

ARTICLE 24
MERIT PROMOTION AND INTERNAL PLACEMENT

Section 24.01 - General. This Article sets forth the merit promotion and placement policy and procedures to be followed in staffing positions within the bargaining unit. The parties agree that the provisions of this Article shall be administered by the parties to ensure that employees are evaluated and selected solely on the basis of merit in accordance with valid job-related criteria. The Department agrees that it is desirable to develop or utilize programs that facilitate the career development of the Department's employees. To that end, the Department shall consider filling positions from within the Department and developing bridge and/or upward mobility positions, where feasible, to help promote the internal advancement of employees.

Section 24.02 - Equal Employment Opportunity. The parties agree that the principles in Article 9 (EEO) apply to this Article.

Section 24.03 - Definitions. The following words and phrases shall have the meanings indicated for the purposes of the application of this Article:

- (1) **Applicant Notification Touch Points.** A Hiring Reform initiative designed to increase applicant satisfaction with the Federal government hiring process, by initiating and maintaining contact with applicants at specific times during the recruitment process. Human Resources must correspond with the applicant at the following points of the recruitment process:
 - (a) Acknowledgement of receipt of application submission;
 - (b) Applicant rating determination;
 - (c) Issuance of referral list; and, if qualified
 - (d) Final disposition of vacancy, if referred.
- (2) **Area of Consideration.** The geographic area, organization, or group of organizations in which a search is eligible applicants to fill vacancies.
- (3) **Assessment Tool.** A method created to measure an applicant's qualifications, both minimum and quality rating, and/or eligibility for employment, such as: occupational questionnaires (OQs), structured interviews, and work product samples.
- (4) **Best Qualified Candidates.** Those applicants who possess and can demonstrate a higher level of knowledge, skills, and abilities, or competencies in relation to the other applicants for an individual vacancy.
- (5) **Candidate Evaluation Panel.** Upon a demonstrated business need for an alternative method for rating and ranking candidates, the Department may convene a Candidate Evaluation Panel. The Panel will consist of 3-5 members, including the servicing HR Specialist and members at the

same or higher grade familiar with the duties of the position who shall independently evaluate, in detail, the candidate's approach, experience, technical competency, and commitment. The Panel shall determine the Referral Certificates.

- (6) **Career Ladder.** The range of grades for an advertised position 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.
- (7) **Career Transition Assistance Plan (CTAP).** An agency's Career Transition Assistance Plan (CTAP) provides intra-agency selection priority for the agency's eligible surplus and displaced employees. Subpart F of 5 CFR 330 sets forth minimum requirements for agency plans and requirements for CTAP selection priority.
- (8) **Competitive Placement Procedures.** The procedures for merit promotion and internal placement as set forth in this Article.
- (9) **Conditions of Employment.** Solely in the Merit Staffing Policy, Conditions of Employment refers to requirements of a position specific to the environment in which it operates. An employee must possess and/or be able to meet those requirements within the first ninety (90) days of employment, and agree to maintain those that are critical to the success of the position. Without them, the employee would be unable to execute the duties of the position, such as, security clearances, etc.
- (10) **Change to Lower Grade.** The change of an employee, while serving continuously within the Department:
 - (a) To a lower grade when both the old and the new positions are under the General Schedule or under the Wage Grade Schedules; or
 - (b) To a position with a lower rate of pay when both the old and the new positions are under the same type wage schedules, or in different pay method categories.
- (11) **Delegated Examining Candidate.** A person applying for a vacancy that is announced under authority that the Office of Personnel Management (OPM) has delegated to the Department to examine applications from applicants who are outside the Federal government or are non-status Federal employees. However, status candidates may also apply for these positions and should refer to OPM's definition of Delegated Examining Vacancy.
- (12) **Detail.** A detail is the temporary assignment of an employee to a different position or to a different set of duties for a specified period, with the employee returning to their regular duties at the end of the detail, as the employee continues to be the incumbent of the position from which detailed.
- (13) **Evaluation Criteria.** The knowledge, skills, and abilities or competencies (KSACs), derived from the job analysis, which are needed for successful performance in the position to be filled and are used to determine the best qualified applicants for the position.

- (14) **Full Performance Level (FPL).** The highest grade or known promotion potential of a given position. In the recruitment process, FPL indicates the highest targeted grade level without further competition.
- (15) **Interagency Career Transition Assistance Plan (ICTAP).** The Interagency Career Transition Assistance Plan (ICTAP) provides eligible displaced bargaining unit employees with interagency selection priority for vacancies in agencies that are filling positions from outside their respective permanent competitive service workforces.
- (16) **Job Analysis.** The systematic procedure for gathering, documenting, and analyzing information about the content, context, and requirements of a job. The process identifies the basic duties and responsibilities, KSACs, and selective placement factors essential to perform the duties of the position, and provides the foundation for the development of all assessment tools.
- (17) **Known Promotion Potential.** The projected full-performance level of a position to which an employee may be non-competitively promoted based on a prior selection through competitive procedures.
- (18) **Non-Competitive Promotion.** A promotion without current competition when:
- The employee was previously appointed or competitively selected for an assignment intended to prepare the employee for the position currently being filled.
 - The employee's position is reclassified to a higher grade because of additional duties and responsibilities.
 - The employee's position is upgraded without significant change in its duties and responsibilities due to issuance of a new classification standard or the correction of a prior classification error.
- (19) **Position Change.** A promotion, change to lower grade, or reassignment made during an employee's continuous service within the Department.
- (20) **Promotion.** The change of an employee, while serving continuously within the Department:
- To a higher grade when both the old and new positions are under the General Schedule or under the Wage Grade Schedule; or
 - To a position with a higher rate of pay when both the old and the new positions are under the same type wage schedule, or in different pay method categories.
- (21) **Qualified Candidates.** Those candidates who meet the minimum qualifications standards in the Office of Personnel Management (OPM) Qualification Standards Handbook or approved by OPM and any appropriate selective placement factors for the position.

- (22) **Reassignment.** The change of an employee from one position to another, within the Department, without promotion or demotion.
- (23) **Selective Placement Factor.** Selective factors are knowledge, skills, abilities, or special qualifications that are in addition to the minimum requirements in a qualification standard, but are determined to be essential to perform the duties and responsibilities of a particular position. Applicants who do not meet a selective factor are ineligible for further consideration. An example of an appropriate selective factor could include the ability to speak, read, and/or write a language other than English.
- (24) **Merit Promotion Certificate.** A list of the best qualified candidates, identified through competitive placement procedures, for use by a selecting official in filling a vacancy.
- (25) **Subject Matter Expert (SME).** An individual who is a bona fide expert with comprehensive knowledge of the duties and responsibilities necessary to perform a specific job. The role and responsibility of the SME is to provide a recommendation based upon their expertise in regards to relevant information needed during the recruitment process. The SME must be a neutral party and does not anticipate applying for consideration for the position being advertised. A SME may serve individually or with other experts on an ad-hoc basis. At no time should the SME be the selecting official.

Section 24.04 - Notification to Union of Staff Vacancies. Upon request, but no more than quarterly, the Department shall provide the Union with a list of approved (funded) positions by program office and a bargaining unit report with employee names, job titles and their locations. It is understood by the parties that the positions listed may not be filled. The parties also acknowledge the separation list does not constitute vacancies in the Department. As vacancy announcements open, are modified, or are canceled, the Department will notify the designated representative of the Council via e-mail.

Section 24.05 - Simultaneous Consideration in Filling Unit Vacancies.

- (1) The Department agrees that vacancies open to Delegated Examining candidates will be advertised separately to status candidates, and the Department will separately rate, rank, and assess, as applicable, both internal and external candidates for such vacancies.
- (2) For vacancies open to Delegated Examining and status candidates, Merit Promotion Certificates will be issued to the selecting official at the same time or prior to DEU certificates.
- (3) When advertising term or temporary vacancies or promotions exceeding 120 days, the Department will advertise the vacancy as a temporary promotion for internal applicants, and a term or temporary vacancy for external applicants, unless doing so is a violation of law, rule, or regulation. Upon request, the Department shall provide the Union with a written explanation as to why a vacancy could not be advertised as a temporary promotion for internal applicants.
- (4) Positions with promotion potential shall be advertised internally up to and including the Full Performance Level.

Section 24.06 - Actions Covered by Competitive Procedures. Competitive placement procedures shall apply to the following types of personnel actions concerning bargaining unit positions, unless excluded by Section 13.07:

- (1) Promotions;
- (2) Temporary promotions exceeding one hundred and twenty (120) days;
- (3) Details to higher graded positions or to positions with known promotion potential for more than one hundred and twenty (120) days;
- (4) Selection for training which is given primarily to prepare an employee for advancement and is required for promotion;
- (5) Reassignment or demotion to a position with more promotion potential than the employee's current position;
- (6) Transfer from another Federal agency to a higher graded position; and
- (7) Reinstatement or promotion to a permanent or temporary position at a higher grade than the highest non-temporary position held in the competitive service from which the employee was not demoted for cause or performance.

Section 24.07 - Actions Not Covered by Competitive Procedures. Nothing in this Agreement shall preclude the selection or placement of a person entitled to a higher order of consideration by law or Government-wide rule or regulation. In addition, the following actions are specifically excluded from coverage of the competitive placement procedures of this Agreement.

- (1) **Appointments.**
 - (a) Appointment from an Office of Personnel Management register or a register under the Department's delegated examining and/or Schedule B appointment authority;
 - (b) Reinstatement to a grade or position previously held by an employee under a non-temporary appointment from which the employee was not demoted for cause or performance, and meets the qualification standards;
 - (c) Reinstatement from the Department's Reemployment Priority List (RPL) for a position at a higher grade than the one last held in the competitive service;
 - (d) Transfer from another Federal agency to a grade or position previously held by an employee under a non-temporary appointment from which the employee was not demoted for cause or performance, and meets the qualification standards;
 - (e) Conversion to competitive appointment of an employee who has successfully satisfied

the specific requirements of a special employment program. Examples of such programs include:

- Veterans' Recruitment Appointment; and
- Pathways Program.

- (f) Action to fill a position which has no greater promotion potential than GS-5 in Headquarters; GS-4 in the Field.

(2) Position Changes - Permanent.

- (a) Reassignment or demotion to a position with no greater promotion potential than the employee's current position; including to a position that might require a training plan and/or qualifications waiver;
- (b) Promotion resulting from the upgrading of a position without significant changes in the duties and responsibilities due to issuance of a new classification standard or the correction of an initial classification error;
- (c) Promotion resulting from an employee's position being reclassified at a higher grade because of additional duties and responsibilities;
- (d) Career promotion without current competition when an employee was previously appointed or competitively selected for an assignment intended to prepare the employee for the position to be filled;
- (e) Repromotion to a grade or position previously held by an employee under a non-temporary appointment, and from which the employee was not demoted for cause or performance, and meets the qualification standards;
- (f) Promotion resulting from priority consideration granted because of failure in the past to receive proper placement consideration;
- (g) Promotion through career ladders after employees are converted from a special employment program to career or career-conditional;
- (h) A position change permitted by reduction-in-force regulations;
- (i) Placement of an employee who failed to satisfactorily complete a supervisory/managerial probationary period; and
- (j) Permanent promotion of an employee competitively selected for temporary assignment, provided the initial announcement stated that a permanent promotion could result.

(3) Position Changes - Temporary.

- (a) Temporary promotions of one hundred twenty (120) days or less; and

- (b) Details of one hundred twenty (120) days or less to higher-graded positions or to positions with known promotion potential.
- (4) Excepted service appointments under the authority of 5 CFR 213 are not covered by competitive service procedures under 5 CFR 335. Nevertheless, post-appointment, excepted service bargaining unit employees shall be included in the **merit promotion program**.

Section 24.08 - Locating Candidates and Publicizing Vacancies. Vacancies in the bargaining unit which are to be filled by competitive placement procedures shall be announced on USAJOBS. The procedures described below shall be followed.

- (1) **Minimum Area of Consideration.** Except under limited circumstances the minimum area of consideration shall be HUD-wide. The minimum area of consideration may be limited to an organizational unit if budgeting or staffing allocation constraints will not allow consideration of applicants from other sources. Regardless, CTAP employees will be eligible for HUD-wide consideration. When these conditions exist, the Selecting Official and HR must justify that the position needs to be filled and that current or anticipated resources preclude filling the position from outside the unit. This justification shall be made available to the Union, upon request.
- (2) **Vacancy Announcements.** Vacancy announcements shall include at a minimum the following information:
 - (a) Announcement number and opening and closing dates;
 - (b) Title, series and grade of the position;
 - (c) Number of vacancies to be filled;
 - (d) Geographic and organizational location;
 - (e) Summary statement of the principal duties and responsibilities;
 - (f) Minimum Office of Personnel Management (OPM) qualifications and eligibility requirements for each grade level;
 - (g) All selective placement factors;
 - (h) Summary statement of the evaluation method and criteria, including relative weights, to be used to rate and rank candidates. The criteria shall be expressed in terms of knowledge, skills, abilities and other competencies (KSACs);
 - (i) Description of known promotion potential, if any;
 - (j) Permanent or temporary nature and, if temporary, the duration and whether the assignment can be made permanent;

- (k) The area of consideration;
- (l) Coverage of position under the Fair Labor Standards Act (FLSA);
- (m) Whether or not position is in the bargaining unit;
- (n) Where additional information may be secured;
- (o) What constitutes an appropriate application;
- (p) A statement on Equal Employment Opportunity;
- (q) Instructions on how to apply, including information on alternative methods and the deadline for submission of complete application package;
- (r) Description of recruitment, retention or relocation incentives being offered (if applicable);
- (s) Statement regarding whether relocations Will, Will Not, or May be Paid;
- (t) Probationary period requirement;
- (u) Background investigational requirements;
- (v) Time in Grade requirements;
- (w) Accreditation of education statement;
- (x) Qualification requirements must be met within 30 days of announcement closing date; and
- (y) Benefits, including HUD-specific, such as options for teleworking, flexible work schedules, etc.;

(3) **Posting Periods.**

- (a) The number of days that a vacancy announcement is open shall be determined by the level of difficulty in recruiting qualified candidates. The opening and closing dates shall be specified on the vacancy announcement. All vacancy announcements shall be open a minimum of ten (10) business days.
- (b) When solicitation for the normal posting period and area would be clearly impractical because of extenuating and unique circumstances (e.g., budgetary limitations, FTE

limitations), the posting period may be shortened to a minimum of five (5) business days. The merit staffing record must contain complete documentation explaining the circumstances.

- (4) **Reposting, Extension and Cancellation.** If a vacancy announcement has been posted and any changes or corrections are necessary, an amended announcement shall be posted citing the change(s). Posting periods may be extended. Changes or corrections will not require original applicants to reapply or submit additional documentation in order to be considered. For cancellations, applicants will receive a notification that the announcement has been cancelled and applicants will be required to reapply to any subsequent announcements.
- (5) **Affirmative Marketing.** The Department will employ affirmative marketing and outreach methods to achieve a diverse workforce consistent with Article 9 of this Agreement and in accordance with the Federal Equal Opportunity Recruitment Program and hiring policies described in its MD-715 reports. Furthermore, the Department will meet its obligation to affirmatively hire, place, and advance veterans with disabilities.

Section 24.09 - Employee Applications.

- (1) **Filing an Application.** To be considered for a vacancy, an employee must file an appropriate application (as specified in the announcement).
- (2) **Full and Complete Information.** An employee is responsible for providing full and complete information as follows:
 - (a) The employee should identify the announcement number and position title.
 - (b) The employee may submit a resume or any other form as permitted by OPM.
 - (c) The employee's resume should reflect the relevant work experience and qualifications that the applicant possesses.
 - (d) The employee may describe any training or outside activities related to the vacancy.
 - (e) All pages of the most recent performance appraisal shall be submitted. In the event a performance appraisal for the most recent year is unavailable or there has not been an appraisal within the past twelve (12) months, applicants must use the most recent performance appraisal available. Along with the most recent performance appraisal available, the applicant must provide a statement in the application package that the current year performance appraisal of record is not available. Provided a performance appraisal and statement is submitted, the employee will not be deemed ineligible.
 - (f) Other information required by the announcement.

- (3) **Failure to Provide Information.** Failure to provide any necessary and relevant information required by the vacancy announcement shall be disqualifying.
- (4) **Electronic Application.** In accordance with this Agreement, the Department will give employees access to Department computers to complete automated applications under this article, provided that this is done in moderation with respect to time and costs, and does not interfere with the performance of official duties. The Department agrees that appropriate limited personal use for completing electronic applications during regular duty hours does not constitute a misuse or violations of the Limited Personal Use Policy.
- (5) **Time Limits.** Applications submitted to individual announcements shall be accepted if they are received by 11:59 p.m. ET of the last open day of the announcement.
- (6) **Upward Mobility Forms.** If an Appraisal of Potential HUD-832 form is required to be completed by a HUD evaluator for an application and there is a delay in that rater completing the form, the employee can have another supervisor, associate, etc. complete the form.

Section 24.10 - Candidate Evaluations.

- (1) **Job Analysis/Development of Assessment Criteria.** Job Analysis is the systematic procedure for gathering, documenting, and analyzing information about the content, context, and requirements of a job. The process identifies the basic duties and responsibilities, KSACs, and selective placement factors essential to perform the duties of the position, and provides the foundation for the development of all assessment tools. The analysis must be conducted prior to each vacancy announcement. This analysis will be conducted by the Department based upon the position description and classification standards.
 - (a) All assessment tools for the purpose of rating and ranking, including the occupational questionnaire, will be based on a job analysis, and written in plain language and will not contain government-specific acronyms or terminology. In addition, the questions and/or the terminology used in the Occupational Questionnaire cannot be tailored to the Area of Consideration of the vacancy.
 - (b) The assessment tools shall be reviewed to ensure the following: qualifications are properly assessed; competencies and tasks are job-relevant; and criteria and rating scales reflect the major duties in the position description. Assessment tools shall make meaningful distinctions among applicants.
- (2) **Determining Minimum Qualifications.**
 - (a) The minimum qualification standards prescribed by the Office of Personnel Management and, in addition, selective placement factors, if any, identified as essential to satisfactory job performance, shall be used to determine basic eligibility of candidates for competitive placement consideration.

- (b) Minimally Qualified candidates are determined based on their self-assessment of their experience based on the specialized experience as identified in the vacancy announcement and on the Occupational Questionnaire. Additionally, selective placement factors must also be met in order to be minimally qualified.
- (c) To be eligible for promotion or placement, candidates shall meet the minimum qualification standards prescribed or approved by the Office of Personnel Management (OPM) and selective placement factors identified as essential for successful performance within thirty (30) days after the closing date of the announcement or thirty (30) days from the cutoff date for Open Continuous announcements.
- (d) Applicants shall be notified upon determination of failure to meet minimum qualifications.
- (e) The Department requires that an employee certify that all the information provided in the application is true, to the best of their knowledge.
- (f) The employee's application must generally demonstrate the accuracy of the minimum qualifications included in the questionnaire or assessment tool.

(3) **Rating and Ranking of Candidates and Merit Promotion Certificates.**

- (a) Rating is the process of evaluating minimally qualified applicants against predetermined job related criteria.
- (b) Qualified candidates shall be rated through their responses to assessment tools to determine their KSACs. KSACs must be demonstrated by the answers provided in the assessment tool.
- (c) Ranking is another step in the candidate evaluation process involving the comparison of QUALIFIED candidates based on rating with each other to determine if there is a natural break. The employees with the top scores are considered to be the BEST QUALIFIED.
- (d) All qualified candidates shall be rated and ranked against the criteria in an assessment tool and the top 10 candidates will be validated by a Human Resources Specialist or merit staffing Candidate Evaluation panel. When there are ten (10) or fewer qualified candidates at any one grade level, all candidates may be referred to the selecting official. The certificate sent to the selecting official shall be in alphabetical order.
- (e) Determination of the number of BEST QUALIFIED candidates referred shall be based on the natural break between the relative ranking of QUALIFIED candidates, not to exceed ten (10) names. The lowest ranking candidate above the break should be able to perform the job with substantially equal success as all candidates with higher scores. In case of ties, candidates with the same numerical ranking shall be considered as one referral and

all such candidates shall be referred. Only in these circumstances can the Merit Staffing Certificate contain more than ten (10) candidates.

- (f) Applicants are sorted and referred to the selecting official by areas of consideration/appointment types, and grade, as appropriate.

(4) **Candidate Evaluation Panel.**

- (a) The Department may convene a candidate evaluation panel to rate applicants that have been determined minimally qualified by an HR Specialist. Prior to convening the panel, a demonstrated business need for the alternate evaluation method must be justified in writing and kept in the vacancy case file.
- (b) The Candidate Evaluation Panel should consist of three (3) to five (5) members including:
 - i. The servicing HR Specialist who convenes and leads the panel as a non-voting technical advisor. The HR Specialist has the responsibility to ensure the evaluation process adheres to Merit System Principles and avoids Prohibited Personnel Practices.
 - ii. The voting members will be SMEs at the same or higher level grade as the full performance level in the announcement.
 - iii. A staff member from ODEEO may be requested to serve as a panel member to ensure the Department's EEO and diversity goals are upheld. In absence of an ODEEO staff member, the servicing HR Specialist will assume this role.
 - iv. A candidate evaluation panel will not be convened to settle rating disputes between the selecting official and HR.
 - v. In absence of a consensus among panel members, HR retains the right to make final qualifications determinations.

- (5) **Extending the Search.** If it is determined that there are not twenty (20) applicants the closing date may be extended.

- (6) **Validity and Reuse of Merit Promotion Certificate.** Selections can be made from a previously issued referral certificate for a period of 120 days after the certificate issue date as long as all the qualifications and eligibilities remain the same. A new list will not be issued for the same position within a period of 120 days, unless all the candidates on the current/previous list have been exhausted.

Section 24.11 - Selection Consideration. The Department shall ensure that the evaluation of candidates complies with this Agreement and shall forward the Merit Promotion Certificate to the selecting official.

- (1) **Action by Selecting Official.** The selecting official is entitled to select, or not select, any of the candidates on the Merit Promotion Certificate. The selecting official is expected to make a selection normally within fifteen (15) days following receipt of the certificate. With justification from the Selecting Official, Human Resources may grant a fifteen (15) day extension. Any additional extensions must be approved by the CHCO or designee.
- (2) **Interviewing Candidates.**
 - (a) The selecting official has the discretion to interview any number of candidates on a certificate, unless there are three (3) or fewer candidates. If there are three (3) or fewer candidates, the selecting official or designee must either interview all or none of the candidates.
 - (b) Telephone interviews are acceptable for candidates located outside of the local commuting area or if the candidate is unable to attend an in-person interview.
 - (c) Supervisors shall release employees for such interviews for the necessary length of time.
 - (d) Interview questions and interviewing rating criteria will be objective and relate to the knowledge, skills, abilities and characteristics of the vacancy announcement and position description.
 - (e) When a structured panel is utilized for interviewing purposes, all interview notes will be retained in the Vacancy Case File for three (3) years. In cases where there is an individual interviewing official and interview notes are taken, they will be retained by the interviewing official for three (3) years.
- (3) **Notification to Candidates.** When a selection is made, the employee shall be notified and a release date arranged by the Department. Candidates who were certified but not selected shall be promptly advised of their non-selection by the Department, but no later than fourteen (14) days after a final offer is accepted by the successful applicant.
- (4) **Effective Dates of Actions.**
 - (a) An employee selected for a position shall be released from the former position at the earliest practicable date after selection, but not later than thirty (30) days from the date of selection.
 - (b) When an employee is competitively promoted, and the effective date of the promotion shall normally be no later than the beginning of the second complete pay period following the date of selection.

- (5) **Promotion Pay Rates.** Bargaining unit employees promoted to a position in a higher grade shall be paid in accordance with OPM Pay Setting Regulations.

Section 24.12 - Priority Consideration.

- (1) **Definition.** Priority Consideration is a special placement consideration for an appropriate vacancy given to an employee who did not receive proper consideration in a prior competitive placement case due to a documented procedural, regulatory, or program violation.
- (2) **Appropriate Vacancy.** An appropriate vacancy is the next available position for which the employee is interested and fully qualified and which has the same or less promotion potential as the one for which proper consideration was not given.
- (3) **Entitlement.** An employee is entitled to only one (1) Priority Consideration for non-competitive placement for each instance in which they were previously denied proper consideration. An employee shall exercise their entitlement to Priority Consideration for a specific, advertised vacancy by written request to the servicing personnel office staffing the vacancy. If not exercised within two (2) years from official notification, an employee's entitlement to Priority Consideration shall expire.
- (4) **Processing.** The procedures for processing Priority Consideration(s) shall be:
- (a) Before referring a Merit Promotion Certificate to the selecting official, the Department shall provide the selecting official with a list of employees interested and eligible for Priority Consideration.
 - (b) The selecting official shall interview and give bona fide consideration to those employees on the Priority Consideration list.
 - (c) The Department shall notify the employee of non-selection under Priority Consideration. Non-selection under this Section shall not preclude an employee from subsequent selection from a Merit Promotion Certificate for the same position provided that the employee has submitted all the required application documents, supplemental statements and performance appraisals.
 - (d) Upon request, the employee shall be provided the reasons for non-selection.

Section 24.13 - Career Ladder Promotion. Through regular interaction between the supervisor and employee, the employee shall further develop the skills and knowledge to perform at the next higher grade level for a career ladder position.

- (1) Employees in career ladder positions shall be promoted upon:
- (a) Having a current rating of record that is Fully Successful or higher. No employee may receive a career ladder promotion who has a rating below Fully Successful on a critical element that is also critical to performance at the next higher grade of the career ladder.

For purposes of a career ladder promotion, the employee's mid-year rating of less than fully successful on a critical element is grounds to hold up a career ladder; such a rating is grievable and resolution of the grievance will determine whether the employee should have received the career ladder and whether back pay and a back dated promotion is appropriate;

- (b) One year of experience at a level of difficulty and responsibility equivalent to the grade directly below the level of promotion; and
 - (c) A current rating of record that is "Fully Successful" (level 3) or higher, including a rating of "Fully Successful" (level 3) or higher on critical elements that are also critical to performance at the next higher grade of the career ladder.
- (2) Throughout the time in grade eligibility period, employees are encouraged to request feedback from their supervisor on their performance towards their career ladder promotion. The Department has until sixty (60) days prior to the anniversary date to notify the employee if a promotion shall or shall not be recommended, and if not, provide a written explanation. For situations that are beyond the Department's control, e.g. government shutdown or furlough, this provision does not mandate automatic promotion. This notice shall contain an explanation of those aspects of the employee's performance which failed to meet the Fully Successful level of current performance or performance below Fully Successful on a critical element that is also critical to performance at the next higher grade of the career ladder. The notice will include a statement that if the employee demonstrates Fully Successful or higher performance within the next sixty (60) days, the career ladder promotion shall be granted at that time. Failure to provide notice does not overcome the requirement that an employee's performance be fully successful to receive a career ladder promotion. If the employee is Fully Successful but the supervisor doubts the ability of the employee to perform at the next level, the supervisor may advise the employee of their specific doubts.

Section 24.14 - Information.

- (1) **Information on Merit Promotion Certificates.** Upon request, the Union shall have access to information on the Merit Promotion Certificate not prohibited from disclosure by law, Government-wide regulation, and the Privacy Act.
- (2) **Information on Selection.** Upon request, a list of persons selected, reassigned or promoted to positions through competitive procedures within the preceding quarter shall be given to the Union.

Section 24.15 - Union-Management Review of Competitive Placement Actions. The Merit Promotion case file will be retained in accordance with applicable record retention policies, laws, rules, and regulations. This file, to be known as the Vacancy Case File, sufficient to all for reconstruction of the competitive action will be kept for a minimum of three (3) years, unless there is a grievance or complaint pending on the particular action, in which case the file will be kept pending final decision of the grievance or complaint.

Upon request, appropriate Union and Department representatives shall review any closed vacancy case file pertaining to bargaining unit employee positions. The Union is entitled to receive information necessary for the representation of bargaining unit employees. The information provided will not include Social Security Numbers, home addresses, birthdays, or any other similar protected information. The disclosure of such information shall be in accordance with Government-wide rule, regulation, the law, and the Privacy Act. Reviews shall take place within ten (10) days, after the Department has received a formal request from the Union following the competitive placement action.

Section 24.16 - Corrective Action. If a violation of the competitive placement procedures of this Agreement is officially determined to have occurred, the Department shall take prompt action to rectify the situation. The nature and extent of the corrective action(s) to be taken shall be determined on the basis of all the facts in a case, to the equitable and legal rights of the parties concerned, and to the interest of the Government.

Section 24.17 - Internal Placement with Relocation Allowances.

- (1) The parties agree that if a vacancy announcement has been issued stating that relocation allowances are not authorized and the Authorizing Official makes a determination that authorization of the allowances is in the best interest of the Government, the vacancy announcement will be amended consistent with this article to provide applicants no less than a period of five (5) business days.
- (2) When a vacancy announcement is advertised both internally and externally, the relocation expenses determination will be identical for both.
- (3) The Department agrees that when vacancies with the same grade, series, location, office, KSACs, and position description are advertised at the same time, the relocation expenses determination will be identical for such vacancies.
- (4) The determination whether or not to authorize relocation allowances remain at the discretion of the Department, except where such allowances are mandatory.

Section 24.18 - CTAP and ICTAP for Bargaining Unit Employees.

- (1) **CTAP.** The Department will afford a selection priority to CTAP-eligible bargaining unit employees who apply for Department positions and are determined to be well qualified for the specific vacancy. The Department will issue an Article 49 notice upon completion of the new CTAP/ICTAP policy with the Union. In the event of mid-term negotiations regarding a proposed Reduction in Force or Reorganization, CTAP procedures and appropriate arrangements are subject to bargaining.
- (2) **ICTAP.** The Department will provide the appropriate documentation to ICTAP eligible bargaining unit employees for their use in exercising any ICTAP-eligibility. Employees applying for positions outside of the Department may use the ICTAP selection priority program and are bound by the procedures of that agency.