank the candidates, or may refer the applications to a promotion panel. Promotion panel members must conform to requirements in the USDA MPP. Panels usually consist of 2 to 4 people who are at or above the full performance level of the vacancy. Applicants for the vacancy and selecting officials cannot be panel members.

10. REFERRAL AND SELECTION

- a. Selecting officials are not required to interview all applicants that have been referred on a certificate. However, selecting officials must be able to support interview decisions.
- b. Supplemental selections of candidates may be made from the same selection certificate for additional vacant positions if:
 - (1) The additional selections are made within 120 days of the issue date of the original certificate, and
 - (2) The vacancy announcement stated that subsequent vacancies may be filled from the same announcement.
- c. Selection certificates should be returned to the issuing personnel office within 90 days of the issuance date. A 30-day extension may be requested from the issuing personnel office. The reason for the extension must be documented and retained in the original certificate file.

11. RETROACTIVE PROMOTIONS

A manager/supervisor may request that an employee's career ladder promotion be processed retroactively when all of these conditions are met:

- a. The manager/supervisor had intended to promote the employee on the requested retroactive effective date,
- b. The employee met time-in-grade and qualification requirements by the requested retroactive effective date,
- c. The request is in writing or electronically transmitted and explains why the personnel action was not requested in a timely manner, and
- d. The request has the approval of a second-level supervisor before being forwarded to the servicing personnel office.

This nondiscretionary policy applies only to career promotions of employees in positions with noncompetitive promotion potential.

12. PROMOTION RECORDS AND INFORMATION

A temporary record of each promotion must be maintained 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 evaluated formally by OPM (whichever comes first) if the time limit for a grievance has lapsed before the anniversary date (DPM 335, Appendix B, Section V).

13. INQUIRIES

- a. Inquiries should be directed to the appropriate MRP internal administrative offices, the servicing personnel office, or Human Resources Service Enhancement, in accordance with established procedures.
- b. This Directive and the HRDG, Subchapter 4335, are available on the MRP Human Resources home page at [**www.aphis.usda.gov/mb/mrphr**](http://www.aphis.usda.gov/mb/mrphr), the Information Technology home page at [**www.aphis.usda.gov/library**](http://www.aphis.usda.gov/library), and the AMS Administrative Issuances home page at [**www.ams.usda.gov/issuances**](http://www.ams.usda.gov/issuances).

/s/ William J. Hudnall
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Attachments

- 1. Department Merit Promotion Plan
- 2. Career Ladders and Areas of Consideration

CAREER LADDERS and AREAS OF CONSIDERATION

The tables below reflect the career ladders for major (but not all) occupations in AMS, APHIS, and GIPSA. ***Note that positions may have higher career ladders based on classification decisions and the location of the position in the organization.** For positions not included in the following tables, the minimum area of consideration will be the local commuting area (LCA) of the particular program.

AMS Career Ladders and Areas of Consideration

<u>Series:</u>	<u>Title:</u>	<u>Career Promotion Possible To:</u>	<u>Minimum Area Of Consideration:</u>
GS-303	Miscellaneous Clerical	GS-4	AMS LCA
GS-318	Secretary	GS-5	AMS LCA
GS-326	Office Automation Clerk	GS-4	AMS LCA
GS-334	Computer Specialist	GS-12	AMS LCA
GS-343	Management Analyst	GS-9	AMS LCA
GS-1146	Ag. Marketing Specialist (Hqtrs)	GS-12	Program LCA
GS-1146	Ag. Marketing Specialist (Field)	GS-11	Program LCA
GS-1147	Marketing Reporter	GS-9	Program LCA
GS-1980	Ag. Commodity Grader (Meat)	GS-9	Program LCA
GS-1980	Ag. Commodity Grader (Tobacco)	GS-9	Program LCA
GS-1980	Ag. Commodity Grader (Cotton)	GS-9	Program LCA
GS-1980	Ag. Commodity Grader (Proc. F&V)	GS-7	Program LCA
GS-1980	Ag. Commodity Grader (Fresh F&V)	GS-9	Program LCA
GS-1980	Ag. Commodity Grader (Dairy)	GS-7	Program LCA
GS-1980	Ag. Commodity Grader (Poultry)	GS-8	Program LCA
GS-1981	Ag. Commodity Aid	GS-4	Program LCA
GS-1981	Ag. Commodity Aid (Proc. F&V)	GS-5	Program LCA

*EXPLANATORY NOTE

In certain unique situations, individual positions may have full performance levels (FPL's) above those indicated in agency career ladders. Such higher level FPL's will be indicated on position description cover sheets (AD-332).

APHIS Career Ladders and Areas of Consideration

<u>Series:</u>	<u>Title:</u>	<u>Career Promotion Possible To:</u>	<u>Minimum Area Of Consideration:</u>
GS-301	Miscellaneous Positions	GS-9	APHIS LCA
GS-303	Miscellaneous Clerical	GS-3	APHIS LCA
GS-303	Administrative Support Assistants	GS-5	APHIS LCA
GS-318	Secretary	GS-4	APHIS LCA
GS-326	Office Automation Clerk	GS-3	APHIS LCA
GS-334	Computer Specialist	GS-9	APHIS LCA
GS-343	Management Analyst	GS-9	APHIS LCA
GS-401	Biologist/Agriculturalist	GS-9	APHIS LCA
GS-404	Biological Aid	GS-3	APHIS LCA
GS-404	Biological Technician	GS-4	APHIS LCA
GS-414	Entomologist	GS-9	Program LCA
GS-421	PPQ Aid	GS-3	Program LCA
GS-421	PPQ Technician	GS-4	Program LCA
GS-436	PPQ Officer	GS-9	Program LCA
GS-486	Wildlife Biologist	GS-9	Program LCA
GS-560	Budget Analyst	GS-9	APHIS LCA
GS-701	Veterinary Medical Officer	GS-12	APHIS LCA
GS-704	Animal Health Technician	GS-4	Program LCA
GS-1810	Investigator	GS-9	Program LCA

***EXPLANATORY NOTE**

In certain unique situations, individual positions may have full performance levels (FPL's) above those indicated in agency career ladders. Such higher level FPL's will be indicated on position description cover sheets (AD-332).

GIPSA Career Ladders

<u>Series:</u>	<u>Title:</u>	<u>Career Promotion Possible To:</u>	<u>Minimum Area Of Consideration:</u>
GS-110	Economist	GS-11	Program LCA
GS-303	Miscellaneous Clerical	GS-4	GIPSA LCA
GS-303	Miscellaneous Assistant	GS-7	GIPSA LCA
GS-303	Office Services Supervisor	GS-6	GIPSA LCA
GS-318	Secretary	GS-5	GIPSA LCA
GS-326	Office Automation	GS-3	GIPSA LCA
GS-334	Computer Specialist	GS-9	GIPSA LCA
GS-343	Management Analyst	GS-9	GIPSA LCA
GS-511	Auditor	GS-11	Program LCA
GS-1101	Resident Agent	GS-11	Program LCA
GS-1146	Ag. Marketing Specialist	GS-11	Program LCA
GS-1980	Ag. Commodity Grader	GS-9	Program LCA
GS-1981	Ag. Commodity Aid	GS-3	Program LCA
GS-1981	Ag. Commodity Technician	GS-5	Program LCA

***EXPLANATORY NOTE**

In certain unique situations, individual positions may have full performance levels (FPL's) above those indicated in agency career ladders. Such higher level FPL's will be indicated on position description cover sheets (AD-332).

