

# NIH Policy Manual

## 2300-335-1 - NIH Merit Promotion Plan

**Issuing Office:** OD/OM/OHR/CPD **Phone:** [\(301\) 496-0377](tel:3014960377)

**Approving Official(s):** OHR Director

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Transmittal Notice

1. **Explanation of Material Transmitted:** This Policy Manual describes the policies and procedures to be used in selecting qualified applicants to fill vacancies on the basis of merit and qualifications to ensure that basically qualified available applicants receive fair consideration for positions filled under competitive procedures.

**\*\*This Chapter is revised on 02/15/2024 with the following:**

- Added “Not-to-exceed (NTE) 120 days with options to renew)” within (6) Details to (E) Definitions
- Added Information regarding management’s role in evaluating prior performance history during the selection process to F. Roles & Responsibilities; (2) Management/Selecting Officials are Responsible for.
- Added Due weight policy clause to (I) Operation of the Plan; (8) Evaluation of Applicant
- Added General Restriction on Merit Promotion Movement to (I) Operation of the Plan
- Added Verification of Documentation to (I) Operation of the Plan
- Revised old system names (e.g., Capital HR (CapHR) to Enterprise Human Capital Management System (EHCM) and Human Resources Employment Processing System (HREPS) to Human Resources Exchange System (HR Exchange)
- Removed or revised out of date procedural guidance throughout the document

2. **Filing Instructions:**

**Remove:** NIH Manual 2300-335-1, dated dated 07/02/18.

**Insert:** NIH Manual 2300-335-1, dated 02/15/2024.

**PLEASE NOTE:** For information on:

- Content of this chapter, contact the issuing office listed above.

- NIH Policy Manual, contact the Division of Compliance Management, OMA on 301-496-4606 or enter this URL: <https://oma.od.nih.gov/DMS/Pages/Manual-Chapters.aspx>

## **A. Purpose**

This policy outlines the competitive procedures to be used in selecting best-qualified applicants to fill vacancies on the basis of merit and qualifications, without regard to political, religious, or labor organization affiliation or non-affiliation; marital status; status as a parent; race; color ; sex; sexual orientation; national origin; age (as defined by the Age Discrimination in Employment Act of 1967, as amended); disability; genetic information (including family history) or other non-merit-based factor, unless specifically designated by statute as a factor that must be taken into consideration when awarding such benefits, or retaliation for exercising rights with respect to the categories enumerated above, where retaliation rights are available, and shall be based solely on job-related criteria. The plan does not guarantee promotion, employment or hiring but is intended to ensure that basically qualified available applicants receive fair consideration for positions filled under competitive procedures.

Employees of certain organizations within the National Institutes of Health (NIH) are covered by collective bargaining unit agreements. When the terms of the applicable agreement conflict with this policy, the terms of that collective bargaining agreement take precedence over the NIH Merit Promotion Plan (MPP), however, all agreements are still subject to all applicable laws regarding the recruitment and promotion of federal employees.

## **B. Scope**

This NIH manual chapter applies to current, former, and prospective NIH employees who meet merit promotion eligibility. Employees should review the plan in order to understand its basic provisions and how to apply for promotion consideration. Supervisors and managers must also review the plan in order to properly carry out their responsibilities.

## **C. Policy**

5 [C.F.R. § 335.103](#) states that an agency may make merit promotions only to positions for which the agency has adopted and is administering a program designed to insure a systematic means of selection for promotion according to merit. The NIH Merit Promotion Plan contains provisions such as establishing the area of consideration, applicant evaluation, selection procedures and records maintenance that comply with federal regulations.

## **D. Roles And Responsibilities**

Office of Human Resources (OHR) Staff are Responsible for:

- a. Overseeing this plan to ensure fair and equitable treatment of all applicants for all positions;
- b. Providing technical assistance and guidance to management, supervisors, employees and applicants on all merit promotion matters;
- c. Classifying the position description(s) created by management;
- d. Preparing the evaluation statement;
- e. Classifying employees' Fair Labor Standards Act (FLSA) status for position created by management;
- f. Assisting management in determining the area of consideration to ensure the availability of a diverse group of high-quality applicants;
- g. Advising management on the development of the job analysis process and assisting management in the development of minimum qualifications for the position, including determining whether or not the use of a selective factor(s) is appropriate;
- h. Developing and posting vacancy announcements, receiving and logging of applications, determining applicant eligibility, conducting or overseeing the evaluation of qualifications of applicants, issuing certificate(s) or list(s) of eligibles, extending job offers, notifying applicants of the status of their applications at specific touchpoints, entering data into HR systems in near real time, answering applicant questions, addressing reconsideration requests, and maintaining/closing out vacancy files in accordance with this plan; and
- i. When necessary, making recommendations for revision of the NIH Merit Promotion plan.

**Management/Selecting Officials are Responsible for:**

- a. Applying the principles and requirements of this plan when filling a position, including merit principles and the principles of equal employment opportunity, and taking appropriate corrective action when violations of these principles and requirements occur;
- b. Analyzing their staffing needs and keeping OHR staff informed of immediate and long-range human capital needs;
- c. Initiating and submitting requests for recruitment actions to OHR staff in a timely manner;
- d. Developing position descriptions, OF-8s, FLSA Checklists, organizational charts, and using the Position Designation Tool (PDT);
- e. Consulting with OHR staff to complete the Pre-Recruitment Worksheet and developing the job analysis;
- f. Consulting with OHR staff to determine the area of consideration for an announcement and identify recruitment sources likely to yield a diverse pool of high-quality applicants.
- g. Working with Office of [NIH Equal Employment Opportunity \(EEO\)](#) and OHR staff towards achieving [MD-715](#) objectives pertaining to recruitment, promotion, and retention; and
- h. Making selection decisions within NIH established timeframes.

- i. Ensuring applicant's prior performance and incentive award history is given due weight during the selection process.

**Applicants are Responsible for:**

- a. Demonstrating possession of the minimum qualifications, selective factor(s) (if applicable), and other characteristics necessary to qualify for positions for which they desire consideration;
- b. Submitting all required application materials and providing all information (as indicated on the vacancy announcement) within the specified timeframe;
- c. Responding to requests for additional information and correspondence in a timely manner throughout the recruitment and hiring process; and
- d. Seeking information on positions of interest and applying for such positions by the required application deadline, including those on extended approved absences (e.g., leave, official travel, detail, military service, or long-term training).

## **E. References**

1. [5 U.S.C. § 2108 – Veteran; Disabled Veteran; Preference Eligible](#)
2. [5 U.S.C. § 2301 – Merit System Principles](#)
3. [5 U.S.C. § 2302 – Prohibited Personnel Practices](#)
4. [5 U.S.C. Chapter 81, Subchapter I – Compensation for Work Injuries](#)
5. [5 U.S.C. § 8337 – Civil Service Retirement, Disability Retirement](#)
6. [5 U.S.C. § 8451 – Disability Retirement, Disability Benefits](#)
7. [5 U.S.C. § 8456 – Disability Benefits, Military Reserve Technicians](#)
8. [5 C.F.R. Part 213 – Excepted Service](#)
9. [5 C.F.R. Part 315 – Career and Career-Conditional Employment](#)
10. [5 C.F.R. Part 330 – Recruitment, Selection, and Placement \(General\)](#)
11. [5 C.F.R. Part 335 – Promotion and Internal Placement](#)
12. [5 C.F.R. Part 351 – Reduction in Force](#)
13. [29 C.F.R. Part 1607 – Uniform Guidelines on Employee Selection Procedures](#)
14. [NIH Policy, Manual 1743 - Managing Federal Records](#)
15. [OPM VetGuide](#)
16. [OPM Operating Manual – Qualification Standards for General Schedule Positions](#)
17. [HHS Personnel Instruction 511-1: Position Classification](#)
18. [HHS Instruction 300-3: Detail and Intergovernmental Personnel Act \(IPA\) Assignments](#)
19. [HHS Instruction 330-2: Priority Placement Programs \(CTAP, ICTAP, RPL and PRL\)](#)
20. [NIH Ethics Program](#)
21. [NIH Equal Employment Opportunity \(EEO\)](#)
22. [NIH – Union Agreements](#)

## F. Definitions

1. **Area of Consideration:** The area, organization, or group of organizations in which a search is made for eligible applicants to fill vacancies covered by this plan. The area of consideration 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.
2. **Basically Qualified:** An applicant being considered for any placement action who meets all established minimum qualification requirements, as prescribed in the Office of Personnel Management ([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.
3. **Best Qualified:** Those applicants who are superior in the evaluation criteria. Among Quality Categories (as defined in [5 CFR 337.302](#).) it is the primary grouping of individuals referred to selecting officials.
4. **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 achieved expected results, their 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. After having entered a career ladder, an employee may advance in grade up to the full performance level without further competition. Employee must meet the time in grade requirement of 52 weeks in order to advance to the next grade.
5. **Career Transition Assistance Program (CTAP):** A program designed by each agency to actively assist its surplus and displaced employees by providing selection priority for competitive service vacancies.
6. **Certificate(s) of Eligibles:** a list of eligible candidates identified from a job opportunity announcement that is submitted to a hiring manager or appointing officer for employment consideration.
7. **Detail:** The temporary assignment of an employee to a different position or to unclassified duties for a specified period NTE 120 days with options to renew) with the employee retaining their position of record and returning to their regular duties at the end of the temporary assignment.
8. **Due Weight Consideration:** A merit promotion review process used to provide consideration to performance appraisals and awards submitted with each application. The additional documentation is intended to further inform the selection process but is not a guarantee of selection of any applicant.
9. **Evaluation Criteria:** The knowledge, skills, and abilities (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.

10. **Full Performance Level:** The highest rank, grade, or known promotion potential of a given position.
11. **Human Resources Exchange System (HR Exchange):** Database which houses the listing of applicants within Department of Health and Human Services (HHS) that have either Priority Consideration Program (PCP) or Priority Placement Program (PPP) rights.
12. **Interagency Career Transition Assistance Program (ICTAP):** ICTAP is 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.
13. **Job Analysis:** A systematic method for gathering, documenting and analyzing information about the content, context and requirements of the job. It demonstrates that there is a clear relationship between the tasks performed on the job and the competencies/KSAs required to perform the tasks.
14. **Priority Consideration Program (PCP) or Priority Placement Program (PPP):** program designed to assist in job consideration or placement of employees adversely affected by actions such as administrative errors, Reduction-in-Force, realignments, position classification decisions and transfer of function.
15. **Reassignment:** The change of an employee from one position to another within NIH or from one Operating Division to another (within the HHS) without promotion or change to lower grade. Reassignments can also be effected non-competitively.
16. **Selective Factor:** A job-related knowledge, skill, and/or ability that is required for satisfactory performance in a particular position. A selective factor, sometimes referred to as a selective placement factor, is in addition to the basic OPM qualification standard for a position and is therefore part of the minimum qualification requirements that applicants for the position must meet to be minimally qualified. Selective factors cannot be so narrow that they preclude from consideration applicants who could perform the duties of the position. Selective factors that could be learned readily during the normal period of orientation to the position are not appropriate, nor are selective factors that are so agency-specific that they exclude from consideration applicants without prior Federal service. NIH Request and Justification for Selective Factors must be completed and included in the vacancy case file.
17. **Transfer:** The change of an employee, without a break in service of one full workday, from a position in one agency to a position in another agency outside the Department of Health and Human Services (HHS) that can be filled under the same appointing authority.
18. **Veteran's Employment Opportunities Act (VEOA):** allows eligible veterans to apply to positions announced under merit promotion procedures when the agency is recruiting from outside its own workforce. If selected, the veteran will be given a career or career conditional appointment.

19. **Veteran's Recruitment Act (VRA):** a special hiring authority by which agencies may appoint eligible veterans without competition to positions at any grade level below General Schedule (GS) 11 or equivalent.

## **G. Actions Covered By This Plan**

The requirements and procedures outlined in this plan apply to actions involving Title 5 positions, including positions where employees are paid under Title 38 rules, and Federal Wage System equivalents. The policies and procedures of this plan apply to:

1. All promotions not listed in section H;
2. 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 promotion;
3. Reassignment, transfer, or change to a same or lower graded position that has greater promotion potential than a position previously held on a permanent basis in the competitive service (except as permitted by reduction-in-force regulations, if applicable);
4. Transfer to a position at a higher grade or with greater promotion potential than a position previously held on a permanent basis in the competitive service;
5. Reinstatement to a permanent or temporary position at a higher grade or with greater promotion potential than a position previously held on a permanent basis in the competitive service;
6. Details for more than 120 calendar days, to an established/classified position at a higher grade or to a position with higher promotion potential (prior service during the preceding 12 months under non-competitive details to higher graded positions, and non- competitive time-limited promotions counts toward the 120-calendar day total); and
7. Temporary or time-limited promotions in excess of 120 calendar days to higher graded positions (prior service during the preceding 12 months under non-competitive time-limited promotions and non-competitive details to higher graded positions counts toward the 120-calendar 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, i.e., statement included in the vacancy announcement. Time limited promotions made under competitive procedures may be extended for up to 5 years. Extensions beyond 5 years must be approved by OPM. (5 C.F.R. § 335.103(c)(1)).

## **H. Exceptions To Competition**

1. Competitive procedures do not apply to the following actions:
  - a. A promotion resulting from a position, which has been upgraded, without significant change in the duties and responsibilities, due to issuance of a new classification standard or the correction of an initial classification error;

- b. A position change permitted by reduction-in-force regulations (see [5 C.F.R. Part 351](#));
- c. A promotion when at an earlier stage an employee was selected under competitive promotion procedures for a position below the full performance level. Note: The promotion potential position must be documented and recorded on the OF-8, SF-50, and vacancy announcement;
- d. A promotion following non-competitive conversion of a Pathways Program employee, Veterans' Recruitment Authority (VRA) appointee, Presidential Management Fellow, or under another authorized program;
- e. A promotion from a trainee position when the employee was selected for the target position under competitive procedures;
- f. A non-competitive temporary promotion or detail to a higher grade of 120 calendar days or less; all details to higher grade positions and temporary promotions, to same position, held during the preceding 12-month period are counted in the calculation of the 120-calendar day total;
- g. A 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) from which an employee was neither separated nor demoted for performance or conduct reasons;
- h. A promotion, reassignment, change to lower grade, transfer, reinstatement or detail from one position to another having no higher promotion potential than that of the position the employee currently holds or previously held on a permanent basis in the competitive service and did not lose for performance or conduct reasons;
- i. A promotion of an applicant not given proper consideration in a competitive promotion action;
- j. A promotion as a result of a negotiated settlement of a complaint or civil action (e.g., Equal Employment Opportunity (EEO) complaint or administrative grievance);
- k. A promotion based on accretion of duties (this is a non-competitive action that must be supported by a desk audit).(5 C.F.R. § 335.103(c)(2) and (3))

## **I. Operation of the Plan**

### **1. Defining/Determining Area of Consideration:**

The area of consideration must be sufficiently broad to ensure the availability of a reasonable number of highly qualified applicants, taking into account the nature and level of the position to be filled, merit principles, EEO principles, and applicable regulations and requirements of negotiated union agreements. The area of consideration must be identified in the merit promotion vacancy announcement and may not be changed while a vacancy announcement is open. Prior to recruiting for a newly established position, the Selecting Official, in consultation with their servicing HR Specialist and an EEO staff member, should determine the appropriate recruitment strategy to ensure a diverse pool of qualified applicants. Agencies

must also ensure that employees within the area of consideration 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 (reference 5 C.F.R. § 355.103(b)(2)). In most circumstances, the area of consideration shall be at least Agency-wide.

## **2. Public Notice Requirements:**

Vacancy announcements:

- a. Will be published on [USAJOBS](#) when filling vacancies through the competitive procedures described in this plan;
- b. Will be open a minimum of five calendar days. (Exception: Collective bargaining agreements take precedence over the minimum five calendar day requirement. Effective February 28, 2011, in accordance with a negotiated agreement between the NIH Division of Police and the Fraternal Order of Police, NIH Police Labor Committee, all merit promotion announcements for Master Police Officers (GS-0083-8) must be open for a minimum of 10 business days. Further, all merit promotion and delegated examining announcements for Police Officer (GS-0083-5/6/7) must be open for a minimum of 6 calendar days;) and
- c. Must include the following information:
  1. Name of issuing agency, announcement number, opening and closing dates, and geographic location of position;
  2. Area of consideration;
  3. Cut-off dates if the position is advertised “open continuous”;
  4. Point of contact for vacancy, including mailing address, e-mail address
  5. Number of positions available or stating “Few” or “Many” if the exact number is not known at the time of posting;
  6. Position title/series/grade and salary range, including full performance level of the position;
  7. Work schedule; if part-time, must include hours per week;
  8. A summary of the duties of the position;
  9. Complete minimum qualification requirements including selective factors (if applicable), applicable educational requirements, and any other factors that must be met in order to qualify for the position;
  10. A statement that indicates that qualification requirements must be met within 30 calendar days of the closing date of the vacancy announcement;
  11. For positions that have a minimum education requirement or allow applicants to meet minimum qualifications based on their education, a statement indicating what documents are required at the time of application and at appointment (if selected);
  12. A description/definition of specialized or qualifying experience;
  13. Whether or not relocation expenses are available;
  14. Statement indicating that additional vacancies may be filled if they arise;

15. Statement indicating that applicant information may be shared with additional areas of the organization if additional vacancies arise;
  16. Statement that the selectee may serve an initial probationary/trial period, unless exempt based on previous completion of such probation or service prior to the effective date of the probationary/trial period requirement;
  17. For supervisory and managerial positions, a statement that the selectee must serve a supervisory or managerial probationary period, unless exempt based on previous completion of such probation or service in a supervisory or managerial position, as appropriate, prior to the effective date of the probationary period requirement;
  18. Evaluation method(s) to be used;
  19. Supporting documentation receipt requirements;
  20. If the position requires clinical privileges, a statement addressing this must be included (e.g., The selected individual may be required to obtain and maintain medical staff clinical privileges);”
  21. If the position requires medical qualifications, a statement addressing this must be included (e.g., Pre-employment medical screening may be required.”)
  22. If the position requires physical requirements, a statement addressing this must be included (e.g., Position may require a physical evaluation).
  23. Statement that Public Health Service (PHS) Commissioned Officers may indicate interest in performing the duties of the position within the Commissioned Corps by submitting a resume and complying with all other application requirements, if appropriate for the position being advertised;
  24. Any other of employment, such as: shift work, frequent travel, physical exam, etc.;
  25. When applicable, Veterans’ Employment Opportunities Act (VEOA) and Land Management eligibles information, including documentation required for proof of eligibility;
  26. CTAP and ICTAP (if applicable) information, including documents required for proof of CTAP/ICTAP eligibility and the definition of “well- qualified;”
  27. Privacy Act notice;
  28. EEO statement;
  29. Ethics statement;
  30. Reasonable accommodation statement;
  31. Background investigation or security clearance statement; and
  32. Selective Service statement.
- d. Should the original area of consideration fail to produce a sufficient amount of highly qualified applicants, the selecting official may decide to re-advertise the position using a wider area of consideration.

### **3. Requirements for Employees on Extended Absences:**

Employees within the area of consideration who are absent from their positions for legitimate reasons (such as detail, authorized leave, temporary duty, training, Intergovernmental

Personnel Act assignments, transfer to a public international organization, or military service) are eligible to receive consideration for promotion under the provisions of this plan.

Employees are responsible for seeking information on positions of interest and applying for such positions by the required application deadline. The employee may identify someone to search and apply for positions on their behalf during the absence period.

#### **4. Information for Employees and Outside Applicants on How to Access Vacancy Announcements:**

Employees and outside applicants should apply for an advertised position by submitting application information through the [USAJOBS Page](#). Information concerning the duties and responsibilities of the position, application procedures, and evaluation method(s) will be specified within the vacancy announcement.

Applicants should read the entire vacancy announcement as it contains information regarding the specific application procedures. Applicants **must** adhere to those procedures in order to be considered for the vacancy.

#### **5. Application Requirements:**

Resumes, responses to the applicant assessment questions, SF-50's, CTAP/ICTAP documentation, Schedule A documentation, and DD-214s or written documentation from the armed forces (if applicable) **MUST** be received by 11:59pm Eastern Time on the closing date of the vacancy announcement in order to receive consideration. For manual cases, all resumes received must be kept in the case file (and Official Personnel Folder (OPF), if selected).

Applicants with Federal status should submit a copy of a Notification of Personnel Action, SF-50, or equivalent, preferably showing the full performance level or career ladder of their current or former Federal position and that applicant meets time-in-grade requirements. Applicants who do not submit their SF-50 at the time of application will be evaluated based on the information provided in their resume. A copy of the applicant's SF-50 must be received prior to the extension of a final job offer. If the applicant fails to provide a copy of the SF-50 within the specified time period, a final job offer shall not be made, and the applicant will be removed from further consideration. All SF-50s and related correspondence received must be kept in the case file (and OPF, if selected).

Whenever there is a minimum education requirement or an applicant can be determined as basically qualified based on their education, applicants are strongly encouraged to submit transcripts or a list of applicable courses with their application package. This also applies to status applicants who are applying to a position in a different occupational series than that in which they serve currently or to which they were previously appointed. Applicants who do not submit their transcripts at the time of application will be evaluated based on the information provided in their resume along with their response to a self-certification question (included in the announcement) asking if they meet the basic qualifications listed in the

vacancy announcement. Those deemed tentatively best qualified will be considered and referred to the selecting official. The applicant's official transcript(s) must be received prior to the extension of a final job offer. All transcripts and related correspondence must be kept in the case file (and OPF, if selected). If the applicant fails to provide a copy of their transcript(s) within the specified time period, a final job offer will not be made, and the applicant may be removed from further consideration.

The HR Specialist must verify that schools are accredited prior to making job offer(s) when using education to qualify applicants. Visit the [Department of Education's Database of Accredited Post-Secondary Institutions and Programs](#) to verify that schools are accredited.

Education completed in a foreign institution/university must be evaluated by an accredited organization to ensure that the foreign education is comparable to education received in accredited institutions in the United States. Visit the [Department of Education's Web site](#) and/or [National Association of Credential Evaluation Services](#) for a listing of credential evaluation services that can perform this evaluation.

A Doctor of Medicine degree obtained from a foreign medical school that provided education and medical knowledge substantially equivalent to accredited schools in the United States must be demonstrated by permanent certification by the Educational Commission for Foreign Medical Graduates (ECFMG), a fifth pathway certificate for Americans who completed premedical education in the United States and graduate education in a foreign country, or successful completion of the U.S. Medical Licensing Examination. Applicants who do not submit their equivalency at the time of application will be evaluated based on the information provided. Those deemed tentatively best qualified will be considered and referred to the selecting official. A copy of the applicant's foreign education equivalency will be requested by the HR Specialist prior to extending a job offer. If the applicant fails to provide a copy of the equivalency within the specified time period, a job offer shall not be made, and the applicant may be removed from further employment consideration. All equivalencies and related correspondence must be kept in the case file (and OPF, if selected).

Applicants claiming eligibility for CTAP/ICTAP **MUST** submit a copy of their Reduction in Force (RIF) Notice or other equivalent agency notifications, a copy of their current (or most recent) ratings of record, and a copy of the Notification of Personnel Actions, SF-50s, showing the full performance level or career ladder of their current or previous positions at the time of application. **Applicants who do not provide this proof by midnight Eastern Time on the closing date of the vacancy announcement will not be considered as CTAP/ICTAP eligible.** All CTAP/ICTAP documentation must be kept in the case file (and OPF, if selected).

Applicants with disabilities claiming non-competitive eligibility under Schedule A **MUST** submit proof of their disability at the time of application. **Applicants who do not provide this proof by midnight Eastern Time on the closing date of the vacancy announcement will not be considered as Schedule A eligible.** Acceptable proof of an individual's intellectual disability, severe physical disability, or psychiatric disability is appropriate

documentation (e.g., records, statements, or other appropriate information) issued from a licensed medical professional (e.g., a physician or other medical professional duly certified by a state, the District of Columbia, or a U.S. territory, to practice medicine); a licensed vocational rehabilitation specialist (i.e., state or private); or any Federal agency, state agency, agency of the District of Columbia, or a U.S. territory that issues or provides disability benefits.

Applicants claiming to be a current or former temporary and term employee in the competitive service of land management agencies may be eligible to apply to government-wide Merit Promotion (i.e., accepting applications from individuals outside its own workforce) announcements. Applicants must submit copies of the Notification of Personnel Actions(s) (SF-50) showing time served in the appropriate appointment(s) for a period/periods totaling more than 24 months without a break in service of two (2) or more years. Applicants must also submit the initial hire action, extensions, conversion, and termination/separation SF-50s for each service period and appropriate documentation to verify an acceptable level of performance.

Applicants claiming eligibility for special veteran's appointment authorities, such as VEOA or the VRA, **MUST** submit a copy of their DD-214s at the time of application. Prior to discharge or release from active-duty service, applicants may submit written documentation from the armed forces that certifies the service member is expected to be discharged or released from active duty in the armed forces under honorable conditions within 120 days after the certification is submitted by the applicant. If the certification has expired; the HR Specialist must request other documentation (e.g. a copy of the DD 214) that demonstrates the service member is a preference eligible per [5 U.S.C. § 2108](#), before the veteran's preference can be awarded. Applicants are encouraged to identify the specific authority under which they are applying (VEOA/VRA). **Applicants who do not provide this proof by midnight Eastern Time on the closing date of the vacancy announcement will not be considered eligible for the position.** All DD-214s or armed forces documentation received must be kept in the case file (and OPF, if selected).

In some vacancies there may be other mandatory application requirements; therefore, it is important that applicants pay careful attention to the "How to Apply" section of the vacancy announcement to determine all required application materials for any given announcement.

## **6. Determining Eligibility:**

Applicants must meet all U. S. citizenship requirements by the closing date of the vacancy announcement. Applicants who are current status employees must meet time- in-grade requirements within thirty (30) calendar days after the closing date of the vacancy announcement.

## **7. Determining Minimum Qualifications:**

Applicants must meet the minimum qualification requirements as prescribed by the [OPM Operating Manual – Qualification Standards for General Schedule Positions](#), such as positive education or basic requirements. In addition, applicants must meet any selective and/or other factors identified in the announcement as being essential to establish basic eligibility for consideration. Applicants will be considered basically qualified if they will meet all of the requirements within thirty (30) calendar days after the closing date of the vacancy announcement, with the exception of U.S. citizenship requirements, which must be met by the closing date. Applicants may not be permanently placed in the position until they meet all of the requirements.

## **8. Determining Applicant Eligibility and Qualifications:**

The method(s) used to evaluate applicants must be determined prior to the opening of the vacancy announcement. Details on the evaluation process must be described to applicants in the vacancy announcement. The evaluation process ensures that selection(s) is made from the best qualified applicants. Evaluations must be based on job-related requirements and applied fairly and consistently. Evaluation methods may include the use of assessment questions, and/or other assessment tools such as structured interviews, SME structured resume reviews, work samples and simulations, and other valid tests.

Once a vacancy announcement closes, the HR Specialist will:

- a. Assess all applicants to determine if they meet the area of consideration, minimum qualification requirements, any selective factor(s) (if applicable), and time-in-grade restrictions (if applicable) for the position based on the information contained in their resumes, self-certification question responses, and any SF-50s, CTAP/ICTAP documentation, DD-214s or written documentation from the armed forces (to confirm VEOA/VRA eligibility for government-wide announcements only), course listings, licenses, transcripts, foreign education equivalencies, and/or Schedule A documentation received;
- b. Evaluate applicants based on the method of evaluation chosen prior to announcing the position and/or facilitate the evaluations with designated SMEs.
- c. Ensure applicant notes support qualification determinations based on job related criteria established by job analysis.
- d. Prepare a certificate(s) of eligibles listed in alphabetical order that includes the best qualified applicants.

When there are 10 or fewer best qualified applicants per grade level, formal rating and ranking is not required, and all qualified applicants will be referred in alphabetical order to the selecting official for equal consideration among all of those referred.

A Subject Matter Expert (SME); or a Qualifications Review Board (QRB), Search Committee, and/or Evaluation Panel may be used when required by a collective bargaining agreement. Union agreements may include a requirement for convening a QRB, Search Committee, or Evaluation Panel for certain occupations. Therefore, in merit promotion actions falling within the scope of an applicable collective bargaining agreement, it must be reviewed and followed for this requirement.

Due weight shall be given to performance appraisal ratings and awards (monetary and non-monetary) when assessing applicants. If provided, Selecting Officials should view a record of performance that demonstrates the ability to perform successfully in the position. Selecting Officials should note that agencies have different performance plans, scales, and methods for rating their employees along with different policies and budgets for awards.

### **9. Applicant Referral:**

**Competitive Applicants:** Applicants must be listed in alphabetical order without their scores unless the bargaining unit agreement covering the position indicates otherwise. A separate certificate of eligibles must be issued for each grade level and geographic location advertised unless it is an interdisciplinary position. Selection procedures will provide for selection from among a group of best qualified candidates.

**Non-Competitive Applicants:** Applicants eligible for non-competitive consideration will be identified without their scores on a referral certificate/listed separately from the list of promotion applicants.

Selecting officials have the right to select or not select applicants and to consider applicants from any appropriate recruitment source (e.g., merit promotion certificate, reassignment, transfer, reinstatement, delegated examining certificate, etc.). Note: CTAP and ICTAP eligibles would need to be reviewed first in accordance with priority consideration procedures. (See 21. Special Selection Priority Provisions of Surplus or Displaced Federal Employees below for additional information)

### **10. Reconsideration of Qualifications or Rating:**

When a request for reconsideration is received from an applicant, the HR Specialist must review the case and forward a summary of their initial rating decisions and any proposed changes along with the reconsideration request to the next higher Branch level, i.e., their Team Leader or Branch Chief (whoever is the next level) for decision and the Team Leader or Branch Chief will respond in writing with their decision directly to the applicant.

If the applicant requests a second level review, that request, along with the decision documentation from the first review is to be forwarded to the HR Specialist's second higher level, i.e., the Branch Chief or the Director, Client Services Division (CSD) (or designee), for additional review and a final decision. The Branch Chief or Director, CSD, will then respond

in writing with their decision directly to the applicant.

### **11. Sharing of Certificates:**

In an effort to promote efficiency in the hiring process, every effort is to be made to share resumes of successful applicants among HR staff. HR Specialists are strongly encouraged to conduct pre-recruitment surveys of other CSD Branches, review the internal Vacancy Announcement and Certificate Report (prior to posting an announcement) to see if an opportunity exists to share. **To ensure a valid opportunity exists, the occupational series, grade, promotion potential, any medical, physical, or license requirements must be the same.** The duty location must be in the same local commuting area as defined in [5 CFR § 351.203](#); except for the metropolitan area of Washington, DC., which is defined in [5 CFR § 210.102\(b\)\(7\)](#). The general job responsibilities, duties, minimum qualification requirements (including use of any selective placement factors) and the competencies, or knowledge, skills, and abilities (i.e., assessment criteria), that were used for the original position must be appropriate for the position being filled. If the original announcement was for an interdisciplinary position, any position filled from that announcement must also be an interdisciplinary position of the same series combinations. Any other job requirements not stated in the original announcement that differ from the position being filled must be communicated to the candidate during the job offer process so they can make an informed decision to accept or decline the position. This includes financial disclosure reporting, inclusion in a bargaining unit, an increased security clearance or background investigation, NIH Emergency Tier designation, required travel, atypical tour of duty (e.g., early mornings, night hours, weekends, split schedules), drug testing/screening, or any other job requirement that differs from the language in the original announcement.

### **12. Applicant Interviews:**

Interview arrangements are coordinated by the selecting official or someone acting on their behalf. Interviews may be accomplished either in person, telephonically or virtually.

To further ensure fairness and equity in the hiring process, managers are encouraged to develop standard questions for each vacancy. Follow up questions may be asked. Notes made during the interview process must be maintained by the selecting official for 3 years.

Selecting officials and/or OHR staff may receive requests for reasonable accommodation for the interview process from applicants with disabilities. Requests for reasonable accommodations should be responded to quickly and effectively. The NIH Disability Employment Program Manager, EEO, may be contacted to assist with these provisions.

### **13. Reference Checks:**

Selecting officials are responsible for conducting reference checks prior to making a final selection. Checking references before making a final decision can save time, money, and

effort, since it reduces the likelihood of making an inappropriate selection. Selecting officials should prepare a Reference Check form in advance and write notes on it while completing a reference check.

#### **14. Applicant Selection:**

The selecting official has the right to select any applicant referred or not to select anyone. Each applicant referred must be given full consideration, and the selection must be based on job-related reasons. While a selecting official is free to inform an applicant of their interest, no final commitment or job offer is to be made by other than a member of OHR.

Management reserves the right to determine whether or not to fill a vacancy through merit promotion or to select from other appropriate sources. When vacancies arise, the procedures outlined in this plan will normally be followed to identify applicants for merit promotion consideration. However, there will be situations in which a selection from another source (e.g., reassignment, transfer, reinstatement, or appointment under one of the special appointing authorities) will more appropriately meet the program's objectives.

Such situations will be considered, by the servicing HR Specialist and the selecting official, on a case-by-case basis. If the selecting official is interested in applicants outside of HHS, advertisement for CTAP/ICTAP is required; however, using a shared certificate in these situations meets CTAP/ICTAP requirements.

Additional selections may be made from the referral list(s) as long as those selections occur before the expiration of the certificates.

#### **15. General Restriction on Merit Promotion Movement:**

OPM regulates general restriction on movement after competitive appointment and NIH has adopted [5 CFR § 330.502](#) to be applied to actions under merit promotion procedures. An employee must wait at least 90-days after the latest non-temporary appointment to be promoted, transferred, reinstated, reassigned, or detailed to a different position or to a different geographical area. OPM designed this rule to prevent circumvention of the open competitive examination system and for consistency in general rule application, this will extend to merit promotion actions as well.

#### **16. Verification of Documentation**

Prior to making a final job offer, the HR Specialist may be required to verify the authenticity of documentation submitted during the hiring process (i.e., Schedule A medical letter, official transcript, etc.). Note: For Schedule A appointments, HR Specialist may be required to contact the medical professional for validity of medical documentation.

### **17. Time Limit on Hires after Selection:**

There is a 6-month time limit on effecting appointment actions for selection decisions made via a certificate of eligibles, i.e., the entry on duty date (EOD) must be within 6 months from date the certificate expires. Additionally, any hires that will require peer or salary review outside of OHR must EOD within 1-year from the date the certificate expires. Any extensions to the EOD date (beyond 6 months) must be approved by the Director, CSD (or designee). To request an extension, the manager must submit an e-mail to the CSD Branch Chief, who will then forward it to the Director, CSD, for final decision. The request should include the reason the extension is needed as documentation for the case file.

### **18. Release Dates:**

For federal employees, once a release date is requested and an employee is leaving for a promotion, they can only be held in their current position for up to one full pay period. If the employee is not leaving for a promotion, they may only be held for up to two full pay periods. Exceptions may be considered on a case-by-case basis.

### **19. Applicant Notification:**

Applicants who provide a valid email address in their USAJobs profile must be notified via email when their application was received, if they were referred or not to the Selecting Official, and for those referred, if they were selected or not.

### **20. Priority Consideration:**

If, due to an administrative/procedural error, an applicant fails to receive proper consideration for a merit promotion vacancy announcement, the following procedures will take place:

- a. If the affected certificate(s) is still active and a selection has not been made, the selecting official is notified immediately, and the certificate is amended to include the applicant; or
- b. If the affected certificate(s) has expired and no selection was made, the individual is not entitled to receive priority consideration; or
- c. If a selection has already been made from the affected certificate(s), the individual must receive priority consideration for the next appropriate vacancy announcement in the same series, grade, promotion potential, and geographic location open within NIH. In order to ensure the applicant receives priority consideration, the individual will be placed in the Priority Consideration Program (PCP) listing housed in the HR Exchange database. The individual eligible for priority consideration must be considered by the selecting official(s) before other applicants are ranked or referred for selection.

If an individual is referred as a priority consideration eligible and another applicant is selected for the position, the individual is no longer entitled to priority consideration. As long as no selections are made, the individual continues to be eligible for priority consideration for merit promotion vacancies. Documentation of consideration by the selecting official and reasons for any non-selection must be maintained as part of the vacancy case file.

## **21. Special Selection Priority Provisions of Surplus or Displaced Federal Employees:**

Selection priority is to be given to eligibles under the Career Transition Assistance Plan (CTAP) and Interagency Career Transition Assistance Plan (ICTAP) placement programs. (Reference [HHS Instruction 330-2: Priority Placement Programs \(CTAP, ICTAP, RPL and PRL\)](#)) This means that a CTAP eligible employee must be selected over any other candidate for vacancies within the local commuting area except as noted in [5 CFR § 330.609](#). An ICTAP eligible must be selected over any other candidate outside of HHS for vacancies within the local commuting area except as noted in [5 CFR § 330.707](#).

CTAP – For a surplus or displaced HHS employee to receive special selection priority under CTAP they must:

- a. Be one of the following types of employees:
  1. A current HHS career or career-conditional (tenure group 1 or 2) competitive service employee at the GS-15 or equivalent level and below; OR
  2. A current HHS Schedule A or B excepted service employee, serving on an appointment without time limit, at the GS-15 or equivalent level and below, who has been given non-competitive appointment eligibility and selection priority by statute for positions in the competitive service;
- b. Have received a Reduction in Force (RIF) separation notice, notice of proposed removal for declining a directed reassignment or transfer of function outside of the local commuting area, a Certificate of Expected Separation (CES), or other official certification issued by the Department (e.g., a notice of position abolishment or a notice stating that the employee is eligible for discontinued service retirement);
- c. Be applying for a position at or below the grade level of the position from which they are being separated. The position must not have a greater promotion potential than the position from which they are being separated;
- d. Have a current performance rating of record of at least fully successful or equivalent;
- e. Be currently employed by HHS in the same local commuting area as the position for which they are requesting priority consideration;
- f. File their application by midnight eastern standard time on the closing date of the vacancy announcement and meet all the application criteria (e.g., submit all required documentation, etc.);
- g. Meet the basic qualification requirements and eligibility requirements for the position, including any medical qualifications, suitability, and minimum educational and experience requirements;

- h. Meet all selective factors where applicable;
- i. Be rated well-qualified for the position. Applicants must receive a rating of at least 85 out of a possible 100 when assessed through traditional or score-based category rating methods or who are determined to be in the well qualified quality group when assessed through the manual category rating method. If it is determined that the applicant is not well qualified, OHR must conduct a second review of the application and notify the applicant of the results in writing;
- j. Be physically qualified, with reasonable accommodation where appropriate, to perform the essential duties of the position;
- k. Meet any special qualifying conditions that OPM has approved for the position (if applicable); and
- l. Be able to satisfactorily perform the duties of the position upon entry.

CTAP eligibility begins on the date that HHS issues the employee a RIF separation notice, notice of proposed removal for declining a directed reassignment or transfer of function outside of the local commuting area, a Certification of Expected Separation CES, or other official certification issued by the Department (e.g., a notice of position abolishment or a notice stating that the employee is eligible for discontinued service retirement).

CTAP eligibility expires on the earliest of:

- a. The RIF separation date, the date of the employee's resignation, retirement, or separation from the HHS (including separation under adverse action procedures for declining a directed reassignment or transfer of function or similar relocation to another local commuting area);
- b. Cancellation of the RIF separation notice, notice of proposed removal for declining a directed reassignment or transfer of function outside of the local commuting area, a CES, or other official certification issued by the Department (e.g., a notice of position abolishment or a notice stating that the employee is eligible for discontinued service retirement);
- c. When an eligible employee receives a career, career-conditional, or excepted appointment without time limit in any agency at any grade level; or
- d. When an eligible employee declines a career, career-conditional, or excepted appointment (without time limit) within HHS, for which the employee has applied and been rated well qualified.

ICTAP – For a displaced Federal employee to receive special selection priority under ICTAP, they must:

- a. Be one of the following types of current or former employees:
  - 1. A displaced current or former career or career-conditional (tenure group 1 or 2) competitive service employee, at the GS-15 or equivalent level and below who:
    - a. Received a specific RIF separation notice; or
    - b. Received a notice of proposed removal for declining a directed reassignment or transfer of function outside of the local commuting area;

- or
- c. Separated because of a compensable injury or illness under [5 U.S.C. Chapter 81, Subchapter I](#), and whose compensation has been terminated former agency certifies that it is unable to place; or
  - d. Retired with a disability under [5 U.S.C. Sections 8337](#) or 8451, whose disability annuity has been or is being terminated because the Office of Personnel Management considers they're recovered; or
  - e. Upon receipt of a RIF separation notice, retired on the effective date of the RIF and submitted a Standard Form 50 that indicated "Retirement in lieu of RIF" or retired under the discontinued service retirement option.
- 2. A current or former displaced Executive Branch agency Schedule A or B excepted service employee, serving on an appointment without time limit, at the GS-15 or equivalent level and below, who has been given non-competitive appointment eligibility and selection priority by statute for positions in the competitive service who:
    - a. Received a specific RIF separation notice; or
    - b. Received a notice of proposed removal for declining a transfer of function or directed reassignment outside of the local commuting area;
  - 3. A former Military Reserve Technician or National Guard Technician who is receiving a special disability retirement annuity from OPM under [5 U.S.C. Section 8337\(h\)](#) or [8456](#).
- b. Be applying for a position at or below the grade level of the position from which they have been or are being separated. The position must not have a greater promotion potential than the position from which they have been or are being separated;
  - c. Have a current performance rating of record of at least fully successful or equivalent. This requirement does not apply to candidates who are eligible due to compensable injury or disability retirement;
  - d. Occupy or be displaced from a position in the same local commuting area as the position for which they are requesting selection priority;
  - e. File their application by the closing date of the vacancy announcement and meet all the application criteria (e.g. submit all required documentation, etc.);
  - f. Meet the basic qualification requirements and eligibility requirements for the position, including any medical qualifications, suitability, and minimum educational and experience requirements;
  - g. Meet all selective factors where applicable;
  - h. Be rated well-qualified for the position. Applicants must receive a rating of at least 85 out of a possible 100. If it is determined that an ICTAP applicant is not well qualified, OHR must conduct a second review of the application and notify the applicant of the results in writing;
  - i. Be physically qualified, with reasonable accommodation where appropriate, to perform the essential duties of the position;
  - j. Meet any special qualifying conditions that OPM has approved for the position (if applicable); and
  - k. Be able to satisfactorily perform the duties of the position upon entry.

ICTAP eligibility begins:

- a. On the date the employing agency issues the employee a RIF separation notice;
- b. On the date an agency certifies that it cannot place an employee who separated because of a compensable injury or illness under [5 U.S.C. Chapter 81, Subchapter I](#), whose compensation has been terminated;
- c. On the date an employee who retired with a disability under [5 U.S.C. Sections 8337 or 8451](#), is notified that their disability annuity has been or is being terminated;
- d. On the date the agency issues a formal notice of proposed separation to an employee for declining a transfer of function or directed reassignment outside the local commuting area; or
- e. On the date the National Guard Bureau or Military Department certifies that an employee has retired under [5 U.S.C. Section 8337\(h\)](#) or [8456](#).

ICTAP eligibility expires:

- a. One year after separation;
- b. One year after an agency certifies that an individual who separated because of a compensable injury or illness under [5 U.S.C. Chapter 81, Subchapter I](#), whose compensation has been terminated cannot be placed;
- c. One year after an employee who retired with a disability under [5 U.S.C. Sections 8337 or 8451](#), is notified that their disability annuity has been or will be terminated;
- d. When the employee receives a career, career-conditional, or excepted appointment without time limit in any agency at any grade level;
- e. When the employee no longer meets the ICTAP eligibility requirements listed above;
- f. When an eligible employee declines a career, career-conditional, or excepted appointment (without time limit), for which the employee has applied and been rated well-qualified; or upon the failure of the applicant to respond within a reasonable period of time to an offer or official inquiry of availability; or
- g. Two years after separation for preference eligibles who have been separated from a restricted position by RIF because of a contracting out situation.

## **22. Complaints and Grievance Process:**

Employees may have rights to file a complaint relating to a merit promotion action and may consult their Institute, Center or Office (ICOs) OHR, Workforce Relations Division, Employee Relations/Labor Relations Branch contacts; EEO; or the Office of the Ombudsman/Center for Cooperative Resolution (CCR) for details and the applicable procedures. Grievance Procedures are available at: <https://www.hhs.gov/sites/default/files/hr-resource-library-771-1.pdf>.

The right of bargaining unit employees to grieve a merit promotion action under a collective bargaining agreement will be spelled out in the applicable agreement.

Employees and applicants who believe they have been discriminated against on the basis of race, color, religion, sex, national origin, age (as defined by the Age Discrimination in Employment Act of 1967, as amended), disability, genetic information (including family medical history), or retaliation for exercising rights with respect to the categories enumerated above, where retaliation rights are available, may file a pre-complaint within 45 calendar days of the alleged discriminatory incident, its effective date, or the date that the employee or applicant knew, or reasonably should have known, of the event or personnel action. Please contact EEO at [eeo@nih.gov](mailto:eeo@nih.gov) for more information or to file a complaint. EEO Complaint Procedures are available at: <https://ombudsman.nih.gov/>.

### **23. Maintenance of Records:**

Unless otherwise instructed, all records are to be kept for 2 years after the certificate of eligibles is closed or final disposition of any associated litigation; whichever is later. Each merit promotion case file is to contain the following:

- a. NIH Case File Checklist
- b. Enterprise Human Capital Management (EHCM) job requisition action or SF-52, Request for Personnel Action, initiating recruitment
- c. Pre-Recruitment Worksheet
- d. HR Exchange Clearance printout or document clearing Priority Placement and Priority Consideration
- e. Signed and dated OF-8 and position description for all grade levels (or Statement of Difference, if applicable), up to and including the full performance level
- f. Documentation of a job analysis for each grade advertised is required. All Job analyses must be signed and dated by the Selecting Official and HR Specialist.
- g. Qualification standard if different than OPM's (e.g., Health Scientist Administrators)
- h. Approved Justification for Selective Factor(s) (if applicable)
- i. Copy of the original vacancy announcement along with any revised versions, including OPM control number
- j. Roster of applicants and rating sheet documenting qualification and eligibility determinations
- k. Copy of selectee's application, including appointment SF-50
- l. Copy of any required approvals (e.g., freeze exception, selection/promotion, Advanced Rate of Pay, Creditable Service for Annual Leave Accrual, Physicians Computation Allowance, term justification, etc.)
- m. Merit Promotion Certificate and Non-Competitive List of Eligibles (including amendments), signed and dated by the HR Specialist and selecting official, along with the individual auditing the case as designated by the Branch Chief
- n. Records of job offer declinations or other pertinent applicant correspondence