



COMDTINST 12335.3

SEP 9 1991

COMMANDANT INSTRUCTION 12335.3

Subj: MERIT PROMOTION PROGRAM AND PLANS

1. PURPOSE. This Instruction establishes the Coast Guard's policy on merit promotion and is intended for use when constructing merit promotion plans (MPPs) anywhere in the Coast Guard.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of Headquarters units, assistant commandants for directorates, chief counsel, and special staff offices at Headquarters shall ensure compliance with the provisions of this directive.
3. DIRECTIVES AFFECTED. None.
4. REFERENCES. This Instruction shall be used in conjunction with 5 Code of Federal Regulations (CFR) Parts 300 and 335, appropriate issuances of the Office of Personnel Management (OPM), the Department of Transportation Personnel Manual (DPM), and Coast Guard directives in the 12000 series.
5. COVERAGE. This Instruction applies to personnel actions resulting in promotion or selection in the competitive service. It does not apply to personnel actions in the excepted service, Administrative Pay System (keepers, lamplighters, and Academy faculty), nor to Senior Executive Service or Administrative Law Judge personnel. Nonappropriated Fund employees are also excluded except when considered for positions paid by appropriated funds.
6. DEFINITIONS. Enclosure (1) lists relevant definitions.
7. POLICY. It is Coast Guard policy that all selections under merit promotion plans shall be:
 - (a) made from among the best qualified candidates available, (b) based solely on job related

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criteria, and (c) made without regard to political, religious or labor organization affiliation or nonaffiliation, marital status, race, color, ethnic group or cultural background, gender, sexual orientation, nondisqualifying physical or mental disability, or age.

8. RESPONSIBILITIES.

a. Commandant (G-WPC):

- (1) Formulates and issues policy and program guidance governing the administration of the merit promotion program throughout the Coast Guard; and
- (2) Measures and evaluates the effectiveness of the merit promotion program Coast Guard-wide.

b. Civilian Personnel Management Division (CGPC-cpm):

- (1) Develops or modifies merit promotion plan(s) to meet the requirements of this Instruction;
- (2) Ensures that merit promotion actions are accomplished in accordance with this Instruction;
- (3) Trains or informs supervisors and employees of the requirements of the applicable MPP;
- (4) Establishes and maintains files and records to answer inquiries and reconstruct merit promotion actions;
- (5) Provides systems or procedures for ensuring a broad range of potential candidates have timely, ready access to information on Coast Guard vacancies;
- (6) Receives requests for filling vacancies and provides guidance to selecting officials in the recruitment and selection processes;
- (7) Screens qualifications of candidates against minimum qualification standards (may include assistance from subject matter experts);
- (8) Establishes systems for evaluating candidates;
- (9) Advises merit promotion panels (when convened) and/or selecting officials of their duties and responsibilities;
- (10) Provides a system of notification of results that is available to applicants;

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(11) Provides systems under which employees temporarily absent for authorized reasons may be accorded consideration for appropriate vacancies which occur during their absence; and

(12) Makes official offers of employment.

c. Selecting Officials:

(1) Initiate staffing requests to allow for timely recruitment;

(2) Assist CGPC-cpm in performing job analyses;

(3) Participate in determining areas of consideration; and

(4) Make selections to be formalized by CGPC-cpm.

d. Candidates: Submit all required application materials in a complete, thorough, and timely manner as required by the specific vacancy announcement.

9. PERSONNEL ACTIONS COVERED BY MERIT PROMOTION PLANS. The following identification of covered and noncovered personnel actions applies uniformly to all Coast Guard merit promotion plans. Only variances from the listed discretionary exceptions need be separately specified in individual plans.

a. Competitive procedures shall apply to all promotions under 5 CFR 335.102 and to:

(1) Time-limited promotions for more than 120 days to higher graded positions (prior service during the preceding 12 months under noncompetitive time-limited promotions and noncompetitive details to higher graded positions counts toward the 120 day total). A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under competitive procedures and the fact that it might lead to a permanent promotion was made known to all potential candidates;

(2) Details for more than 120 days to a higher graded position or to a position with more promotion potential (prior service which counts toward the 120 day total is the same as described in 8.a.(1));

(3) Selection for training which is part of an authorized training agreement, part of a promotion program, or required before an employee may be considered for a promotion under 5 CFR part 410;

(4) Reassignment or demotion to a position with more promotion potential than a position previously held on a permanent basis in the competitive service (except as permitted by reduction in force regulations)

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- (5) Transfer to a position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service; and
- (6) Reinstatement to a permanent or temporary position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service.

b. Competitive procedures do not apply to:

- (1) A promotion resulting from the upgrading of a position without significant change in the duties and responsibilities due to issuance of a new classification standard or the correction of an initial classification error; and
- (2) A position change permitted by reduction in force regulations.

c. The following discretionary exceptions are considered exceptions to competitive procedures generally under Coast Guard merit promotion plans unless otherwise specified in a given plan:

- (1) A promotion without current competition of an employee who was appointed in the competitive service from a civil service register, by direct hire, by noncompetitive appointment or noncompetitive conversion, or under competitive promotion procedures for an assignment intended to prepare the employee for the position being filled (the intent must be made a matter of record and career ladders must be documented in the promotion plan);
- (2) A promotion resulting from an employee's position being classified at a higher grade because of additional duties and responsibilities;
- (3) A temporary promotion, or detail to a higher grade position or a position with known promotion potential, of 120 days or less;
- (4) 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, e.g., the Coast Guard Nonappropriated Fund Interchange Agreement) from which an employee was separated or demoted for other than performance or conduct reasons;
- (5) Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having promotion potential no greater than the 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, e.g., the Coast Guard Nonappropriated Fund Interchange Agreement) and did not lose because of performance or conduct reasons; and

- (6) Consideration of a candidate not given proper consideration in a prior competitive promotion action.

10. REQUIREMENTS. Requirements classed as “Standards” apply uniformly to all Coast Guard merit promotion plans. Unless otherwise indicated by this Instruction, there is no need to restate standards in individual plans. Requirements classed as “Specifications” indicate processes, systems, or other requirements which must be specified in writing in the individual plan. The objective in so doing is not to state the goal of the process, but to describe the process in basic, operational terms (i.e., the high-level operations and their sequence required to perform the process).

a. Standards. The following basic standards and requirements cover all Coast Guard merit promotion plans:

- (1) Equal Opportunity. Actions under the plan, including the identification, qualification, evaluation, and selection of candidates, shall be made without regard to political, religious, or labor organization affiliation or nonaffiliation, marital status, race, color, ethnic group or cultural background, gender, sexual orientation, national origin, nondisqualifying physical or mental disability, age, or source of funding for the position, and shall be based solely on job-related criteria. This guidance shall be provided to any panel or board members chosen to select, screen, or otherwise assist in selecting persons for civilian positions, training, or career development opportunities effected under merit promotion regulations.
- (2) Qualifications. To be eligible for promotion or placement under any plan, applicants must meet OPM-approved minimum qualification standards, including modifications and selective placement factors, if any. Evaluations to determine whether candidates are minimally qualified may be performed by a member of CGPC-cpm with assistance from a subject matter expert. There must be a process of evaluating each candidate for promotion or placement to determine those who are best qualified. Methods of evaluation for promotion and placement, and selecting for training which leads to promotion, must be consistent with instructions in 5 CFR part 300 subpart A. Each candidate shall be evaluated solely against job-related criteria based on a written evaluation procedure. Due weight shall be given to performance appraisals and incentive awards.
- (3) Career Ladder Promotions. Noncompetitive promotions in career ladder positions are management decisions based on a prior record demonstrating the promotion potential of the position and the manager’s determination that the incumbent is performing at the higher grade level.
- (4) Selections. Management has the right to select or nonselect from among a group of best qualified candidates, or to select from other appropriate sources, such as reemployment priority lists, recognized placement program eligibles, reinstatement, disabled, or Veterans Readjustment Act eligibles or those within reach on an

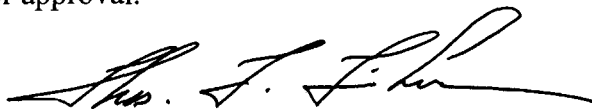
appropriate OPM certificate. In deciding which source or sources to use management has the obligation to determine which is most likely to best meet the Coast Guard's mission requirements, contribute fresh ideas and viewpoints, and meet affirmative action goals.

- (5) Record Maintenance. Administrative records for all merit promotion actions will be recorded in a manner to ensure the provision of necessary information to employees and the public, ensuring that individuals' rights to privacy are protected. There shall be a temporary record of each promotion sufficient to allow reconstruction of the promotion action, including documentation on how the candidates were evaluated. These records should include the names of each individual involved in the determination process (the name of the individual(s) making determinations of minimum or other qualifications, including the assigned personnel representative, panel members if any, and the name of the selecting official); and a promotion certificate naming all applicants, annotated to show all actions that take place, e.g., qualified, best qualified, etc. The records may be destroyed 2 years after the closing date or after the program has been formally evaluated by OPM (whichever comes first) if the time limit for grievance has elapsed before the anniversary date.
 - (6) Determining the Minimum Area of Consideration. The minimum area of consideration must be sufficiently broad to ensure the availability of well-qualified candidates, taking into account the nature and level of the positions covered.
 - (7) Vacancy Announcements. Coast Guard vacancy announcements shall follow a standard format determined by CGPC-cpm. At a minimum, announcements will include the title, pay schedule, grade and promotion potential, series, duties, a brief description of the qualification requirements including any rating factors used, work schedule and appointment duration, the area of consideration and opening and closing dates, the announcement number, how to apply, a clear statement of equal employment opportunity, any drug testing requirement, any probationary period requirement for a supervisory or managerial position, a Privacy Act statement, any security clearance requirements, and the method of evaluation.
 - (8) Grievances. Employees have the right to file a complaint relating to a promotion action. Such grievances shall be resolved under the appropriate negotiated or administrative grievance procedures. While the procedures used to identify and evaluate qualified candidates may be proper subjects for formal complaints or grievances, nonselection from among a group of properly evaluated and certified candidates is not an appropriate basis for a formal complaint or grievance. There is no right of appeal to OPM, but OPM may conduct investigations of substantial violations of OPM requirements.
- b. Specifications. To ensure the documentation of procedures for promoting employees based on merit, merit promotion plans must be published through the Coast Guard

directives system or other official media and made available to all candidates. Each plan must specify the range of positions covered. Plans may cover all positions within the Coast Guard, or within an area, district, MLC, Headquarters, or Headquarters unit. Alternatively, plans may be developed for specific groups of positions by functions, geography, or organization, including positions from multiple commands. Plans must also specify procedures to ensure that employees who are absent for legitimate reason, e.g., on detail, on leave, at training courses, in the military service, or serving in public international organizations or on Intergovernmental Personnel Act assignments, receive appropriate consideration for promotion.

11. RELEASE OF EMPLOYEES. A Coast Guard employee selected for promotion or placement under merit promotion procedures should be released as soon as possible (normally within two pay periods). Exceptions should be made only in extreme cases when agreeable to the employee and the receiving organization.

12. APPROVAL. Prior to issuance, all merit promotion plans and substantive revisions must be submitted to Commandant (G-WPC) for approval.



Thomas F. Fisher
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Personnel Management

Encl: (1) Definition of Terms

DEFINITION OF TERMS

Area of Consideration. The organizational and/or geographic area in which CGPC-cpm makes an intensive search for eligible candidates in a specific promotion action. The minimum area of consideration is the recruitment area in which CGPC-cpm should reasonably expect to locate enough high quality candidates to fill vacancies in the positions covered by the merit promotion plan. The minimum area of consideration may be extended if a sufficient number of high quality candidates are not identified.

Basic/Minimum Qualification Standards. The position qualification standards set by OPM, or by an agency with a single agency standard approved by OPM, augmented by (i.e., incorporating) any selective placement factor(s).

Best Qualified Candidate(s). “Best Qualified” is a relative term implying a process in which candidates are compared against each other. This determination is first made by comparing qualified candidates against the evaluation and selection criteria to determine who is well-qualified. Best qualified candidates are those (there may be more than one) who demonstrate better knowledges, skills, and abilities than other well-qualified candidates for a position.

Career Ladder Position. The range of grades in an occupational series within an organization which represents the levels at which all employees are given grade-building experience and to which they may be noncompetitively promoted. Promotion potential for all permanent positions within the Coast Guard is the authorized grade level recorded in the Personnel Allowance List (PAL).

Crediting Plan. The crediting plan is a tool that can be used to compare qualified candidates for a position. It includes the quality ranking factors identified for the position. Crediting plans are commonly developed by the selecting official or subject matter expert in conjunction with the personnel representative. The crediting plan defines levels (e.g., minimally qualified, well-qualified, Group A, B, C, etc.) of possession of each KSA (e.g., skill in oral communication) which may include examples of experience, training, education, performance, and awards. The crediting plan also contains a rule for deriving a summary evaluation for each candidate based on the KSAs.

Detail. The temporary assignment of an employee to a different position or set of duties for a specified period of time with the employee returning to the former position at the end of the assignment. A detail does not involve a formal position change; officially, the employee continues to hold the position from which detailed and keeps the same pay and status.

Evaluation Process. Merit promotion presumes a process of evaluating each candidate against the pertinent KSAs and qualification standards to determine who is minimally qualified, well-qualified and best qualified.

Job Analysis. The process of identifying the knowledge, skills, and abilities and other characteristics essential to a position in order to provide a job-related basis for evaluation and selection for that position.

Knowledges, Skills, and Abilities (KSAs). The KSAs and other characteristics identified as essential (selective placement factors) or important (quality ranking factors) for successful performance in a position and which represent an addition to the minimum qualification standards for a job. KSAs are routinely listed in all job announcements.

Promotion Panel. A committee, usually composed of subject matter experts, established to evaluate and compare candidates for selection or promotion.

Qualified/Minimally Qualified Candidate. Those candidates who meet established basic qualification standards (including selective placement factors, but not necessarily quality ranking factors) for the position.

Quality Ranking Factor. A KSA, or other characteristic, expected to significantly enhance performance in a position, but not considered essential for satisfactory performance (i.e., it is not part of the minimum qualifications standard). While applicants who possess such characteristics may be more favorably evaluated than others who do not, no applicant may be considered unqualified for the position simply because he or she does not possess such KSAs or characteristics.

Reinstatement. The noncompetitive career or career conditional reemployment of a person formerly employed in the competitive service who had earned competitive status.

Selective Placement Factors. The KSAs or other characteristics (e.g., possession of a license to perform a particular function) essential for satisfactory performance on the job which represent an addition to (or part of) the basic qualifications standard for the position, e.g., "ability to read, speaks, and/or write Spanish." Since selective placement factors are part of the minimum qualification requirements, applicants who do not have them are screened out and are not considered further.

Well-Qualified Candidate. Well-qualified is not a relative term, and does not relate to comparing applicants. Some or all well-qualified may also be among the best qualified. For merit promotion purposes, the well-qualified candidate:

- a. Meets the qualification standard and eligibility requirements for the position, including any medical qualifications, and minimum educational and experience requirements;
- b. Meets all selective placement factors where applicable. Meets appropriate quality ranking factor levels;
- c. Is physically qualified, with reasonable accommodation where appropriate, to perform the essential duties of the position;
- d. Meets any special qualifying conditions that the Office of Personnel Management has approved for the position; and
- e. Is able to satisfactorily perform the duties of the position upon entry.