



and Academy faculty) or Senior Executive Service, Non Appropriated Fund, or Administrative Law Judges. Senior Level positions in the excepted service are also excluded. Bargaining unit positions may be covered under their respective collective bargaining agreements. In the event any provision of this Instruction conflicts with a negotiated requirement, the negotiated requirement will prevail.

5. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally binding requirements on any party outside of the Coast Guard.
6. MAJOR CHANGES. Major changes include:
  - a. adds recusal requirements;
  - b. required changes to the area of consideration (AOC);
  - c. restrictions on the number of grade levels when announcing a position; and
  - d. update to referral certificate extension period.
7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATION.
  - a. The development of this Instruction and the general policies contained within it have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management, Commandant (CG-47). This Instruction is categorically excluded under current Department of Homeland Security (DHS) categorical exclusion (CATEX) A3 from further environmental analysis in accordance with "Implementation of the National Environmental Policy Act (NEPA), DHS Instruction Manual 023-01-001-01 (series).
  - b. This Instruction will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policy in this Instruction must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Department of Homeland Security (DHS) and Coast Guard NEPA policy, and compliance with all other applicable environmental mandates.
8. DISTRIBUTION. No paper distribution will be made of the Instruction. An electronic version will be located on the following Commandant (CG-612) web sites: Internet: <http://www.dcms.uscg.mil/directives/> and CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>.

9. RECORDS MANAGEMENT CONSIDERATIONS. This Instruction has been evaluation for potential records management impacts. The development of this Instruction has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., National Archives and Records Administration (NARA) requirements, and the Information and Life Cycle Management Manual, COMDTINST M5312.12 (series). This policy does not have significant or substantial change to existing records management requirements.
10. POLICY. In accordance with Reference (a), it is Coast Guard policy that all selections under the merit promotion plan must:
- a. be made from among the best qualified candidates available;
  - b. be based solely on job related criteria;
  - c. be consistent with merit system principles (Reference (b));
  - d. be absent of prohibited personnel practices (Reference (c)); and
  - e. be compliant with all requirements set by this Instruction .
11. RECUSAL REQUIREMENTS.
- a. Commandant (CG-12) employees, other advisors for the civilian recruitment process, supervisors, panel members, selecting officials and military members cannot participate in any part of the position approval (e.g., funding) and/or recruitment process, if they intend to apply for the position; or if they know a relative, or other person with a close affiliation who intends to apply for a Coast Guard position.
  - b. Reference (d) provides additional information on chain-of-command and restrictions on advocating for the employment of relatives. Applicants who are serving or have served in the chain-of -command of the position being advertised within 12 months of the opening date of the announcement must provide their written recusal from prior or current involvement in the hiring process e.g., development of the position description, review of the job opportunity announcement, interview questions, selection panels etc.
  - c. Recusals from the hiring process must be submitted in writing to the Chief, Human Resources Operations Division (CG-123) and retained as part of the case file.
12. RESPONSIBILITIES.
- a. Commandant (CG-122):
    - (1) Formulates and issues policy and program guidance governing the administration of the merit promotion program throughout the Coast Guard;

- (2) Measures and evaluates the effectiveness of the merit promotion program Coast Guard-wide;
- (3) Oversees the development, implementation and updating of the Coast Guard Merit Promotion Plan (MPP);
- (4) Conducts reviews of potential prohibited personnel practices and/or merit system principle violations; and
- (5) Provides guidance and oversight for Human Resources staff participating in merit promotion activities.

b. Commandant (CG-123):

- (1) Provides advice and assistance to supervisors and employees regarding the MPP;
- (2) Establishes and maintains files and records to answer inquiries and to enable reconstruction of merit promotion actions;
- (3) Maintains recusals from participation as part of the HR case file;
- (4) Provides systems or procedures for ensuring a broad range of potential candidates have timely access to information on Coast Guard vacancies;
- (5) Receives requests for filling vacancies and provides guidance to selecting officials on the recruitment and selection process;
- (6) Conducts qualifications analysis of candidates against qualifications standards (may include review from appropriate SMEs);
- (7) Establishes procedures for evaluating candidates;
- (8) Provides advice when panel members are used as part of the selection process;
- (9) Advises panels (when convened) and/or selecting officials of their duties and responsibilities;
- (10) Establishes procedures for notifying applicants of the results of their applications;
- (11) Ensures applicants who apply on-line for vacancies advertised through the Coast Guard automated staffing and applicant intake system receive online feedback on their eligibility and application status;
- (12) Makes tentative and official offers of employment;

- (13) Ensures compliance with local collective bargaining agreements which cover merit promotion;
  - (14) Conducts periodic reviews and monitors program activities;
  - (15) Provides training for human resources staff participating in merit promotion activities; and
  - (16) Grants 15 day certificate of eligible(s) extensions when appropriate and requested by the selecting official.
- c. Selecting Official(s):
- (1) Initiates staffing requests to allow for timely recruitment (requests are made through the automated HR tracking system e.g., Federal Human Resources Navigator (FEDHR Navigator);
  - (2) Assists Commandant (CG-123) in performing job analyses, identifying critical knowledge, skills and abilities (KSAs)/competencies, assigning “weights” as to their relative importance, and determining areas of consideration; reviews job opportunity announcements (JOAs) to ensure accuracy of duties, responsibilities and qualifications requirements;
  - (3) Interviews qualified candidates referred for selection (at selecting officials discretion) and retains notes from interviews for three years;
  - (4) Participates in selecting panel members;
  - (5) Participates as a panel member;
  - (6) Makes timely selections annotating selections, declinations, or alternative actions before the expiration date of the certificate in the automated staffing system;
  - (7) Requests cancellations or extensions of certificates in writing from the servicing Field or Center HR Specialist;
  - (8) Understands tentative and formal offers of selection will be issued by Commandant (CG-123);
  - (9) Understands selecting officials should not serve as SMEs to rate and rank candidates for jobs within their organization (to preserve objectivity in the process);
  - (10) Ensures confidentiality of candidates’ records; and
  - (11) Ensures compliance with Reference (a) thru Reference (d).

(12) Requests certificate of eligible extensions prior to the 30 calendar day expiration date.

d. Candidate(s):

- (1) Submit all required application materials in a complete, thorough, and timely manner as required by the specific job opportunity announcement; and
- (2) Should register for Electronic Mail (e-mail) updates through the automated staffing system to ensure timely notification of their application(s).

13. PERSONNEL ACTIONS COVERED BY MERIT PROMOTION. Competitive procedures shall apply to all promotions under Reference (e) 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 count 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 the position may lead to 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 Paragraph 9.a.1);
- 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 change to lower grade to a position with more promotion potential than a position previously held on a permanent basis in the competitive service;
- 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.

14. PERSONNEL ACTIONS NOT COVERED BY MERIT PROMOTION.

- a. Competitive procedures do not apply to:
  - (1) 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;

- (2) A position change permitted by reduction-in-force regulations; adverse action decisions, or legal settlement agreements;
- (3) A promotion of an employee who was appointed to a position that was intended to prepare the employee for promotion. This is commonly referred to as a career ladder promotion. The intent must be documented in the vacancy announcement and annotated on the Standard Form (SF)-50, Notification of Personnel Action. A noncompetitive promotion in a career ladder position is a management decision 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;
- (4) An accretion of duties defined as a promotion resulting from an employee's position being classified at a higher grade because of additional duties and responsibilities that are regular and recurring;
- (5) A temporary promotion, or detail to a higher grade position or a position with known promotion potential, of 120 days or less. Prior service during the preceding 12 months under noncompetitive time-limited promotion or detail counts toward the 120-day total;
- (6) 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;
- (7) 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;
- (8) Consideration of a candidate not given proper consideration in a prior competitive promotion action; and
- (9) Appointments of career Senior Executive Service (SES) appointees with competitive service reinstatement eligibility to any position for which they qualify in the competitive service at any grade or salary level, including Senior-Level positions established under 5 CFR Part 319.

15. REQUIREMENTS. In accordance with References (f) through (h), the following requirements apply to this MPP:

- a. Equal Opportunity. Actions under the plan, including the identification, qualifications, evaluation, and selection of candidates, shall be made without regard to race, color,

religion, sex (including pregnancy and gender identity), national origin, political affiliation, sexual orientation, marital status, disability, genetic information, age, membership in an employee organization, retaliation, parental status, military service, or other non-merit factor. 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 consultation with the Field Human Resources (HR) Specialist or the Center HR Specialist will decide the area of consideration (AOC) 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. The minimum AOC is Coast Guard employees working within the local commuting area or as specified in an applicable collective bargaining agreement.
- c. Job Analysis. A job analysis to determine the pertinent knowledge, skills and abilities (KSAs)/competencies for the position shall be conducted before the position is announced. A job analysis is developed by the manager in consultation with the servicing HR Specialist. It is a tool used to determine who the best qualified applicants are when several candidates qualify for a job.
- d. Job Opportunity Announcements (JOAs).
  - (1) Within the Coast Guard vacancies must be officially announced, e.g., in automated human resources (HR) systems or websites such as the Office of Personnel Management's (OPM) USAJobs, or by an internal Coast Guard posting. Certain position movements such as: noncompetitive reassignments; noncompetitive appointments that may be filled by re-promotion; and conversion from certain excepted service appointing authorities, etc. do not require an announcement.
  - (2) Coast Guard JOAs posted in automated HR systems shall follow a standard format determined by Commandant (CG-123). At a minimum, announcements will include the title, pay plan, grade and promotion potential, series, duties, duty location, a brief description of the qualifications 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 DHS) 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, a Privacy Act statement, pre-employment physical examination requirements, license requirements, security clearance requirements, the method of evaluation, conditions of employment e.g., travel, and the basis for special selection priority.



- (3) All job opportunity announcements must be open for a minimum of five workdays or as specified in the applicable bargaining agreement. Requests for job opportunity announcements to be open for less than five workdays must be submitted in writing by the selecting official, and approved by the servicing Commandant (CG-123), Human Resources Service Center Chief.
  - (4) JOAs posted for positions at multiple grade levels must include instructions that provide a clear distinction of how applicants' responses are assessed and evaluation methods used to determine applicants' qualifications for each grade level announced. Each JOA is limited to soliciting applications for a maximum of three grade levels.
  - (5) Recruitment requests covered under the *Luevano consent decree* are subject to Administrative Careers with America (ACWA) testing by Office of Personnel Management (OPM) or a DHS component that utilizes USA Staffing.
- e. Re-advertisement.
- (1) Re-advertisement of the same position requires a lapse of 90-calendar days from the original certificate issuance date. However, there are two exceptions for re-advertising before the 90-calendar day period expires:
    - a) If the initial job analysis needs modification (re-describing specialized experience, adding a selective placement factor etc.), the position may be re-advertised without automatically considering the original applicants. However, a notice is sent directly to applicants who previously applied and the re-advertisement includes an annotation to notify applicants they must reapply to receive consideration. The notice states, "This is a re-advertisement of Vacancy Announcement 19-1234-HQ-R. Applicant must re-apply to this vacancy announcement to be considered."
    - b) If re-advertising is required due to insufficient applicants (i.e. less than five applicants) or the selectee's declination of the position, and there is no change to the position requirements, it is possible to re-advertise within the 90-calendar day period. The position is re-advertised without automatically considering the original applicants. However, notice is sent directly to applicants who previously applied informing them they must reapply.
- f. Applying.
- (1) Applications must be submitted by 11:59 pm Eastern Time (ET) by the closing date of the announcement.
  - (2) Employees who are absent for legitimate reasons, e.g., on detail, in training, in the military service, or serving in public international organizations or on Intergovernmental Personnel Act assignments, must notify their supervisor in writing of those Coast Guard positions in which they are interested in applying for,

if announced during their absence. Employees must leave a current résumé, performance appraisal, SF-50 and any additional qualifying documents with their supervisor to submit for consideration. Supervisors must provide application documents to the servicing HR Specialist for consideration.

- (3) Employees who have access to a computer will be able to apply from any location on-line for vacancies, and receive feedback on their eligibility and application status provided the applicant has registered for automated updates.
- (4) Employees should register for e-mail updates to ensure timely notification of their applications (see Paragraph. 12 Responsibilities, Section d. Candidate(s)).

g. Evaluating Candidates.

(1) Determining Basic Eligibility. Candidates must meet OPM approved minimum qualifications standards including any modifications and selective placement factors as well as legal and regulatory requirements by the closing date of the job opportunity announcement.

(2) Evaluating Qualified Candidates.

- a) All candidates applying for promotion who meet the minimum qualifications must be further evaluated against the Knowledge Skills and Abilities (KSAs)/competencies considered important for the job (quality ranking factors) using a documented assessment questionnaire.
- b) A specific assessment questionnaire is required and must be developed prior to advertising and must be maintained as part of the case file.
- c) Performance appraisals and incentive awards shall be considered as an indicator of quality of prior experience in the evaluation process to the extent they are relevant to the position.
- d) The Field or Center HR Specialist and the selecting official should jointly decide whether a subject matter expert (SME) or a panel of subject matter or other appropriate experts are used to determine minimum qualifications or whether this evaluation shall be performed by the Field or Center HR Specialist. A panel is usually composed of at least three experts who are at the same or higher grade than the full performance level of the vacancy. The selecting official may not serve as a member of an evaluation panel but may select its members. Redacted applications will be provided to the SME(s) for evaluation. A written evaluation is then provided to the Center HR Specialist, who is the final qualifications determining official.
- e) Using the assessment questionnaire identifies both well-qualified and best-qualified candidates. Well-qualified candidates are those applicants who

possess the key competencies, knowledge, skills and abilities, which clearly exceed the minimum qualifications requirements for the position prescribed by OPM. Some or all well-qualified may also be among the best qualified. Best-qualified are those who possess the type and quality of experience that substantially exceeds the minimum qualifications. 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.

- f) As a rule, only the names of those found best qualified, 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) A separate noncompetitive list of eligibles is provided to the selecting official for individuals (e.g. Veterans Recruitment Appointment (VRA) or Schedule A appointments for individuals with disabilities) exempt from competitive procedures.
  - h) Priority must be given to Coast Guard well-qualified surplus employees who apply for vacancies in the local commuting area. Notification is provided to surplus or displaced employees. With a few exceptions, those who apply and are eligible and well qualified will be selected before any other candidate from within or outside the agency. See Reference (j) for more information.
- h. Selections.
- (1) Referral Certificates. Referral certificates are issued for a period of 30 calendar days unless superseded by new changes to CG policy or procedures. One 15-day extension request may granted by the servicing HR Specialist. Referral certificates may be used for selection for additional, identical vacancies in the same title, series, and grade, same command and commuting area if they occur within 45 days from the date the merit promotion certificate was issued. Waivers to this time period may be approved by Commandant (CG-123) (e.g. hard to fill position). The same certificate of best qualified candidates may be used to fill similar vacant position within 30 calendar days from the date of original issuance. One 15-day extension request may granted by the servicing HR Specialist if the certificate has exceeded a life cycle of 45 days.
  - (2) Clearing Reemployment Priority Lists. If the certificate is closed and an additional vacancy occurs within 90 days after the job opportunity announcement closes, for a similar position, same title, same series, grade, geographical location, and employing organization, the original closed vacancy announcement can be used to document the clearance of the Career Transition Assistance Plan (CTAP) and the Interagency Career Transition Assistance Plan (ICTAP).

(3) Selection Process.

- a) Management has the right to select or nonselect from among a group of best qualified and certified candidates, or to select from other appropriate sources, such as reemployment priority lists, reassignment eligibles, recognized placement program eligibles, reinstatement, people with disabilities, 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 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. If a selection is made but interviews were not conducted, management, must document the basis for not conducting interviews. The decision memo must be kept as a part of the human resources case file maintained by Commandant (CG-123).
- d) After a selection has been made, only the servicing Field and/or Center HR Specialist can issue the official tentative and final job offer notification to the selectee.

i. Probationary Periods.

- (1) A one-year probationary period for a non-supervisory or managerial selectee, selected from a certificate of eligibles; reinstated; transferred; promoted; demoted or reassigned may be required during the first year of service if not previously served.
- (2) A one-year probationary period is required before initial appointment as a supervisor or manager becomes final. Employees selected who have not previously served as a supervisor or manager for a period of one year are required to complete a probationary period. The one-year period commences as of the date of initial appointment to a supervisory or managerial position.

j. Availability and Release.

- (1) Applicants should be available for employment within 45 calendar days of their official offer date. There is an exception for military members with a 120-day certificate of availability who may not be available for employment within 45 days. Additional exceptions may be made by Commandant (CG-123) on a case-by-case basis.

- (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.
  - (3) Dates for position changes (e.g., promotions, voluntary demotions, reassignments etc.) are effective the beginning of the first pay period following HR approval.
- k. Notification of Results. Applicants who apply on-line for vacancies advertised through the Coast Guard automated staffing and applicant intake system must register online to receive application status updates.
- l. Records Maintenance.
- (1) Administrative records for merit promotion actions are recorded to ensure the necessary information is provided to employees and the public, and ensure individuals' rights to privacy are protected. A temporary record of each merit promotion action is created to allow reconstruction of the action, including documentation on how the candidates were evaluated. These records include: the names of each individual involved in the determination process (i.e. the name of the individual(s) making determinations of minimum or other qualifications, including the servicing Field and/ or Center HR Specialist, panel members if any, and the name of the selecting official). The records will also contain, a copy of the vacancy announcement; a merit promotion certificate naming all applicants, annotations indicating action taken; the position description; the crediting plan; rating sheets; and all applications. The records may be destroyed three 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 submitting a grievance has elapsed.
  - (2) Interview notes and electronic mail (e-mail) messages relating to selections must be retained by the supervisor for three years for case reconstruction. Supervisors who leave their position prior to meeting the three year requirement shall produce hard copies to pass along to the new supervisor. Employees, supervisors, Coast Guard staff conducting official reviews or investigations, and the Office of Inspector General may request access to or copies of e-mail messages. E-mail messages must also be provided to the Congressional Oversight Committee, if requested, and are subject to Freedom of Information Act requests. Back-up files are subject to the same requests as the original messages.
- m. 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 topics for grievances, non-selection from among a group of properly evaluated and certified candidates cannot be grieved. There is not a right of appeal to the Office of Personnel Management (OPM), but OPM may conduct investigations of substantial violations of its requirements in accordance with Reference (i) or applicable collective bargaining agreement.

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

16. FORMS AVAILABILITY. Civilian employees can obtain copies of their most recent SF-50 and other documentation in their electronic official personnel file (eOPF).

17. REQUEST FOR CHANGES. Commandant (CG-122) is the sponsoring office. Any recommended changes should be submitted to the Office of Civilian Workforce Management.

MICHELLE R. GODFREY /s/  
Director of Civilian Human Resources,  
Diversity and Leadership

Encl: (1) Definition of Terms  
(2) Merit System Principles  
(3) Prohibited Personnel Practices

## **DEFINITION OF TERMS**

Area of Consideration. The organizational and/or geographic area from which Commandant (CG-123) will accept applications for consideration in a specific merit promotion action.

Minimum Qualifications Standards. The minimum qualifications standards set forth by OPM describing the minimum requirements necessary to perform work of a particular occupation successfully and safely. These minimum requirements may include specific job-related work experience, education, medical or physical standards, training, security, and/or licensure.

Best-Qualified Candidate(s). “Best-Qualified” is a relative term. A candidate is determined to be best qualified 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.

Certified Candidates. Candidates who have been evaluated against an assessment questionnaire and accordingly referred on a certificate to the selecting official.

Assessment questionnaire. The assessment questionnaire defines levels (e.g., minimally qualified, well-qualified, best qualified) 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.

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

Ranking Process. A process of evaluating each applicant against the KSAs and qualifications standards to determine who is minimally qualified, well-qualified, and

Enclosure (1) to COMDTINST 12335.4B  
best-qualified.

Reemployment Priority Placement List (RPL). The mechanism Coast Guard uses to give reemployment consideration to former competitive service employees separated by reduction in force (RIF) or fully recovered from a compensable injury after more than one year.

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 or competencies are the attributes required to perform a job and are generally demonstrated through qualifying experience, education or training. Knowledge is a body or information applied directly to the performance of a function. Skill is observable competence to perform a learned or psychomotor act. Ability is competence to perform an observable behavior or a behavior that results in a observable product.

Luevano consent decree. A 1979 class action suit alleged that the Professional and Administrative Career Exam (PACE), had an adverse impact on the selection of African Americans and Hispanics. The resolution of the suit (known as the "*Luevano* consent decree") ended the PACE examination and required the use of alternative assessments for those occupations at the GS-5 and GS-7 grade levels that were once subject to the PACE exam.

Minimum Area of Consideration. The minimum area of consideration (AOC) is the recruitment area where a reasonable number of high quality candidates are expected to apply for the position. The minimum AOC is Coast Guard employees working within the local commuting area or as specified in an applicable collective bargaining agreement. The minimum area of consideration may be extended if management and Commandant (CG-123) determine it is appropriate.

Noncompetitive Referral Candidates: Applicants who are eligible and qualified but are not required to be rated and ranked under merit promotion procedures. These applicants are referred to the selecting official on a separate list that distinguishes them from competitive applicants referred on a certificate.

Qualified/Minimally Qualified Candidate. Candidates who meet established minimum qualifications 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 OPM 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. The selection panel usually consists of two or more subject matter experts or individuals familiar with the position who are at or above the full performance grade level of the position.

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 qualifications 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. Well-qualified candidates are those applicants who possess the key competencies, knowledge, skills and abilities, which clearly exceed the minimum qualifications requirements for the position prescribed by OPM. Some or all well-qualified may also be among the best qualified.



**MERIT SYSTEM PRINCIPLES**

5 USC 2301

For the most recent version please visit <http://www.mspb.gov/meritsystemsprinciples.htm>

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 substantial and specific danger to public health or safety.



## **PROHIBITED PERSONNEL PRACTICES**

(5 USC § 2302(b))

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Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority-

1. Discriminate for or against any employee or applicant for employment —
  - A. on the basis of race, color, religion, sex, or national origin, as prohibited under section 717 of the Civil Rights Act of 1964 ();
  - B. on the basis of age, as prohibited under sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (, );
  - C. on the basis of sex, as prohibited under section 6(d) of the Fair Labor Standards Act of 1938 ();
  - D. on the basis of handicapping condition, as prohibited under section 501 of the Rehabilitation Act of 1973 ); or
  - E. on the basis of marital status or political affiliation, as prohibited under any law, rule, or regulation;
2. Solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of —
  - A. an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or
  - B. an evaluation of the character, loyalty, or suitability of such individual;
3. Coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity;
4. Deceive or willfully obstruct any person with respect to such person's right to compete for employment;
5. Influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment;
6. Grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment;
7. Appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position any individual who is a relative (as defined in section of this title) of such employee if such position is in the agency in which such employee is serving as a public official (as defined in section

- of this title) or over which such employee exercises jurisdiction or control as such an official;
8. Take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of —
    - A. any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences —
      - i. a violation of any law, rule, or regulation, or
      - ii. gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or
    - B. any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences —
      - i. a violation of any law, rule, or regulation, or
      - ii. gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;
  9. Take or fail to take, or threaten to take or fail to take, any personnel action against any employee or applicant for employment because of —
    - A. the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation —
      - i. with regard to remedying a violation of paragraph (8); or
      - ii. other than with regard to remedying a violation of paragraph (8);
    - B. testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (A);
    - C. cooperating with or disclosing information to the Inspector General of an agency, or the Special Counsel, in accordance with applicable provisions of law; or
    - D. for refusing to obey an order that would require the individual to violate a law;
  10. Discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency from taking into account in determining suitability or fitness any conviction of the employee or applicant for any crime under the laws of any State, of the District of Columbia, or of the United States;
    - A. Knowingly take, recommend, or approve any personnel action if the taking of such action would violate a veterans' preference requirement; or
    - B. Knowingly fail to take, recommend, or approve any personnel action if the failure to take such action would violate a veterans' preference requirement; or

11. Take or fail to take any other personnel action if the taking of or failure to take such action violates any law, rule, or regulation implementing, or directly concerning, the merit system principles contained in of this title; or
12. Implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: "These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling."
13. Access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13).