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Merit Promotion and Placement Plan for FBI Support and Service Personnel



MERIT PROMOTION AND PLACEMENT PLAN
FOR
FEDERAL BUREAU OF INVESTIGATION
SUPPORT AND SERVICE PERSONNEL

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OBJECTIVE:

The objective of this Merit Promotion and Placement Plan is to provide guidance in assuring that all qualified support and service candidates receive fair and equal consideration for selection and promotion based on merit principles. Proper promotion actions are essential to ensure that the FBI is being staffed by the best persons available.

Personnel staffing decisions will be based on valid job-related criteria without personal favoritism or regard to religious affiliation or nonaffiliation, race, color, sex, national origin, age, nondisqualifying handicap, or reprisal.

The standards outlined address policies and procedures necessary in operating an effective promotion and placement plan consistent with the requirements of the "Uniform Guidelines on Employee Selection Procedures," Section 50.14, Title 28, United States Code of Federal Regulations.

DEFINITION OF TERMS

- ABILITY:** The power to perform an observable activity or behavior which results in an observable product.
- ADVERSE IMPACT:** A substantially different rate of selection in hiring, promotion, or other employment decision which works to the disadvantage of members of groups based on race, color, religion, sex, national origin, age, or nondisqualifying handicap.
- AREA OF CONSIDERATION:** An area in which an intensive search for eligible candidates for a specific vacancy is made.
- BEST QUALIFIED CANDIDATE:** An eligible employee who, when compared with other eligible employees, possesses the critical knowledge, skills, abilities and other characteristics (KSAOs) required for a position to a greater degree than other candidates being considered for the position.
- CAREER LADDER:** The successive grade levels through which an employee may advance to the full performance level of the position to which appointed or assigned; it provides progressively more responsible experience and noncompetitive promotion potential for incumbents up to the designated full performance level.
- COMPETITIVE STAFFING ACTION:** A position that is filled through a canvass or posting. Employees compete for positions based on their KSAOs.
- DEMOTION:** The movement of an employee from one salary grade level to a lower salary grade level. A demotion can occur as a result of an adverse action or as a result of a request of an employee. It may or may not result in a decrease in pay.
- DETAIL:** A temporary assignment of an employee to a different position for a specified period of time with the employee returning to his or her regular duties at the end of the detail. Technically, a position is not filled by a detail, as the employee continues to be the incumbent of the position from which detailed.
- ELIGIBLE CANDIDATES:** Applicants who meet established minimum qualification standards for the position (including selective placement factors), and any other applicable legal or regulatory provisions such as time-in-grade requirements.

GRIEVANCE: A formal request by an employee, or by a group of employees acting as individuals, for personal relief in a matter of concern or dissatisfaction relating to the employment of employee(s) in a matter which is subject to control of the FBI. Personal relief is a specific remedy directly benefiting the grievant(s), but which does not include a request for discipline or other action affecting another employee.

JOB ANALYSIS: A systematic and documented statement of work behaviors and KSAOs relevant to the job.

JOB RELATED: KSAOs determined to be necessary for acceptable job performance.

KNOWLEDGE: A body of information, usually of a factual or procedural nature, which, if applied, makes acceptable performance on the job possible.

KSAO: Knowledge, skill, ability or other characteristic.

MINIMUM QUALIFICATION STANDARDS (Basic Eligibility): Any basic requirements and selective placement factors determined to be essential to acceptable job performance. An applicant must possess these in order to be considered for a position.

NONCOMPETITIVE STAFFING ACTION: When a position is filled without a posting or a canvass.

OBSERVABLE: Able to be seen, heard, or otherwise perceived by a person other than the person performing the action.

OTHER CHARACTERISTIC (KSAO): A special, specific personality factor (attitude), aptitude, physical or mental trait needed to do the work that appears either in addition to or to a greater extent than what is generally expected of all employees in all jobs.

PROMOTION: The movement of an employee from one position to another at a higher grade level.

PROMOTION CERTIFICATE: A list of best-qualified candidates referred to the selecting official for his or her consideration to fill a vacant position.

RANKING FACTORS: KSAOs that identify the better candidates from a group of persons basically qualified for a position. Properly formed ranking factors should present a qualification pattern which would most likely predict acceptable performance in a position.

REAPPOINTMENT: The movement of an employee into a higher-grade position in a line of work unrelated to his or her current position, and for which he or she is academically qualified except for time-in-grade restrictions.

REASSIGNMENT: The movement of an employee from one position to another with no change in grade or salary.

SELECTING OFFICIAL: The Director, an Executive Assistant Director (EAD), Assistant Director (AD), Special Agent in Charge (SAC) or their designated representative who recommends an individual for a staffing action.

SELECTION PROCEDURE: Any measure, combination of measures or procedures used as a basis for any staffing decision.

SELECTIVE PLACEMENT FACTOR: An element found to be essential to acceptable performance in the job to be filled, not covered by the qualification standard, and determined to be required to establish basic eligibility for a position. For example, a position in a particular location may require knowledge of a language other than English.

SKILL: The proficient manual, verbal or mental manipulation of data, people or things. The difference between skill and ability is that skills are observable, quantifiable and or measurable.

STAFFING ACTION: A step-by-step procedure conducted in accordance with merit principles through which an individual is identified, considered, selected and assigned to a vacant position.

STRUCTURED INTERVIEW: An interview where the questions are formulated to determine the degree to which the candidate possesses the knowledge, skills, abilities, and/or other characteristics required to perform the job.

SUBJECT MATTER EXPERTS (SMEs): A group of persons thoroughly knowledgeable about the duties and responsibilities of a job.

TEST: Any paper-and-pencil or performance exercise used to measure a job-related knowledge, skill, ability, or other characteristic.

TRAEX: A method of rating and ranking a candidate based on an evaluation of training, education and experience.

TRIAL ASSIGNMENT: A period of time used for evaluative purposes when an employee assumes new duties at the same or higher grade level where he or she has not previously demonstrated the ability or aptitude to perform such new duties.

VALID: When a selection device, or measurement tool, has been determined to measure the possession of a KSAO necessary for successful performance in the job, or to predict job success.

RESPONSIBILITIES

Selecting Officials are responsible for applying merit principles of equal employment opportunity in filling vacancies. They are to comply with laws, regulations and applicable requirements of the promotion and placement plan and are responsible for advising employees who were interviewed of the reason(s) they were not selected for a position.

Program Managers will assist the Personnel Officer with the evaluation and selection of candidates for vacancies within the program.

Personnel Officer is responsible for:

- the design and development of the Merit Promotion and Placement Plan for FBI Support and Service Personnel;
- informing employees by means of official communication of the promotion policies and changes, evaluation techniques, ranking methods, plans, and career and promotion opportunities;
- implementing and enforcing the Merit Promotion and Placement Plan to ensure its full and equitable application to all affected employees and positions;
- providing technical assistance and guidance to both management officials and employees on all selection and promotion matters;
- responding to requests of candidates and supervisors concerning the status of pending actions;
- locating and referring the best-qualified candidates to the selecting official on a timely basis;
- maintaining submitted records of selection justification as detailed in this plan;
- approving the use of tests as a part of the selection process; and
- approving or disapproving all personnel recommendations.

Equal Employment Opportunity (EEO) Officials serve as a source of information for all employees, managers, and supervisors. In the event a nonselected candidate perceives disparate treatment which may result in a complaint, the EEO Office would process the complaint.

Employees are responsible for:

- demonstrating that they have the knowledge, skills, abilities and other characteristics necessary to qualify for positions for which they desire consideration;
- submitting the required completed forms within the time frames indicated when applying for vacancies;
- performing each critical element of their current positions at the Fully Successful level or higher.
- requesting consideration for specific type(s) of vacancies and/or promotional opportunities (i.e., secretarial, analyst, etc.) which may be advertised during a period of absence in excess of ten work days. Field office employees should advise the Office Services Manager; FBIHQ employees should advise the Career Guidance Representative assigned to their division, or the Pay and Position Management Unit, Administrative Services Division.

NOTE: Headquarters employees should be aware that upon selection and acceptance of a posted position, he or she will normally not be eligible to be considered for another posted position for a period of one year.

STAFFING ACTIONS

Staffing actions fall within two general classes: competitive and noncompetitive. Because of a variety of factors, different procedural rules apply to competitive staffing actions than those which are applied in noncompetitive staffing actions.

COMPETITIVE STAFFING ACTIONS:

A competitive staffing action is one in which all eligible, qualified and interested employees must be considered for the vacant position. In competitive staffing actions, it is necessary for a comparison to be made of the KSAOs possessed by each employee eligible for and interested in selection for the position. The employee selected in a competitive staffing action must not only be eligible to fill the vacancy but also must possess the KSAOs requisite for the position to a greater degree than other eligible candidates. Selecting officials must document how they determined a particular employee was best qualified for a vacancy. Such actions may include, but not be limited to, reassignments with greater promotion potential or where specialized experience at a lateral or next lower level is not required, etc.

Several methods of locating qualified candidates are described below. Posting of the position is preferred; however, the Personnel Officer or his designated representative may authorize a search of the skills file in lieu of posting. Recruitment of candidates outside the Bureau may be initiated after methods A and/or B below have failed to produce a qualified candidate. Complete and detailed documentation must be submitted to justify any use of the skills bank or outside recruitment methods.

- A. Posting of Vacancy - The Personnel Officer may initiate a search through means of a posting for appropriate and qualified candidates from within the Bureau. SACs may do likewise within their respective field offices. In doing so, the following conditions apply:
- (1) Notice of Vacancy - The posting notice will contain title, grade, series and duties of the position; the location at which the position will serve; working hours; promotional opportunities; minimum qualification standards; job-related qualifications; application procedures and an explicit statement regarding equal employment opportunity.
 - (2) Area of Consideration - An adequate area of consideration must provide the selecting official a choice from among a reasonable number of well-qualified candidates. Since

the area of consideration determines who will be considered for competitive selection, it is important that it be as broad as practicable in order to uphold basic merit principles of open competition, equal opportunity, and identification of the best qualified. Under circumstances set forth below, the area of consideration may be limited or, if the initial search does not produce an adequate number of well-qualified candidates, it may be expanded as practicable. In either event, the area of consideration may not be established in such a way that it gives unwarranted consideration to a particular group, nor may it be expanded solely to recruit members of a particular group.

a. Limited Area of Consideration - An Assistant Director or SAC, with approval of the Personnel Officer, may limit the area of consideration to employees within a smaller than normal area when consideration of candidates from outside that area is not feasible. The basis for the smaller area and the decision to limit consideration must be stated in the announcement, e.g.,

- ceiling controls or hiring freezes which would make it necessary to limit consideration to employees occupying full-time permanent positions within a particular organizational unit; or
- realignment of duties within an organizational unit which results in a higher-grade position with no increase in staffing level, would limit consideration to employees within the organizational unit.

b. Expanded Area of Consideration - In order to locate the best-qualified candidate(s), an Assistant Director or SAC, with approval of the Personnel Officer, may expand consideration to a larger area, e.g.,

- all offices in a commuting area or fieldwide.

(3) Time Limits - The Notice of Vacancy must be posted for 10 work days for headquarters or individual field office postings and 15 work days for fieldwide postings. Hard-to-fill positions may be posted indefinitely. Closing dates for the submission of applications will be strictly adhered to.

- B. Skills Files - The Personnel Officer may provide a listing of eligible employees based on skills. This is useful for limited areas of consideration where all qualified employees can be identified through official personnel files.
- C. Recruitment - If a canvass of Bureau employees fails to produce a qualified candidate(s), recruitment of applicant(s) from outside the FBI may be initiated by the SAC of the field office having the vacancy or by the Personnel Officer for vacancies at FBIHQ.

NONCOMPETITIVE STAFFING ACTIONS:

The actions shown below do not require competitive staffing procedures:

(a) A promotion resulting from an employee's position being reclassified at a higher grade because of additional duties and responsibilities. (Addition of professional duties to a technical/assistant position or supervisory duties to a nonsupervisory position may result in establishment of a different position rather than an upgrading. Filling of that new position would require competitive procedures).

(b) A promotion resulting from the upgrading of a position without significant change in duties and responsibilities due to the issuance of a new classification standard or the correction of a classification error.

(c) A position change permitted by reduction-in-force regulations.

(d) Promotion of an employee to a position in which he or she was previously selected through competitive procedures to perform relief duties.

(e) A temporary promotion for 120 days or less.

(f) Reassignments or position changes with no career ladder advancement potential.

(g) A reassignment or position change necessitated because it has been determined that the employee does not have the mental and/or physical capabilities to perform the duties required of the position. In such cases, the Personnel Officer may elect to relocate the employee to a position more suited to his or her abilities.

CAREER LADDERS

A career ladder indicates the successive grade levels through which an employee may advance to the full performance level of the position to which he or she is appointed or assigned. Examples of career ladders are as follows:

<u>Title</u>	<u>Grade Levels</u>
Clerk-Typist	3,4,5
File Clerk	3,4,5
<u>Intelligence Analyst</u>	<u>7,8,9</u>
Fingerprint Examiner (FBIHQ only)	4,5,6,7
Security and Complaint Assistant (field only)	6,7

Employees must compete to enter a career ladder or to move from one division to another in a similar career ladder. Assignment to a grade level above entry level is possible based on an individual's qualifications for the particular occupation at the higher grade level.

After having entered a career ladder, employees may advance up the rungs of the ladder through successive noncompetitive promotion. However, promotions within a career ladder are not a right, nor should advancement opportunities through a normal career ladder pattern be construed as a guarantee of promotion. Advancement within a career ladder is dependent upon management recommendations, the availability and assignment of progressively more difficult duties and responsibilities, demonstrated ability to perform at each successively higher grade level, the meeting of time-in-grade and other legal requirements, and any position limitations.

BASIC REQUIREMENTS

The minimum qualification standards for a position, special job-related requirements which must be met in the selection of an individual for a position, and candidate eligibility requirements must be established prior to the announcement of a vacancy. These standards must be set forth in any advertisement of the vacant position.

1. Minimum Qualification Standards - The United States Office of Personnel Management (OPM) qualification standards, Handbook X-118, Handbook X-118C, or other standards specifically authorized by the Personnel Officer may be used as a guide to determine minimum qualifications for a position. //
2. Special Job-Related Qualifications (Selective Placement Factors) - The Federal Personnel Manual, Chapter 332, Subchapter 4-4 may be used as a guide to those requirements which are absolutely essential for acceptable performance in a particular position, e.g. foreign language. Such special factors must not include requirements which would eliminate otherwise qualified candidates who after a brief period (approximately 90 days) of orientation and training can perform the duties in an acceptable manner. Whenever special job-related requirements exist, they must be set forth in any advertisement of a vacant position. //
3. Time In Grade - Time-in-grade restrictions have been mandated by OPM and reinforced by DOJ directives. Certain positions, because of the nature of the duties, may require longer periods of time at a specific grade level before advancement. The following restrictions must be met by the candidate within 30 days of the closing date of the notice of vacancy.
 - a. Advancement to a GS 12 or above - an employee must have at least one year of service in positions no more than one grade lower than the position to be filled.
 - b. Advancement to a position GS 6 through GS 11, properly classified at one-grade intervals - an employee must have at least one year of service in positions no more than one grade lower than position to be filled.

- c. When there is no position at the next lower grade in the normal line of promotion to the position to be filled - an employee must have at least one year of service in positions no more than two grades lower than the position to be filled.
- d. Advancement to positions at GS 7, 9, or 11, properly classified at two-grade intervals - an employee must have completed at least one year of service in positions no more than two grades lower than the position to be filled.
- e. An employee may advance to GS 5 or below if:
 - The position is no more than two grades above the lowest grade level employee held within the preceding year.
 - Employee met the time-in-grade restriction for advancement to the grade of the position any time in the past.

If the qualification requirements are modified after the vacancy is announced or if another listing of eligible employees is obtained from the skills files, all candidates must be reevaluated against the new requirements.

EVALUATION OF CANDIDATES

Several methods of evaluation and measurement tools are described below and the one(s) used will vary from position to position. The evaluation method(s) and measurement tool(s) selected as best suited to fill a particular position must be documented.

1. Methods of Evaluation

- A. Career Boards - A career board composed of a Supervisory Special Agent and experienced support employees who are familiar with the qualifications required for the vacant position provides credibility to the fairness and impartiality of the selection process. The support members of the career board must be at least one grade higher than the vacant position unless it is documented that they will not be in competition for the position. Candidates interviewed are to be those that are considered most qualified as determined through the use of the evaluation factors. Only issues relevant to the vacant position are to be considered by the board when evaluating the qualifications of the candidates, assigning a rating and making a recommendation.
- B. Evaluation by the Personnel Officer or Selecting Official - The Personnel Officer or his/her designated representative, or Selecting Official, using job-related selection criteria for the type of vacancy, will evaluate qualifications of candidates and assign a rating.
- C. Subject Matter Expert Evaluation (FBIHQ use only) - A Qualifications Review Board (QRB) must be composed of individuals who are expert in, or have significant knowledge of, the discipline or occupational category of the position being filled. ~~This is normally used for professional and/or technical positions.~~ The QRB must be familiar with the qualifications required for the vacant position and the provisions of the Merit Promotion and Placement Plan. Members of the QRB are to be at least one grade higher than the vacant position unless it is documented that the member will not be in competition for the position. In this case, the member can be the same grade. QRB members are to be selected carefully and trained in the use of the procedures used to evaluate and select the best qualified candidate for a position. A staffing representative may serve as an advisor to the QRB to ensure consistency in procedures. The QRB will evaluate only the technical qualifications of the candidates and assign a rating.

2. Evaluation Factors

Tests and interviews, if used, must not be the sole means of ranking basically eligible candidates. Consideration must also be given to training, education, experience, attendance, and performance appraisals as they relate to the position to be filled. Pertinent guidelines are set out below, and it must be borne in mind that regardless of the assessment procedures used, they must be job-related reliable, and capable of distinguishing differences in the qualifications measured.

A. Training, Education and Experience (TRAEX) -

Credit is to be given for prior training, education or experience which is relevant to the job for which the candidate is being considered. The training, education, and experience need not be Bureau related, and the candidates may draw on their total life experiences dating back to high school graduation. Recency and length of the training, education, or experience should not influence the evaluator's ratings of the candidate, as the emphasis should be on quality, not quantity.

B. Attendance - The Bureau expects every employee considered for advancement to attend work regularly. Therefore, each candidate's overall attendance record should be reviewed.

(1) Sick Leave - Only documented absences over the past 12 months may be considered. Such factors as the number of illnesses; reasons, frequency, and pattern of absences; and any steps undertaken by the employee to improve his or her attendance record should be considered. Questionable records should not be the sole factor used to disqualify a candidate, but should be completely analyzed and considered along with his or her other qualification factors.

(2) Tardiness and Absences Without Official Leave (AWOLS) - Records of excessive tardiness and/or AWOL which are documented for the past 12 months could be used as a sole disqualifying factor. However, each case should be considered on an individual basis and disqualification rendered only after a thorough analysis of the facts.

C. Performance Appraisals -

(1) Promotional Consideration - As a basic requirement, an employee must possess at least a Fully Successful rating in all critical elements of his or her most recent performance appraisal. If an

employee has had insufficient time on duty to have received an official performance appraisal, the employee's supervisor must certify that the employee's current performance is at least Fully Successful in order for an individual to be eligible for promotional consideration.

- (2) Use of appraisals to fill vacancies - Appraisals used to evaluate employees who met basic requirements must be relevant to the job for which they are being considered. Nonrelevant appraisals and critical elements cannot be used to rank candidates. Relevant performance appraisals and critical elements can be used to determine a candidate's level of a knowledge, skill or ability and, along with other factors, may be used to rank an employee's relative qualifications for a position.
- (3) Career Ladder Promotions - Candidates within a career ladder can be ranked based on levels of performance if the appraisals are for the same grade level and the critical elements are related to the position to be filled.

In the event work behaviors or KSAOs necessary for job performance cannot be determined by use of the above factors, the following measurement tools should be considered:

D. Tests -

Tests may not be used prior to the approval of the Personnel Officer or his/her designated representative, who will strictly monitor them to ensure their compliance with Federal regulations as set forth in the "Uniform Guidelines on Employee Selection Procedures (1978)." Contact with the Personnel Officer must be made to determine the effectiveness of the test in measuring the degree to which the employees possess the work behaviors and KSAOs needed for acceptable job performance.

Performance tests are those in which the employee uses physical equipment or simulates or replicates a work process or product. Well-known examples are the stenographic/typist test and the road test for driving skills. Performance tests are particularly useful in the skilled trades.

Oral and written tests are valuable in identifying KSAOs that employees may have had little opportunity to demonstrate through past performance. They also are appropriate measures of information or knowledge about given subjects.

The results of any performance, oral or written test must be used with other evaluation factors and not as a hurdle or cut-off device. (The exception

to this is when a test is used to measure basic qualifications, such as typing, stenography, or language test.) In distinguishing among qualified and best qualified candidates, the interests of the employee and the FBI are best served by having the employees evaluated on the total picture drawn from a variety of factors.

E. Interview -

Evaluation factors A through D may not measure all KSAOs required for the vacant position. In such cases, a personal interview may be conducted. Prior to conducting the interview, the career board members or selecting official must:

1. Identify the KSAOs which need to be assessed during the interview.
2. Prepare highly structured questions which are specific to each identified KSAO.
3. From the list of best qualified candidates, identify at least 10 percent or a minimum of three candidates for interview (all if less than three candidates).
4. The same questions must be asked for all employees interviewed.

GROUPING OF CANDIDATES

Based on the results of the evaluation of the candidates against criteria established for the type of position to be filled, the candidates should be placed into groups of "best qualified" and "qualified." A "best qualified" candidate is one whose education, experience, training and potential substantially exceed the qualification standard for the position, and whose rating on all the evaluation factors is such that it can reasonably be projected that the individual would be able to perform the duties of the position better than the other candidates eligible for the position. A "qualified" candidate is one who meets the minimum criteria for the position to be filled.

After evaluation, the evaluators list the names of the candidates rated under competitive procedures as best qualified on a promotion certificate. This list of referrals, with the applications, are then sent to the selecting official.

SELECTION OF CANDIDATES

Management has a right to select or not select an individual from the group of best qualified candidates available for the position. In making the selection, seniority may be used as the determining factor only if two or more candidates are equally qualified.

In the event a selection cannot be made, the vacancy announcement can be canceled at any time by the selecting official. However, appropriate documentation as to the reason(s) for not selecting from a list of best qualified candidates must be submitted to the Personnel Officer. If necessary, he or she may also request the Personnel Officer for FBIHQ vacancies or SAC for field office openings to initiate a search for appropriate and qualified candidates outside the Bureau.

Additional selections may be made from a properly issued promotion certificate within 90 days of the date the certificate was issued, provided the positions to be filled have the same title, series and grade, are in the same geographical location as the position announced, and the qualification requirements are the same.

FORMAL RECOMMENDATIONS

At the completion of the selection process a formal recommendation must be made in order to finalize the action. This recommendation should be prepared and forwarded to the Personnel Officer for review and approval. The Personnel Officer may approve the recommendation, request additional information or reject the recommendation based on the documentation submitted. Because of the Personnel Officer's options, the employee involved should not be placed in the position until notification (oral or written) of approval has been received.

The recommendation should include adequate information for the Personnel Officer to determine if the procedures used in making the selection were job related and consistent with Bureau policy. The following is a guide to document the decision.

1. Career Ladder Promotions - when selectee is currently in an established career ladder, no additional documentation is required as work performance is considered to be the determining factor in making the recommendation.

2. Posted Positions - when selectee is recommended for an entry level career ladder position or a newly established position, the following information should be provided:

- a. The title, grade, qualifications considered essential to the position, and the opening and closing dates of posting (a copy of the Notice of Vacancy announcement would be sufficient).
- b. Names of all applicants.
- c. Initial screening process for eliminating candidates (i.e., does not meet minimum qualifications, does not meet time-in-grade restrictions, etc.)
- d. Procedures and factors used in rating, ranking and selecting employee (i.e., career board or interview, TRAEX, tests, performance appraisals, attendance record). This should include any points, test and interview scores assigned to each applicant.

In preparing this recommendation one of the following actions must be requested: promotion, reassignment, trial assignment, demotion or reappointment. Definitions for these terms begin on page 2 of this document.

TRIAL ASSIGNMENTS:

A trial assignment is beneficial to both the selecting official and the employee for the following reasons:

Selecting Official - A trial assignment provides the selecting official time to evaluate the newly assigned employee as to his or her suitability to the job. If the employee does not meet the needs of the job the selecting official has the option to return the employee to his or her former position.

Employee - A trial assignment provides the employee time to ensure his or her compatibility to the position (i.e., not what he or she thought it would entail): In this situation the employee may request to return to his or her former position.

The length of a trial assignment may range from 30 days to 120 days depending on the selecting official and the abilities of the employee. The normal length of a trial assignment is 60 days. If the selecting official recommends an employee for a 60-day trial assignment and the employee is successfully performing the duties of the position prior to the completion of the 60 days, the selecting official may waive the remaining trial period. However, if the employee is not performing the duties adequately, but shows potential, the selecting official may extend the trial period in 30-day increments up to 120 days or remove the employee from trial assignment and return him or her to his or her former position. In no instance will a trial assignment exceed 120 days.

NOTE: An employee is not officially out of a position or assigned to a position until the expiration of the trial and an additional personnel recommendation is submitted and approved.

NOTIFICATION OF RESULTS

Following selection of an employee for a vacant position and approval by the Personnel Officer, all non-selected candidates who were interviewed must be contacted by the selecting official (or designated representative) and advised of the reason(s) they were not chosen.

Responsibility for general announcement of the identity of the selected employee will vary according to the following:

- | | |
|----------------------------------|---------------------------------------------------|
| - Intra-field-office posting | - SAC or designated representative |
| - Bureauwide posting | - Personnel Officer or designated representative |
| - Intra-FBIHQ Divisional posting | - Assistant Director or designated representative |
| - FBIHQ-wide posting | - Personnel Officer or designated representative |

In addition to the foregoing, any candidate may, upon specific request, be advised:

- whether he or she met the minimum qualification standards for the position and was on the list of names submitted to the selecting official and,
- how to improve his or her qualifications for future opportunities.

Such inquiries should be directed to the Personnel Officer for FBIHQ employees and, for field office employees, to the SAC or designated representative.

RELEASE OF CANDIDATES

To maintain credibility, it is imperative that supervisors release selected individuals on a timely basis (30 days from recommendation) for positions that offer promotional opportunities. Supervisors are encouraged to strongly consider releasing employees when selected even though an immediate promotional opportunity is not present, particularly if the overall mission of the Bureau would benefit.

Official request for the release of an employee selected to fill a vacancy at FBIHQ will be made only by the Personnel Officer or his/her designated representative. The employee selected will be released, normally, at the end of the first full pay period but no later than two pay periods, after the date of the request for release. An office that releases an employee for interview thereby indicates its willingness to release the employee within the time frame stated should he or she be selected.

MAINTENANCE OF RECORDS

CONTENTS OF SELECTION FILES:

Federal regulations require that selection files be maintained in such a manner that the action may be reconstructed. Each field office and FBIHQ division will be responsible for the maintenance of its selection files which must be secured in a centralized location. The selection file must be retained for two years, provided the time limit for any grievance, complaint, or appeal has also lapsed, or any processing related to the records has been closed. Contents of the selection file must include:

- ✓ a. A copy of the position description;
- ✓ b. Description of the method used to locate and identify candidates, e.g., copy of vacancy posting or criteria used for screening skills files, and the area of consideration;
- ✓ c. Qualification standards used;
- ✓ d. The applications of the employees requesting consideration for the vacancy;
- ✓ e. Evaluation method and system for combining evaluations to obtain final ratings;
- ✓ f. Signed evaluations of the candidates (test scores, completed rating or ranking forms, etc.);
- ✓ g. Names of candidates who were in the group from which selection was made, e.g., a copy of the promotion certificate showing the name of employee selected, signature of the selecting official, and identity of the rating panel.
- ✓ h. Date and method used to notify each candidate of nonselection (written communication, telephone call, etc.)

PRIVACY SAFEGUARDS:

Selection records will be safeguarded and released only to authorized persons.

GRIEVANCE PROCEDURES

The FBI's policy is to administer a personnel program that promotes good employee management relationships. The success of any organization depends on the confidence of its employees that their questions, problems or dissatisfactions will receive a timely and constructive response, as well as fair and equal treatment. This section defines certain responsibilities regarding the grievance process and sets forth employee rights in that process.

Employees who feel that they have not been treated fairly have a right to present grievances to appropriate management officials for prompt and equitable consideration, with freedom from restraint and without fear of reprisal, coercion, or interference. Employees should discuss with supervisors any matter of concern or dissatisfaction regarding their employment and should attempt to resolve the problem(s) prior to filing a grievance. Employees are required to follow the organizational chain of command prior to submission of grievance to the Assistant Director of the Administrative Services Division.

Managers and supervisors should ascertain all pertinent information bearing upon each grievance or potential grievance being brought to their attention.

There are certain matters which are not appropriate for the grievance procedure. The following matters are excluded from this procedure:

- ✓ - nonselection for promotion from a group of candidates properly ranked in accordance with the procedures described within the Merit Promotion and Placement Plan.
- ✓ - failure to receive a noncompetitive promotion.
- ✓ - an action which terminates a temporary promotion and returns the employee to the position from which the employee was temporarily promoted, or reassigns or demotes the employee to a different position that is not at a lower grade or pay than the position from which the employee was temporarily promoted.
- ✓ - an action taken in accordance with the terms of a formal agreement voluntarily entered into by an employee, such as the assignment of an employee from one geographical location to another.

A grievance concerning a particular act or occurrence should be presented in writing not later than 15 calendar days after the date of the act or occurrence, or not later than 15 calendar days after the date on which the employee knew of the act or occurrence. Within the FBI, such grievances are to be submitted only to the Assistant Director, Administrative Services Division. However, if the employee is dissatisfied with the decision of the Assistant Director, Administrative Services Division, he/she has the right to grieve to the Executive Assistant Director - Administration and finally to the Director.

As previously indicated, provisions for redress are also available through the Equal Employment Opportunity (EEO) complaint system for employees who believe they have been discriminated against on the basis of race, color, religion, sex, national origin, age, nondisqualifying handicap, or reprisal. However, the employee must contact an EEO Counselor within 30 calendar days of the action in question if he or she believes the grievance is a result of discrimination on any of the foregoing bases. Failure to contact an EEO Counselor within 30 calendar days of the alleged discriminatory action will result in forfeiture of the complainant's right to pursue a claim of discrimination.

