

CHAPTER 335

MERIT STAFFING PLAN

1. **AUTHORITY.** Exclusive of those Human Resources Office (HRO), Norfolk serviced activities who have issued a command specific merit staffing plan, this chapter represents the merit staffing plan for HRO Norfolk and its serviced activities. For those activities with a bargaining unit relationship the language in current labor contracts concerning merit staffing and promotion procedures takes precedence.
2. **ASSISTANCE.** Please refer to Chapter 001 of this Manual for the telephone number to call for additional information or further assistance relative to this Chapter.
3. **CLARIFICATIONS.** The Department of the Navy's regionalization of the civilian human resources function during the period 1993-1998 had significant impact on the roles, responsibilities and procedures by which the merit staffing process is carried out. This edition of Chapter 335 reflects those changes in program responsibilities. Unchanged by HR regionalization is the basic tenet that human resources is a line management responsibility. With respect to recruitment and selection that responsibility is anchored by the long standing Merit System Principles adapted from 5 U.S. Code Section 2301. (See Appendix B)
4. **MANAGEMENT PREROGATIVES.** The filling of vacant positions may occur through a number of authorized procedures. These processes can be noncompetitive in nature or may utilize open competitive procedures. It is a command management right to identify which processes to utilize for each vacancy, consistent with proper linkage to command strategic plans and goals, merit principles, and responsibilities to be an equal opportunity employer.
5. **FAIR AND EQUAL CONSIDERATION.** Under this Merit Staffing Plan, every employee is given the opportunity for fair consideration for selection; it does not guarantee that every employee will be promoted. Actions under this plan, whether in identification, qualification, evaluation, or selection of candidates, or any other phase of the promotion process, shall be made without regard to political, religious, or labor organization affiliation or non-affiliation, marital status, race, color, sex, national origin, nondisqualifying physical or mental handicap, age or sexual orientation, and shall not be based on any criteria that are non job-related, including favoritism based on personal relationship or patronage.
6. **COVERAGE.** This merit staffing plan covers competitive recruitment to fill vacancies. The area of consideration and sources from which applications will be considered will be specific for each recruitment action. The plan also covers the following actions:
 - a. Temporary promotion of more than 120 days unless the selectee has previously held the grade level on a permanent basis.

b. Selection for detail for more than 120 days to either a higher graded position or to a position with known promotion potential, unless the selectee has previously held the grade level on a permanent basis.

c. Selection for training prerequisite for promotion.

d. Reassignment or demotion to a position with more promotion potential than the employee's current position or one previously held on a permanent basis (except as permitted by reduction-in-force (RIF) regulations).

e. Transfer of a non-DON employee to a higher graded position.

f. Reinstatement to a permanent or temporary position at a higher grade than the highest grade held under a nontemporary appointment in the competitive service.

g. Selection of a person from the Reemployment Priority List for a position at a higher grade than that from which separated.

7. **EXCLUSIONS.** Competitive procedures do not apply to the following:

a. Reinstatement, transfer, or noncompetitive repromotion of an employee up to and including the highest permanent grade held 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.

b. The promotion of an employee whose position is classified at a higher grade level due to accretion of duties. (See Appendix A).

c. Career promotions of employees when appropriate competition was held to establish a target journeyman grade level.

d. Temporary promotions of 120 days or less.

e. Details of not more than 120 days to higher graded positions or to positions with known promotion potential.

f. Position change (either reassignment, demotion, or promotion) of any Federal permanent employee from a position having known promotion potential to a position having no higher promotion potential.

g. Position change to the same or lower grade.

h. Temporary promotions to higher graded positions for up to 179 days in an organization undergoing base closure or a major staffing reduction.

i. Details to higher graded positions for up to 179 days in an organization undergoing base closure or a major civilian reduction.

8. LOCATING CANDIDATES. Specific procedures will be followed in recruiting candidates through the merit promotion system.

a. *Management Identification of Candidates (MIC).* Some positions may be filled competitively without formal vacancy announcements. Management officials may select a candidate for promotion without formal competition when the area of consideration is small enough that all potential applicants are known to the selecting official. This would typically be an area no larger than the employing command. If this method is used the selecting official must evaluate each candidate equitably. Documentation must include a list of all qualified candidates considered, the evaluation criteria upon which candidates were evaluated and a brief notation of the selectee's best qualifying skills. It is important that HRO be notified of any MIC recruitment action initiated within a serviced activity.

b. *Vacancy Announcements.* Except when Management Identification of Candidates is used, requests for open recruitment will be forwarded by the employing command through HRO Norfolk to the applicable Human Resources Service Center (HRSC). The HRSC organization conducts the recruitment and applicant screening process through either the Standardized Automated Inventory Referral System (STAIRS) or through specific vacancy announcement. The activity request will specify the desired area of search consideration and the primary knowledge, skills, and abilities required for the vacancy. The HRSC will refer the appropriate appointable candidates for selection consideration to the requesting activity.

9. SELECTION PROCEDURES

a. *Referral Certificates.* Selecting officials are entitled to make a selection from any of the candidates on the referral certificate. The selecting official is not required, however, to select someone from the referral certificate. Formal notification to the selected candidate(s) will be made by either the prospective employer or HRO Norfolk staff.

b. *Interviews.* Personal interviews of referred candidates may be held at the activity's option. The selecting official may interview none, any, or all of referred candidates.

c. *Nepotism.* No person shall participate in the selection process if a relative is under consideration.

d. *Selection Panels.* Selection panels and/or recommending panels may be utilized at the discretion of the activity.

e. *Probationary Period for Supervisors.* Candidates who are selected for a supervisory position may be subject to serving a one year probationary period.

f. *Release Dates.* Selected employees will normally be released as follows:

(1) In actions that involve a change in employing activity, a selectee will be released to report to the new position within two weeks in the case of a promotion and within thirty days in the case of a reassignment or change to lower grade. Release dates in excess of these time frames are acceptable when mutually agreeable to both the gaining and losing activities.

(2) Selection actions, which do not involve a change in the selectee's employing activity, will be effective on the date mutually agreed upon by the losing and gaining supervisors. In the event the parties cannot reach a mutually agreeable release date, the matter will be forwarded to the head of the activity for a decision.

10. **INFORMATION TO EMPLOYEES.** The HRSC is responsible for the maintenance of applicable promotion action files. Any appeals of rating determinations made by the HRSC should be addressed to that organization.