

U.S. Department of Energy
Washington, D.C.

ORDER

DOE O 320.1

Approved: 9-6-02

This directive was reviewed and certified as current and necessary by Bruce M. Carnes, Director, Office of Management, Budget and Evaluation/Chief Financial Officer, 9-18-02.

SUBJECT: ACQUIRING AND POSITIONING HUMAN RESOURCES

1. **OBJECTIVES.** To establish requirements and responsibilities when—
 - a. sending Department of Energy (DOE) employees on details outside the Department,
 - b. determining probationary periods for managers and supervisors,
 - c. providing part-time career employment,
 - d. conducting reductions in force,
 - e. promoting and placing candidates in the competitive service, and
 - f. taking other actions delineated.
2. **CANCELLATION.** This Order cancels DOE 3300.3, *Employment*, dated 1-12-95 and DOE 3335.1C, *Merit Promotion*, dated 6-23-92. Cancellation of an Order does not, by itself, modify or otherwise affect any contractual obligation to comply with the Order. Cancelled Orders incorporated by reference in a contract remain in effect until the contract is modified to delete the references to the cancelled Orders.
3. **APPLICABILITY.**
 - a. **DOE Elements.** This Order applies to all DOE elements specified in Attachment 1, including the National Nuclear Security Administration (NNSA).
 - b. **Contractors.** This Order does not apply to contractors.
4. **REQUIREMENTS.**

DISTRIBUTION:
All Departmental Elements

INITIATED BY:
Office of Personnel Policy,
Programs, and Assistance

- a. DOE-wide Position Qualifications Standards.
 - (1) The Office of Environment, Safety and Health must concur when qualifications standards contain physical requirements for positions that are not in NNSA.
 - (2) The Office of Environment, Safety and Health must be consulted when qualifications standards contain physical requirements for positions in NNSA.
 - b. Other requirements are delineated in each chapter of this Order.
5. RESPONSIBILITIES. Except for responsibilities identified directly below and in each chapter of this Order, all DOE employment program authorities are delegated to the heads of DOE elements (and other field organizations with personnel authority). In exercising delegated authorities, all individuals must ensure their actions are consistent with laws and regulations, merit principles, DOE policies and directives, provisions of applicable collective bargaining agreements, and principles of fairness and equity in dealing with employees and their representatives.
- a. Director of Human Resources Management or, for NNSA components, the NNSA Director of Personnel.
 - (1) Concurs in requests from heads of DOE elements (and other field organizations with personnel authority) for Office of Personnel Management (OPM) approval of waiver of dual compensation restrictions (the general restriction, and exceptions from, prohibiting Federal employees, civilian and military, from receiving pay from more than one Federal Government source) under Title 5 United States Code (U.S.C.), section 5533, and Title 5 CFR 550.504.
 - (2) Establishes program policies, standards, and procedures.
 - (3) Evaluates the effectiveness of programs.
 - (4) Approves requests from heads of DOE elements (and other field organizations with personnel authority) and human resources directors for

the waivers of time-in-grade restrictions that would involve hardship to DOE or inequity to employees (5 CFR 300, subpart F).

- (5) Approves Departmental qualifications standards.
- (6) Concurs on the following requests made of OPM:
 - (a) variations to Civil Service Rule V (5 CFR, Part 5);
 - (b) extensions of time-limited promotions beyond 5 years;
 - (c) extensions of temporary appointments beyond 2 years based on major reorganization, restructuring, or other unusual circumstances; and
 - (d) establishment of delegated examining unit.

b. Human Resources Directors.

- (1) Provide advice and technical operations support to organizational units serviced.
- (2) Develop and review local programs.
- (3) Maintain liaison and consult with interested DOE and non-DOE officials.
- (4) Ensure program activities are integrated with diversity program activities.
- (5) Maintain records and prepare reports.

6. CONTACT. Questions concerning this Order should be addressed to the Office of Human Resources Policy and Planning at 202-586-8524.



SPENCER ABRAHAM
Secretary of Energy

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CHAPTER I. ASSIGNMENT OF DOE PERSONNEL OUTSIDE DOE

1. OBJECTIVES.

- a. To establish requirements and responsibilities when sending DOE employees on details outside the Department. (This does not include assignments under the Intergovernmental Personnel Act, which are covered in DOE M 321.1-1, *Intergovernmental Personnel Act Assignments*, dated 8-24-00.)
- b. To set forth requirements for the periodic collection of data to respond to requests from a variety of sources for reports.

2. REFERENCE. 5 CFR 352, Subpart C, which provides procedures for temporary assignments to international organizations.

3. REQUIREMENTS.

- a. The assignment of personnel to organizations outside DOE must be covered by a written agreement between DOE and the host.
- b. Interagency assignments must be reimbursable except when they—
 - (1) involve matters related to the DOE organization's appropriations and will aid it in accomplishing the objective for which appropriations are provided or
 - (2) will have a negligible impact on the DOE organization's appropriations.
- c. Assignments must be documented on Standard Form (SF) 52, "Request for Personnel Action."

4. RESPONSIBILITIES.

- a. The Secretary.
 - (1) Approves requests from heads of DOE elements (and other field organizations with personnel authority) for employee assignments—those at GS-15 level and below, or equivalent—to the White House, Executive Office of the President, and congressional committees.

- (2) Authorizes heads of DOE elements (and other field organizations with personnel authority) to request national interest determinations from the Secretary of State when details and transfers to public international organizations will last more than 5 years.
- b. Director of Management, Budget and Evaluation or the NNSA Associate Administrator. Concurs in requests from heads of DOE elements (and other field organizations with personnel authority) for the Secretary's approval of details—employees at the GS-15 level and below, or equivalent—to the White House, Executive Office of the President, and congressional committees.
- c. Heads of DOE Elements (and Other Field Organizations with Personnel Authority).
- (1) Ensure assignments of employees in their organizations are processed in accordance with this chapter and that the servicing legal, financial, and human resources offices provide staff advice and technical support concerning each detail.
- (2) Approve requests for employee assignments outside DOE consistent with paragraph 4a.
- d. Human Resources Directors. Provide technical support to the organizations they service and ensure that within 15 days after the effective date of each detail outside the Department, the Office of Human Resources Policy and Planning receives a copy of the items required in paragraph 3a and c.

CHAPTER II. PROBATIONARY PERIODS FOR MANAGERS AND SUPERVISORS

1. OBJECTIVE. To establish requirements and responsibilities concerning probationary periods for newly appointed managers and supervisors in competitive service positions.
2. REFERENCES.
 - a. 5 CFR 315, Subpart H, "Probation on Initial Appointment to a Competitive Position."
 - b. 5 CFR 536, "Grade and Pay Retention."
 - c. 5 CFR 353, "Restoration to Duty from Uniformed Service or Compensable Injury."
 - d. 5 CFR 752, "Adverse Actions."
3. REQUIREMENTS. Employees newly appointed to managerial and/or supervisory positions must serve a single probationary period of 1 year in the type of position to which appointed. (Satisfactory completion of a probationary period in a supervisory position does not satisfy any subsequent requirement for a probationary period in a managerial position.)
 - a. Creditable Service.
 - (1) Satisfactory temporary service as a DOE supervisor or manager is creditable toward completion of the supervisory or managerial probationary period if the service is under a temporary appointment, promotion, or reassignment of at least 120 days and it is made permanent by another personnel action without a break.
 - (2) If an employee is retroactively placed in a supervisory or managerial position as a result of a complaint settlement or grievance, no credit toward completion of a probationary period may be allowed for the retroactive period.
 - (3) Prior service is not creditable toward completion of the probationary period required under subsequent appointment when—

- (a) employees are separated or demoted under 5 CFR 752,
- (b) employees are separated or demoted because of unsatisfactory completion of the probationary period for newly appointed managers and supervisors, or
- (c) employees are separated or demoted to a nonsupervisory or nonmanagerial position for deficiencies in supervisory or managerial performance.

b. Failure to Satisfactorily Complete the Probationary Period.

- (1) An action to return an employee to a nonsupervisory or nonmanagerial position under the provisions of this chapter may be taken only for reasons related to the employee's performance as a manager or supervisor.
- (2) The decision to return an employee to a nonmanagerial or nonsupervisory position under the provisions of this chapter must be made by the employee's immediate supervisor (the evaluating official) and concurred in by a higher-level official in the organization (the reviewing official).
- (3) If an employee had been receiving grade or pay retention before being promoted to a supervisory or managerial position, a failure to satisfactorily complete this probationary period may result in the grade or pay retention being reinstated. The 2-year period for grade retention is not extended by the amount of time spent in the higher-graded supervisory or managerial position.

c. Local Actions. Human resources directors and heads of DOE elements (and other field organizations with personnel authority) must work closely to ensure—

- (1) performance expectations/standards are discussed with the employee and recorded on in the employee's performance plan/on DOE F 3315.1, "Probationary Period Evaluation for Supervisors and Managers," or other appropriate method when using an automated system;
- (2) newly appointed managers and supervisors receive managerial and supervisory orientation and training as appropriate;

- (3) recommendations to remove probationary employees are reviewed to ensure the employees receive full and fair consideration;
- (4) recommendations to return employees to nonmanagerial or nonsupervisory positions are reviewed to ensure the employees receive full information concerning the reasons;
- (5) periodic self-evaluations are conducted concerning probationary periods for newly appointed managers and supervisors; and
- (6) employees who are to be removed are made aware of all appropriate appeal procedures.

4. RESPONSIBILITIES.

- a. Director of Human Resources Management or the NNSA Director of Personnel.
Makes final determinations on requirements to serve new managerial and supervisory probationary periods when initial determinations are contested.
- b. Heads of DOE Elements (and Other Field Organizations with Personnel Authority). Designate positions, as appropriate, for managerial and supervisory probationary periods.
- c. Managers and Supervisors of Employees Completing Supervisory and/or Managerial Probationary Periods.
 - (1) Establish and communicate performance criteria to affected employees.
 - (2) Encourage the use of individual development plans.
 - (3) Provide appropriate formal and on-the-job training.
 - (4) Conduct progress reviews.
 - (5) Evaluate performance and determine whether employee should be retained in supervisory/managerial position.
 - (6) Initiate actions to remove unsuccessful employees.

CANCELED

CHAPTER III. PART-TIME CAREER EMPLOYMENT PROGRAM

1. OBJECTIVE. To establish requirements and responsibilities for part-time career employment programs within DOE.
2. REFERENCES.
 - a. 5 USC, Chapter 34, "Part-time Career Employment Opportunities."
 - b. 5 CFR 340, "Other than Full-time Career Employment (Part-time, Seasonal, On-call, and Intermittent)."
 - c. 5 CFR 550, "Pay Administration (General)."
3. REQUIREMENTS.
 - a. Work Schedules of Less Than 16 Hours Per Week. Generally, part-time employees must be assigned tours of duty of at least 16 hours per week. However, in unusual circumstances heads of DOE elements (and heads of other field organizations with personnel authority) may authorize shorter work schedules, documenting the basis for the decision and the reason that it would be in the best interest of the Department.
 - b. Work Schedules of More Than 32 Hours Per Week. Part-time career employees may not regularly work in excess of 32 hours per week. However, the work schedule may be increased for up to 2 consecutive weeks if necessary to meet heavy workload demands, training requirements, or travel demands. Employees who were already permanent part-time as of April 7, 1979, are exempted from the 32-hour-per-week tour-of-duty limitation so long as their part-time employment continues without a break in service of more than 3 calendar days.
 - c. Short-Term Change to Full Time. A short-term change of a part-time employee to full-time status is permitted under extenuating circumstances. In such cases, the employee should be required to sign a memorandum of understanding indicating full knowledge that the full-time schedule is temporary, the reasons for the change, and the not-to-exceed date of the temporary full-time work schedule.

- d. Program Implementation. Part-time career employment can be an effective management tool to increase productivity and job satisfaction, lower turnover rates and absenteeism, provide flexibility in meeting work requirements, and fill positions characterized by labor shortages. In conjunction with operating program officials, servicing human resources offices must provide assistance regarding the following actions and requests.
- (1) Review of Vacant Positions. Supervisors should review permanent positions which, after they become vacant, may be filled on a part-time career employment basis. The following factors should be considered:
 - (a) agency mission;
 - (b) workload fluctuations;
 - (c) size of workforce, occupational mix, turnover rate, and employment trends;
 - (d) potential for improving service to the public;
 - (e) diversity;
 - (f) geographic dispersion;
 - (g) current employee interest in part-time career employment; and
 - (h) full-time equivalencies and fiscal constraints.
 - (2) Requests for Changes to Part-Time Schedules. An employee's request must be in writing, indicate that the request for conversion to part-time employment is voluntary, and include a desired effective date. The factors listed in paragraph 3d(1) above should be considered in determining the feasibility of establishing such part-time positions or approving requests for conversions to part time.
 - (3) Public Announcements of Part-Time Employment Opportunities. There must be public notification of available part-time career vacancies. If two or more part-time employees share the duties of a full-time position, each person is considered to be a part-time employee for purposes of

appointment, tours of duty, pay, classification, leave, holidays, benefits, position changes, service credits, record keeping, reporting, reductions in force (RIFs), adverse actions, grievances, and budgeted full-time equivalencies. Therefore, personnel records should identify all individuals who are sharing jobs and provide the reasons (e.g., to care for an ill family member, to return to school, to care for a child).

4. RESPONSIBILITIES.

- a. Director of Human Resources Management or the NNSA Director of Personnel. Provides technical assistance on part-time career employment requirements and responsibilities within DOE.
- b. Heads of DOE Elements (and Other Field Organizations with Personnel Authority).
 - (1) Establish part-time career employment programs and promote part-time career employment opportunities within their organizations, subject to resources and mission requirements.
 - (2) Authorize, in unusual circumstances, part-time career employees to work schedules of less than 16 hours per week and document the basis for such decisions (e.g., when it would be in the best interest of the organization).
- c. Human Resources Directors. Provide advice and technical assistance concerning part-time career employment within DOE.

CHAPTER IV. REDUCTION IN FORCE

1. OBJECTIVE. To establish requirements and responsibilities in planning and conducting a RIF involving DOE employees in the competitive and excepted services.
2. REFERENCES.
 - a. 5 CFR 351, "Reduction in Force."
 - b. 5 U.S.C. chapter 34, "Retention Preference, Restoration and Reemployment."
 - c. Executive Order 10450, "Security Requirements for Government Employment," signed April 27, 1953.
 - d. 5 CFR 1201, "Practices and Procedures."
3. REQUIREMENTS.
 - a. General.
 - (1) Before formal RIF procedures are initiated, a concerted effort should be made to place adversely affected employees through transfer, reassignment, or other appropriate action. Placement efforts, once undertaken, should be applied as consistently as practicable.
 - (2) If a RIF becomes necessary, adversely affected employees must be informed at the earliest possible time, advised of the regulations under which RIF actions are taken, and advised of their rights and benefits. Placement assistance, for positions inside and outside DOE, will be made available to all employees to be separated.
 - (3) Heads of DOE elements (and other field organizations with personnel authority) must assess the impact of a RIF on bargaining unit employees and will negotiate or consult with exclusive representatives as appropriate under labor relations law or negotiated agreements.
 - b. Prior Notification of RIF Plans.

- (1) Organizations that plan to conduct a RIF must notify the Director of Human Resources Management or, for NNSA components, the NNSA Director of Personnel in writing as far in advance of the anticipated effective date as possible, but no less than 3 weeks before the date when RIF notices are to be given to employees. The following information must be included in the notification:
 - (a) the proposed effective date and specific reason for the RIF (e.g., a reduction in workload or program curtailment);
 - (b) the approximate number of employees to be directly adversely affected by the RIF and related actions (e.g., numbers to be separated, downgraded, and reassigned);
 - (c) the amount of performance-related credit to be associated with each rating level and appraisal pattern, in accordance with the matrix at the end of this chapter;
 - (d) the estimated number of days of advance notice that employees will be given and whether employees will be in a nonpay status during any of this time period;
 - (e) the proposed relocation or outplacement efforts planned for the affected employees;
 - (f) the assistance required, if any, from other organizations and from the Director of Human Resources Management or, for NNSA components, the Director of Personnel, NNSA; and
 - (g) the estimated cost in terms of severance pay and lump-sum annual leave entitlements and any estimated salary savings through the remainder of the fiscal year. If the RIF results in whole or in part from a determination to obtain services by contract, the estimated additional contractor costs should also be included.
- (2) In the event of a transfer of function, the following additional information is required:
 - (a) identification of the unit or function being transferred,

- (b) identification of the gaining and losing organizations,
 - (c) reasons for the transfer,
 - (d) proposed effective date of the transfer,
 - (e) number of employees affected, and
 - (f) estimated number of employees who will accompany the function.
- (3) If circumstances beyond the control of the organization conducting the RIF prevent that organization from providing the required written notification within the time limit required, such notification may be provided orally at the discretion of the Director of Human Resources Management or, for NNSA components, the NNSA Director of Personnel.

c. Competitive Areas.

- (1) Requests for changes in approved competitive areas should be submitted to the Director of Human Resources Management or, for NNSA components, the NNSA Director of Personnel at least 120 days in advance of any proposed RIF. If a competitive area is to be in effect less than 90 days before the effective date of the RIF, the request must be submitted to the Office of Personnel Management through the Director of Human Resources Management or, for NNSA components, the NNSA Director of Personnel. Generally, competitive areas are as follows.
- (a) Each Headquarters first-tier organization must be a separate competitive area. Such areas include all employees of the organization within the Washington, D.C., commuting area.
 - (b) Each field element with delegated personnel authority that is operationally and functionally independent of other DOE activities in the commuting area must be in a separate competitive area. If such an office has activities in more than one commuting area, each commuting area must be a separate competitive area.
 - (c) Each field element without delegated personnel authority or that is not independent of other DOE activities in the commuting area

must be considered a field activity of the appropriate Headquarters office and must be a separate competitive area.

- (2) The servicing human resources office must provide all employees with a list of the competitive areas for each organizational component. This list must be published annually. A full description of all competitive areas, including the dates they were established and the dates of any changes, must be maintained in the human resources office and be made available for review by employees and their representatives, as appropriate, to the extent that the records relate to each employee's situation.
- d. Competitive Levels. Servicing human resources offices must ensure competitive levels for each position in the affected competitive area have been established in accordance with applicable regulations.
 - e. Retention Registers. The servicing human resources office must establish retention registers before any employee is released by RIF. Retention registers must be established in accordance with applicable regulations.
 - f. Assignment Rights.
 - (1) An employee released from a competitive level is assigned to another position in accordance with 5 CFR 351, Subpart G, "Assignment Rights (Bump and Retreat)."
 - (2) If an employee's right of assignment is to a sensitive position for which the employee does not possess the necessary access authorization, the appropriate action to obtain the authorization must be undertaken as soon as possible. The RIF assignment cannot be delayed or denied because the employee does not currently have an appropriate access authorization. Until such time as the appropriate authorization is obtained, the employee may, instead, be—
 - (a) assigned to perform only the nonsensitive duties of the position,
 - (b) detailed to a nonsensitive position or set of duties,
 - (c) granted leave (only upon the employee's request), or
 - (d) if appropriate, suspended under Executive Order 10450.

- (3) An employee in the excepted service does not have assignment rights when the employee is released from his or her competitive level.
- g. Breaking Ties for Release from a Competitive Level. When employees in the same retention subgroup have identical service computation dates and are tied for release from a competitive level, the employee with the least amount of service with DOE must be released first.
- h. Notices. Each competing employee selected for release from a competitive level is entitled to a specific written notice at least 60 full days before the effective date of release. Notice periods of less than 60 days must be authorized by the Office of Personnel Management via a written request from the Head of the DOE element through the Director of Human Resources Management or, for NNSA components, the NNSA Director of Personnel.
- i. Transfer of Function. During a transfer of function, lump-sum and severance payments must be paid from the gaining organization's appropriations unless the losing organization chooses to fund such costs.
- j. Appeal Rights.
 - (1) An employee who has been furloughed for more than 30 days, separated, or demoted by a RIF action may appeal to the Merit Systems Protection Board in accordance with Merit Systems Protection Board procedures.
 - (2) An employee in a bargaining unit covered by a negotiated grievance procedure that includes RIF must use the negotiated grievance procedure and may not appeal RIF actions to the Merit Systems Protection Board.
 - (3) An employee, as identified in 3j(2) above, who raises an allegation of discrimination in conjunction with a RIF may pursue the matter either through the negotiated grievance procedure or by appealing the RIF action to the Merit Systems Protection Board.

4. RESPONSIBILITIES.

- a. Director of Human Resources Management or, for NNSA components, the NNSA Director of Personnel.

- (1) Approves designations of competitive areas.
 - (2) Concurs on requests to OPM for—
 - (a) approval to issue RIF notices less than 60 days before the effective date and
 - (b) approval of new and changed competitive areas that will be implemented less than 90 days before the effective date of a RIF.
 - (3) Approves exceptions to the “Performance-Related Retention Credit Matrix” under rare circumstances when inequitable results would otherwise result. (The matrix appears on the last page of this chapter.)
- b. Heads of DOE Elements (and Other Field Organizations with Personnel Authority).
- (1) Determine when a RIF will be necessary, which functions and organizations will be affected, and the amount of performance-related credit to be associated with each rating level/appraisal pattern and initiate appropriate action.
 - (2) Provide the Director of Human Resources Management or, for NNSA components, the NNSA Director of Personnel in writing and in advance of any RIF action—
 - (a) a copy of the RIF plan;
 - (b) a delineation of, or any proposed changes to, competitive areas; and
 - (c) requests to issue RIF notices less than 60 days in advance of the effective date or to establish new competitive areas less than 90 days before the effective date.
 - (3) Determine when a transfer of function is needed to further DOE’s mission and initiate appropriate approvals, in consultation with servicing human resources office.
- c. Human Resources Directors. Provide advice and technical operations support to organizational units serviced so all RIF and transfer of function planning and

personnel actions are carried out consistent with the provisions of this chapter and with applicable regulations.

d. Managers and Supervisors.

- (1) Determine which positions are to be abolished.
- (2) Provide information to affected employees.

CANCELED

PERFORMANCE-RELATED RETENTION CREDIT MATRIX

(in years)

<i>Rating Level/Appraisal Pattern</i>	<i><u>PERFORMANCE RATING</u></i>				
	<i>Unacceptable</i>	<i>Marginal</i>	<i>Fully Successful/ Pass</i>	<i>Exceeds Expecta- tions</i>	<i>Outstanding</i>
<i>2-Level (Pattern A)</i>	<i>0</i>	<i>N/A</i>	<i>12-20</i>	<i>N/A</i>	<i>N/A</i>
<i>3-Level with Outstanding (Pattern B)</i>	<i>0</i>	<i>N/A</i>	<i>12-16</i>	<i>N/A</i>	<i>17-20</i>
<i>3-Level with Exceeds (Pattern C)</i>	<i>0</i>	<i>N/A</i>	<i>12-16</i>	<i>17-20</i>	<i>N/A</i>
<i>3-Level with Marginal & Pass (Pattern D)</i>	<i>0</i>	<i>0</i>	<i>12-20</i>	<i>N/A</i>	<i>N/A</i>
<i>4-Level with Exceeds & Outstanding (Pattern E)</i>	<i>0</i>	<i>N/A</i>	<i>12-14</i>	<i>15-17</i>	<i>18-20</i>
<i>4-Level with Marginal & Outstanding (Pattern F)</i>	<i>0</i>	<i>0</i>	<i>12-16</i>	<i>N/A</i>	<i>17-20</i>
<i>4-Level with Marginal & Exceeds (Pattern G)</i>	<i>0</i>	<i>0</i>	<i>12-16</i>	<i>17-20</i>	<i>N/A</i>
<i>5-Level (Pattern H)</i>	<i>0</i>	<i>0</i>	<i>12-14</i>	<i>15-17</i>	<i>18-20</i>

Notes

These ranges represent choices to be applied uniformly throughout the reduction in force competitive area, as required in 5 CFR 351.504(b)(4). Each selected value, not the range, must be the specific one applied in all instances of that rating/pattern combination in that competitive area.

Exceptions to the use of the above table may be granted by the Director of Human Resources Management or, for National Nuclear Security Administration (NNSA) components, the NNSA Director of Personnel. Such exceptions will be approved only when circumstances demonstrate that inequitable results would otherwise occur.

CANCELED

CHAPTER V. MERIT PROMOTION

1. OBJECTIVE. To provide requirements and responsibilities when promoting and placing individuals in the competitive service, including DOE and other Federal employees.
2. REFERENCES.
 - a. 5 CFR 335, "Promotion and Internal Placement," and 5 CFR 300, Subpart A, "Employment Practices (General)." <http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html#page1>.
 - b. *Qualification Standards for General Schedule Positions*, United States Office of Personnel Management Operating Manual.
 - c. Handbook X-118C, *Job Qualification System for Trades and Labor Occupations*.
 - d. 29 CFR 1607, "Uniform Guidelines on Employee Selection Procedures (1978)." http://www.access.gpo.gov/nara/cfr/waisidx_0029/cfr1607_00.html.
3. REQUIREMENTS.
 - a. General.
 - (1) DOE will fill positions in the competitive service from the best available candidates in accordance with Departmental policy and applicable civil service laws and regulations.
 - (2) Merit promotion and other placement actions will be taken based on job-related criteria without regard to political, religious, or union affiliation or nonaffiliation; marital status; race; color; national origin; sex; age; non-disqualifying physical handicap; or sexual orientation.
 - b. Merit Promotion Plans. Merit promotion plans must be developed for employees in the competitive ~~service~~. Each plan must include the following items.
 - (1) A list of all actions that must be excepted from the competitive procedures of the merit promotion plan, including giving priority consideration to candidates who were not given proper consideration in previous

competitive promotion actions when they apply for appropriate vacancies (unless some other remedy is mutually acceptable to the applicants and management).

- (2) The other requirements contained in 5 CFR Part 335.

c. Areas of Consideration.

- (1) In determining areas of consideration, DOE elements with employees in multiple commuting areas must ensure employees at various locations are not unduly restricted from applying for vacancies. Minimum areas of consideration will normally be as follows.
 - (a) Department-wide. Positions at GS-14 and GS-15 (or equivalent Federal Wage System or negotiated hourly rate).
 - (b) Commuting Area. Positions at GS-13 and below (or equivalent Federal Wage System or negotiated hourly rate).
 - (c) Exceptions. Human resources offices may allow exceptions to the standard minimum areas of consideration if the number of qualified candidates in the alternative area is adequate and if use of the standard minimum area would be impractical. The bases for exceptions must be documented.
- (2) Time Limits for Posting. Below is general information for posting vacancy announcements. Under the DOE Priority Placement and Career Transition and Assistance Program policy, certain DOE employees affected by reductions in force must be given 30 days to apply for vacancies.
 - (a) Vacancies announced Department-wide will be posted for a minimum of 15 calendar days. Vacancies announced for a smaller area of consideration will be posted for a minimum of 7 calendar days.

- (b) When specific positions show a high rate of turnover or a low rate of internal applications, vacancy announcements may remain open continuously for a period not to exceed 1 year. The vacancy announcement must clearly state the continuously open nature of the announcement and the procedures to be used.
- d. Evaluation of Candidates. Basic eligibility will be determined based on selective factors, as applicable, and qualifications standards in the OPM *Qualification Standards for General Schedule Positions* or *Handbook X-118C, Job Qualification System for Trades and Labor Occupations*. Evaluation methods must include the bases for determining the best qualified candidates.

4. RESPONSIBILITIES.

- a. Director, Office of Management, Budget and Evaluation/Chief Financial Officer, through the Director of Human Resources Management or, for NNSA components, the Associate Administrator for NNSA, through the NNSA Director of Personnel. Ensures the Department's human resources management program is based on concepts of merit, efficiency, and effective mission support.
- b. Director of Human Resources Management or the NNSA Director of Personnel.
 - (1) Develops, promulgates, implements, and provides advice on policies, standards, and procedures concerning merit promotion and related personnel functions, consistent with applicable laws and regulations.
 - (2) Maintains liaison with OPM on merit promotion policy as well as on other personnel-related activities.
 - (3) Periodically evaluates the effectiveness of DOE's merit promotion program and other personnel functions.
 - (4) Actively promotes the introduction and expansion of automated systems to increase the efficiency and effectiveness of DOE's merit promotion program.

c. Heads of DOE Elements.

- (1) Staff their organizations by fairly selecting candidates for employment and maximizing employees' talents in accordance with merit principles.
- (2) Use the assistance of the appropriate human resources office when planning recruitment, staffing, and promotion actions.

d. Human Resources Directors.

- (1) Develop merit promotion plans for the organizations they service in accordance with 5 CFR 335; 5 CFR 300, subpart A, "Employment (General)"; <http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html#page>; and this Order (applicable only to all human resources offices holding delegated authority to effect personnel actions).
- (2) Perform all phases of technical operational support, including support for automated recruitment and candidate evaluation, for organizational units serviced so all merit promotion activities are consistent with the provisions of this Order and with local merit promotion plans.
- (3) Provide day-to-day advice and guidance to managers and supervisors on merit promotion matters and on methods for improving efficiency in the merit promotion process.
- (4) Maintain liaison with appropriate OPM offices and other organizations as necessary to provide an effective human resources program for the operating organizational components for which they are responsible.
- (5) Document, maintain, release, or protect merit promotion records (as appropriate) for a minimum of 2 years, in accordance with 5 CFR 335.
- (6) Evaluate the effectiveness of merit promotion and other personnel management functions within their organizational jurisdictions.
- (7) Approve selective factors consistent with applicable regulations.

- (8) Request OPM's approval of tests, as required, and ensure any commercially developed tests meet the standards in the *Uniform Guidelines on Employee Selection Procedures* (29 CFR 1607) [http://www.access.gpo.gov/nara/cfr/waisidx_0029cfr1607_00.html] before administering such tests.

e. Selecting Officials, Managers, and Supervisors.

- (1) Establish job-related evaluation criteria, in conjunction with appropriate human resources staff, for use in considering candidates for merit promotion.
- (2) Give fair and objective consideration to all candidates certified for consideration.
- (3) Promptly provide appraisals of performance and potential, as requested, for subordinates who are candidates for merit promotion.
- (4) Provide appropriate formal and on-the-job training for all first-level supervisors in the operation of the merit promotion process.
- (5) Promote diversity and equal employment opportunity principles by ensuring personnel actions are consistent with the Department's policies and goals.
- (6) Consult human resources office should questions arise concerning the use of written tests.

Department of Energy Organizations to Which DOE O 320.1 Applies

Office of the Secretary

Chief Information Officer

Office of Civilian Radioactive Waste Management

Office of Congressional and Intergovernmental Affairs

Office of Counterintelligence

Departmental Representative to the Defense Nuclear Facilities Safety Board

Office of Economic Impact and Diversity

Office of Energy Efficiency and Renewable Energy

Energy Information Administration

Office of Environment, Safety and Health

Office of Environmental Management

Office of Fossil Energy

Office of General Counsel

Office of Hearings and Appeals

Office of Independent Oversight and Performance Assurance

Office of the Inspector General

Office of Intelligence

Office of Management, Budget and Evaluation/Chief Financial Officer

National Nuclear Security Administration

Office of Nuclear Energy, Science and Technology

Office of Policy and International Affairs

Office of Public Affairs

Office of Science

Secretary of Energy Advisory Board

Office of Security

Office of Worker and Community Transition

Bonneville Power Administration

Southeastern Power Administration

Southwestern Power Administration

Western Area Power Administration

CANCELED