

17 May 1999

Civilian Personnel

HEADQUARTERS (HQ), UNITED STATES ARMY TRAINING AND DOCTRINE
COMMAND (TRADOC) CIVILIAN PERSONNEL MANAGEMENT

Summary. This memorandum establishes policies on hiring practices for filling civilian positions at HQ TRADOC.

Applicability. This memorandum applies to all agencies within HQ TRADOC.

Suggested improvements. The proponent of this memorandum is the Civilian Personnel Advisory Center (CPAC). Send comments and suggested improvements on DA Form 2028 (Recommended Changes to

Publications and Blank Forms) through channels to HQ Fort Monroe, Civilian Personnel Advisory Center Director, ATTN: ATZG-CP, Fort Monroe, VA 23651-1032. Suggested improvements may also be submitted using DA Form 1045 (Army Ideas for Excellence Program (AIEP) Proposal).

Availability. This publication is available on the TRADOC Homepage at <http://www-tradoc.army.mil> and Fort Monroe Homepage at <http://www-tradoc.monroe.army.mil/monroe>.

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1-1. Purpose. This memorandum describes the policies on hiring practices for filling civilian positions in TRADOC headquarters to ensure consistent personnel practices are followed by HQ TRADOC organizations and field operating activities of the headquarters located at Fort Monroe. This supersedes HQ TRADOC Memo, ATBO-CE, 26 May 97, Subject: Civilian Personnel Management Policy.

1-2. References. Required and related publications are listed in appendix A.

1-3. Explanation of abbreviation and terms. Abbreviations and special terms used in this memorandum are explained in the glossary.

1-4. Responsibilities.

a. Selecting officials are responsible for adherence to the Merit System Principles which are outlined in appendix B.

b. Prohibited personnel practices are outlined in appendix C.

c. The Fort Monroe CPAC is available for providing advice on proper selection criteria.

d. HQ TRADOC and field operating activities located at Fort Monroe must comply with the following, for all permanent personnel actions resulting in promotion, reassignment, transfer or new hire.

(1) Reorganizations. All proposed reorganizations will be staffed with the Civilian Personnel Advisory Center and Post Equal Employment Opportunity Office.

(2) Position Establishment Actions.

(a) The TRADOC Chief of Staff will approve conversion of positions from military to civilian and requests to convert from civilian to military.

(b) The TRADOC Chief of Staff will approve establishment of new or changed high-grade (GS-14 and GS-15) positions. Each request will identify an offsetting high-grade reduction and include justification which addresses structure, options considered, supervisory/employee ratio, and origin of work. Request requires coordination of the Civilian Personnel Advisory Center, DCSBOS, and DCSRM.

(c) Consistent with HQ policy and supervisory ratio objectives, organizations will review vacant or new supervisory and high-grade positions for elimination or restructure to nonsupervisory or lower graded positions prior to initiating recruitment.

(3) Recruitment Actions.

(a) Employees occupying abolished jobs will be considered for all vacant positions, prior to initiation of formal recruitment process and will be placed in vacant positions, if fully qualified. The Civilian Personnel Advisory Center will monitor progress of this placement program.

(b) The minimum area of recruitment for all merit promotion announcements will be career and career conditional employees serviced by the Fort Monroe Civilian Personnel Advisory Center.

(c) Merit promotion announcements will remain open a minimum of 14 calendar days.

(d) Noncareer program positions at the GS-15 level will be announced DA-wide for a minimum of 30 calendar days to attract a full complement of qualified candidates, including minorities, women, and individuals with disabilities.

(e) Permanent Change of Station costs will be paid consistent with the area of recruitment in vacancy announcements.

(f) Recruitment sources will not be limited to external candidates. Area of recruitment will be sufficient to attract underrepresented groups.

(g) Proposed hiring of retired military personnel in positions GS-09 through GS-13, requiring waiver of the 180-day post-retirement rule, will be reviewed by the DCSBOS prior to forwarding to HQDA for approval; TRADOC Chief of Staff will review requests at the GS-14 and GS-15 levels. DCSBOS, Civilian Personnel Directorate will approve requests for all wage grade positions and those at grade GS-08 and below.

(h) Screening panels, when used to evaluate candidates referred for any GS-13 and above vacancy, will include at least one member from outside the directorate having the vacancy and, whenever possible, minority and/or female representation.

(i) The TRADOC Chief of Staff will approve selections for vacancies at grades GS-14 and GS-15.

(j) Actions are subject to the Department of Defense Priority Placement Program or other placement program requirements.

(4) Classification Actions.

(a) Noncompetitive promotion actions resulting from assignment of additional duties and responsibilities will include justification including origin of new work and/or changed technology.

(b) The promotion must be subject to competition if there are any other qualified employees in the directorate or special staff office at the same grade as the original position.

(5) Temporary Promotions. Individuals may be temporarily promoted into higher level positions, at the discretion of the head of the organization, when the following conditions exist:

(a) Temporary need is expected to last 90 days or longer; or

(b) Position is supervisory.

e. HQ TRADOC organizations and field operating activities located at Fort Monroe will establish procedures to ensure that consistent personnel practices of paragraph 1-4d, above, are followed for all personnel actions. A sample checklist is provided in Appendix B to assist in establishing criteria for consistent actions.

Appendix A References

Title 5, United States Code, Chapter 23, Sections 2301 and 2302

Appendix B Merit System Principles

Title 5, United States Code, Chapter 23, Section 2301 addresses Merit System Principles, which is quoted, in part below:

“Federal personnel management should be implemented consistent with the following merit system principles:

(1) Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity.

(2) All employees and applicants for employment should receive fair and equitable treatment in all respects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.

(3) Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.

(4) All employees should maintain high standards of integrity, conduct and concern for public interest.

(5) The Federal work force should be used efficiently and effectively.

(6) Employees should be retained on the basis of the adequacy of their performance, inadequate performance

should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.

(7) Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.

(8) Employees should be—

(a) protected against arbitrary action, personal favoritism, or coercion for partisan political purposes, and

(b) prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.

(9) Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences—

(a) a violation of any law, rule, or regulation, or

(b) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.”

POSITION:			
CRITERIA	MET	NOT MET	REMARKS
1. POSITION ESTABLISHMENTS			
a. CofS approval to conv from military to civilian.			
b. CofS approval of new/changed high grade positions			
- Coord with CPAC			
- Coord with DCSBOS			
- Coord with DCSRM			
c. Org review of vacant/new supervisory and high grade positions for elimination or restructure to non-supv or lower graded position.			
2. PERMANENT RECRUITMENT ACTIONS			
a. Surplus list checked.			
b. Minimum area of recruitment career and career-conditional employees serviced by Fort Monroe CPAC.			
c. Annc open minimum of 14 calendar days.			
d. Non-CP psns at GS-15 annc DA-wide for min 30 calendar days to attract full complement of qualified candidates, including minorities, women, and disabled individuals.			
e. PCS costs paid consistent with area of recruitment.			
f. Recruitment not limited to external candidates. Area sufficient to attract under-represented groups.			
g. Retired mil waiver request reviewed: by DCSBOS (GS-9-13); by CofS (GS-14+)			
h. Screening panels, when used, include at lease one member from outside the Directorate of the vacancy and, when possible, minority and/or female representation (applies to GS-13 and above).			
3. CLASSIFICATION ACTIONS			
a. Noncompetitive promotions due to additional duties include justification including origin of new work/changed technology.			
b. Competitive promotion, if there are other qualified employees in the Directorate or special staff office at the same grade as the original position.			

Figure B-1. Sample Civilian Personnel Management Policy Checklist

Appendix C

Prohibited Personnel Practices

Title 5, United States Code, Chapter 23, Section 2302 addresses prohibited personnel practices pertaining to personnel actions, e.g., appointment, promotion, detail, transfer or reassignment; performance evaluation; decisions on pay, benefits or awards; or any other significant change in duties, responsibilities, or working conditions. As such: managers and supervisors shall not:

“(1) Discriminate for or against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, age, sex, handicapping condition, marital status, or political affiliation.

(2) Solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—

(a) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or

(b) an evaluation of the character, loyalty, or suitability of such individual.

(3) Coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity;

(4) Deceive or willfully obstruct any person with respect to such person's right to compete for employment;

(5) Influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment;

(6) Grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment;

(7) Appoint, employ, promote, advance or advocate for appointment, employment, promotion, or advancement, in or to a civilian position any individual who is a relative (as defined in section 3110(a)(3) of Title 5 USC) of such employee if such position is in the agency in which such employee is serving as a public official (as defined in section 3110(a)(2) of Title 5 USC) or over which such employee exercises jurisdiction or control such as an official;

(8) Take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of—

(a) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences—

(i) a violation of any law, rule, or regulation, or

(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or

(b) any disclosure to the Special Counsel, or to the Inspector General of any agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes or evidences—

(i) a violation of any law rule, or regulation, or

(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

(9) Take or fail to take, or threaten to take or fail to take, any personnel action against any employee or applicant for employment because of—

(a) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

(b) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (A);

(c) cooperating with or disclosing information to the Inspector General of an agency, or the Special Counsel, in accordance with applicable provisions of law; or

(d) for refusing to obey an order that would require the individual to violate a law.

(10) Discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency for taking into account in determining suitability or fitness any conviction of the employee or applicant for any crime under the laws of any State, of the District of Colombia, or of the United States; or

(11) Take or fail to take any other personnel action if the taking of or failure to take such action violates any law, rule, or regulation implementing, or directly concerning, the merit system principles...”

Glossary

Section I

Abbreviations

CPAC	Civilian Personnel Advisory Center
DA	Department of the Army
DCSBOS	Deputy Chief of Staff for Base Operations Support
DCSRM	Deputy Chief of Staff for Resource Management
HQ	headquarters
TRADOC	U.S. Army Training and Doctrine Command

Section II

Terms

Changed High-Grade Position

Change to a GS-14 or GS-15 position which affects the grade or organizational location of the position.

New Hire

Employee is appointed to a position in the Federal government.

Promotion

A change of an employee, while continuously employed, from one grade to a higher grade.

Reassignment

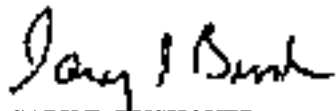
A change of an employee, while serving continuously in the same agency, from one position to another without promotion or change to lower grade.

Transfer

A change of an employee, without a break in service of one full workday, from one branch of the Federal government to another or from one agency to another.

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