

# 3 FAM 2310

## MERIT PROMOTION AND PLACEMENT PROGRAM

*(CT:PER-589; 08-09-2006)*  
*(Office of Origin: HR/CSP)*

### 3 FAM 2311 GENERAL

#### 3 FAM 2311.1 Authority

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- • [5 U.S.C. 2301](#), 3301, 3302, *3330*, 3361, 7106 and 552a(k)(6);
- • 5 CFR Part 315, Part 300, Part 335, 297.501.

#### 3 FAM 2311.2 Policy

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- To provide for an open, systematic and equitable assignment system that assures management that positions are filled with the best qualified individuals available and assures candidates that positions are filled according to merit factors that give appropriate consideration to Equal Employment Opportunity objectives. All standards used and judgments made in identification, evaluation, qualification or selection of candidates will be based solely on job related criteria. This excludes any consideration based on personal relationships, political patronage, or nepotism.
- Management has the right to determine the method by which vacant or newly established positions will be filled. *This* program is just one method available to management in filling vacant positions in the competitive service.

#### 3 FAM 2311.3 Position Coverage

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- The program applies to all competitive *service* positions in the general schedule, GS-1 through GS-15 or the wage grade equivalent. *Although there is no requirement to do so, excepted service positions may also be filled through the use of the Merit Promotion plan.*
- Separate provisions for positions in bargaining units may be negotiated with the exclusive representative for the Unit and will be contained in the contract for the Unit.

# 3 FAM 2312 APPLICABILITY OF COMPETITIVE PROCEDURES

## 3 FAM 2312.1 Competitive Procedures

*(CT:PER-340; 10-17-1997)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Competitive procedures apply to all promotions under [5 CFR 335.102](#) and to those positions detailed in [5 CFR 335.103\(c\)\(1\)](#).

## 3 FAM 2312.2 Exceptions to Competitive Promotion Procedures

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Exceptions to competitive procedures can be found in [5 CFR 335.103\(c\)\(2\)](#) and (3). *Based on the discretionary authority provided at [5 CFR 335.103\(c\)\(3\)](#), the Department excepts the actions listed under that section from competitive procedures.*

# 3 FAM 2313 PRIORITY PLACEMENT CONSIDERATION

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

When a position becomes vacant, certain candidates must be given priority consideration *or special selection priority when they are deemed to be well-qualified by the Department for the specific position. This consideration must be given* before any other efforts are made to fill the position. They are:

- (1) Displaced employees (e.g., individuals whose positions have been abolished) as defined by [5 CFR 330.604](#) (Career Transition Assistance Plan (CTAP) eligible);*
- (2) Displaced employees, as defined by [5 CFR 330.703](#), who were involuntarily separated (not for cause) from a Federal agency (e.g., reduction-in-force). (Interagency Career Transition Assistance Plan (ICTAP) eligible); and*
- (3) Individuals who have not received proper consideration under Merit Promotion rules due to an administrative error. These individuals must receive one consideration for the next appropriate position announced under competitive procedures. Priority consideration may be to any equivalent job within the Department (same grade, same promotion potential, and same tenure as the position for which the individual lost consideration.) An individual eligible for priority consideration must be well-qualified for the position offered and the position may be in any geographic area that the eligible deems acceptable.*

## 3 FAM 2314 APPLICANT ELIGIBILITY

### 3 FAM 2314.1 Eligibility

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. *The following are eligible to be considered through Merit Promotion procedures, subject to the Area of Consideration as defined in [3 FAM 2314.2](#):*
- (1) Applicants on career or career-conditional appointments, provided they have completed the 90 days time-after-competitive appointment requirement;*
  - (2) Applicants on temporary **or other non-status appointments who have reinstatement or non-competitive appointment eligibility (e.g., certain Peace Corps volunteers, disabled veterans, handicapped, Veterans' Recruitment Appointments (VRA), eligible family members covered by 5 CFR 315).***
  - (3) Applicants with reinstatement eligibility; and*
  - (4) Applicants on Excepted Service appointments to the extent permitted by their appointment (e.g., tenured Foreign Service Officers (FSO)), refer to 5 CFR 315*
- b. *No applicants or employees may receive a promotion unless the most recent rating of record for their current position under 5 CFR 430 is "fully successful" or an equivalent level or higher.*

### 3 FAM 2314.2 Area of Consideration

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

An adequate area of consideration must provide the selecting official a choice from among a reasonable number of well-qualified candidates.

#### 3 FAM 2314.2-1 Department of State

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The area of consideration may be limited to Department of State employees agency-wide when the Department expects to locate enough highly qualified candidates from within the agency.

#### 3 FAM 2314.2-2 Field Offices

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The area of consideration for field office positions may be limited to the commuting area

of the specific field *office*.

### **3 FAM 2314.2-3 Bureau Only**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The area of consideration may be limited to an individual bureau when there are sufficient qualified candidates from which to *select and special circumstances exist such as a reorganization, reduction-in-force (RIF) or employment ceiling overage*.

### **3 FAM 2314.2-4 Outside Candidates**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The area of consideration for positions open to candidates outside the Department of State *that apply through the merit promotion process may include all status candidates, eligible veterans* and those with noncompetitive eligibility for appointments to the competitive service.

## **3 FAM 2315 APPLICATION FOR VACANCIES**

### **3 FAM 2315.1 Application Materials**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

*All applicants must submit the application material requested in the specific vacancy announcement that may include:*

- (1) A resume;*
- (2) Response to manual or automated assessment instrument;*
- (3) Transcripts;*
- (4) Performance appraisal; and*
- (5) Any documentation verifying competitive status or eligibility to be hired under a special appointing authority.*

### **3 FAM 2315.2 Application Deadline**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

*All application materials must be received by the closing date of the announcement. All Department of State vacancy announcements will provide information on submission of*

*application materials. No application material will be accepted beyond the closing date of the announcement.*

## **3 FAM 2316 CERTIFICATION, SELECTION, RECORD MAINTENANCE**

### **3 FAM 2316.1 Evaluation of Candidates**

#### **3 FAM 2316.1-1 Minimum Qualification Requirements**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. To be eligible for promotion or placement, all applicants must meet by the closing date of the announcement, the minimum qualification standards, including quality of experience, as prescribed in the [Office of Personnel Management](#) (OPM) Handbook - Qualification Standards for Positions Under the General Schedule (GS), or OPM Handbook - Job Qualification System for Trades and Labor Occupations, and selective placement factors for the position to be filled.*
- b. All applicants must meet regulatory time-in-grade and time-after-competitive appointment requirements by the closing date of the announcement.*

### **3 FAM 2316.2 Certificates of Eligibles**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

*Certificates will be valid for the time frame specified in the instructions accompanying each certificate. Certificates will be canceled if not acted upon within the allotted time frame. Extensions generally will not be granted.*

#### **3 FAM 2316.2-1 Merit Promotion Certificates**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. The number of candidates to be referred to the selecting official will vary and will be determined by such factors as:
  - (1) The scores of the candidates;*
  - (2) The break points or gaps between scores; and*
  - (3) The number of positions to be filled and the rating method used (e.g., category rating, manual versus an automated assessment process).**
- b. The best-qualified candidates will be listed on the Merit Promotion Certificate in alphabetical order.*

### **3 FAM 2316.2-2 Certification of Non-Competitive Eligibles**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

*Candidates who have acquired non-competitive eligibility due to a specific appointing authority, and current employees in the competitive service applying for a position having promotion potential no higher than the position they currently hold or previously held on a permanent basis who meet minimum qualifications requirements and any selective placement factors, will be referred in alphabetical order on a separate non-competitive certificate of eligibles.*

### **3 FAM 2316.3 Selection and Release**

#### **3 FAM 2316.3-1 Interviewing**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Selecting officials will have the option of interviewing all, any or none of the candidates referred. All certificates issued will include written guidance instructing the selection official of their responsibilities concerning the interview and selection process.*
- b. For positions covered by a bargaining unit, the applicable union agreement shall take precedence.*

#### **3 FAM 2316.3-2 Selection**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. The selecting official has the right to select or not select any candidate referred on the promotion certificate or non-competitive list. The selecting official is required to provide written justification if no selection is made when it is the selecting official's intent to re-advertise the position within 30 calendar days after the non-selection.*
- b. No selection commitment will be made to any candidate by a selecting official. Commitments will only be made by the servicing human resources (HR) office after all necessary approvals and clearances have been obtained.*

#### **3 FAM 2316.3-3 Release for Placement**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Upon receiving a written notification of a selection decision, the office which issued the certificate of eligible's will take appropriate action to arrange a release date with the losing bureau or agency.*

- b. *For all Department of State employees selected for promotion under this program, the release date will be at the end of the first full pay period following the date the release is requested. For reassignments, if a mutual date cannot be agreed upon between the losing and gaining bureau, the release date as stated above stands.*
- c. *All placements are subject to security clearance requirements.*

### **3 FAM 2316.3-4 Training and Probationary Period for New Supervisors**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

*All persons newly selected for first-level supervisory positions will receive supervisory and equal employment opportunity (EEO) training immediately after entering on duty in their new position, or as soon as possible thereafter. All persons selected who have not previously served as a supervisor or manager for a period of one year will be required to complete a probationary period.*

### **3 FAM 2316.3-5 Notification of Selection**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

*The servicing HR office will notify the Selectee and non-Selectee of the final results of the selection process*

### **3 FAM 2316.3-6 Travel and Relocation Expenses**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

*Travel and relocation expenses will be paid only when it is in the best interest of the Department to have an individual relocated from one official duty station to another. A determination to pay these expenses must be made prior to announcing the job and documented in accordance with [3 FAM 3190](#).*

### **3 FAM 2316.4 Information to Applicants**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. *The methods listed below will be used to keep employees and employee organizations informed about the Merit Promotion Plan and its operations:*
  - (1) *Department Notices and/or the Bureau of Human Resources website;*
  - (2) *Department publications such as, A Guide for New Civil Service Employees; or*
  - (3) *State Magazine.*

- b. The servicing HR office will provide to applicants upon request information on their qualifications and assessment for the position for which applied and any other information not covered by the Privacy Act.*

### **3 FAM 2316.5 Promotion and Placement Records**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Each servicing HR office must maintain a record of each promotion and placement action taken under this program. Appropriate supporting documentation must be sufficient to allow reconstruction of the action taken and reflect how the 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), provided the time limit for an agency grievance, complaint or appeal has also lapsed, or any proceedings related to the records have been closed.*
- b. The appropriate offices must maintain copies of the merit promotion and placement plans and published amendments thereto, covering all positions to which promotions and placements have been or are being made.*

### **3 FAM 2317 AGENCY REVIEW**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Periodically, the Bureau of HR will review the Merit Promotion and Placement Program to assure that changes in law or regulation are incorporated and issue a notice to employees outlining the key provisions, changes, and amendments of the Program.*
- b. The views of managers, supervisors, and representatives of labor organizations will be obtained when significant changes are made in this program. An individual, however, may submit recommendations for changes.*

### **3 FAM 2318 COMPLAINTS, GRIEVANCES AND APPEALS**

#### **3 FAM 2318.1 Grievances**

*(CT:PER-589; 08-09-2006)*

*(State only)*

*(Applies to Civil Service Employees Only)*

*Employees have the right to file a grievance on the application of the provisions of this subchapter. However, non-selection from among a group of properly rated and certified candidates is not an appropriate basis for a formal grievance. Any corrective action will be taken in accordance with 5 CFR 335 to rectify a violation of law, OPM regulations and procedures, and/or Department of State policies and procedures. The grievance*

*procedure for non-bargaining unit Civil Service (CS) employees is set forth in [3 FAM 4700](#). Grievances by CS employees represented by an exclusive representative must be filed using the negotiated grievance procedure established in the governing collective bargaining agreement. See [5 CFR 335.103\(d\)](#) and [3 FAM 4700](#), Grievances for further information.*

### **3 FAM 2318.2 Appeals**

*(CT:PER-589; 08-09-2006)*

*(State only)*

*(Applies to Civil Service Employees Only)*

*There is no right to appeal an action under this subchapter to the OPM. OPM may, however, conduct investigations of substantial violations of OPM requirements. (See [5 CFR 335.103 \(d\)](#)).*

### **3 FAM 2318.3 EEO Complaints**

*(CT:PER-589; 08-09-2006)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

*Employees may initiate a complaint under the EEO complaints process by consulting a designated EEO Counselor pursuant to 29 CFR Part 1614 and [3 FAM 1500](#), Equal Employment Opportunity.*

### **3 FAM 2319 UNASSIGNED**