National Nuclear Security Administration

NATIONAL NUCLEAR SECURITY ADMINISTRATION

BOP-002.04

Dated: JUN 0 4 2004

NNSA COMPETITIVE SERVICE MERIT PROMOTION PLAN

1. PURPOSE. (1) To implement federal merit promotion and placement laws and regulations at the National Nuclear Security Administration (NNSA). (2) To establish policies and procedures for considering and selecting qualified candidates for promotion and placement to competitive service positions based on qualifications, fitness and relative ability, knowledge, and skills after fair and open competition which ensure that all qualified candidates receive equal opportunity.

2. POLICY STATEMENT. It is NNSA's policy to fill positions in the Federal service in accordance with applicable civil service laws and regulations. To this extent, NNSA's employment practices shall 1) be practical in character and relate to matters that fairly test the relative capacity and fitness of candidates for jobs to be filled, 2) result in selection from among the best qualified candidates, 3) be developed and used without discrimination because of race, color, religion, sex, age, national origin, partisan political affiliation, union affiliation or non-affiliation, marital status, non-disqualifying physical handicap, sexual orientation, or any other non-merit factor, and with proper regard for their privacy and constitutional rights, and 4) ensure to the candidate opportunity for appeal or administrative review, as appropriate. Through the implementation of this plan, NNSA endeavors to achieve a workforce representative of all segments of society.

   This plan is intended to ensure that qualified available applicants receive fair consideration for positions filled under merit promotion procedures. Management may fill a vacancy by promotion, change to lower grade, noncompetitive conversion, reassignment, transfer, reinstatement, or other appropriate authorities. Applicants may be considered concurrently from any recruitment source. Subject to laws, regulations, and internal NNSA approvals, management makes the final decision on selections and has the right to select from any appropriate authority. Conversely, management is not required to select from any single specific authority.

3. RESPONSIBILITIES.

   a. Administrator for Nuclear Security.

      1) Redelegates power of Federal appointment and other employment-related and pay authorities as necessary to efficiently and properly appoint, promote, and separate NNSA's Federal employees.

INITIATED BY:
Office of Human Resources

2) Ensures that NNSA's personnel management program is based on concepts of merit, efficiency, and effective mission support.

b. NNSA Director of Human Resources.

1) Develops, promulgates, implements, and provides advice on policies, standards, and procedures concerning merit promotion and related personnel functions consistent with applicable laws and regulations.

2) Exercises and redelegates as appropriate various appointing, employment, and pay authorities.

3) Maintains liaison with OPM and/or DOE on merit promotion policy as well as on other personnel-related activities.

4) Periodically evaluates the effectiveness of NNSA's merit promotion program and other personnel functions.

c. Heads of NNSA Components and Elements.

1) Staff their organizations by fairly selecting candidates for employment in accordance with merit principles.

2) Consult with the Human Resources Consultants at Headquarters and in the Service Center when planning recruitment, staffing, and promotion actions.

d. Human Resources Department Head in the Service Center and equivalent Human Resources official at Headquarters.

1) Administer the NNSA Merit Promotion Plan in and provide technical operational support for the organizations/locations serviced.

2) Supplement this plan by developing local operational or explanatory guidance, forms, checklists, etc., tailored to their organizations' needs (when appropriate). Local guidance may not be contrary to any of the provisions in this Plan.

3) Approve/authorize remedial action (i.e., priority referral) in cases of rating reconsideration and complaints, non-selection of priority referral applicants in accordance with the specific requirements of those programs, and passing over a preference applicant in order to select a non-preference applicant (when applicable).

4) Evaluate the effectiveness of merit promotion and other personnel management

functions/programs within the service jurisdiction.

e. Human Resources Consultants (HRCs).

1) Provide day-to-day advice and guidance to managers, supervisors, and employees about the requirements, objectives, and other aspects of the NNSA Merit Promotion program.

2) Provide appropriate formal and on-the-job training for all first-level supervisors in the operation of the merit promotion process.

3) Maintain liaison with appropriate OPM and/or NNSA offices and other organizations, as necessary, to provide an effective human resources program for the operational organizational components for which they are responsible.

4) Establish and maintain merit promotion case files in accordance with 5 CFR Part 335 and Attachment 2 of this Plan.

5) Release or protect merit promotion records, as appropriate, in accordance with the Procedures for Disclosure of Records Under the Freedom of Information Act (5 CFR Part 294) and Privacy Procedures for Personnel records (5 CFR Part 297).

6) Assist selecting officials, managers, and supervisors in the development of descriptions of specialized experience, selective factors, screen-out elements, job elements, KSAs, crediting plans, competency questions, reference questions, and interview questions.

7) Approve and document the reasons for using areas of consideration that are smaller than the normal minimum areas of consideration and/or posting times that are shorter than the normal minimum posting times.

8) Evaluate applicant's qualifications or arrange for applicants' qualifications to be rated by subject-matter experts (SMEs) or other evaluators.

9) Provide assistance to applicants for whom applying online for DOE Jobs Online announcements poses a hardship.

10) Advise SMEs and evaluators of their responsibilities, disqualify SMEs and evaluators from serving when in the HRCs' judgment their serving would either be or present the appearance of a conflict of interest or impropriety, serve as technical advisors in the rating process, and override SMEs' and evaluators' ratings when in the HRCs' judgment the rating methodology was applied incorrectly or inconsistently.

11) Encourage selecting officials to utilize the interview as an additional assessment tool

in the overall process of evaluating applicants' qualifications (see Section 15.c).

12) Approve or disapprove requests to extend merit promotion certificates and other lists, to amend (i.e., add candidates) merit promotion certificates, and to re-post announcements.

13) Ensure any pre-offer approvals, verifications (i.e., SF-75 information or similar), and/or clearances are obtained prior to making final official written job offers to selected applicants.

14) Notify applicants of the outcome of an announcement as soon as practicable.

15) Provide advice to applicants on the appropriate internal avenues of redress and the proper procedures associated with each, and of appropriate external avenues of redress (if any).

16) Respond to inquiries concerning merit promotion cases for which they are responsible.

17) Maintain confidentiality on all personal information learned when reviewing or rating applicants.

18) Ensure vacancy announcements are appropriately publicized to all required sources.

f. Selecting Officials, Managers, and Supervisors.

1) Analyze jobs, develop descriptions of specialized experience, selective factors, screen-out elements, job elements, knowledges, skills, and abilities (KSAs), crediting plans and/or competency questions (as appropriate for automated examining), reference check questions, and interview questions in consultation with their HRCs.

2) Give fair and objective consideration to all candidates referred for consideration (including applicants being referred for special selection priority and/or priority referral/consideration) and select candidates in accordance with merit principles.

3) Consider performance appraisals and incentive awards in the selection process (see Section 15. b).

4) Contact current /former supervisors to verify applicants' qualifications, validate information obtained during interviews, solicit recommendations, etc., as appropriate.

5) Document the rationale for selection decisions.

6) Promptly provide appraisals of performance and potential for subordinates who are

candidates for merit promotion, as requested.

7) Further equal employment opportunities in accordance with NNSA and local affirmative employment plans.

8) Maintain confidentiality on all personal information learned when reviewing applicants.

g. Raters (HRCs, SMEs, and Evaluators).

1) Rate the degree to which qualified applicants possess the knowledges, skills, and abilities outlined in the quality ranking factors or job elements based on written information provided by the applicant.

2) Maintain confidentiality on all personal information learned when rating applicants.

3) Disqualify themselves from serving if a relative, roommate, or member of their household is an applicant for the specific announcement for which they would rate applications, or if for any other reason they cannot be completely objective, or if serving would be or present the appearance of a conflict of interest or impropriety.

h. Applicants.

1) Remain informed of open vacancy announcements by regularly checking appropriate sources of publicity.

2) Submit information about their qualifications and ensure their applications (including requested documents such as transcripts, appraisals, DD-214s, etc.) are timely in accordance with the instructions in the vacancy announcement.

i. EEO/Special Emphasis Program Managers, Diversity Coordinators, etc.

1) Remain informed of open vacancy announcements by regularly checking appropriate sources of publicity.

2) Assist HRCs in publicizing vacancies to diversity organizations, if requested to do so and if it is consistent with their organizational responsibility.

3) Participate in the panel rating and panel interview processes as observers and consultants, when called upon to do so by a given selecting official.

4. POSITIONS COVERED BY THIS PLAN.

a. All competitive service positions in all General Schedule (GS) and Federal Wage System

(FWS) (i.e., WG, WL, WS, etc.) grades unless specifically covered by a collective bargaining unit agreement (see 5. a. below).

5. POSITIONS EXCEPTED FROM COVERAGE BY THIS PLAN.

a. All competitive service bargaining unit positions in all GS and FWS grades when applicable collective bargaining agreements specifically address the issue of merit promotion. In all such cases, the merit promotion provisions specified in a collective bargaining agreement take precedent over the provisions specified in this plan.

b. All positions in the Senior Executive Service (SES).

c. All scientific and professional positions filled under 5 U.S.C. 3325 (ST).

d. All Senior Level positions filled under 5 U.S.C. 5108 (SL).

e. All excepted service positions filled under Section 3241 of the NNSA Act (EN), Section 621(d) of the DOE Organization Act (EJ), and Section 3161(a) of the National Defense Authorization Act for Fiscal Year 1995 (EK).

f. All other excepted service positions in Schedules A, B or C.

6. ACTIONS COVERED BY THIS PLAN.

a. Promotion (other than career/career ladder) of a current Federal employee to either 1) a higher graded position than the employee's current position or a position the employee previously held on a permanent basis in the competitive service, or 2) a position with greater promotion potential than the employee's current position or a position the employee previously held on a permanent basis in the competitive service.

b. Reassignment (lateral) of a current Federal employee to a position with greater promotion potential than either 1) the employee's current position, or 2) a position the employee previously held on a permanent basis in the competitive service (except as permitted by reduction-in-force regulations).

c. Transfer of a current Federal employee to either 1) a higher graded position than the employee's current position or a position the employee previously held on a permanent basis in the competitive service, or 2) a position with greater promotion potential than the employee's current position or a position the employee previously held on a permanent basis in the competitive service.

d. Demotion (change-to-lower-grade) of a current Federal employee to a position with greater promotion potential than either 1) the employee's current position, or 2) a position the employee previously held on a permanent basis in the competitive service (except as

permitted by reduction-in-force regulations).

e. Temporary promotion of a current Federal employee for more than 120 calendar days to either 1) a higher graded position than the employee's current position or a position the employee previously held on a permanent basis in the competitive service, or 2) a position with greater promotion potential than the employee's current position or a position the employee previously held on a permanent basis in the competitive service. Prior service during the preceding 12 months under any and all noncompetitive time-limited promotions and noncompetitive details to higher graded positions counts toward the 120-day total. Temporary promotions may be made permanent or extended to the maximum period of time authorized by regulation (five years) without further competition provided the temporary promotion was originally made under competitive procedures and the fact that it might lead to a permanent promotion or extended to the maximum period of time authorized by regulation was made known to all potential candidates (i.e., statement to that effect in the announcement).

f. Detail of a current Federal employee for more than 120 calendar days to either 1) a higher graded position than the employee's current position or a position the employee previously held on a permanent basis in the competitive service, or 2) a position with greater promotion potential than the employee's current position or a position the employee previously held on a permanent basis in the competitive service. Prior service during the preceding 12 months under any and all noncompetitive time-limited promotions and noncompetitive details to higher graded positions counts toward the 120-day total.

g. Selection of a current Federal employee for training that is required to prepare an employee for promotion (i.e.: part of an authorized training agreement, such as Upward Mobility; part of a promotion program; training required before the employee may be considered for a promotion as specified in 5 CFR 410.302).

h. Reinstatement of a former Federal employee to either 1) a higher graded permanent or temporary position than a position the employee previously held on a permanent basis in the competitive service, or 2) a permanent position with greater promotion potential than a position the employee previously held on a permanent basis in the competitive service.

i. Appointment of a preference eligible or a veteran who has substantially completed at least three years of continuous active military service (i.e., eligible for appointment under the Veterans Employment Opportunities Act of 1998 (VEOA), as amended) in accordance with the special provisions of 5 CFR 315.611.

7. ACTIONS EXCEPTED FROM COVERAGE BY THIS PLAN.

a. Promotion resulting from the upgrading of an employee's position without significant change in duties and responsibilities due to the issuance of a new classification standard or correction of an initial classification error.

b. Promotion resulting from an employee's position being classified at higher grade because of additional duties and responsibilities where the successor position absorbs the old position (i.e., accretion-of-duties).

c. Position changes permitted by reduction-in-force (RIF) procedures in 5 CFR 351.

d. Promotion (career/career ladder) without current competition of an employee who was appointed in the competitive service from a civil service register (i.e., OPM or DEU), by direct hire, by noncompetitive appointment or noncompetitive conversion, or under competitive merit promotion procedures for an assignment intended to prepare the employee for the position being filled PROVIDED the intent was made a matter of record and career ladders were documented in the promotion plan.

e. Career ladder promotion following noncompetitive conversion of a Student Career Experience Program (SCEP) employee, Veteran's Readjustment Appointment (VRA) appointee, Presidential Management Intern (PMI), or other authorized program or action PROVIDED the intent was made a matter of record and career ladders were documented.

f. Promotion from a trainee position when the employee was selected for the target position under competitive procedures (i.e., as part of an authorized training agreement, such as Upward Mobility; part of a promotion program; or training required before the employee could be considered for a promotion as specified in 5 CFR 410.302) PROVIDED the intent was made a matter of record and the target position was documented.

g. Temporary promotion of 120 calendar days or less to either 1) a higher graded position than the employee's current position, or 2) a position with greater promotion potential than the employee's current position. Prior service during the preceding 12 months under any and all noncompetitive time-limited promotions and noncompetitive details to higher graded positions counts toward the 120-day total.

h. Detail of 120 calendar days or less to either 1) a higher graded position than the employee's current position, or 2) a position with greater promotion potential than the employee's current position. Prior service during the preceding 12 months under any and all noncompetitive time-limited promotions and noncompetitive details to higher graded positions counts toward the 120-day total.

i. Promotion to a grade previously held on a permanent basis in the competitive service (or in another merit system with which OPM has an interchange agreement approved under Civil Service Rule 6.7) from which an employee was separated or demoted for other than performance or conduct reasons.

j. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having no greater promotion potential than the promotion potential of a position an employee

currently holds or previously held on a permanent basis in the competitive service (or in another merit system with which OPM has an interchange agreement approved under Civil Service Rule 6.7) and did not lose because of performance or conduct reasons.

k. Promotion pursuant to the settlement of a formal complaint, grievance, appeal, or other litigation.

l. Promotion through "priority consideration" of a candidate who was not given proper consideration in a prior competitive promotion action, unless some other remedy is mutually acceptable to the candidate and to NNSA.

m. Appointment of career SES appointees with competitive service reinstatement eligibility to any position for which they qualify in the competitive service at any grade or salary level, including Senior-Level positions established under 5 CFR 319, Employment in Senior-Level and Scientific and Professional positions.

n. Appointment of individuals with eligibility for appointment under non-competitive appointing authorities that do not specifically require application of merit promotion or other competitive rating and ranking procedures (i.e., VRA, 30% Disabled Veteran, People with Disabilities, and similar).

o. Appointment of individuals from a Delegated Examining Unit (DEU) or Office of Personnel Management (OPM) register, regardless of those individuals' status or tenure.

8. MINIMUM AREA OF CONSIDERATION.

a. Minimum areas of consideration for NNSA merit promotion announcements (i.e., who may apply) will be sufficiently broad to ensure the availability of high quality candidates, taking into account the nature and level(s) of the position(s) covered by the announcement, and to give as many NNSA employees as practicable the opportunity to apply for vacancies.

b. The minimum areas of consideration will normally be as follows:

1) NNSA employees nation-wide for positions at GS-14 and GS-15 (or equivalent FWS or negotiated hourly rate).

2) NNSA employees in the commuting area of the vacancy for positions at GS-13 and below (or equivalent FWS or negotiated hourly rate).

3) HRCs may approve a smaller area of consideration than the normal minimum areas of consideration, as exceptions, and when circumstances justify such exceptions. Examples of such circumstances may include, but are not necessarily limited to the following: a) the number of qualified candidates in the alternative area is expected to be adequate; b) use of the normal minimum area would significantly delay the timely

filling of the position when there is a demonstrated critical mission-driven need to fill the position in a timely manner; c) hiring restrictions which are driven by FTE or budget considerations; etc. The basis for the exception must be documented. If a selecting official wishes to use an area of consideration larger than the normal minimum, no justification is required. The larger area of consideration need only be indicated in the request to recruit.

9. TIME LIMITS FOR POSTING AND ACCEPTING APPLICATIONS.

a. Vacancy announcements open for receipt of applications from NNSA employees nationwide or from individuals outside of NNSA (i.e., DOE-wide or greater) will normally be posted for a minimum of 10 business days.

b. Vacancies announced for a smaller area of consideration will normally be posted for a minimum of 5 business days.

c. Once a closing date has been established, it may be extended but cannot be shortened unless the announcement is cancelled.

d. HRCs may approve posting times shorter than the normal minimum posting times, as exceptions, when circumstances justify such exceptions. Examples of such circumstances may include, but are not necessarily limited to the following: a) the number of qualified candidates is expected to be adequate; b) use of the normal minimum time period would significantly delay the timely filling of the position when there is a demonstrated critical mission-driven need to fill the position in a timely manner; c) hiring restrictions which are driven by FTE or budget considerations; etc. The basis for the exception must be documented. Under no circumstances may an announcement be open for receipt of applications for less than 3 business days. If a selecting official wishes to have an announcement posted longer than the normal minimum posting time, no justification is required. The longer posting time need only be indicated in the request to recruit.

e. When a specific position (or series) shows a documented high turnover rate or a low rate of highly qualified applications, vacancy announcements may remain open for up to 1 year. The vacancy announcement will clearly state the "open continuous" nature of the announcement and the procedures that will be used to rate, rank and refer applicants (i.e., early cutoff dates, etc.). Procedures in OPM Delegated Examining Operations Handbook, Chapter 5, Section C – Establishing an Inventory, may be adopted or adapted for use with these types of announcements.

f. When it is known that there are NNSA or Department of Energy (DOE) employees who are eligible to apply under the NNSA Career Transition Assistance Plan (CTAP), announcements will be posted for a minimum of 10 business days. Shorter posting periods are not permitted.

g. Applications for DOE Jobs Online announcements must be in the system by midnight (Eastern Time) of the closing date.

1) If applying online poses a hardship to any applicant, Human Resources Office (HRO) staff members will provide assistance to ensure that applications are submitted in an acceptable format by the closing date, provided applicants contact the HRO prior to the closing date.

h. Applications for vacancies that are not announced in the DOE Jobs Online system.

1) Applications submitted in person must be received in the HRO prior to close-of-business on the closing date of the announcement.

2) Mailed applications must be postmarked on or before the closing date and must be received in the HRO no later than five business days after the closing date. Properly postmarked applications received in the HRO more than five business days after the closing date will be accepted up until the time the Merit Promotion Certificate and other lists are issued.

3) Applications submitted via delivery services (i.e., FedEx, UPS, etc.), fax, or email must include some form of date stamp or other evidence that they were submitted on or before the closing date and must be received in the HRO no later than five business days after the closing date. Properly date stamped applications submitted in any of these manners (or applications with some other acceptable form of evidence indicating they were submitted on or before the closing date) that are received in the HRO more than five business days after the closing date will be accepted up until the time the Merit Promotion Certificate and other lists are issued.

i. NNSA employees who will be absent for legitimate reasons (i.e., on detail, on leave, at training courses, in the military service, or serving in public international organizations or on Intergovernmental Personnel Act assignments, etc.) and wish to be considered for other positions should arrange for an "agent" (i.e., friend, co-worker, etc.) to apply for them or to advise them of the opening of an announcement. HRCs cannot be responsible for and may not allow any employee an extension of the time to submit an application due to the failure of an "agent" to carry out an employee's instructions or to submit application materials in a timely manner.

1) For vacancies that are not announced in the DOE Jobs Online system, employees should provide their "agent" with a hard copy application (including most recent performance appraisal) and a list of the types of positions and grade levels for which they wish to be considered during their absence. In these situations, employees will be rated and ranked along with all other applicants based on the material their "agent" submits for them. Insofar as practicable, HRCs may accept additional announcement related material (i.e., attachment addressing KSAs) up to the time the

rating and ranking process has been completed.

2) For DOE Jobs Online announcements, employees should provide their "agent" with a list of the types of positions and grade levels for which they wish to be considered during their absence and some way of contacting them (i.e., telephone number, email address, etc.) so that the employee may personally apply. Due to the sensitive nature of personal information in the DOE Jobs Online database, employees are advised not to provide their logons or passwords to their agents.

10. MINIMUM AREA(S) OF PUBLICITY.

a. At a minimum, announcements for which applications from only NNSA and/or DOE employees will be accepted will be publicized electronically on the internal NNSA and/or DOE web site (as appropriate) in the geographic area(s) that correspond(s) to the area of consideration specified in the announcement.

b. At a minimum, announcements for which applications from individuals outside of DOE will be accepted will be publicized electronically via the OPM Federal Job Opportunities information system, in addition to the NNSA and DOE sites.

c. Announcements may be more broadly publicized (i.e., to include targeted recruitment sources, EEO offices, etc.) when positions are "hard-to-fill," have a high turnover rate, have been designated as underrepresented, etc., or when the HRC determines that the additional publicity would be beneficial to NNSA.

11. DUAL CONSIDERATION.

a. Applicants for vacancies that are not announced in the DOE Jobs Online system which cover multiple grades and/or locations will be afforded "dual consideration" as follows:

1) Applicants will be considered for the lowest grade/salary level they indicate they are willing to accept (or simply the lowest grade/salary level indicated on their application), up to the highest grade/salary level for which they qualify. Applicants who do not indicate the lowest grade/salary level they are willing to accept will be considered for all grades covered by the announcement.

2) Example – Announcement open for GS-9/11/12

a) Applicant indicates GS-9 – consider for GS-9/11/12
b) Applicant indicates GS-11 – consider for GS-11/12
c) Applicant indicates GS-12 – consider for GS-12 only
d) Applicant indicates GS-9/11 – consider for GS-9/11/12
e) Applicant indicates GS-11/12 – consider for GS-11/12
f) Applicant indicates GS-9/12 – consider for GS-9/11/12

g) Applicant indicates GS-9/11/12 – consider for GS-9/11/12
h) Applicant does not indicate any grade – consider for GS-9/11/12

3) Applicants will be considered for each geographic location they indicate they are willing to accept. Applicants who do not indicate the geographic locations they are willing to accept will be considered for all geographic locations covered by the announcement.

b. Applicants for DOE Jobs Online announcements covering multiple grades and/or locations will be afforded "dual consideration" only in accordance with their responses to the appropriate DOE Jobs Online availability questions.

12. MINIMUM QUALIFICATIONS.

a. Applicants must meet all minimum qualification standards, selective factors/DOE Jobs Online minimum qualification questions (if applicable), and any time-in-grade requirements within 30 calendar days after the closing date. Those who do will be "qualified." Those who do not will be "not qualified."

b. Basic eligibility will be determined based on qualifications standards in the Office Personnel Management (OPM) Qualification Standards for General Schedule Positions Operating Manual or Handbook X-118C, Job Qualification System for Trades and Labor Occupations, and any approved selective factors.

c. Minimally qualifying specialized experience for GS positions is generically defined as experience that 1) has equipped the applicant with the particular knowledges, skills, and abilities to perform satisfactorily the duties of the position, 2) is typically in or related to the work of the position to be filled, and 3) is equivalent to at least the next lower grade level in the normal line of progression for the occupation in the organization. This generic definition of specialized experience may not be used alone in any announcement. Qualifying specialized experience must be clearly and specifically described/defined in the announcement.

d. Selective factors/DOE Jobs Online minimum qualification factors are knowledges, skills, abilities, or competencies that are required for an individual to perform minimally satisfactorily in the announced position. Applicants who do not demonstrate possession of any selective factor are ineligible for the announced position, regardless of any other qualifications they may possess. Selective factors must be clearly and specifically described/defined in the announcement.

e. The Special Inservice Placement Provisions specified in Sections E. 8. (a) and (b) in the OPM Qualification Standards for General Schedule Positions Operating Manual will be used to the greatest practicable extent.

f. The minimum qualifications requirements may be modified for certain inservice placement actions (i.e., reassignments, voluntary changes to lower grades, transfers, reinstatements, and repromotions to a grade not higher than a grade previously held) in accordance with Section E. 8. (c) of the OPM Qualification Standards for General Schedule Positions Operating Manual. Use of a modified standard must be documented sufficiently to show that it was intentional, and that the assignment did not result from misinterpretation of the OPM standard.

13. EVALUATING (RATING AND RANKING) QUALIFIED APPLICANTS.

a. Methodologies used to evaluate applicants who meet the minimum qualification requirements, including selective factors (and ultimately determine the "best-qualified" who will be referred for selection consideration) will be based on a job analysis that identifies the basic duties and responsibilities, the knowledges, skills, and abilities (KSAs) required to perform the duties and responsibilities, and the factors that are important in evaluating candidates.

1) All qualified applicants who are subject to merit promotion rating and ranking procedures must be rated and ranked.

2) Insofar as practicable, for vacancies that are not announced and rated in the DOE Jobs Online System, qualified applicants who are subject to merit promotion rating and ranking procedures should be rated (assigned numerical ratings) using a 70 – 100 scale. This is especially prudent when a concurrent DEU announcement or combined DEU/Merit Promotion announcement is issued (i.e., applicants for DEU announcements must be evaluated on a 70 – 100 scale, unless categorical ranking procedures are used) as it provides the selecting official with a common frame of reference for scores of both merit promotion and DEU candidates. Applying the same crediting plan to all applicants who must be rated is the easiest method of accomplishing this.

b. KSA/Crediting Plan Methodology

1) Quality ranking factors listed on the vacancy announcement are used in the crediting plan to a) assign a numerical score that is indicative of the degree to which an applicant possesses the job-related knowledge, skills and abilities, outlined by quality ranking factors, b) differentiate between qualified applicants, and c) ultimately identify the best-qualified group of applicants (i.e., those applicants who have the greatest likelihood for successful performance). Quality ranking factors must be clearly and specifically described/defined in the announcement.

c. DOE Jobs Online Rating

1) Weighted competency questions listed in the DOE Jobs Online announcement are

used to identify the best-qualified group of applicants. DOE Jobs Online competency questions are conceptually equivalent to quality ranking factors.

2) All qualified applicants who are subject to merit promotion rating and ranking procedures must respond to the weighted DOE Jobs Online competency questions in order to receive a score greater than the minimally qualifying DOE Jobs Online generated score of 70.

d. Job Element Examining (FWS Positions)

1) Job elements listed on the vacancy announcement are used in the crediting plan to a) assign a numerical score that is indicative of the degree to which an applicant possesses the job-related knowledge, skills and abilities outlined by job elements, b) differentiate between qualified applicants, and c) to ultimately identify the best-qualified group of applicants (i.e., those applicants who have the greatest likelihood for successful performance).

2) Job elements that are designated as "Screen-out elements" establish the minimum qualifications requirements for the position (i.e., Ability to do the work of the position without more than normal supervision). "Screen-out elements" are conceptually equivalent to the minimum qualifications requirements and selective factors (if applicable) for GS positions.

3) Job elements that are not designated as "Screen-out elements" are conceptually equivalent to quality ranking factors.

e. The process used to evaluate applicants for supervisory, managerial, or leader positions must include measures of applicants' potential for promotion or assignment into such positions, as well as applicants' awareness and support of EEO goals, policies, and procedures. This may be accomplished through the use of KSAs in the crediting plan, DOE Jobs Online competency questions, or interview questions. If accomplished through interview questions, the interview questions and annotated responses will be maintained in the case file.

f. Performance appraisals and incentive awards may not be considered or scored in the rating and ranking process. Instead, selecting officials shall consider performance appraisals and incentive awards in the selection process (see Section 15. b).

g. Rating of applications for vacancies that are not announced and rated in the DOE Jobs Online System may be accomplished by any one of the following "raters," so long as there is no personal relationship between a rater and an applicant being rated:

1) An HRC when the HRC determines that he/she has sufficient knowledge of the position to assess the relative value of the applicants' experience.

2) One or more evaluators who have sufficient knowledge of the position to assess the relative value of the applicants' experience, or one or more subject matter experts (SMEs) whose expertise is in the field of the position, but not necessarily in the position itself. Evaluators and SMEs do not have to be current Federal employees.

3) Insofar as practicable, raters should have no personal vested interest in the outcome of the rating process (i.e., should not be in the position's supervisory chain, etc.) and should be at or above the grade level (if rater is a current Federal employee) for which they are evaluating applicants (HRCs are not subject to the aforementioned grade level restrictions).

4) Under no circumstances may an applicant for an announcement, or a relative, roommate, cohabitant, or personal friend of an applicant serve as a rater for that announcement. HRCs have the discretion to disqualify SMEs and evaluators from serving when in the HRCs' judgment their serving would either be, or present the appearance of, a conflict of interest or impropriety.

5) HRCs have the discretion to override SMEs' and evaluators' rating when in the HRCs' judgment the rating methodology was applied incorrectly or inconsistently.

h. Determining the "best qualified" group based on the ranking and ranking process.

1) "Best qualified" is a designator for those applicants who rank at or near the top when compared with other qualified applicants for the position. As such, it is relative to the quality and quantity of applicants who have applied for a specific vacancy announcement, rather than an artificially prescribed pre-determined score or pre-determined number of applicants. Therefore, depending on the quality and quantity of applicants, a "best qualified" score for one announcement may not necessarily be a "best qualified" score for a subsequent announcement for the same position utilizing the same crediting plan.

2) A "cut-off score" should be set at a natural break point in the score range (i.e., where there is a distinguishable clear gap between one group of candidates and the next lower group). Depending on the rating methodology used (i.e., KSA methodology, DOE Jobs Online competency questions, etc.) and the quality and quantity of applicants for a specific vacancy announcement, that "gap" might be large or small.

3) HRCs, SMEs, and evaluators must exercise professional judgment when setting cut-off scores. Cut-off scores may not be set a) so high as to eliminate an inordinate number of candidates from consideration, b) so low as to include candidates who clearly do not rank at or near the top when compared with other candidates, or c) at an arbitrary point solely to refer a pre-set number of candidates from which to choose. An HRC must override SMEs' or evaluators' cut-off scores when in the

judgment of the HRC, the cut-off score set by SMEs or evaluators meets a, b, or c above.

4) HRCs, SMEs, and evaluators may not determine the "best qualified" group solely based on a pre-set number of candidates to refer (i.e., "the 10 highest scoring applicants shall be certified as best qualified") under any circumstances.

5) All applicants who are at or above the cut-off score are considered "best qualified."

i. For vacancies that are not announced and rated in the DOE Jobs Online system, if there are fewer than ten qualified applicants who are subject to merit promotion rating and ranking procedures, they may be evaluated against the most important quality ranking factor (i.e., the one quality ranking factor that carries the greatest weight or is worth the greatest number of points) or the Screen-out Element (i.e., Ability to do the work of the position without more than normal supervision), as follows:

1) Applicants who demonstrate possession of the most important quality ranking factor/Screen-out Element will be considered best qualified and referred to the selecting official. Applicants who do not demonstrate possession of the most important quality ranking factor/Screen-out Element will not be referred.

j. Other Methodologies

1) Other manual or automated rating and ranking systems or methodologies, may be used to identify the best-qualified applicants without amending this plan so long as they are valid, job related, quantifiable, and meaningfully differentiate between qualified applicants solely on the basis of relative ability, knowledge, and skills.

14. REFERRING APPLICANTS.

a. Priority referral will be given to the following:

1) Individuals eligible for Reemployment Priority List (RPL), CTAP, ICTAP and Priority Placement in accordance with the provisions of those programs.

2) Individuals who were not given proper consideration in a prior competitive promotion action, unless some other remedy is mutually acceptable to the candidate and to NNSA.

3) Other individuals who are being afforded priority consideration based on provisions of law, regulation, court order, or formal settlement.

b. All "best qualified" candidates will be referred to the selecting official in alphabetical order on the Merit Promotion Certificate. There is no upper limit to the number of "best

qualified" applicants. "Tie-breaking" procedures may not be used to "pare down" the "best qualified" list. Under no circumstances may competitive merit promotion candidates who have not been ranked among the "best qualified" be listed on the competitive Merit Promotion Certificate. Furthermore, HRCs may not forward the applications of any competitive Merit Promotion candidates who have not been ranked among the "best qualified" to the selecting official.

c. All qualified candidates who are excepted from merit promotion rating and ranking procedures will be referred to the selecting official in alphabetical order on a separate list (or lists) with reference made to the specific appointing authority(ies) for which they are eligible. When the veterans' preference provisions of 5 CFR Part 302 are applicable to a particular appointing authority (i.e., VRA, Physically Disabled, etc.), candidates will be referred in accordance with the provisions of 5 CFR 302.304.

d. The Merit Promotion Certificate and all other lists are initially valid for up to 60 calendar days from date of issue and may be extended for an additional 30 calendar days (i.e., up to a maximum of 90 calendar days) in unusual circumstances (i.e., selecting official is on extensive travel, or similar). The selecting official must submit requests for extension to the servicing HRC who is responsible for approving or disapproving the requests. Under no circumstances can selections be made from Merit Promotion Certificates or any other lists after 90 calendar days.

e. Selecting officials who are not satisfied with either the quality or quantity of applicants referred should contact their HRC to discuss the reasons and options.

15. SELECTING APPLICANTS.

a. Applicants being afforded priority referral/consideration (i.e., CTAP, etc.) must be considered or selected (as appropriate) in accordance with the specific requirements of those programs. HRCs will advise selecting officials of the appropriate order of selection priority when such applicants are referred. Non-selection of a priority referral/consideration applicant may be approved/authorized only in accordance with the specific non-select provisions of those programs. After fulfilling these obligations, selecting officials may select from any of the following:

1) Any of the candidates referred on the Merit Promotion Certificate (veterans' preference does not apply to selections from a Merit Promotion Certificate); or

2) Any of the candidates referred on any of the other lists of non-competitive referrals where veterans' preference is not applicable (i.e., transfer, reinstatement, reassignment, etc.), or

3) Candidates on any of the other lists of non-competitive referrals where veterans' preference is applicable (i.e., VRA, Physically Disabled, etc.) in accordance with the

provisions of 5 CFR 302.401. Passing over a preference applicant with a disability of 30% or more or any preference applicant based on medical reasons requires OPM approval. Other passovers of preference applicants in order to select non-preference applicants may be approved/authorized by the Human Resources Department Head in the Service Center or equivalent Human Recourses official at Headquarters.

b. Selecting officials shall consider performance appraisals and incentive awards in the selection process (i.e., when reviewing referred applications, during interviews, when considering information obtained from current and/or former supervisors, etc.) prior to making the selection decision.

1) Since there is no single government-wide performance appraisal system (i.e., one agency may use a "pass-fail" system while another may use an "outstanding," "exceeds fully successful," etc., system), no single government-wide standard for evaluating performance (i.e., the criteria for receiving an "Outstanding" may vary from one agency to another, and from one supervisor within an agency to another supervisor within the same agency), and no single government-wide standard for approving incentive awards (i.e., one agency may approve monetary incentive awards more sparingly than another because of budget constraints), a single standardized process for considering performance appraisals and incentive awards cannot be delineated.

2) Selecting officials should evaluate the job-relatedness of individual performance appraisals and incentive awards and exercise professional judgment when concluding to what extent they contribute to the validity of their assessment of the applicant's potential for success in the position. Selecting officials may wish to consider the general guidelines below, which are neither absolute nor all inclusive:

a) Overall summary performance ratings in positions that are directly related to the vacancy may contribute to a more valid assessment of the applicant's potential for success in the position than overall summary performance ratings in positions that are not directly related to the vacancy.

b) Ratings on individual elements of performance plans that are directly related to the vacancy, rather than the overall summary performance rating, may contribute to a more valid assessment of the applicant's potential for success in the position than ratings on individual performance plan elements that are not directly related to the vacancy.

c) Incentive awards for activities that are directly related to the vacancy may contribute to a more valid assessment of the applicant's potential for success in the position than incentive awards for activities that are not directly related to the vacancy.

d) Fewer incentive awards, all or most of which are for activities that are directly related to the vacancy, may contribute to a more valid assessment of the applicant's potential for success in the position than more incentive awards, none or few of which are for activities that are directly related to the vacancy.

e) Apparent anomalies in an applicant's performance history (i.e., a current performance rating of less than "fully successful" appears to be inconsistent when viewed within the context of an applicant's long-term record of highly successful performance, or a current performance rating of "outstanding" appears to be inconsistent when viewed within the context of an applicant's long term record of marginal performance, etc.) may need to be explored before deciding to what extent the current performance rating contributes to a more valid assessment of the applicant's potential for success in the position.

c. Selecting officials may interview either all of the applicants referred or none of the applicants referred.

1) Interviews, when conducted, may be conducted by the selecting official personally, an interview panel, or a combination of both, and may be conducted face-to-face, by telephone, by videoconference (if available), or any other appropriate method.

2) If traveling to another geographic location for a face-to-face interview would place an unnecessary financial burden on a candidate, the interview should be conducted by telephone or by videoconference (if available).

3) Interview questions must be job-related and should be as structured and consistent as possible. Responses to interview questions should be evaluated as objectively and as consistently as possible.

d. Selecting officials' decisions to select an applicant are subject to all other approvals required by law, regulations, or policy.

e. Selecting officials will indicate tentative selection decisions and other actions as required on the Merit Promotion Certificate (and other lists, if applicable), sign and date, and return to the HRC. Selecting officials may not make any offers of employment.

f. After the HRC has obtained any required pre-offer approvals, verifications, and/or clearances, the HRC makes the final job offer and arranges the entrance-on-duty (EOD) date with the selectee or, when necessary, arranges for release of the selectee from his/her current position. In the interest of time, final job offers may be made via telephone but must be immediately followed up with a written offer (job offers are not official until tendered to the selectee in writing). If the selectee is a current NNSA employee, the selectee is released at the beginning of the first pay period that allows a minimum of two-weeks notice. If the selectee is selected from another agency, the HRC arranges a release

date in accordance with accepted Federal practice (normally two pay periods). Under unusual circumstances, the release period may be extended or reduced by mutual agreement of all parties involved (i.e., selectee, selectee's current supervisor, and selecting official).

16. REDRESS.

1. Review and reconsideration of rating decisions.

   1) An applicant who disagrees with his/her qualifications rating may request a formal review of the rating by contacting the responsible HRC. The applicant must submit a statement specifically identifying why he/she disagrees with the rating and what education, experience, and/or training from the application that was submitted for the vacancy the applicant feels was not properly credited. The HRC will forward the original application and the applicant's statement to the HRC's immediate supervisor.

   2) The supervisor will review the original application and the applicant's statement. He/she may also arrange for an "impartial third party" (i.e., SME, evaluator, another HRC, etc.) to review and re-rate the original application. The supervisor will decide whether or not the original rating was accurate or inaccurate.

   3) If the supervisor decides the original rating decision was accurate, he/she will provide a written decision to the applicant within 10 working days of the HRC's receipt of the applicant's request. The written response may be prepared by anyone he/she designates, but the supervisor has signature authority.

   4) If the supervisor decides the original rating was inaccurate, he/she will recommend appropriate remedial action and forward the case to the Human Resources Director who must approve the proposed remedial action. The supervisor will provide a written decision to the applicant within 10 working days of the HRC's receipt of the applicant's request. The written response may be prepared by anyone he/she designates, but the supervisor has signature authority.

   5) There is no additional formal level of review and reconsideration of rating decisions under this plan.

2. Complaints (other than discrimination) – A complaint (other than discrimination) by any applicant concerning any matter related to this plan will be processed in accordance with DOE Order 3771.1, Grievance Policy and Procedures. Non-selection from among a group of properly ranked and referred candidates, in and of itself, is not an appropriate basis for a formal complaint or grievance.

3. Complaints (discrimination) – A complaint by any applicant alleging discrimination in any matter related to this plan will be processed in accordance with DOE Order 311.1B, Equal Employment Opportunity and Diversity Program. In general, a complainant must contact an

EEO counselor within 45 calendar days after the date of the alleged discriminatory act, or within 45 calendar days of becoming aware of the alleged discriminatory act.

4. Bargaining Unit Employees – A complaint by a bargaining unit employee concerning any matter related to this plan (except non-selection for promotion from a properly ranked and referred group of candidates), including complaints of discrimination, will be processed in accordance with the provisions of the appropriate collective bargaining agreement when the collective bargaining agreement specifically addresses the issues of grievances and complaints of discrimination. In all such cases, the grievance and discrimination complaint provisions specified in the collective bargaining agreement take precedent over the redress provisions specified in 16.b. and 16.c. above.

17. REFERENCES.

a. 5 U.S.C. 2301(a), Merit System Principles
b. 5 CFR Part 300, Employment Practices
c. 5 CFR Part 302, Employment in the Excepted Service
d. 5 CFR Part 335, Promotion and Internal Placement
e. OPM Qualification Standards for General Schedule Positions Operating Manual
f. OPM Handbook X-118C, Job Qualification System for Trades and Labor Occupations
g. DOE Order 320.1, dated 09/06/02, Acquiring and Positioning Human Resources
h. 29 CFR 1607, Uniform Guidelines on Employee Selection Procedures

Approved:

Michael C. Kane
Associate Administrator
Management and Administration

Attachments:
1. Vacancy Announcement Information
2. Merit Promotion Case File Records
3. Categorical Ranking
4. Safeguarding the Examining Process and Release of Information

Vacancy Announcement Information

At a minimum, each traditional merit promotion vacancy announcement must include the following information:

1. Title, series, pay plan, and grade(s)
2. Salary range for each grade
3. Full performance level
4. Area of consideration
5. Opening and closing dates
6. Geographic location of the position
7. Organization
8. Summary of duties and responsibilities, including special working conditions (if any)
9. Minimum qualifications required, including educational requirements, a clear definition of qualifying specialized experience, and special conditions of employment (if any)
10. Selective factors (if any)
11. Quality ranking factors
12. Basis of rating
13. How to apply (i.e., what to submit, where to submit, how to be considered for different appointing authorities, etc.)
14. Information for CTAP/ICTAP applicants (as appropriate), including documents needed to establish CTAP/ICTAP eligibility and criteria for being determined "well qualified"
15. Information for preference eligible applicants (as appropriate), including documents needed to establish preference
16. Who/where to contact for additional information
17. Information regarding available assistance for applicants for whom applying online for DOE Jobs Online announcements poses a hardship
18. Security clearance, suitability, drug testing, financial disclosure, and/or other requirements (if applicable)
19. Information regarding payment or non-payment of relocation expenses
20. Information regarding availability or non-availability of recruitment/relocation bonuses, repayments of student loans, etc. (if applicable)
21. Information regarding or referencing a concurrently issued DEU announcement, including how to receive consideration for both announcements

Merit Promotion Case File Records

HRCs are responsible for establishing merit promotion case files with sufficient documentation to permit complete reconstruction of actions and to answer inquiries, and for maintaining such case files in accordance with 5 CFR Part 335 (i.e., for two years or until audited by OPM, whichever comes first) and in accordance with 29 CFR 1602.14 (i.e., for a period of one year from the date of the making of the record or the personnel action involved, whichever occurs later). HRCs may need to maintain merit promotion case files that are the subject of an appeal or complaint (i.e., MSPB, EEO, etc.) or litigation for a longer period time.

Merit promotion case files and all associated documents may be maintained in hard copy format, electronically (i.e., on such media as computer disks, CD-ROM, computer databases, network servers, and/or electronic delivery systems), or in an appropriate combination (i.e., when there are both hard copy and electronic documentation associated with a case). Regardless of the method used, files must be readily retrievable. At a minimum, each merit promotion case file must include the hard copy or electronic version of the following, as appropriate:

1. Completed SF-52, Request for Personnel Action
2. Selectee(s)' application(s), with associated rating sheet(s), and offer letter(s)
3. Merit Promotion Certificate
4. Non-competitive "others" list(s)
5. Priority consideration referral list(s) and results or documentation of RPL, CTAP, and/or ICTAP clearance
6. NNSA and/or USAJOBS vacancy announcement(s)
7. OPM qualifications standard(s)
8. Job analysis
9. Crediting plan/competency questions with points/weights
10. Position description(s)
11. Applications with associated ratings
12. Records of contact with applicants and candidates referred on the Merit Promotion Certificate and other list(s) (i.e., e-mails, faxes, OF-5s, offer letters to candidates who declined, records of declinations, etc.)
13. Non-select/closeout letters/e-mails issued to applicants
14. Requests for reconsideration of ratings, supporting documents, and responses
15. Any other material that is germane to the case and/or necessary to ensure complete and accurate reconstruction and justification of the case and all actions taken (i.e., interview questions, interview responses, interview notes, etc.)

Categorical Ranking Methodology for Merit Promotion

Section 3319 of the Homeland Security Act of 2002 authorized agencies with delegated examining authority to establish category rating systems for evaluating applicants for positions in the competitive service under two or more quality categories based on merit and consistent with regulations prescribed by the Office of Personnel Management (OPM), rather than assign individual numerical ratings. On June 13, 2003, OPM issued interim regulations implementing this provision. OPM subsequently updated the Delegated Examining Operations Handbook (DEOH) with operational guidance on categorical ranking (see Chapter 5, Section B-8). It is important to note that OPM regulations governing merit promotion (5 CFR 300 and 5 CFR 335) do not mandate the use of any one specific methodology for determining the "best qualified" applicants under merit promotion. Therefore, categorical ranking procedures for merit promotion could have been adopted prior to the Homeland Security Act of 2002.

1. Conceptual Category Definitions.

   a. Highest category

      1) Meets minimum qualifications (including selective factors, if applicable) *and* is proficient in *all* of the tasks that have been identified as most important for successful performance.

         a) Applicants likely to meet this level would normally have a breadth of experience which significantly exceeds minimum qualification requirements, is directly related to the work of the position to be filled, and is in the same functional specialization as the position to be filled.

   b. Middle category

      1) Meets minimum qualifications (including selective factors, if applicable) *and* is proficient in at least one-half of the tasks that have been identified as most important for successful performance.

         a) Applicants likely to meet this level would normally have a breadth of experience which clearly exceeds minimum qualification requirements, is directly related to the work of the position to be filled, and is in the same functional specialization as the position to be filled.

   c. Lowest category

      1) Meets minimum qualifications (including selective factors, if applicable).

2. Operational Definitions.

   a. Operational definitions of the highest and middle categories will be based on a job analysis, conducted in accordance with the "Uniform Guidelines on Employee Selection

Procedures" (29 CFR part 1607) and 5 CFR 300, that identifies the basic tasks and responsibilities, the knowledges, skills, and abilities required to perform the them, the tasks that are most important for successful performance, and the factors that are important in evaluating candidates.

b. The highest and middle categories must each have clear and measurable components that distinguish them from the next lower category.

3. Education Criteria for Automatic Placement into the Highest Category.

a. For any given grade level, an applicant who meets the educational qualifications for the next higher grade in the normal line of progression for the occupation will be automatically placed into the highest category.

1) The appropriate qualification standard must allow for an applicant to qualify for the position/grade combination solely on the basis of education.

2) The education must not only be directly related to the work of the position to be filled, it must also be in the same functional specialization as the position to be filled.

b. The following examples are based upon the common pattern of qualifying education for GS-5/15 two-grade interval professional and administrative positions:

1) If GS-5 is announced, applicant's education must be fully qualifying for GS-7 (i.e., completion of all the requirements for a qualifying bachelor's degree and meets one or more of the Superior Academic Achievement criteria, or completion of one full academic year of graduate study in a field directly related to and in the same functional specialization as the position to be filled).

2) If GS-7 is announced, applicant's education must be fully qualifying for GS-9 (i.e., completion of two full academic years of graduate study or all the requirements for a qualifying master's degree in a field directly related to and in the same functional specialization as the position to be filled).

3) If GS-9 is announced, applicant's education must be fully qualifying for GS-11 (i.e., completion of three full academic years of graduate study, provided one of those years of study is post-master's level study, or all the requirements for a PhD or equivalent degree in a field directly related to and in the same functional specialization as the position to be filled).

4) If GS-11 (research) is announced, applicant's education must be fully qualifying for GS-12 (research) (i.e., completion of all the requirements for a PhD or equivalent degree in a field directly related to and in the same functional specialization as the

position to be filled).

5) If GS-11 (non-research), GS-12, GS-13, GS-14, or GS-15 are announced, applicant may not be placed in highest category solely on the basis of education.

4. Announcements.

a. When the categorical ranking methodology is used, the job announcement will include the following (or similar) statement:

1) Applicants will be evaluated based on the extent of their experience, education, training, and awards as it relates to the categories below.

b. When the description of duties in the announcement includes all of the job functions that have been identified as most important for successful performance, the generic highest and middle category definitions specified in 1. a. 1) and 1. b. 1) above may be used alone.

c. When the description of duties in the announcement does not include all of the job functions that have been identified as most important for successful performance, the generic highest and middle category definitions specified in 1. a. and 1. b., above must be supplemented with that information.

d. Education that would be qualifying for automatic placement into the highest category must be clearly and specifically defined.

e. The lowest category definition need only reference (or direct applicants to) the minimum qualification requirements specified in the announcement.

5. Referral.

a. All applicants who meet the criteria for placement into the highest category are designated "best qualified" and are referred to the selecting official.

b. If there are no applicants who meet the criteria for placement into the highest category, all applicants who meet the criteria for placement into the middle category are designated "best qualified" and are referred to the selecting official.

c. If there are no applicants who meet the criteria for placement into either the highest category or the middle category, all applicants who meet the criteria for placement into the lowest category may be designated "best qualified" and may be referred to the selecting official.

6. Applicability to CTAP and ICTAP.

   a. Eligible CTAP and ICTAP applicants who meet the defined middle quality level will be considered "well qualified" and will be afforded special selection priority in accordance with the provisions of those programs.

7. Applicability of Veterans' Preference.

   a. Veterans' preference does not apply to merit promotion.

1. Introduction.

   a. Applicants have the right to request certain materials and/or information relative to the examining process. Insofar as practicable, an applicant's request for materials and/or information should be honored, only when the HRC has made a positive determination that releasing the materials and/or information will not compromise in the present (or potentially compromise in the future) the objectivity and fairness of the examining process.

2. Materials and/or Information That May Be Released.

   a. In general, the materials and/or information below may be made available for review or photocopying by an applicant who is the subject of the materials and/or information. They may also be made available to a third party (i.e., designated representative) only with written authorization from the person who is the subject of the materials and/or information requested.

      1) Application materials submitted by the requesting individual. Notations made by raters or reviewers showing ratings and veterans' preference (if applicable) may remain, as well as notations on the application materials showing qualifying experience or quality.

      2) Referral history (i.e., dates and positions for which the applicant was referred).

      3) Merit Promotion Certificates and other lists of applicants referred, provided that any personal or identifying information (i.e., names, addresses, phone numbers, etc.) pertaining to all other applicants is marked out. The names of selected individuals are matters of public record, and therefore may remain unmasked, provided the individual shown as selected actually entered on duty in the position for which selected. However, any other personal information about selected individuals is not a matter of public record and may not be released.

      4) Availability inquiry responses and position descriptions in the case file.

      5) Reasons submitted in support of a proposed passover of a preference eligible.

      6) Announcements.

      7) KSA statements

3. Materials and/or Information That May Not Be Released.

   a. In general, the materials and/or information below may not be made available to members of the public, including applicants who are the subject of the materials and/or

information. If these materials and/or information were to be made available, the fairness and objectivity of the examining process would, in all likelihood, be compromised.

1) Point level descriptors from crediting plans and DOE JOBS ONLINE weights.

2) Rating sheets.

3) Transmutation tables, scoring keys, and similar.

4) Names of evaluators, SMEs, and interview panel members.

5) Any other materials and/or information, the disclosure of which would constitute a clearly unwarranted invasion of a third person's privacy.

4. Confidential Disclosure on a Need-to-Know Basis of Materials and/or Information That Otherwise May Not Be Released and/or Information That May Be Released.

a. In general, EEO counselors, investigators and similar individuals acting in an official capacity may be given access to materials and/or information that normally may not be released, providing there is a record of the following:

1) The name and title of the individual who made the request.

2) The reason for the request.

3) The materials and/or information requested.

4) The materials and/or information copied (if applicable).

5) A statement signed by the HRC indicating that the HRC has advised the requestor of the confidential nature of the material and/or information.

6) A statement signed by the requestor indicating that the requestor has been advised by the HRC of the confidential nature of the materials and/or information and that the requestor agrees to not disclose any confidential materials and/or information without the express written consent of the Human Resources Department Head in the Service Center or equivalent Human Resources official at Headquarters.

b. Insofar as practicable, the review of materials and/or information that would normally not be released should take place in the Human Resources office in the presence of the HRC.