



COMDTINST 12335.4A
January 24, 2003

COMMANDANT INSTRUCTION 12335.4A

Subj: MERIT PROMOTION PROGRAM AND NATIONAL MERIT PROMOTION PLAN

1. PURPOSE. This Instruction establishes the Coast Guard's policy for merit promotion and the approved plan for merit promotion for Coast Guard-wide use.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Chief Counsel, and special staff offices at Headquarters shall ensure compliance with the provisions of this directive. Internet release authorized.
3. DIRECTIVES AFFECTED. Merit Promotion Program and National Merit Promotion Plan, COMDTINST 12335.4 is canceled.
4. REFERENCES. This Instruction shall be used in conjunction with 5 Code of Federal Regulations (CFR) Parts 300 and 335, appropriate issuances of the Office of Personnel Management (OPM), the Department of Transportation Personnel Manual (DPM), and Coast Guard directives in the 12000 series.
5. COVERAGE. This Instruction applies to personnel actions resulting in promotion or selection in the competitive service. It does not supercede the requirements of labor management contracts, nor does it apply to personnel actions in the excepted service, Administrative Pay System (keepers, lamplighters, and Academy faculty), or Senior Executive Service or Administrative Law Judge personnel, or Non-Appropriated Fund employees.
6. DEFINITIONS. Enclosure (1) lists relevant definitions.
7. POLICY. It is Coast Guard policy that all selections under the merit promotion plan shall be: (a) made from among the best qualified candidates available, (b) based solely on job related

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criteria, (c) consistent with merit principles (enclosure (2)), and (d) meet all requirements set by this Instruction.

8. RESPONSIBILITIES.

a. Commandant (G-WPC-2):

- (1) Formulates and issues policy and program guidance governing the administration of the merit promotion program throughout the Coast Guard; and
- (2) Measures and evaluates the effectiveness of the merit promotion program Coast Guard-wide.

b. Commandant (G-WPC-1):

- (1) In coordination with Commandant (G-WPC), develops or modifies the national merit promotion plan (MPP);
- (2) Ensures that merit promotion actions are accomplished in accordance with this Instruction;
- (3) Provides advice and assistance to supervisors and employees regarding the MPP;
- (4) Establishes and maintains files and records to answer inquiries and reconstruct merit promotion actions;
- (5) Provides systems or procedures for ensuring a broad range of potential candidates have timely, ready access to information on Coast Guard vacancies;
- (6) Receives requests for filling vacancies and provides guidance to selecting officials in the recruitment and selection process;
- (7) Screens qualifications of candidates against minimum qualification standards (may include assistance from appropriate experts);
- (8) Establishes procedures for evaluating candidates;
- (9) Participates in selecting panel members;
- (10) Advises panels (when convened) and/or selecting officials of their duties and responsibilities;
- (11) Establishes procedures for notifying applicants of the results of their applications (Applicants who apply on-line for vacancies advertised through the Coast Guard automated staffing and applicant intake system will receive online feedback on their eligibility and application status);

- (12) Makes official offers of employment; and
- (13) Ensures compliance with local bargaining unit agreements on merit promotion.

c. Selecting Officials:

- (1) Initiates staffing requests to allow for timely recruitment;
- (2) Assists Commandant (G-WPC-1) in performing job analyses, identifying critical knowledge, skills, and abilities (KSAs), assigning “weights” as to their relative importance, and determining areas of consideration;
- (3) Reviews vacancy announcements to ensure accuracy of duties, responsibilities and qualification requirements;
- (4) Interviews (if necessary) qualified candidates referred for selection;
- (5) Participates in selecting panel members (if necessary) ; and
- (6) Makes timely selections to be formally offered by Commandant (G-WPC-1).

d. Candidates: Submit all required application materials in a complete, thorough, and timely manner as required by the specific vacancy announcement.

9. PERSONNEL ACTIONS COVERED BY MERIT PROMOTION. Competitive procedures shall apply to all promotions under 5 CFR 335.102 and to:

- a. Time-limited promotions for more than 120 days to higher graded positions (prior service during the preceding 12 months under noncompetitive time-limited promotions and noncompetitive details to higher graded positions counts toward the 120-day total). A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under competitive procedures and the fact that it might lead to a permanent promotion was made known to all potential candidates;
- b. Details for more than 120 days to a higher graded position or to a position with more promotion potential than a position previously held on a permanent basis in the competitive service (prior service which counts toward the 120-day total is the same as described in 9.a.);
- c. Selection for training which is part of an authorized training agreement, part of a promotion program, or required before an employee may be considered for a promotion under 5 CFR part 410;
- d. Reassignment or demotion to a position with more promotion potential than a position previously held on a permanent basis in the competitive service (except as permitted by

reduction-in-force regulations);

- e. Transfer to a position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service; and
- f. Reinstatement to a permanent or temporary position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service.

10. PERSONNEL ACTIONS NOT COVERED BY MERIT PROMOTION. Competitive procedures do not apply to:

- a. A promotion resulting from the upgrading of a position without significant change in the duties and responsibilities due to issuance of a new classification standard or the correction of an initial classification error;
- b. A position change permitted by reduction-in-force regulations; adverse action decisions, or legal settlement agreements;
- c. A promotion of an employee who was appointed to a position which was intended to prepare the employee for promotion, commonly referred to as a career ladder promotion. The intent should be documented in the vacancy announcement and annotated on the Standard Form (SF)-50, Notification of Personnel Action. Noncompetitive promotions in career ladder positions are management decisions based on a prior record demonstrating the promotion potential of the position and the manager's determination that the incumbent has demonstrated the ability to perform at the higher grade level;
- d. A promotion resulting from an employee's position being classified at a higher grade because of additional duties and responsibilities;
- e. A temporary promotion, or detail to a higher grade position or a position with known promotion potential, of 120 days or less;
- f. Promotion to a grade previously held on a permanent basis in the competitive service (or in another merit system with which OPM has an interchange agreement) from which an employee was separated or demoted for other than performance or conduct reasons;
- g. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having promotion potential no greater than the potential of a position an employee currently holds or previously held on a permanent basis in the competitive service (or in another merit system with which OPM has an interchange agreement) and did not lose because of performance or conduct reasons; and
- h. Consideration of a candidate not given proper consideration in a prior competitive promotion action.

11. REQUIREMENTS. The following requirements apply to this MPP:

- a. Equal Opportunity. Actions under the plan, including the identification, qualification, evaluation, and selection of candidates, shall be made without regard to political, religious, or labor organization affiliation or nonaffiliation, marital status, race, color, ethnic group or cultural background, gender, sexual orientation, national origin, nondisqualifying physical or mental disability, age, or source of funding for the position, and shall be based solely on job-related criteria. This guidance shall be provided to any panel or board members chosen to select, screen, or otherwise assist in selecting persons for civilian positions, training, or career development opportunities effected under merit promotion regulations.
- b. Determining the Minimum Area of Consideration. The selecting official in conjunction with the Command Staff Advisor (CSA) or the servicing Human Resources (HR) Specialist will decide the area of consideration for positions covered by this plan. In all cases, the area of consideration shall be sufficiently broad to ensure the availability of diverse, well-qualified candidates, taking into account the nature and level of the positions covered, past experience in recruiting for similar positions, knowledge of the labor market, and affirmative employment considerations.
- c. Job Analysis. A job analysis to determine the pertinent KSAs for the position shall be performed before the position is announced.
- d. Vacancy Announcements.
 - (1) Within the Coast Guard, except for noncompetitive reassignments and vacancies that may be filled by re-promotion, all vacancies must be officially announced, e.g., in Coast Guard and DOT human resource Web sites, or in OPM media.
 - (2) Coast Guard vacancy announcements shall follow a standard format determined by Commandant (G-WPC-1). At a minimum, announcements will include the title, pay plan, grade and promotion potential, series, duties, a brief description of the qualification requirements including any ranking factors used, work schedule and appointment duration if other than full-time permanent, the area of consideration and (if recruiting outside DOT) a statement concerning the receipt of applications from veterans in accordance with the Veterans Employment Opportunity Act of 1998, opening and closing dates, the announcement number, how to apply, a clear statement of equal employment opportunity, reasonable accommodation language, drug-testing requirements, direct-deposit requirements, requirement for INS Form I-9, Employment Eligibility Verification, a Privacy Act statement, pre-employment physical examination requirements, license requirements, security clearance requirements, the method of evaluation, and the basis for special selection priority.

(3) All announcements for vacancies must be open for a minimum of five workdays.

e. Applying.

(1) All application materials must be received in Commandant (G-WPC-1), or applied for online by the closing date of the announcement.

(2) Employees who are absent for legitimate reasons, e.g., on detail, on leave, in training, in the military service, or serving in public international organizations or on Intergovernmental Personnel Act assignments, should notify their supervisor in writing of those Coast Guard positions in which they are interested if announced during their absence. They must leave a current application and performance appraisal with their supervisor to submit in their absence to receive consideration. Upon full deployment of the Coast Guard automated staffing and applicant intake system, employees who have access to a computer will be able to apply from any location on-line for vacancies, and receive immediate feedback on their eligibility and application status.

f. Evaluating Candidates.

(1) Determining Basic Eligibility. Candidates must meet Office of Personnel Management approved minimum qualification standards including any modifications and selective placement factors as well as legal and regulatory requirements. Evaluation to determine whether candidates are minimally qualified will be performed by Commandant (G-WPC-1).

(2) Evaluating Qualified Candidates.

(a) All candidates who meet the minimum qualifications must be further evaluated against the KSAs considered important for the job (quality ranking factors) using a documented crediting plan.

(b) Specific crediting plans should be prepared, or if one has already been developed, reviewed by the selecting official and/or subject matter expert in consultation with the CSA and/or HR Specialist. Performance appraisals and incentive awards shall be considered in the evaluation process to the extent they are relevant to the position.

(c) The CSA and/or HR Specialist and the selecting official shall jointly decide whether an expert or a panel of subject matter or other appropriate experts shall be used to evaluate the qualified candidates against the applicable crediting plan or whether this evaluation shall be performed by the CSA and/or HR Specialist. A panel is usually composed of at least three experts who are at the same grade or graded higher than the vacancy. The selecting official may not serve as a member of an evaluation panel but may select its members.

- (d) Using the crediting plan identifies both well-qualified and best-qualified candidates. Well-qualified candidates are those who meet each of the quality ranking factors. Best-qualified are those who, based on a relative comparison of the candidates, score the highest. The term “best-qualified” refers not to the single highest ranking candidate, but to a group of candidates whose ratings may vary but who, as a group, are better-rated and therefore higher-ranked than the remaining candidates.
- (e) As a rule, only the names of those found best qualified (usually 5 to 10 names), as defined in the evaluation process, will be referred to the selecting official. If there are no best-qualified candidates and further expansion of the area of consideration is impractical, well-qualified candidates may be referred. If there are no well-qualified candidates, minimally qualified candidates may be referred.

g. Selections.

- (1) Referral Certificates. Referral certificates are issued for a period of 30 calendar days. Requests for extensions may be made in 30-day increments up to a maximum of 90 days. Referral certificates may be used for selection for additional, identical vacancies in the same title, series, and grade, and the same command, if they occur within 90 days from the date the merit promotion certificate was issued.
- (2) Selection Process.
 - (a) Management has the right to select or nonselect from among a group of properly evaluated and certified candidates, or to select from other appropriate sources, such as reemployment priority lists, reassignment eligibles, recognized placement program eligibles, reinstatement, disabled, or Veterans Readjustment Act eligibles or those within reach on an appropriate OPM certificate. In deciding which source or sources to use, management should determine which is most likely to best meet the Coast Guard’s mission requirements, contribute fresh ideas and viewpoints, and foster workforce diversity.
 - (b) A selection panel may be used to interview candidates from among a group of properly evaluated and certified candidates, and the selecting official may serve as a member of the panel.
 - (c) Interviews are not required. Management may interview none, one, some, or all, but should document the basis for this decision.
 - (d) After a selection has been made, only the servicing CSA and/or HR Specialist will make the official notification to the selectee.

h. Availability and Release.

- (1) Applicants should be available for employment within 45 calendar days of the date they are officially offered a position.
- (2) A Coast Guard employee selected for promotion or placement under merit promotion procedures should be released as soon as possible (normally allowing a full pay period for a promotion, or two full pay periods if not for promotion). Exceptions may be made when agreeable to the releasing and the receiving organizations.

i. Notification of Results.

- (1) Applicants who wish to be notified of the status of their application(s) must include a stamped, self-addressed envelope(s) or post card(s) requesting notification of
 - (a) Receipt of application(s); and/or
 - (b) Final status of the application(s).
- (2) Applicants who apply on-line for vacancies advertised through the Coast Guard automated staffing and applicant intake system will receive online feedback on their eligibility and application status.

j. Record Maintenance. Administrative records for all merit promotion actions will be recorded in a manner to ensure the provision of necessary information to employees and the public, ensuring that individuals' rights to privacy are protected. There shall be a temporary record of each merit promotion action sufficient to allow reconstruction of the action, including documentation on how the candidates were evaluated. These records should include the names of each individual involved in the determination process (the name of the individual(s) making determinations of minimum or other qualifications, including the servicing HR Specialist and/or CSA, panel members if any, and the name of the selecting official); a copy of the vacancy announcement; a merit promotion certificate naming all applicants, annotated to show all actions that take place; the position description; the crediting plan; rating sheets; and all applications. The records may be destroyed 2 years after the effective date of the personnel action or earlier, if the program has been formally evaluated by OPM and the time limit for grieving has elapsed.

k. Grievances and Complaints.

- (1) Employees have the right to file a grievance relating to a merit promotion action. Such grievances shall be resolved under the appropriate negotiated or administrative grievance procedures. While the procedures used to identify and evaluate qualified candidates may be proper subjects for grievances, non-selection from among a group of properly evaluated and certified candidates is not an appropriate basis for a

grievance. There is no right of appeal to OPM, but OPM may conduct investigations of substantial violations of its requirements.

- (2) Alleged violations of merit promotion policy may also be raised under appropriate discrimination complaint procedures with the Office of Civil Rights.

12. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATION. Environmental considerations were examined in the development of this directive and have been determined to be not applicable.

13. FORMS AVAILABILITY. The Request for Form I-9, Employment Eligibility Verification, may be obtained from Commandant (G-WPC-1), or may be reproduced on-line at <http://www.ins.usdoj.gov/graphics/formsfee/forms/files/i-9.pdf>. The Request for SF50, Notification of Personnel Action may be obtained from Commandant (G-WPC-1).

Thomas F. Fisher /s/
Acting Director of Personnel Management

Encl: (1) Definition of Terms
(2) Merit Principles

DEFINITION OF TERMS

Area of Consideration. The organizational and/or geographic area from which Commandant (G-WPC-1) will accept applications for consideration in a specific merit promotion action. The minimum area of consideration is the recruitment area in which Commandant (G-WPC-1) should reasonably expect to locate enough high quality candidates to fill the vacancy. The minimum area of consideration may be extended if management and Commandant (G-WPC-1) determine it is appropriate.

Basic/Minimum Qualification Standards. The position qualification standards set by OPM, or by an agency with a single agency standard approved by OPM, augmented by (i.e., incorporating) any selective placement factor(s).

Best-Qualified Candidate(s). “Best-Qualified” is a relative term implying a process in which candidates are compared against each other. This determination is first made by comparing minimally qualified candidates against the evaluation and selection criteria to determine who is well-qualified. Best-qualified candidates are those (there may be more than one) who demonstrate better knowledge, skills, and abilities than other well-qualified candidates for a position.

Career Ladder Position. The range of grades in an occupational series within an organization which represents the levels at which all employees are given grade-building experience and to which they may be noncompetitively promoted. Promotion potential for all permanent positions within the Coast Guard is documented on vacancy announcements and annotated on the SF-50.

Crediting Plan. The crediting plan is a tool that compares qualified candidates for a position. It includes the quality ranking factors identified for the position. Crediting plans are commonly developed by the selecting official or subject matter expert in conjunction with the servicing CSA and/or HR Specialist. The crediting plan defines levels (e.g., minimally qualified, well-qualified, Group A, B, C, etc.) of possession of each KSA (e.g., skill in oral communication) which may include examples of experience, training, education, performance, and awards.

Day. Unless otherwise specified, the “calendar” day is intended.

Detail. The temporary assignment of an employee to a different position or set of duties for a specified period of time with the employee returning to the former position at the end of the assignment. A detail does not involve a formal position change; officially, the employee continues to hold the position from which detailed and keeps the same pay and status.

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Evaluation Panel. A committee, composed of appropriate experts but not including the selecting official, which may be established to evaluate and compare candidates for the purpose of developing a referral certificate for the selecting official.

Evaluation Process. A process of evaluating each candidate against the pertinent KSAs and qualification standards to determine who is minimally qualified, well-qualified and best-qualified.

Job Analysis. The process of identifying the knowledge, skills, and abilities and other characteristics essential to a position in order to provide a job-related basis for evaluation and selection for that position.

Knowledge, Skills, and Abilities (KSAs). The KSAs and other characteristics identified as essential (selective placement factors) or important (quality ranking factors) for successful performance in a position and which represent an addition to the minimum qualification standards for a job.

Properly Evaluated and Certified Candidates. Candidates who have been evaluated against a crediting plan and accordingly referred on a certificate to the selecting official for selection.

Qualified/Minimally Qualified Candidate. Those candidates who meet established basic qualification standards (including selective placement factors, but not necessarily quality ranking factors) for the position.

Quality Ranking Factor. A KSA, or other characteristic, expected to significantly enhance performance in a position, but not considered essential for satisfactory performance (i.e., it is important to job performance but not part of the minimum qualifications standard). Normally, three to five quality-ranking factors are listed in each job announcement. While applicants who possess such factors may be more favorably evaluated than others who do not, no applicant may be considered unqualified for the position simply because he or she does not possess the desired quality ranking factors.

Reinstatement. The noncompetitive career or career conditional reemployment of a person formerly employed in the competitive service who had earned competitive status.

Selection Panel. A committee, usually composed of subject matter or other appropriate experts and the selecting official, which may be established to interview properly evaluated and certified candidates for selection.

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Selective Placement Factors. The KSAs or other characteristics (e.g., possession of a license to perform a particular function) essential for satisfactory performance on the job which represent an addition to (or part of) the basic qualifications standard for the position, e.g., “ability to read, speak, and/or write Spanish.” Since selective placement factors are part of the minimum qualification requirements, applicants who do not have them are screened out and are not considered further.

Well-Qualified Candidate. Well-qualified is not a relative term, and does not relate to comparing applicants. Some or all well-qualified may also be among the best qualified. For merit promotion purposes, the well-qualified candidate:

- a. Meets the minimum qualification requirements;
- b. Meets all quality ranking factors;
- c. Is physically qualified, with reasonable accommodation where appropriate, to perform the essential duties of the position; and
- d. Is able to satisfactorily perform the duties of the position upon entry.

MERIT PRINCIPLES

1. Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancements should be determined solely on the basis of relative ability, knowledge and skills, after fair and open competition which ensures that all receive equal opportunity.
2. All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.
3. Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.
4. All employees should maintain high standards of integrity, conduct, and concern for the public interest.
5. The Federal workforce should be used efficiently and effectively.
6. Employees should be retained on the basis of the adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.
7. Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.
8. Employees should be:
 - a. Protected against arbitrary action, personal favoritism, or coercion for partisan political purposes, and
 - b. Prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.
9. Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences:
 - a. A violation of any law, rule, or regulation, or
 - b. Mismanagement, a gross waste of funds, an abuse of authority or a substantial and specific danger to public health or safety.