



Chemical Safety and Hazard Investigation Board

SUBJECT: Merit Promotion Plan

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1. **PURPOSE.** This Order establishes, for the Chemical Safety and Hazard Investigation Board (CSB), procedures and requirements for a systematic means of recruitment and selection for promotion according to merit. The objectives of this plan are to provide information and guidance to management and employees and to ensure compliance with applicable regulations.
2. **EFFECTIVE DATE.** This Order is effective upon passage by the Board.
3. **SCOPE.** The provisions of this Order apply only to positions in the competitive service. This Order does not apply to positions in the excepted service, including attorney positions, or to positions within the Senior Executive Service.
4. **REFERENCES.** This Order implements the provisions of Chapter 33 of Title 5 of the United States Code and Parts 330 and 335 of Title 5 of the Code of Federal Regulations.
5. **POLICY.** It is the policy of the Board that the recruitment and selection for promotion of internal candidates (current CSB employees and employees transferring from other Federal agencies) for competitive service positions within the CSB shall be conducted in full compliance with merit principles.
6. **RESPONSIBILITIES.**
 - a. **CSB Board** – Oversees the implementation of the Merit Promotion Plan and approves changes to the Plan.
 - b. **Chairperson** – Implements the Merit Promotion Plan and ensures that the Plan complies with Title 5 of the Code of Federal Regulations. Administers the Plan equitably and in accordance with regulatory requirements.
 - c. **Human Resources Director**- Responsible for day-to-day administration of the merit selection process. Ensures that technical guidance and assistance are provided to managers, supervisors, and employees regarding the Plan. Acts as liaison with the CSB's servicing personnel office. Performs other specific duties as outlined in this plan and other duties required to ensure fair and equitable administration of the merit selection process. Evaluates the effectiveness of the Plan.
 - d. **CSB supervisors and managers** – Give fair consideration to all candidates referred. Make selections following merit principles. Preserve the confidentiality of candidates' records and qualifications. Release employees selected for promotion no later than the end of the first full pay period after the date of selection and qualifications and eligibility are met. Participate with HRD and CSB's servicing personnel office in developing job analysis and evaluation methods. Provide HRD with advance information on projected staffing requirements, anticipated losses, changes in duties, or other information that could lead to personnel actions.

- e. **CSB employees** – Apply for any announced vacancy for which they are interested and qualified by submitting application materials, following instructions specified in the vacancy announcement. Participate in interviews or other processes used to evaluate applicants’ knowledge, skills, and abilities.
- f. **Servicing Personnel Office**- A federal agency that provides personnel support services to the CSB through an interagency agreement.

7. **ACTIONS COVERED BY THIS PLAN.**

- a. Promotion, transfer, or reinstatement to a higher-graded position or a position with known promotion potential higher than a grade previously held under permanent appointment in the competitive service.
- b. Reassignment or demotion to a position with higher promotion potential than a position previously held on a permanent basis in the competitive service. Reduction-in-force regulations permit exceptions.
- c. Detail exceeding 120 days if the detail is to a higher graded position or to a position with higher promotion potential (all service during the preceding 12 months under non-competitive temporary promotion or detail to higher graded position(s) counts toward the 120 days).
- d. Temporary promotion which exceeds 120 days (all service during the preceding 12 months under non-competitive temporary promotion or details to higher graded position(s) counts toward the 120 days).
- e. Selection for training which is part of an authorized training agreement and is primarily for the purpose of preparing the employee for advancement or is required before an employee may be considered for promotion.

8. **EXCEPTIONS TO THIS PLAN.** This Plan does not apply to the following actions:

- a. Promotion of an incumbent when a position is reclassified to a higher grade when:
 - (1) the reclassification is the result of either the issuance of a new classification standard or the correction of a classification error;
 - (2) there are no significant changes in duties or responsibilities; and
 - (3) the incumbent meets the legal and qualification requirements of the higher grade.
- b. Position change permitted by reduction-in-force regulations.

- c. Promotion without current competition of an employee within a career ladder when:
 - (1) the original selection was made in accordance with competitive promotion procedures;
 - (2) the original selection was intended to prepare the employee for the position being filled; and
 - (3) the position's promotion potential was documented.
- d. Promotion of an incumbent when a position is reclassified to a higher grade due to assignment of additional duties and responsibilities when:
 - (1) the incumbent assumed higher level duties and responsibilities over a reasonable period of time;
 - (2) the incumbent performs the basic functions of the position at the former grade level as well as the higher level duties; and
 - (3) the supervisor certifies that the employee has (a) clearly demonstrated the ability to perform at the higher level, and (b) satisfactorily performed the additional duties over a reasonable period of time.
- e. Temporary promotion of 120 days or less (all service during the preceding 12 months under non-competitive temporary promotion or detail to higher grade counts toward the 120 days).
- f. Selection as a result of priority consideration (e.g., Reemployment Priority List, Repromotion Priority List).
- g. Repromotion, reinstatement, or transfer of an employee to a grade previously held on a permanent appointment in the competitive service. A prior change to lower grade must have been for other than deficiencies in performance or conduct reasons.
- h. Appointment, conversion, selection, or promotion made under special authorities or Office of Personnel Management (OPM) approved programs; e.g., Veterans' Readjustment Act (VRA) appointments, selections from re-employment priority lists, and appointments of disabled individuals, or those made otherwise eligible by a compensable injury.
- i. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having no greater promotion potential than the employee's current position.

9. **VACANCY ANNOUNCEMENTS.**

- a. Merit promotion vacancies will be advertised, with the following exceptions:
 - (1) When additional like vacancies occur prior to the close of an announcement or within 90 calendar days of the issue date of the Promotion Certificate.
 - (2) When a priority consideration candidate is selected.
- b. Vacancy announcements will be open for receipt of applications for a minimum period of five workdays.
- c. Applications for vacancy announcements must be postmarked by the closing date of the announcement.

10. **ANNOUNCEMENT CONTENT.**

- a. All Vacancy Announcements must include the following information:
 - (1) Announcement number.
 - (2) Opening and closing date.
 - (3) Area of consideration, including special hiring authorities (when applicable).
 - (4) Title, series, grade, pay range, and number of positions to be filled. The number of positions to be filled may be expressed as a specific number such as “one”, a range, such as “one to four”, or an indeterminate number such as “multiple” or “a maximum of two.”
 - (5) A statement explaining that the CSB may not select any candidates or fewer than the number announced.
 - (6) Organization and geographical location.
 - (7) Minimum qualifications required, including any selective factors.
 - (8) Description of the major duties of the position.
 - (9) Evaluation criteria to be used (knowledge, skills, and abilities necessary to perform the job successfully).
 - (10) Statement regarding evaluation methods to be used in the rating/ranking process.
 - (11) Promotion potential.

- (12) Application procedures.
- (13) Statement of equal employment opportunity principles.
- (14) Statement regarding reasonable accommodations for individuals with disabilities.
- (15) Statement concerning the position's sensitivity.
- (16) Special conditions of employment; e.g., shift work, frequent travel, special/unusual physical requirements, etc.
- (17) Supervisory/managerial probationary period statement, if applicable.
- (18) Financial disclosure or taxes check statement, if applicable.
- (19) Any other OPM requirements.

11. **NONSTANDARD ANNOUNCEMENTS.**

a. Rosters

- (1) Rosters may be used when management anticipates several vacancies for the same position (title, series, grade, and organizational location).
- (2) Individuals will be considered if they will meet the qualification requirements within six months after the closing date of the vacancy announcement. However, candidates cannot be referred as best qualified until they fully meet the qualification requirements, including time-in-grade.
- (3) The rating procedure is the same as for standard Vacancy Announcements.
- (4) Applicants may not submit new information after the closing date.
- (5) The resulting roster may be used to fill vacancies for up to six months after the closing date of the vacancy announcement.

b. "Open Continuous and Open Until Filled" Announcements

- (1) Vacancy Announcements for historically difficult to fill positions may be posted without a specific closing date. The widest area of consideration management identifies as practical to recruit a sufficient number of highly qualified applicants will be used.
- (2) Applications under this type of announcement will be reviewed in the order of receipt by a Human Resources (HR) Specialist at the CSB's servicing

personnel office to determine if minimum qualification and eligibility requirements are met.

- (3) The rating procedure is the same as for standard vacancy announcements except that ratings will occur when more than ten competitive qualified and eligible applications are received. As additional eligible applications are received they will be rated.
- (4) Upon receipt of a request for a personnel action either by the electronic 52 system or by electronic mail, all candidates determined qualified and eligible for referral will be referred as described in sections 16 and 17 of this Order. Applications that have not been assessed for qualifications and eligibility, nor rated (if applicable) at the time of receipt of the request, will not be eligible for consideration for the vacancy.
- (5) Applicants may submit new information until the Vacancy Announcement closes.
- (6) Individuals will be removed from consideration under the following conditions:
 - (a) when selected for the position covered by the open announcement;
 - (b) upon the applicant's request; or
 - (c) as specified in the vacancy announcement.

12. **AREAS OF CONSIDERATION.**

- a. Minimum area of consideration is the area from which the organization can reasonably expect to locate enough well qualified candidates to fill vacancies.
- b. Areas of consideration will be established giving attention to the extent to which coverage is sufficient to fill positions or grades for which under-representation has been identified.

13. **QUALIFICATION AND ELIGIBILITY REQUIREMENTS.**

- a. **Minimum qualifications** – individuals must meet the minimum qualification standards as prescribed by OPM and, when applicable, any selective factor identified in the announcement.
- b. **Eligibility** – individuals must meet time-in-grade, time after competitive appointment, citizenship, and other legal requirements.

- c. When applicable, selective factors will be developed by the subject matter experts working with an HR Specialist. A selective factor must be essential for successful performance of the duties in the position to be filled and cannot be readily acquired (normally within 90 days) after entry on duty. Written justification for use of a selective factor must be received prior to announcement of a vacancy and will become part of the merit promotion file.
- d. Qualification standards are available for review. On request, HR Specialists at the CSB's servicing personnel office will discuss with CSB supervisors and employees the standards applicable to any position.

14. EVALUATION CRITERIA.

- a. The rating and ranking process is designed to provide the selecting official with a reasonable number of well qualified candidates for each announced vacancy. If there are ten (10) or fewer qualified competitive merit promotion applicants, rating and ranking may not be performed. The determination to proceed to section 18 of the MPP without rating and ranking will be made by the CSB HRD in consultation with the Chairperson, the General Counsel and the CSB's servicing personnel office. If rating and ranking is not performed due to a small number of candidates, such candidates may be referred to the CSB in accordance with section 16.d. The criteria used to rate candidates will be based on a thorough job analysis by subject matter experts resulting in identification of job-related ranking factors. The ranking factors are documented and must provide the basis for considering and comparing candidates based on the knowledge, skills, and abilities needed to be successful in the position.
- b. The subject matter expert working with an HR Specialist assigns level definitions for each ranking factor identified. The resulting crediting plan becomes the means to evaluate the candidate's training, education, and experience (TRAEX).

15. RATING OFFICIAL/PANEL.

- a. The selecting official designates a rating official or members of a rating panel within the following guidelines:
 - (1) The selecting official may not serve as a rater.
 - (2) Each rater must be of a grade equal to or above that of the position being rated.
 - (3) Each rater should be familiar with the requirements of the position to be filled.
 - (4) A rater cannot be related by blood or marriage to any of the applicants.

- b. An HR Specialist from the CSB's HR service provider will provide the rating official(s)/panel with the necessary information to complete the process. This information will include:

- (1) Position description.
- (2) Rating guide.
- (3) Application or resume and attachments.
- (4) Vacancy announcement.
- (5) Written instructions describing the evaluation process.

16. EVALUATION OF CANDIDATES.

- a. An HR Specialist from the CSB's servicing personnel office will provide advice and guidance concerning the rating process.
- b. The rating official/panel reviews each candidate's application package and then evaluates and rates against the rating guide/crediting plan.
- c. The rating level assigned and the portion of the candidate's application package that substantiates the assigned rating level is documented on the rating sheet.
- d. If rating and ranking is not performed per section 14.a., the HR Specialist will compare each application with the rating guide. All applicants possessing a majority of the ranking factors will be referred to the CSB for consideration. If there are no well qualified candidates, and further expansion of the Area of Consideration is not practical, all qualified candidates may be referred to the CSB.

17. RANKING AND REFERRAL.

- a. After the rating official/panel has completed the evaluation of all candidates, a representative from the CSB's servicing personnel office will calculate the rating points based on the level assigned to each rating factor.
- b. A list of best qualified promotion candidates will be established by the HR Specialist based on the final rating points. Up to ten candidates may be certified to the selecting official for the first vacancy. One additional candidate will be referred for each additional vacancy. More than ten candidates may be certified for a vacancy if there is insignificant differentiation between the final scores of the candidates.

- c. The best qualified promotion candidates will be listed in alphabetical order on the Promotion Certificate. If a position was advertised at more than one grade level, all grade levels may be listed on one Promotion Certificate.

18. **SELECTION.**

- a. A vacancy can be filled by promotion, demotion, noncompetitive conversion, reassignment, transfer, reinstatement, or appointment from a register or other appropriate source of applicants. Applicants may be considered concurrently or consecutively from any or all recruitment sources. Subject to laws and regulations, the selecting official makes the final decision on selections.
- b. **A selecting official has the right to select or not select from among a group of best qualified candidates.** Management also has the right to select from any other appropriate source, such as a reemployment priority list, reinstatement, reassignment, transfer, disabled, or Veteran Readjustment Act eligibles or those within reach on an appropriate Certificate of Eligibles.
- c. Selecting officials should review all applications from competitive eligibles and are encouraged to interview all competitive eligibles. If interviews are conducted, interview panel score sheets must contain specific instructions that candidates must be evaluated solely on the basis of the information provided by candidates during the interview and not on any other basis. In addition, each member of the panel must certify in writing that his or her scores are based strictly on the information provided by the candidate during the interview.
- d. Due weight will be given to incentive awards and performance appraisals in the selection process.
- e. All candidates will be considered without discrimination for any non-merit reason such as race, color, religion, sex, age, national origin, lawful political affiliation, marital status, non-disqualifying physical disability, or membership/non-membership in an employee organization. All candidates shall be judged solely on job-related criteria.

19. **RESOLUTION OF EMPLOYEE COMPLAINTS.** Every effort will be made to be responsive to employee inquiries concerning the Merit Promotion Plan. Resolution of complaints by informal discussions between an employee and a selecting management official is encouraged. While the *procedures* used to identify and rank qualified candidates may be proper subjects for complaints, non-selection from among a group of properly ranked and certified candidates is not an appropriate basis for such a complaint.

20. **DISCLOSURE OF INFORMATION.**

- a. Information regarding the number of applicants, the number who met minimum qualification requirements, the number of applicants referred to the selecting official, and a written copy of the merit promotion plan may be provided to any individual.
- b. Applicants can be given any information which pertains to their specific application or status.

21. **RECORDKEEPING**. Administration of the Merit Promotion Plan will include recordkeeping and the provision of necessary information to employees and the public while ensuring the protection of all individuals' privacy rights. Temporary records of each promotion, allowing reconstruction of the promotion action, including documentation of how candidates were rated and ranked, must be maintained. These records may be destroyed after two years or after the program is formally evaluated by the Office of Personnel Management, whichever comes first.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

January 18, 2001

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