

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 10.1	RECRUITMENT, APPOINTMENTS, AND MERIT STAFFING	DT-23-12
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<i>Volume 10</i>	Personnel Management	
<i>Part 1:</i>	Employment and Staffing	
<i>Approved By:</i>	Eric L. Dilworth, Deputy Chief Human Capital Officer	
<i>Date Approved:</i>	May 25, 2023	
<i>Cert. Date:</i>	N/A, for the latest version of any NRC directive or handbook, see the online MD Catalog .	
<i>Issuing Office:</i>	Office of the Chief Human Capital Officer Policy, Labor and Employee Relations Branch	
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EXECUTIVE SUMMARY

Management Directive 10.1, “Recruiting, Appointments, and Merit Staffing,” is revised to—

- Replaced the word “Chairman” with the word “Chair” when referencing the head of the agency to align with the NRC’s efforts to use inclusive language in its publications;
- Reflect changes to organizational titles and responsibilities;
- Incorporate policy changes effected after the previous issuance of MD 10.1, including the ability to use direct hire authority, as appropriate, and the centralization of certain regional human resources delegations into the Office of the Chief Human Capital Officer; and
- Incorporate minor changes that correct and/or clarify current policy and/or procedures.

TABLE OF CONTENTS

I.	POLICY	2
II.	OBJECTIVES	2
III.	ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY	3
	A. Chair.....	3
	B. Commission.....	3

For updates or revisions to policies contained in this MD that were issued after the MD was signed, please see the Yellow Announcement to Management Directive index ([YA-to-MD index](#)).

C. Executive Director for Operations (EDO)	3
D. Inspector General (IG).....	4
E. Chief Human Capital Officer (CHCO).....	4
F. Director, Office of Administration (ADM).....	5
G. Director, Office of Small Business and Civil Rights (SBCR).....	5
H. Director, Division of Budget (DOB), Office of the Chief Financial Officer (OCFO)	6
I. Office Directors and Regional Administrators.....	6
IV. APPLICABILITY	6
V. DIRECTIVE HANDBOOK.....	6
VI. REFERENCES.....	7

I. POLICY

- A.** It is the policy of the U.S. Nuclear Regulatory Commission (NRC) to operate an external recruitment program, operate a merit staffing program, and appoint or assign diverse employees who are well qualified to carry out the mission of the agency efficiently and effectively, without regard for political affiliation, race, color, religion, national origin, sex (including pregnancy and gender identity), marital status, age, sexual orientation, non- disqualifying physical or mental disability, genetic information, or membership or non-membership in an employee organization. The NRC conducts these activities without favoritism based on personal relationship, patronage, or other non-merit factors and with proper regard for privacy and constitutional rights.
- B.** It is also the policy of the NRC to recruit, to the maximum extent practical, qualified veterans and individuals who are disabled.

II. OBJECTIVES

- Effect appointments and merit staffing actions in a fair and equitable manner.
- Meet organizational mission needs and efficiently use the skills, knowledge, and abilities of NRC employees.
- Maintain a drug-free Federal workplace.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Chair

1. Initiates the appointment or assignment, subject to the approval of the Commission, of the Executive Director for Operations (EDO); Chief Financial Officer (CFO); Deputy Chief Financial Officer; General Counsel (GC); Secretary of the Commission (SECY); Director of the Office of International Programs (OIP); Director of the Office of Commission Appellate Adjudication (OCAA); and the Chief Administrative Judge and members of the Atomic Safety Licensing Board Panel (ASLBP).
2. After consultation with the EDO, initiates the appointment or assignment of the following office directors, subject to the approval of the Commission: Director of the Office of Nuclear Reactor Regulation (NRR), Director of the Office of Nuclear Material Safety and Safeguards (NMSS), Director of the Office of Nuclear Regulatory Research (RES), and Director of the Office of Nuclear Security and Incident Response (NSIR).
3. Serves as the appointing or assigning authority for executives reporting to the Chair, other personnel employed in the Chair's immediate office, the Director and the Senior Executive Service (SES) staff of the Office of Public Affairs (OPA), and the Director of the Office of Congressional Affairs (OCA).
4. Delegates to the EDO the function of appointing and assigning all employees under the Commission and covered by this management directive (MD) (other than those whose appointment is specifically provided for by the Chair or by the Commission).

B. Commission

1. Appoints or assigns members of the Advisory Committee on Reactor Safeguards (ACRS). Appointments and assignments of members of the NRC's other Federal advisory committees are subject to consultation with or approval of the Commission.
2. Delegates to the respective heads of Commission-level offices the function of appointing or assigning all staff to those offices.
3. Each Commissioner appoints or assigns the personnel employed in their immediate office.

C. Executive Director for Operations (EDO)

1. Delegates to the Chief Human Capital Officer (CHCO) the authority to establish, grant exceptions to, evaluate, and periodically report on the recruitment, appointment, and merit staffing programs (see MD 9.25, "Organization and Functions, Office of the Chief Human Capital Officer").

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2. Under authority delegated by the Chair, appoints without any further action by the Commission all employees under the Commission and covered by this MD other than those whose appointment is specifically provided for by the Chair or the Commission.
 3. Delegates to office directors and regional administrators the authority to make selections for appointments and positions in their offices or regions.
 4. Designates positions (other than those filled by readers, interpreters, and personal assistants to employees with disabilities) to be filled by NRC limited (excepted) appointments.
 5. Acts as the selecting official for SES positions in their immediate office, other than those reserved for the Chair or the Commission.
 6. Approves interim access authorizations and employment clearances, as necessary.

D. Inspector General (IG)

1. Serves as the selection, appointment, and employment authority for the Office of the Inspector General (OIG).
2. Grants exceptions to personnel practices and procedures for employees in OIG.
3. Signs agreements for reimbursable details affecting OIG employees.
4. Conducts audits and investigations related to recruitment, employment, and the merit staffing program to promote economy, efficiency, and effectiveness and to prevent and detect fraud, waste, abuse, and mismanagement.

E. Chief Human Capital Officer (CHCO)

1. Develops policy and parameters for the recruitment program and conducts nationwide and local recruitment activities to locate qualified candidates for employment with the NRC.
2. Reviews and evaluates recruitment programs and activities throughout the NRC for effectiveness and conformance to recruitment policies, procedures, and practices specified in this MD.
3. Designates a staff member to serve as the agency's recruitment coordinator.
4. Prescribes the standards, requirements, and guidance for merit staffing actions, including details and position changes, and for the appointment of individuals for employment at the NRC.
5. Provides staff assistance to Commissioners, office directors, and regional administrators in carrying out their merit staffing, appointment, and general employment responsibilities.

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6. Provides final interpretations or decisions regarding the intent and applicability of this MD.
 7. Ensures that operating practices and procedures meet the intent of the interchange agreement with the Office of Personnel Management, as described in Exhibit 1 to this handbook.
 8. Delegates certain human resources authority to regional administrators, as appropriate, through a signed delegation of authority.
 9. Reviews human resources actions for adherence to merit principles, consistency with sound management practices, and conformity with legal and regulatory requirements and applicable instructions.
 10. Signs agreements concerning the detail of employees, with the exception of OIG employees, between the NRC and another Federal agency, a State agency, or an institution of higher education.
 11. Serves as the NRC appointing officer, with the exception of OIG employees, and reviews and signs or delegates authority to review and sign Standard Form 50 (SF 50), "Notification of Personnel Action."
 12. Grants exceptions or deviations from the policies and program requirements of this MD for other than OIG.

F. Director, Office of Administration (ADM)

1. Administers the NRC Drug Testing Program, including pre-employment drug testing.
2. Determines the initial and continuing eligibility of NRC applicants, employees, and student volunteers for employment, clearance, and access authorization required for NRC employment.
3. Determines whether any security objection exists to the employment of NRC applicants before the completion of the pre-appointment investigation and grants of access authorization.
4. Requests approval from the EDO to grant interim access authorization and employment clearance to designated individuals who require access to restricted data before completion of the required investigation, based on Section 145b of the Atomic Energy Act of 1954, as amended.

G. Director, Office of Small Business and Civil Rights (SBCR)

1. Develops and recommends overall NRC policy for equal employment opportunity for all aspects of the NRC's recruitment and merit staffing programs.

2. Recommends improvements, corrections, or courses of action needed in recruitment activities to the NRC equal employment opportunity and Federal Equal Opportunity Recruitment Program.

H. Director, Division of Budget (DOB), Office of the Chief Financial Officer (OCFO)

Approves, in advance, any agreement under which there is a detail of an employee (with the exception of OIG employees) from the NRC to another agency, regardless of whether the NRC is to be reimbursed. See also MD 4.2, "Administrative Control of Funds."

I. Office Directors and Regional Administrators

1. Advise the Office of the Chief Human Capital Officer (OCHCO) of their short-range and long-range requirements for employees through the annual staffing plan, the NRC Human Capital Operating Plan, and individual requests to fill positions.
2. Follow the recruitment procedures specified in Section VII of the handbook to this directive.
3. Coordinate recruitment plans and activities with the CHCO.
4. As provided for in any applicable delegation agreements and in the handbook to this directive, carry out human resources management responsibilities regarding merit staffing, appointments, general employment, temporary reassignments, and position changes of employees in their offices or regions.

IV. APPLICABILITY

All NRC employees are subject to the policy and guidance of this MD except—

- A.** The Chair and Commissioners, members of the Chair's and Commissioners' staff and assistants, members of the SES (see MD 10.135, "Senior Executive Service (SES) Employment and Staffing Programs"), and senior level employees (see MD 10.145, "Senior Level System");
- B.** Experts, consultants, administrative judges, and members of advisory committees; and
- C.** Where provisions of this MD conflict with the Collective Bargaining Agreement Between the U.S. Nuclear Regulatory Commission and the National Employees Treasury Union (see Section I.B of this handbook).

V. DIRECTIVE HANDBOOK

Handbook 10.1 provides the operational practices and procedures applicable to recruitment, merit staffing, appointments, and general employment affecting NRC employees.

VI. REFERENCES

Code of Federal Regulations

5 CFR, "Administrative Personnel."

5 CFR Part 213, "Excepted Service."

5 CFR Part 302, "Employment in the Excepted Service."

5 CFR Part 5801, "NRC Supplemental Ethics Regulations."

5 CFR Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch."

10 CFR Part 10, "Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance."

Executive Orders

Executive Order 10450, "Security Requirements for Government Employment."

Executive Order 12968, "Access to Classified Information."

Nuclear Regulatory Commission Documents

"Collective Bargaining Agreement Between U.S. Nuclear Regulatory Commission and National Treasury Employees Union" (current version).

Letter from Lorraine Green, OPM, to Paul Bird, NRC, dated June 24, 1994 (ML14232A038).

Management Directives—

4.2, "Administrative Control of Funds."

7.6, "Public and Confidential Financial Disclosure Reports."

7.7, "Prohibited Securities."

9.25, "Organization and Functions, Office of the Chief Human Capital Officer."

10.6, "Use of Consultants and Experts."

10.12, "Use of Advisory Committee Members."

10.13, "Special Employment Programs."

10.14, "Employee Trial Period."

10.41, "Pay Administration."

10.42, "Work Schedules and Premium Pay."

- 10.45, "Advances in Pay."
- 10.51, "Recruitment, Relocation, and Retention Incentives."
- 10.67, "General Grade Performance Management System."
- 10.99, "Discipline and Adverse Actions."
- 10.103, "Reduction in Force for Non-SES Employees."
- 10.135, "Senior Executive Service (SES) Employment and Staffing Programs."
- 10.145, "Senior Level System."
- 10.153, "Administrative Judges—Compensation and Staffing."
- 11.1, "NRC Acquisition of Supplies and Services."
- 12.3, "NRC Personnel Security Program."
- 14.1, "Official Temporary Duty Travel."
- 14.2, "Relocation Allowances."

NRC Forms Library on SharePoint, available at
<https://usnrc.sharepoint.com/teams/NRC-Forms-Library>.

NUREGs-Series Publications—

NUREG/BR-0086, Revision 5, "The Individual Development Plan (IDP) Process,"
<https://www.nrc.gov/reading-rm/doc-collections/nuregs/brochures/br0086/index.html>.

NUREG/BR-0135, Revision 3, "NRC-Drug-Free Workplace Program," available at
<https://www.nrc.gov/reading-rm/doc-collections/nuregs/brochures/br0135/index.html>.

NUREG/BR-0201, Revision 2, "Commissioner's Assistant Handbook," available at
<https://usnrc.sharepoint.com/sites/ochco-hub/PDF/Executive/comm-asst-handbook.pdf>.

Office of Personnel Management

Delegated Examining Operations Handbook: A Guide for Federal Agency Examining Offices, available at https://www.opm.gov/policy-data-oversight/hiring-information/competitive-hiring/deo_handbook.pdf.

Forms – Standard Forms, available on OPM's website at
<https://www.opm.gov/forms/standard-forms/>.

Group Coverage Qualification Standards, available at <http://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/#url=Group-Standards>.

Interchange Agreements With Other Merit Systems, available at <https://www.opm.gov/policy-data-oversight/hiring-information/competitive-hiring/#InterchangeAgreementsWithOtherMeritSystems>.

United States Code

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

Suspension and Removal (5 U.S.C. 7532).

Criminal Conflict of Interest Statutes (18 U.S.C. §§ 201-209).

Employment and Reemployment of Members of the Uniformed Service (38 U.S.C. Chapter 43).

Employment of Relatives; Restrictions (5 U.S.C. 3110).

Energy Policy Act of 2005 (Pub. L. 109-58).

Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801 et seq.).

Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

Freedom of Information Act, as amended (5 U.S.C. 552).

Merit System Principles (5 U.S.C. 2301).

Military Selective Service Act (50 U.S.C. App 451 et seq.).

Nondiscrimination on Account of Age in Federal Government Employment (29 U.S.C. 633a).

Privacy Act of 1974, as amended (5 U.S.C. 552a).

Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.).

Veterans Employment Opportunity Act of 1998 (Pub. L. 105-339).

Veterans' Preference Act of 1944, as amended (5 U.S.C. 2108).

USAJOBS website: <https://www.usajobs.gov/>.

U.S. NUCLEAR REGULATORY COMMISSION DIRECTIVE HANDBOOK (DH)

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TABLE OF CONTENTS

I.	GENERAL INFORMATION.....	5
	A. Purpose of This Handbook.....	5
	B. Collective Bargaining Agreement.....	5
	C. Practices.....	5
	D. Position Management.....	8

For updates or revisions to policies contained in this MD that were issued after the MD was signed, please see the Yellow Announcement to Management Directive index ([YA-to-MD index](#)).

E. The Selection Process	9
II. COVERAGE AND EXCEPTIONS	9
A. Required Competition.....	9
B. Mandatory Noncompetitive Actions	10
C. Discretionary Noncompetitive Actions	10
D. Priority Consideration	13
E. Record of Exception to Competition.....	14
III. APPOINTMENTS.....	14
A. NRC Authority for Appointments.....	14
B. Types of Appointments	15
C. Appointments to “Obligated” Positions	15
D. Effecting Appointments.....	15
IV. GENERAL EMPLOYMENT ISSUES	17
A. Disqualifying Factors	17
B. Annuitants	18
C. Employment Eligibility Verification	18
D. Pay From More Than One Civilian Position	19
E. Employment on a Part-Time or Intermittent Basis.....	19
F. Temporary Employment	20
G. Term Employment	20
H. Reemployment of Employees Who Serve in the Uniformed Services or Restoration of Employees to Duty from Compensable Injury.....	22
V. DETAILS AND ROTATIONAL ASSIGNMENTS	22
A. Details in General.....	22
B. Interagency Details and Details From or To State, Local, or Indian Tribal Governments, Institutions of Higher Education, and Other Eligible Organizations	23
C. Details Within the NRC.....	25
D. Rotational Assignments.....	27
VI. POSITION CHANGES	30
A. Promotions	30
B. Change to Lower Grade (Demotion)	34

C. Reassignments	35
VII. NRC EXTERNAL RECRUITMENT PROGRAM	36
A. Purpose	36
B. General Information.....	36
C. Applications for Employment.....	37
D. Recruitment Strategy.....	37
E. Role of the Recruitment Coordinator.....	37
F. Areas of Consideration.....	38
G. Recruiting Sources.....	38
H. Special Considerations for Long-Term Recruiting Requirements.....	40
I. Pre-Recruitment Guidelines	40
J. Additional Information for Recruiters	41
K. Payment of Travel and Transportation Expenses.....	42
L. Health, Life Insurance, and Retirement Benefits.....	43
M. Recruitment Interviews.....	43
N. Evaluations.....	43
VIII. THE MERIT STAFFING PROGRAM	43
A. Vacancy Announcements	43
B. Preliminary Preparation.....	43
C. Area of Consideration.....	44
D. Minimum Open Period.....	45
E. Contents of Vacancy Announcements.....	46
F. Distribution of Announcements.....	47
G. Re-use of the Selection Certificate.....	47
H. Application Procedures	47
I. Basic Qualification Requirements	50
J. Selective Placement Factors.....	50
K. Prohibitions, Limitations, and Special Provisions.....	51
L. Basic Qualification Determinations.....	52
M. Developing Quality Ranking Factors	53
IX. THE EVALUATION PROCESS.....	56
A. General Information.....	56

B. Tests	56
C. Ranking Process	57
D. Selection of Ranking Panel Members	57
E. Functions of Panel Members.....	58
F. Convening the Panel.....	59
G. Preliminary Panel Review	59
H. Tentative Rankings.....	60
I. Evaluation Interviews	60
J. Final Rankings	61
K. Documentation	62
L. Exceptions to the Ranking Panel Procedures	62
X. THE SELECTION PROCESS	63
A. Order of Consideration	63
B. Exception to the Order of Consideration	65
C. Responsibilities of the Selecting Official.....	65
D. Suspected Compromise of Selecting Official Authority	66
E. Hiring Commitment.....	67
F. Certification and Records	67
G. Complaints	68
H. Release of Employees	68
XI. GLOSSARY	69

EXHIBITS

Exhibit 1	Agreement for the Movement of Personnel Between the Civil Service System and the Nuclear Regulatory Commission (NRC).....	75
Exhibit 2	Office of Personnel Management (OPM) Clarification of Requirements for Noncompetitive Movement	78

I. GENERAL INFORMATION

A. Purpose of This Handbook

1. This handbook contains the program requirements and practices relating to recruitment, appointments, and merit staffing for positions within the U.S. Nuclear Regulatory Commission (NRC), excluding those in the Senior Executive Service (SES), Senior Level System (SLS), Administrative Judges (AJs), Executive Level (EX), experts and consultants, members of the Chair's and Commissioners' staff and assistants, and members of advisory committees.
2. Appointments, general employment requirements, and staffing practices for SES positions are described in Management Directive (MD) 10.135, "Senior Executive Service (SES) Employment and Staffing Programs."
3. Practices applicable to experts and consultants are described in MD 10.6, "Use of Consultants and Experts," and practices applicable to members of advisory committees are described in MD 10.12, "Use of Advisory Committee Members."
4. Additional practices and procedures applicable to the staffing of positions for the SLS and AJs can be found in MD 10.145, "Senior Level System," and MD 10.153, "Administrative Judges—Compensation and Staffing," respectively.

B. Collective Bargaining Agreement

When provisions of the "Collective Bargaining Agreement Between U.S. Nuclear Regulatory Commission and National Treasury Employees Union" are in conflict with this MD, the provisions of the agreement govern with respect to bargaining unit employees and bargaining unit positions.

C. Practices

While most NRC positions are excepted from the competitive service in accordance with Section 161d of the Atomic Energy Act of 1954, as amended, the NRC operates a competitive merit system that embodies the principles of open competition and equitable consideration against uniform standards. The NRC's independent merit system is recognized by the Office of Personnel Management (OPM), as evidenced by the continuing interchange agreement with OPM (see Exhibit 1 to this handbook, "Agreement for the Movement of Personnel Between the Civil Service System and the NRC"). The following practices apply.

1. Nondiscrimination

- (a) All employees and applicants for employment with the NRC will be treated without regard to political affiliation, race, color, religion, national origin, sex (including pregnancy and gender identity), marital status, age, sexual orientation, genetic information, or non-disqualifying disability, and with proper regard for their privacy and legal rights.
- (b) Vacant positions in the NRC may be filled by non-competitive or competitive appointment, or by non-competitive or competitive placement of certain current or former Federal employees. Each job will be filled on the basis of merit, medical fitness, and qualifications without discrimination based on any non-merit reasons and without favoritism based on personal relationship or patronage. This provision will not be interpreted as restricting the right of the selecting official to fill a vacancy by using one of the authorized exceptions to competitive procedures described in Section II, "Coverage and Exceptions," of this handbook when appropriate.

2. Nepotism

- (a) The NRC is subject to the restrictions on employment of relatives described in 5 U.S.C. 3110, "Employment of Relatives; Restrictions," and 5 CFR Part 310, "Employment of Relatives." In addition, no employee will be retained in a position under the administrative direction or supervision of any relative, and no person will be selected for or retained in a position in which they will exercise administrative direction or supervision over a relative.
- (b) A relative is an individual who is related to the NRC official as one of the following: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister. A public official is an individual in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated to appoint, employ, select, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, selection, or advancement, in connection with employment in the NRC.
- (c) The following restrictions apply to the employment of relatives:
 - (i) A public official in the NRC may not appoint, employ, promote, select, advance, or advocate for appointment, employment, promotion, or advancement in the NRC any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or

to a position in the NRC if the action has been advocated by a public official who is serving in or exercising jurisdiction or control over the position and who is a relative of the individual.

- (ii) An individual appointed, employed, promoted, or advanced in violation of this part is not entitled to pay. Money may not be paid from the United States Treasury as pay to an individual so appointed, employed, promoted, or advanced.
 - (iii) The requirement in paragraph (i) above must not be construed in a way that prohibits the appointment of a preference-eligible individual in any case in which the passing over of the individual certified to a selecting official in accordance with merit staffing procedures would result in the selection for appointment of an individual who is not preference eligible.
 - (iv) When necessary to meet urgent needs resulting from an emergency posing an immediate threat to life or property, relatives of NRC public officials may be appointed to meet those needs under temporary appointments not to exceed (NTE) 1 month. These appointments may be extended NTE a second month if the emergency still exists.
 - (v) No employee will be retained in a position under the administrative direction or supervision of any relative, and no person will be selected for or retained in a position in which they will exercise administrative direction or supervision over a relative.
 - (vi) No relative of any employee in the Office of the Chief Human Capital Officer (OCHCO) may be appointed to a position in any program for which OCHCO staff members possess authority to make final selections.
- (d) Some NRC programs have additional guidance regarding nepotism. For example, see MD 10.13, "Special Employment Programs," for special guidance on nepotism applicable to severely disabled students.
- (e) Before appointing any relative of any NRC employee to a position in the NRC, the headquarters and regional human resources representative must notify the Chief Human Capital Officer (CHCO).

3. Citizenship

Positions in the NRC will be filled with citizens of the United States, unless the CHCO determines that a noncitizen's potential contribution to the nuclear regulatory program will materially benefit the program by contributing unique or unusual skills or talent not possessed to any comparable degree by an available U.S. citizen. To be

employed by the NRC, these individuals must be found eligible for NRC employment, security clearance, and access authorization.

4. Veterans' Preference

Except for SES, Presidential, and NRC direct hire authority appointments, all other appointments to the NRC are made in accordance with veterans' preference law and requirements (see the Veterans' Preference Act of 1944, as amended (5 U.S.C. 2108)). Commissioner Assistant (CA) positions are filled by NRC Limited (Excepted) appointments (see NUREG/BR-0201, "Commissioner's Assistant Handbook"). CA positions are subject to veterans' preference requirements only when administratively feasible and when the positions are filled subject to open competition.

5. Applicability of Ethics Program

- (a) All NRC employees are covered by the Criminal Conflict of Interest Statutes (18 U.S.C. §§ 201-209), the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR. Part 2635), and NRC Supplemental Ethics Regulations (5 CFR. Part 5801).
- (b) Incumbents of certain positions are covered by confidential or public financial disclosure reporting. Selectees of such positions will be informed, through offer letters of employment, of any financial disclosure reports required to be completed within 30 days of commencement of employment.

D. Position Management

Each action to fill a vacant position must be consistent with sound management practices and principles and with any current ceiling or budget controls. The selecting official will review each request to fill a vacant position to decide whether it currently—

- 1. Is necessary to fill the position.
- 2. Is possible to abolish the position entirely or assign the duties of the position to other positions.
- 3. Is possible to reengineer the duties of the position to permit performance at a lower grade or on a part-time basis.
- 4. Meets current supervisor-to-employee-ratio targets, where applicable.

E. The Selection Process

1. The selecting official has final responsibility for determining which qualified candidate should be selected for both bargaining unit and non-bargaining unit positions.
2. The selecting official may select or not select from any appropriate source of candidates at any point in the selection process.
3. The CHCO has responsibility, either directly or through re-delegation to OCHCO staff for—
 - (a) Assisting in locating qualified candidates.
 - (b) Determining the basic qualification requirements of the position and applicants.
 - (c) Evaluating applicants for the position.
 - (d) Providing guidance to ranking panels or officials on panel procedures and operations.
 - (e) Designating the OCHCO representative to participate as a nonvoting member on ranking panels.
 - (f) Certifying to the appropriate management official lists of candidates from which a proper selection may be made.
 - (g) Ensuring that staffing actions comply with applicable regulations and merit principles.
 - (h) Training supervisors, managers, and panel members on all aspects of competitive staffing requirements, including developing evaluation methods and ranking candidates.

II. COVERAGE AND EXCEPTIONS

A. Required Competition

Except as provided in Sections II.B and II.C below, the competitive procedures contained in this handbook must be used for—

1. NRC Regular (Excepted) and NRC Regular (Excepted) (Conditional) appointments;
2. Permanent and temporary promotions, permanent and temporary reassignments, and demotions;

3. Conversions of temporary and term appointments, temporary promotions, and temporary reassignments to permanent appointments, permanent promotions, and permanent reassignments, respectively; and
4. Selection for training required for competitive promotion when the training is not available to all employees who are qualified and interested in the promotion.

B. Mandatory Noncompetitive Actions

The following actions must be taken without following the competitive procedures of this part and without regard to the priority consideration described in Section II.D.

1. Reemploy of an employee when returning from uniformed military service or restoration of an employee when returning from duty with an international organization.
2. Statutorily reemployment of an employee following duty as a reserve officer in the Foreign Service, following employment in the Foreign Assistance Program or in the Peace Corps, or following transfer to an emergency agency (movement between executive agencies during emergencies). The employee will be reemployed in the position that they left, or in a corresponding or higher position, in accordance with applicable Title 5 statute and/or regulations governing reemployment rights.
3. Select of an employee with return rights following duty on an NRC Limited (Excepted) appointment, for the position that the employee left or one of equal grade.
4. Appoint to a special program that accords the appointee noncompetitive conversion rights, such as the NRC Student Educational Employment Program or other noncompetitive actions found in MD 10.13.

C. Discretionary Noncompetitive Actions

At the discretion of the selecting official, the following actions may be effected noncompetitively and without regard to the priority consideration described in Section II.D:

1. Appointment of an individual who is currently employed as a Career or Career-Conditional employee with another Federal agency, and who has completed the 1-year probationary period, to a position that has no higher known promotion potential than the highest promotion potential of the position the person currently holds or previously held on a permanent basis and did not lose for performance and/or conduct reasons (see Exhibit 1 to this handbook).
2. NRC Regular (Excepted) and NRC Regular (Excepted) (Conditional) appointment effected by—

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- (a) MD 10.13, "Special Employment Programs,"
 - (b) Reinstatement to a position that has no greater promotion potential than the highest promotion potential of a position that the employee currently holds or previously held on a permanent basis and did not lose for performance and/or conduct reasons, or
 - (c) Conversion from a temporary or term appointment that was made competitively in accordance with this handbook with the possibility of noncompetitive conversion to a permanent appointment made known to all potential candidates when the temporary or term appointment was effected.
3. NRC Limited (Excepted) appointment, NRC Term appointment, NRC Temporary (Excepted) appointment, and NRC Noncareer (Excepted) appointment.
 4. Permanent and temporary promotion, permanent and temporary reassignment, and demotion, to a position that has promotion potential no greater than the highest promotion potential of a position that the employee currently holds or previously held on a permanent basis and did not lose for performance and/or conduct reasons.
 5. Career ladder promotion, i.e., a permanent promotion up to the next appropriate higher grade level, as high as the established full performance level of the employee's position, provided: (a) the employee's current annual performance rating of record is fully successful or higher and the employee is not rated below fully successful on any critical element that is also critical to performance at the next higher grade of the career ladder; and (b) the employee is assigned and demonstrates the ability to perform at the grade to which they are promoted.
 6. A promotion resulting from the upgrading of a position, without a significant change in the duties and responsibilities, because of the issuance of a new evaluation (classification) standard or the correction of an initial evaluation (classification) error.
 7. With the concurrence of the CHCO, or designee, an "accretion of duties" promotion, i.e., a promotion resulting from an employee's position being reclassified at a higher grade because of additional duties and responsibilities when the following conditions are met:
 - (a) The employee continues to perform the same basic functions,
 - (b) The major duties of the position are absorbed into the new position,
 - (c) The new position has no known further promotion potential,
 - (d) There is no other employee within the organizational unit who is qualified for the position,

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- (e) The position's higher grade is not based solely on the addition of supervisory duties to a nonsupervisory position, and
 - (f) The employee has been performing the higher level duties at a fully successful or higher level, and for a sufficient period of time to demonstrate that the responsibilities are ongoing and permanent.
8. Promotion as a result of one of the priority conditions identified in Section II.D of this handbook.
 9. Temporary promotion, and temporary reassignment, for 180 calendar days or less, to a position that has greater promotion potential than the highest promotion potential of a position that the employee currently holds or previously held on a permanent basis and did not lose for performance and/or conduct reasons. Note that non-competitive temporary promotions, and non-competitive temporary reassignments, respectively, during the preceding 12 months to positions with greater promotion potential as described above, count towards the 180-calendar day total.
 10. Conversion of a temporary or term appointment, temporary promotion, or temporary reassignment to an NRC Regular (Excepted) or NRC Regular (Excepted) (Conditional) appointment, a permanent promotion, or a permanent reassignment if—
 - (a) The appointment conversion is effected by MD 10.13,
 - (b) The position to which the employee is permanently assigned has no greater promotion potential than the highest promotion potential of a position that the employee previously held on a permanent basis and did not lose for performance and/or conduct reasons, or
 - (c) The temporary or term appointment, temporary promotion, or temporary reassignment, respectively, was made competitively in accordance with this handbook and the possibility of noncompetitive conversion of the action to permanent was made known to all potential candidates at the time that the temporary or term action was effected.
 11. Selection for training other than of the type described in Section II.A of this handbook.
 12. Appointment to positions covered by an OPM-issued governmentwide direct hire authority.

D. Priority Consideration

1. Unless the position is filled as required by reference to requisite exceptions or permitted by reference to authorized exceptions, the following individuals **must** be given priority consideration for all vacancies filled in accordance with the competitive procedures of this handbook and for which they meet the basic qualification requirements:
 - (a) An employee who fails to receive proper consideration in a placement action will be given one priority consideration opportunity for the next appropriate vacancy. "Failure to receive proper consideration" means that due to error, the employee was not placed in the highest available qualifications category referred for consideration by the selecting official. An "appropriate vacancy" is one at the same grade level, in the same commuting area, and with comparable promotion opportunities and qualification requirements as the position for which the employee did not receive proper consideration. For each failure to receive proper consideration, an employee is entitled to only one subsequent priority consideration under this provision (even if referred along with other candidates entitled to priority consideration).
 - (b) A former NRC employee separated by a reduction in force (RIF) who is on the Reemployment Priority List (see MD 10.103, "Reduction in Force for Non-SES Employees") for the commuting area from which they are separated will be given priority consideration for placement in a vacant position for which they are qualified in the same commuting area. A veteran's preference-eligible candidate must be selected from the Reemployment Priority List before a non-preference-eligible candidate.
 - (c) An employee in RIF Retention Group I (Regular Excepted) (Career) or II (Regular Excepted Conditional) who has been given a notice that states that they will be separated from the NRC by a RIF will be given the same priority consideration as specified in Section II.D.1(b) of this handbook for a former NRC employee separated by a RIF who is on the Repromotion Priority List.
 - (d) An employee who is on a Repromotion Priority List will be given priority consideration for Repromotion to a vacant position for which they are qualified at the grade level formerly held and at any lower grade levels the employee agrees to accept in the commuting area of the position from which they were downgraded. An employee's name will be removed from the Repromotion Priority List if the employee declines a valid job offer.
 - (e) An employee in RIF Retention Group I or II who has been given a RIF notice that states that they will be downgraded will be given the same priority consideration

as specified for employees on a Repromotion Priority List noted above in Section II.D.1(d) of this handbook.

2. Under the conditions in Section II.D.1 of this handbook, OCHCO will refer to the selecting official the priority individual to be considered before any other effort, including issuance of a vacancy announcement, is made to identify candidates for the position.
3. The referred individual must be given bona fide consideration and must be selected, unless the selecting official determines that the selection would not be in the best interest of NRC and this determination is approved by the CHCO. This determination and the reasons for it must be recorded in writing. Only after this action is taken may another candidate be selected.
4. If two or more individuals have rights to priority consideration for the same position, their application and current performance appraisals will be evaluated, and if qualified, each individual will be considered for the vacancy.
5. An employee with priority consideration rights who is selected in accordance with Section II.D.3 of this handbook is selected (in competition with all other employees having priority consideration rights for the vacancy) as an exception to the regular competitive procedures of this handbook.

E. Record of Exception to Competition

When a position is filled without competition as provided in this section of the handbook, the circumstances identifying the exception to competition are recorded on the selectee's Standard Form (SF)-50, "Notification of Personnel Action." (SF-50 is available on OPM's website at <https://www.opm.gov/forms/standard-forms/>.)

III. APPOINTMENTS

A. NRC Authority for Appointments

1. Positions in the NRC, excluding executive level and those in the SES, are filled under the authority of Subsection 161d of the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974. The NRC excepted itself on January 20, 1975, under that authority from the regulations and procedures of the competitive civil service. While NRC personnel practices and procedures generally are consistent with those of the competitive service, NRC appointments carry the term "excepted" to indicate exception from the competitive civil service. However, except for SES, Presidential, and direct hire appointments, all other appointments to the NRC are made in accordance with veterans' preference law and requirements. Commissioner's Assistant positions (see NUREG/BR-0201) filled through NRC

Limited (Excepted) appointments, however, are subject to veterans' preference law and requirements only to the extent that it is administratively feasible.

2. An appointment is the action of effecting the employment of a person as an employee of the NRC.

B. Types of Appointments

1. Appointments in the NRC fall into two major categories—
 - (a) Appointments of a permanent nature, and
 - (b) Appointments of a temporary or time-limited nature (e.g., temporary, term, or “serves at the pleasure of”).
2. The specific type of appointment and the title for the “nature of action” will be determined by the OCHCO representative on the basis of management needs and the parameters of the position being filled.
3. The OCHCO representative will advise the appropriate supervisor or manager of any special employment conditions, renewal options, return rights, or other factors that are applicable to the specific type of staffing action used.

C. Appointments to “Obligated” Positions

Positions vacated by employees having permanent appointments who are called to military service, or who are transferred, with reemployment rights, to certain organizations, including international organizations, may be filled only on a temporary or an indefinite basis. Appointees to these positions must be informed that they are in Tenure Group II for RIF purposes and that they will be reassigned or otherwise removed from those positions when the former occupants return to the positions.

D. Effecting Appointments

1. Offers of Appointment

Offers of appointment may only be made by authorized OCHCO representatives.
2. Reference Inquiries
 - (a) A tentative offer of appointment to an outside candidate usually will be made by the OCHCO representative after two or three reference inquiries have been completed.
 - (b) Reference inquiries may be made through personal or telephone interviews, or by written inquiries. All written responses to inquiries will become part of the

official merit selection record. In the case of personal and telephone inquiries, answers should be recorded specifically as they are given by the interviewee for placement in the official record. All reference checks must be conducted in accordance with MD 12.3, "NRC Personnel Security Program."

3. Medical Fitness

- (a) Before making an appointment or effecting a transfer from another Government agency, the appointing officer (the CHCO, or their designee or an RPO, as appropriate) will determine the appointee's medical fitness for the position where these standards/requirements have been established for the position being filled. This determination will be made on the basis of an assessment of the duties of the position, a review of pertinent pre-employment documents on file, and drug-testing results.
- (b) The determination of medical fitness must be made before advising the appointee to begin any travel necessary to report for duty.

4. Selective Service Registration Status

A male born after December 31, 1959, who was or is required to register under section 3 of the Military Selective Service Act, and who is not so registered or knowingly and willfully did not so register before the requirement terminated or became inapplicable to him, is not eligible for employment with the NRC.

5. Tentative Offer Contingencies

The OCHCO representative must explain to the candidate in the tentative written offer the specific contingencies that must be met (e.g., notification of the requirement for a trial period and requirements involving conflicts of interest, financial disclosure, drug testing, and eligibility for employment clearance and access authorization).

6. Final Offer

When the conditions set forth under the written offer by the appointing authority are met, the OCHCO representative notifies the candidate that conditions have been met and the approximate entrance-on-duty (EOD) date is set.

7. Certification by the Appointment Authority

The CHCO, or designee, as appropriate, will certify, except for the appointment of Office of the Inspector General (OIG) employees, by signing the [SF 50](#), "Notification of Personnel Action," at the time of appointment that to the best of their knowledge, the various laws, regulations, standards, policies, procedures, and requirements concerning the selection have been adhered to.

8. Oath of Office and Appointment Affidavit

- (a) The appointment affidavit is usually executed on the day of EOD except that under special circumstances it may be executed before or after the employee is placed on the rolls.
- (b) The oath of office must be administered and the affidavits must be signed before any salary is paid.

9. Restrictions Against Owning Certain Security Interests

- (a) Agency regulations provide that certain employees of the NRC and their spouses and minor children may not own any stock, bonds, or other security interests issued by any company included on a list that is published by the Commission.
- (b) The designation of agency employees covered by the security ownership restriction is governed by MD 7.6, "Public and Confidential Financial Disclosure Reports."

10. Formalization of Appointment

All of the actions concerned with appointment to a position in the NRC are formalized by the OCHCO representative upon issuance of the [SF 50](#). The [SF 50](#) is the evidence of the legal basis for payment of an employee and for determining the rights and privileges to which an employee is entitled under law and regulation.

11. Official Personnel Folder

- (a) An electronic Official Personnel Folder (eOPF) will be established for each employee. The records and reports of human resources actions effected during the employee's service and the necessary documents and papers relating to these actions will be filed in the eOPF in accordance with applicable OPM regulations.
- (b) Information from the eOPF will be disclosed only in accordance with the provisions of the Privacy Act and the Freedom of Information Act.

IV. GENERAL EMPLOYMENT ISSUES

A. Disqualifying Factors

If the conduct of an applicant for employment with the NRC may reasonably be expected to interfere with or prevent effective performance, either in the position applied for or by the NRC in the accomplishment of its mission, the applicant may be barred from employment with NRC. These reasons include—

1. Dismissal from employment for delinquency or misconduct.
2. Criminal, dishonest, infamous, or notoriously disgraceful conduct.
3. Intentional false statements or deception or fraud in connection with an application.
4. Habitual use of intoxicating beverages to excess without adequate evidence of rehabilitation.
5. Abuse of narcotics, drugs, or other controlled substances without adequate evidence of rehabilitation.
6. Reasonable doubt as to the loyalty of the person involved to the Government of the United States.
7. Any statutory disqualification.
8. Ineligibility under the provisions of 10 CFR Part 10, "Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance," or 5 U.S.C. 7532, "Suspension and Removal," for NRC employment clearance and access authorization.
9. When an individual is barred from Federal employment by the Office of Personnel Management (OPM) for a specified period of time.

B. Annuitants

1. An annuitant under the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS) cannot be barred from employment in any position for which qualified solely because of retired status.
2. The NRC observes the conditions of employment applicable to annuitants described in relevant statutes, appropriate regulatory instructions of OPM, and the Energy Policy Act of 2005.

C. Employment Eligibility Verification

1. The NRC is required to verify employment eligibility of individuals on the Form I-9, "Employment Eligibility Verification." (Form I-9 is available in the NRC Forms Library on SharePoint at <https://usnrc.sharepoint.com/teams/NRC-Forms-Library/SitePages/Home.aspx>.)
2. Any individual hired after November 6, 1986, must complete a [Form I-9](#). For purposes of completion, the term "hired" applies to those employed, recruited, or referred for a fee.

3. The NRC requires individuals to participate in the E-Verify system. Federal Law requires all employers to confirm the employment eligibility of all persons hired to work in the United States.

D. Pay From More Than One Civilian Position

An individual may not receive pay from more than one civilian position for more than a total of 40 hours of work in any 1 week. No restriction exists on the number of appointments the individual may hold simultaneously, only on the number of hours for which they may be paid.

E. Employment on a Part-Time or Intermittent Basis

1. As required, employment may be on a part-time basis or on an intermittent basis, regardless of the type of appointment given.
2. Employment guidelines for NRC's Part-Time Career Employment Program are described in MD 10.13. This program is applicable to individuals holding permanent type appointments only.
3. A part-time employee works on a prearranged regular schedule normally between 16 and 32 hours per week (except a student may work fewer than 16 hours per week). A part-time employee is subject to the same conditions and entitled to the same benefits as a full-time employee (FTE) on the same type of appointment, except that leave is earned on a prorated basis and, in most cases, NRC's contribution to any Federal Employee Health Benefits plan is also prorated.
4. An intermittent employee performs work on an irregular or occasional basis in which the hours or days of work are not based on a prearranged schedule. The employee is paid only for the time they actually work. An intermittent employee is subject to the same conditions as a (FTE) on the same type of appointment and is also entitled to the same benefits as a (FTE) on the same type of appointment, except they:
 - (a) Are not covered by retirement system benefits (FERS or CSRS).
 - (b) Are not eligible for health or group life insurance benefits.
 - (c) Do not earn annual or sick leave.
 - (d) Cannot contribute to the Thrift Savings Plan.
5. An employee who is changed without a break in service to an intermittent work schedule from another type of work schedule continues to receive the benefits held while on the other type of work schedule, except that they do not earn annual or sick leave.

F. Temporary Employment

1. Temporary employment is used to—
 - (a) Fill a short-term position not expected to last longer than 1 year.
 - (b) Meet an employment need that is expected to be terminated for reasons including abolishment, reorganization, contracting out of the function, funding reductions, or completion of a specific project or peak workload.
 - (c) Fill positions on a temporary basis when the positions are expected to be needed for placement of permanent employees who would otherwise be displaced from other parts of the organization.
2. Temporary employment may be used to appoint individuals with intellectual, severe physical, or psychiatric disabilities to allow them to establish job readiness in accordance with MD 10.13.
3. Temporary employment is for a specified period of time not to exceed 1 year. The appointment may be extended up to a maximum of an additional year (24 months of total service).
4. A temporary employee may work on a full-time, part-time, or intermittent basis.
5. Employment in a successor position (a position that replaces and absorbs the position to which the individual was originally assigned) is considered an extension of the original appointment as is employment in a position involving the same basic duties and in the same major office or region and same commuting area as the original appointment.
6. A position that has been previously filled by a temporary appointment for an aggregate of 2 years or 24 months within the preceding 3 years cannot be filled again by a temporary appointment.
7. A temporary employee generally is not eligible to receive benefits that include participation in the retirement, health benefits, or life insurance programs. An extension beyond the first year provides eligibility for health insurance. A temporary employee earns sick leave and annual leave when serving on an appointment greater than 90 days.

G. Term Employment

1. Term employment is used, for example, to—

- (a) Carry out special project work.
 - (b) Staff a new or existing program of limited duration.
 - (c) Fill a position in an activity undergoing contracting out or in the process of being closed.
 - (d) Adjust for the uncertainty of future funding.
 - (e) Replace a permanent employee who has been temporarily assigned to another position, is on extended leave, or who has entered military service.
2. Term and temporary employment may cover the same situations. The only difference is the service limit.
3. Term employment involves work expected to last for a specified period of time exceeding 1 year and lasting not more than 5 years or 10 years for covered positions in the following occupational series:
 - (a) Social Science Series, 0101;
 - (b) Economist Series, 0110;
 - (c) Psychology Series, 0180;
 - (d) Natural Resources Management and Biological Sciences Group (i.e., 0400 group);
 - (e) Medical, Hospital, Dental, and Public Health Group (i.e., 0600 group);
 - (f) Engineering and Architecture Group (i.e., 0800 group);
 - (g) Physical Science Group (i.e., 1300 group);
 - (h) Mathematical Sciences Group (i.e., 1500 group); and
 - (i) Information Technology Group (i.e., 2200 group).
4. A term employee may work on a full-time, part-time, or intermittent basis.
5. Full-time and part-time employees on term appointments are eligible for a variety of benefits including within-grade increases and participation in the retirement, health benefits, and life insurance programs.

H. Reemployment of Employees Who Serve in the Uniformed Services or Restoration of Employees to Duty from Compensable Injury

The NRC will follow the reemployment rights described in 38 U.S.C. Chapter 43, "Employment and Reemployment Rights of Members of the Uniformed Service," and in 5 CFR Part 353, "Restoration to Duty from Uniformed Service of Compensable Injury," respectively.

V. DETAILS AND ROTATIONAL ASSIGNMENTS

A. Details in General

1. A detail is used to meet the temporary needs of an organization when necessary services cannot be obtained by other more desirable or practicable means.
2. An agreement for a detail of an employee is subject to the administrative control of funds procedures set forth in MD 4.2, "Administrative Control of Funds." The Office of the Chief Financial Officer (OCFO) must approve the following details in advance:
 - (a) Details to another Government entity regardless of whether NRC is to be reimbursed (Director, Division of Budget (DOB), OCFO), and
 - (b) Non reimbursable details from another Government entity to the NRC (Director, DOB, OCFO).
3. A detail involves the temporary assignment of an employee, with no official change in position classification or grade, to a different position for a specified period, with the employee returning to their regular duties at the end of a detail. Technically, a position is not filled by a detail because the employee continues to be the incumbent of the position from which they are temporarily detailed.
4. An employee who continues to carry out the duties of the position to which they are assigned and who also performs some of the duties of another position for a limited time (fewer than 30 days) is generally not considered to be on a detail.
5. For qualifications purposes, the experience of an employee on a detail is credited as an extension of the work the employee was performing immediately before the detail, or on its own merit, whichever is more beneficial to the employee.

B. Interagency Details and Details From or To State, Local, or Indian Tribal Governments, Institutions of Higher Education, and Other Eligible Organizations

1. Interagency Details and Intergovernmental Personnel Act (IPA) (5 CFR Part 334) Assignments
 - (a) An interagency detail is an authorized temporary assignment of an employee from one Federal agency to another that does not change the employee's official position assignment or salary.
 - (b) An IPA assignment is effected through a detail from or to a State, local, or Indian tribal government, institution of higher education, or other eligible organization. An IPA assignment is an authorized temporary assignment of an employee that does not change the employee's official position assignment or salary.
2. Use of Interagency Details and IPA Assignments
 - (a) An employee may be assigned through an interagency detail or IPA assignment on a reimbursable or nonreimbursable basis for pay purposes, or for travel and per diem, or both. However, nonreimbursable details to other Federal agencies are generally not permitted.
 - (b) An NRC employee may be assigned to another Federal agency if the employee's services can be spared without serious impairment of NRC operations.
 - (c) A detail of an NRC employee to a committee of Congress will normally be on a reimbursable basis. The CHCO, for an NRC employee, or the Inspector General (IG), for an OIG employee, will be advised immediately when these details are proposed. Section 303d of the Atomic Energy Act of 1954, as amended, provides requirements on details to congressional committees. The Office of General Counsel has determined that—
 - (i) Details to oversight committees intended to help the committees perform their oversight mission must be reimbursable.
 - (ii) Details to oversight committees intended to develop NRC employees may be nonreimbursable.
 - (d) Generally, all interagency details to other Federal agencies must be reimbursable except when the detail either—
 - (i) Involves a matter related to the lending agency's appropriation and will aid the agency in accomplishing the purpose for which appropriations are provided, or

(ii) Will have a negligible impact on the lending agency's appropriation. A detail based on negligible impact is subject to the time limits described for details within the NRC.

(e) The information in Section V.B.2(d) of this handbook is not applicable to details under the IPA. Guidance on IPAs is in 5 CFR Part 334, "Temporary Assignments Under the Intergovernmental Personnel Act (IPA)."

3. Reimbursable Details/IPA Assignments

A reimbursable detail is limited to a 1-year period, subject to extension. An IPA assignment may be made for up to 2 years with the possibility of an extension for another 2 years. In both cases, the salary of the employee is paid from the appropriation of the organization in which the employee is regularly employed. That organization is then reimbursed for the employee's salary based on a written agreement between the NRC and the organization that is made in advance of the detail or assignment. This agreement, signed by the responsible administrative officials of both the organization and the NRC (the CHCO, for an NRC employee or the IG for an OIG employee), must be cited on billing documentation issued to the reimbursing organization.

4. Nonreimbursable Details/IPA Assignments

(a) Both a non-reimbursable detail and an IPA assignment require a written agreement between the NRC and the organization concerned. The lending component will not be reimbursed for the employee's salary during the period of the detail/assignment. Nonreimbursable details must meet one of the two exception categories noted in Section V.B.2(d) of this handbook.

(b) In addition, time and attendance reports must be submitted regularly to the NRC or the organization from which the employee is detailed or assigned.

5. Travel Expenses

The expenses of any official travel performed in connection with the work of the NRC or the organization to which an employee is detailed will usually be paid by the gaining component. If the work is a joint effort, however, the lending component may agree to pay all or part of the travel expenses. Travel expenses for IPA assignments are negotiable.

6. Documentation

A copy of the detail or assignment agreement is given to the employee concerned and one copy is placed in the employee's eOPF as a permanent document. Copies are also furnished to the finance and security offices of the NRC or the other organization.

7. Details to International Organizations

Assignments to international organizations are discussed in 5 U.S.C. 3343, "Details; To International Organizations," and 5 CFR Part 352, Subpart C, "Detail and Transfer of Federal Employees to International Organizations." Additional information on assignments to international organizations can be obtained from OCHCO.

8. Security

The Office of Administration (ADM) will be consulted before the beginning of an interagency detail or IPA assignment to the NRC for a determination regarding access authorization requirements.

C. Details Within the NRC

1. A detail may be appropriate under circumstances that include meeting a temporary workload need, pending official assignment, pending description and evaluation of a new position, pending the return of an absent employee, and for training purposes, particularly when the training is part of an established promotional or developmental program.
2. Since the use of a detail may conflict with the principles of sound management and job evaluation, a detail will be made only when necessary, and for as short a period as possible. An extension beyond a total 1-year period is subject to the approval of the CHCO, for an NRC employee, or the IG, for an OIG employee.
3. Generally, an employee assigned to perform the full range of duties of a higher graded position for a period that is expected to exceed 180 calendar days should be given a temporary promotion. However, if the detail does not require the employee to perform the full range of the higher graded duties for at least 25 percent of the time, a detail is appropriate.
4. Details of non-SES employees to SES positions should be kept to a minimum. These details should not be used as a trial period for consideration of an employee for an SES appointment or as a means of providing specific employees with the opportunity to acquire the necessary qualifications for entry into the SES, unless the detail is part of the NRC SES Candidate Development Program requirements. Only NRC employees with "permanent" type appointments may be detailed to SES career reserved positions.
5. Competitive procedures must be used when detailing a non-SES employee to an SES position for more than 240 calendar days unless the employee is eligible for a non-competitive career SES appointment.
6. OPM approval is required for a detail of more than 240 calendar days if the detail is of a non-SES employee to an SES position that supervises other SES positions.
7. A detail to unclassified duties generally should be limited to 180 calendar days. An extension beyond 180 calendar days is subject to the approval of the CHCO, for an NRC employee, or the IG, for an OIG employee.
8. A detail to a lower graded position should be avoided when possible and should be kept to the minimum amount of time.
9. An employee may be detailed without regard to qualification requirements and time-in-grade restrictions.
10. A performance plan (elements and standards) is required for an individual detailed for 120 calendar days or more.

11. Generally, a detail is initially made for 180 calendar days or less and, when required, is extended in increments of up to 180 calendar days up to a total of 1 year.
12. A detail longer than 30 days will be documented by issuing an [SF-50](#). The office to which the employee is being detailed (the gaining office) will prepare an [SF-52](#) "Request for Personnel Action," and will route it through the office from which the employee is being detailed (the losing office) for concurrence, to the appropriate OCHCO representative. This documentation must be made as soon as it is known that the detail will exceed 30 days.
13. To terminate the detail before the "Not to Exceed Date," the office to which the employee has been detailed will prepare an [SF-52](#) and route it as previously indicated.
14. The gaining office for an employee being detailed will be charged for the salary and benefits (S&B) expenses, as well as the FTE costs, for the duration of the detail.

D. Rotational Assignments

1. General Information

- (a) A rotational assignment is generally a short-term, lateral assignment of an employee to other functions and components within the agency for the purpose of broadening their capabilities. The purpose of a rotational assignment is to develop greater overall capability and versatility within the staff to better accomplish the mission of the agency. A rotational assignment is designed to develop employee skills, foster a greater understanding of NRC programs, develop greater cohesion and cooperation among the staff, and provide an employee with broader experiences and new challenges.
- (b) Although a rotational assignment directly benefits a participating employee, it should be emphasized that the needs of the NRC and its organizational components are of paramount concern when effecting a rotational assignment. For this reason, final approval of a rotational assignment is subject to the concurrence of the appropriate managers in the office to which the employee is permanently assigned. Although a rotational assignment is not an employee entitlement, managers and supervisors should fully use the rotational assignment process to develop staff knowledge, skills, and abilities (KSAs).

- (c) All NRC employees may participate in rotational assignments, except for employees serving under temporary or term appointments. An employee already participating in a developmental program that includes rotational assignments (e.g., the Leadership Potential Program, the Team Leader Development Program, and the Nuclear Regulator Apprenticeship Network generally will not be considered for an additional rotational assignment until they complete the program).
- (d) An employee may be placed on a rotational assignment to a vacant position or to an unclassified set of duties. No vacancy announcement or vacant position is required for a rotational assignment to be developed. The typical duration of a rotational assignment is 3 to 6 months.

2. Participating in the Rotational Process

- (a) Consideration for a rotational assignment can develop in several ways.
 - (i) An employee may indicate interest in a rotational assignment by contacting their OCHCO representative and providing a completed NRC Form 711, "Rotational Assignment Application" (available in the [NRC Forms Library on SharePoint](#)). An employee should discuss their interest in a rotational assignment with their supervisor and, as appropriate, include these interests in their Individual Development Plan (see NUREG/BR-0086, "The Individual Development Plan (IDP) Process," latest revision).
 - (ii) With the supervisor's approval, an employee also may identify and discuss a potential rotational assignment directly with a management official of another organization.
 - (iii) A supervisor may identify an employee believed to be well suited for a rotational assignment to or from their organization.
- (b) Appropriate supervisory approval is needed for consideration for all rotational assignments.

3. Identifying Rotational Assignments

- (a) A supervisor or manager seeking to solicit interest in a rotational opportunity should work with their office's servicing OCHCO representative to post a rotational opportunity on the NRC intranet. The notice should describe the assignment, the qualifications desired, the length of the rotation, and any other pertinent information.

- (b) The OCHCO representative will review rotational assignment applications. The applications that potentially are eligible will be forwarded to the office(s) or region(s) for consideration. Offices and regions will follow up with supervisors and employees, as appropriate. An agreement between the losing and gaining organizations must be reached before the employee is notified that a rotational assignment will be effected.
 - (c) At their discretion, a supervisor may interview employees interested in a rotational assignment when ready to fill the rotational opportunity. A telephone interview is acceptable. There is no requirement for any or all interested employees to be interviewed.
4. Implementing Rotational Assignments
- (a) Usually, the office to which the employee is permanently assigned is responsible for the resource costs (e.g., FTE) associated with a rotational assignment. However, travel and other resource costs may be negotiated between the losing and gaining organizations.
 - (b) Agency performance appraisal regulations and bargaining agreement provisions apply to a rotational assignment. An employee on a rotational assignment expected to last 120 calendar days or more will be provided performance elements and standards and be given an evaluation by the rotational assignment supervisor within 30 calendar days after the end of the rotational assignment. This evaluation will be given appropriate weight in the annual performance appraisal.
 - (c) Agency travel and per diem regulations apply to an employee participating in a rotational assignment away from their regular duty station.
 - (d) A rotational assignment longer than 30 days will be documented by issuing an SF-50, "Notification of Personnel Action." The office to which the employee is on rotation (the gaining office) will prepare an SF-52, "Request for Personnel Action," and will route it through the office from which the employee is on rotation (the losing office) for concurrence, to the appropriate OCHCO representative. This documentation must be made as soon as it is known that the rotation will exceed 30 days.

VI. POSITION CHANGES

A. Promotions

1. General

- (a) A promotion is the official change of a continuously employed NRC employee from one grade level to a higher grade level in the same pay system or to a position with a higher representative rate under a different pay system.
- (b) An employee under a permanent, term, or temporary type of appointment may be changed to a higher grade position if the candidate for promotion meets the requirements outlined below. In addition, promotion of an employee with a permanent type of appointment is made in accordance with the provisions of this MD.

2. Rate of Promotion for Permanent Promotions

- (a) The NRC is not covered by OPM time-in-grade restrictions in 5 CFR 300.605, "Creditable Service."
- (b) As a general rule, an employee is expected to serve in their current position long enough to demonstrate ability and competence for promotion. However, the number of advancements an employee may receive and the number of grades they may be advanced are not limited so long as the employee meets the position's basic qualifications requirements, which typically coincide with OPM time-in-grade restrictions, at the time of each advancement.
 - (i) Advancement to Positions at the GG-6 Level or Above
 - A candidate for advancement to a position at GG-6 through GG-11 that is in a line of work properly classified at one-grade intervals must have completed at least 52 weeks of service in a position(s) no more than one grade lower than the position to be filled, unless the employee has equivalent qualifying external experience.
 - A candidate for advancement to a position at GG-7, GG-9, or GG-11 that is in a line of work properly classified at two-grade intervals must have completed at least 52 weeks of service in a position(s) no more than two grades lower than the position to be filled, unless the employee has equivalent qualifying external experience. The NRC follows OPM guidance for identifying lines of work properly classified at two-grade intervals.
 - A candidate for advancement to a position at GG-12 or above must have completed at least 52 weeks of service in a position(s) no more than one

grade lower than the position to be filled, unless the employee has equivalent qualifying external experience.

- When there is no position at the next lower grade in the normal line of promotion to the position to be filled (normally the case when promoting an employee from a one-grade interval position to a two-grade interval position), a candidate must have at least 52 weeks of service in a position(s) no more than two grades lower than the position to be filled, unless the employee has equivalent qualifying external experience.

(ii) Advancement to Positions at the GG-5 Level or Below

A candidate may be advanced to a position at GG-5 or below if any of the following apply:

- The position is no more than two grades above the lowest grade level he or she held within the preceding 52 weeks under nontemporary appointment.
- The candidate met this restriction for advancement to the grade of the position to be filled at any time in the past.
- The candidate previously held a position at or above the grade level of the position to be filled at any time under any type of appointment.
- The candidate has equivalent qualifying external experience.

3. Exceptions

When it is determined to be in the best interests of the NRC, the CHCO may, in rare cases, approve exceptions to the rate of promotion upon written request by an office director or regional administrator.

4. Temporary Promotions

(a) General Use

- (i) A temporary promotion cannot be made to an SES position.
- (ii) A temporary promotion may be used when an employee performs the higher graded duties of a vacant position or replaces an incumbent, who is in a higher graded position, during an extended absence.
- (iii) A temporary promotion may be used when an employee assumes responsibility for a higher-level workload for a limited period.
- (iv) A temporary promotion may be used when an employee participates in a special project having to perform higher graded duties that will last for a limited period.

(b) Competitive Procedures

- (i) Competitive procedures must be used except as specified in Sections II.C.4 of this handbook.
- (ii) If an employee has been detailed, rather than temporarily promoted, to and is performing the full range of duties of a higher-grade position, the assignment must be changed to a temporary promotion no later than the beginning of the pay period following the 180th calendar day of the detail, regardless of whether qualifications requirements have been met. Details should not be used to circumvent competitive procedures for temporary promotions on temporary assignments of 180 calendar days or more.
- (iii) In no case may an employee who has completed a temporary promotion be allowed to continue to perform the full range of duties of the temporary position after the promotion has been terminated and the employee returns to their position of record.

(c) Inappropriate Use of Temporary Promotions

A temporary promotion is not to be used in the following situations:

- (i) To give an employee a trial period before permanent promotion,
- (ii) To decide among candidates for permanent promotion,
- (iii) To train an employee in higher grade duties,
- (iv) When the employee is not performing the full range of duties of the higher- level position, and
- (v) When a deputy or other staff member routinely acts for a brief period during a supervisor's absence.

(d) Effective Date of a Temporary Promotion

A temporary promotion is effective at the beginning of an employee's assignment to perform the full range of duties of a higher-graded position.

(e) Qualifications for a Temporary Promotion

An employee receiving a temporary promotion, whether selected competitively or noncompetitively, is subject to the same qualifications requirements as an employee receiving a permanent promotion.

(f) Temporary Promotion Information

- (i) An employee selected for a temporary promotion must be informed in writing in advance of the promotion, if practicable, of the circumstances that make a temporary promotion, rather than a permanent promotion, appropriate; of the temporary nature of the action and of all conditions relating to it, including the expected duration; and that they will return to their regular position or one at the same grade level when their services are no longer needed in the higher grade, whether or not the expected period has ended and without regard to 5 CFR Part 351, "Reduction in Force"; Part 432, "Performance Based Reduction in Grade and Removal Actions"; Part 752, "Adverse Actions"; or Part 771, "Agency Administrative Grievance System."
- (ii) The [SF 50](#), "Notification of Personnel Action," documenting the temporary promotion must state in the "Remarks" section that the employee has been advised of the conditions of the temporary promotion.

(g) Length of a Temporary Promotion

An employee may be temporarily promoted for the expected duration of their services in the higher grade using competitive or noncompetitive procedures, as appropriate. A temporary promotion may be effected for a time period not to exceed 5 years. If effected for fewer than 5 years, a temporary promotion may be extended, as appropriate, up to the 5-year limit.

(h) Ending a Temporary Promotion

- (i) Unless extended by the NRC to meet additional temporary needs or ended at any time before the specified date at the discretion of the NRC, a temporary promotion automatically ends on the specified date.
- (ii) Neither the adverse action procedures of MD 10.99, "Discipline and Adverse Actions," nor the RIF procedures of MD 10.103 apply when a temporary promotion is ended and the employee returns to their regular position or to a position at the same grade level. Title 5 of the Code of Federal Register Regulations Part 351, 432, 752, or 771 does not apply when terminating a temporary promotion.

(i) Within-Grade Increases

MD 10.41, "Pay Administration," contains specific information relating to a within-grade increase during and after termination of a temporary promotion.

(j) Performance Appraisal

- (i) A performance appraisal is required for a temporary promotion of more than 120 calendar days.
- (ii) MD 10.67, "General Grade Performance Management System," contains the specific information relating to performance appraisal requirements for temporary promotions of 120 calendar days or more.

(k) Promotion of Temporary and Term Employees

- (i) A temporary or term employee is also eligible for promotion (i.e., changes to higher graded positions). The promotion may be made noncompetitively if the appointment is not subject to competitive merit staffing procedures.
- (ii) The promotion is subject to applicable qualification requirements.
- (iii) Management may, at its discretion, extend the temporary or term appointment concurrently with the promotion action, but this extension is not mandatory.

B. Change to Lower Grade (Demotion)

1. General

- (a) A change to a lower grade is the official change of a continuously employed NRC employee from one grade level to a lower grade level in the same pay system or to a position under a different pay system with a lower representative rate.
- (b) The NRC follows OPM guidance in comparing representative rates.

2. Involuntary Actions

- (a) An involuntary change to a lower grade, except upon expiration of a temporary promotion, is considered an adverse action.
- (b) Guidance concerning adverse actions is contained in MD 10.99.

3. Voluntary Actions

- (a) In certain instances, an employee may voluntarily seek a change to a lower grade for their own convenience. This action is effected by the appointing officer without regard to the adverse action requirements of MD 10.99, provided that the following two conditions apply:
 - (i) Management and supervisors have not requested or required the action and

- (ii) The employee has furnished the OCHCO representative with a written statement that they request the action voluntarily.
- (b) Granting this request is at the discretion of management and is dependent upon work-related factors including the availability of work at the lower level for which the employee is qualified. This action may be accomplished either through assigning the employee to a new position or through restructuring the duties of the employee's current position.
- (c) Action to accommodate the request must not displace other employees.

C. Reassignments

1. General

A reassignment is the official change of a continuously employed NRC employee from one position to another at the same grade in the same pay system or to a position under a different pay system with the same representative rate.

2. Selection

- (a) The reassignment of an employee with a "permanent" type of appointment is based on the needs of the service.
- (b) Competitive procedures must be used except as specified in Sections II.C.4 and II.C.10 of this handbook.

3. Reassignments Involving a Change in Commuting Area or Geographic Relocation

- (a) The provisions of MD 10.51, "Recruitment, Relocation, and Retention Incentives," may apply in the case of an employee who is reassigned to a different commuting or geographic area.
- (b) No change takes place in basic health and life insurance benefits, participation in the Thrift Savings Plan, leave, or retirement for an employee accepting a geographic reassignment; however, the employee may have to change their health insurance carrier. Refer to [Federal Employee Health Benefits \(FEHB\) Handbook](#).
- (c) Special salary rates, geographic adjustments, or locality pay may be affected as these pay provisions are localized to specific areas and are not transferrable.

- (d) An employee must be notified in writing by OCHCO at least 120 calendar days in advance of reassignments, promotions, or other position changes to a new commuting or geographic area and the intended date of the reassignment. The employee may request a waiver of the 120-day notification period, to be approved by the employee's current and future office director or regional administrator.
4. Failure to Accept a Reassignment
- (a) An employee's failure to accept a reassignment that has been directed by the NRC may be made the basis for removal under adverse action procedures.
- (b) An employee who declines to accept a reassignment that has been directed by the NRC outside the commuting or geographic area may be eligible for discontinued service retirement or severance pay. If an employee is eligible for discontinued service or optional retirement, severance pay is not applicable.

VII. NRC EXTERNAL RECRUITMENT PROGRAM

A. Purpose

1. The purpose of external recruitment is to maintain a constant supply of highly qualified applicants to fill current and future vacancies for entry-level or full-performance expert and managerial positions. NRC's recruitment program is ongoing so that immediate and short-term vacancies may be quickly filled when management has decided it is in the best interest of the NRC to hire an outside candidate.
2. Longer range recruiting efforts are required to identify and develop the supply of candidates for vacancies projected through OCHCO's long-range staffing projections and other human resource strategic planning activities in OCHCO.

B. General Information

1. Management should submit to OCHCO long-range staffing needs that are as accurate as possible in response to the annual OCHCO long-range staffing projections call. Management also should inform OCHCO, as early as possible, of short-term and long-range needs to avoid delays resulting, for example, from security clearance requirements or scarcity in the job market.
2. The NRC's total recruitment effort should be commensurate with the NRC's anticipated need for personnel as identified in both the staffing projections and OCHCO's Human Capital Operating Plan.

3. Information provided to OCHCO should include—
 - (a) Anticipated vacancies or newly created positions, and
 - (b) Any anticipated budgetary, programmatic, or organizational changes that will affect the numbers or types of personnel needed.
4. The NRC will conduct a continuing program to recruit veterans, the disabled, women, and members of minority groups for positions in the NRC.

C. Applications for Employment

1. General

By submitting an application, an individual requests in writing that the NRC consider them for employment on the basis of the information in the application and conditions set forth in the vacancy announcement. Applications are officially accepted, retained, considered, and disposed of only by OCHCO. Applications will be retained or disposed of in accordance with applicable governmentwide laws and regulations.

2. Accuracy of Information

Information contained on an application for employment with the NRC is subject to investigation and verification under the provisions of the Atomic Energy Act of 1954, as amended, and Executive Order 10450, "Security Requirements for Government Employment," to determine the applicant's eligibility for Federal employment and required access authorization.

D. Recruitment Strategy

A decision on when and how to recruit should be made when a specific vacancy or a shortage is foreseen, or when a more generic recruiting need is identified through long-range staffing projections or OCHCO's Human Capital Operating Plan. When a manager foresees a vacancy or a shortage, they may fill the position through a variety of ways, including internal reassignment, advertising the position in a vacancy announcement, special hiring authority (for example, that used for 30 percent disabled veterans (see MD 10.13)), or onsite recruitment.

E. Role of the Recruitment Coordinator

The OCHCO Recruitment Coordinator is the initial contact for managers when the decision has been made to conduct targeted external recruitment. Managers located in the regions should contact their region servicing HR specialist and the HR specialist should contact the Recruitment Coordinator for recruiting assistance.

F. Areas of Consideration

Once a decision has been made to recruit externally, the human resources specialist, in conjunction with line managers, must determine the appropriate areas of consideration for recruitment. Among the factors to be considered in determining the recruitment areas are the availability of highly qualified current employees and the availability of the required skills from the labor market. The recruitment effort should cover a geographical area broad enough to produce a sufficient number of qualified candidates.

G. Recruiting Sources

When recruiting, use all available sources applicable to the position that are likely to yield qualified candidates. Examples of primary sources include, but are not limited to—

1. Job Fairs

The NRC may participate in college, high school, Government, and local civic group career days.

2. College Fairs

The NRC may participate in career days on campuses to inform students about the NRC's programs and opportunities.

3. Professional Journal and Newspaper Advertisements

The NRC may place local interest stories and classified advertising concerning NRC employment in newspapers and professional journals. Paid advertising in media, including newspapers, magazines, radio, and television, may be initiated only by OCHCO as required, subject to the following considerations—

(a) General Considerations

The cost-effectiveness of paid advertising must be considered. Thus, advertising should be used only when past experience, the current job market situation, and/or other factors indicate that other recruiting techniques will likely produce an insufficient number of qualified applicants. The timing and the location of the advertisement should be planned to reach as large a group of qualified and potentially interested candidates as possible.

(b) Format and Content

The advertisement should be in the appropriate media, in good taste, without exaggerated claims, and comparable to those advertisements generally appearing in the chosen media. The advertisement also must mention the following:

- (i) The NRC policy of nondiscrimination in employment,
- (ii) Pre-employment and random drug testing, and
- (iii) The agency's zero tolerance policy with regard to illegal drug use.

(c) Regulatory and Statutory Requirements

In accordance with MD 11.1, "NRC Acquisition of Supplies and Services," OCHCO will coordinate contract actions for paid advertisements with the Acquisition Management Division, ADM, so that all regulatory and statutory requirements concerning procurement of and payment for advertisements are met.

4. Vacancy Announcements, Lists, Bulletins, and Notices

The contact for a vacancy announcement normally is the human resources specialist serving the office/region in which the vacancy exists.

5. NRC Employees

All employees should be generally familiar with recruiting procedures in the event they are selected to participate in a recruitment activity. NRC employees are in the best position to realistically describe the NRC as an employer to prospective candidates among their professional and personal associates. Word-of-mouth publicity from enthusiastic employees is extremely effective in recruiting. As a result of their affiliations, employees may also be able to suggest other recruiting sources or organizations for the NRC to contact.

6. Other U.S. Government Agencies

Other agencies are sometimes able to refer applicants or employees for NRC employment. This is especially true, for example, of those Federal agencies that have responsibility for implementing Historically Black College and University, Hispanic Associations of Colleges and Universities, or other diversity management programs.

7. The Office of Personnel Management (OPM)

OPM administers the Governmentwide vacancy announcement system (USAJOBS, available at <https://www.usajobs.gov/>). OPM centralizes most Federal job

opportunities information. The NRC may advise OPM of the NRC's recruitment needs when appropriate.

8. Professional, Technical, and Scientific Societies and Organizations

These groups are among the better sources for recruitment of experienced professional and scientific personnel. Many of these organizations maintain and may refer qualified candidates from rosters. These groups also publicize job opportunities in their bulletins or journals. These organizations frequently provide space for recruiters to set up desks or exhibits at annual conferences or meetings. Since several NRC offices may be interested in representation at the same conference, arrangements for representation at any particular national conference must be coordinated through the OCHCO Recruitment Coordinator.

9. Veteran's, Disabled, Minority, and Women's Organizations

These groups often can publicize NRC vacancies and assist in locating candidates.

10. Schools, Colleges, and Universities

Most institutions have a placement office that serves as a point of exchange between employers and students. It is also beneficial for operating officials to establish a working relationship with professors and department heads in areas of interest to the NRC.

H. Special Considerations for Long-Term Recruiting Requirements

When developing long-term recruitment needs, managers should—

1. Identify agency needs based on OCHCO long-range staffing plan projections and the Human Capital Operating Plan.
2. Factor in the human resources position management guidance.
3. Build in student, intern, fellowship, and other recruitment-oriented program needs.

I. Pre-Recruitment Guidelines

When selecting and training NRC employees to participate in recruitment, the following guidelines apply.

1. The recruitment team normally will contain one representative from OCHCO and, depending on the number of applicants expected, 2 to 4 representatives from the technical or corporate staff. When management selects members of their technical or corporate staff for recruiting trips, they should select those employees who will best represent the agency. To attract the most qualified applicants, recruiters need to show that the NRC is the best choice for these applicants and ensure that the recruitment team adequately reflects the diversity of gender, race, and/or ethnicity of potential attendees at the recruitment event.
2. If travel is required to attend a recruitment event, the recruiter's office/region approves and processes all travel-related activities.
3. All recruiters will attend a training/orientation seminar. These seminars generally are offered before the recruitment cycle starts in August or September.

J. Additional Information for Recruiters

1. Compensation

Managers need to be aware of the available pay options that will help them hire the applicants they want. The OCHCO recruiters must know of the various benefits and circumstances that may apply. Recruiters also need to know what benefits they are authorized to offer or discuss and when to offer or discuss them. Some examples include—

2. Special Salary Rates

For each recruiting trip, the recruiter should take copies of any special salary rate tables that apply to the positions being recruited.

3. Increases in Hiring Rates

Under certain conditions, it is possible to offer a prospective employee an above- the-minimum salary rate as provided in MD 10.41.

4. Recruitment Incentives

Recruitment incentives for hard-to-recruit positions may be available instead of or in combination with an increase in hiring rate. Recruiters should be familiar with the criteria and procedures for recruitment incentives described in MD 10.51.

5. Advance in Pay

An advance in pay for not more than 2 pay periods may be available for certain selectees who might have difficulty accepting an offer of employment because of immediate financial difficulties. Specific criteria and procedures are described in

MD 10.45, "Advances in Pay." Since pay advances are case-specific, this topic normally should not be a discussion point; however, recruiters should be familiar with the option.

6. Federal Benefits

Recruiters should have a basic understanding of Federal benefits like retirement, Thrift Savings Plan, health insurance, and life insurance.

K. Payment of Travel and Transportation Expenses

1. First Post of Duty

(a) Persons Eligible for Payment

Travel and transportation expenses to the first post of duty may, at the NRC's discretion, be paid to an appointee.

(b) Conditions

Expenses may be allowed only when the appointee has executed an agreement to remain in Federal service for 12 months from the date of appointment unless separated for reasons beyond their control or for reasons acceptable to the NRC.

(c) Information to Candidates for Employment

NRC's willingness to pay travel and transportation expenses could have a significant bearing on a candidate's willingness to accept a position. Therefore, in keeping with merit principles, all candidates for whom the NRC is willing to pay these expenses should be advised accordingly when they are given information concerning employment.

2. Current Federal Employees

Payment of travel and transportation expenses to an employee of another Federal agency who is being appointed to the NRC may be authorized in accordance with instructions in MD 14.2, "Relocation Allowances," when—

- (a) The move is in the interest of the Government,
- (b) The appointment is other than temporary, and
- (c) A service agreement has been executed.

3. Interviews

MD 14.1, "Official Temporary Duty Travel," provides guidance on authorizing an interviewee to travel at Government expense so that the Government may determine

qualifications for a specific vacancy. See MD 14.1 for specific authority, policy, and procedures.

L. Health, Life Insurance, and Retirement Benefits

OCHCO representatives at recruitment events must be familiar with benefits programs including the Federal Employees Health Benefits Program, the Federal Employees' Group Life Insurance Program, retirement programs including the Federal Employees Retirement System, and the Thrift Savings Plan.

M. Recruitment Interviews

During a recruitment interview, a potential candidate should either be advised in some detail of NRC policy on prohibited stock ownership or a recruiter should have available a list of prohibited stocks to provide the candidate.

N. Evaluations

OCHCO will periodically assess the recruitment program and make any necessary changes to attract qualified candidates in the future.

VIII. THE MERIT STAFFING PROGRAM

A. Vacancy Announcements

A representative from OCHCO, in consultation with the selecting official, prepares and issues all vacancy announcements.

B. Preliminary Preparation

1. When a vacancy or other merit competition opportunity exists, the selecting official contacts the appropriate OCHCO representative to discuss the position, review management's need, and develop a preliminary strategy and estimate of the availability of highly qualified candidates.
2. A request to post a vacancy includes an [SF-52](#), a position description (PD), and a designation of panel members, if necessary. The OCHCO representative advises the selecting official whether selective placement and quality ranking factors (as defined in Section VIII.J and Section VIII.M of this handbook) are already on file or whether they have to be developed.
3. The OCHCO representative reviews the position with the selecting official to conduct a job analysis (i.e., determine competencies directly related to performance of the job).

4. The selecting official reviews the PD and recommends to the OCHCO representative modifications to the PD, as necessary, including the grade level or occupational series of the position to be filled, to permit a larger pool of available candidates to apply.
5. The OCHCO representative and the selecting official identify the selective placement and quality ranking factors on the basis of the job analysis. This task must be completed before the announcement may be published.
6. The OCHCO representative prepares a vacancy announcement that specifies the basic qualifications and any selective placement and quality ranking factors that reflect the contents of the PD.

C. Area of Consideration

1. The area of consideration should be broad enough to allow for a significant number of qualified applicants but narrow enough to prevent an excessive number of applicants. In determining the area of consideration, thought should be given to equal employment opportunity objectives, the likelihood of producing sufficient highly qualified candidates without unreasonably restricting fair and open competition, infusion of new ideas and strengths into the organization, and budgetary constraints and cost-effectiveness.
2. Administrative vacancies below the GG-12 level and clerical vacancies at any grade level will normally be announced only within headquarters or the region in which they occur.
3. Vacancies to be filled by details, and temporary promotions of more than 180 calendar days, normally will be announced only within headquarters or the region in which they occur, and normally only applicants from within these areas will be considered.
4. All other vacancies with a full performance level at the GG-12 level or above will generally be announced throughout the entire NRC at a minimum.
5. These areas of consideration may be expanded at the request of the selecting official. The areas may be reduced to the extent necessary to ensure bona fide consideration of all qualified candidates within the specified area when for budgetary, ceiling, or similar reasons it is not practical to announce the vacancy over a broader area. Any exceptions to the normal area of consideration must be agreed to by the selecting official and OCHCO, on the basis of the identification of the most probable recruitment sources for highly qualified applicants. The exception to the normal area of consideration will be documented in the merit case file.

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6. Once the area of consideration has been determined, competitive applicants from outside the area of consideration will not be considered. Those eligible for noncompetitive appointment (e.g., Veterans Recruitment Appointment (VRA) or an appointment based on disability), may always be considered.
 7. Veterans Employment Opportunity Act of 1998 (VEOA) (Pub. L. 105-339)
 - (a) A VEOA eligible, as defined in 5 U.S.C. 3304(f)(1) and 5 CFR 335.106, is a preference eligible, or a veteran who has been separated under honorable conditions from the armed forces after 3 or more years of continuous active military service. A VEOA eligible is entitled to be considered for competitive service vacancies that are limited to status candidates but including those who are outside of the agency that is filling the position.
 - (b) Because it is an excepted service agency, the NRC is not covered by the VEOA staffing requirements; however, under authority in Section 161d of the Atomic Energy Act of 1954, as amended, the agency has chosen to adopt most provisions. The NRC departs from competitive service VEOA provisions in two areas:
 - (i) Competitive service agencies that post a vacancy announcement open to VEOA eligibles may not later decide to consider only internal applicants if a VEOA eligible(s) applies. NRC may decide to consider only internal candidates.
 - (ii) When a competitive service vacancy announcement is open to VEOA eligibles, the agency must accept VEOA eligible applicants regardless of whether they are within or outside of the geographic area of consideration. The NRC does not consider VEOA eligible applicants who are outside of the area of consideration.

D. Minimum Open Period

1. A vacancy announcement must be open for a minimum of 5 working days. The open period is entirely at management's discretion based on the vacancy circumstances as long as it meets the minimum required open period. To ensure that applicants have adequate opportunity to compete, the open period must be long enough for applicants to complete an online application.
2. The open period also depends on a number of factors agreed to between the selecting official and the OCHCO representative, including the area of consideration, the nature of recruitment efforts, urgency in filling the position, and the likely availability of potential applicants.
3. Some types of vacancies, (e.g., administrative assistant and engineer), represent frequent staffing needs in many offices and justify "open" announcements. These

announcements may be advertised as “open until filled” and may specify opportunities in multiple offices.

E. Contents of Vacancy Announcements

1. A vacancy announcement provides information on the duties and requirements of the position.
2. A vacancy announcement is prepared by the human resources specialist based on input from the selecting official. In addition to the standard announcement contents developed by OCHCO, the selecting official and the human resources specialist are to consider including the following in the announcement:
 - (a) The announcement must list the selective placement and quality ranking factors identified through the job analysis process, including any weighting that may be assigned to individual quality ranking factors. In addition, sufficient guidance must be provided so that applicants can address the selective placement and quality ranking factors in their resume.
 - (b) Any special conditions of employment, security clearance requirements, payment of travel and transportation expenses, drug testing, consideration of payment of monetary incentives like relocation or recruitment incentive, or other factors, when applicable, should also be included in the announcement.
 - (c) General guidance on the types of information that will be reviewed in applicant evaluation (e.g., work history, breadth of experience in the field, training, awards, past and current performance, and community activities), should be listed.
3. In describing the basic qualifications in the vacancy announcement, the first basic qualifications option should read as follows:

The NRC generally follows OPM qualification standards but may deviate when deemed necessary. Minimum qualifications must be met within 30 calendar days after the vacancy announcement closes or for Open Until Filled announcements, within 30 calendar days of the date that the application is submitted.
4. All vacancy announcements must include appropriate language concerning reasonable accommodations for the application process.
5. When a position to be filled is interdisciplinary in nature, that is, it can be filled by individuals from several occupational backgrounds, this fact must be reflected in the vacancy announcement.

6. Once the vacancy announcement is published, no change may be made in the selective placement and quality ranking factors, including any weighting, unless an amended vacancy announcement is published to describe the changes.

F. Distribution of Announcements

All NRC vacancies are published on USAJOBS and also are available through the NRC intranet. Specific information is provided concerning the individual to be contacted for further information.

G. Re-use of the Selection Certificate

1. Positions for which no action has been taken within 90 calendar days after applicants are certified to the selecting official for selection normally will either be canceled or re-advertised.
2. Exceptions to Announcement Requirements
 - (a) If the current vacancy is, in all essential details (title, series, grade, full performance level, basic duties, office or region (unless the vacancy announcement specified multiple offices and/or regions), selective placement and quality ranking factors), identical to one for which a vacancy announcement was issued within the previous 90 calendar days, the OCHCO may authorize the selecting official for the vacancy to use the results of the earlier vacancy announcement.
 - (b) The OCHCO representative documents the exception, in writing, including the reasons for and the approval of the exception, and makes it part of the record.

H. Application Procedures

1. Responding to Vacancy Announcements
 - (a) Any applicant who wishes to be considered for a vacancy announcement must submit an online application on the USAJOBS Web site. NRC applicants also must submit their most recent NRC Performance Appraisal System Summary Rating," or a statement saying that one is not available.
 - (b) The annual performance appraisal should be the most current appraisal. If the applicant is unable to obtain a current appraisal, the applicant should be advised to inform the vacancy announcement point-of-contact of this fact.
 - (c) Applicants should be advised to include in the supplemental statement, as appropriate, any information about training, awards, or other experiences that is directly related to a specific selective placement and quality ranking factors.

- (d) Only complete applications, with all required and recommended attachments, received in OCHCO on or before the closing date of the announcement will be considered unless a later date is authorized by OCHCO.
- (e) Status applicants (current or former Federal employees) who apply for nationwide vacancy announcements open to all U.S. citizens will receive consideration under merit promotion procedures only.

2. List of Absent Employees

OCHCO maintains a list of employees temporarily absent for military service, for service with public international organizations, or because of a compensable injury. These employees will be given automatic consideration for appropriate vacancies. However, it is the responsibility of the employee who will be temporarily absent to notify their OCHCO representative of an interest in being considered for vacancies during the absence, and of the length of the absence. The employee must include an updated resume with the written notification.

3. Open-Until-Filled (OUF) Application Procedures

- (a) An OUF announcement is used to recruit for an individual, hard-to-fill vacancy and to fill a position on a continuing basis over a specified timeframe indicated by the expiration date (typically, 60-90-180 calendar days or 1 year) as specified in the announcement.
- (b) OCHCO will determine the “closing date” for receipt and consideration of an application for any individual position covered by the announcement. Normally, when multiple positions are being filled throughout the open timeframe, the cutoff date for any individual vacancy will depend on factors, including the number of qualified applications received at any one point or the impact of the complexity of the position on the amount of advance preparation required by a ranking panel. Any best-qualified external candidates who are not selected at an earlier stage will continue to be certified and referred on subsequent referral lists (certificates).
- (c) To ensure consideration, the applicant should submit all supplemental documents at one time as a complete application package. An application that is incomplete as of the internal staging date will be disqualified. The vacancy announcement will indicate which supplemental documents are required.
- (d) Applications for OUF announcements are submitted to the ranking official or panel no earlier than 16 working days after the opening date of the announcement. If no selection is made from this group or if additional positions may be filled, the OCHCO representative may submit to the ranking official or panel those applications received later than the 16th day, or later than the last

group of applications, and up to 90 calendar days following the expiration date of the announcement.

4. Disqualified Applicants

An applicant will be disqualified for the following reasons:

- (a) An applicant was not within the area of consideration;
- (b) An applicant does not provide enough information on which to make eligibility and/or qualifications determination;
- (c) An applicant submitted false information, in which case, appropriate authorities will be notified;
- (d) The application was not received in OCHCO by the closing date and no exception was approved;
- (e) The application was received after the expiration date of an OUF announcement; and
- (f) The application was received after all selections had been made for an OUF vacancy.

5. Keeping Applicants Informed

The OCHCO representative will communicate with all applicants on up to four occasions, as appropriate, as follows:

- (a) Upon receipt of the application,
- (b) Upon making a basic qualifications determination,
- (c) Upon referring candidates to the selecting official, and
- (d) Upon final selection or non-selection.

6. Reconsideration

An applicant who is dissatisfied with the results of the OCHCO review and qualifications determination and/or the final rankings by the ranking official or panel may seek reconsideration by contacting the OCHCO human resources specialist who is listed on the job opportunity vacancy announcement.

I. Basic Qualification Requirements

1. General

The basic qualifications required of candidates for any position are developed through consultation between the selecting official and the cognizant OCHCO representative. The competencies are determined on the basis of a comprehensive job analysis and must be job-related. The basic qualification requirements will be recorded, and information concerning them will be furnished upon request.

2. Identification of Basic Qualification Requirements

- (a) In general, the NRC follows the guidance contained in the “Group Coverage Qualification Standards” published by the OPM (available at <http://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/#url=Group-Standards>).
- (b) The primary source of basic qualification requirements is the current PD. In using PDs, the description of skill required in “Basic Skills” is for full performance after orientation in the position rather than upon entry into the position. Also considered are anticipated expanded functions of the position, if any, including duties and responsibilities of the future full performance level of a trainee position.
- (c) Additional sources of information include the following:
 - (i) The immediate supervisor's knowledge of the position,
 - (ii) Requirements of related positions, and
 - (iii) Opinions of experts in the occupational field.

J. Selective Placement Factors

Basic qualifications must include any job-related selective placement factors (SPFs), essentially, screen out factors that have been identified through the job analysis. Examples include knowledge of new reactor designs, attainment of professional certification (e.g., Certified Information Systems Professional (CISSP)), or proficiency in Federal contracting laws. Since failure to meet SPFs means failure to meet basic qualifications for the position, care should be taken to ensure SPFs are truly necessary for successful performance in the position.

K. Prohibitions, Limitations, and Special Provisions

1. Minimum Age

- (a) Candidates must be at least 18 years of age, or at least 16 and—
 - (i) Have graduated from high school or been awarded a certificate equivalent to graduating from high school;
 - (ii) Have completed a formal vocational training program;
 - (iii) Have received a statement from school authorities agreeing with their preference for employment rather than continuing their education; or
 - (iv) Be currently enrolled in a secondary school and either work only during school vacation periods or work part-time during the school year under a formal student employment program.
- (b) Applications may be considered from individuals who meet one of the above conditions and will reach the age of 16 before or on the date they report to work.
- (c) The provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) relating to the appointment of minors under the age of 18 to positions in occupations classified as hazardous should be followed.
- (d) State laws concerning minors are applicable to all types of appointments. The OCHCO representative is responsible for ensuring that all requirements of State law are met and for informing the minor's immediate supervisor of any State restrictions on the employment of minors. These restrictions include the number of hours to be worked or the time of day the minor may work.

2. Maximum Age

A maximum age requirement may not be established in any qualification standard unless specifically required by applicable law or Federal regulation (e.g., for law enforcement officer positions). The statute regarding maximum age entrance requirements applies to positions in the competitive service (5 U.S.C. §3307). However, the concept of maximum age entry requirements being equally applied to both excepted and competitive service positions is based on 5 U.S.C. § 2301 (Merit System Principles) and 29 U.S. Code § 633a (Nondiscrimination on Account of Age in Federal Government Employment).

3. Requirements Based on Gender or Physical Factors

- (a) Requirements on the basis of gender or on any special physical factors may be established only when essential to the officially described duties and are subject to the approval of the CHCO.
- (b) Any established physical requirements must be waived for any applicant if, after consideration of the recommendation of an accredited physician, the applicant appears to be physically able to perform the duties of the position efficiently without hazard to self or others.
- (c) Special provisions relating to preference-eligible applicants with a 30 percent disability are described in Section VIII.L.5 of this handbook.

4. Educational Requirements

- (a) Minimum educational requirements may be established only for a scientific, engineer, or professional position when the duties of the position cannot be performed by a person without that education.
- (b) NRC generally uses the list of occupations that have a minimum education requirement published by OPM, available at https://www.opm.gov/policy-data-oversight/hiring-information/competitive-hiring/deo_handbook.pdf (see Appendix K, "Professional and Scientific Positions"). However, this list will not be construed as being all-inclusive. Educational requirements beyond those described by OPM may be established, subject to the approval of the CHCO, and the reasons for the requirement must be made part of the record.

5. Personality Tests

Personality tests that are used to appraise personal characteristics are prohibited.

L. Basic Qualification Determinations

- 1. To be considered basically qualified, an applicant must normally meet all qualification and any other eligibility requirements within 30 calendar days after the closing date of the vacancy announcement. In the case of an OUF announcement, an applicant must meet these eligibility requirements within 30 calendar days after the date they submit an application. When considering an applicant for a position where education may be substituted for required specialized experience, an applicant may, as appropriate, and considering expected time frames for filling vacant positions, be

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- provisionally certified and selected, but not appointed, at the grade for which the applicant will be qualified conditioned upon completing the educational requirements.
2. The designated OCHCO representative, after consultation with the selecting official and other subject matter experts, as appropriate, makes the final determination as to whether a candidate meets the basic qualification requirements for a position.
 3. When the OCHCO representative and the selecting official cannot agree, the matter will be decided by the CHCO, or designee.
 4. Applicants will be allowed to update their applications for an OUF vacancy announcement in accordance with guidelines specified in the announcement. If no guidelines are specified, applicants must meet all qualification and other eligibility requirements within 30 calendar days after the date they submit their application as stated in Section VIII.L above.
 5. If the OCHCO representative, in conjunction with the selecting official, believes that on the basis of evidence before them a preference-eligible applicant who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of a position for which they have applied, the OCHCO representative will notify the CHCO and may pursue bypass approval from OPM. The CHCO, or designee, may approve all other veterans preference bypass requests.
 6. For vacancies advertised at multiple grade levels, the OCHCO representative will determine whether the applicant meets the basic qualifications for the grade level(s) for which the applicant expresses an interest.

M. Developing Quality Ranking Factors

1. Quality Ranking Factors
 - (a) The selecting official, with the advice and assistance of the OCHCO representative, will establish, on the basis of a comprehensive job analysis, the job-related ranking factors and competencies for the position to be filled. The factors should include only those considered to be valid predictors of successful performance in the position.
 - (b) Ranking factors are established in addition to the basic or minimum qualifications for a position described in Sections VIII.I-L of this handbook.
 - (c) Quality ranking factors based on careful job analysis should include not only the occupational knowledge associated with the duties of the position, but also the associated skills, competencies, and abilities. These abilities include

interpersonal skills and teamwork when they are directly related to the position (e.g., project or team leader positions or supervisory or managerial positions).

- (d) Quality ranking factors must identify and be described in terms of the measurable KSAs for which a method can be developed that distinguishes between the best qualified “A” candidates, the highly qualified “B” candidates, and the qualified “C” candidates (see Section VIII.M.2(b) of this handbook for evaluation levels).
- (e) Quality ranking factors are listed in the vacancy announcement, along with guidance for candidates to address their background.
- (f) Quality ranking factors may receive equal weight, or, if one or more factors are more important to successful performance in the job, they may be weighted. Any weighting must be clearly stated in the vacancy announcement.
- (g) Generally, 3 to 7 quality ranking factors are identified for evaluation purposes, with 5 being the most common number. The OCHCO representative and selecting official should keep the number of quality ranking factors to the minimum required for evaluating candidates and making meaningful distinctions among them.
- (h) Generally, quality ranking factors should be identified when the position is described and evaluated. The factors should remain constant as long as the described duties and responsibilities are unchanged. When a position is modified, the factors should be reviewed to determine whether they also should be modified.

2. Evaluation Against Ranking Factors

(a) General Information

The selecting official, with the advice and assistance of OCHCO, determines the method by which the KSAs of applicants are evaluated in relation to the quality ranking factors that are identified for the position.

(b) Structure

For each of the quality ranking factors identified for the position, competing candidates will be evaluated and placed in one of the following three qualification categories.

- (i) Category “A” describes the requirements for those candidates whose overall qualifications for the position are best qualified in relation to the requirements of the position. The qualifications of the candidates, as determined through evaluation of the application and, when used, interview and reference

materials, substantially exceed the basic requirements to the extent that it appears that the candidates will be exceptionally effective in the position.

- (ii) Category “B” describes the requirements for those candidates whose qualifications are highly qualified for the position. These candidates exceed the requirements but are not among the best qualified. The qualifications of the candidates, as determined through evaluation of the application and, when used, interview and reference materials, exceed the basic requirements to the extent that it appears that the candidates will be very effective in the position.
 - (iii) Category “C” describes the requirements for those candidates whose qualifications meet, but do not exceed, the requirements of the position. The qualifications of the candidates meet basic requirements to the extent that it appears that the candidates will be reasonably effective in the position.
- (c) Intermediate rankings like “B+” or “A-” may not be used as overall qualifications category rankings.

3. Content

The criteria that distinguish among the three categories may include multiple measures that assess the candidate's qualifications. When category descriptions are used, they should be specific enough to distinguish differences in the qualifications, but not so narrow as to eliminate high-quality candidates from nontraditional recruiting sources. They should also describe the type of evidence that supports them as representative of the specified level of quality. The category description for each factor should discuss the following:

- (a) Experience in terms of quality. Breadth and depth of experience by category should be included. Appropriate examples are helpful. Recency of experience may be a factor in the evaluation process and should be indicated when applicable.
- (b) Education, including recency and application to the position being filled, when directly related. If credited, an education beyond any basic minimum occupational educational requirements must be identified as predictive of competency and quality at the level to which it is assigned.
- (c) Awards applicable to both the ranking factor being evaluated and representative of the category level.
- (d) Development and training, including self-development activities.

- (e) Outside activities enhancing the candidate's ability to effectively perform the duties of the position in relation to the ranking factors.
- (f) Appraisals of performance, especially when performance is linked directly to the ranking factors being evaluated.

IX. THE EVALUATION PROCESS

A. General Information

1. The use of ranking panels is discretionary. Instances that might not warrant a ranking panel include receiving a large number of applicants, or a need to complete the ranking process in an expedited timeframe. When a ranking panel is not used, a ranking official may rank the candidates. The ranking official or panel will be designated by the selecting official.
2. All evaluation and ranking of candidates must be accomplished with the assistance and advice of the designated OCHCO representative.
3. If a ranking official is used, that official must be an NRC employee chosen by the selecting official. The ranking official's grade level must be equal to or exceed the full performance level of the vacancy.
4. In any case in which there are ten or fewer basically qualified candidates competing for a particular advertised grade level, the ranking process is not required. Instead, all of the candidates may be certified to the selecting official.
5. Before the evaluation process begins, the OCHCO representative will provide guidance to selecting officials, ranking officials, and/or panel members on their specific responsibilities in evaluating candidates.
6. When a ranking official or panel is used, their rankings of candidates will become the final rankings. The selecting official may not change the rankings.

B. Tests

1. No test will be used in the NRC unless it has been approved by the CHCO or designee to ensure its validity.
2. Whenever tests are used for qualification evaluation purposes, steps will be taken to ensure the administration, scoring, and interpretation of results are in accordance with accepted professional standards.

C. Ranking Process

1. After the OCHCO representative evaluates the applicants to determine those who meet the basic or minimum qualifications and eligibility requirements, the application materials of all eligible competing applicants are referred to the ranking official or panel for evaluation against each of the quality ranking factors. Applicants who are eligible for non-competitive movement to the position and do not have to be ranked may be referred to the selecting official.
2. When a ranking official versus a panel is used, that official will evaluate the eligible applicants against the quality ranking factors following the guidelines described in this part for ranking panels.
3. Before the evaluation process by a ranking official or a ranking panel begins, the selecting official should address the evaluator(s) to clarify the selecting official's perspective on the ranking factors, the crediting plan, and the position requirements. Any discussion will be limited to job-related information and will not include applicants or projected outcomes. All comments must be made in the presence of the OCHCO representative to ensure adherence to merit principles.

D. Selection of Ranking Panel Members

1. All ranking panel members must be approved by the selecting official, who also will designate a chairperson from among the members to preside over the panel proceedings.
2. A ranking panel member's grade level must be equal to or exceed the full performance level of the vacancy.
3. The designated OCHCO representative will be a nonvoting member of the panel. The grade level of the OCHCO representative is not restricted since they are a nonvoting member.
4. Ranking panels must have at least two voting members. An odd number of panel members is helpful to avoid tie votes during evaluation deliberations.
5. Each office may designate a roster of potential ranking panel members if sufficient staff is available.
 - (a) Diversity should be considered when appointing individuals to rosters.
 - (b) The roster should consist of a sufficient number of panel members at the grade levels of the anticipated vacancies.
 - (c) If an office has drawn up a roster, OCHCO will coordinate the selection of panel members for a specific panel.

6. Panel members, once designated to serve, may receive an orientation from the OCHCO representative on the panel's responsibilities and the panel ranking process.
7. The selecting official will not serve on the ranking panel. Additionally, a direct subordinate in the chain of command to the supervisor normally should not serve on the panel. In rare circumstances, if required for the effective evaluation of the candidates, not more than one subject matter expert subordinate to the supervisor may serve on the panel.
8. Individuals serving as mentors will recuse themselves from ranking their current mentees.
9. The selecting official is prohibited from taking any action that might influence the vote of any panel member.
10. The positions of CHCO; IG; Director, SBCR; the Civil Rights Program Manager; and the Affirmative Employment Manager are prohibited from serving on any ranking panel. This prohibition preserves the objectivity of those officials in any possible future investigation, counselling, and/or processing of any formal complaint of impropriety or discrimination filed in connection with the actions of a panel or the selection process in general. This prohibition does not extend to other OCHCO employees.

E. Functions of Panel Members

1. The function of the OCHCO representative is to ensure that merit principles are observed and to provide professional advice to the voting panel members concerning personnel policies, practices, and procedures, as well as to provide other needed assistance to the panel members. The OCHCO representative has the authority to stop the panel proceedings if, for example, they determine that a prohibited personnel practice or a violation of merit principles is occurring.
2. Ranking panel members are responsible for—
 - (a) Observing merit principles in their deliberations.
 - (b) Evaluating the qualifications of eligible applicants provided by OCHCO so that they can assign a ranking to each quality ranking factor. Averaging may be used to derive the final score of an applicant.
 - (c) Assigning a final overall qualifications category ranking to each eligible applicant (within each category, applicants are considered to be equivalently qualified, thereby providing the selecting official the broadest possible choice of candidates).

- (d) Providing a list of all eligible applicants ranked in each qualifications category for certification to the selecting official. Note “B” candidates may not be referred until “A” candidates are no longer available, and “C” candidates may not be referred until both “A” and “B” candidates are no longer available.

F. Convening the Panel

1. After the OCHCO representative has determined which applicants meet the basic or minimum qualifications and eligibility requirements, the panel chair or the OCHCO representative will convene the panel and forward materials to the panel as quickly as possible.
2. The OCHCO representative will attend all panel meetings as a nonvoting member and technical advisor. The OCHCO representative and/or panel members may participate in the meeting remotely, for example, through a telephone or video conference call.
3. Designated panel members who have not previously been provided a basic orientation on panel responsibilities and the ranking process will be briefed before the first full meeting of the panel.

G. Preliminary Panel Review

1. Panel members will ensure they are familiar with the requirements of the position to be filled through review of appropriate documents, including the PD and the vacancy announcement, at a minimum. The supervisor of the position or a designated subject matter expert may wish to discuss the requirements of the position and answer any question the panel may have regarding position requirements, the ranking factors, or the method of evaluation.
2. Panel members should work with the OCHCO representative to determine how to resolve any questions that arise from the panel's review of material presented by applicants in support of their qualifications.
3. If there is a large number of applicants, the panel may decide that each panel member will tentatively rank each applicant independently and then reconvene to compare rankings and either agree on a mutual ranking or average rankings for each qualified applicant.
4. Alternatively, the panel may prefer to tentatively rank each qualified applicant together, arriving at a mutual ranking without first independently ranking each qualified applicant.

H. Tentative Rankings

1. Panel members evaluate all eligible applicants provided by the OCHCO representative. Panel members must review and evaluate applicants' materials (application, supplemental statement, appraisal, training, awards information, etc.) against the factor level descriptions in the crediting plan. Panel members should give appropriate consideration to the performance appraisal in relation to the qualifications categories for each factor.
2. The panel must assign a tentative qualifications category ranking of "A," "B," or "C" to each quality ranking factor and to an overall ranking for each applicant. "A" is worth 3 points; "B" is worth 2 points; and "C" is worth 1 point. Points are summed and averaged to one decimal place to arrive at an overall score, where the range for "A" is 2.5 to 3.0; "B" is 1.5 to 2.4; and "C" is 1.4 and below (rounding is not permitted). If any factors are weighted, the overall score should account for weighting.
3. When a vacancy announcement has been publicized at multiple grades, candidates will be ranked at all grade levels that they specify in their application and for which they meet the basic eligibility requirements. This practice may result in an applicant(s) receiving the same rankings on a quality ranking factor at all grade levels, or a lower ranking at the higher grade level because the requirements of the higher-graded position are more stringent. This result will vary from case to case, depending on the specifics of the crediting plan.
4. Based on tentative rankings, the panel may wish to obtain further information from reference checks with supervisors or others knowledgeable about the applicant's KSAs, or interviews with applicants within a qualifications category. This procedure is most frequently followed when many individuals are tentatively assigned to the "A" group. The reason(s) for any evaluation interviews, including a general statement explaining what information about the candidate the interview was intended to elicit, should be prepared for the record.
5. When evaluation interviews are not used, the tentative rankings become the final rankings.

I. Evaluation Interviews

1. The ranking panel (or official) may hold interviews to evaluate candidates' job-related qualities that can be assessed through the interview process, like oral communication skills, or to refine evaluations tentatively made through the review of the application documents. These interviews can assist the ranking panel (or official) to assess the depth or breadth of experience of the applicant or to obtain additional information about the applicant not readily obtainable otherwise.

2. Information obtained during an interview may influence one or more of the rankings tentatively assigned to the applicant.
3. Before conducting any interviews, the panel (or official) must have completed the tentative ranking process.
4. When the panel or official determines it is necessary to interview candidates before assigning a final ranking, all candidates in a group (e.g., tentative A candidates) should be interviewed if one is interviewed.
5. Interviews may be in person, by telephone or video chat, i.e., Microsoft Teams.
6. Interviews should be well-planned in terms of the evaluation standards to be applied, questions to be asked, and the procedures for conducting the interview session.
7. A written record of the interview should be developed.
8. When ranking is conducted by a panel versus an official, each interviewed applicant must be interviewed by the panel as a group rather than by individual panel members. If it is not possible for all members of the panel to be present, the results of the interview must be communicated to the absent members by the members who were present. This shared interview information will then be used by all panel members when assigning a final ranking. In no instance may only one member of a panel conduct the interview.
9. The same general subject matter must be covered with each interviewee.
10. At its option, the NRC may authorize travel expenses for interviews in accordance with applicable travel regulations.
11. The panel (or official) must factor any additional information obtained by interview into the rankings before assigning a final ranking.

J. Final Rankings

1. The panel will assign a final ranking of “A,” “B,” or “C” to each competing applicant (based on converting the average final score back to a letter grade).
2. Within each category, applicants are considered equivalently qualified, thereby providing the selecting official the broadest possible choice of candidates. The panel cannot “rank” applicants within the category.
3. Final evaluation rankings will be based solely on application documents submitted by the applicants and applicant interviews, if conducted.

4. If the panel members cannot agree to the overall qualifications category ranking, the chairperson will make the final determination.

K. Documentation

1. All individual quality ranking factors and the agreed-upon or averaged final rankings will be recorded on the selection certificate by the OCHCO representative (see Section X.E of this handbook for additional information). Panel members will sign the form to indicate that the recorded rankings accurately reflect the panel's action. This form, all application materials, and all official records of the panel, including formal interview summaries and reference checks, will be given to the OCHCO representative for review of compliance with applicable rules.
2. The panel must develop a record of its proceedings sufficient to address any questions or challenges about applicant rankings as well as certification of those candidates on the best qualified list, if necessary.
3. The OCHCO representative is responsible for ensuring that the merit competition record file contains the documents necessary to reconstruct the action.
4. Uncirculated personal notes, preliminary candidate evaluations, and other documents and working papers of a panel member are not agency records and should not be included as part of the official records of panel proceedings. These uncirculated personal notes are the individual panel member's personal property and may be retained as a memory aid or discarded. These uncirculated personal notes are the individual panel member's personal property and may be retained as a memory aid, or discarded. As a best practice, it is recommended that such notes be retained for 180 days following a selection before being destroyed. However, if personal notes are shown to another panel member, or anyone else, or if retained in the panel record, the notes become an agency record and are subject to disclosure. Such notes must be retained in accordance with agency records retention policies.
5. Records of panel proceedings are subject to the requirements of the Freedom of Information Act and the Privacy Act and are maintained by OCHCO for 2 years after the date of selection or until any resultant complaint is resolved, whichever is later.

L. Exceptions to the Ranking Panel Procedures

Any exception or deviation from the described administrative or procedural requirements may be granted by the CHCO. Each exception or deviation and the reasons for it will be documented in writing and will become part of the selection action record for the position to which it pertains.

X. THE SELECTION PROCESS

A. Order of Consideration

1. General

- (a) In the event that no candidate possesses priority consideration rights, candidates who are required to compete for a vacant position will be certified in the highest qualifications category for selection. Candidates in the highest qualifications category (typically "A") will be considered first. Candidates in a lower category (e.g., "B"), cannot be certified for selection or considered if candidates are available in a higher category. Additionally, if there are 10 or fewer competitive eligibles per advertised grade level, all may be referred without ranking.
- (b) All applicants who are certified for noncompetitive movement into the position are listed in alphabetical order, without individual factor rankings and without being placed in an overall qualifications category. They are certified on the basis of eligibility only and may be considered in addition to or in advance of the competing candidates certified in the highest available qualifications category.

2. Veterans' Preference

Except as noted below, outside non-Federal candidates are considered in accordance with veterans' preference requirements as follows:

- (a) Eligible, qualified outside candidates for professional and scientific positions at the GG-9 level or higher, or at comparable pay levels, are grouped within each qualifications category in the following order:
 - (i) Veterans' preference-eligible candidates.
 - (ii) Non-preference-eligible candidates.
- (b) Eligible, qualified outside candidates for positions other than those described above are grouped in the above order with the following exceptions:
 - (i) Disabled veterans' preference-eligibles who have compensable service-connected disabilities of 10 percent or more are automatically included in Qualifications Category "A" regardless of their ranking.
 - (ii) Regardless of qualifications category, an outside candidate not entitled to veterans' preference may not be selected for positions of guard, elevator operator, messenger, or custodian if there are any qualified outside candidates with veterans' preference.

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- (c) Generally, when considering an outside non-Federal candidate, a non-preference-eligible may be hired only when a preference eligible is not available within the highest ranked category, unless a bypass is approved.
 - (d) When the selecting official wishes to bypass a veterans'-preference-eligible outside candidate with a compensable service-connected disability of less than 30 percent (except for guards, elevator operators, messengers, or custodians) to select another outside candidate without veterans' preference, other than an outside candidate covered by an exception listed below, the reasons must be described in writing and the bypass is subject to the approval of the CHCO, or may be delegated. Approval may be delegated to a level no lower than Associate Director, HROP. A copy of the reasons must be given to the veterans'-preference-eligible candidate upon their request. The OPM must approve a request to bypass a veteran with a compensable service-connected disability rating of 30 percent or more.
 - (e) Veterans' preference laws and requirements are not applicable to current NRC applicants with NRC Regular (Excepted) or NRC Regular (Excepted) (Conditional) status, current other Federal Government applicants with Career or Career-Conditional status who have completed the one-year probationary period, former employees of the NRC or the Atomic Energy Commission (AEC) eligible for reinstatement to a position in the NRC, or former employees of any Federal agency who are eligible for reinstatement to a Federal position.

3. Positions at Multiple Grades

- (a) When a vacancy has been publicized at multiple grade levels, basically eligible applicants are certified and considered separately in the order indicated above for each grade level. Those in the highest available qualifications category and noncompeting candidates are certified and considered for the lowest grade for which they have indicated availability, and also for any higher grades for which they are in the highest available qualifications category or noncompetitively eligible.
- (b) The selecting official may select a candidate from among the competing candidates in the highest available qualifications category in any given grade level, regardless of the possible availability of candidates in a higher qualifications category at another grade level. Similarly, the selecting official may select a noncompeting candidate at any grade level.

4. Reinstatement Eligibility

Former NRC employees, former AEC employees, and generally, former Federal employees from other Federal agencies, who have served under any appointment

without time limitation that was subject to a merit selection system, are eligible for reinstatement when reinstatement is made within the time limits, as follows:

- (a) Former employees who have completed the service requirement for an NRC Regular (Excepted) appointment or for an equivalent appointment in another Federal agency (e.g., a Career competitive service appointment) may be reinstated without time limitation.
- (b) Former employees entitled to veterans' preference may be reinstated without time limitation.
- (c) Former non-preference-eligible employees who have not completed service requirements for an NRC Regular (Excepted) appointment, or for an equivalent appointment in another Federal agency (e.g., a career competitive service appointment) may be reinstated within 3 years following the date of their separation from NRC or other Federal agency employment (see 5 CFR Part 315, "Career and Career Conditional Appointment," for further guidance).

B. Exception to the Order of Consideration

When authorized by the CHCO, consideration may be limited to NRC employees or NRC employees within a specific office if, for budgetary, ceiling, or similar reasons, it is not practical to appoint any additional personnel.

C. Responsibilities of the Selecting Official

1. Options Concerning Panel or Ranking Official

- (a) The selecting official may not change the panel's or ranking official's final overall qualifications category ranking.
- (b) If the selecting official disagrees with the rankings, they may remand the merit selection package or the selection certificate to the ranking entity, along with reasons for the disagreement, for the ranking entity's reconsideration.
- (c) The selecting official is not required to select any of the applicants ranked and certified by the panel or ranking official.
 - (i) The selecting official may reject the certified candidates after consultation with the OCHCO representative and seek additional candidates through reposting the vacancy and initiating a new recruitment process.
 - (ii) The selecting official may cancel the vacancy and not fill the position.

(iii) If the selecting official exercises any of these options, they must document the reason and submit it to the OCHCO representative for placement in the selection file.

(d) The selecting official may select a noncompeting, and thus not ranked, candidate for the vacancy.

(e) The selecting official may make a selection from those certified as best qualified.

2. Reference Checks

(a) Selecting officials should conduct reference checks with current and previous supervisors, and, as appropriate, others who can provide job-related information on the candidates.

(b) Selecting officials may consider any job-related information in evaluating candidates.

3. Interviews

(a) Interview information collected by the selecting official is not intended to refine or change the rankings, but rather to serve as an aid in making a selection from among essentially equally qualified candidates.

(b) As with panel interviews, if the selecting official interviews the candidates, the interviews should be well planned, structured, and applied uniformly to all best qualified candidates on the selection certificate. Interviews may be in person, by videoconference (Teams), or by telephone.

(c) Travel expenses for interviews by the selecting official may be authorized at the NRC's option in accordance with applicable travel regulations.

4. Selection

The selecting official may make a selection from the certificate and notify OCHCO, or annotate that no selection was made, and return the selection certificate to OCHCO.

D. Suspected Compromise of Selecting Official Authority

1. All allegations of misconduct/wrongdoing and impropriety by a selecting official shall be reported to the IG.

2. The IG will provide a report of investigation, or referral, as appropriate.

3. During the investigation into an allegation concerning compliance with EEO policies and procedures, the Director, SBCR, has the authority to recommend to the EDO

that the authority to make personnel selections be suspended for the selecting official.

E. Hiring Commitment

Final hiring and salary commitments must be made by a representative of OCHCO. Selecting officials may discuss with applicants the various aspects of prospective employment with the NRC. These discussions should be candid; selecting officials should feel free to express their interest in hiring applicants and should also discuss grade and salary concerns. However, in each circumstance, the selecting official needs to inform the applicant that the OCHCO representative will make the official offer of employment and that final decision on grade and salary are made by OCHCO representatives. The applicant should be advised, in unmistakable terms, not to resign their present employment until receiving a written offer of employment and notice of security clearance approval from the OCHCO representative.

F. Certification and Records

1. The OCHCO representative will record applicant evaluation, certification, and selection on the selection certificate. The selection certificate documents the selection and verifies that it has been made in accordance with merit selection principles and appropriate veterans' preference requirements. It is completed as part of the process for filling positions under the competitive procedures discussed in this handbook. The selection certificate reflects—
 - (a) All qualified candidates who have been considered, the qualifications categories assigned to each ranking factor, if applicable, the veterans' preference status, if applicable, and the final qualifications category ranking.
 - (b) Those candidates certified for selection from whom a selection may be made in accordance with merit principles and requirements. This record is completed by the OCHCO representative, who then forwards it to the selecting official along with the application materials of the candidates listed on the "Candidate Evaluation Record."
 - (c) The candidate(s), if any, selected by the selecting official. If no candidate is selected, this fact is documented. This section certificate is signed by the selecting official.

2. OCHCO will maintain records of each vacancy filled as described in this handbook for 2 years from the date of selection and then destroy these records unless legal considerations require that the records be maintained for a longer period. The OCHCO representative will ensure that each merit staffing file contains all records, including panel records, necessary for the possible reconstruction of the action.
3. Any materials forming a part of the selection files will be disclosed, as required, in accordance with provisions of the Privacy Act and the Freedom of Information Act.
4. Confidentiality of any crediting plan or ranking factors will be maintained. As such, employees may request to view (but not retain a copy, or duplicate) the crediting plan after the selection process is completed. Such a request must be made to the appropriate human resources specialist. Crediting plans should not be disclosed absent a legal requirement to do so. Consultation with OGC is recommended prior to providing crediting plans, regardless of the basis of the request.

G. Complaints

1. Employees have the right to file a complaint relating to an action processed in accordance with the procedures described in this handbook.
2. Complaints will be addressed under equal employment opportunity procedures, the agency grievance procedure, or the negotiated grievance procedure, as appropriate.
3. Although the application of the procedures used by the NRC to identify and rank basically eligible applicants is a proper subject for a grievance, nonselection from among a group of properly ranked and certified candidates is not. However, non-selection may be the subject of an EEO complaint.
4. If it is determined that an employee's name, through error, was not properly referred for consideration by the selection official when it should, absent the error, have been on the list, the employee is entitled to priority consideration as described in Section II of this handbook. This determination may be the result of a formal process or through a subsequent finding by the OCHCO representative.

H. Release of Employees

1. Promotion

An applicant selected for promotion or for a position that offers known promotion potential that is higher than the known promotion potential of the employee's current position has a right to the position because their value to the organization is expected to be enhanced when the employee assumes more significant duties. Normally, this employee will be released by the employing organization by the end of

the first full pay period following the request for release. A release may be delayed based on workload considerations if agreed to by the employing and acquiring organizations; however, in this case, the individual normally will be promoted to the position and then detailed or temporarily reassigned to the former position during the period of delayed release.

2. Reassignment

- (a) An applicant for a lateral reassignment (or a voluntary change to a lower grade), to a position without known promotion potential or with promotion potential that does not exceed that of the individual's current position, has a right to be considered for the position, but does not have a right to that position. This individual's value to the agency may be as great or greater in their current position. The candidate must be considered. If selected, and if the applicant's current employing organization objects to releasing the employee, the losing organization may document its reasons, and the issue may ultimately be decided by the NRC official exercising managerial direction over both organizations.
- (b) The individual's contributions to the agency in the current position versus potential contributions in the new position, the priorities of the respective programs, the individual's personal desires and career aspirations, and the negative effect on the employee's motivation and morale (if denied the reassignment or voluntary change to lower grade) should be carefully weighed before making a final decision.

XI. GLOSSARY

Appointing Authority

A person having the authority, by law, or by delegated authority, to appoint, employ, or promote individuals to positions in the NRC.

Appointment

The action of effecting the employment of a person as an employee of the NRC.

Area of Consideration

Describes the individuals from whom the agency will accept applications for the position. It may be a broad or a limited group of individuals. The area of consideration may also be referred to as "Who May Apply" within the vacancy announcement. Individuals who are not within the area of consideration and who are not eligible for a non-competitive or special hiring authority will not be considered.

Basic Qualifications

The experience and/or education that candidates for a position must possess to be considered minimally qualified for the position, i.e., to be found likely to successfully perform the duties of the position.

Career Ladder Promotion

A permanent movement to a higher grade in a permanent position without current competition when, at an earlier stage, the employee was selected under competitive or noncompetitive procedures for entry into the position that was structured to allow the incumbent to rise to the full performance level identified for the position.

Category Ranking

A process of evaluating qualified competing eligibles by quality categories rather than by assigning individual numeric scores. Each of the candidates is assessed against job-related criteria and then placed into one of three quality categories.

Chief Human Capital Officer (CHCO)

The Director of the Office of the Chief Human Capital Officer (formerly the Office of Human Resources).

Closing Date

The latest date that an individual may submit an application to an open vacancy announcement. Also referred to as the “cutoff date.”

Competency

A measurable pattern of knowledge, skills, abilities, behaviors, and other characteristics associated with the successful performance of a position.

Crediting Plan

A method by which a competing candidate’s job-related competencies/Knowledge, Skills and Abilities (KSAs) are evaluated by reviewing the factual background of a candidate, to include positions held, levels of responsibility, accomplishments, and job-related education they have received.

Detail

A temporary movement of an employee from the employee's position of record to a different position or set of duties for a specified period, with no official change in position classification or grade, usually with the employee returning to their regular position at the end of the period.

Direct Hire

A hiring authority that the Office of Personnel Management (OPM) can give to Federal competitive-service agencies (covered under 5 U.S.C.) when a critical hiring need or severe shortage of candidates exist. While NRC is not covered by 5 U.S.C. hiring laws and regulations, NRC has permission to mirror the OPM's Direct Hiring Authority (using Section 161d of the Atomic Energy Act of 1954, as amended) to fill a variety of covered positions at certain grade levels.

Employment Application

A document submitted by a job seeker that describes their employment and educational experiences. The application is usually submitted in the form of a resume.

Excepted Service

A term used to describe most civil service positions that are not in the competitive service. All positions in the NRC, except for SES positions, are in the excepted service.

Interchange Agreement

An agreement under Civil Service Rule 6.7 between the Office of Personnel Management (OPM) and an agency which has an established merit system in the excepted service. The agreement prescribes conditions under which veterans' preference does not apply to employee moves from the agency's system to the competitive service and vice versa. OPM has an interchange agreement with the NRC.

Job Analysis

A systematic method for gathering, documenting, and analyzing information about the content, context, and requirements of a job. It demonstrates that there is a clear relationship between the tasks performed on the job and the competencies/KSAs required to perform the tasks. Job analysis information is used to develop employee selection procedures.

Merit Staffing

The process by which the NRC recruits for and selects an applicant for a vacancy. Competing applicants are rated and may be ranked and placed in the qualified, highly qualified, or best qualified categories.

Open-Until-Filled

An announcement used to recruit for individual hard-to-fill vacancies and to fill positions on a continuing basis over a specified timeframe indicated by the expiration date of the announcement.

Priority Consideration

Special consideration priority that is given to a competing candidate who was previously denied proper consideration for a vacancy and to certain individuals affected by reduction in force actions.

Promotion

The movement to a position at a higher grade level.

Qualifications Category

Groupings of individuals with similar levels of job-related knowledge, skills, abilities, or competencies.

Qualifications Standards

Criteria that applicants must meet to be judged at least minimally equipped to perform successfully in a position. The NRC generally follows the group coverage qualification standards published by OPM.

Quality Ranking Factors

Competencies that are expected to enhance performance in a position. Unlike selective placement factors, quality ranking factors are not used as a “screen out” factor.

Reassignment

The change of an individual from one position to another within the NRC, while serving continuously, with no change in grade level.

Recruitment Incentive

A payment that may be granted to a newly-appointed employee if the NRC has determined that the position is likely to be difficult to fill in the absence of the payment.

Reemployed Annuitant

An individual retired under a civil service retirement system (CSRS or FERS) whose annuity continues after the individual is reemployed.

Reinstatement

The reemployment of a former Federal employee without competing with the general public when certain criteria are met.

Rotational Assignment

Generally, a short-term lateral assignment of an employee to other functions and components within the NRC for the purpose of broadening staff capabilities.

Selection Certificate

A list of the noncompetitive and competitive eligible candidates submitted to a selecting official.

Selective Placement Factor

A competency or special qualification without which a candidate could not perform the duties of a position in a satisfactory manner. A selective placement factor is a part of minimum qualification requirements. An applicant who does not meet a selective placement factor is ineligible for further consideration.

Subject Matter Expert (SME)

A person with a master knowledge of what it takes to successfully perform a particular job. First-level supervisors are normally good SMEs for the positions that they supervise. Superior incumbents in the same or very similar positions and other individuals can also be used as SMEs if they have current and thorough knowledge of the job's requirements.

Temporary Employee

An individual appointed to a position for a specific time period, initially for up to 1 year.

Term Employee

An individual appointed to a position for a specific period of more than 1 year and not more than 5 years or 10 years for covered positions.

USAJOBS

A Web site that provides the public with comprehensive information regarding Federal employment.

Vacancy Announcement

A document that informs potential applicants about a job opening. The announcement describes the requirements of the job and instructs applicants how to apply for the vacancy. NRC vacancy announcements must be posted on USAJOBS.

Veteran

As defined at 5 U.S.C. 2108, a person who served honorably on active duty in the armed forces of the United States.

Veterans' Preference

A special privilege that entitles a qualifying veteran and their spouse, widow, or mother to certain advantages in consideration for Federal employment. Preference does not apply, however, to "in-service placement actions" (e.g., promotions, reassignments, changes to lower grade, transfers, reinstatements, or details), and does not apply to SES and Presidential appointments.

EXHIBITS

Exhibit 1 Agreement for the Movement of Personnel Between the Civil Service System and the Nuclear Regulatory Commission (NRC)

In accordance with the authority provided in section 6.7 of the Civil Service Rules, employees serving in positions in the Nuclear Regulatory Commission (NRC) may be appointed to positions in the competitive civil service, and employees serving in positions in the competitive civil service may be appointed to positions in the NRC subject to the following conditions:

- Type of appointment held before movement

Employees of the NRC must be serving in continuing positions under NRC regular appointments (excepted) or NRC regular appointments (excepted) (conditional). Employees in the competitive civil service must be serving in continuing positions under career-conditional or career appointments.

- Qualification requirements

Employees of the NRC must meet the qualification standards and requirements for the position to which they are to be appointed in accordance with Civil Service Commission (CSC)* established regulations for transfer of employees within the competitive civil service. Employees in the competitive service must meet the regular standards and requirements established by the NRC for appointment to the position.

- Length of service requirement

Employees of the NRC must have served continuously for at least 1 year in the NRC before they may be appointed to positions in the competitive civil service under the authority of this agreement. Employees in the competitive civil service must have completed the 1-year probational period required in connection with their career-conditional or career appointments in the competitive service before they may be appointed to positions in the NRC under the authority of this agreement.

- Selection

Employees of the NRC may be considered for appointment to positions in the competitive civil service in the same manner that employees of the competitive service may be considered for transfer to these positions. Employees in the competitive service

*Now the Office of Personnel Management (OPM).

may be considered for appointment to a position in the NRC on the basis of their qualifications for the positions to be filled without regard to the order of selection within qualification categories provided for in the special plan approved by the CSC* for the NRC under Section 302.104 of the Civil Service Regulations.

- Type of appointment granted after movement

Employees of the NRC who are appointed to competitive positions under the terms of this agreement will have career or career-conditional appointments, depending upon whether they meet the 3-year service requirement for career tenure. The service which commences with an NRC regular appointment (excepted) or an NRC regular appointment (excepted) (conditional) will be acceptable toward meeting the service requirement. Employees of the competitive civil service who are appointed to positions in the NRC under the terms of this agreement will receive NRC regular (excepted) appointments or NRC regular (excepted) (conditional) appointments, depending upon whether they meet the 3-year service requirement for career appointment.

- Probationary and trial periods

Employees who are appointed under this agreement will not be required to serve new probationary or trial periods.

- Status

NRC employees who are appointed in the competitive civil service under the terms of this agreement will receive competitive civil service status. Thereafter, these employees will be entitled to the benefits and privileges provided by the CSC's* rules, regulations, and instructions for persons having a competitive civil service status. Employees of the competitive civil service who are appointed by the NRC under the terms of this agreement will have whatever privileges are normally provided by the NRC to persons who initially receive NRC regular (excepted) to NRC regular (excepted) (conditional) appointments in that agency.

*Now the Office of Personnel Management (OPM).

- Effective date

This agreement becomes effective on October 1, 1975, and will expire, unless renegotiated, on December 31, 1978.** Further, this agreement may be terminated thirty (30) days following notice from either agency.

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William S. Anders, Chair

Robert E. Hampton, Chair

Nuclear Regulatory Commission

United States Civil Service Commission

10/28/75

10/6/75

(Date)

(Date)

**Extended without time limitations by Federal Personnel Manual (FPM) Letter 315-12, dated December 29, 1978.

Exhibit 2 Office of Personnel Management (OPM) Clarification of Requirements for Noncompetitive Movement

In response to a March 23, 1984, query to OPM regarding the Interchange Agreement and the issue of noncompetitive movement of career employees between the Nuclear Regulatory Commission (NRC) and the competitive civil service, OPM sent the following response.

"Dear Mr. Bird:

This refers to your letter of March 23, 1984, and subsequent discussions concerning the requirements for noncompetitive movement of career employees between the Nuclear Regulatory Commission and the competitive civil service.

In your letter, you voice concern that the provisions of the Federal Personnel Manual (FPM), regarding noncompetitive appointment in the competitive service based on service under other merit systems (FPM chapter 315, subchapter 6, paragraph 2(c)), are more restrictive than, and significantly different from, the language of the Interchange Agreement for the Movement of Personnel Between the Civil Service Commission-now OPM-and NRC in 1975). Specifically, you point out two areas of contention: the type of appointment an NRC employee must serve under to be eligible for noncompetitive appointment into the competitive service; and the period of service required for eligibility to move under the agreement. In both instances, the language of the interchange agreement, in comparison to the FPM, is seemingly open to more than one interpretation.

Implicit in OPM's decision to enter into an interchange agreement under civil service rule 6.7 is an affirmative finding that the agreement meets the requirements of law concerning appointments to the competitive service and that the movement permitted by the agreement will promote good civil service administration. Any interpretation of an agreement that is adverse to OPM's responsibility to administer the civil service system, pursuant to established requirements, is void and lacking of any legal effect. OPM cannot be made to accept an interpretation that was beyond its understanding of the terms of the agreement at the time the agreement was entered into.

Thus, it is our opinion that the interchange agreement, though not as precisely stated, was intended to mirror the meaning of the FPM language regarding the length of service required for movement.¹ Paragraph 3 of the agreement states that, "Employees of the NRC must have served continuously for at least 1 year in the NRC before they may be appointed to positions in the competitive civil service". This requirement, in conjunction with the requirement in Paragraph 1 that the employees be serving in qualifying NRC appointments at the time of noncompetitive movement, should be read as requiring that employees have 1 year of continuous service before the move.

Further the use of the word "continuous" clearly indicates that breaks in service affect eligibility for movement. Although the agreement does not contain a direct reference to breaks in service, the use of the word "continuous" demonstrates an intent that breaks in service will affect that eligibility.¹

As to your other point of contention, we believe that the language of the interchange agreement would, indeed, permit service in a temporary appointment to be credited toward the 1-year service requirement as long as the employee held a permanent appointment at the time of the noncompetitive appointment. Therefore, any NRC employee who meets the service requirement set out in the agreement is eligible for noncompetitive appointment into the competitive civil service. However, since temporary service is not credited toward career tenure in the civil service, only service under the permanent appointment, would be considered in determining whether the individual received a career-conditional or a career appointment in the competitive service.

In conclusion, we believe that the requirement for continuous service¹ is correct and its intent is mirrored in the interchange agreement between OPM and NRC. Further, FPM chapter 315 implicitly recognizes and permits service in a temporary appointment to be credited toward the one year service requirement as long as the employee held a permanent appointment at the time of noncompetitive appointment.

Sincerely,

/s/

Donald L. Holum, Chief, Staffing Policy Analysis Division"

¹ The requirement for 1 year of appropriate service need not be met immediately before a transfer under the Interchange Agreement. As explained [here](#), an individual who previously met the requirement, separated, and later returned to an appointment without time limit is considered as having met the requirement regardless of length of service under the current appointment.



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415

JUN 24 1994

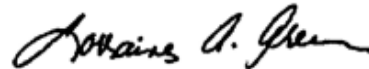
Mr. Paul E. Bird
Director, Office of Personnel
Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Bird:

I have approved your request to amend the personnel interchange agreement between the Nuclear Regulatory Commission (NRC) and the competitive service. Effective immediately, employees who are involuntarily separated without personal cause will be eligible for noncompetitive appointment for 1 year from the date of separation.

This amendment brings the provisions of NRC's interchange agreement into line with the provisions of agreements established with other agencies. In accordance with the intent of 5 CFR 6.7 that agreements be reciprocal, the new provisions will apply to employees of both NRC and the competitive service. We will notify other agencies of this amendment and of NRC employees' expanded eligibility for noncompetitive appointments.

Sincerely,


Lorraine A. Green
Deputy Director