

DEPARTMENT MERIT PROMOTION PLAN
DPM CHAPTER 335, APPENDIXES, A, B, AND C

PROMOTION AND INTERNAL PLACEMENT

APPENDIX A - GENERAL REGULATORY PROVISIONS

REPROMOTION PLACEMENT PLAN

1. Coverage - As required by Title VII of Public Law 95-454, "Civil Service Reform Act of 1978," coverage includes incumbents of positions classified in the GS, GM, GG, or similar pay schedules and in any prevailing rate schedule who were reduced in grade because of:
 - a. an error in the prior classification of a position;
 - b. a change in classification standards without a change in duties and responsibilities;
 - c. a change in the duties and responsibilities caused by a gradual erosion or by management action; or
 - d. the application of reduction in force procedures.
2. Purpose - To provide placement opportunities to covered employees to any position for which they qualify that is equal to the grade or pay of the position from which demoted.
3. Exceptions - Types of actions excepted are:
 - a. **promotion** to positions filled by career promotion as defined in DPM 335, Appendix B;
 - b. positions filled by individuals exercising statutory reemployment rights (e.g., return from the military, or restoration after being separated due to compensable injury or disability);
 - c. positions filled by nondiscretionary action directed by a qualified legal or administrative body; and
 - d. positions filled by **demotion** or lateral **reassignment** of an Agency employee (position may be filled by **demotion**, lateral **reassignment** or **transfer** of a non-Agency employee if there are no qualified agency employees entitled to placement consideration).
4. Intervening Grades - An employee who has been downgraded more than one grade has placement consideration rights to all intervening grades. For example, an employee downgraded from a GS-12 to a GS-6, has placement consideration rights to all GS-7 through GS-12 positions for which qualified.
5. Higher Grade Positions - Where the vacancy for which the downgraded employee is qualified is in a higher grade or has higher promotion potential than that previously held, the downgraded employee must compete for the position under normal competitive requirements, including following any application procedures (such as those prescribed in a vacancy announcement).
6. Affirmative Employment Action - Agencies shall operate the plan in a manner that is consistent with affirmative employment principles.
7. Placement Plan Requirements
 - a. In the Washington, D.C. Metropolitan Area the Placement Plan operates as follows:

APPENDIX A - GENERAL REGULATORY PROVISIONS

- (1) An employee who has been placed in a lower grade position through no fault of his or her own, as a result of one of the covered actions, has repromotion placement rights within his/her Agency for 2 years.
 - (2) Agencies shall maintain a repromotion placement list of all their downgraded employees, and also establish a repromotion placement file containing a SF-171 for each employee and document all considerations of the employee within the Agency and through referral to other USDA Agencies. Records of considerations must be retained for 2 years or until the employee is repromoted, whichever occurs first.
 - (3) Agencies must consider qualified downgraded employees before staffing a vacant position by any other means. This means that the competitive procedures of the Department's Merit Promotion Plan will not be used before noncompetitive consideration of these employees.
 - (4) The Agency must document its reasons for not placing a downgraded employee in a vacancy. Fully documented reasons must be retained in the repromotion placement file. The reasons must be job-related.
 - (5) Repromotion job offers must be made in writing, allowing the employee no less than 7 working days to respond.
 - (6) Downgraded employees who refuse repromotion to a position the grade and pay of which is equal to or greater than the position from which demoted in their commuting area are to be removed from the placement list and their benefits under grade and pay retention terminated. Employees must be notified of this requirement in the offer of repromotion and again after any refusal.
- b. In the field, the plan operates in the same manner as in the Washington, D.C. Metropolitan Area except:
- (1) Downgraded employees shall have repromotion placement rights in all USDA Agencies in their usual and normal commuting area; and
 - (2) The employee's servicing personnel office will be responsible for establishing priority placement lists and sending a SF-171 to other USDA Agencies in the commuting area.

8. Compliance

Agency activities in placement of employees downgraded through no fault of their own will be subject to regular reviews by the Office of Personnel. If it is determined that an employee has been improperly denied repromotion in his/her Agency, he/she shall have mandatory repromotion rights within that Agency. **An Agency considering denying repromotion rights to a basically qualified downgraded employee is cautioned to do so only for the most compelling of reasons.**

NOTE: The terms downgraded, employee downgraded through no fault of his/her own, employee reduced in grade, employee who has been placed in lower grade -- all have the same meaning.

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

INTRODUCTION

This Appendix contains the Department Merit Promotion Plan.

B-1. GENERAL

The Office of Personnel Management (OPM) has established provisions governing when competitive procedures must be used in filling competitive service positions by means of **promotion** and other inservice actions.

Management officials, as the implementers of the Merit Promotion Plan, have a special responsibility for ensuring that violations do not occur either by error of design.

B-2. COVERAGE OF THE DEPARTMENT MERIT PROMOTION PLAN

This Plan covers **promotions** through GS/GM 15 and similar pay schedules, and any prevailing rate schedule in the competitive service.

B-3. OBJECTIVES OF THE PLAN

- a. To bring the **best qualified candidates** to the attention of Management;
- b. To give employees an opportunity to receive fair, equitable, and appropriate consideration for higher level jobs;
- c. To provide an incentive for employees to improve their performance and develop their **knowledge, skills and abilities**; and
- d. To support diversity in the work force.

The Plan does not guarantee that employees will be promoted, nor does it require that a vacancy be filled by **promotion**.

B-4. RELATIONSHIP TO FEDERAL MERIT PROMOTION POLICY

The Federal Personnel Manual, at FPM Chapter 335, Subchapter 1, Section 1-4, describes five requirements of the Office of Personnel Management (OPM) for assuring that **promotions** (and selections that could lead to **promotions**) in the competitive service are made on a merit basis. These requirements are, in part, based on an agreement with the Department of Labor, the Department of Commerce and the Equal Employment Opportunity Commission as to when **selection procedures** are valid. The Department Plan repeats each OPM requirement and then establishes procedures for their implementation.

B-5. RELATIONSHIP TO UNIFORM GUIDELINES

OPM's guidance in FPM Supplement 335-1 is consistent with the requirements of the Uniform Guidelines on Employee Selection Procedures, a copy of which is provided in Appendix A of the Supplement. Parts of the Uniform Guidelines are quite technical in nature and are not meant for use by those not familiar with the methods of establishing validity.

There are two concepts in the Guidelines, however, with which Agencies should be familiar: **adverse impact** and the requirements for dealing with it. Only **selection procedures** that do not have **adverse impact** may be used unless the procedure is shown to be valid and no reasonable alternative exists. Where an Agency determines **adverse impact** exists, the Agency must:

- a. Modify or eliminate the procedure which produces **adverse impact**;
- b. Consider alternatives which will achieve legitimate business purposes with less or no **adverse impact**; or
- c. Justify the use of the procedure on grounds of "business necessity." This is done by conducting a **validation** study. Business necessity may also be

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

justified by showing that job requirements are necessary for the safe and efficient operation of the Agency and cannot be learned within a reasonable period of time. [Appendix C of this Chapter contains additional information on evaluation practices.]

B-6. AGENCY SUPPLEMENTS

Each Agency must issue a supplement to this Plan. Where options are provided in the Department's Plan, the Agency Supplement must address what option or options the Agency will follow. In addition, Agencies are encouraged to adopt systematic and equitable procedures to implement the Plan at the servicing personnel office level. Agency supplements should be limited to the guidance necessary to implement the objectives of this Plan.

B-7. RELATION OF AGENCY SUPPLEMENTS TO THE DEPARTMENT PLAN

The fact that Agencies issue their own supplements does not mean the Agency Supplement is a separate merit promotion plan. The Department's Plan encompasses Agency Supplements and provides the framework in which Agencies specify such specifics as ***career ladders***, areas of consideration, and other Agency specific procedures. For this reason, Agency Supplements may not deviate from the Department Plan without the Office of Personnel's approval.

B-8. DEFINITION INSTRUCTIONS

Attachment 5 contains the definition of terms used in this Plan. Wherever these terms are used, they will be italicized. OPM defined terms are included for convenience and are in bold italics. Agencies may add definitions for terms used in their supplements, but they may not change the definitions provided herein.

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

SECTION I. SELECTION BASED ON MERIT

Part A. **OPM Requirement 1.**

"Each agency must establish procedures for promoting employees which are based on merit and are available in writing to candidates. Agencies must list appropriate exceptions, including those required by law or regulation. Actions under a promotion plan - whether identification, qualification, evaluation, or selection of candidates - shall be made without regard to political, religious, or labor organization affiliation or nonaffiliation, marital status, race, color, sex, national origin, nondisqualifying physical handicap, or age, and shall be based solely on job-related criteria."

Part B. **Application of Competitive Procedures**

1. Subject to the exceptions explained in B.2. and 3. below, competitive procedures must be applied to:
 - a. Actions processed as **promotions** (including *term promotions*);
 - b. **Reassignment, reinstatement, transfer or demotion** to a position with more promotion potential than the position last held in the competitive service (except as required by reduction in force regulations);
 - c. **Transfer** to a higher grade position;
 - d. **Reinstatement** to a permanent or temporary position at a higher grade than the person held in a nontemporary position in the competitive service;
 - e. Selection for training where a training agreement substitutes training for normal qualification or time in grade requirements or when the training is part of a promotion program (see Chapter 410, Subchapter 3-6c);
 - f. Selection for detail for more than 120 days to a higher grade position or to a position with known promotion potential;
 - g. Selection for temporary **promotions** for more than 120 days to a higher graded position (see FPM 335, 1-5a(1) for further discussion of temporary promotions); and
 - h. Any combination of f. and g. where total service would exceed 120 days during the previous 12 month period.
2. The competitive procedures of the plan need not apply to (Agency Supplements will address the use of these provisions):
 - a. Career promotions, which are:
 - (1) **Promotions** without current competition when an employee was previously selected from an Office of Personnel Management certificate (or a list of eligibles prepared by an Agency having delegated examining authority), or under competitive promotion procedures for an assignment intended to prepare him/her for the position being filled. The intention must be

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

made a matter of record, and **career ladders** must be documented in the promotion plan); and

- (2) **Promotions** resulting from an employee's position being classified at a higher grade because of additional duties and responsibilities when the following conditions are met:
 - (a) the employee continues to perform the same basic functions;
 - (b) the major duties of the former position are absorbed into the new position;
 - (c) the new position has **no further** promotion potential;
 - (d) no other positions within the organizational unit are adversely affected; and
 - (e) the new position is not a reclassification from nonsupervisory to a lead or supervisory status.

b. **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; and
- (3) the employee was not demoted or separated from that grade because of deficiencies in performance or "for cause" reasons.

Service in other merit systems covered by FPM Chapter 315, sections 6-2 and 6-3 is included in this exception. [See FPM Letter 335-16 for additional information.]

c. Temporary **promotions** or details to a higher grade position of 120 days or less (Note: see 1h).

3. The competitive procedures of the plan will not apply to:

- a. A **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;
- b. A **position change** permitted by reduction in force regulations (see FPM Chapter 351);
- c. 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);
- d. A **career ladder** promotion following noncompetitive conversion of anyone participating in the Veterans Readjustment Act (FPM Chapter 307), the Handicapped Program (FPM Chapter 306), or Student Program (FPM Chapter 308); and
- e. A selection based on *priority consideration*.

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

SECTION II. AREA OF CONSIDERATION

Part A. **OPM Requirement 2**

"Areas of consideration must be sufficiently broad to ensure the availability of high quality candidates taking into consideration the nature and level of the position covered. Agencies must also ensure that employees within the area of consideration who are absent for legitimate reasons, e.g., on detail, on leave, at training courses, in the military service, or serving in public international organizations or on intergovernmental (sic) Personnel Act assignments, receive proper consideration for **promotion.**"

Part B. **Terms and Implications of the Requirement**

1. Areas of Consideration.

- a. Are described in terms of position titles, pay plans, series and grades plus the organizational or geographical boundaries.
- b. Will be addressed in Agency Supplements by:
 - (1) identifying the **minimum areas of consideration**; and
 - (2) describing when and how the established minimum area will be expanded.
- d. Agencies must consider affirmative employment goals and obligations when establishing **areas of consideration.**

2. Methods of Locating Candidates.

Any method which meets the requirement in Part A may be used.

Appropriate methods include (but are not limited to):

- a. Vacancy announcements
- b. Skills files
- c. Some combination of a and b
- d. Agency procedures for absent employees

Attachment 1 contains additional information on the use of these optional methods.

3. Consideration of Employees.

- a. Agency Supplements will address how applications will be treated from persons outside the area of **consideration** who:
 - (1) are **not** required to compete under this Plan [a distinction may be made between persons employed by the Department and those not so employed]; and
 - (2) are Department employees but are required to compete.

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

- b. Except for Career Enhancement positions, no additional restrictions may be made on who may apply or be considered within the established **area of consideration** for a vacant position.
 - c. Personnel offices should encourage their managers to concurrently consider a wide variety of sources in filling their positions.
4. Payment of Relocation Expenses Under Merit Promotion. Because of Comptroller General decisions on the meaning of the phrase "...in the interest of the Government." at 5 U.S.C. 5724(a), the following criteria is established for when it is not in the interest of the Government to pay relocation expenses pursuant to a merit promotion selection:
- a. The payment of relocation expenses will require the displacement of another employee because of budgetary constraints imposed by an authority beyond the Agency's control (i.e., the Department, the Office of Management and Budget or Congress); or
 - b. If it is determined, in advance of the vacancy announcement, that the local labor market has produced enough high quality candidates from which selection may be made.
- Unless an Agency can clearly identify other reasons why it is not in the Government's interest to pay relocation expenses, Agency recruiting efforts are considered a prima facie case that such expenses will be paid. If there are other policy reasons why an Agency will not pay relocation expenses, they will be stated in the Agency Supplement. Budgetary constraints alone cannot be the basis for such a policy. [See Comptroller General rulings for further information.]
5. Union Agreements. **The area of consideration is** subject to bargaining under 5 U.S.C. 71 only at the election of the Agency.

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

SECTION III - EVALUATION OF APPLICANTS

Part A. **OPM Requirement 3**

"To be eligible for **promotion** or placement, candidates must meet the minimum qualification standards prescribed by the Office of Personnel Management (OPM). Methods of evaluation for **promotion** and placement, and selection for training which leads to **promotion** must be consistent with instructions in FPM Supplement 335-1. Due weight shall be given to performance appraisals and incentive awards."

Part B. **Terms and Implications of the Requirement**

1. Standards which Agencies have Authority to Prescribe.

The use of an approved training agreement has the effect of establishing an alternate qualifications standard. Selections under training agreements are governed by the procedures detailed within each agreement. [See FPM Chapter 338, Subchapter 7, and DPM Chapters 410 and 413.]

2. Other Requirements for Promotion.

To be eligible for consideration for a competitive **promotion**, applicants must meet qualification and performance rating level requirements, and time-in-grade restrictions, as appropriate, within 30 days of the closing date of the vacancy announcement or the date of a skills file search.

3. Candidate Evaluation.

Title 5 of the U.S. Code of Federal Regulations at 300.103 provides (in part) that an employment practice must be based on a **job analysis**, that there must be a rational relationship between the employment practice used and the position to be filled (or the target position) and that it meets the standards in the Uniform Guidelines on Employee Selection.

Both OPM and the Uniform Guidelines require that multiple measures be used to evaluate candidates. These measures must be based on valid job-related criteria which measure the **work behaviors** or **knowledge, skills, abilities**, and other characteristics necessary for successful performance in the position. In carrying out these mandates, evaluation practices will include the following:

- a. Conducting the job analysis before a vacancy is announced;
- b. Basing each *rating schedule* on a **work behavior** or **knowledge, skill, and ability** (KSA) necessary for successful performance in the position being filled;
- c. Using a standard method of identifying **best qualified candidates** which consists of comparing applicants' qualifications against the evaluation criteria in accordance with a *crediting plan*

or

A simplified method to determine the best qualified (who also must be **well-qualified**) when there are 10 or fewer qualified applicants eligible for consideration. Use of a simplified method is an Agency option and if used must be described in the Agency supplement; and,

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

- a
- d. When appropriate, reducing the number of **best qualified candidates** in order to certify reasonable number to the selecting official.

Appendix C contains additional discussion of these matters, including the standard rating scale to be used.

4. Promotion Panel Membership.

- a. Who serves on the panel is an Agency decision, provided:
- (1) Each panel has a facilitator who addresses the requirements of merit promotion procedures and in other ways serves to expedite the process.
 - (2) A member is not simultaneously an evaluator and facilitator.
 - (3) At a minimum, a facilitator and one member constitutes a panel.
 - (4) Those merit *promotion panels* consisting of more than one member will be diverse in terms of race, national origin and gender.
 - (5) Selecting officials (or others participating in the final selection process in a recommending or advising role) do not serve as members.

See Attachment 2 for more information about panel operation and membership.

- b. EEO and/or Union representatives should be permitted to serve as observers. [As observers, they do not participate in the panel deliberations, but they also may be regular panel members if they are subject matter experts.]

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

SECTION IV. REFERRAL TO AND SELECTION BY MANAGEMENT

Part A. **OPM Requirement 4**

"Selection procedures will provide for management's right to select or nonselect from a group of **best qualified candidates**. They will also provide for management's right to select or nonselect from other appropriate sources, such as reemployment priority lists, **reinstatement, transfer**, handicapped, or Veterans Readjustment eligibles or those within reach on an appropriate OPM certificate. In deciding which source or sources to use, agencies 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."

Part B. **Terms and implications of the Requirement**

1. Referral of Promotion Candidates to the Selecting Official.

a. The order of referral and consideration is:

- (1) Repromotion placement plan candidates (referred to and considered by the selecting official before other candidates) [see Appendix A, Exhibit 1.];
- (2) Candidates entitled to *priority consideration* (referral may be concurrent with issuance of the *selection certificate*); and
- (3) The **best qualified candidates**.

b. Supplemental referrals of promotion candidates may be made from the same *selection certificate* for vacant positions using the same *rating schedule* provided:

- (1) the Agency Supplement explains how and when this practice will be followed;
- (2) the vacancy announcement states that subsequent vacancies may be filled from the same announcement;
- (3) the life of the last certificate issued is not beyond the date which is authorized as the maximum life for the first certificate; and
- (4) additional candidates are not added as best qualified.

Referrals from standing rosters, created for filling any number of vacancies over a long period of time (e.g, 6 months or more), are not considered supplemental referrals. Under these circumstances, specific procedures are in place for identifying the best qualified for any given vacancy during the life of the roster.

Attachment 3 contains additional information about the issuance use of *selection certificates*.

2. Providing RNO Information to Selecting Official.

Agencies may share race and national origin (RNO) statistical data on the composition of the

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

candidates provided such data would not enable individual candidates to be identified by RNO group.

3. Action by the Selecting Official.

- a. Provide repromotion placement plan consideration and/or *priority consideration* to candidates entitled to it before considering any of the candidates on the *selection certificate*.
- b. If only one or two candidates are best qualified, decide whether to make a selection or request that the area of consideration be extended.
- c. Decide on whether to interview any of the referred candidates.
- d. Decide whether some special interviewing process will be used, such as the behavioral event interview. [See Attachment 4]
- e. Make the selection from any of the candidates on a *selection certificate* or from any other appropriate source.
- f. For any nonselected candidate who is entitled to *priority consideration* but is not selected,
provide a job-related justification for the nonselection.
- g. Return the *selection certificate* to the issuing personnel office within 90 days from the date
of its issuance. (Agencies may specify a shorter time frame for acting on a certificate in Agency Supplements),

or

provide justification to the Agency-designated personnel office explaining why the certificate is delayed. That office may extend the certificate an additional 30 days.

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

SECTION V. PROMOTION RECORDS AND INFORMATION

Part A. **OPM Requirement 5**

"Administration of the promotion system will include recordkeeping and the provision of necessary information to employees and the public, ensuring that individuals' rights to privacy are protected. Each agency 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 the OPM (whichever comes first) if the time limit for grievance has lapsed before the anniversary date."

Part B. **Forms**

The following forms will be used in the promotion process:

1. SF-52, "Request for Personnel Action"
2. AD-735, "Evaluation of Candidates"
3. "U.S. Department of Agriculture Recruitment Bulletin"

Departmental forms, AD-411, "Vacancy Announcement," and AD-734, "Request for Candidates," are optional forms.

Part C. **Records**

The recordkeeping requirements of this Part apply to any action processed under the provisions of this Plan. Forms used to document employment decisions (SF-52, SF-50, SF-187, etc.) shall record that the decision was or was not subject to competitive procedures and the reason(s) thereof. If the action is a career promotion or is made as an exception to the Plan, the appropriate FPM, Department Merit Promotion Plan or Agency Supplement provision must be cited. If the personnel action results from use of competitive procedures, the *selection certificate* number or vacancy announcement number is to be referenced on the personnel action. [See remarks codes in the Payroll/Personnel Processing Manual].

In addition, Agencies must maintain the following records:

1. Copies of the Department's Plan and the Agency Supplement covering all positions to which **promotions** have been or are being made.
2. Information required by the Office of Personnel Management on the use of written tests for **promotion**.
3. The temporary record of each vacancy filled under competitive procedures must include the following [NOTE: Departmental forms will be used to document some of this information. The information can be kept in one or separate files.]:
 - a. Identification of each position and the Agency Supplement under which it was filled;
 - b. Description of the method or methods used to locate and identify candidates (if not covered by the Agency Supplement), including a copy of any vacancy announcement;

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

- c. The qualification standard used, including any Agency modifications;
 - d. The qualification determination made on each candidate.
 - e. Evaluation method(s) used to obtain final ratings, including:
 - (1) the *rating schedule*,
 - (2) notes of the evaluation committee proceedings,
 - (3) how scores were combined,
 - (4) how awards and performance appraisals were used,
 - (5) how the best qualified were identified,
 - (6) if applicable, how and why the number of best qualified was reduced to those certified to the selecting official, and
 - (7) other information or guidance used to conduct the rating procedure;
 - f. The candidate evaluations (including supervisory appraisals, test scores, SF-171's, resumes, rationale for individual ratings where needed to clarify scores assigned, etc.);
 - g. Names of candidates with the score accorded by the evaluation panel;
 - h. Names of candidates who were in the group from which selection was made;
 - i. Name(s) of employee(s) selected, and documentation in their Official Personnel Folder to show:
 - (1) Whether the ***promotion*** was made under competitive procedures, as a career promotion or as an exception to competitive promotion procedures, in which case sufficient justification must be available to permit determination of the appropriateness of the exception; and
 - (2) That at the time of ***promotion*** the employee(s) met qualification standards and other legal and regulatory requirements (See Section III, Part A); and
 - j. Numerical breakdown of candidates and employees by race, sex, and ethnic group (see FPM Supplement 335-1, Appendix A, Section 4.B.). Through April 30, 1994, Agencies may use the Form in Exhibit 1.
4. The reason for extending a *selection certificate*, the date of the request and the date of approval filed with the returned certificate.
5. Records supporting the validation of a selection instrument still in use.

Part D. **Employee Information**

- 1. A copy of this Plan, including the Agency Supplement(s), will be distributed to each employee. If an Agency Supplement is the only document distributed, the Agency must be able to show that it contains all the information to which their employees are entitled. Agency officials shall be available, at the employee's request, to discuss the highlights of the Plan.
- 2. Agencies shall provide timely notification to their employees about changes to this Plan and to Agency Supplements, including where copies of the updated Plan or Supplement may be obtained and to whom they should address any questions.

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

3. Employee's may request the following additional information from their personnel offices:
 - a. About the Plan.
 - (1) Explanations of any part of the Plan.
 - (2) Details of supporting regulations.
 - (3) The qualifications required for covered positions.
 - (4) Details of the evaluation techniques. [Exempts *rating schedules* if divulgence would compromise process for filling similar future vacancies.]
 - b. About a specific action.
 - (1) If they were considered.
 - (2) If they were basically qualified.
 - (3) If they were grouped among the best qualified.
 - (4) Who was selected.
 - (5) What they might do to improve their chances of ***promotion***.
 - (6) Their own appraisals used in the action.

APPENDIX B – DEPARTMENT MERIT PROMOTION PLAN

CASE FILE NUMBER: _____	AD-10. FORM APPROVED OMB NO. 0505-0009 EXPIRES APRIL 30, 1994
(FOR OFFICE USE ONLY)	

U.S. DEPARTMENT OF AGRICULTURE APPLICANT SUPPLEMENTAL SHEET

Applicants for positions with the U.S. Department of Agriculture (USDA) are requested to provide the following information for statistical purposes only. The information will be used to evaluate USDA'S recruitment and hiring activities. Public Law 93-579 (Privacy Act of 1974) permits solicitation of personal information. **SUBMISSION OF THIS INFORMATION IS VOLUNTARY.** Your failure to do so will not affect the processing of your application. Your cooperation is appreciated.

1. Which of the following best describes your current employment status? *(Check no more than two.)*

- 01 College/university teaching or research
- 02 Private industry
- 03 State/local government
- 04 Federal government
- 05 Member of the military
- 06 Unemployed
- 07 Current USDA employee
- 08 Other: _____

2. Which of the following describes your veteran preference status? *(Check one.)*

- | | |
|---|--|
| <input type="checkbox"/> 01 None | <input type="checkbox"/> 04 10 point compensable |
| <input type="checkbox"/> 02 5 point | <input type="checkbox"/> 05 10 point other |
| <input type="checkbox"/> 03 10 point disability | <input type="checkbox"/> 06 10 point/30% compensable |

3. Which of the following describes your race/national origin? *(Check one.)*

- A American Indian/Alaskan Native
- B Asian or Pacific Islander
- C Black, not of Hispanic origin
- D Hispanic
- E White, not of Hispanic Origin
- Y Not Hispanic, Puerto Rico
- Q All Other Asian or Pacific Islander in Hawaii

4. Which of the following best describes your disability status? *(Select all that apply.)*

- | | |
|---|---|
| <input type="checkbox"/> 01 No disability | <input type="checkbox"/> 06 Complete paralysis |
| <input type="checkbox"/> 02 Hearing impairment | <input type="checkbox"/> 07 Convulsive disorder |
| <input type="checkbox"/> 03 Vision impairment | <input type="checkbox"/> 08 Mental retardation |
| <input type="checkbox"/> 04 Missing extremities | <input type="checkbox"/> 09 Mental or emotional illness |
| <input type="checkbox"/> 05 Partial paralysis | <input type="checkbox"/> 10 Severe distortion of limbs and/or spine |
| | <input type="checkbox"/> 11 I have a disability not listed |

5. Are you: *(Check one.)* Male Female

THANK YOU FOR FILLING OUT THIS FORM.

Public reporting burden for this collection of information is estimated to average 1 minute per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB# 0505 - 0009), Washington, D.C. 20503.

THE DEPARTMENT OF AGRICULTURE IS AN EQUAL OPPORTUNITY EMPLOYER

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

METHODS OF LOCATING CANDIDATES AND OBTAINING APPLICATIONS

[Amplifies on OPM Requirement 2]

A. LOCATING CANDIDATES

1. Vacancy Announcements.

- a. Agencies may use Form AD-411, Vacancy Announcement, or an alternative means to post vacancies. At a minimum, a vacancy announcement must contain the following information:
- (1) name of Agency and announcement number;
 - (2) position title, series and grade (plus number of positions, if filling more than one position);
 - (3) promotion potential, if any;
 - (4) location of position;
 - (5) area of consideration, and grade levels being considered;
 - (6) opening and closing dates. Applications will be considered filed on the closing date if they are received by the close of business on that date or if they bear a U.S. postmark for that day. Also include any other information on the acceptable means of transmitting application materials;
 - (7) statement of duties and qualifications requirements, including a statement that candidates will be considered who will be qualified within 30 days of the closing date of the announcement;
 - (8) criteria, including **knowledge**, **skills**, and **abilities** or **work behaviors**, on which employees will be evaluated (this will enable agencies to give potential applicants precise information on how they will be evaluated);
 - (9) if a supervisory or managerial position, indicate that person must serve a probationary period if they have not held a supervisory position in the past;
 - (10) address, phone number, and contact person (if applicable) for making application;
 - (11) Equal Employment Opportunity Statement (Candidates will be considered without discrimination for any nonmerit reasons, such as, race, religion, sex, national origin, marital status, politics, disability, age, or membership or nonmembership in an employee organization);
 - (12) a statement of a decision by an Agency **not** to incur relocation expenses if a candidate is selected for an assignment involving a change in duty station.
 - (13) a statement that submitted materials will not be considered if a KSA or work behavior description is more than 2 pages single spaced or if the material is not requested (such as position descriptions); and

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

- (14) a statement on what material must be submitted, the acceptable form of the material (resumes vs. SF-171's, Agency forms for KSA's, etc.) and the acceptable means of transmitting material.
- b. When extending consideration for ***promotion*** Departmentwide, or to all available sources,
- Agencies must put the vacancy in the USDA Recruitment Bulletin. The following procedures apply to using the Bulletin:
- (1) Agencies must submit their announcement information to the Office of Personnel by electronic mail. There are several alternative methods for doing this. A users' guide has been issued to Agencies explaining each method. Whatever method is employed, the period for submitting vacancy information is from Wednesday afternoon through the following Tuesday afternoon. Vacancies not received in this time frame will not be included in the next USDA Recruitment Bulletin.
- (2) Vacancies will open on the Monday following the submission deadline. The Bulletin establishes no closing date so Agencies must place a date in the "Closing Date" block of the electronic form.
- (3) Agencies must assume responsibility for adding, deleting, or correcting addresses on the Automated Mailing List (AML) for the USDA Recruitment Bulletin and insuring that local copies of the Bulletin are distributed on a timely basis. Agencies must submit appropriate forms for additions, deletions, or corrections to the Office of Operations. Copies of these forms are to be sent to the Job Information Center, Office of Personnel. Agencies' field offices should request changes to the AML through their Agency Headquarters Personnel Office. In constructing their mailing lists, Agencies are reminded of their responsibility to include organizations that will aid them in meeting their affirmative action goals.
- c. In addition to using the Department's recruitment bulletin, Agencies are free to use other mechanisms (e.g., the Federal Job Opportunity Listing) for distributing vacancy information as long as each mechanism ensures applicants receive all the required information.
- d. When advertising a position at multi-grades, the announcement should require candidates to specify the lowest grade they will accept.

2. Skills Files.

- a. Agency provides information from official records.
- (1) The files must be maintained on a complete, accurate and up-to-date basis.
- (2) The office maintaining the files carries the responsibility for showing they provide the information necessary to make selection decisions.
- (3) Such files are limited to those Agency employees who are entitled to consideration under Requirement 2 of the Plan.
- b. Employee provides information.
- (1) Such files are, in effect, applicant supply files for ***promotion***.

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

(2) The office maintaining the files bears the responsibility for showing that updated information is filed accurately and on a timely basis. Agency Supplements will cover the timeliness issue if this option is used.

c. Some combination of a. and b. where the responsibilities of each party are made clear.

3. Identifying Absent Employees Who Are Entitled to Consideration.

Any method which ensures entitled employees have the opportunity for ***promotion*** consideration may be adopted provided:

a. It affords employee's a reasonable amount of time to file any documents they are required to submit; and

b. It identifies who is responsible to take what action.

This matter will be addressed either in the Agency Supplement or in a memorandum of agreement with the affected employee.

B. OBTAINING APPLICATIONS

The Office of Personnel does not set policy or interpret laws which govern the means by which Agencies may accept applications for internal placement purposes. The Office of Operations and the Office of Information Management advise that Agency management is free to set its own rules on using any equipment, software packages, communications lines or mails of the Federal Government provided they are consistent with published Departmental policies and Federal laws on such matters. In some instances, these determinations may be dependent on a finding that the proposed use is in the interest of the Federal Government. Each Agency is responsible for making and defending its policies on application preparation and acceptance. Whatever decisions are made, the policy on acceptable means of transmitting applications must be clearly stated in the vacancy announcement.

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

MERIT PROMOTION PANEL MEMBERS' AND FACILITATOR'S GUIDE
[Amplifies on OPM Requirement 3]

A. INTRODUCTION

This Attachment serves as a guide and checklist for panel members and personnelists, and others serving as facilitator for a panel. It includes information on the role of panel members and the role of the facilitator. It applies both to the standard and any Agency-developed simplified evaluation method.

B. PANEL FACILITATOR

1. Selection of the facilitator.

Only a person fully trained in personnel staffing and capable of exercising good judgment should be used in this capacity. The panel facilitator serves as the panel's technical advisor on all matters relating to the merit promotion process and other personnel questions which arise during the panel's deliberations. As such, the facilitator is responsible for the integrity of the evaluation process.

2. Specific duties of the facilitator include:

- a. being familiar with Agency and Department Merit Promotion Plans;
- b. assuring that panel members are subject-matter experts and capable of objectively evaluating candidates;
- c. briefing panel members on the position to be filled, the rating process, and their responsibilities;
- d. reminding panel members to consider only the information presented by the applicant or other authorized source (using personal knowledge is inappropriate and such knowledge may not be shared);
- e. taking immediate corrective action where panel deliberations are subjective and improper;
- f. being available during the process to respond to questions and concerns by the panel members and follow up to obtain additional clarifying information, as appropriate;
- g. stressing to the panel members the need for confidentiality of the rating material and panel deliberations unless there is an official investigation;
- h. providing the information needed to prepare a list of the **best qualified candidates** for referral to the selecting official;
- i. being prepared to respond to the queries of nonselected candidates about the process. (See DPM 335, Appendix B, Section V); and
- j. ensuring that proper procedures have been followed.

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

C. MERIT PROMOTION PANEL MEMBERS

The evaluation of candidates is a difficult and demanding segment of the merit promotion process. It requires panel members who are capable of a high degree of objectivity and able to do a comprehensive assessment of the information about each candidate as it relates to the job to be filled. As both the careers of the candidates and the needs of the service are involved, nothing less than the best job a panel member can do is expected. Persons selected to serve as panel members should be at or above the grade level of the position being filled.

Merit *Promotion Panel* members must:

1. be subject matter experts and familiar with the Merit Promotion Plan and Agency Supplement;
2. become familiar with the case by reviewing the vacancy announcement (if applicable), position description, and evaluation criteria prior to evaluating candidates. At this point, panel members raise questions with the panel facilitator concerning any information that appears to be confusing or unclear. Questions may be raised before as well as during the evaluation process;
3. have a clear understanding of the rating and ranking process;
4. consider only the information on candidates that is presented, e.g., application, supplemental qualifications questionnaires, performance appraisals, incentive awards, etc. Personal knowledge about a candidate must not be used or discussed in the rating process;
5. decline further participation if panel member believes personal knowledge of candidate will preclude him/her from making objective/accurate assessment of candidate's abilities;
6. review all work experience, training, awards, latest appraisals, etc., in the application package in comparing candidate's qualifications against the evaluation criteria and arrive at a rating level for each criterion;
7. if consensus rating is being used, have open discussions with other panel members to resolve major differences in the rating of candidates and come to an agreement on the score which will indicate those to be certified as **best qualified**; and,
8. document decisions by completing and affixing signature and date on appropriate rating forms.

Appendix C of this DPM Chapter also discusses the use of subject matter experts.

D. CONFIDENTIALITY

The proceedings of a merit promotion panel are to be considered as confidential. Anyone divulging information about these proceedings, except as required in the course of official business, will be subject to disciplinary action.

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

ISSUANCE AND USE OF SELECTION CERTIFICATES

[Amplifies on OPM Requirement 41]

A. ISSUANCE

These rules should be followed in issuing *selection certificates* alone or in combination with referrals of other candidates:

1. The names of all **best qualified candidates** are transmitted alphabetically (or in some random order) to the selecting official on an appropriate Agency form.
2. The applicant material used by the panel to determine the best qualified are to be attached. Selecting officials should not be given the AD-735, "Evaluation of Candidates."
3. Candidates from separate sources should be clearly identified; i.e., lateral noncompeting candidates, **reinstatement** eligibles, **best qualified candidates**, VRA eligibles, etc.
4. If the position was advertised at more than one grade, different certificates should be issued for each grade or candidates grouped separately by grade on the same certificate. In any event, it should be clear to the selecting official the grade level for which the candidates are to be selected.

B. USE

While a selecting official is not required to make a selection from the certificate, it is improper to return a certificate unused simply in order to obtain another certificate at a later date. Selecting officials should be asked to document the reasons for not using a certificate, as a means of.

1. assessing the ability of the promotion process to supply high quality candidates and whether any corrective action is possible; and
2. identifying any patterns of abuse, including any violation of equal opportunity principles.

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

BEHAVIORAL EVENT INTERVIEWING (BEI)
[Amplifies on OPM Requirement 4]

Behavioral event interviewing is a technique used to obtain information about KSA's that other means of assessment cannot adequately provide or where qualitative information from other sources needs to be substantiated. Information is extracted by having each best qualified candidate interviewed by a panel using a structured interview process. During the interviews, candidates illustrate their competencies by describing their behavior in significant events. The BEI process is predicated on the belief that the best predictor of future behavior is past behavior.

Use of the BEI is most likely to improve the reliability of the selection process when filling higher level management positions. However, as with any such process, the design and conduct of the interview process will determine its value.

Properly used, the BEI can give the selecting official a better picture of the relative strengths and weaknesses of the best qualified candidates, and, thus, address the question of relative "job fit." As a result, it should improve the reliability of the selections. The BEI is not designed or intended to rerate, rerank or pare the candidates on the Best Qualified list. The information provided to the selecting official may have the effect of eliminating from further consideration some candidates, but this is a result of the selecting official's weighing the information provided rather than a direct result of the process itself. Selecting officials need not conduct the interviews, but they need to be provided with the results on all candidates to ensure full and proper consideration.

A behavioral event interview has the following characteristics:

- * Using a structured process.
- * During the interview, the candidate demonstrates his/her competencies by describing their behavior in significant events.
- * Trained interviewers conduct the sessions.
- * Judging and recording whether the interview confirms possession of a KSA or performance of a task.
- * Recording any information needed to support the judgment of an interviewer or composite report from a panel.

Agencies interested in using this process are encouraged to contact the Office of Personnel for further information on what is involved in conducting these kinds of interviews.

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

DEFINITION OF TERMS

Definitions from the Federal Personnel Manual (FPM) are in quotation marks. Terms defined in this section are not highlighted when used in other definitions.

1. Ability - "a present competence to perform an observable behavior or a behavior which results in an observable product."
2. Adverse Impact - "a substantially different rate of selection in hiring, promotion or other employment decision which works to the disadvantage of members of a race, sex or ethnic group."
3. Agency - when not included in a quoted definition, is a major organizational segment of the Department, such as the Office of Personnel, Rural Electrification Administration, etc. When included in a quoted definition, it is a federal agency such as the Department of Agriculture.
4. Area of consideration - "...is the area in which the agency makes an intensive search for eligible candidates in a specific promotion action. The minimum area of consideration is the area designated by the promotion plan in which the agency should reasonably expect to locate enough high quality candidates, as determined by the agency, to fill vacancies in the positions covered by the plan.

(When

the minimum area of consideration produces enough high quality candidates and the agency does not

find it necessary to make a broader search, the minimum area of consideration and the area of consideration are the same.)" [Note: The FPM uses the term agency to mean Federal agency or department; e.g., the Department of Agriculture.]

5. Best qualified candidates - "...are measured against other candidates. They are qualified candidates who rank at the top when compared with other eligible candidates for promotion. A reasonable number of the best qualified are referred for selection."
6. Career Ladder - the range of grades in an occupational series or specialization within an organization which represents the levels at which **all** employees are given grade building experience and to which they may be noncompetitively promoted. There must be enough work classifiable at the highest grade so that there is a reasonable expectation that all employees in the given organization and occupational series or specialization can progress to that grade.
7. Crediting Plan - a plan which measures each qualified candidate's degree of proficiency against each of the evaluation criteria identified for the vacancy. Candidates are given a score representing how well (s)he measures against each criterion and the scores are then combined and the best qualified identified according to some stated methodology. Rating schedules are a part of the crediting plan.
8. Demotion - "is the change of an employee to a lower grade when both the old and new positions are under the General Schedule, or under the same wage grade schedule, or to a position with a lower rate of basic pay when both the old and new positions are under the same type ungraded schedule or in different pay-method categories." [Note: the General Schedule means GS, GM or any similar schedule.]
9. Job Analysis - "a detailed statement of work behaviors and other information relevant to the job."
10. Knowledge - "a body of information applied directly to the performance of a function."
11. Position change - "is a promotion, demotion, or reassignment made during an employee's continuous

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

service within the same agency. A position change by any of these methods may also involve a change of official headquarters or post of duty within the agency."

12. Priority consideration - A one-time special consideration given to an employee as a remedy for action taken under competitive merit promotion procedures in which the aggrieved employee was not given proper consideration.

13. Promotion - "a change of an employee while serving continuously within the same agency to a higher grade when both the old and new positions are under the General Schedule or under the same type graded wage schedule; or to a position with a higher rate of pay when the old and the new positions are under the same type ungraded wage schedule or in different pay-method categories." [Note: the General Schedule means GS, GM or any similar schedule.]

14. Promotion panel - is a permanent or ad hoc committee, composed of subject matter experts and a facilitator, established to evaluate, compare, and rank applicants for a position.

15. Qualified candidates - "...are those who meet established qualifications requirements for the position."

16. Rating schedule - a scaled set of training, education and experience examples used to assign point values to those portions of the applicant's background that demonstrate possession of the work behavior, knowledge, skill or ability (KSA) being measured.

17. Reassignment - "means the change of an employee, while serving continuously within the same agency, from one position to another without promotion or demotion."

18. Reinstatement - "means the non-competitive reemployment for service as a career or career-conditional employee of a person formerly employed in the competitive service or a former employee who had competitive status or was serving probation when (s)he (sic) was separated from the service."

19. Selective factors - "are knowledges, skills, or abilities essential for satisfactory performance on the job and represent an addition to the basic standard for a position." [See FPM Chapter 332 and Handbook X-118 for more information on selective factors.]

20. Selection certificate - a roster containing the names of the best qualified candidates (in alphabetical order) from which selections for promotions may be made.

21. Selection procedure - "any measure, combination of measures, or procedures used as a basis for any employment decision. Selection procedures include the full range of assessment techniques from traditional paper and pencil tests, performance tests, training programs, or probationary periods and physical, educational, and work experience requirements through informal or casual interviews and unscored application forms."

22. Skill - "A present, observable competence to perform a learned psychomotor act." This means the competence is observable and measurable. An illustration of the difference between an ability and a skill is a person may have the ability to type but the skill to type at 60 wpm.

23. Term promotion - a promotion that is in excess of 2 years but not more than 4 years to complete a designated project or assignment or as part of a designated rotational system for a definite period. [See DPM Chapter 981 for the conditions under which a term promotion may be made and extended.]

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX B - DEPARTMENT MERIT PROMOTION PLAN

24. Transfer - "a change of an employee, without a break in service of one full workday, from a position in one agency to a position in another agency." [Note: agency, as used here, means Federal agency or Department or other independent establishment.]

25. Well-qualified - "suggests a candidate who is clearly capable of performing in a superior manner."

26. Work behavior - "an activity performed to achieve the objectives of the job. Work behaviors involve observable (physical) components and unobservable (mental) components. A work behavior consists of the performance of one or more tasks. Knowledges, skills and abilities are not behaviors, although they may be applied in work behaviors."

27. Validation - a concept which ... "involves the establishment of the relationship between a test instrument or other selection procedure and performance on the job."

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX C - DEVELOPING EVALUATION CRITERIA FOR MERIT PROMOTION

A. INTRODUCTION

In developing evaluation criteria for use in merit promotion actions, Agencies must fulfill both Merit System principles and the requirements of the Uniform Guidelines on Employee Selection Procedures. This Appendix contains a brief discussion of the Guidelines as they apply to the merit promotion process and provides guidance for evaluating candidates.

B. THE UNIFORM GUIDELINES - GENERAL

The Uniform Guidelines on Employee Selection procedures (FPM Supplement 335-1, Appendix A) are a set of principles to assist employers in making employment decisions that comply with equal employment opportunity requirements of Federal law with respect to race, color, religion, sex, and national origin. They are designed to provide a framework for determining the proper use of tests and other selection procedures consistent with equal opportunity requirements. According to the Uniform Guidelines, a selection procedure that has an **adverse impact** on the employment opportunities of a race, sex, or ethnic group is unlawfully discriminatory unless the selection procedure can be justified on grounds of business necessity and it is properly validated. While the Uniform Guidelines do not require **validation** studies for selection procedures that produce no **adverse impact**, OPM requires that evaluation methods be consistent with the instructions in FPM Supplement 335-1 (which in turn is designed to be consistent with the standards established by the Guidelines).

C. VALIDATION PROCESSES

Selection procedures can be supported by three different validation strategies or some combination of them. Those wanting to learn more about these strategies should consult the Guidelines. Depending on the evaluation methodologies employed, any one of these strategies might be used to defend a selection procedure when the existence of **adverse impact** makes validation necessary. The Office of Personnel Management's own guidance in FPM Supplement 335-1 is largely based on the strategy of content validity. Similarly, the Department's Merit Promotion Plan is patterned after collecting the data necessary to support a content **validation** study. The reasons for this choice are that validating **selection procedures** on the basis of a job's content is the least expensive and easiest method to employ.

D. CONTENT VALIDITY

Content validity demonstrates that the content of a selection procedure is a representative sample of important aspects of job performance. Content validity can justify selection procedures which measure work behaviors and knowledges, skills and abilities when they can be directly linked to successful job performance. Content validity cannot, however, support selections/procedures which rely on inference about mental processes or measure traits and constructs (e.g., intelligence, aptitude, personality, common sense, judgment and leadership). [See FPM 335-1, Appendix A-6 and A-37.]

E. DOCUMENTATION REQUIRED FOR CONTENT VALIDATION

To support a content validation study, Agency files need to contain the information outlined in FPM Supplement 335-1, Appendix A, Section 15.

APPENDIX C - DEVELOPING EVALUATION CRITERIA FOR MERIT PROMOTION

F. EVALUATING CANDIDATES

1. Evaluation Tools.

These tools include, but are not limited to, the following:

- a. Resumes or Applications for Federal Employment (SF-171)
- b. Performance appraisals
- c. Position description for the vacancy
- d. Supplemental qualification questionnaire (or statements that address criteria of the job) supplied by candidates and/or their supervisors
- e. If applicable, the Qualification Analysis and Assessment of Potential for Supervisory Positions form (designed to facilitate the recording of judgments relating to a candidate's potential for success in supervisory positions)
- f. *Crediting plans*
- g. Interviews of applicants and their supervisors

2. Rating Schedules.

Appendix E of this Chapter, provides detailed guidance on one method of job analysis and the construction of *rating schedules*. What follows is a broader consideration of what a *rating schedule* is, considerations in its development and how to use it.

- a. The *rating schedule* provides the basis for:
 - (1) Evaluating basically qualified applicants to determine various degrees to which applicants have demonstrated a **work behavior** or possession of a KSA for the position, and
 - (2) Assigning values to each of the applicants as a means of identifying those who are **best qualified**.
- b. Numbers will be used in the *rating schedule*.
- c. The following standard rating scale will be used:

90 - Superior
80 - Fully Acceptable
70 - Minimally Acceptable
0 - No credit
- d. How many rating scale levels for which illustrations are to be provided involves the following considerations:
 - (1) The expected number of applicants and their closeness in qualifications;
 - (2) Whether the rating element lends itself to making significant distinctions;
 - (3) The number of rating levels which can be described in terms of different qualities if experience; and,
 - (4) Whether quality factors are useful in identifying those who are more likely to perform successfully or superior to other candidates within the same level.

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX C - DEVELOPING EVALUATION CRITERIA FOR MERIT PROMOTION

At least one rating level must be illustrated but all levels do not have to be used. If only one level is illustrated, it must be either the 70 or 80 level. Illustrating only the 70 level is permissible when the element does not lend itself to other levels of illustration and it is the

only level (other than 0) to be used. If the 80 level is illustrated, all the other levels may be used in the rating process provided there is some basis for determining when no credit is to be assigned (e.g., the qualification standard). In any event, no more than one rating level (above or below) may be extrapolated from an illustrated level. As in OPM examining practices, intra-level criteria may also be developed.

- e. When the illustrative level definitions are developed is a matter of Agency practice. For example, the illustrations may be developed by the rating panel prior to their evaluation of the candidates or by the servicing personnel office prior to the panel meeting.

3. Evaluation Process.

The evaluation process (assigning ratings to individual candidates) requires following the principle

of equal treatment. This means using the same sources of information, the same kinds of information and applying the *rating schedule* in the same manner to all candidates. Standard instructions should be provided to all evaluation panel members. If the panel members meet together, it is desirable a discussion of the *rating schedule* take place where questions can be answered and agreement on the meaning of different elements can be accomplished.

If interviewing of candidates is part of the rating process, there are special considerations which must be addressed. Exhibit I briefly discusses a situation where interviews are used in the promotion process.

Subject Matter Experts

A subject matter expert is someone who has an in-depth knowledge of a position, including how it operates and what it takes to do the job well. A subject matter expert does not have to be employed in the occupational group of the job being filled. In determining who and how many subject matter experts should accomplish the rating, the following factors should be considered:

- a. Technical expertise required to evaluate the candidates;
- b. Location of the vacancy in the organization;
- c. Frequency of ***promotion*** opportunities of this type occurring; and,
- d. Cost-benefit issues, including the number of candidates to be rated.

Rating Sessions

The task of rating can follow a variety of approaches. Two illustrations are:

- a. Panel members meet together, discuss how each candidate meets the rating criteria and arrive at a consensus. Only one set of ratings on each element then needs to be combined to produce an overall rating.

APPENDIX C - DEVELOPING EVALUATION CRITERIA FOR MERIT PROMOTION

- b. Following a conference call which establishes the illustrations to be used in the *rating schedules*, panel members do their candidate ratings independently with the final rating for each candidate being a composite or average of the individual ratings.

Rating Methods

While rating sessions normally involve assigning numerical ratings using a *rating schedule*, when only a few candidates need to be rated, a simplified method may be employed. An example of such a method is as follows:

- a. The criteria for those candidates who will be determined to be **well-qualified** is established. For example, those candidates who at least have fully successful performance ratings and whose possession of the KSA's clearly meets the acceptable level for all of the rating elements and exceeds the acceptable level on at least one of the rating elements.
- b. Someone is identified to perform the facilitator role.
- c. A member of the personnel office evaluates the candidates to determine basic qualifications and also identifies those who meet the **well-qualified** criteria.
- d. If the personnel office representative cannot determine whether the experience, education, or training relates to the evaluation criteria, (s)he obtains technical advice from someone who is more knowledgeable about the occupational field of the job. When this is done, the record should reflect the basis of any decisions made.

Agencies should note that the Federal Personnel Manual allows **best qualified** candidates to be less than **well-qualified**, but it sets a higher standard for the certification of candidates resulting from the use of a simplified method.

4. Identifying the Best Qualified.

Based on the definition of who are the **best qualified** candidates, the job of the panel (following the application of the *crediting plan*) is to determine where meaningful differences in the quality level of the candidates become apparent. This is not always an easy task. Whatever the basis chosen for making the distinction, it involves the use of judgment. That judgment should be based

on the requirements of the job, which factors and at what level they are most likely to significantly affect the quality of the work, and the rating scale being employed.

While use of arbitrary factors to identify the **best qualified** is sometimes permissible, the use of such factors should clearly be a last resort. Usually, the problem of not being able to distinguish well between candidates can be resolved by reviewing the *rating schedule* to see if it has been applied properly and then conducting another rating session. Sometimes it is even necessary to have those that developed the schedule revise it, such as when it is discovered the job analysis was inadequate or the rating scale examples were not well-developed. There are times, however, where the best efforts result in closely grouped candidates. Even where a number of candidates are sequentially only one point apart, it may be possible to determine a place at which it is no longer logical to say the candidates (as a group) continue to be essentially at the same level of qualifications. Because of the possibility that factors essential to the job may not distinguish well between candidates, the use of a quality ranking factor at this point may be desirable. In order to do this, however, the applicants must have had an opportunity to provide information about the factor.

CHAPTER 335 - PROMOTION AND INTERNAL PLACEMENT

APPENDIX C - DEVELOPING EVALUATION CRITERIA FOR MERIT PROMOTION

5. Reducing the Number of Best Qualified to a Reasonable Number.

OPM recognizes that the number of **best qualified** may be too large a group to certify to a selecting official. [See FPM Supplement 335-1, Appendix B-11b(3).] Similar to the problem of identifying the **best qualified**, where there is difficulty in finding a meaningful break, the panel must do its best to resolve the problem another way. Reducing the number of **best qualified** candidates to be certified should be a last resort. Where other means have failed, the application of a job-related quality ranking factor may be the best solution.

Whatever the number of **best qualified** candidates, the Agency should be prepared to show that the number of candidates to be certified was based on some valid management-related need identified before the candidates were evaluated. Agencies should also keep in mind that improperly reducing the number of **best qualified** can be considered the prohibited use of a successive hurdle. [See FPM Supplement 335-1, S4-1a and Appendix B-2a.]

APPENDIX C - DEVELOPING EVALUATION CRITERIA FOR MERIT PROMOTION

INTERVIEWING AS A RATING TOOL

Nothing in the Uniform Guidelines or in OPM's guidance prevents agencies from using interviews exclusively, or in combination with other rating methods to rate and rank candidates for promotion. For example, the assessment center process may use interviews as one of its tools. Assessment centers, however, are time-consuming and costly ventures and, historically, other forms of interviewing produced low levels of validity.

More recently, another form of interviewing has made its way into the literature: the structured behavior interview. This method of rating candidates claims a high level of validity. Similar to the "Behavior Event Interview" discussed in Attachment 4 of Appendix B, the structured behavior interview is based on a job analysis. The differences appear to be the depth of the analysis, the structuring of the information from that analysis, the linkage made to performance elements of the job, and the development of questions which form the basis for a *rating schedule*.

As with the "Behavioral Event Interview", its main application is seen in identifying the best candidates for high level managerial positions. Because the technique requires the expenditure of significant resources, it is also best reserved for those situations where a limited number of candidates can be expected to apply or the criticality of the position to the organization's success makes the expenditure worthwhile.