HUMAN RESOURCES

3.1 Employment

MERIT PROMOTION PLAN

A. Purpose: This section has been developed in compliance with the merit promotion requirements set forth by the Office of Personnel Management (OPM) in the Federal Personnel Manual (FPM), Chapter 335, and by the Department of Justice (DOJ) in DOJ Order 1335. It provides the mechanisms for affording merit staffing and promotional opportunities to status candidates within the USMS in particular and the DOJ in general. (At the option of the USMS, those from outside the DOJ may also be invited to apply under this plan. However, such invitations do not convey agency appeal rights to those individuals.)

B. Policy: The USMS fills positions from among the best-qualified candidates on the basis of merit. Non-merit considerations--such as favoritism, personal relationship (nepotism) or patronage--will not enter into the promotion process. All actions under this plan--including evaluation of qualifications, identification of best-qualified candidates, referrals, and selections--will be made without regard to race, religion, color, national origin, sex, age, non-disqualifying physical handicap, political affiliation, membership or non-membership in an employee organization, or marital status. Any official who is found to have improperly discriminated on the basis of any of the non-merit considerations listed above when rating employees or making selections will be subject to disciplinary action.

C. Career Board (CB): The CB is composed of senior career USMS employees. All CB appointments are made by the Director. The CB makes recommendations to the Director or designee, who determines which positions will be filled using CB procedures.

D. Definitions

1. **Area of Consideration:** the area in which the search for eligible candidates is conducted in connection with a specific vacancy. The MINIMUM AREA OF CONSIDERATION is the area designated by this plan in which the agency may reasonably expect to locate a sufficient number of highly qualified candidates as determined by the USMS, to fill vacancies in positions covered by the plan.

2. **Best-qualified Candidates:** those who rank at the top of the merit promotion list when measured against other eligible candidates.

3. **Highly Qualified:** candidates who possess the knowledge, abilities, skills and other characteristics required for the position to a degree that substantially exceeds that which is considered minimally qualifying.

4. **Qualified:** candidates who meet the established qualification requirements described in OPM Handbook X-118.

5. **Ineligible:** candidates who are eliminated from consideration because their applications do not indicate compliance with the basic eligibility requirements for the position described in OPM Handbook X-II8, the time-in-grade requirement or the administrative requirements.

6. **Career Appointment:** a permanent appointment to a position in the competitive service given to an employee who has completed three substantially continuous years of creditable federal service.

7. **Career-conditional Appointment:** a permanent appointment to a position in the competitive

service given to a person who has not yet completed three substantially continuous years of creditable federal service.

8. **Career Ladder:** an occupational grouping of positions through which successive promotions can be made from entrance level to full-performance level without current competition if:

   a. The employee was, at an earlier stage, selected from an OPM register under competitive promotion procedures or under a noncompetitive appointing authority for a position with an established career ladder.

   b. The fact that the assignment was intended to prepare the employee for the higher-grade duties is a matter of record and was made known at the time the position was advertised.

9. **Career Promotion:** the noncompetitive promotion of an employee appointed to an entry- or intermediate-level position designed to prepare the incumbent for the full-performance level of the position being filled. Successive noncompetitive promotions may occur until the full-performance level is reached.

10. **Competitive Service Positions:** all positions that are not specifically excepted from civil service laws by statute or by the Office of Personnel Management.

11. **Job Analysis:** the systematic process of collecting and making judgments about all the pertinent information relating to a job. The results of job analyses are used for many purposes, such as developing new qualification or classification standards and identifying performance standards. In the context of this plan, the purpose is to provide a job-related basis for evaluation and selection.

12. **Job Element:** knowledge, ability, skill or other characteristic necessary for successful job performance.

13. **Knowledge, Abilities, Skills and Other Characteristics (KASOs):** worker characteristics typically associated with successful job performance. They are identified through a job analysis and provide the basis for the development of the crediting plan, performance standards, etc.

14. **Crediting Plan:** a document used in the evaluation process that prescribes the way in which points or other values will be awarded for pertinent experience, supervisory appraisals, education and training, awards as appropriate, test scores, etc. (also known as a rating guide).

15. **Detail:** the temporary assignment of an employee to a position for a specified period, with the employee returning to his or her regular duties at the end of the detail. Details generally do not include promotions. Technically, a position is not filled by a detail, and the employee continues to be the incumbent in the position from which he or she was detailed.

16. **Demotion:** the change of an employee to:

   a. A lower grade when both the old and new positions are under the general schedule or under the same wage-grade schedule.

   b. A position with a lower rate of basic pay when both the old and new positions are under the same type of ungraded wage schedule or in different pay method categories.

17. **Law Enforcement Positions:** positions in a two-grade interval series that meet the law enforcement retirement criteria for primary or secondary coverage.

18. **Priority Consideration:** giving consideration first to a candidate who was not given proper consideration in a previous competitive promotion action before other eligible merit promotion candidates are considered. However, the selecting official is required neither to select nor to state a reason for not selecting the employee to whom priority consideration has been afforded.

19. **Promotion:** the change of an employee to either a higher grade level within the same job classification and pay schedule or to a position with a higher rate of basic pay in a different job

classification system and pay schedule.

20. **Promotion Appraisal:** a written assessment of the degree to which an employee possesses the KASOs identified as important for successfully performing the position being filled.

21. **Promotion Certificate:** a list of candidates who were determined through the evaluation process to be the best qualified for a position. The alphabetical list is submitted to the selecting official.

22. **Promotion Potential:** This term is used to describe those positions from which career promotions can be made. Positions with known promotion potential include:

    a. Those filled at a grade(s) below the established or anticipated grade level

    b. Career-ladder positions

    c. Apprentice and trainee positions

    d. Understudy positions

23. **Qualification Standards:** statements of the minimum requirements established by OPM for a position. They may be supplemented by selective factors if the duties of a job justify it.

24. **Qualified/Eligible:** candidates who meet all minimum qualifications, including appropriate selective factors, and all legal, regulatory and administrative requirements for a position.

25. **Ranking:** the process of arranging eligible candidates by their overall ratings.

26. **Rating:** the process of assessing the qualifications of candidates to determine basic eligibility and the degree to which they possess the KASOs required for successful performance in the job to be filled.

27. **Rating Guide:** synonymous with crediting plan.

28. **Reassignment:** when an employee switches from one position to another without promotion or demotion.

29. **Recommending Official:** appropriate U.S. Marshal, division or staff office chief, etc. for positions over which the Director has final approval (generally GS-13 and above).

30. **Selecting Official:** the Director, USMS, or appropriate division or staff office chief with authority to select the individual who will fill a position.

31. **Selective Factors:** knowledge, abilities, or skills that are essential for satisfactory performance in a position. Such factors are in addition to the minimum qualification standards set by OPM and constitute part of the minimum eligibility requirements. Selective factors must be stated in the vacancy announcement, required by the position, and documented in the position description.

32. **Temporary Promotion:** qualified employees who receive temporary promotions to vacant positions for no more than 120 days. Competition is required for temporary promotions of more than 120 days.

33. **Term Promotion:** the promotion of an employee for a period of between two and four years to complete a designated assignment. Upon approval by OPM, a term promotion may be extended for an additional year for a total of five years.

34. **Vacancy Announcement:** the means by which an available position is advertised. The announcement states the location of the vacancy, the qualifications required and other pertinent information.

E. Responsibilities

1. **Managers and Supervisors**

   a. Support merit system principles, promote the program within their areas of authority, and ensure compliance with the spirit and procedural requirements of the merit system.

   b. Complete promotion appraisals on employees in an impartial and timely manner.

   c. Serve on ad hoc or other rating panels and otherwise participate in the merit promotion process.

2. **Human Resources Division**

   a. Issue and implement guidelines, revisions and supplements in accordance with appropriate regulations and merit system principles.

   b. Periodically evaluate policy and merit promotion plan effectiveness.

   c. Issue policy and assist in filling headquarters and in-district vacancies.

   d. Staff all national USMS law enforcement vacancies.

   e. Rate and rank applications for positions covered by this plan.

3. **Employees**

   a. Ensure that their merit promotion plan applications are complete and up-to-date.

   b. Apply for vacancies for which they wish to be considered. Employees who wish to be considered for non-bargaining-unit vacancies that occur while they are temporarily absent for leave, detail, training or other appropriate reasons are also responsible for providing written notification of:

      (1) The types of vacancies for which they would like to be considered during their absence

      (2) The dates of their absence

      (3) All required applications and submissions

   c. The written notification should be forwarded to the Human Resources Division.

4. **Merit Promotion Staff**

   a. Rate, rank and authenticate all of the application packages received from candidates for the following positions: Chief Deputy U.S. Marshal, Supervisory Deputy U.S. Marshal and all other law enforcement positions GS-11 and above not included in a bargaining unit.

   b. Recommend appropriate administrative review in cases where it is determined that candidates for the above positions may have submitted inaccurate or misleading information in their promotion packages or during the interview process. Appropriate action, including disciplinary action, may be taken upon verification.

   c. Recommend to the Director procedural and other changes relating to merit promotion procedures in law enforcement positions covered by this plan.

5. **Selecting Officials:** Designated by the Director, these officials select candidates for positions covered by this plan. When other than the Director, the selecting official is normally the supervisor of the position being filled. For positions at the GS-I3 level and above, however, the Director may appoint an ad hoc panel of two to three individuals to serve as the selecting officials. Whenever an ad hoc panel serves as the selecting official, the individuals appointed to it should be in positions of at least the same grade as the position being filled.

F. Coverage

1. Position Coverage

a. The provisions of this plan are applicable to all competitive service positions within the USMS up to and including the GS-15 level, that meet the definition of supervisor and/or management official, and to any other competitive service positions excluded from the bargaining unit in the USMS.

b. Positions within a bargaining unit are covered by separate procedures. Senior Executive Service (SES), attorney, law clerk positions, and positions at the GS-16/17/18 levels will be filled in accordance with applicable DOJ and OPM procedures.

2. **Covered Personnel Actions:** The competitive provisions of the plan apply to the personnel actions listed below when they are taken in connection with positions also included under the coverage of the plan.

a. All promotions except those listed under Excluded Personnel Actions.

b. Reassignments, transfer, or demotion to a position with more promotion potential than the position last held except as permitted by regulations governing reduction-in-force (RIF) and the placement of employees entitled to a retained grade.

c. Movement between pay schedules or classification systems which would be a change to a higher representative rate of pay.

d. Reinstatement to a permanent or temporary position up to the highest grade previously held on a permanent basis under a career or career-conditional appointment when demoted or separated for cause.

e. Transfer from a position in another agency to a higher graded one within the USMS.

f. Selection for training which would give an employee a significant advantage in competing for subsequent promotion, or which is a prerequisite for entry into a different career ladder.

g. Temporary promotions in excess of 120 days. Service under all temporary promotions, term promotions, and details to higher-graded positions that occurred during the preceding twelve months is counted toward the 120-day limitation.

h. Term promotions (unless an exclusion under Excluded Personnel Actions applies, in which case see Temporary Details/Promotions Longer Than 120 Days.

i. Selection for details of more than 120 days to a higher-graded position or to a position with known promotion potential.

3. **Excluded Personnel Actions:** Competitive procedures do NOT apply to the following actions:

a. **Career Promotions**

(1) **Promotions within a career ladder:** An employee may be noncompetitively promoted to any grade within a career ladder and may move noncompetitively to other positions at the same grade level with no higher career ladders when both of the following criteria have been met:

- The employee was originally appointed to a position with an established career ladder from a civil service register, under a noncompetitive appointing authority or under competitive promotion procedures.

- The fact that the initial selection could lead to subsequent promotions within the career ladder without further competition was made known in advance to all potential applicants.

(2) Promotion of employees from trainee, understudy, or other positions, filled at a grade lower than the established or anticipated grade, when both of the following criteria have been met:

- The position was filled through competitive procedures.
- The fact was made known when the position was advertised that it had promotion potential up to the established grade level.

(3) Promotion of employees who satisfactorily complete training under a training or executive development agreement approved by OPM if both of the following criteria have been met:

- The agreement provides for such promotion.
- The employee was chosen under competitive promotion procedures or appointed from a civil service register.

(4) Promotions of employees detailed to higher-graded positions or those with known promotion potential for the purpose of training or evaluation if the detail was made under competitive promotion procedures and the fact that the detail could lead to promotion was made known to all employees.

(5) The permanent assignment of an employee to a position to which the employee had been promoted on a temporary or term basis if the temporary or term promotion was originally made under competitive procedures and the fact that the assignment could lead to a permanent promotion was made known to all competitors at the time it was advertised.

b. **Reclassification Actions**

(1) Employees who occupy positions that are upgraded without a significant change in duties, due to the issuance of a new classification standard or the correction of a classification error.

(2) Promotion of an employee whose position is upgraded as a result of a change in duties and responsibilities if all of the following provisions are met:

- The employee continues to perform the same basic functions performed in the former position.
- The duties of the former position are administratively absorbed into the new position.
- The addition of the duties and responsibilities does not adversely affect another incumbent's position.
- There is no change in the organizational entity or unit where the position is located.
- The upgrade does not result in the promotion of a nonsupervisor to a supervisory position when the supervisory duties are the primary basis for upgrading the position.
- The new position has no known promotion potential.

(3) Temporary promotions or details to higher-graded positions for periods of 120 days or less [also see Temporary Promotions in excess of 120 days and Selections for detail of more than 120 days to a higher graded position or to a position with known promotion potential].

(4) Reassignment, lateral transfer, reinstatement, or voluntary demotion of a status candidate into a position with no known promotion potential (or a position having no higher promotion potential than one's existing or most recent nontemporary position in the competitive service). A selecting official has the option of considering and selecting, at any point, any candidate who is eligible for noncompetitive placement into a position regardless of the vacancy announcement status or whether a list of competitive eligibles exists. For noncompetitive placement, no formal evaluation procedures are required.

(5) Reinstatement of a former career or career-conditional employee, who previously converted to a career SES appointment, to any position and grade for which the employee is qualified.

(6) Reinstatement of a former career or career-conditional employee (other than those covered by the preceding paragraph) with reinstatement eligibility to a permanent or temporary position at a grade no higher than the last grade held in a non-temporary position in the competitive service.

(7) Re-promotion up to the highest grade previously held on a permanent basis unless demoted or removed for cause.

(8) RIF-related reassignments which entail the placement of an employee in one of the following types of positions:

- A position in a different pay system which would result in the employee receiving higher pay.
- A position with more promotion potential than the employee's former position.

(9) Selection of an employee who was afforded priority consideration as a remedy for failure to receive proper consideration in a previous competitive promotion or staffing action.

(10) Placement of retained grade/pay eligibles in positions at the grade held prior to their downgrading, including:

- Reassignment to positions with greater promotion potential.
- Repromotion to the grade from which demoted, including to a position with greater promotion potential.

(11) Appointment from the Priority Placement and Referral List to any USMS position for which registered, including to a position with more promotion potential or at a higher grade level.

(12) Selection from OPM's Displaced Employee Program (DEP) for a position, including one with greater promotion potential than that of the position from which the employee was, or will be displaced.

(13) Appointment to a position from a civil service register or under an OPM-delegated direct-hire authority.

(14) Appointment to a position under any other appropriate appointing authority

authorized by OPM.

4. **Employees Eligible for Competitive Actions**

a. All career or career-conditional employees within the stated area of consideration are eligible to compete for positions under this plan, provided they meet all of the following criteria:

(1) The time-after-competitive appointment restriction.

(2) The appropriate qualification standard for the position.

(3) They will have met the time-in-grade requirement within 90 days of the closing date of the merit promotion announcement (unless a shorter time frame for meeting the above requirement is specified in the announcement), if applicable.

(4) If the position change would result in a promotion, the employee must have been rated at the "Fully Successful" level or higher on their most recent performance rating of record with ratings of "Fully Successful" or better on all critical elements which are also critical to successful performance in the higher grade position.

(5) All other administrative and regulatory requirements for the position.

b. Reinstatement eligibles and individuals with eligibility for other noncompetitive appointing authorities (e.g., Veterans Re-adjustment Appointments, etc.), provided that both of the following criteria are met:

(1) The individual meets the qualification standards for the position.

(2) The noncompetitive appointing authority for which the individual is eligible would be an appropriate appointing authority for the position and grade in question.

c. Employees and others with eligibility on an appropriate OPM register may, at management's option, be considered in addition to (or in lieu of) merit promotion candidates.

d. **Absent Employees**

(1) Employees absent because of details, leave (including military leave such as for active reserve training), travel, training courses, worker's compensation, or other legitimate reasons will be considered if they have notified the appropriate division in writing of:

- The types of vacancies for which they desire consideration.
- The dates of their absence.
- Any other information deemed necessary by the Human Resources Division.

5. **Employees Eligibility for Noncompetitive Promotions:** To be eligible for a noncompetitive promotion, all of the following criteria must be met:

(1) The employee must meet all legal, regulatory, and qualification requirements for the promotion.

(2) The employee must have demonstrated ability to perform the work at the higher level over a significant period of time (usually at least six months).

(3) There must be sufficient higher-graded work to warrant the promotion.

(4) The employee was rated at the "Fully Successful" level or higher on their most recent performance rating of record and all critical elements which are also critical to successful performance in the higher grade position were rated at the "Fully Successful" level or higher.

6. **Selection for Supervisory Positions**

a. In order to be eligible for placement in a supervisory position, an employee must meet all minimum qualification requirements associated with the particular occupational series and those for supervisory positions. This applies to proposed competitive actions under the purview of this plan as well as to noncompetitive actions excepted from its provisions.

b. In accordance with 5 USC 3321 and 5 CFR 315.901-315.909, satisfactory completion of a probationary period is required before an initial appointment as a supervisor or a manager becomes final.

7. **Area of Consideration**

a. **Minimum Areas of Consideration**

(1) The minimum area of consideration for law enforcement positions at the GS-13 level and above filled under the provisions of this plan is Service-wide.

(2) The minimum area of consideration for all permanent Chief Deputy U.S. Marshal and Supervisory Deputy U.S. Marshal positions is Servicewide.

b. **Extending the Area of Consideration.** The Personnel Officer, with input from management, retains the option of extending the minimum area of consideration when deemed appropriate. These extensions may occur when the action is initiated or at any point thereafter.

c. **Payment of Relocation Expenses.** Except as provided for in Relocation Expenses, the relocation expenses of employees appointed to law enforcement positions at the GS-l2 level and above that are filled in accordance with the provisions of this plan will be paid by the USMS unless otherwise notified. The relocation expenses of employees appointed to other positions covered by this plan will not be borne by the USMS unless the exigencies of the position make it necessary to do so. The level of benefits authorized for a permanent change of station (PCS) move may vary according to the position. The employee should review his or her relocation authorization for more details on the benefits provided.

G. **Vacancy Announcements**

1. **Distribution and Posting:** The procedures for distributing and posting vacancy announcements will be determined by the Human Resources Division except as provided for below:

a. Notifications will be posted on management-maintained bulletin boards.

b. Once announced, non-bargaining-unit vacancies will remain open for applications for at least 10 working days.

c. Vacancy announcements for non-law-enforcement positions will normally remain open for 11 to 30 days.

2. **Contents:** Each vacancy announcement will include at least the following information:

a. Announcement (or identification) number

b. Opening and closing dates (and a statement that applications received or postmarked by the closing date will be accepted)

c. Title, series and grade of the position

d. Organizational and geographic location (including exact duty station) of the position

e. Area of consideration, including any restrictions on the acceptance of applications (If the area of consideration is subsequently extended, an amended vacancy announcement will be issued stating that those who already applied need not reapply.)

f. Promotion potential of the position

g. Whether more than one position may be filled from the resulting promotion certificate or whether the purpose of the announcement is to establish a register (this requirement does not apply to "open-continuous" announcements)

h. A summary of duties for administrative and unique law enforcement positions

i. A summary of the qualifications required, including any selective factors (i.e., required experience) and knowledge, skills or other characteristics that will be used to rank candidates.

j. For supervisory or managerial positions, a statement that the selectee may have to serve a probationary period in accordance with the provisions of 5 CFR 315.901-909

k. For positions involving more than occasional travel, a statement concerning the frequency of travel

l. Information regarding the time frame within which all applicants must have met the qualification requirements

m. A statement as to whether or not relocation expenses will be authorized

n. A statement that the USMS is an Equal Opportunity Employer

o. Instructions for submitting the application (including forms to be filed, address to which they should be mailed, and the name and telephone number of the person to contact for additional information)

H. Evaluation Process

1. **Basic Eligibility:** To be eligible for promotion or placement under this plan, candidates must meet the minimum qualifications for the position, including any bona fide selective factors.

   a. The Human Resources Division determines basic eligibility requirements.

   b. The minimum qualifications for the position will be those specified on the vacancy announcement and prescribed or approved by OPM in its Qualification Standards for General Schedule Positions, in Single-Agency Qualifications Standards, or in appropriate examination announcements. Selective factors may also be used if they are essential to successful performance. These factors are jointly determined by the selecting official and the Human Resources Division.

   c. Candidates must meet the time-in-grade or qualification requirements for length of experience within the time frame specified on the vacancy announcement. When a written test is required, the Human Resources Division will determine the time frame within which applicants must meet the time-in-grade and other requirements in order to be eligible to take the written test. When deciding who will be eligible to take the test, consideration will be given to such factors as the number of vacancies expected for the register and how long the register will be open.

2. **Rating and Ranking:** Candidates for headquarters non-law-enforcement positions covered by

this plan are rated and ranked by the Human Resources Division and experts designated by management. Candidates for field administrative positions are rated and ranked by the U.S. Marshal or designee. Candidates for non-bargaining-unit law enforcement positions are rated and ranked by the subject matter experts. All eligible candidates who apply under this plan for a specific position and grade will be rated and ranked against the same criteria.

a. All basically eligible candidates in accordance with the degree to which will be rated and ranked according to how well they demonstrate possession of job-related criteria outlined in the crediting plan. Promotion appraisals, education, experience, awards, etc. will be considered only in terms of the degree to which they prove the candidate has the knowledge, skills and other characteristics required for the position. Candidates annual performance appraisals may also be considered insofar as they are job related.

b. All candidates are rated numerically, and those with the highest scores are considered the best qualified. The number of applicants on the best-qualified list is determined using the "significant break" method. A significant break in scores is generally considered a difference of greater than one point. A best-qualified list will not have fewer than five applicants unless fewer than five apply and are eligible.

3. **Written Tests**

a. A written test is required for 1811 positions with full performance levels of GS-13 and above. Although there is no pass/fail score on the exam, all eligible employees who wish to be considered for such positions under this plan must, as part of the application process, take the appropriate exam.

b. The written test scores may be combined with the ratings assigned to the candidates for such areas as education, experience, training, awards, appraisals and FIT to determine their combined overall merit promotion scores.

c. Employees who wish to remain eligible must take the appropriate exam each time it is offered.

d. Employees will be notified of the opportunity to apply for the written test at least 90 days before it is given. General information about the test, including those who are eligible to take it, will also be provided.

e. Employees will be told their test scores and other pertinent information about the overall distribution of test scores.

4. **Promotion Appraisals**

a. Promotion appraisals are to be completed by the employee's first-level supervisor. If the employee has been under the supervisor's responsibility for at least 90 days that supervisor should complete the appraisal based on personal observations of the employee's performance, otherwise it should be done by the former supervisor. If the supervisor is unable to rate the employee on one or more items on the promotion appraisal, he or she may consult a former supervisor(s) who had the opportunity to observe the employee's performance in those areas. Whenever former supervisors are contacted, their names, titles, employing organizations and work telephone numbers must be noted on the promotion appraisal.

b. If the employee has not been supervised by his or her current supervisor for at least 90 days the appraisal should be completed by the former supervisor or the second line supervisor if he or she has supervised the employee for at least 90 days.

c. It is recommended that the first-level supervisor discuss the promotion appraisal with the second-level supervisor.

5. **Documentation of Experience**

a. All experience claimed by candidates for positions covered by this plan is to be verified by audit teams or other appropriate means. Candidates must therefore ensure that they only claim to have knowledge, abilities and other characteristics that can be satisfactorily documented.

b. Willful exaggerations and misstatements in the application process may be cause for disqualification and disciplinary action.

6. **Documentation of Fitness Levels:** Law enforcement applicants must be FIT program participants. When indicated, applicants must submit a fitness assessment documenting their fitness levels within the specified time frame.

a. Candidates' fitness results are subject to verification by the Human Resources Division or other appropriate means.

b. Willful exaggerations and misstatements on the fitness assessment may be cause for non-selection and disciplinary action.

7. **Confidentiality:** An employee's merit promotion application, appraisal and score will not be reviewed by other employees, though such records will be available to rating, selecting and other appropriate officials.

I. Applications for Merit Promotion Vacancies: Applications for promotions may be accepted during any merit promotion vacancy announcement period.

J. Referrals

1. **Method of Referral**

a. Best-qualified candidates will be listed alphabetically on a promotion certificate. The number of applicants is determined by a significant break in the ratings.

b. If there is a tie for the last position on the promotion certificate, all candidates with that score will be referred. If the individuals tied for last place are not USMS employees, the tie will be resolved based on length of federal civilian service.

c. When there are fewer than five qualified candidates for positions covered by this plan, all qualified candidates will be referred.

d. If there are multiple vacancies for the same type of position (same series, grade and title), up to five additional names may be referred for each extra vacancy.

e. When a position was advertised at more than one grade level, the best-qualified candidates for each grade level may be referred on separate promotion certificates.

2. **Employee Interviews:** The best-qualified candidates may be interviewed by the selecting or recommending official. If one candidate is interviewed, all candidates on that certificate should be interviewed.

K. Selections

1. **General**

a. The selecting official may either select one of the candidates on the promotion certificate or choose one or more of the following options:

(1) Request the certification of additional names when appropriate (e.g., there are fewer than five candidates on the certificate).

(2) Request that the position be re-announced to expand the area of consideration.

(3) Select from another appropriate source, such as an OPM register or from among individuals eligible for noncompetitive appointment to the position.

(4) Decide not to fill the position.

b. Selections should normally be made within 30 days of receiving the promotion certificate.

c. A competitive promotion for a USMS employee against whom an investigation and or disciplinary action is pending or has been taken, that has or will result in greater than a letter of reprimand, will not take effect for a year after the offense was committed or the date headquarters became aware of it. At the Director's discretion, this may be extended to two years based on the severity of the offense. USMS employees may not be considered for merit promotion vacancies if they are within a year of the date of offense (or the date headquarters became aware of it) for which they received more than a letter of reprimand. The Director may opt to extend that period to two years. Actions against employees that are between one and two years will be referred to the Director through the Assistant Director for Human Resources.

d. The Director reviews candidate selections, and then the Human Resources Division announces them to the offices with the vacancies. Candidates should not be informed that they have been selected until their offices have been notified.

2. **Release of Selected Employees:** Employees selected for positions under this plan should be released from their existing jobs promptly, normally within 15 days of selection notification or at the end of the first full pay period after that. However, when circumstances warrant, the employee, by mutual agreement between current and future supervisors, may remain in the current position for up to 30 days.

3. **Effective Dates of Position Changes**

a. Except in instances where an employee will move to a new geographical location, position changes within the USMS that involve salary changes will be made at the beginning of a pay period. They will normally be effective on the first day of the first pay period after the Personnel Officer or designee approves the action.

b. Promotions that also involve changes in duty stations and geographical locations will be effective the first day of the first pay period after the employee reports for duty.

c. Effective dates that differ from the above must be approved in advance by the Personnel Officer and be effective the first day of the agreed upon pay period.

4. **Information to Candidates:** Upon written request, the Human Resources Division will furnish candidates with the following information:

a. The qualification standards, job elements and rating factors used for the position except those identified as secure.

b. Whether the candidate met the qualification requirements.

c. Whether the candidate was in the best-qualified group of eligibles referred to the selecting official. Only uncertified employees may be notified of their rank.

d. The employee's scores for a specified position. Employees are not entitled to the scores or rankings of others.

e. The number of applicants for a position and the number certified. Employees are not entitled to the names, positions or locations of other applicants.

f. The name, title, organizational assignment and geographical location of the person who was selected.

L. Temporary Details/Promotions Longer than 120 Days

1. General

a. Offices may temporarily promote or detail employees to vacant positions for more than 120 days until permanent candidates are chosen. In order to do so, though, the action must be competitive and the appointment may not exceed one year. Positions may not be filled by a temporary, not to exceed one year appointment, in lieu of a permanent selection.

b. The position must be established and funded, and the need for a temporary appointment must be justified by the U.S. Marshal, division, etc.

c. Temporary appointments not to exceed a year may be terminated at any time.

2. Procedures for Operational Positions

a. Operational positions that are filled temporarily are advertised through the Merit Promotion program. Requests to fill such positions are made to the Human Resources Division.

b. The area of consideration is restricted to the district or division where the vacancy exists.

c. No moving expenses are authorized for temporary appointments.

d. The U.S. Marshal or division chief recommends someone from the best-qualified list produced by the Human Resources Division. The Director or designee makes the final selection.

M. Maintenance of Records

1. Promotion records, ranking lists, promotion certificates, and correspondence or documents pertaining to the ranking of competitors will be kept by the Human Resources Division for at least two years or until a formal personnel management evaluation review by OPM, whichever comes first. The records will then be destroyed, provided that the period for submitting grievances is over.

2. Crediting plans and rating procedures for evaluating candidates' experience will not be released if this would undermine the fairness and validity of the selection process. The USMS prohibits the release of the experience and supervisory appraisal portions of the rating guide for law enforcement positions.