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United States of America DEPARTMENT OF COMMERCE		ADMINISTRATIVE ORDER <u>202-335</u>	
ADMINISTRATIVE ORDER SERIES		DATE OF ISSUANCE	EFFECTIVE DATE
		May 12, 1969	May 12, 1969

SUBJECT
 PROMOTION PROGRAMS

- Section 1. Purpose
- Section 2. General Provisions
- Section 3. Establishment of Operating Unit Merit Promotion Plans
- Section 4. Information to Employees
- Section 5. Integration with Other Personnel Programs
- Section 6. Program Evaluation
- Section 7. Employee Complaints
- Section 8. Corrective Actions
- Section 9. Records
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SUPERSEDED

DAO
 BY 202-335 DATE 10-2-79

SECTION 1. PURPOSE.

.01 The purpose of this order is to set forth the Department's policies and guidelines for the implementation of the Federal Merit Promotion Policy with respect to competitive service positions.

.02 This revision is issued to reflect and to implement at the Departmental headquarters level the requirements of Part 335 of the Civil Service Regulations, and Federal Personnel Manual Chapter 335 as revised, September 20, 1968.

SECTION 2. GENERAL PROVISIONS.

.01 Relation of this Order to Other Regulations and Instructions.

a. This order supplements and at the Departmental headquarters level implements the provisions of Part 335 of the Civil Service Regulations and Chapter 335 of the Federal Personnel Manual, which constitute the Federal Merit Promotion Policy. The Federal Merit Promotion Policy and this order constitute the guidelines of the Department on merit promotions, and serve as the basis for the development and application of merit promotion plans by operating units for specific groups of positions.

b. Career Executive Assignments to GS-16, GS-17 and GS-18 positions covered by the Executive Assignment System are subject to the requirements of this order, FPM Chapter 335, FPM Chapter 305, FPM Supplement 305-1, and related implementing procedures and instructions issued by the Civil Service Commission and the Department for the Executive Assignment System (e.g., Administrative Order 202-305, "The Executive Assignment System").

c. Career management programs established in accordance with Administrative Order 202-406, "Career Management Programs," must comply with the

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requirements of this order and FPM Chapter 335. Personnel actions taken under the procedures prescribed in those programs, rather than the procedures prescribed in or pursuant to this order, thus fulfill the requirements of FPM Chapter 335 and this order.

.02 Department Policy.

- a. Merit promotion programs and plans developed under this order shall conform to the requirements of the Federal Merit Promotion Policy and the guidelines and procedures prescribed by this order.
- b. All personnel actions which are subject to the promotion guidelines shall be taken solely on the basis of merit, fitness, and qualifications, without discrimination for any nonmerit reason and without favoritism based on personal relationships or patronage.
- c. No action shall be taken or statement be made by any person which may reasonably be considered as intended to prevent the tendering of a promotional opportunity to, or acceptance of a promotional opportunity by, one of his subordinates for reasons other than the merit and qualifications of the employee.

SECTION 3. ESTABLISHMENT OF OPERATING UNIT MERIT PROMOTION PLANS.

.01 Submission of Plans for Approval.

- a. Initial plans. Initially, operating units are required to submit to the Office of Personnel, for prior approval, a specific merit promotion plan or plans for all positions covered by the Federal Merit Promotion Policy and the guidelines in this order. The development of plans must include appropriate consultation with supervisors, employees, and employee unions. Initial plans developed and approved under this revised order shall be placed into effect not later than July 1, 1969.
- b. Additional plans or changes to plans. After July 1, 1969, all additional plans or substantive changes to approved plans for application to positions or personnel actions covered by this order shall be submitted to the Office of Personnel for prior approval. The development of additional plans or substantive changes to approved plans must include appropriate consultation with supervisors, employees, and employee unions.
- c. Avoidance of premature commitments. Prior to the receipt of approval as required by subparagraph .01a. or .01b. of this section, no commitment or statement of any kind which may prove embarrassing if the proposed plan or change is not approved may be made by any official or employee of the Department.

.02 Content of plans. Each merit promotion plan developed by an operating unit shall conform to the Department's merit promotion guidelines. These guidelines include the policies and instructions in FPM Chapter 335 and the provisions of this order. Appendix A, "Model Merit Promotion Plan," is suggested as a guide for the development of specific plans. The following guidelines are prescribed in addition to those in Subchapter 3 of FPM Chapter 335 and other provisions of this order. (References following subparagraph headings are to the related sections of the FPM chapter.)

1. Each merit promotion plan shall specify the evaluation method or methods to be used under the plan.

3. Supervisory appraisals of performance shall be obtained for all qualified candidates for use in merit promotion evaluations. Exhibit 3, "Evaluation of Candidate's Qualifications," is suggested as a guide for the development of a bureau form for this purpose. (Evaluation forms which are addressed to members of the general public must be approved by the Bureau of the Budget (see A.O. 201-1 and A.O. 201-26) and must include the loyalty and suitability questions in the third page of Exhibit 3.) Such appraisals of performance, and any employee production records which are used in evaluating an employee for advancement must be made available to the employee for his review if he so requests. An employee may review only his own appraisal or production records, however, and not those of other employees.

4. Promotion plans may, but are not required to, provide that an employee may, upon request, review an official supervisory report of promotion potential, as distinguished from a supervisory appraisal of past performance, when such a report is used in connection with advancement consideration. When such a provision is made, an employee shall be entitled to review only the report regarding his own potential, and not similar reports regarding other employees.

5. In evaluating candidates who meet basic eligibility requirements, in order to identify the best-qualified candidates, promotion plans shall include provisions for the evaluation of those individual characteristics which supplement experience, training and aptitudes in relation to the requirements for advancement. These include self-development efforts, outside activities which would increase a candidate's potential in the position to be filled, other evidence of initiative and interest in occupational advancement, cooperativeness, attention to duty (e.g., as evidenced by leave usage), and similar factors.

6. Promotion panels shall be utilized for the evaluation of candidates for all supervisory positions regardless of grade level, and for all nonsupervisory positions at the level of GS-13 and above. Promotion panels for the consideration of candidates for Career Executive Assignments shall be established in accordance with the special procedures prescribed for the Executive Assignment System. (See A.O. 202-305.) Other promotion panels shall be composed of at least three officials or employees, one of whom should be a representative of the servicing personnel office and one of whom should be a representative of an organizational unit other than the one in which the position to be filled is located. At least one of the members of the panel must be familiar with the work of the organizational unit in which the position to be filled is located, and may be in the line of supervision of that unit. When advice and guidance on the interpretation of technical qualifications are considered essential, the selecting official may advise the panel in that regard.

e. Ranking and selection. (3-7)

1. Evaluation methods prescribed in promotion plans shall, as a minimum, provide for the grouping of candidates in two broad categories: "highly-qualified" and "qualified." Candidates may be certified to the selecting official by rank

1-2-3 order or by category. Whenever "highly-qualified" candidates are certified to a selecting official, they must be so identified on the promotion certificate.

2. Promotion plans shall require that generally selection must be made from among the group determined to be best-qualified according to the ranking method used under the plan, and should provide that ordinarily there must be at least three highly-qualified candidates among the best-qualified. Where there are fewer than three highly-qualified candidates among the best-qualified, after all areas of consideration provided for in the plan have been used, plans should provide for seeking candidates outside of the Department before a merit promotion certificate is issued to the selecting official.

3. Plans shall provide that normally only three to five of the best-qualified candidates will be certified to the selecting official, but that an additional candidate may be included in the certificate for each additional vacancy for which the certificate is to be used. Plans shall also provide that when rankings do not permit the making of meaningful distinctions between candidates, up to ten may be certified. The reason for such certification shall be documented in the promotion records.

4. The Personnel Office certifies the names of the best-qualified candidates to the selecting official for consideration. Plans shall provide that final selection ordinarily will be made by the selecting official, subject to the approval of the Personnel Officer or his designated representative and such other approvals as may be required by law, regulations, or policy. When making a selection, the selecting official shall certify that his selection is based solely on merit, fitness, and qualifications and does not involve discrimination based on race, color, religion, national origin, marital status, sex, age, physical handicap, political affiliation, employee organization affiliation, or personal favoritism. Form CD-262, "Merit Promotion Program Certificate," (Exhibit 4) or a similar form, may be used for this purpose. The Personnel Officer is responsible for assuring that this certification has been properly executed by the selecting official.

5. Promotion plans need not require that a selection be made from among the candidates listed on the promotion certificate. Selecting officials may be permitted to request additional recruitment effort or other personnel action. The Personnel Officer shall be responsible for determining whether such alternative actions are appropriate, on the basis of the selecting official's justification.

6. Employees normally will be released for promotion within 15 calendar days of receipt of the request for release. Under unusual circumstances, when a 15-day release period would be insufficient to permit completion of essential assignments or when an employee requests a delay for personal reasons such as the disposal of a home in connection with a move to a new location, the release period may be extended by mutual agreement.

f. Other provisions. (4-2, 4-3) The provisions for career promotions stated in section 4-2 and the provisions for exceptions stated in section 4-3 of FPM Chapter 335 are hereby adopted as a part of the merit promotion guidelines prescribed by this order. Individual merit promotion plans should include appropriate provisions for making career promotions and utilizing the exceptions within these guidelines. A specific career promotion procedure or exception

may not be utilized unless it is included in the plan or is specifically approved on an individual case basis by the Civil Service Commission.

SECTION 4. INFORMATION TO EMPLOYEES.

.01 Merit promotion plans shall be publicized extensively and continually, in order to assure that employees are apprised of their provisions so that they may readily ascertain how they are affected by them. Consideration should be given to conducting employee orientation programs on a continuing basis, as one means of accomplishing this. To the extent feasible, each employee shall be furnished a copy of his organizational unit's promotion plan. As a minimum, each supervisor shall be furnished a copy of the plan, and shall ensure its ready availability to his subordinates.

.02 At least once each year, the Personnel Officer shall remind employees of their obligation to update the qualifications information in their official personnel folders (or separate skills file, if one is used) in order to assure proper consideration for advancement. In addition, reminders should be issued at least once every six months of the locations of bulletin boards on which vacancy announcements are posted.

.03 Merit promotion plans, career management programs (the special procedural provisions of which are applicable in lieu of this order), and procedures for Career Executive Assignments at the GS-16, GS-17 and GS-18 levels shall provide that (a) every employee of the Department who is certified to a selecting official for consideration must be notified of the outcome of each consideration received, and (b) candidates certified who are not employees of the Department must be notified of the outcome of each consideration. The selecting official shall be responsible for notifying unsuccessful candidates contacted or interviewed by him of their nonselection.

SECTION 5. INTEGRATION WITH OTHER PERSONNEL PROGRAMS.

Heads of operating units should assure that their merit promotion programs are integrally related with other personnel programs, especially recruiting and staffing, manpower planning, training, career development, and performance evaluation.

SECTION 6. PROGRAM EVALUATION.

The merit promotion program of each operating unit shall be evaluated annually, consistent with Civil Service Commission instructions (see section 6-3, FPM Chapter 335). In addition, programs are subject to periodic evaluation by the Office of Personnel and by the Civil Service Commission, in conjunction with reviews of other aspects of personnel management.

SECTION 7. EMPLOYEE COMPLAINTS.

Employee complaints arising out of operation of the merit promotion program will be handled in accordance with the Department of Commerce grievance procedure (see A.O. 202-770), the applicable negotiated grievance procedure (see A.O. 202-711), or the equal employment opportunity complaint procedure (see A.O. 202-713), as appropriate.

SECTION 8. CORRECTIVE ACTIONS.

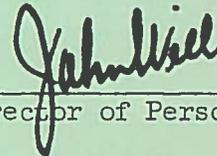
Failure to adhere strictly to the laws, regulations, policies, instructions, guidelines, and procedures for merit promotion shall be corrected promptly. Corrective action in individual cases should be taken consistent with subchapter 6, FPM Chapter 335. In addition, willful or grossly negligent violation of governing provisions shall be cause for disciplinary action.

SECTION 9. RECORDS.

Records of merit promotion programs, plans, and operations shall be maintained by the cognizant personnel office in accordance with subchapter 6, FPM Chapter 335. There should be a single consolidated file for each merit promotion action (or group of actions effected from a single merit promotion certificate), containing all relevant information, except for supervisory appraisals, evaluations of potential and similar documents, used repeatedly, which may be maintained elsewhere, such as in individual employee official personnel folders.

SECTION 10. EFFECT ON OTHER ORDERS.

This order supersedes Administrative Order 202-335, dated July 7, 1967, with respect to the development and subsequent installation of new merit promotion programs and plans which Civil Service Commission instructions require be completed by not later than July 1, 1969. However, the superseded order remains in effect with respect to existing merit promotion programs and plans promulgated thereunder, and should therefore be retained, until July 1, 1969 or the installation of a new merit promotion plan meeting the requirements of this order, whichever occurs first.



Director of Personnel

Approved:



Assistant Secretary for Administration

EXHIBIT 1
May 12, 1969

AO 202-335

Issue Date:

Closing Date:

Merit Promotion Program

Announcement Number:

VACANCY ANNOUNCEMENT

U.S. DEPARTMENT OF COMMERCE

TITLE, SERIES & GRADE:

VACANCY LOCATION:

AREA OF CONSIDERATION:

DUTIES, QUALIFICATIONS, AND SELECTIVE PLACEMENT FACTORS (IF ANY):

FACTORS WHICH WILL BE CONSIDERED IN EVALUATING QUALIFIED CANDIDATES:

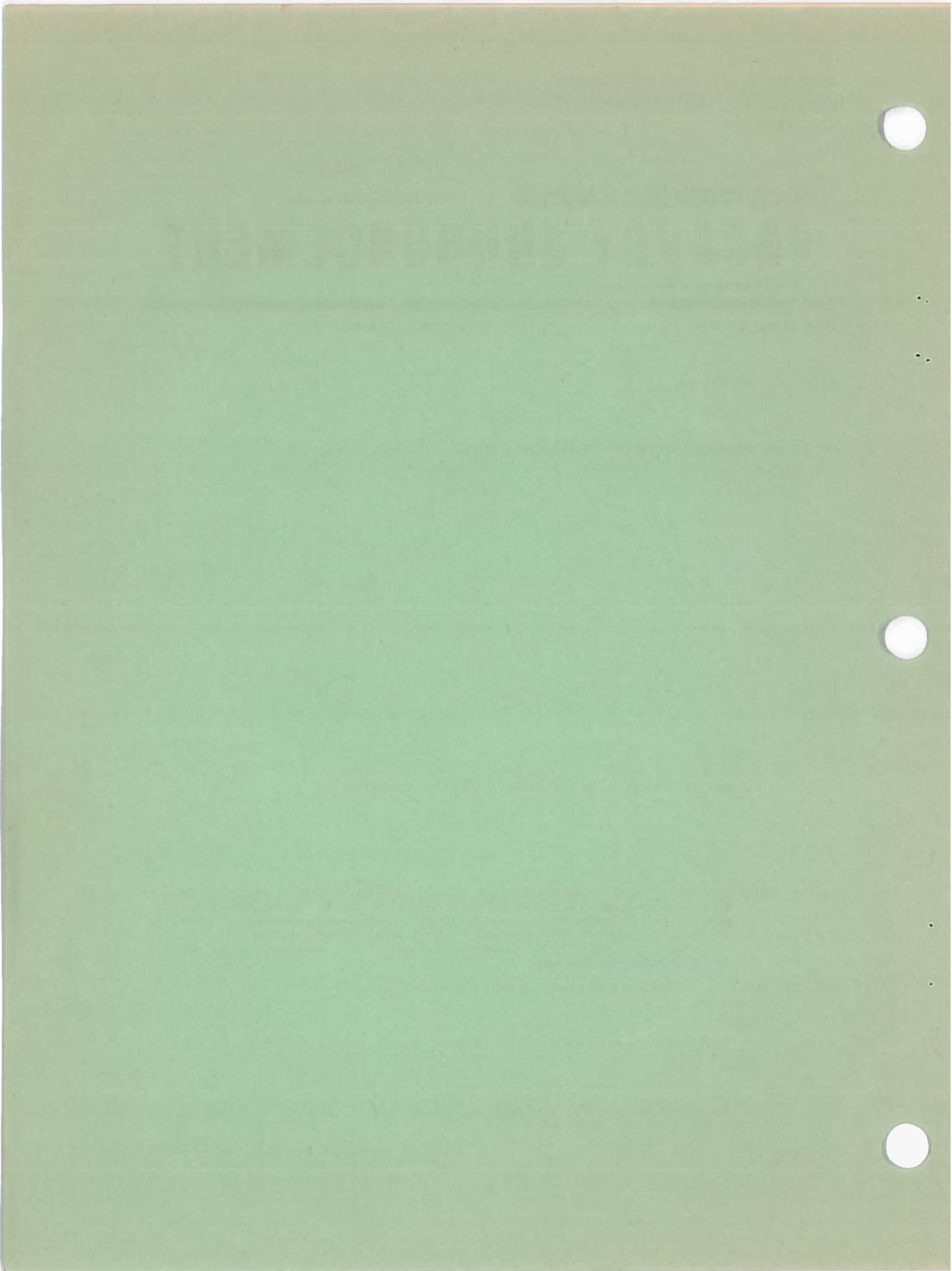
HOW TO APPLY: ANY EMPLOYEE OF COMMERCE may apply for this vacancy regardless of the area of consideration. Submit a completed Merit Promotion Interest Statement, Form CD 261. (A completed SF 171, Personal Qualifications Statement, should also be submitted if the personnel office below is not the one which maintains your Official Personnel Folder. See Instructions on Form CD 261).
APPLICANTS NOT EMPLOYED BY COMMERCE must submit only a completed Standard Form 171, Personal Qualifications Statement.

WHERE TO APPLY: By the indicated closing date, completed form(s) must be sent to:

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

Form CD-260 (2-11-69)
Prescribed by A.O. 202-335

See reverse side for additional information, if any.



FORM CD-261 (2-11-69) U.S. DEPARTMENT OF COMMERCE
 (PRESCRIBED BY A.O. 202-335) **MERIT PROMOTION INTEREST STATEMENT**
 (NOTE: This Form For Use by Commerce Employees Only)

Instructions: Complete items bordered by heavy lines in each section of form, print or type. Be sure to include address on reverse side of this form. Send form to the personnel office listed on the vacancy announcement. Attach a completed Personal Qualifications Statement, SF-171, if personnel office to which you apply does not maintain your Official Personnel Folder or if the information regarding your qualifications which is in the personnel office is not up to date.

Name (last, first, middle initial)	Social Security No.	Vacancy Ann. No.	Date Form Submitted
Your Bureau, Division and Location		SF-171 attached <input type="checkbox"/> Yes <input type="checkbox"/> No	Office Telephone Number Signature

FOR PERSONNEL OFFICE USE

<input type="checkbox"/> Qualified <input type="checkbox"/> Highly <input type="checkbox"/> Name placed on promotion certificate <input type="checkbox"/> Not qualified <input type="checkbox"/> Did not meet minimum qualification requirements <input type="checkbox"/> Did not meet special qualification requirements <input type="checkbox"/> Lacked time in grade <input type="checkbox"/> (Other) _____ Name of official who decided above action _____	Selecting Official's Action <input type="checkbox"/> Selected <input type="checkbox"/> Not Selected <input type="checkbox"/> Employee declined	
	Pers. Rep. initials	Date
	Date employee notified of outcome of his consideration	
	SF-171 Retained <input type="checkbox"/> Yes <input type="checkbox"/> No	

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

As you know, you were recently recommended for consideration for the vacancy under the Merit Promotion Program by: _____

You were considered for the vacancy as a result of the automatic merit promotion consideration received by employees under an established Skills File system.

You were determined to be qualified for the vacancy.
 You were selected for the vacancy.
 You were not selected for the vacancy in competition with other candidates.

While qualified for the vacancy, the selecting official did not have the opportunity of considering you since you did not rank high enough among the candidates who competed.

For your information, the following candidate was selected for the vacancy: _____

You are not qualified for the vacancy because:
 minimum qualification requirements not met.
 special qualification requirements not met.
 time in grade requirements not met.
 (Other) _____

Your Personal Qualifications Statement, SF-171, is:
 Attached for your future use.
 Being retained so that you may be considered for other vacancies as they occur. You will be contacted only if something positive develops.

Personnel Office	Name of Personnel Representative	Telephone Number	Date
------------------	----------------------------------	------------------	------

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

You were recommended for consideration for the vacancy under the Merit Promotion Program by: _____

You are being considered for the vacancy as a result of the automatic merit promotion consideration received by employees under an established Skills File system.

Your interest in being considered for the vacancy is acknowledged.

You will be advised of the outcome of your consideration soon.

A review of your application/Official Personnel Folder indicates that you are not qualified for the vacancy so you may not be considered.

You are not qualified for the vacancy because:
 minimum qualification requirements not met.
 special qualification requirements not met.
 time in grade requirement not met.
 (Other) _____

Your Personal Qualifications Statement, SF-171, is:
 Attached for your future use.
 Being retained so that you may be considered for other vacancies as they occur. You will be contacted only if something positive develops.

Personnel Office	Name of Personnel Representative	Telephone Number	Date
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APPLICANT: Be sure to Complete Reverse

APPLICANT:

BE SURE TO COMPLETE THE TWO ADDRESS BLOCKS BELOW SO THAT YOU CAN BE NOTIFIED OF THE CONSIDERATION YOU RECEIVE. USE YOUR HOME ADDRESS OR WORK ADDRESS - WHICHEVER YOU PREFER.

THANK YOU

┌ _____ ┐
├ _____ │
├ _____ │
└ _____ ┘

┌ _____ ┐
├ _____ │
├ _____ │
└ _____ ┘

U.S. DEPARTMENT OF COMMERCE											
EVALUATION OF CANDIDATE'S QUALIFICATIONS											
<i>(This form is used in the evaluation of a candidate's qualifications for promotion or employment in the Department of Commerce)</i>											
BUREAU OR OFFICE				DUTY STATION				DATE FORM ISSUED			
CANDIDATE'S NAME				SOCIAL SECURITY NO.		POSITION FOR WHICH CONSIDERED <i>(Complete only if appropriate)</i>					
In what capacity have you known the candidate? <i>(Please check appropriately)</i> <input type="checkbox"/> Immediate supervisor <input type="checkbox"/> Supervisor above immediate level <input type="checkbox"/> Other: <input type="checkbox"/> Relative <input type="checkbox"/> Co-worker <input type="checkbox"/> Instructor <input type="checkbox"/> Socially <input type="checkbox"/> Other <i>(Specify)</i> _____											
How long have you been acquainted with candidate? From <i>(Date)</i> _____ To <i>(Date)</i> _____											
INSTRUCTIONS: Please complete all items. RATING SCALE - Please describe the applicant on each of the factors by placing a check (✓) in the appropriate columns 1-8. The rating scale provides for rating the candidate on each trait as "Below Average," "Adequate," "Strong," or "Excellent." Each category is divided into two parts to enable you to make finer distinctions. Place a check at the position along the scale which best represents the degree to which the employee has demonstrated the trait being rated.											
Section A. GENERAL EVALUATION		Rating Scale									
		Below average		Adequate		Strong		Excel- lent		Don't know	
		1	2	3	4	5	6	7	8		
AWARENESS	Understanding of agency organization, policy, procedures and objectives.										
RESOURCEFULNESS	Skill, intuition, and flexibility with which he tackles his work.										
ENTHUSIASM	Eagerness with which he approaches all aspects of his work.										
JUDGMENT	Is he usually right or usually wrong; independence; can the supervisor trust his judgment?										
RELATIONSHIPS	Cooperativeness, tact, respect, consideration for others, effectiveness in dealing with others.										
COMPETENCE	Knowledge, skills, and abilities in his field.										
ORGANIZATION	Ability to make good use of time, foresee deadlines, arrange priorities, plan, schedule, etc.										
PRODUCTION	The quantity of work; promptness and efficiency with which he completes assignments.										
QUALITY OF COMPLETED WORK	Ability to produce finished work which is immaculate, consistent with established style and free of errors; attention to detail, following detailed instructions.										
ORAL EXPRESSION	Completeness, accuracy, logic, organization, and brevity of his oral expression, in meetings, phone conversations, etc.										
WRITTEN EXPRESSION	Completeness, accuracy, logic, organization and brevity of his writing.										
ADAPTABILITY	Ability to accept and adapt to change and innovation; to be objective in his evaluation of new ideas, procedures, etc.										
CREATIVITY	Ability to produce ideas from unstructured assignment; to be innovative; to offer new approaches, new ideas.										
ANALYTICAL CAPACITY	Ability to analyze complex problems and come up with systematic and practical approaches to their solution.										
GROWTH	Reads in his field, furthers his education, participates in conferences and in vocational organizations, keeps abreast of new developments.										
CLERICAL TECHNIQUES	Ability to perform with speed and accuracy such clerical techniques as coding, computing, posting and filing, etc.										

(Continued on next page)

Section A. GENERAL EVALUATION - Continued		Rating Scale								Don't know
		Below average		Adequate		Strong		Excel- lent		
		1	2	3	4	5	6	7	8	
SKILLS	Ability to perform with speed and accuracy: <u>typing</u>									
	<u>stenography</u>									
	operating office machines such as calculators, adding machines, etc.									
ADMINISTRATION AND LEADERSHIP	Ability to analyze and evaluate the efficiency of operating procedures and special procedures; effectiveness in devising procedures. Ability to gain and hold the respect of subordinates and others in the organization.									
PLANNING	Ability to discriminate between important matters and minor details; to foresee the implications of a course of action; to keep work on schedule.									
DELEGATING	Ability to secure the cooperation of, and to stimulate effective work from subordinates; to effectively prevent decrease in production.									
TRAINING	The degree to which he is familiar with available training; ability to recognize and provide the training needed by his subordinates; to develop the potential in subordinates.									
EVALUATING	The degree to which he keeps or could keep subordinates informed as to how they are performing; ability to accurately judge the performance of subordinates.									
Section B. COMMENTS										
<p>1. Check the one which applies:</p> <p><input type="checkbox"/> No question as to attendance or use of leave</p> <p><input type="checkbox"/> Question as to attendance or use of leave (<i>Please explain</i>)</p>										
<p>2. Please comment on any aspect of the candidate's past performance that has not been fully covered in the above items.</p>										
Signature of evaluator					Title				Date	
Organization and address						Telephone number				

U.S. DEPARTMENT OF COMMERCE						
BUREAU OR OFFICE		DUTY STATION		DATE FORM ISSUED		
CANDIDATE'S NAME		SOCIAL SECURITY NO.	POSITION FOR WHICH CONSIDERED			
INSTRUCTIONS: The following information is essential in the consideration of the candidate. It would be appreciated if you would complete the questions to the best of your knowledge. All information will be treated as confidential.						
SOCIAL CHARACTERISTICS: <i>(Please check appropriately)</i>		Below average	Adequate	Strong	Excellent	No opinion
Courteous and cooperative						
Presents good appearance						
Honest, trustworthy and dependable						
Emotionally stable						
Tactful with ability to avoid conflict						
Responsible attitude toward discharge of just debts						
PHYSICAL CHARACTERISTICS: <i>(Please check box which is most appropriate)</i> Candidate appears to be: <input type="checkbox"/> Strong and vigorous <input type="checkbox"/> Of average vitality <input type="checkbox"/> In poor health To your knowledge, is there any medical condition (physical or mental) which might affect the candidate's ability to perform his duties in a completely satisfactory manner? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(If "Yes," please explain)</i>						
LOYALTY AND INTEGRITY <i>(Please check appropriate box. If your answer is "Yes" to any of the following questions, please give details below)*</i>						
Do you have any reason to question this person's loyalty to the United States?		Yes	No	Has this person, to your knowledge, ever resigned or been discharged or requested to resign from any position after being told his conduct or work was not satisfactory? <i>(If "Yes," please provide name and address of employer, along with reasons)</i>	Yes	No
Do you have any reason to believe this person belongs, or has belonged, to any Communist or Fascist Organization or to any organization which advocates overthrowing or altering our Constitutional form of Government by force or other illegal means?				Do you have any knowledge of any behavior, activities, or associations which tend to show that this person is not reliable, honest, trustworthy, and of good conduct and character?		
To your knowledge does this person associate, or has he associated, with any person whose loyalty to the United States is questionable or who belongs to any organization of the type described above?				To your knowledge, does this person tend to over-indulge in alcoholic beverages?		
				Has this person ever been arrested, indicted or convicted in any criminal action?		
Do you have any information indicating that this person's employment would be against the interests of the national security?				Has it ever been necessary to enforce disciplinary action against this person?		
*Please state here the details of any "Yes" answer and any additional information concerning the ability and personal characteristics of the candidate which will be of assistance in evaluating the candidate's qualifications and suitability for employment in the federal service. <i>(Please use reverse of this form if additional space is needed)</i>						
In your opinion, candidate operates best: <i>(Please check appropriate box)</i> <input type="checkbox"/> Working alone <input type="checkbox"/> As a team member						
Please check box which indicates your attitude regarding rehiring the candidate <i>(Complete only if appropriate to your relationship to the candidate)</i> <input type="checkbox"/> Same salary <input type="checkbox"/> Lower salary <input type="checkbox"/> Higher salary <input type="checkbox"/> Would not rehire <i>(Please explain)</i>						
Signature and title			Telephone number		Date	

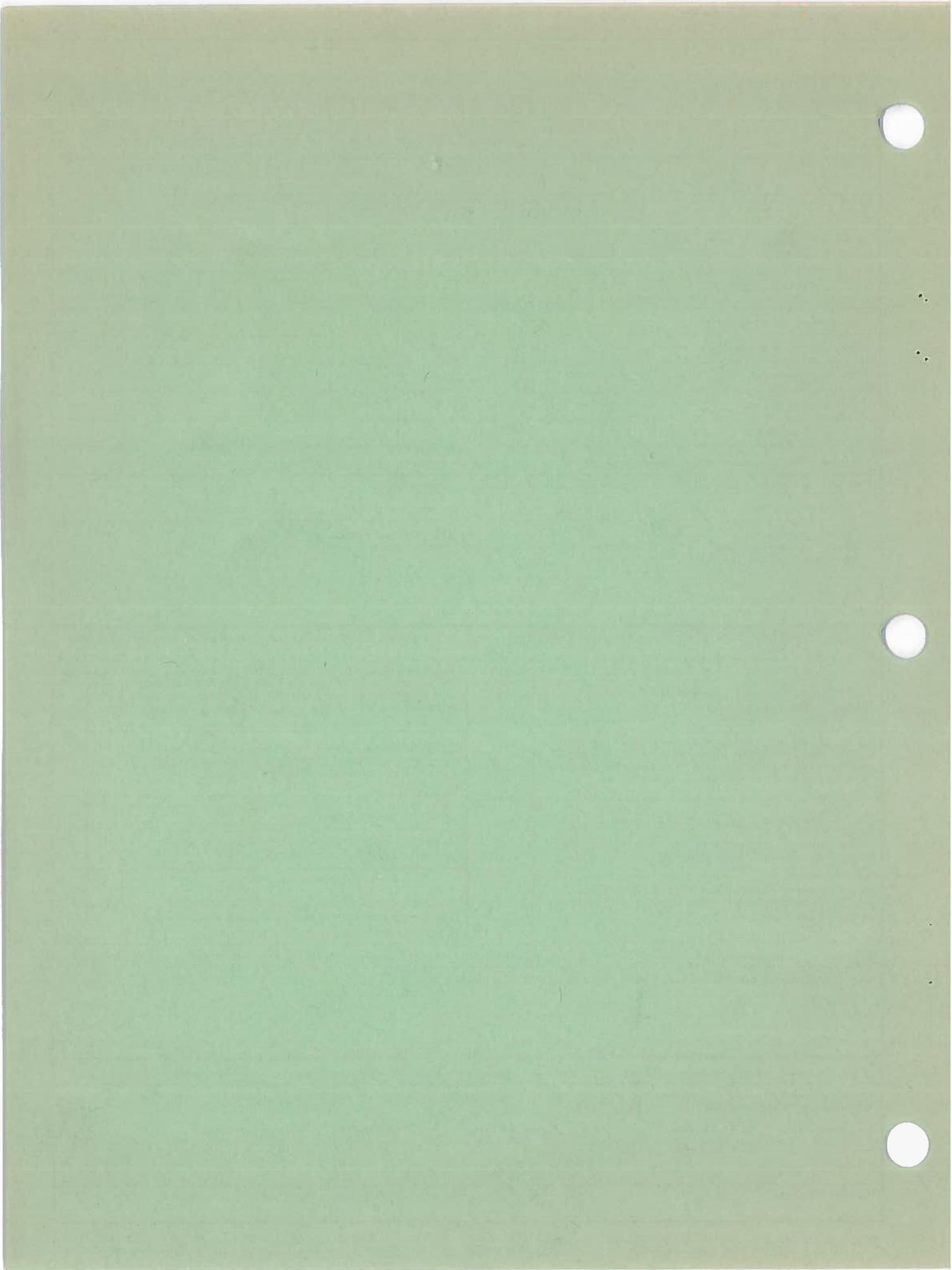


EXHIBIT 4
 May 12, 1969

AO 202-335

FORM CD-262 (2-11-69) (PRESCRIBED BY A.O. 202-335)		MERIT PROMOTION PROGRAM CERTIFICATE						U.S. DEPARTMENT OF COMMERCE	
Issuing Personnel Office		Certificate Number	Date Issued		# of Vacancies				
		Title, Grade and Series of Vacancy							
Issued To		Location							
		Name and Telephone Number of Personnel Representative to be Contacted about this Certificate							
<p style="font-size: x-small;">Candidates named below are to be considered for the listed vacancy, for they have been determined to be the best qualified available. Those who exceed the minimum qualification requirements are indicated as "HQ" (Highly Qualified). Those who have received awards which must be given due weight in your selection decision are indicated as "A".</p> <p style="font-size: x-small;">Candidates not sufficiently known to you should be interviewed prior to your selection decision. Arrangements for interviews must be made as agreed upon with the Personnel Office. You are personally responsible for notifying each candidate you contact (including those you interview) of the outcome of his consideration. This notification should be done by letter, memo or phone after consultation with the Personnel Office.</p> <p style="font-size: x-small;">Selection decisions should not be publicized prematurely, but only after Personnel Office prior approval. Your cooperation in this regard will support the establishment of greater employee appreciation of the spirit and intent of the Merit Promotion Program.</p> <p style="font-size: x-small;">Please complete Column 1 of this form by using the symbols indicated. Check marks should be placed in Column 2 where appropriate.</p>									
1. Action	Name and Telephone Number of Candidates		2. Candidates were						
NS= Not selected S= Selected D= Declined			HQ = Highly Qualified A = Award Received		Contacted		Interviewed		Advised of NS
			Yes	No	Yes	No	Verbally	In Writing	
A REMINDER: Have you evaluated leave usage of candidates?									
Reason(s) for the above selection									
<p style="font-size: x-small;">I hereby certify that the selection(s) indicated above is (are) based solely on merit, fitness and qualification and does (do) not involve discrimination based on race, religion, color, national origin, marital status, sex, age, physical handicap, political affiliation, employee organization affiliation, or personal favoritism.</p>									
Signature of Selecting Official						Date			



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DEPARTMENT OF COMMERCE
MODEL MERIT PROMOTION PLAN

A. PURPOSE AND POLICY.

.01 Purpose. The purpose of this document is two-fold: (a) to establish merit promotion policies and procedures which will assure that all interested and qualified candidates are considered for advancement in competitive service positions covered by this plan on the basis of merit, fitness, and qualifications, and (b) to prescribe responsibilities of the Personnel Officer, management officials, and employees for making the plan effective.

.02 Policy. All vacancies shall be filled with the best qualified candidates available on the basis of merit, fitness, and qualifications and without regard to race, color, religion, national origin, marital status, sex, age, physical handicap, political affiliations, employee organizational affiliation, or personal favoritism, except as may be authorized or required by law. Concurrent consideration will be given, to the extent and under the procedures described in this plan, to qualified candidates available either from within or outside the organization through the various staffing methods, e.g., reassignment and promotion of employees, transfer and reinstatement of outside candidates, and appointment from Civil Service Registers and Applicant Supply Files. Employees shall be assured the optimum development and utilization of their abilities and shall be provided maximum opportunity for advancement and for assignment to positions with known promotion potential.

B. AUTHORITY.

This merit promotion plan is issued pursuant to Federal Personnel Manual Chapter 335 and Department of Commerce Administrative Order 202-335, and has been approved by the Director of Personnel.

C. DEFINITIONS.

.01 Promotion. The change of an employee to a higher grade when both the old and the new positions are under the General Schedule, or under the same type graded wage schedule, or to a position with a higher rate of pay when both the old and new positions are under the same type ungraded wage schedule or in different pay-method categories.

.02 Position with known promotion potential. A position from which a career promotion may be made without competition because adequate competition was held at an earlier stage. These include, among others, (a) career-ladder positions; (b) apprentice positions; (c) trainee positions; (d) understudy positions; and (e) positions filled at a grade level below the established or anticipated grade.

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.03 Selecting official. The supervisor who has authority to select an employee for assignment to a position, subject to the final approval of the Personnel Officer.

.04 Promotion panel. A group of three or more officials or employees convened for the purpose of evaluating and ranking candidates qualified and available for advancement consideration. When practicable, the panel will include a representative of the servicing personnel office, a representative of an organizational unit other than the one in which the position to be filled is located, and at least one person who is familiar with the work of the organizational unit in which the position to be filled is located.

.05 Supervisory position. A position in which responsibility for directing the work of others is sufficiently great to be reflected as a major duty in the job description.

.06 Merit Promotion Interest Statement. The form prescribed for use, under a vacancy announcement system, by an employee of the Department to indicate his interest in being considered for promotion or assignment to a position of known promotion potential. The form is designed so that, regardless of the method utilized to locate candidates, it may also be used to notify an employee of consideration accorded him for a particular vacancy under this Merit Promotion Plan.

.07 Area of consideration. The area in which an intensive search is made for eligible candidates in a specific promotion consideration action.

.08 Panel interview. A personal interview, conducted by a promotion panel, for the purpose of arriving at multiple judgment of the personal attributes and characteristics of a candidate being considered for advancement.

.09 Merit Promotion Program Vacancy Announcement. A form prescribed for use in vacancy announcement systems to publicize the fact that applications are invited for advancement consideration for current or anticipated vacancies as described in the announcement.

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

.11 Merit Promotion Program Certificate. A form suggested for use in submitting the names of candidates for advancement to a selecting official, and for documenting relevant selection decisions.

.12 Qualified. The rating given to a candidate for advancement consideration who meets at least the minimum qualification requirements, including selective placement factors, for a particular position.

.13 Highly-qualified. The rating given to a qualified candidate whose experience, training, and potential substantially exceed the minimum qualification requirements for a position, to a degree that indicates he is likely to be able to perform in the job to be filled in a superior manner.

.14 Best-qualified. The rating given to those qualified candidates who rank at the top when compared with other qualified candidates for advancement and who are certified to the selecting official on a merit promotion certificate.

D. RESPONSIBILITIES.

.01 Personnel Officer. The Personnel Officer and his staff are responsible for implementing and administering this Merit Promotion Plan. Specific responsibilities include but are not limited to the following:

- a. Training supervisors and informing employees concerning the requirements and objectives of the plan;
- b. Establishing and maintaining necessary files and records to permit reconstruction of actions at a later date and to answer inquiries;
- c. Providing information to employees and management concerning promotion actions;
- d. Reviewing requests for filling vacancies and assisting in the development of special qualification requirements;
- e. Answering employee inquiries concerning consideration accorded for specific vacancies and, as appropriate, counseling them on ways and means of preparing themselves for advancement;
- f. Issuing and publicizing vacancy announcements when appropriate;
- g. Assuring that under-utilized employees are fully considered for vacancies for which qualified;
- h. Screening and evaluating qualifications of candidates for promotion against basic Civil Service requirements, standards, and essential special job requirements;

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- i. Advising promotion panels of their duties and responsibilities and participating as appropriate in the evaluation and ranking of candidates;
- j. Assuring that merit promotion procedures are producing the best qualified candidates available for vacancies;
- k. Keeping employees fully informed of all aspects of this merit promotion program and, where feasible, of the outcome of any consideration they have received for advancement;
- l. Insuring that any candidate contacted for a particular vacancy is notified of the outcome of the consideration accorded him; and
- m. Insuring that employees temporarily absent for military service or for service with public international organizations are accorded advancement consideration for appropriate vacancies.

.02 Supervisors. Supervisors are responsible for the following:

- a. Anticipating personnel needs and initiating action to fill vacancies in sufficient time to allow for proper selection in accordance with this plan;
- b. Serving as members of promotion panels when called upon;
- c. Assisting in the development of special job requirements essential to successful job performance;
- d. Making selections of candidates deemed best qualified to fill vacancies from promotion certificates furnished by the Personnel Office and providing the Personnel Office with reasons why particular candidates were selected;
- e. Notifying unsuccessful candidates contacted or interviewed by them of their non-selection, either by telephone or in writing;
- f. Discussing the outcome of any promotion consideration with any non-selected employee, when requested by the employee or the Personnel Office;
- g. Nominating employees for advancement consideration to insure that deserving employees are included in the competition for selection for appropriate vacancies;
- h. Assuring that subordinates are considered for advancement opportunities arising during their temporary absences on leave, temporary detail, or at training courses, when such assistance is personally requested by the subordinate;

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- i. Keeping subordinates informed of the principles of merit promotion programs;
- j. Completing employee appraisals in accordance with procedures and schedules established by the Personnel Office and discussing these appraisals with employees at the request of the Personnel Office;
- k. Counseling employees in need of self-development and providing developmental assignments, when possible, to prepare them for advancement;
- l. Observing the principles of the Merit Promotion Plan in selecting candidates for advancement; and
- m. Conducting periodic evaluations of merit promotion procedures and suggesting changes for improvement to the Personnel Office.

.03 Employees. Employees are responsible for the following:

- a. Knowing the provisions of the Merit Promotion Plan and complying with its requirements;
- b. Informing the Personnel Office, at least annually, of qualifications, special training, and educational achievements which are not already a matter of record in the Personnel Office;
- c. Recognizing that they are entitled to consideration under merit principles only;
- d. Being willing to enter into competition for advancement in accordance with the provisions of the plan;
- e. Availing themselves of self-development and job training opportunities;
- f. Demonstrating competence and readiness for advancement by effective performance in current and special assignments;
- g. Making suggestions to their supervisor and/or the Personnel Office concerning improvements in the Merit Promotion Plan; and
- h. Advising their supervisors if they wish to be considered for appropriate vacancies which may occur during their temporary absence while on leave, temporary detail, or at a training course.

E. COVERAGE.

This plan is applicable to promotions, assignments to positions with known promotion potential, and other personnel actions involving advancement in competitive service positions as stated in this section.

.01 Organizational Elements. (Note: list here the organizational units and/or occupational categories covered by the plan.)

.02 Applicability of Competitive Promotion Procedures. Competitive promotion procedures apply to all promotions to positions covered by this plan except as otherwise indicated in this section. These competitive promotion procedures of this plan also apply to the following placement actions:

- a. Selection by transfer or reinstatement to a higher grade position than the candidate's last position;
- b. Selection for reassignment, transfer, or reinstatement to a position with known promotion potential;
- c. Selection of a nontemporary Federal employee from a civil service register for appointment to a higher-grade position or a position with known promotion potential;
- d. Selection for detail of more than 60 days to a higher-grade position or a position with known promotion potential; and
- e. Selection of an employee for training which is required for advancement.

.03 Career Promotions. A career promotion is the promotion of an employee without current competition under the procedures prescribed in this plan when (a) competition was held at an earlier stage satisfying the requirements of merit principles, or (b) the employee's position is reconstituted in a higher grade because of the accretion of additional duties and responsibilities not the result of planned management action. Career promotions may be made in the following situations:

- a. Career promotion of an employee in a position of known promotion potential, if the employee was selected from a civil service register or by competitive promotion procedures and the fact that the initial selection could lead to promotion was made known to all potential candidates. These include employees in career-ladder positions, and positions filled at a grade below the established or anticipated grade.
- b. Career promotion of an employee under a formal training or executive development agreement, and an employee properly detailed for training or evaluation.

c. Career promotion of an employee whose position is reconstituted in a higher grade because of the accretion of additional duties and responsibilities if the accretion was not the result of planned management action.

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

a. Special consideration for repromotion is extended to an employee who has been demoted in the Federal Service for other than personal cause. He is entitled to consideration for repromotion, in advance of any other efforts to identify or select candidates, for any vacancy for which he is qualified at his former grade (or any intervening grade) without again competing with other candidates in accordance with the requirements of this plan. The selecting official is not required to select the employee, but he must justify in writing to the Personnel Officer his reasons for a non-selection. There is no limit to the number or times this special consideration will be afforded an eligible employee.

b. If an employee fails to receive proper consideration in a promotion action and the erroneous promotion is allowed to stand, the employee must be considered for the next appropriate vacancy to make up for the consideration he lost. He may be selected, in competition with any other employees with similar entitlement to special consideration, as an exception to the regular competitive promotion procedures in this plan. An employee is entitled to only one consideration under this provision.

.05 Relationship to Other Personnel Action Procedures.

a. Promotions under a career management program approved under Administrative Order 202-406, "Career Management Programs", are effected under

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procedures detailed in the career management program rather than the procedures of this plan. Such programs incorporate basic merit promotion principles and guidelines.

b. Promotions to positions at the GS-16, GS-17 and GS-18 levels, and equivalent, made under the Executive Assignment System procedures of the Civil Service Commission and the Department comply with the basic merit promotion principles and guidelines.

c. An employee who returns from military service or from service with a public international organization who was promoted under competitive merit procedures in absentia is not required to again compete for the promotion. In addition, such an employee whose position is regraded under the conditions cited in clause (a) of paragraph .04 of this section is entitled to be promoted without competition.

F. AREAS OF CONSIDERATION AND LOCATING CANDIDATES.

.01 Areas of consideration are established to be sufficiently broad to afford employees reasonable opportunity for advancement, and to provide an adequate supply of highly-qualified candidates. Progressively larger areas of consideration are used when practicable and deemed necessary in order to locate at least three highly-qualified candidates for each vacancy. The areas under this plan are: (Note: insert here a specific description of the areas and sequence of extension, assuring that the minimum area of consideration for GS-14 and GS-15 positions (and equivalent) is generally Department-wide). The determination of which area of consideration will be used is primarily dependent upon the desires of the selecting official, the mandatory requirements of this plan, and the number of candidates anticipated from a given area.

.02 If vacancies are advertised by distribution of a Merit Promotion Vacancy Announcement, throughout an area, the announcement will be open for acceptance of Merit Promotion Interest Statements from employees as follows as a minimum: (Note: insert here the lengths of time allowed for different areas of consideration). In some instances, vacancy announcements without specific closing dates will be used to advertise recurring vacancies. When an excessive number of candidates indicate interest, a promotion register may be established for a six-month period, from which candidates will be considered for all vacancies developing during this period. All employees who file interest statements under such announcements will be kept informed of the progress of their promotional consideration.

.04 Each operating unit of the Department is required, with only limited exceptions, to progressively extend areas of consideration until at least three highly-qualified candidates are located. Vacancy announcements will

usually be used to publicize such advancement opportunities. These and other announcements will be posted on bulletin boards at convenient locations. (Note: if feasible, include a specific listing of the exact locations. If announcements are routed to all employees rather than being posted, that procedure should be described here instead. If Skills Files are used for certain occupations and grades in lieu of vacancy announcements, that system should be described here.)

.05 The Personnel Officer may make an exception to the Department's requirement that the minimum area of consideration be Department-wide for GS-14 and GS-15 level (and equivalent) positions. This might be done, for example, when too many candidates would be likely to indicate availability, or when the nature of the qualifications required for the vacant position is such that a broadened area of consideration would be clearly inappropriate.

.06 The area of consideration for positions at GS-6 and below, and for trade and labor (wage board) positions below the supervisory level, normally will not be extended beyond the commuting area in which the position is located.

.07 Regardless of the area of consideration which may be used to locate candidates for a particular vacancy, any employee of the Department may apply for and is entitled to consideration under the procedures in this plan for any vacancy in any office or location.

.08 Regardless of the area of consideration which may be used to locate candidates for a particular vacancy, candidates from outside the Department may apply and may be considered under the procedures in this plan.

.09 In order to insure that all qualified employees are considered for appropriate vacancies, a supervisor may nominate a deserving candidate for any vacancy for which the supervisor believes him to be qualified. This is considered to be in accordance with the supervisor's responsibility to assist in and to foster the development of his subordinates. In addition, a supervisor is obligated, when requested by a subordinate, to see that the employee is considered for advancement opportunities for which he appears to be qualified which arise while the employee is temporarily absent on leave, on detail, or in training.

G. QUALIFICATION STANDARDS.

The minimum qualification standards prescribed by the Civil Service Commission, including provisions for authorized written tests and appropriate selective placement factors, will be used to determine basic eligibility of candidates for promotion consideration. These standards are contained in Civil Service Commission Handbook X-118 (etc.) and are available for review by candidates

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in the Personnel Office. Candidates at field locations may obtain a copy of a particular qualification standard upon request to the Personnel Office. Selective placement factors representing qualifications essential to successful performance in the position to be filled are considered to be a part of the minimum qualification standards. They will be recorded in the merit promotion file, and are available for review by candidates upon request. Merit Promotion Program Vacancy Announcements will identify the minimum qualification standards, including selective placement factors, which apply to a position being advertised. Should it become necessary to change a qualification standard when a promotion action to which it applies is under way, because an inappropriate standard was being used or the Civil Service Commission issues a revision of it, appropriate notice shall be given to all employees affected by the change.

H. EVALUATION AND RANKING.

.01 The Federal Merit Promotion Policy requires that selection for advancement be made from among the best-qualified candidates. Therefore, job-related evaluation criteria that go beyond the standards for determining basic eligibility (discussed in section G of this appendix) are used to permit the meaningful ranking of eligible candidates.

.02 All eligible candidates will be evaluated on the basis of the results of written tests, if any; experience and training, supervisory appraisals; suitability; potential; merit (e.g., past performance, commendations, awards, contributions to a profession where appropriate, and significant suggestions); and, other factors being equal, seniority; by the following:

a. The Personnel Office, for nonsupervisory positions at the GS-12 level (and equivalent) and below. A promotion panel may be established to assist in this evaluation when the Personnel Officer determines that panel judgments would be desirable.

b. Promotion panels, for supervisory positions regardless of grade level and for all positions at the GS-13 level (and equivalent) and above. (Procedures in approved career management programs and the Executive Assignment System meet this requirement.) Candidates meeting minimum requirements may be interviewed by the panel at its discretion.

1. A promotion panel for a particular position will consist of at least three officials or employees, one of whom shall represent the servicing personnel office, one of whom shall be from an organizational unit other than the one in which the vacancy is located, and one other member. At least one of these members must be familiar with the work of the organizational unit in which the vacancy is located. Whenever feasible, panel members will be drawn from the commuting area where the ranking process is

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being accomplished. When advice and guidance on the interpretation of technical qualifications is considered essential, the selecting official may advise the panel in that regard.

2. Membership on promotion panels will be rotated frequently among supervisory and management officials, in order to obtain the benefits of the various contributions they can individually make to the promotion process, as well as to broaden understanding and appreciation of the merit promotion program.

3. When possible, members of promotion panels will be at least one grade higher than the position being considered by the panel.

.03 Past performance, including production records where available and pertinent, are important factors in evaluating candidates for advancement.

a. The Personnel Office will obtain an appraisal of performance concerning each employee considered for advancement by asking the employee's most recent supervisor to complete Form , "Evaluation of Candidate's Qualifications." (Note: specify whether appraisal will be obtained periodically or when vacancies occur.) Previous supervisors may also be asked to furnish similar information when desirable.

b. By contacting the Personnel Office, an employee may ask for the opportunity to review any record of his past performance or production which is used to evaluate him for advancement under this plan. (Note: include records of supervisory appraisals of potential, if they are utilized and are to be available for employee review.) When possible, the supervisory official responsible for an appraisal will personally discuss the appraisal with the employee, so that the employee gains sufficient insight as to why his evaluation is what it is.

.04 All eligible candidates will be placed in one of two categories-- "highly-qualified" and "qualified"-- on the basis of application of the following criteria (Note: This sentence should be modified if additional categories are used. This paragraph should also describe how the job-element approach or other methods of evaluation will be applied). The best-qualified candidates will then be identified for referral to the selecting official.

.05 In addition to the consideration and procedures described in the other paragraphs of this section, the following apply to the evaluation and ranking of candidates for supervisory positions: (Note: State here the special factors and methods of evaluation and ranking to be used for supervisory positions).

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I. REFERRAL AND SELECTION..01 Referral.

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

b. Except as provided in subparagraph .01c. of this section, a certificate will show the names of from three to five candidates for the vacancy to be filled. When there is more than one vacancy to be filled from a certificate, one additional candidate will be added to the certificate for each additional vacancy.

c. In cases where meaningful distinctions cannot be made as to relative qualifications among a smaller number of candidates, up to ten candidates may be listed on a merit promotion certificate.

.02 Selection.

a. The selecting official should interview any candidate on the promotion certificate who is relatively unknown to him. Arrangements for interviews will be made through the Personnel Office that issued the promotion certificate.

b. The selecting official is not required to fill a vacancy by selection of one of the candidates listed on the promotion certificate. He may request additional recruitment efforts or other personnel action if he believes a better-qualified candidate is required. The selecting official's written justification for requesting a further search for candidates or other personnel action will be reviewed by the Personnel Officer, who will determine what course of action will be taken on the request.

c. The selecting official's decision to select a particular candidate is subject to the approval of the Personnel Officer or his designated representative and such other approvals as may be required by law, regulations, or policy. The selecting official shall indicate his decision and other actions as required on the promotion certificate, and must complete the non-discrimination certification printed on the form.

d. The Personnel Office will arrange for release of the employee from his current employment. Employees will be released for promotion within 15 calendar days of receipt of the request for release. Under unusual circumstances, when a 15-day release period would be insufficient to permit completion of essential assignments, or when an employee requests a delay for personal reasons such as the disposal of a home in connection with a move to a new location, the release period may be extended by mutual agreement.

J. INFORMATION TO CANDIDATES.

.01 When feasible, the selecting official or the Personnel Office will notify all candidates, regardless of grade, of the outcome of each formal consideration for advancement accorded them within the Department whenever they were included on a merit promotion certificate issued to a selecting supervisor. The selecting official to whom a merit promotion certificate is issued will, at the request of the Personnel Office, personally counsel candidates and answer any questions they may have about their consideration. Employees contacted about a vacancy, and especially those who are interviewed, will ordinarily be advised of the outcome of their consideration by the person who contacted them.

.02 Upon specific request to the Personnel Office, any employee considered for a vacancy will be furnished the name of the individual selected, and the following information:

- a. Whether he was found to be qualified on the basis of the minimum standards;
- b. Whether his name was on the list from which selection to fill the position was made; and
- c. In what areas, if any, he should improve himself in order to increase his chances for future selection for advancement. (This information normally will be furnished by means of a counseling discussion with either a representative of the Personnel Office or a knowledgeable supervisor.)

K. DOCUMENTATION AND RECORDS.

Each advancement action taken under this plan will be documented in accordance with the Civil Service Commission requirements contained in FPM Chapter 335, in order to reflect adherence to governing policies and procedures.

L. EMPLOYEE COMPLAINTS.

Employee complaints arising out of the operation of this promotion plan will be handled in accordance with grievance procedures prescribed in _____, the negotiated grievance procedure prescribed in Employee Organization Agreement _____, or the equal employment opportunity complaint procedures prescribed in _____, as appropriate.

M. VIOLATIONS.

Violations of this Merit Promotion Plan will be dealt with promptly, firmly, and fairly. Deliberate, malicious or knowingly repetitive violations will result in the initiation of disciplinary action.

N. PERIODIC REMINDERS TO EMPLOYEES.

The Personnel Office will periodically remind employees covered by the provisions of this Merit Promotion Plan of the following:

- a. The minimum qualification requirements for advancement, including selective placement factors when used;
- b. The measurement factors used in the evaluation process and how they are applied;
- c. The procedure for ranking candidates for advancement consideration;
- d. The right of an employee to request information as described in subparagraph H.03b. of this plan;
- e. The means by which vacancies are filled;
- f. The channels to be used to suggest changes in this plan;
- g. The means provided to resolve complaints about the operation of this plan;
- h. The operation of this plan;
- i. The need to keep their official personnel folders current;
- j. The right to review a supervisory appraisal of their past performance and their production records when they are used in considering them for advancement; (Note: Include potential if applicable.)
- k. Their right to apply for consideration for advancement anywhere in the Department;
- l. Their responsibility to arrange with their supervisors if they desire advancement consideration for vacancies arising while they are temporarily absent on leave, on detail, or in training;
- m. Their obligation to offer constructive suggestions for improvement of this plan and its administration;
- n. Where employees may review or obtain a copy of this plan; and
- o. The location of bulletin boards upon which vacancy announcements are posted.

a. Grouping of positions. (3-2) Each plan shall define the group or groups of positions to which it applies. Separate plans may be adopted for different groups of positions within an operating unit where required to facilitate the most valid and effective selection of personnel. Positions shall be grouped in such a manner as to insure that wherever possible, a reasonable number of qualified employees will be considered for each promotional opportunity and every employee will have reasonable opportunity for consideration for career advancement. Positions shall not be grouped in a manner which unduly restricts the competition of qualified employees in the light of customary promotion practices, nor in a manner which unduly restricts advancement opportunities in an organizational component or occupational area in such a way as to preclude the availability of an adequate supply of potential candidates.

b. Area of consideration. (3-3)

1. The minimum area of consideration in each promotion plan should be as broad as practicable and, wherever possible, should supply at least three highly-qualified candidates for a selecting official's consideration.

2. Except as provided in subparagraphs .02b.3 and .02b.4 of this section, each plan shall provide for and describe the progressive extension of the area of consideration beyond the minimum area when practicable and deemed necessary in order to locate a sufficient number of highly-qualified candidates either through a skills file system or a vacancy announcement (job advertising) system. A typical sequence of progressive expansion (which may be adjusted to meet specific requirements) is the following:

Area 1 -- (the minimum area) An entire bureau headquarters office or a single field activity in the commuting area where the vacancy exists.

Area 2 -- All Department of Commerce activities located in the commuting area where the vacancy exists.

Area 3 -- All Department of Commerce activities worldwide.

3. Plans shall provide for Department-wide announcement and consideration of candidates for positions at the GS-14 and GS-15 levels (or equivalent), except when it is determined that such advertising would result in too many candidates, or that the nature of the position is such that a Department-wide area of consideration would be inappropriate. Whenever one of these factors is the basis for limiting the area of consideration to an area less than Department-wide, the determination must be documented in the promotion records by the appropriate personnel office.

4. The area of consideration for vacancies at the GS-6 level and below, and for all trade and labor (wage board) positions below the supervisory level, need not be extended beyond the commuting or wage area of the vacancy to be filled; however, operating units are encouraged to use the "continuously open announcement" method in order to keep Department employees, outside commuting areas which do not normally produce three highly-qualified candidates, informed of the availability of promotional opportunities.

5. Outside candidates, i.e., persons who are not employees of the Department, may be considered for positions covered by merit promotion plans concurrently with employees of the Department.

c. Methods of locating candidates. (3-4)

1. Skills files may be used only when all qualified employees within the area of consideration being utilized are assured inclusion in the competition. Operating units are encouraged to provide for the Department-wide announcement of vacancies in key positions and vacancies in positions common to other operating units, even though the bureau or office in which the vacancy is located may have three highly-qualified employees and an expanded area of consideration would not ordinarily be used. Broadened consideration for these kinds of positions will result in greater competition and the increased likelihood of selection of the best-qualified employee in the Department.

2. Vacancy announcement systems shall use Form CD-260, "Merit Promotion Program Vacancy Announcement" (Exhibit 1). Adequate time must be allowed under a vacancy announcement system so that interested applicants may apply for consideration without undue hardship. Arrangements must be made by personnel offices for either (a) adequate bulletin board space for posting vacancy announcements at locations convenient to employees, or (b) a distribution system that assures that vacancy announcements will be brought to the attention of all potentially qualified employees in a timely manner.

3. Vacancy announcements may be specific or general in nature, and for recurring vacancies may be "continuously open," provided that operating units insure that applicants are notified periodically of significant actions affecting the vacancies announced. In order to increase the economy and efficiency of using "continuously open" vacancy announcements, operating units may develop biannual promotion registers.

4. Where a vacancy announcement system is used, Form CD-261, "Merit Promotion Interest Statement" (Exhibit 2) shall be prescribed as the means by which an employee indicates his interest in being considered for promotion or assignment to a position of known promotion potential. This form is designed so that it may also be used to notify an employee of consideration received under a merit promotion plan regardless of the method through which his name and qualifications come under formal consideration.

5. Each merit promotion plan developed under this order shall include supervisory referrals as one method for locating candidates, in order to provide a means by which supervisors can fulfill, in part, their responsibility for the development of employees.

d. Qualifications standards and evaluation methods. (3-5, 3-6)

1. Qualifications standards and evaluation methods shall be (a) reasonable and practicable; (b) applied with equity; (c) developed with the intent of obtaining the highest degree of validity and reliability possible under the specific circumstances; and (d) developed with special care to avoid discrimination for non-merit reasons.