

GENERAL SERVICES ADMINISTRATION  
Washington, DC 20405

HRM 9335.1  
January 31, 2022

GSA ORDER

SUBJECT: GSA Merit Promotion and Placement Plan

1. Purpose. This Order provides the procedural requirements for GSA's Merit Promotion and Placement Plan (MPP) that supports the competitive and non-competitive placement of individuals based on job-related criteria.
2. Background. Authorities for the MPP include:
  - 5 CFR 335 (Promotion and Internal Placement)
  - 5 U.S.C. 2301 (Merit Systems Principles)
  - 5 U.S.C. 2302 (Prohibited Personnel Practices)
3. Scope and Applicability.
  - a. This Order applies to all competitive service positions. A complete list of actions that must be processed under competitive procedures is listed in 5 CFR 335.103.
  - b. The Office of Inspector General (OIG) has independent personnel authority. See Section 6 of the Inspector General Act of 1978, (5 U.S.C. App.3), as amended (Inspector General is authorized "to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General") and GSA Order ADM 5450.39D CHGE 1GSA Delegations of Authority Manual (Delegations Manual), Chapter 2, Part 1 ("the Inspector General has independent authority to formulate policies and make determinations concerning human capital issues within the [OIG]" and GSA determinations/delegations do not limit that authority). Similarly, GSA specifically recognizes that the Inspector General has independent authority to formulate policies and make determinations concerning training, employee development, and career management.
4. Cancellation. This Order cancels and supersedes CPO 9335.1A.

5. Revisions. The following revisions were made to this Order:

a. Added Section 2(l) to incorporate a revised regulation which allows the reinstatement of certain former Federal employees to fill vacancies at any grade level or with promotion potential for which the candidate is qualified.

b. Added guidance in Section 3 on applicant eligibility, including time-after-competitive appointment and time-in-grade requirements.

c. Added guidance in Section 6 on the requirement to indicate whether the position is eligible for telework in the vacancy announcement.

d. Added guidance for HR Specialists in Section 7 on the use of hurdle assessments, including the use of written assessment responses, in the vacancy announcement.

e. Added guidance for HR Specialists in Section 7 on accepting and evaluating applicants, including the use of hurdle assessments, notifying applicants at key stages of the application process, and participating in GSA and/or OPM mandated accountability reviews.

f. Added guidance for selecting officials in Section 7 on considering performance rating of record in selection and promotion decisions.

g. Removed reference to optional forms which were not used in conjunction with the talent acquisition system.

h. Added guidance in Section 8c on issuing multi-location referrals.

i. Added additional guidance in Section 9d on providing information to applicants .

6. Labor Organizations. Implementation of this Order as it affects employees represented by a labor organization is contingent upon meeting and completion of related labor relations obligations.

7. Signature.

/S/ \_\_\_\_\_

TRACI DIMARTINI  
Chief Human Capital Officer  
Office of Human Resources Management

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1. Introduction. This plan outlines competitive procedures to be used in selecting highly qualified candidates to fill vacancies. All applicants will be evaluated solely on job-related criteria on the basis of merit, fitness, and qualifications for the position and without regard to race, religion, color, national origin, sex, pregnancy, marital status, political affiliation, sexual orientation, gender identity, age (40 or older), disability, or any other non-merit factor. Applicants may be considered concurrently or consecutively from any or all recruitment sources.

The selecting official has the right to:

- select, or not select, from a group of qualified candidates;
- fill a vacancy through other sources; and
- make the final decision on selections.

2. Exceptions. The procedures in this MPP do not apply to the following actions:

a. A promotion resulting from upgrading a position, without significant change in the duties and responsibilities, due to a new classification standard or the correction of an initial classification error;

b. A position change permitted by reduction-in-force regulations (5 CFR 351);

c. A promotion when competition was held at an earlier stage (also referred to as a career ladder promotion), and the promotion is to a grade at or below the full performance level of the position in which the employee competed. There must be clear evidence of competition, e.g., stated in the vacancy, and a remark on the notification of personnel action. To be eligible for the promotion, an employee's most recent rating of record must be at level 3 or higher.

d. A promotion resulting from an accretion of duties;

e. A career ladder promotion following noncompetitive conversion of an employee appointed under the Veterans Recruitment Appointment (VRA), a pathways program, or other authorized program or action, up to the full performance level identified on the employee's SF-50s documenting appointment or assignment to the entry-level position and promotion to intervening grade levels;

f. A change from a position having known promotion potential to one having no higher potential;

g. A temporary promotion or detail to a higher grade of promotion or position with known promotion potential of 120 calendar days or less. All prior service during the

preceding 12 months under all details to higher grade positions and temporary promotions is included when computing the 120-day period;

h. Promotion to a grade previously held on a permanent basis in the competitive service (or in another merit system with which the Office of Personnel Management (OPM) has an interchange agreement) from which an employee was separated or demoted for other than performance or conduct reasons;

i. 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.

j. Consideration of a candidate not given proper consideration in a competitive promotion action;

k. Promotion required by law, regulation, or as a remedy or voluntary settlement reached in connection with a grievance, Equal Employment Opportunity (EEO) complaint, or Merit Systems Protection Board (MSPB) appeal.

l. Reinstatement to any position in the competitive service at a higher grade level or with more promotion potential than a career or career-conditional position previously held, as long as the candidate is qualified. To be eligible under 5 CFR 335.103(c)(viii), the candidate must:

(1) Have been separated for at least one year before applying for reinstatement, and

(2) Have received a rating of record for their most recent career or career-conditional position of at least Fully Successful (or equivalent).

### 3. Applicant Eligibility

a. The following are eligible to be considered under Merit Promotion procedures:

(1) Applicants on career or career-conditional appointments provided they have completed the 90-day time-after-competitive appointment requirement;

(2) Applicants on temporary or other non-status appointments who have reinstatement or non-competitive appointment eligibility;

(3) Applicants in the excepted service under an OPM approved interchange agreement;

(4) Applicants eligible under the Veterans' Employment Opportunity Act (VEOA);  
or

(5) Applicants with reinstatement eligibility or non-competitive appointment eligibility (e.g., certain Peace Corps volunteers and, AmeriCorps VISTA, disabled veterans, persons with disabilities, Veterans' Recruitment Appointments, eligible family members, military spouses, and employees serving on limited non-career appointments).

b. To be eligible for a promotion, GSA employees must have a most recent rating of record that is "fully successful" or an equivalent level or higher. All applicants must meet time-in-grade and time-after-competitive appointment requirements within 30 days of the closing date of the vacancy announcement.

#### 4. Scope of Competition.

a. Each vacancy will be advertised in a geographic or organizational area of consideration (AOC), or a combination of both, that is large enough to anticipate a sufficient number of highly qualified candidates. The AOC must be clearly indicated on the vacancy announcement. For example, the area of consideration for one position may be defined as "Status Candidates in the Washington, DC commuting area", and for another position, the AOC may be "GSA employees of the Federal Acquisition Service."

b. The AOC is determined on a case-by-case basis by the selecting official in consultation with the servicing Human Resources Office staff by reviewing the advantages and disadvantages of each option and the results of past recruitment efforts.

c. When the AOC stated in a vacancy announcement fails to identify a sufficient number of high quality candidates, the AOC may be expanded. In such situations, the vacancy announcement will be amended to provide notice of the expanded AOC and to extend the open period.

d. If the advertised position is within a bargaining unit, additional considerations outlined in the negotiated agreement covering that position may apply. HR specialists must refer to applicable negotiated agreements and follow any specific guidance. For example, if a geographical AOC is established, GSA employees from outside the geographical area may apply and their applications will be considered, if they are otherwise eligible and qualified. However, they may not be eligible for relocation

expenses due to budget constraints. The vacancy announcement must include a statement concerning bargaining unit coverage, payment or nonpayment of Permanent Change of Station relocation expenses and explain the rationale for accepting such applications in these cases. Guidance in this policy order is followed when the position is not in a bargaining unit, or the negotiated agreement is silent on AOC.

e. If an AOC is defined as both geographical and organizational, applicants must be in the organization, but may be outside the geographical AOC in accordance with applicable negotiated agreements.

If the position being filled is remote, the geographic AOC should not be limited to any particular commuting area, unless there is a business need, but an organizational AOC may be established.

f. When an organizational AOC is established, applications from outside the organizational AOC will not be accepted, considered or referred. For example, if the AOC has been defined as "current FAS employees only" applications will not be accepted from individuals in other organizations within or outside GSA.

g. Consideration of Central Office employees physically located in a GSA region, will be guided by the AOC defined for the specific vacancy in accordance with procedures established above for geographical and organizational AOCs. For example, if a geographic AOC is defined as GSA employees in the XYZ commuting area, the Central Office employees physically located in that area are included. If the AOC is limited to regional employees, CO employees are not regional employees, and therefore, not eligible to apply.

h. Applications will be accepted from individuals who are under the Veterans Employment Opportunities Act (VEOA) when recruitment includes sources of applicants from outside the agency.

(1) To be eligible for a VEOA appointment, an applicant must be a preference eligible or a veteran who substantially completed 3 or more years of active service. "Preference eligible" under VEOA includes those family members entitled to derived preference.

(2) Guidance in the OPM's *VetGuide* states that "[I]n general, most individuals completing an initial 3-year military tour are typically released a few days early. These individuals, if otherwise qualified, should be considered eligible." Individuals will be eligible for consideration under the VEOA at GSA if early discharge is no more than 90 days prior to the original end date of the 3-year tour of duty.

(3) Applicants applying under the VEOA do not have to be in the geographic area of consideration defined for the position.

5. Open Periods. All vacancy announcements must be posted on OPM's USAJOBS and include the last date of receipt of applications. All vacancy announcements must be open for a minimum of 5 business days unless:

- Negotiated agreements between GSA and employee unions state otherwise; or
- The position being advertised is a non-bargaining unit position and an application limit is set. In such a case, the maximum number of applicants could be reached before the closing date stated on the vacancy announcement.

6. Vacancy Announcements.

a. Vacancy announcement templates are available in the talent acquisition system to ensure all required information, as outlined in 5 CFR 330.104, is included in a clear, consistent format. In addition, statements addressing the following must be included:

- Whether relocation expenses will be paid;
- Whether recruitment or relocation incentives will be paid; and
- The type and level of pre-appointment background and security investigation that is required

b. Vacancy announcements must also indicate whether the position is eligible for telework, based on the criteria in GSA's Telework and Remote Work policy. The vacancy announcement must indicate whether the official worksite/duty location is:

(1) negotiable after the selection (i.e., official worksite/duty location is the residence of the selectee), or

(2) must be in one of several potential official worksites/duty stations (for example, a regional office city). If (2), the potential official worksites/duty stations must be listed in the announcement. The selectee's worksite/duty location must be one of the listed locations and may not be altered for a minimum of 90 days after a selection is made.

7. Accepting Applications and Eligibility and Qualification Determination.

a. GSA uses a talent acquisition system to accept applications and evaluate applicants. Applicants apply through USAJOBS. Currently, applications for Federal Wage System positions are accepted and evaluated manually. Whether the method is

electronic or manual does not affect the basic requirements established for advertising the position, applying for the position, and evaluating candidates.

b. Servicing Human Resources Specialists are responsible for:

(1) Partnering with the Subject Matter Expert (SME) and/or selecting official to develop a job analysis based on the position description for the position to be filled. The job analysis should accurately identify the major job duties, competencies, and/or the knowledge, skills and abilities required to perform the position.

(2) Collaborating with the SME and/or selecting official to identify the qualification requirements for the position to be filled, including any selective factors.

(3) Collaborating with the SME and/or selecting official to develop valid assessment tools and weighting for each vacancy and enter them into the system.

(4) Creating hurdle assessment(s) in which candidates proceed to additional assessment(s), depending on the criteria and process that have been identified for evaluation of candidates for each vacancy, as long as the methods have been validated and described in the vacancy announcement. Additional hurdle assessments may be administered to applicants who meet the requirements of the first hurdle, e.g., the minimum qualification requirements. They may include, but are not limited to:

- written assessment responses
- behavioral assessments
- structured interviews
- written tests
- assessment centers
- subject-matter expert evaluations

(5) Evaluating applicants for eligibility and for possession of the minimum qualification standards established by OPM for General Schedule positions or trades and labor occupations. The HR specialist will review applicant responses to the assessment questions to confirm that resumes submitted substantiate minimum qualification determinations and candidate ratings. If an applicant's responses to the assessment questions are not supported in the resume, the HR Specialist has the right to lower the applicant's score. To be eligible for promotion or placement, candidates must meet the minimum eligibility requirements and qualification standards approved by OPM, including any selective factors, within 30 calendar days after the closing or closing date of the vacancy announcement.

(6) Creating and issuing referrals. The names of candidates determined to be best qualified, as well as all minimally qualified applicants eligible under a non-competitive hiring authority, as a result of the assessment(s) are referred to the selecting official.

(7) Notifying all applicants of the status of their application at four key stages of the application process:

- When the application is received
- When the application is assessed for basic eligibility and minimum qualifications for the job
- When the applications are referred or certified (or not) to the selecting official
- When a selection is made (or not) for the position or the job is cancelled ;

(8) Participating in GSA and/or OPM mandated accountability reviews.

c. Applicants are responsible for:

(1) Viewing and applying on-line for vacancies in USAJOBS

(2) Providing complete and accurate information regarding their qualifications for the position;

(3) Following the application procedures outlined in the vacancy announcement, and creating and/or uploading their resume and all the required supporting documents by 11:59 PM EST on the closing date of the announcement;

(4) For positions where the talent acquisition system is not used (e.g., Federal Wage Systems positions), employees who are absent for a legitimate reason, such as on a detail, on leave, in training, or in the military service, must notify their supervisor in writing of positions they are interested in if vacancies for those positions are announced while they are absent. Those employees must leave a current resume and other supporting documents with their supervisor who will submit the application package on their behalf so that they may be considered.

d. Selecting officials are responsible for:

(1) Complying with merit system principles and applicable laws, rules and regulations, and not engaging in prohibited personnel practices;

(2) Collaborating with the servicing HR Specialist (or providing a SME designee) to assist with the development of the job analysis; identify qualification requirements, including any selective placement factor(s); and participate in the selection of assessment tools and weighting of applicant assessment questions.

(3) Ensuring their employees, who are on temporary absences from the office for a legitimate reason such as on a detail, on leave, in training, or in the military service receive appropriate consideration for promotion and placement opportunities when such consideration is requested in writing by the employee;

(4) Giving due weight to performance appraisals prior to making a selection. The methodology for consideration of performance appraisals and incentive awards will be documented as part of the case file;

(5) Assessing candidates fairly and equitably (e.g., through interview panels, reference checks); and

(6) Participating in GSA and/or OPM mandated accountability reviews.

e. Applications will be accepted from active duty military members on terminal leave. The military member must submit the terminal leave documentation from the armed forces at the time of application. The document must specify the end date of the terminal leave, which must be within 120 days from the date the certification is signed.

(1) Selecting officials will determine the acceptable timeframe for filling the vacancy.

(2) The servicing HR Specialist and/or selecting official may ask the military members who are referred and/or tentatively selected for positions to provide the date they are available to start work.

(3) The name of any applicant not available by the date designated by the selecting official will be removed from consideration. The selecting official's decision will be documented in the case file.

## 8. Referral of Candidates.

a. A referral of best qualified candidates (i.e., competitive), listed alphabetically, is issued to the selecting official with each candidate's application package. Refer to applicable negotiated agreements for order of referral for bargaining unit positions.

b. Non-competitive candidates only have to meet the minimum qualifications for the position, which is a score of 70 or higher, and eligibility requirements for the hiring authority under which they are applying in order to be referred for consideration.

(1) Non-competitive candidates must be listed and referred separately from competitive candidates.

(2) All non-competitive candidates should be placed on one referral, except when there is more than one candidate eligible under Veterans Recruitment Appointment (VRA), and the candidates have different types of veterans preference. Then, in accordance with 5 CFR 302, VRA candidates must be placed on a separate referral by preference status and considered in the following order:

- Preference eligibles who have a compensable service-connected disability of 10 percent or more
  - Other 10-point preference eligibles
  - 5-point preference eligibles
  - Sole survivorship preference eligibles

c. Non-competitive candidates include:

(1) Those who have acquired non-competitive eligibility under a specific appointing authority, and current/former employees in the competitive service applying for a position having promotion potential no higher than the current position or one previously held on a permanent basis, and who meet minimum qualifications requirements and any selective placement factors.

(2) Reinstatement eligibles who were former employees in the competitive service that apply for a position having a higher grade level or with more promotion potential than the position previously held on a permanent basis; provided that the individual has been separated for at least one year before applying for reinstatement, and the individual must have received a rating of record for their most recent career or career-conditional position of at least Fully Successful (or equivalent).

d. HR Specialists should refer to the following guidance on issuing referrals for multiple-location announcements:

(1) If the position(s) advertised is a remote position (i.e., it can be filled in any number of locations that will be determined at the time of selection), only one referral will be issued with all of the best qualified candidates. A separate referral with all qualified non-competitive candidates will also be issued.

(2) If the position(s) can be filled at any of a number of different, specific locations or geographic areas, only one referral will be issued with all of the best qualified candidates. A separate referral with all qualified non-competitive candidates

will also be issued. For example, there is one vacancy that can be filled in either City 1, City 2, or City 3; or Geographic Area 1, Geographic Area 2, or Geographic Area 3 .

(3) If there are multiple positions to be filled at a number of different, specific locations or geographic areas, separate referrals with all of the best qualified candidates will be issued for each location. A separate referral with all non-competitive candidates will also be issued. For example, there is one vacancy to be filled in City 1 (or Geographic Area 1), there are three vacancies to be filled in City 2 (or Geographic Area 2), and there are two vacancies to be filled in City 3 (or Geographic Area 3).

#### 9. Promotion and Placement Records.

a. Documentation of a promotion or placement action taken under this Order must be maintained by the servicing HR Office and must be sufficient for a reviewer to reconstruct the action in its entirety. At a minimum the file must include the following records (in paper or electronic form):

- OPM qualification standards
- Signed Job analysis and crediting plan (or email indicating approval)
- Position description
- Vacancy announcement (if advertised in USAJOBS, the full-text vacancy announcement as it appeared in USAjobs)
- Evaluation methods used, including a record of how the best qualified category was established;
- All applications and supporting documentation submitted;
- Names and positions of panel members, evaluators or SMEs, if any;
- Evaluation records, basic eligibility determinations and rating sheets;
- Names of all candidates as finally rated and ranked; and
- Referral (the names in the group from which the selection was made), including the name of the selectee.
- Audited referral

b. When vacancy announcements are posted in the talent acquisition system, electronic records created and maintained in the system, such as applications, minimum qualifications and rating determinations do not need to be duplicated in the case file. However, when electronic records are not available or maintained in the system, case files must contain copies of the documents listed above. Alternatively, these documents may be uploaded into the vacancy announcement record in the talent acquisition system.

c. Complete promotion case files must be maintained by the HR office for two years from the date the personnel action is completed and then must be destroyed. During

these two years, information in the files must be made available as required by laws, regulations, and agreements. If the action becomes the subject of litigation or a discrimination complaint, there may be a requirement to retain such records for a longer period of time. In such cases, a "litigation hold" on destruction of the documents may be initiated (e.g., by the Office of General Counsel) until the legal matter is settled, or notification provided by the EEO Office to retain merit promotion case files until the issue is resolved.

d. Selecting officials must maintain materials and notes pertaining to each interview conducted for a minimum of two years from the new hire's start date in case of a third party review. The interview record should contain the following information:

- Date, time, place, and length of the interview,
- Name and job title, of the interviewer,
- Interview questions, scores, and notes for each candidate,
- Description of training provided to the interviewers, and
- Interview guides, rating scales, and other materials used

e. HR Specialists should refer to the following guidance on information that can be given to applicants:

- Office of HR Services Standard Operating Procedures on Addressing Requests for Information from Employees and Applicants on Merit Promotion, Delegated Examining, and Special Appointing Authority Selection Actions.
- National agreements between GSA and labor unions
- Privacy Act restrictions and Freedom of Information Act controls

## APPENDIX A: DEFINITIONS

Area of Consideration (AOC): The geographic and/or organizational area in which the agency conducts its search for candidates, where it is anticipated that a sufficient number of qualified candidates can be located and from which applications will be accepted.

Detail: Temporary assignment of an employee to a different position or set of described duties for a specified period of time with no change in pay. For record-keeping purposes, employees continue to be incumbents of the positions from which detailed.

Hurdle Assessment: A selection approach in which a series of assessment hurdles are established that the candidate must pass in order to move on to the next step of the selection process.

Interchange Agreement: An agreement providing for the movement of persons between employment systems or employing organizations/agencies. The interchange agreement should define the status and tenure the individual acquires upon movement, eligibility requirements for persons to enter into such an agreement and qualification requirements for any position to which moved, and conditions under which such an agreement can be terminated.

Job Analysis: The process of identifying the knowledge, skills and abilities (competencies) essential to a position in order to develop a job-related basis for evaluation and selection of candidates.

Promotion: The change of an employee to a position at a higher grade level within the same classification system and pay schedule or to a position with a higher rate of basic pay in a different job classification system and pay schedule.

Reassignment: The change of an employee, while serving continuously within the same agency, from one position to another without promotion or demotion.

Reinstatement: The non-competitive career or career-conditional re-employment of a person formerly employed in the competitive service who had earned competitive status.

Selecting Official: The individual in the organization who is authorized to make a selection for the position to be filled.

Subject-matter Expert: An employee, at the same or higher grade level as the position being filled, who has current and thorough knowledge of the job's requirements (e.g.,

may be a 1st level supervisor or high-performing incumbent of the position), and is not an applicant for the position vacancy.

Transfer: The change of an employee, without a break in service of one full workday, from a position in one agency to a position in another agency that can be filled under the same appointing authority.