

<p align="center">United States of America DEPARTMENT OF COMMERCE</p>	<p align="center">DEPARTMENT ADMINISTRATIVE ORDER 202-335</p>	
<p align="center"><b>DEPARTMENT ADMINISTRATIVE ORDER SERIES</b></p>	<p>DATE OF ISSUANCE October 2, 1979</p>	<p>EFFECTIVE DATE October 2, 1979</p>
<p>SUBJECT MERIT ASSIGNMENT PROGRAM</p>		
<p><b>SUPERSEDED</b> BY <u>DAO 202-335</u> DATE <u>6/15/17</u></p> <p><u>SECTION 1. PURPOSE.</u></p> <p>.01 The purpose of this order is to implement the Federal merit promotion policy throughout the Department of Commerce for positions in the competitive service.</p> <p>.02 This revision: (a) establishes Departmental policies and procedures which are in accord with the substantially revised Government-wide merit promotion policy set forth in the Federal Personnel Manual (FPM) at Chapter 335 and in Supplement 335-1 (both temporarily issued by FPM Letter 335-12, dated December 29, 1978); and (b) issues a model Merit Assignment Program Plan.</p> <p><u>SECTION 2. GENERAL PROVISIONS.</u></p> <p>.01 <u>Relation of this Order to Other Regulations and Instructions.</u></p> <p>a. The Federal merit promotion policy and this Order constitute the requirements of the Department for promotions in the competitive service and for other selections and assignments to positions when they are required to be made under merit assignment procedures. This order does not apply to noncompetitive positions, such as those in the excepted service; guidance for filling these positions is set forth in FPM Chapter 302 and DAO 202-302, plus separate systems as may be developed by personnel offices.</p> <p>b. This Order issues a Merit Assignment Program Plan Model (Appendix A), for GS-1 through GS-15 or equivalent positions, which contains guidance for operating units when designing a plan. This model plan is suggested for use as circumstances warrant and may be modified by the Director of Personnel as needed.</p> <p>c. Assignments in the Senior Executive Service are not covered by the provisions of this order or by guidance of the model plan. However, assignments to positions at GS-16 through GS-18 (and equivalents) that are excluded from the Senior Executive Service will continue to be covered by the merit principles of the Executive Assignment System under special procedures set forth by the Office of Personnel Management in FPM Chapter 305 and FPM Supplement 305-1 and by specific instructions issued by the Assistant Secretary of Administration or the Director of Personnel.</p> <p>.02 <u>Department policy.</u></p> <p>a. The administration of merit assignment programs and plans shall conform to the requirements of the Federal merit promotion policy as implemented by this Order.</p>		

b. All personnel actions which are subject to merit assignment program requirements shall be taken solely on the basis of merit, fitness, and qualifications without discrimination for any nonmerit reason and without favoritism based on personal relationships or patronage.

c. To achieve efficiency of personnel operations and equity in the treatment of all employees and other applicants, operating units will follow, to the greatest extent possible, the provisions of the model plan.

d. Every plan will:

1. provide for special priority consideration of employees who have been involuntarily downgraded (for other than personal cause) for at least a minimum of two years after their demotion in both their current operating unit and the operating unit where their demotion occurred.

2. require applicants to meet all eligibility requirements by the closing date of a vacancy announcement or on the date the skills file was used.

3. state that a merit assignment panel must meet for all positions at GS-13 and above (and equivalent) when there are more than 10 qualified competitors for the position.

4. state that merit assignment panel members will be at the same grade level or higher than the position to be filled.

5. state that the personnel representative when serving solely as an advisor has no vote in merit assignment panel evaluations.

6. state that 10 is the maximum number of best qualified candidates which can be referred to the Selecting Official. This number may be increased by one for each additional vacancy to be filled. However, selection will be restricted to the first 10 available candidates.

7. state that the Merit Program Certificate is only valid for 30 calendar days from date issued and may be extended for 30 additional calendar days only with the approval of the personnel office.

### SECTION 3. MERIT ASSIGNMENT PROGRAM PLANS.

.01 Reference to program. All form titles, communications, and references to the Federal merit promotion policy hereafter shall cite the Department of Commerce "Merit Program" or "Merit Assignment Program." These terms have been selected to describe more fully and accurately those personnel assignments which occur through formal competition.

.02 Existing plans. Within six months operating units shall modify all existing merit promotion program plans to reflect adequate merit assignment program provisions unless specifically delayed by provisions of established labor agreements. The development of specific implementing procedures for application of this Order in the individual operating unit's merit assignment program plans shall include appropriate consultation and/or negotiation with supervisors, employees, and/or labor organizations.

.03 Additions or changes in the future. Any proposed provision of an operating unit's merit assignment program plan which is inconsistent with requirement of this Order must be approved by the Director of Personnel before implementation.

#### SECTION 4. INFORMATION TO EMPLOYEES AND APPLICANTS

.01 Merit assignment program plans provisions are to be publicized periodically by personnel offices to assure that covered employees know how their plan affects them. Each employee shall have access to a copy of the plan. Publicity shall include reminders to employees of their responsibility to update their qualifications information, if appropriate. In addition, employees should be kept informed of the method and/or locations used to publicize vacancies.

.02 Merit assignment program plans shall provide that all applicants be notified of the outcome of their consideration if they applied under a vacancy announcement.

#### SECTION 5. INTEGRATION WITH OTHER PERSONNEL PROGRAMS

Heads of operating units should ensure that their organization's merit assignment program policy is in harmony with other personnel management programs such as recruiting and staffing, workforce planning, training, career development, performance appraisal, equal employment opportunity and labor-management relations.

#### SECTION 6. PROGRAM EVALUATION.

The administration of the merit assignment program by each operating unit will be evaluated periodically by the Departmental Office of Personnel and by the Office of Personnel Management in conjunction with reviews of other aspects of personnel management.

#### SECTION 7. COMPLAINTS AND CORRECTIVE ACTIONS.

Complaints arising out of the operation of the merit assignment program are to be processed under: (a) the administrative grievance system (see Department Administrative Order 202-771 "Employee Grievances") or the negotiated grievance procedure, where applicable; or (b) the discrimination complaint procedure, if appropriate. (Note: Nonselection from among a group of properly ranked and certified competitors is not a grievable matter.) When there is a

failure to adhere strictly to the provisions of the FPM, or this Order, corrective measures shall be applied promptly and in accordance with the corrective action guidance set forth in FPM Chapter 335.

SECTION 8. RECORDS AND FORMS.

Records of merit assignment program actions, plans, and operations shall be maintained by the servicing personnel office. There should be a consolidated file for each merit assignment program action (or group of actions effected from a single merit program certificate) containing all relevant information except for supervisory appraisals or evaluations and similar documents if maintained elsewhere. The merit program forms displayed in Appendix A as Exhibits 1, 2, 3, 4, and 6 are required for use by all operating units.

SECTION 9. EFFECT ON OTHER ORDERS.

This Order supersedes Department Administrative Order 202-335, dated May 12, 1969, except that the provisions of the previous order remain in effect with respect to an operating unit's existing merit promotion plan promulgated thereunder until that plan is revised as required by paragraph 3.02 above.

*Clifford J. Parker*  
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Acting Director of Personnel

Approved:

*Don O. Pate*

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Assistant Secretary for Administration

Office of Primary Interest  
Office of Personnel

Index Changes

Add.

Merit Assignment Program

202-335

Delete.

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## MERIT ASSIGNMENT PROGRAM PLAN MODEL

A. PURPOSE AND POLICY.

.01 Purpose. The purpose of this Plan is to establish Merit Assignment Program policies and to set forth requirements and procedures which assure that qualified candidates are considered for assignment to competitive service positions on the basis of merit, fitness, and qualifications.

.02 Policy. All vacancies subject to competition by this Plan shall be filled from among the best qualified candidates available on the basis of merit, fitness, and qualifications without regard to race, color, religion, national origin, marital status, sex, age, nondisqualifying physical handicap, political, or labor organization affiliation, or personal favoritism.

B. AUTHORITY.

This Plan is issued pursuant to Federal Personnel Manual (FPM) Chapter 335, FPM Supplement 335-1, and Department Administrative Order 202-335.

C. DEFINITIONS.

.01 Area of Consideration. The area in which a search is made for eligible candidates for consideration for a specific vacancy.

.02 Best-qualified. The rating given to those qualified candidates determined to be most capable of performing the duties of the vacancy when compared with other eligible candidates for a position, and who are certified to the selecting official on a Merit Program Certificate.

.03 Selecting Official. A management official who has authority to select a candidate for assignment to a position, subject to the final approval of an Appointing Officer.

.04 Demotion. A demotion is the change of an employee to a lower grade when both the old and the new positions are under the General Schedule, or under the same wage grade schedule, or to a position with a lower rate of basic pay when both the old and the new positions are under the same type ungraded wage schedule or in different pay-method categories.

.05 Merit Assignment Panel. A group of three or more officials or employees who evaluate and/or rank competing candidates prior to selecting official

consideration of the best qualified. The panel may be advised by a representative of the servicing personnel office who acts as a merit program technical advisor to the group. A personnel office representative serving solely as an advisor has no vote in a panel's determinations. The panel shall include a representative of an organizational unit other than the one in which the position to be filled is located, and at least one person who is familiar with the work of the position to be filled.

.06 Merit Program Certificate. The prescribed Form CD-262 used (Exhibit 1) to submit the names of candidates for consideration to a selecting official, and to document selection decisions.

.07 Merit Program Interest Statement. The form CD-261 prescribed for use (Exhibit 2) under a vacancy announcement system, by an employee of the Department, to indicate interest in being considered for assignment to a position. The form is designed so that it may also be used to notify an employee of consideration accorded for a particular vacancy.

.08 Merit Program Vacancy Announcement. The Forms CD-260 or CD-260A prescribed for use (Exhibits 3 or 4) in vacancy announcement systems to publicize the fact that applications are invited for consideration for current or anticipated vacancies.

.09 Panel Interview. A personal interview, conducted by a merit assignment panel, to assess the qualifications, personal attributes and characteristics of a candidate as they relate to the performance of the position to be filled.

.10 Promotion. The change of an employee to a position at a higher grade level within the same job classification system and pay schedule or to a position with a higher rate of basic pay in a different job classification system and pay schedule.

.11 Qualified. The rating given to candidates who meet the established qualification requirements (which include selective factors) for a particular position.

.12 Quality Ranking Factors. Those knowledges, skills, or abilities which could be expected to significantly enhance performance, but which could not reasonably be considered necessary for satisfactory performance.

.13 Reassignment. A reassignment is the change of an employee from one position to another without promotion or demotion.

.14 Selective Factors. The knowledge, skills, or abilities essential for satisfactory performance on the job and which represent an addition to the basic qualifications for a position.

.15 Skills File. A record of the qualifications of individual employees in an area of consideration, sufficiently detailed and current, to afford an adequate basis for rating each employee in relation to the qualification standards prescribed for a particular position.

D. RESPONSIBILITIES.

.01 Personnel Office. The Personnel Officer and staff are responsible for implementing and administering this Plan with the operating units serviced. Specific responsibilities include, but are not limited to:

- a. Training supervisors and informing employees of the requirements and objectives of the Plan;
- b. Establishing and maintaining necessary files and records to permit reconstruction of actions at a later date and answering inquiries;
- c. Providing information to employees and management concerning promotion actions;
- d. Reviewing requests for filling vacancies and assisting in the identification of qualification requirements;
- e. Issuing and publicizing vacancy announcements;
- f. Screening and evaluating qualifications of candidates for assignment against basic Civil Service requirements and standards;
- g. Advising merit assignment panel members of their duties and responsibilities and participating as technical advisor to the panel;
- h. Assuring that merit assignment procedures aid in producing the best qualified candidates available for vacancy consideration;
- i. Keeping employees informed of the various aspects of the merit assignment program;
- j. Developing a system which insures that all candidates for a particular vacancy are notified of the outcome of their consideration;
- k. Insuring that employees temporarily absent for military service, or for service with public international organizations, or serving in an Intergovernmental Personnel Act assignment are accorded advancement consideration for appropriate vacancies which occur during their absence;
- l. Establishing systems for rating and evaluating candidates; and
- m. Preventing prohibited personnel practices (5 USC 2302(b)) and insuring compliance with and enforcement of applicable civil service laws, rules, and regulations.

n. Assisting management in establishing upward mobility opportunities when circumstances allow which provide for competitive selections.

.02 Supervisors. Supervisors are responsible for:

- a. Anticipating personnel staffing needs and initiating action in sufficient time to allow for timely recruitment or selection in accordance with this Plan;
- b. Assisting in the development of selective factors and/or quality ranking factors;
- c. When requested by the Personnel Office, discussing with an employee their non-selection;
- d. Keeping subordinates informed of the principles of the merit program;
- e. Completing employee appraisals in accordance with procedures and schedules established by the Personnel Office;
- f. Compliance with applicable civil service laws, rules and regulations.
- g. Observing the principles of this Plan; and
- h. Conducting periodic evaluations of merit assignment program procedures and suggesting changes for improvement to the Personnel Office.

.03 Employees. Employees are responsible for:

- a. Informing the Personnel Office, in writing at least annually, of qualifications, special training, and educational achievements which they wish to make a matter of record in the Personnel Office;
- b. Availing themselves of self-development and job training opportunities;
- c. Making suggestions to their supervisor and/or the Personnel Office concerning improvements to this Plan; and
- d. Advising the Personnel Office, in writing, if they wish to be considered for appropriate vacancies which occur during their temporary absence while on leave, temporary detail, or at a training course.

E. COVERAGE.

.01 Requirements and Provisions.

- a. This plan applies to various competitive service assignment actions, including the following: (1) personnel actions which actually result in

promotions, (2) assignment actions within the Department to a position with greater known promotion potential than the non-temporary position last held, (3) temporary promotions over 120 days in higher graded positions, counting prior service under all details to higher graded positions or temporary promotions, competitive or non-competitive, during the preceding 12 months, and (4) other personnel actions as stated in this section, for permanent and term competitive service positions.

b. Unless decided otherwise by the Personnel Officer, coverage and provisions of this plan do not apply to personnel actions resulting in the reassignment of employees within and between operating units of the Department to positions without known promotion potential.

c. Coverage does not apply to (1) non-competitive conversion actions authorized by Executive Order or by specific Office of Personnel Management instructions for such employees as Cooperative Work Study or Presidential Management Intern Program participants, or (2) their subsequent promotion under career ladder advancement provisions of this Plan, or (3) selection of a candidate from the Department's Reemployment Priority List for a position at a higher grade than the one last held in the competitive service.

.02 Organization Coverage. (Personnel Office needs to insert actual coverage statement here.)

.03 Applicability of Competitive Assignment Procedures. The competitive assignment procedures of this Plan apply to the following actions (except as otherwise indicated in this section):

a. Selection of a candidate from another Federal agency for transfer to a higher grade position;

b. Reinstatement of a candidate to a permanent or temporary position at a higher grade than the last grade held in a non-temporary position in the competitive service;

c. Selection for voluntary demotion or reassignment of a Federal employee to a position with known promotion potential above that which the employee enjoyed in the last non-temporary Federal position prior to the current personnel action;

d. Selection for detail of more than 120 days to a higher grade position or to a position with greater known promotion potential than the employee's current career promotion eligibility level;

e. Selection of an employee for training which is required for advancement;

f. Selection of an employee for promotion; and

g. A candidate who laterally transfers into a position with greater promotion potential than that enjoyed in his or her previous agency, must be selected through competitive procedures at some point before being promoted to a position which exceeds the promotion potential level enjoyed at the previous agency.

.04 Career Promotions. A career promotion is the promotion of an employee without current competition under the procedure prescribed in this Plan when (a) competition was held at an earlier stage satisfying the requirements of merit principles, or (b) the employee's position is reclassified at a higher grade because of the accretion of additional duties and responsibilities. Career promotions may be made in the following situations if the employee was selected originally from a civil service register or through competitive merit assignment program procedures, and the fact that the initial selection could lead to promotion was made known to all potential candidates. Career promotions may be made in connection with:

a. Career-ladder positions. A career promotion of an employee up to the full performance level in the career ladder if the employee is one of a group in which all employees are given grade-building experience and are promoted as they demonstrate ability to perform at the next higher level and if there is enough work at the full performance level for all employees in this group. Career ladder positions must be published by the issuance of a general vacancy announcement or other means issued at least semi-annually (see example Exhibit 5);

b. Apprentice positions. A career promotion of an apprentice in a recognized trade or craft through the various phases of his/her apprentice program up to and including assignment to the full performance level position;

c. Trainee positions. A career promotion of an employee in a trainee position upon the satisfactory completion of the training period. A trainee position is one involving a well-defined training program of a definite duration and the performance of assigned tasks, on a rotating or nonrotating basis, under close guidance and instruction with promotion scheduled upon satisfactory completion of the training period;

d. Understudy positions. A career promotion of an employee from an understudy position when the target position is vacated. An understudy is an employee selected to be trained to assume the duties of a position scheduled to be vacated in a definite period of time, normally one year or less;

e. Positions filled at a grade below the established or anticipated grade. A career promotion of an employee in a position that was filled at a grade below the established or anticipated grade such as for the application of Average Grade controls or for recruitment;

f. Training Agreement positions. A career promotion of an employee who satisfactorily completes training under a formal training or executive development agreement; and

g. Details. A promotion of an employee detailed for training or evaluation under the provisions of this Plan.

.05 Promotions Not Requiring Competition. There are limited situations involving promotion in which the competitive procedures need not be followed: (1) promotion of an incumbent to a position which is upgraded without significant change in duties and responsibilities on the basis of either the application of a new classification standard or the correction of a classification error; (2) non-temporary repromotion of an employee (see subparagraph .05a. below) to a former permanent grade or position from which he or she was demoted in the Department of Commerce without personal cause (this includes an employee who was separated by reduction-in-force and later rehired at a lower grade, as well as an employee who resigned or was separated after declining to accompany a transfer of function or after receiving a general notice of reduction-in-force, and who is later reemployed at a lower level); (3) an increase in rate of pay which is incidental to a reduction-in-force action, when the increase does not result from the agency's voluntary placement of the employee in a higher grade or rate of pay for the purpose of avoiding adverse effects; (4) temporary promotion to a higher grade for 120 days or less; and (5) promotion if determined to be due relief after failure to afford the employee proper consideration in a promotion action.

a. Special promotion or reassignment (with promotion potential) consideration for permanent assignment is extended to employees covered by this Plan who have been involuntarily demoted in the Department of Commerce for other than personal cause, if management does not elect to reassign some other permanent employee. Employees are entitled to this special promotion or reassignment consideration: (1) in advance of any efforts to identify or select candidates for any vacancy (except as noted above), (2) in their current operating unit and in the operating unit where their demotion occurred, (3) when qualified at the former grade (or any intervening grade but not for positions with promotion potential beyond that which the employees had in the previous position), and (4) for a period of two years from date of demotion or reemployment, without again competing with other candidates in accordance with the requirements of this Plan. The selecting official is not required to select these employees, but must justify in writing to the servicing Personnel Officer (of the operating unit where consideration occurs) reasons for non-selection. There is no limit to the number of times this special consideration will be afforded an employee during the two year eligibility period. (Note: all current employees eligible for this provision upon the date of this Plan's enactment will commence their two-year period as of that date.)

b. If an employee fails to receive proper selection consideration in a promotion action, the employee must be provided the selection consideration lost for the next appropriate vacancy in the same grade, title and series and operating unit. This consideration must be given concurrently with any other employees with similar entitlement to this provision as an exception to the regular competitive promotion procedures in this Plan. An employee is entitled to only one instance of priority consideration for each instance of selection consideration lost.

.06 Relationship to Other Personnel Action Procedures.

a. Promotions to positions at the GS-16, GS-17, and GS-18 levels, and equivalent positions covered by the Executive Assignment System are subject to specific merit assignment requirements. Procedures are detailed in a separate issuance or follow Federal Personnel Manual Supplement 305-1.

b. Handicapped employees who are on Schedule A appointments, section 213.3102(t) and 213.3102(u), may be considered under this Plan. A separate certificate of qualified candidates on Schedule A appointments will be prepared consistent with Section H. If a Schedule A employee is selected, the position will be excepted from the competitive service.

F. AREAS OF CONSIDERATION AND LOCATING CANDIDATES.

.01 Areas of consideration are established by the personnel office. They are to be broad enough to offer employees reasonable opportunity to compete for vacancies and to provide an adequate supply of qualified candidates for consideration by a selecting official. The areas of consideration are: (Personnel Office needs to insert actual areas here).

.02 When vacancies are advertised by distribution of a Merit Program Vacancy Announcement, the announcement will remain open for acceptance of Merit Program Interest Statements (and current SF-171's if required) from employees, for at least the following number of workdays: Commuting area - 6 workdays, all areas - 11 workdays.

a. Vacancy announcements without specific closing dates may be used to advertise recurring vacancies or vacancies for which recruitment is expected to be difficult. When a sufficient number of candidates make application for consideration, a promotion register may be established for a period of time no greater than six months, from which candidates will be considered for all applicable vacancies developing during the period.

b. Applicants must meet all eligibility requirements (e.g., time-in-grade, qualification requirements) by the closing date of a vacancy announcement or skills file usage to be eligible for consideration.

c. Employees must make a specific written request, except in situations covered by subparagraph D.01k. above, to their personnel office for consideration for any vacancy for which they qualify which might occur during their absence (e.g., training, annual or sick leave).

d. At the Personnel Officer's discretion, vacancies which are not subject to the merit assignment program procedures of this Plan may be made subject to them to allow for increased competition or publicity.

.03 If less than three qualified candidates are located for a particular vacancy, consideration may be given to expanding the area by re-advertising the vacancy or other recruitment action; however, if one or two qualified candidates are located in the initial area of consideration and the selecting official wishes to make a selection from them, that may be done.

.04 All vacancy announcements must specify the sources from which applications will be accepted (e.g., status, non-status, or all applicants).

.05 Skills files may be used in lieu of, or in conjunction with, vacancy announcements to locate enough candidates for competition.

#### G. QUALIFICATION STANDARDS.

The minimum qualification standards prescribed by the Department or the Office of Personnel Management, including provisions for authorized written tests, and appropriately developed selective factors will be used to determine basic eligibility of candidates for merit assignment consideration. These standards are contained in Office of Personnel Management Handbook X-118 and other official references which are available for review by candidates in the Personnel Office. Candidates may obtain a copy of a particular qualification standard upon request to the Personnel Office. Selective factors representing qualifications essential for successful performance in the position to be filled are considered to be a part of the minimum qualification standards. They will be recorded in the Merit Assignment Program file, and are available for review by candidates upon request. Merit Program Vacancy Announcements will identify the minimum qualification standards, including selective factors, which apply to a position being advertised except when a multiple listing announcement is used. Should it become necessary to change a qualification standard when a promotion action is underway, because an inappropriate standard was used, or the Office of Personnel Management issues a revision of it, appropriate notice shall be given to all applicants affected by the change.

#### H. EVALUATION AND RANKING.

.01 Merit Assignment Program policy requires that selection for actual advancement or for opportunities which have known advancement potential be

made from among best qualified candidates. Therefore, job-related evaluation criteria that go beyond the standards for determining basic eligibility may be used to permit the meaningful ranking of eligible candidates.

.02 All eligible candidates may be evaluated on such factors as written tests (when authorized); experience and training; supervisory appraisals; recognition (e.g., commendations, incentive awards, contributions to a profession where appropriate, and significant suggestions), and when the total of all factors is equal, seniority. The evaluation will be made by:

a. The Personnel Office staff for positions at the GS-12 level and below (and equivalent) regardless of the number of competitors, or for GS-13 level (and equivalent) and above when there are ten or less competitors. A merit assignment panel may be established to assist in this evaluation when the Personnel Office determines that panel judgments would be desirable.

b. Merit assignment panels for all positions at the GS-13 level and above, (and equivalent) when there are more than ten competitors qualified for a vacancy.

1. A panel for a particular position will consist of at least three members, one of whom shall be from an organizational unit other than the one in which the vacancy is located. At least one of these members must be familiar with the work of the organizational unit in which the vacancy is located. When advice and guidance on the interpretation of qualifications is considered essential, the selecting official may advise the panel, but has no vote.

2. Panel membership should be distributed among supervisory and management officials to obtain the benefits of the various contributions they can individually make to the promotion process, as well as to broaden understanding and appreciation of the merit program.

3. Panel members are to be at the same grade or higher than the position to be filled.

4. Personnel Office staff has no vote in panel evaluations, but may act as merit system technical advisor to a panel (see subparagraph C.05).

.03 Past performance (including production records where available and pertinent, or personal references) must be given due weight in (1) evaluating candidates for competitive assignment action, or by (2) the selecting official prior to making a selection decision.

.04 All eligible candidates in merit assignment program cases subject to the competitive assignment procedures of this Plan will be evaluated on the factors applied to a particular merit program action (see paragraph .02 above). The

best qualified candidates will then be identified for referral to the selecting official. This may be done in two phases: Commerce employees may be evaluated and referred to the selecting official first. Then, if there is no selection, all candidates from Commerce and from other sources may be ranked and the best qualified referred to the selecting official.

.05 As decided by the Personnel Office, candidates competing for non-advancement placement opportunities (such as reassignments, transfers, demotions, or reinstatements to positions without known promotion potential beyond the candidate's current or last non-temporary position) need not be rated and ranked for selecting official consideration. In any event, they are considered separately from other candidates being considered for actual advancement and are not subject to the limitations on the maximum number certified.

#### I. REFERRAL AND SELECTION.

##### .01 Referral.

a. When all eligible candidates have been evaluated and ranked in accordance with section H. of this Plan, the Personnel Office will issue Form CD-262 "Merit Program Certificate," listing the names of the best qualified candidates to be considered by the selecting official.

b. A certificate will usually include from three to five names of best qualified candidates for the vacancy to be filled. Additional candidates may be certified where meaningful distinctions cannot be made.

c. In cases where meaningful distinctions of qualifications cannot be made through the application of quality ranking factors to an excessive number of best qualified candidates, up to ten candidates may be listed on a merit program certificate as separated from other candidates by seniority or a random method.

d. When there is more than one vacancy to be filled from a certificate, one additional candidate may be added to the certificate for each additional vacancy. Any selection(s) made must be restricted to among no more than the first ten candidates.

e. A Merit Program Certificate is valid for 30 calendar days from date of issuance and may be extended an additional 30 calendar days only on adequate justification acceptable to the Personnel Office.

##### .02 Selection.

a. The selecting official or designee should interview any candidate on the Merit Program Certificate whose qualifications are not known through direct

working knowledge. Interviews may be conducted by telephone. Arrangements for interviews must be made through prior agreement with the Personnel Office.

b. The selecting official is not required to fill a vacancy by selection from the candidates listed on a Merit Program Certificate. Additional recruitment efforts or other personnel action may be requested.

c. The selecting official's decision to select a particular candidate is subject to the approval of the Personnel Officer or designated representative and such other approvals as may be required by law, regulations, or policy.

d. The Personnel Office will arrange for release of the selected candidate from the current employing organization. Employees are to be released within one full pay period of receipt of the request for release. Under unusual circumstances (e.g., when this release period would be insufficient to permit completion of essential assignments, or when an employee requests a delay for personal reasons such as the disposal of a home in connection with a move to a new location) the release period may be extended.

J. INFORMATION TO CANDIDATES.

.01 The selecting official or the Personnel Office will notify all candidates of the outcome of their consideration for each vacancy for which they have applied. At the request of the Personnel Office, the selecting official will personally discuss with candidates any questions they may have about their consideration.

.02 When requested by a competing employee, the Personnel Office will furnish the following information:

a. The name of the individual(s) selected;

b. Whether the employee was found to be qualified;

c. Whether the employee was on the list from which selection to fill the position was made; and

d. In what areas, if any, the employee may improve his/her qualifications to enhance chances for future selection. (This information normally will be furnished by means of a counseling discussion with either a representative of the Personnel Office or a knowledgeable supervisor.)

K. DOCUMENTATION AND RECORDS.

Each action taken under this Plan will be documented to reflect adherence to all governing policies and procedures, except that promotion or assignment actions based on previous merit program competition need only carry an appropriate citation on the official Notification of Personnel Action (Form

CD-251). Individual case files will include a completed Form CD-339 "Merit Assignment Program (MAP) File Content Check List" (Exhibit VI). All pertinent material will be retained for two years from the date of selection, or until an Office of Personnel Management inspection, whichever comes first.

L. COMPLAINTS.

Employee complaints arising out of the operation of this Plan will be handled in accordance with the grievance procedures prescribed in DAO 202-771; the employee's organization unit's related internal instructions; any negotiated labor union grievance procedure which is applicable to the employee; or the equal opportunity complaint procedures prescribed in DAO 202-713. A non-Commerce candidate may request a review of his or her case, as appropriate. Equal employment opportunity complaint procedures are available to all applicants.

M. VIOLATIONS.

Violations of the Merit Assignment Program will be dealt with promptly, firmly, and fairly.

N. PERIODIC REMINDERS TO EMPLOYEES.

The Personnel Office will periodically remind employees of the provisions of the Plan, especially:

- a. The right of an employee to request information as described in subparagraph J.02 of this Plan;
- b. The channels to be used to suggest changes in this Plan;
- c. The means provided to resolve complaints about the operation of this Plan;
- d. The need to keep their official records current;
- e. The right to review their performance appraisal records;
- f. Their responsibility to arrange with the Personnel Office if they desire consideration for vacancies arising while they are temporarily absent on leave, on detail, or in training; and
- g. Where employees may review or obtain a copy of this Plan.

FORM CD-262 (REV. 6-79) PRESCRIBED BY DAO 202-335	U.S. DEPARTMENT OF COMMERCE	Number	Date Prepared or Issued	No. of Vacancies
<b>MERIT PROGRAM CERTIFICATE</b>		Vacancy Announcement Number		Date Certificate Expires
		Position Description Number		Other (SF-52 No.; Date; Division, etc.)
Issuing Personnel Office		Title, Series and Grade of Vacancy(ies)		
		Location:		
		Consideration Codes (Candidates are listed below by Appropriate Code Groupings in Column 2) (Check Codes used.) A - Promotion B - Reassignment (Promotion Potential) C - Non-advancement (Reassignment, etc.) D - Non-Status E - Priority (Previous Error) F - Special (Repromotion Eligibility) G - Other (Specify)		
Issued To:		Name and Telephone No. of Personnel Representative to be Contacted about this Certificate		

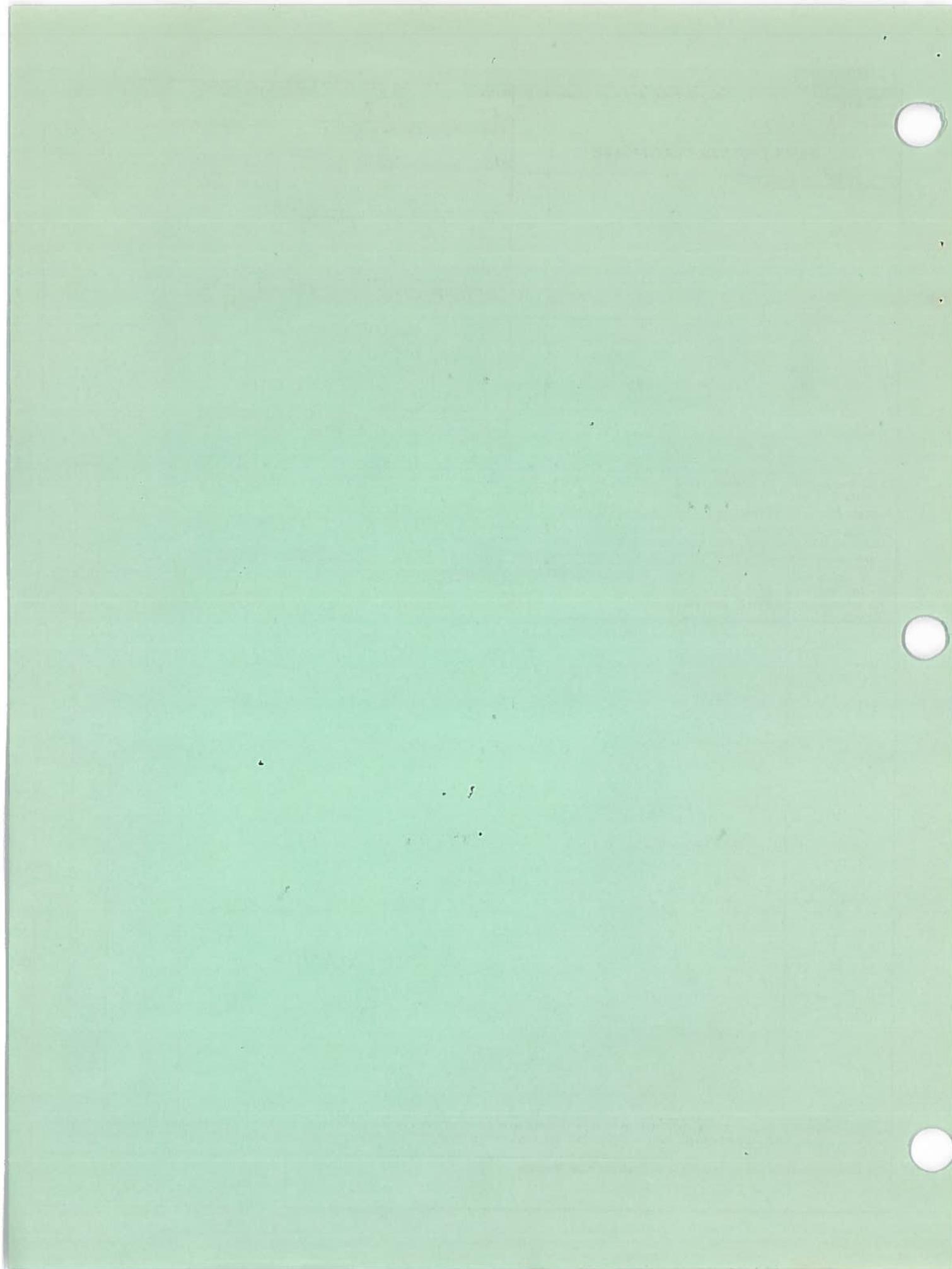
Candidates Listed below have been determined to be the best qualified available. Please contact the Personnel Representative indicated above if you have any questions about this certificate or the selection of any candidate.

Arrangements for interviews must be made as agreed upon with the Personnel Office.  
 Selection decisions should not be publicized prematurely, but only after Personnel Office prior approval. Your cooperation in this regard will support the establishment of greater employee appreciation of the spirit and intent of the Merit Program.  
 Please complete Column 1 of this form by using the symbols indicated. Check marks should be placed in Column 3 where appropriate.

1. Action	2. Candidates, grouped by Consideration Codes (See Above)				3. Candidates were:			
					Contacted		Interviewed	
	NS = Not Selected S = Selected D = Declined	Names of Candidates	Current Grade	Organization Location	Telephone Number	Yes	No	Yes

I hereby certify that the selection(s) indicated above is (are) based solely on merit, fitness and qualification and does (do) not involve discrimination based on race, religion, color, national origin, marital status, sex, age, physical handicap, political affiliation, employee organization affiliation, or personal favoritism.

Signature of Selecting Official or Initials of Selecting Panel Members	Date(s)
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FORM CD-261  
(REV. 1-78)  
(PRESCRIBED BY  
DAO 202-335)

U.S. DEPARTMENT OF COMMERCE

**MERIT PROGRAM INTEREST STATEMENT**

(NOTE: This Form For Use by Commerce Employees Only)

**Instructions:** Complete items bordered by heavy lines in each section of form, print or type. Be sure to include address on reverse side of this form. Send this form and other information required by the vacancy announcement to the Personnel Office listed on the announcement by the deadline date indicated.

Name (last, first, middle initial)	Current Title, Series, and Grade	Vacancy Number	Date Form Submitted	
Your Bureau, Division and Location	Lowest Grade You Will Accept	Name and Telephone No. of Current Supervisor	SF-171 Attached	Office Telephone Number
			<input type="checkbox"/> Yes <input type="checkbox"/> No	Performance Appraisal Attached <input type="checkbox"/> Yes <input type="checkbox"/> No

**FOR PERSONNEL OFFICE USE**

<input type="checkbox"/> Qualified <input type="checkbox"/> Highly <input type="checkbox"/> Name placed on promotion certificate <input type="checkbox"/> Not Qualified <input type="checkbox"/> Did not meet qualification requirements <input type="checkbox"/> Lacked time in grade <input type="checkbox"/> Other (specify) _____ Name of official who decided above action: _____	Selecting Official's Action <input type="checkbox"/> Selected <input type="checkbox"/> Not Selected <input type="checkbox"/> Employee declined		
	Personnel Rep. Initials	Date	
	Date Employee Notified of Outcome of Consideration		
	SF-171 Retained <input type="checkbox"/> Yes <input type="checkbox"/> No		

Name (last, first, middle initial)	SF-171 Attached <input type="checkbox"/> Yes <input type="checkbox"/> No	Vacancy No., Title and Grade	Date Form Submitted
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This is in regard to your consideration for the above vacancy.

<input type="checkbox"/> You were determined to be qualified for the vacancy. <input type="checkbox"/> You were selected for the vacancy. <input type="checkbox"/> You were not selected for the vacancy in competition with other candidates. <input type="checkbox"/> While qualified for the vacancy, the selecting official did not have the opportunity of considering you, since you did not rank high enough among the candidates who competed. <input type="checkbox"/> Vacancy Announcement cancelled.	<input type="checkbox"/> You are not qualified for the vacancy because: <input type="checkbox"/> Qualification requirements not met. <input type="checkbox"/> Time in grade requirements not met. <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> You were not considered because you were not in area of consideration publicized. <input type="checkbox"/> Your Personal Qualifications Statement, SF-171, is: <input type="checkbox"/> Attached for your future use. <input type="checkbox"/> Being retained for record purposes.
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Personnel Office	Name of Personnel Representative	Telephone Number	Date
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Name (last, first, middle initial)	SF-171 Attached <input type="checkbox"/> Yes <input type="checkbox"/> No	Vacancy No., Title and Grade	Date Form Submitted
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This is in regard to your consideration for the above vacancy.

<input type="checkbox"/> Your interest in being considered for the vacancy is acknowledged. <input type="checkbox"/> You will be advised of the outcome of your consideration soon. <input type="checkbox"/> A review of your application/Official Personnel Folder indicates that you are not qualified for the vacancy so you may not be considered. <input type="checkbox"/> You are not eligible to be considered for this vacancy since you are not in the area of consideration publicized. <input type="checkbox"/> Vacancy Announcement cancelled.	<input type="checkbox"/> You are not qualified for the vacancy because: <input type="checkbox"/> Qualification requirements not met. <input type="checkbox"/> Time in grade requirement not met. <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> Your Personal Qualifications Statement, SF-171, is: <input type="checkbox"/> Attached for your future use. <input type="checkbox"/> Being retained for record purposes.
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Personnel Office	Name of Personnel Representative	Telephone Number	Date
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**APPLICANT: Be sure to Complete Reverse**



EXHIBIT 3

**Merit Program**

Announcement Number:

# VACANCY ANNOUNCEMENT

U.S. DEPARTMENT OF COMMERCE

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**NOTE:** The U.S. Department of Commerce is an equal opportunity employer. Vacancies are filled in accordance with non-discrimination policies of the U.S. Government.

THE UNIVERSITY OF CHICAGO  
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1960

**U.S. DEPARTMENT OF COMMERCE**  
AN EQUAL OPPORTUNITY EMPLOYER

**MULTIPLE LISTING MERIT PROGRAM**

# VACANCY ANNOUNCEMENT

**INSTRUCTIONS:**

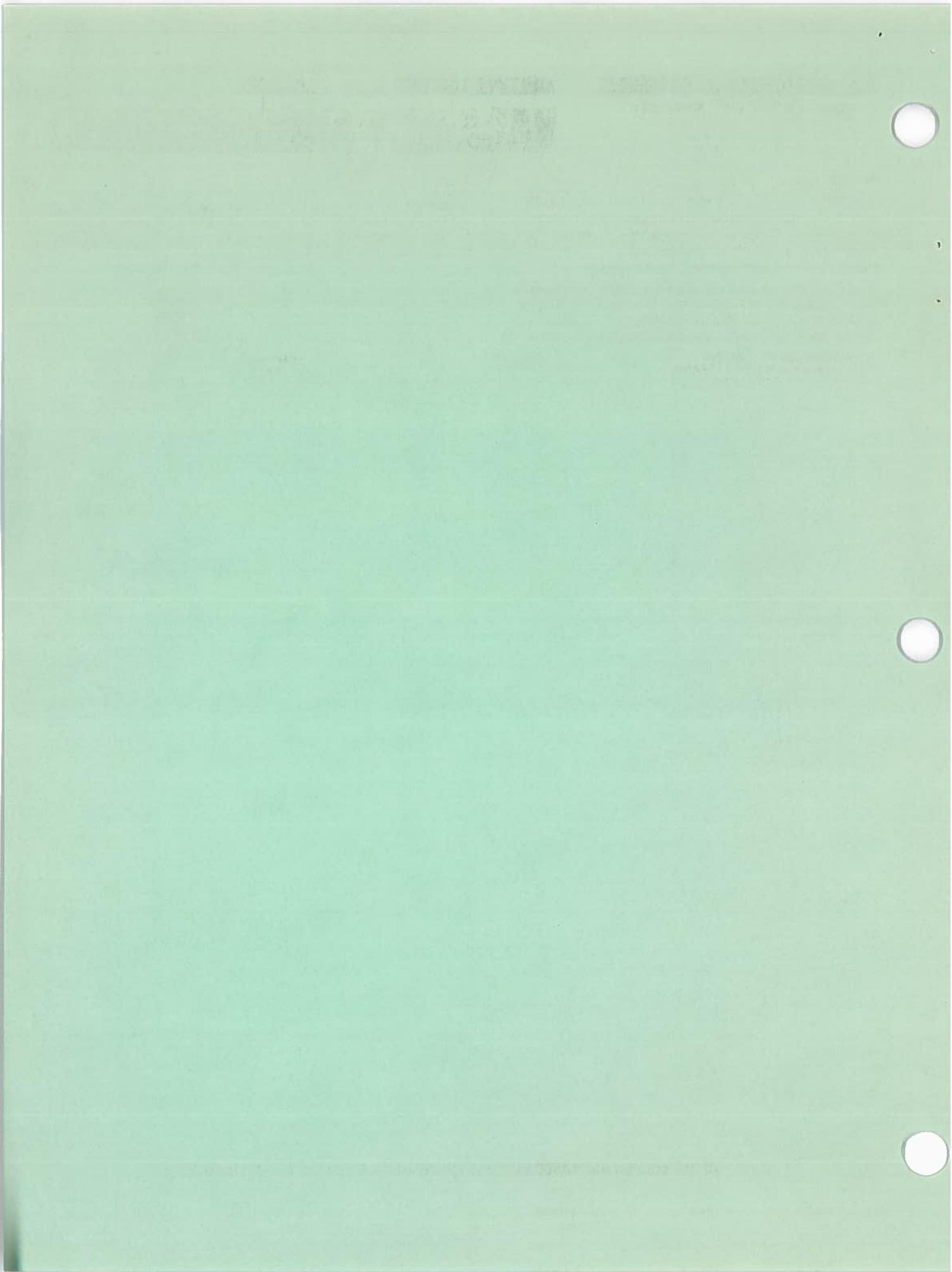
**DESCRIPTION OF DUTIES AND QUALIFICATION REQUIREMENTS:** For qualifications see CSC Handbook X-118 available at any Federal Personnel Office or contact the office listed or your own personnel office. Contact this office if you desire a description of the duties of any of these positions.

**HOW TO APPLY:** Anyone interested in a position listed should apply and they will be advised directly of their eligibility for possible consideration. Applicants whose Official Personnel Folders are maintained by the office listed must submit a

completed Merit Program Interest Statement, CD Form 261. Other candidates must submit completed Form SF-171, Personal Qualifications Statement. These forms must be received by this office no later than the indicated closing date.

ANNOUNCEMENT NUMBER. VACANCY TITLE, SERIES AND GRADE	VACANCY LOCATION	OPENING DATE	CLOSING DATE
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**NOTE: NO INDIVIDUAL VACANCY ANNOUNCEMENTS ARE AVAILABLE FOR THE POSITIONS LISTED.**



**Merit Program**

Announcement Number: (INSERT)

**VACANCY ANNOUNCEMENT**

U.S. DEPARTMENT OF COMMERCE

(NAME OF PERSONNEL OFFICE)

Title, Series &amp; Grade

Vacancy Location:

SEE ATTACHMENT

(Insert)

Area of Consideration

Vacancies will be filled under this  
announcement beginning (Date)

(INSERT)

Duties, Qualifications, and Selective Factors (if any):

Applications of employees for Merit Assignment Program consideration for the occupations and grade levels listed in the attachment are being accepted at anytime. The names of qualified applicants who apply under this announcement will be referred for consideration as specific vacancies occur. Announcements of specific vacancies in these occupations and grades will not be posted if there are qualified applicants available for referral.

If you are not sure if you qualify for an occupation or grade listed you should review the qualifications requirements in CSC Handbook X-118, which is available for review in (Insert Locations).

THIS ANNOUNCEMENT IS APPLICABLE ONLY TO MERIT PROGRAM VACANCIES IN THE OCCUPATIONS AND GRADE LEVELS LISTED IN THE ATTACHMENT. VACANCIES IN OCCUPATIONS NOT LISTED, AND IN GRADE LEVELS HIGHER THAN THOSE LISTED WILL BE POSTED AS INDIVIDUAL VACANCY ANNOUNCEMENTS.

Factors which MAY be considered in evaluating qualified candidates:

Experience and training, supervisory evaluations, awards, and the specialized job requirements. The particular factors evaluated and the weights assigned to each will be available to any employee requesting them from the Personnel Office.

HOW TO APPLY: SUBMIT ONE COPY OF YOUR SF-171, ONE COPY OF YOUR LATEST APPRAISAL IF AVAILABLE, AND ONE COPY OF FORM CD-261, MERIT PROGRAM INTEREST STATEMENT. WHEN YOU APPLY FOR MORE THAN ONE OCCUPATIONAL SERIES OR GRADE, AN ADDITIONAL CD-261 MUST BE SUBMITTED FOR EACH.

Where to apply:

(INSERT PERSONNEL OFFICE ADDRESS)

**NOTE:** The U.S. Department of Commerce is an equal opportunity employer. Vacancies are filled in accordance with non-discrimination policies of the U.S. Government.

Open Continuous Vacancy Announcement.  
Occupations and Grade Levels for Which Applicants  
From Employees May be Submitted at Any Time

The highest grade level specified for each occupation listed represents the highest grade level of each occupation that will be filled under the provisions of this announcement. When a position is filled at a grade below the highest grade specified, the selected candidate may be promoted to the highest level shown without further competition. Such future promotion depends on many factors, such as satisfactory performance of the duties, meeting civil service qualification requirements, and demonstrated growth potential. In addition, there must be a management decision to establish the higher graded position. NOTE: Changes to this list may be made as the need arises upon reissuance of a new announcement.

GENERAL SCHEDULE

Title or Field

Series

Grade Level

FORM CD-339  
(REV. 6-79)  
PRESCRIBED BY  
DAO 202-335

U.S. DEPARTMENT OF COMMERCE

Merit Assignment program file number

**MERIT ASSIGNMENT PROGRAM (MAP)  
FILE CONTENT CHECK LIST**

Vacancy Announcement Number

Date of selection

(Copy of this completed form must be filed and retained in corresponding MAP File. The material checked must be in the corresponding MAP File or in other appropriate files.)

- Vacancy Announcement, if used
- List of sources considered concurrently, if applicable
- Justification of selective factors and/or quality ranking factors, if not clear from position description.
- Rating Schedule (*Scheme for evaluation*)
- In MAP File
- In \_\_\_\_\_ File } Supervisory appraisal, if used  
(OPF, etc.)
- Evaluation of candidates
- Basis for best qualified (BQ) determination, documented
- Names of all status candidates in final ranking order with qualified (Q) and BQ designation
- Merit Program Certificate, CD-262
- Names of non-status applicants sent to selecting official, if appropriate
- Identification of panel members, if appropriate
- Name of selected candidate
- If special or priority consideration case, reasons documented

Signature of Reviewer

Date Reviewed



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