



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000

OPNAVINST 12330.1
N1B1
20 Jul 2016

OPNAV INSTRUCTION 12330.1

From: Chief of Naval Operations

Subj: CIVILIAN MERIT PROMOTION PLAN

Ref: (a) 5 U.S.C.
(b) 5 CFR
(c) DoD Instruction 1205.12 of 24 February 2016
(d) 38 U.S.C. §4312
(e) SECNAVINST 12300.9A
(f) DoD Priority Placement Program Handbook of July 2011
(g) OPM Delegated Examining Operations Handbook of May 2007

Encl: (1) Definitions
(2) Sample MIOc Hiring Manager Checklist

1. Purpose. To establish procedures for filling positions using merit promotion and other types of placement actions for which competitive and noncompetitive processes are used per references (a) through (g).

2. Scope. This plan applies to all title 5 positions in Deputy Chief of Naval Operations for Manpower, Personnel, Training and Education (CNO (N1)) headquarters, the naval institutions, and all other activities serviced by the manpower, personnel, training and education (MPTE) human resources office (HRO). This plan does not apply to the Bureau of Naval Personnel, Millington, or Naval Education and Training Command. However, the respective plans can be obtained through the local command HRO.

3. Background. References (a) through (g) provide the statutory and regulatory framework in which merit promotion and other staffing programs must operate. It is the intent of MPTE to fully comply with the references while maximizing the use of flexibilities permitted. Where provisions of these references differ from negotiated agreements, the latter takes precedence. This plan is intended to ensure that qualified applicants receive fair consideration for positions filled under competitive procedures.

4. Definitions. See enclosure (1) for a list of definitions that pertain to this instruction.

5. Policy

a. Per reference (a), merit promotion is but one staffing source for filling a position. Management may also use noncompetitive candidate sources such as reinstatement, reassignment, Veterans Recruitment Appointment (VRA), Schedule A (per reference (b), section 213.3102(u)), 30 percent or more disabled veteran, transfer, etc. Other means may be properly utilized concurrently or separately in order to meet the organization's mission needs and favorable employment goals.

b. Positions will be filled from among the best qualified candidates available. Filling positions using merit promotion procedures requires the identification, qualification, evaluation, and selection of candidates without regard to political, religious, or labor organization affiliation, marital or family status, race, color, gender, age, national origin, sexual orientation, or non-disqualifying disability. The area of consideration (AOC) must be sufficiently broad to ensure the availability of highly qualified candidates, taking into account the nature and level of the position covered. The competitive process must be based solely on job-related criteria.

c. Most recruitment actions are subject to mandatory provisions of one or more priority placement programs (PPP) including: the reemployment priority list (RPL); the Department of Defense (DoD) PPP; statutory rights of returning employees from overseas, military service, or workers' compensation; employees who have statutory placement rights administered by HRO; and the Interagency Career Transition Assistance Plan.

d. Selection certificates issued by the assigned Office of Civilian Human Resources (OCHR) operations center have an initial expiration date of 25 calendar days from date of issuance and can be extended an additional 20 days if unanticipated events delay selection. The selecting official's request to extend a certificate must be provided to the OCHR operations center no later than 3 business days prior to the expiration date with a justification by submitting OPNAV 12330/4 Certificate Extension Request form to the HRO. Selection certificates issued with an extended expiration date expire on

that date and will not be extended beyond 120 days of the closing date of the job announcement via USAJOBS, <https://www.usajobs.gov/>. Overdue or inactive recruitment actions are subject to cancellation.

e. Maintain complete records on each selection for a period of 2 years from the date the selectee entered on duty, the recruitment was cancelled, or after formal evaluation by the Office of Personnel Management (OPM), whichever occurs first. These records will contain sufficient information to allow reconstruction of the merit promotion action. Merit promotion case files previously requested by the HRO or the equal employment opportunity (EEO) office for retention will be forwarded to the appropriate HRO or EEO point of contact when the mandatory 2-year retention period has expired.

6. Actions Subject To Merit Promotion Procedures. The actions in subparagraphs 6a through 6h are subject to competition under merit staffing procedures.

- a. Promotion or conversion to a position at a higher grade.
- b. Transfer or reinstatement to a permanent or temporary position at a higher grade or with more promotion potential than previously held on a permanent basis in the competitive service.
- c. Time-limited promotion for more than 120 days to a higher graded position. Either the time spent during the preceding 12 months under non-competitive time-limited promotion or non-competitive detail to higher graded positions or both counts toward the 120-day total. A temporary promotion may be made permanent without competition if the temporary promotion was originally made under competitive procedures and the initial announcement informed potential candidates.
- d. Detail for more than 120 days to a higher-graded position or to a position with known promotion potential.
- e. Reassignment or demotion to a position with more promotion potential than previously held on a permanent status (except as permitted by reduction-in-force regulations).

f. Selection for training that is given primarily to prepare an employee for advancement or is required for promotion.

g. Appointment of Veterans Employment Opportunity Act (VEOA) eligible candidates.

h. Per references (c) and (d), an employee who enters active military duty (voluntarily or involuntarily) from any position, including a temporary position, has full job protection, provided he or she applies for reemployment within the time limits as indicated in subparagraphs 6h(1) through 6h(5).

(1) Employees who served less than 31 days must report back to work at the beginning of the next scheduled workday following their release from service and at least 8 hours after safe transportation back to the employee's residence or as soon as reasonably possible (as determined by CNO (N1) leadership).

(2) Employees who served more than 30 days, but less than 181 days, must apply for reemployment within 14 days of release by the military or as soon as reasonably possible.

(3) Employees who served more than 180 days must apply for reemployment within 90 days of the completion of service.

(4) Employees who served less than 91 days must be restored to the position for which they qualified and would have attained had their employment not been interrupted. Employees who served more than 90 days have the same rights as those with less than 91 days, except CNO (N1) has the option of placing an employee in a position for which he or she is qualified that is of like seniority, status, and pay as the most recent position held. The HRO will address any issues associated with unqualifiable employees.

(5) Upon return or restoration, for purposes of rights and benefits based upon length of service, an employee with retained return rights is entitled to be treated as though he or she had never left. This means that the employee must be considered for career ladder promotions, and the time spent in the military will be credited for seniority, successive within-grade increases, probation, career tenure, annual leave accrual

rate, and severance pay. An employee who was on a temporary appointment serves out the remaining time, if any, left on the appointment. (The military activation period does not extend the civilian appointment.)

7. Exceptions to Merit Promotion Procedures. The options in subparagraphs 7a through 7m may be used to fill positions exclusive of or in addition to merit staffing procedures.

a. Statutory, regulatory, or administrative placement, or placement at the direction of a higher authority. Positions identified as having mandatory referral requirements (e.g., major command, Department of the Navy (DON)-wide, DoD-wide) are filled under the provisions of the applicable regulations.

b. Appointment under the provisions of a special appointing authority. For example, VRA, 30 percent or more disabled veterans, applicants eligible under reference (b), section 315.608, or DoD and OPM interchange agreement, if the appointment is made to the same or lower graded position as that position previously held.

c. Placement made during a reduction-in-force.

d. Conversion of employees on excepted appointment authorities such as Schedule A under reference (b), section 213.3102(u), for the physically or mentally disabled; VRA per reference (b), part 307; Pathways Program under reference (b), part 362; or reference (b), section 315.608.

e. Conversion to permanent appointment of eligible veterans with 30 percent or more disability who are serving on temporary or provisional appointments under reference (b), section 316.302(b)(4).

f. Promotion to a grade previously held on a permanent basis in the competitive service or an equivalent system with which OPM has an interchange agreement.

g. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having no greater promotion potential than the 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, from a position which an employee was separated or demoted for reasons other than performance or conduct.

h. Temporary promotion to a higher-graded position for 120 days or less. Prior service under all details or temporary promotions to higher-graded positions during the preceding 12 months is counted when determining whether the 120-day limit has been met. All regulatory and qualification requirements must be met prior to the effective date of a temporary promotion.

i. Temporary detail to a higher graded position for 120 days or less. Prior service under all details or temporary promotions to higher-graded positions during the preceding 12 months is counted when determining whether the 120-day limit has been met. An employee does not need to meet time-in-grade or minimum qualification requirements (other than positive education requirements) to be detailed to another position.

j. A career ladder promotion of an employee selected for a developmental position with a target grade higher than the entry level position (the intended career progression and full performance level must be included on the initial Defense Civilian Personnel Data System (DCPDS)generated Standard Form (SF) 50 Notification of Personnel Action). The employee's performance must be satisfactory and the supervisor must recommend the promotion. All regulatory and qualification requirements must be met prior to the effective date of the promotion.

k. A promotion resulting from an upgrade due to issuance of a new OPM classification standard or correction of a classification error.

l. A promotion resulting from an employee's position being reclassified at a higher grade because of additional duties and responsibilities. Management's proposal for such action must be submitted on a request for personnel action (RPA) with a completed justification form (available in the local HRO) to support the use of this exception.

m. Selection and placement into positions in the Senior Executive Service.

8. Responsibilities. The responsibilities in subparagraphs 8a through 8d are assigned as established under reference (e).

a. OCHR Operations Center

(1) Process recruitment actions following regulatory and statutory requirements.

(2) Identify or refine, with input from the HRO and selecting official and subject matter expert, the highly qualifying skills for the position under recruitment.

(3) Ensure recruitment sources are appropriate and sufficient for filling the specific vacancy.

(4) Evaluate resumes to ensure applicants meet minimum eligibility and qualification requirements. Tentative eligibility and qualification determinations are made based on the information available in the resume at the time the evaluation occurs and are verified by the OCHR operations center after a tentative selection is made and prior to an extension of the final job offer.

(5) Issue merit promotion certificates of best qualified candidates through the OPM staffing and selection manager.

b. MPTE HROs

(1) Provide advice and assistance to managers on appropriate sources for filling vacancies, including providing information on applicable sections of the activity's affirmative employment program, assisting management in determining highly qualifying criteria (skills) in the merit promotion process, and determining the most effective and objective methods for evaluation and selection decisions.

(2) Provide advice and assistance to managers on exceptions to merit promotion procedures, and accretion of duties criteria and justification requirements.

(3) Identify and refer re-promotion-eligible individuals and any employee eligible for local priority consideration (e.g., as a result of a grievance, EEO, or U.S. Merit Systems Protection Board settlement) to the selecting official for

consideration prior to submission of the RPA to the OCHR operations center. HROs may obtain qualifications determination assistance for these employees by contacting the appropriate OCHR operations center representative.

(4) Advise management officials about the PPP and other priority consideration programs and the potential impact on filling positions, and ensure all PPP exceptions are accurately documented on the RPA.

(5) Provide advice and assistance to selecting officials and selection panels during the selection process, including emphasizing the need for prompt action due to the expiration date of the selection certificate.

(6) Provide advice to employees and applicants on career opportunities, qualification requirements, and DON application processes.

(7) Process merit staffing program grievances as specified in administrative or applicable negotiated grievance procedures.

(8) Notify the appropriate specialist at the OCHR operations center prior to the 2-year expiration period of the specific recruitment case file(s) that are required to be maintained for a longer period. The OCHR operations center will forward the file to the MPTE headquarters HRO for retention.

c. Management

(1) Submit RPAs following local procedures. Incomplete RPAs will be returned without action. In deciding which recruitment source(s) to use, determine which is most likely to meet mission objectives, contribute fresh ideas and new viewpoints, and meet the agency's affirmative employment goals as required by reference (e).

(2) Provide prompt consideration of all candidates under merit principles, per reference (a).

(3) Ensure employees absent on temporary assignment or on approved leave are advised of open vacancy announcements for which they might be eligible and interested as soon as possible.

(4) Interview candidates, if desired, and make timely selections upon receipt of the certificate from OPM's USA Staffing. Interviews may be conducted with all, some, or none of the candidates unless required by instruction or negotiated agreement. The selecting official must retain all interview and selection documentation for future reference or potential third party review resulting from an EEO complaint or grievance for 2 years.

(5) Use objective methods and consider performance appraisals and awards in the selection process as required by reference (b), part 330.

(6) Annotate the certificate to clearly indicate the candidates who were not available or who were no longer interested in the position and the reason for the declination, if known. Also indicate the name(s) of selectee(s) and alternate selectee(s), if any. Electronically sign and return the completed certificate to USA Staffing.

(7) Maintain records of each selection made under Management Identification of Candidates (MIOC) procedures for a period of 2 years from the date the selectee enters on duty, the recruitment is cancelled, or after formal evaluation by OPM, whichever occurs first. These records must contain sufficient information to allow reconstruction of the merit promotion action.

d. Employees

(1) Maintain awareness of vacancies as they occur to identify opportunities for advancement.

(2) Maintain updated resume and other personal documentation, including appropriate education and training information.

(3) Submit a resume addressing the specific elements required by the vacancy announcement via USAJOBS, <https://www.usajobs.gov/>. Provide any additional documentation to the OCHR operations center or the HRO that may be required to verify qualifications.

9. Announcements

a. As a vacancy occurs, merit promotion vacancy announcements will be posted to USAJOBS, <https://www.usajobs.gov/>. The vacancy announcement will include all information required to determine the AOC, qualification requirements, application and documentation required, and the opening and closing dates for competition. The AOC is the source of applicants (e.g., internal merit promotion, VEOA, transfers, reinstatements, current DON employees, current DoD employees, and employees covered by an OPM interchange agreement) eligible for consideration for a specific vacancy.

b. A selection certificate will be issued containing the names of the best qualified candidates for consideration by the selecting official.

10. Procedures for MIOCs

a. When there are sufficient, well-qualified, eligible candidates (requirement is two or more) within the AOC (e.g., work unit, organization code), the selecting official may request use of the MIOc process. Eligible employees normally would include those in the same or related occupations at or one level below the position being filled.

b. The selecting official must have direct knowledge of all candidates' work. In most cases, this means the selecting official will be the first line supervisor; however, the second or third level supervisor in the same work unit or organization may also use MIOc procedures. Additionally, the hiring manager does not need to be within the line of supervision to consider any given candidates under this procedure.

c. To begin the MIOc process, determine the AOC. Obtain an RPA recruit-fill form from the servicing HRO human resources specialist. Return the completed RPA recruit-fill form to the servicing HRO human resources specialist. The human resources specialist will review the documents and submit an RPA to the OCHR operations center, indicating in the notepad that the MIOc process is being utilized and the specific AOC (e.g., branch, organization code, unit identification code (UIC)). After the PPP has been cleared, the OCHR operations center will contact the HRO to confirm that the MIOc process may begin. There must

not be any solicitation or consideration of any candidate prior to the receipt of the OCHR operations center confirmation that it is permissible to proceed.

d. Once notified by the HRO that the PPP is clear, the selecting official may either automatically consider all subordinates in the work unit, or solicit interest in the position in writing via e-mail. In addition, the selecting official must document how candidates will be evaluated for selection. The selecting official may evaluate candidates based on their experience (including details, special projects, or temporary promotions), education, (check with HRO advisor concerning positive education requirements), training, awards, previous performance awards, and any other job related measure. Management may request employees submit documentation to aid in the evaluation process.

e. Once the solicitation is done, it must:

(1) include a specific deadline to reply;

(2) allow a reasonable period of time for interested employees to respond (preferably 3 business days); and

(3) automatically include or consider employees on detail or temporary assignments in other areas, absent uniform service or on extended leave. If they cannot be reached, consider them as if they have expressed interest in the position. A reasonable response period may be 1 day to 1 week depending on the AOC. Only interested applicants need to respond. A negative response is not required.

f. After the deadline to reply has passed and the OCHR operations center has received a list of candidate responses to the solicitation from the HRO point of contact (management must provide this list to the HRO advisor), the candidate evaluation process may begin. Selecting officials must evaluate each interested applicant against knowledge, skills, and abilities (KSA) required in the position to be filled, (i.e., knowledge of the subject matter of the position, technical skill to perform the work, and ability to communicate the technical aspects of the work). Evaluation criteria must be consistently and fairly applied to all candidates, and documented accordingly. Coordinate with the HRO advisor for valid selection criteria

advice. Given that the basic premise behind MIOc is that the selecting official has personal knowledge of each candidate's skills and abilities, and the recruitment source is usually small, this process should typically take no more than 2 weeks. If a selection has not been made after 30 days, the RPA will be cancelled, unless there are extenuating circumstances that would justify the excessive amount of time required to make a tentative selection. The decision to cancel the recruitment will be made by the OCHR operations center in consultation with the HRO advisor.

g. After selection is made and documented in a MIOc manager's checklist (per the sample in enclosure (2)), management must provide supporting documentation (the MIOc manager's checklist, the selectee's current position description (PD) and the new PD) to the HRO advisor who will in turn notify the OCHR operations center via an RPA. The OCHR operations center specialist ensures the tentative selectee is qualified and eligible for the position and notifies the HRO of the results. Qualification and eligibility determinations must be done before the selecting official announces the decision or informs the selectee. While requesting resumes is discretionary under this process, a resume will be required by the individual selected under certain circumstances (e.g., action will result in a change in series) in order for the OCHR operations center specialist to adequately determine if the selectee meets minimum qualification requirements. Management must keep all documentation (list of candidates and selection criteria) for 2 years in case a third party needs to review the selection.

11. Action

a. HROs will ensure that the provisions of this instruction are followed when vacancies are being filled.

b. Managers will follow required procedures when establishing recruitment or placement actions.

c. Employees will follow the described procedures when indicating an interest in or applying for consideration under this policy.

12. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed per Secretary of the Navy Manual 5210.1 of January 2012.

13. Review and Effective Date. Per OPNAVINST 5215.17A, CNO (N1) will review this instruction annually on the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, DoD, SECNAV, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will automatically expire 5 years from its issuance date unless reissued or canceled prior to the 5-year anniversary date, or an extension has been granted.

14. Forms

a. OPNAV 12330/4 Certificate Extension Request is available via Naval Forms Online, <https://navalforms.documentservices.dla.mil>.

b. SF 50 Notification of Personnel Action, and SF 52 and SF 52B Request for Personnel Action are available via the General Services Administration Forms Library online at <http://www.gsa.gov/portal/forms/type/SF>. They are also available via the DCPDS portal at <https://compo.dcpds.cpms.osd.mil/>.


R. P. BURKE
Deputy Chief of Naval Operations
(Manpower, Personnel, Training
and Education)

Releasability and distribution:

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DEFINITIONS

1. Affirmative Employment Program. Under Federal statute and EEO commission guidance, an agency must prepare and implement a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory practices and policies. Agencies must conduct a self-assessment annually to monitor progress and, where such barriers are identified, take measures to eliminate them.
2. Area of Consideration (AOC). The area, organization, or group of organizations in which a search is made for eligible applicants to fill vacancies covered by this plan. The AOC must be sufficiently broad to ensure the availability of high quality applicants, taking into account the nature and level of the positions to be covered.
3. Basically Qualified. An applicant being considered for any placement action who meets all established minimum qualification requirements (as prescribed in the OPM Operating Manual - Qualification Standards for General Schedule Positions or an OPM-approved agency-specific qualification standard including appropriate selective factor(s) for the position being filled).
4. Best Qualified. Those applicants who demonstrate better KSAs than other applicants for a position, based upon the job analysis as prepared by the selecting official or other subject matter expert.
5. Defense Civilian Personnel Data System (DCPDS). This is the authoritative software used to maintain personnel records and effect personnel actions in the DoD.
6. Career Ladder. The range of grades in an occupational series or specialization starting with the lowest level at which an employee can be hired, up to and including the full performance level of the position. There must be enough work classifiable at the highest grade so that there is a reasonable expectation that all employees in the given organization and occupational series or specialization can progress to that grade. Promotion to higher grade levels within the career ladder is not guaranteed once minimum qualifications are attained. Promotions are dependent upon the employee's performance rating being at least fully successful, his or her

ability to perform the duties at a higher level, the continuing need for the employee to be assigned to the higher level, and supervisory approval.

7. Conversion. Changing of an employee from one appointment type to another in the same agency without a break in service.

8. Detail. The temporary assignment of an employee to a different position, or to unclassified duties for a specified period with the employee retaining his or her position of record, and returning to his or her regular duties at the end of the temporary assignment.

9. Evaluation Criteria. The KSAs and other characteristics needed for successful performance in the position to be filled. These criteria are used to determine the best qualified applicants for the position. The KSAs and other characteristics are derived from an analysis of the position and must be documented as part of the job analysis process. Applicants may be evaluated through the use of KSAs, applicant assessment questions, or other assessment tools such as structured interviews and performance exercises.

10. Full Performance Level. The highest rank, grade, or known promotion potential of a given position.

11. Interagency Career Transition Assistance Plan. A process by which employees who have been involuntarily separated may receive selection priority for jobs in agencies other than the one in which they were previously employed.

12. Knowledge, Skills, and Abilities (KSA). The experience, education, and training required to successfully perform the duties of a position.

13. Management Identification of Candidates (MIoC). A quick hiring method for filling jobs under competitive procedures. Use of MIoC should be considered any time there are at least two qualified job candidates and the AOC remains internal to the organization's permanent Federal civilian workforce.

14. Priority Placement Program (PPP). A program designed by DoD to actively assist its surplus and displaced employees by providing selection priority for competitive service vacancies.

15. Reassignment. The change of an employee from one position to another within DON or from one division to another (within MPTE domain) without a promotion or change to lower grade. Reassignments may be effected non-competitively.

16 Re-employment Priority List (RPL). A required component of an agency's placement program to assist its current and former competitive service employees who will be or were separated by reduction in force under reference (b), part 351, or who have recovered from a compensable work-related injury after more than 1 year, as required by reference (b), part 353. In filling vacancies, an agency must give its RPL registrants placement priority for most competitive service vacancies before hiring someone from outside its own permanent competitive service workforce.

17. Request for Personnel Action (RPA). Any personnel action (associated with a position description, employee, or both) approved by a supervisor or manager of civilian personnel. The actions are electronically submitted by HRO via DCPDS which generates the hard copy SF 52B Request for Personnel Action version. The action is also available for manual submission of the SF 52 Request for Personnel Action hard copy sheet version to the servicing HRO.

18. Transfer. The change of an employee, without a break in service of 1 full workday, from a position in one agency to a position in another agency outside the DON that can be filled under the same appointing authority.

19. USA Staffing. An OPM system used to collect information from applicants for Federal jobs to determine if their qualifications meet qualification requirements for the vacancies for which they have applied.

MIoC HIRING MANAGER CHECKLIST

Submit this check list with the RPA to process selection.

Recruitment is for Position Description # _____ (PD is attached to the RPA).

1. Area of consideration is:

- Activity UIC _____
- Organization Code _____
- Other (please explain) _____

2. To create a list of candidates, I:

- Request an organization report of all employees in the AOC and considered them all
- Sent out an e-mail requesting a reply of interest and considered all those who replied
- Other (please explain) _____

3. List Name/Number: _____

4. Selection Name: _____

5. Selection Criteria: _____

6. I met with the HRO advisor to discuss this action and to certify qualifications and time-in-grade requirements were met.

7. Bargaining unit requirements and command policy were followed.

8. The DoD PPP was cleared.

9. The selectee's name and current PD is attached to the RPA.