

ARTICLE 20

Merit Promotion

Section 1 Purpose and Policy

The parties agree that the purpose and intent of the provisions contained herein are to ensure that merit promotion principles are applied in a consistent manner with equity to all employees and without regard to political, religious, or labor organization affiliation or non-affiliation, marital status, race, color, sex, national origin, disability, age, genetic information, gender identity or sexual orientation and shall be based solely on job-related criteria. This article sets forth the merit promotion system, policies, and procedures applicable to bargaining unit positions.

Section 2 Career Development Programs

- A. The Agency will determine when to offer career development programs to prepare employees for potential jobs or assignments. Such programs will be offered depending on the availability of funds and the needs of the Agency. The Agency will publicize all career development programs when they are announced. Announcements will contain specific application instructions.
- B. Career development programs will provide opportunities for temporary developmental assignments to increase knowledge of SSA programs and work processes.
- C. Neither party waives its rights under 5 U.S.C. 71 regarding the implementation of career development programs.
- D. Career development for individual employees shall be encouraged through establishment of an Individual Development Plan (IDP).
 - 1. The administration agrees, on an annual basis, normally the first quarter of the calendar year, to provide information and assistance, if necessary, to employees for the purpose and means of establishing IDPs. The approving management official will also be identified.
 - 2. Because of the nature of their appointments, IDPs are not appropriate for term or temporary employees.
 - 3. Employees may initiate IDPs through their designated management official. The designated management official will, if requested, assist the employee in the preparation of the IDP and will review it with the employee to assure

conformance with organizational needs and individual career needs. The plan will be referred to the designated approving official and the employee will be notified of approval/disapproval or the need for modification.

4. IDP information will be available to employees on an agency website.

Section 3 Career Ladder Positions

Career ladder positions help develop employees to successfully perform higher-level duties through training and incremental assignment of more complex work. The responsibilities assigned to the entry levels of career ladder positions will involve more basic skills and knowledge, as compared to the journey level responsibilities. The responsibilities at each level of the career ladder position will be conveyed to employees.

Section 4 Career Ladder Advancement

- A. At the time the employee reaches his/her earliest date of promotion eligibility, the Agency will decide whether to promote the employee.
 1. An employee in a career ladder position will be promoted on the first full pay period after the minimum time-in-grade and experience requirements have been met, if the employee has demonstrated the ability to perform at the next higher grade in the career ladder.
 2. If an employee is not meeting the criteria for promotion, the employee will be provided with a written notice.
 3. In the event that the employee met the promotion criteria but the appropriate management official failed to initiate the promotion timely, the promotion will be retroactive to the beginning of the first pay period after the pay period in which the requirements were met.
- B. At any time management and/or the employee recognizes an employee's need for assistance in meeting the career ladder advancement criteria, management will develop a plan to assist the employee in meeting the criteria. The plan should include all applicable training as well as any other appropriate support.

If a non-probationary employee fails to meet the promotion criteria after the appropriate assistance, the Agency may,

1. provide the employee with additional time to meet the promotion criteria or

the employee may be assigned to another position at the same grade and step.

Section 5 Applicability of Competitive Procedures

Competitive procedures apply to the following actions:

- A. Promotions - Any selection for promotion must be made on a competitive basis unless it is excluded by Section 6 below.
- B. Reassignments/Changes to Lower Grade - Any selection to a position that provides promotion to a grade above the full performance level of the employee's current position or the highest grade ever held on a permanent basis.
- C. Details - Competitive procedures will be applicable to any selection for detail of more than 120 days to a higher-grade position, to a position with known promotional potential, or to a position which provides specialized experience required for subsequent promotion to a designated higher-grade position.
- D. Training - Competitive procedures will be applicable to selections for training when eligibility for promotion to a particular position depends on whether the employee has completed that training.
- E. Appointments - Competitive procedures apply to the transfer of a Federal employee or to the reinstatement of a former Federal employee to a position above the highest grade previously held permanently or to a position at or below that grade if the position has promotional potential above the highest grade previously held permanently. The employee must not have been demoted or separated for cause from the higher grade(s) and be identified as a well-qualified candidate with eligible SSA employees to be eligible for appointment. To the extent feasible, the same qualification standards and the same methods of evaluation will be applied to both SSA employees and persons being considered for appointment to higher-graded positions above the highest grade previously held permanently by transfer or reinstatement.

Section 6 Applicability of Noncompetitive Actions

The following actions may be taken on a noncompetitive basis unless otherwise provided:

- A. Promotion of the incumbent in a position that is reclassified at a higher grade due to the accretion of additional duties and responsibilities and not a planned management action. To be eligible for a noncompetitive promotion in this situation,

the employee must have performed the higher-level duties for at least 6 months, must have continued to perform the same basic function, and the employee's former position must be absorbed administratively into the new position.

- B. Promotion of an incumbent or an individual entitled to reemployment rights to a position that is reclassified to a higher grade without significant change in duties or responsibilities, either on the basis of a new classification standard or as the result of correction of an original classification error. When the incumbent of the upgraded position meets the legal requirements and qualification standards for promotion to the higher grade, the incumbent will be promoted.
- C. Promotion of an employee previously selected competitively for a lower step of a career ladder.
- D. Promotion after receiving priority consideration.
- E. Promotion of an employee when directed by authorized authorities (e.g., judges, arbitrators, FLRA, and other appropriate authorities).
- F. Noncompetitive reinstatement, transfer, or promotion of an employee up to the highest grade previously held on a permanent basis under career or career-conditional appointment, provided the employee was not demoted or separated from that grade because of deficiencies in performance or for cause reasons.
- G. Temporary promotions to a higher grade totaling 120 days or less during any 12-month period. If a temporary promotion which was not expected to exceed 120 days was originally made on a noncompetitive basis, any extension beyond 120 days must be made under competitive procedures.
- H. Reassignment or change to a lower grade (demotion) from one position to another having no higher promotional potential.
- I. Promotion of an employee covered by an approved training agreement.
- J. Details of 120 days or less to a higher-grade position (see Section 15 of this article).
- K. Details of 120 days or less to a position at the same or lower grade with known promotional potential, or to a position which provides specialized experience required for subsequent promotion to a designated higher-graded position.
- L. Details to a position at the same or lower grade with no known promotion potential, or to a position which does not provide specialized experience required for subsequent promotion to a designated higher-graded position.

- M. Details to unclassified duties.
- N. Conversion of an employee from a temporary promotion to a permanent promotion in the same position and office, provided the vacancy announcement for the temporary promotion indicated that the promotion could later become permanent.
- O. Transfer of a Federal employee or reinstatement of a former Federal employee (including conversion or reinstatement from a temporary appointment) to a position at the same or lower grade than the highest permanent grade held under a career or career-conditional appointment provided the employee was not demoted or separated for cause from a higher grade and also provided that the position does not have known promotional potential to a grade higher than the highest permanent grade held.
- P. Reinstatement to the same career ladder position for which an employee was previously selected competitively or to a similar career ladder position having similar qualification requirements and having no greater known promotional potential.
- Q. Reinstatement of a former SSA employee to a position which is the higher-graded successor to a position he/she previously held. Such reinstatements may be made noncompetitively when classification of the successor position is based on the establishment of a new position classification standard or the revision of a position classification standard.
- R. A position change permitted by reduction-in-force regulations.
- S. Selection from the re-employment priority list.
- T. Reassignment or promotion in accordance with SSA instructions for those employees entitled to retain grade and/or pay.
- U. Selection from an OPM approved Register or delegated examining unit certificate of eligibles.

Section 7 Vacancy Announcements

- A. All actions requiring the use of competitive procedures under this Agreement will be announced on the SSA Intranet, e.g. Internal Vacancy On-Line (IVOL), USAJobs or equivalent.
 - 1. Individual vacancy announcements will remain open and posted for fifteen (15) workdays.

2. Open continuous announcements will remain posted at all times unless the Agency decides to discontinue these announcements. An employee may file at any time as outlined in the vacancy announcement. The cutoff date for applicants to be considered for a specific vacancy will be the date the request to fill the vacancy is received in the Servicing Personnel Office (SPO). Applications after that date will be considered for future vacancies.
3. Any vacancy announcement may be cancelled at any time.
4. If a vacancy announcement has been posted and is later found to contain a substantial error concerning items listed in B below, then the announcement will be amended if the selecting official still intends to fill the position under the competitive process. The amendment should cite the change(s) and indicate whether the original applicants need to re-file in order to be considered.

B. The vacancy announcement will contain at least the following information:

1. Statement of nondiscrimination;
2. Announcement number(s) and opening and closing dates;
3. Position number(s), title(s), series and grade;
4. Number of vacancies to be filled;
5. Organizational and geographical location;
6. Area of consideration;
7. Time in grade requirements, if any;
8. Summary of qualification requirements;
9. Hours of work and/or the availability of alternative work schedule options;
10. If appropriate, a statement that the vacant position is a trainee position leading to a noncompetitive promotion;
11. Statement of known promotional potential, if any;
12. Permanent or temporary nature, and duration, if temporary;
13. The filing instructions;
14. Name and telephone number of the personnel specialist or other individual to contact for specific assessment criteria and other information relating to the announcement.

Section 8 Areas of Consideration

- A. The area of consideration will be region wide.
- B. When solicitation throughout the normal area of consideration would be impracticable because of operational needs, the Agency can reduce the area of consideration. The vacancy announcement will identify the reduced area of consideration.

C. When the area of consideration is not expected to produce an adequate number of best qualified candidates for the selecting official's consideration, the Agency can expand the area of consideration. The vacancy announcement will identify the expanded area of consideration.

D. Automatic Areas of Consideration

An area of automatic consideration consists of employees who are identified as candidates for a vacancy without being required to apply. An area of automatic consideration will be used together with a vacancy posting procedure and applicants will be assessed with those in the automatic area of consideration. If the area of automatic consideration and the normal area of consideration are the same, and the employees are not required to apply, a vacancy announcement will still be posted for informational purposes.

1. When the Agency determines that certain employees can be expected to be interested in and qualified for a vacancy, these employees may be identified as being in an area of automatic consideration.
2. Applicants in the area of automatic consideration need not file in order to be considered for such a vacancy unless the announcement specifies that they must file in order to address specific assessment criteria.
3. An area of automatic consideration will consist of all qualified and eligible employees in the area of consideration at the next grade level below that of the vacancy, except that for positions in a line of work classified at two-grade intervals or for which there are no other positions within the organizational entity at the next lower grade, the area of automatic consideration will consist of employees two grades lower.

E. When filling a higher graded position which has been created by reengineering the duties of one or more lower graded position(s), the area of consideration will be restricted to the incumbents of the lower graded position(s).

Section 9 Employee Applications

A. Who Must File

To be considered for an announced vacancy, an employee must file the appropriate application (as described in the announcement) unless the employee is in an area of automatic consideration. Where an area of automatic consideration is used, an

employee need not file unless the announcement specifies that the application is necessary in order to address specific assessment criteria.

B. Electronic Application Forms

Management will afford employees access and instructions so that they may use Agency computers to complete automated applications, e.g. IVOL, USAJobs or equivalent, for SSA positions. Access will be granted to the extent that computers, related equipment, and computer time are available and such use will not impede Agency operations. For the purposes of this Agreement, access includes a reasonable amount of time during an employee's working hours to prepare or modify his/her application.

C. Time Limits

1. Open-Continuous Announcements – An employee may file at any time as outlined in the vacancy announcement.
2. Individual Announcements – Applicants who wish to be considered for a posted vacancy must apply as required by the announcement. The appropriate application and any other documentation must be submitted in accordance with the timeframe specified in the announcement.
 - a. If an employee's filing of an application is delayed beyond the closing date because the employee was awaiting information required by the vacancy announcement which a management official had agreed to furnish, the employee will have three (3) work days to submit the application following receipt of the information. The employee should include with the late application a brief note by his/her supervisor verifying the delay.
 - b. Short-Term Absence – An employee on approved absence from duty for 1 to 3 weeks may file for a vacancy upon returning to duty. Employees absent throughout the entire open period of an announcement must apply within 3 work days following their return. The application must be accompanied by supervisory certification of the dates of absence. The SPO will arrange for the employee's consideration if the best qualified list (BQL) has not yet been furnished to the selecting official.
 - c. Long-Term Absence – Prior to departure, employees who are scheduled to be absent in excess of three (3) weeks should provide the SPO with a written request to be considered for positions posted during their absence and a complete application. The request must cite the title, series, grade, and specific organization location of each position for which they wish to be considered.

Section 10 Development of Evaluation Criteria and BQL Determinations

- A. The Agency is responsible for developing/updating evaluation criteria.
- B. The Agency will review the applications to ensure that applicants meet the minimum qualifications for the position. Applicants must be in good standing to participate in the merit promotion process.
- C. The Agency will use promotion committees or automated processes, e.g. IVOL or equivalent, to rate applicants against the evaluation criteria. The rating will be applied consistently to all applicants.
- D. If a promotion committee is used, the name(s) of the promotion committee member(s) will be documented in the announcement package.
- E. Results of promotion committee work and employee information will be confidential and may not be provided to any of the applicants or to any unauthorized individual.
- F. If a promotion committee is used, it will not contact applicants or solicit information from other sources regarding the applicants. Questions or concerns regarding the information provided by applicants should be referred to the personnel specialist.
- G. The Agency may rank applicants in descending score order, determine which applicants have a score which is at least 50% of the total maximum points, and develop a tentative BQL. Promotional credit or points will not be given for non-competitively selected details.
- H. Only applicants who earned at least 50% of the total maximum points may be considered for the BQL and referred to the selecting official.
- I. The number of candidates to be included on the BQL is determined by the number of vacancies to be filled. For one vacancy, the BQL consists of the 15 highest ranked applicants who meet the 50% cut-off, plus ties for last place. For each additional vacancy, the BQL will include the next five (5) highest ranking applicants who meet the 50% cut-off, plus ties for last place.
- J. If additional vacancies arise prior to certification of the BQL, the selecting official may request that the number of candidates referred for initial selection be based on the larger number of vacancies. Such requests will be documented in the announcement package.

- K. Separate BQLs will be established for positions posted at more than one grade level or for more than one geographic location. The number of names referred on each list will be determined by the number of vacancies to be filled at each grade level or geographic location. If the number of vacancies to be filled at each grade level or geographic location is not specified, the number of names referred will be based on the total number of vacancies to be filled.
- L. An abbreviated rating procedure may be used when the number of candidates to be rated is no greater than the number of names that would be included on the BQL for the number of vacancies to be filled. Applicants may be rated against the entire rating schedule or may be rated only up to the point where it is apparent that the applicant would or would not receive at least 50% of the total maximum score possible under the entire rating schedule.
- M. The tentative BQL will be reviewed to ensure that the correct names and number of names have been included. After review, the personnel specialist will certify the BQL.
- N. The certified BQL, with names listed in alphabetical order, and the applications submitted by the best qualified candidates will be given to the selecting official.
- O. Previously certified BQLs may be amended to add the names of applicants who were erroneously excluded, provided that an initial selection(s) has not been made. No names should be removed from the amended list and the cut-off scores should remain the same. In these situations, the total number of names referred may exceed the number which would normally have been provided based on the number of vacancies.

Section 11 Selection

- A. The selecting official may use all available information to determine the candidate(s) who merit promotion.
- B. Selection interviews may be conducted with one or more of the candidates; if the selecting official elects to interview any candidates on the BQL, the selecting official must interview a total of at least five candidates or all candidates if there are fewer than five on the BQL.
- C. The selecting official normally will make selection(s) within 90 calendar days of receipt of the BQL.

- D. In the event of an unanticipated vacancy(s) in the same position and location as the posted vacancy occurring within six months of the BQL being issued, the selecting official may make additional selections from the BQL.
- E. When a selection has been made, the Agency will arrange a release date, notify the employee, and ensure that the appropriate personnel forms are processed. The effective date of a promotion action, other than promotion within a career ladder, will be the first day of the pay period in which the employee is scheduled to report. If due to administrative error, the personnel action was not processed in a timely manner, the promotion effective date will be made retroactive to the beginning of the pay period in which the employee actually reported.
- F. Competitive selections will be posted on the SSA Intranet. Normally, the postings will be made within ten (10) work days after the close of the pay period during which the selection(s) was made effective.

Section 12 Employee Information

Employees are entitled to the following information upon request to the SPO about vacancies filled under the competitive provisions of this Article and for which they are/were under consideration:

- A. Whether the employee was eligible and qualified for the position;
- B. How his/her points were derived;
- C. The cut off score for the BQL and whether the employee was included on the BQL, and
- D. The name(s) of any employee(s) who was selected for the vacancy.

Section 13 Union Review of Competitive Actions

- A. The Union will be permitted to review (i.e. audit) competitive selection actions taken under this Article for all bargaining unit positions, when the Union has reason to believe a discrepancy exists or when requested to do so by an employee. This may be done at any time after the vacancy announcement posting up to forty-five (45) calendar days after selection is made.
- B. The Union will make the request to the SPO. The Union will provide the SPO with an updated written designation identifying the names of the Union designated official time users who are responsible for conducting audits. Any changes to the list will be

sent to the SPO in writing. The official time user designated to conduct the audit will not have been an applicant for the promotion package being audited.

- C. Employees who believe they were improperly excluded from the BQL may request a review of the promotion package through the Union audit described above.
- D. The SPO will make the pertinent records from that package available to the Union auditor within seven (7) work days of the receipt of the timely written request. The Union will treat information confidentially.
- E. The Union may request additional information during the course of the audit.
- F. If an employee was excluded from the BQL due to an error, the provisions of Section 14 of this Article will apply.
- G. Employees who elect to use the grievance procedure rather than the Union audit procedure must adhere to the provisions of Article 28, Grievance Procedure.

Section 14 Priority Consideration

- A. For the purposes of this Article, a priority consideration is the genuine consideration for noncompetitive selection given to an employee as the result of a previous failure to properly consider the employee for selection because of procedural, regulatory, or program violations. Employees will receive one priority consideration for each instance of improper consideration. A priority consideration does not give the employee a right or guarantee to be selected for any vacancy.
- B. The procedures for processing priority consideration(s) shall be:
 - 1. An eligible employee will be notified in writing by the SPO of entitlement to each priority consideration. Such notice will advise the employee that if a vacancy is announced and the employee-wishes to exercise his/her priority consideration, he/she should submit the necessary application to the SPO with a written request that he/she wishes priority consideration for the vacancy.
 - 2. Priority consideration is to be exercised by the selecting official at the option of the employee for an appropriate vacancy(s). An appropriate vacancy is one for which the employee is interested, is eligible, and which leads to the same grade level of the vacancy for which proper consideration was not given.
 - 3. Prior to the referral of eligible candidates to the selecting official, the name(s) of the employee(s) requesting to exercise priority consideration will be referred to

the selecting official. The selecting official will make a determination on the request prior to evaluating other candidates for the vacancy.

4. An employee's election to exercise a priority consideration does not preclude that employee from also filing an application as specified in the vacancy announcement.
5. In order to ensure compliance with this Section, the Union will be furnished statistics on priority considerations granted, exercised, and the results. Statistics will be kept and provided to the Union on a quarterly basis. The Union will also be notified in writing of each individual priority consideration completed.

Section 15 Temporary Promotions

When employees are temporarily assigned to a position at a higher grade for a period in excess of thirty (30) days, the assignment must be made via temporary promotion effective the first day of the assignment.