

U.S. Department of Energy

Oak Ridge Operations

ORO O 320
Chapter VIII

DATE: 09-30-96

SUBJECT: PRIORITY PLACEMENT AND CONSIDERATION

1. PURPOSE. This Chapter correlates to DOE O 324.1 (formerly DOE 3330.2), PRIORITY PLACEMENT AND CONSIDERATION, dated October 8, 1986, which has now been renumbered in accordance with the new DOE Order Numbering System, as published in DOE M 251.1-1, Change 1, dated December 12, 1995. Nothing within the DOE Order has been changed at this point, but if a new DOE Order is published, it will be numbered in this manner. Until that time, the new number is assigned to the previous DOE Order. This new Oak Ridge Operations (ORO) Chapter assigns responsibility and accountability and provides administrative guidance to ORO and Office of Scientific and Technical Information (OSTI). Nothing in this issuance changes any requirements contained in any DOE Order.
2. CANCELLATION. This Chapter cancels and replaces OR 3330.1, REPROMOTION CONSIDERATION FOR EMPLOYEES ENTITLED TO GRADE OR PAY RETENTION, dated November 13, 1981.
3. APPLICABILITY.
 - a. Positions. The provisions of this Chapter apply only to vacant positions which:
 - (1) Are under the General Schedule or Federal Wage System, and
 - (2) Will otherwise be filled under competitive internal recruitment procedures.
 - b. Employees. This Chapter is primarily oriented to the placement of ORO and OSTI employees who are serving under an appointment in the competitive service, who are in tenure group I or II, who have received a Notice of Job Abolishment or Certification or Expected Separation, or who have received a specific reduction in force (RIF) separation notice, and those employees who are entitled to grade or pay retention. It also provides for placement assistance to employees of other DOE offices who:
 - (1) Are entitled to grade or pay retention, and
 - (2) Specifically request such assistance.
4. RESPONSIBILITIES.
 - a. Assistant Manager for Administration, ORO, and Manager, OSTI, concur in justifications for nonselection of employees entitled to mandatory consideration under this Chapter.
 - b. Director, Personnel Division.
 - (1) Determines which employees are entitled to selection priority.

- (2) Determines qualifications of employees and provides a procedure for a second independent review if an eligible employee is found to be not qualified or not well-qualified.
 - (3) Issues notices of intent to downgrade and makes offers of employment which confer eligibility for repromotion consideration under this Chapter.
 - (4) Advises selecting officials, supervisors, and employees regarding their rights and responsibilities under this Chapter.
 - (5) Refers mandatory consideration eligibles to selecting officials and notifies employees of such referrals (see Attachment 1 of this Chapter).
 - (6) Refers employees who request extended repromotion consideration to selecting officials prior to referring candidates under normal competitive recruitment procedures (see paragraph 5 of this Attachment 1).
 - (7) Reports annually in response to Office of Personnel Management reporting requirements by providing the following information:
 - (a) The number of employees determined to be surplus and displaced.
 - (b) The number of selections of eligible employees under the program to grant selection priority to surplus and displaced Departmental employees.
 - (c) The number of vacancies filled from within ORO and OSTI, within the commuting area, and within the Department.
 - (d) The name of a point of contact for Career Transition Assistance Program information.
- c. Selection Officials.
- (1) Give full and fair consideration to all eligibles referred to them.
 - (2) Submit written justifications if mandatory consideration eligibles are referred and none is selected.
- d. Employees eligible for consideration under this Chapter shall:
- (1) Apply for specific vacancies within the prescribed time frames, attach a copy of RIF separation notice, Certificate of Expected Separation, or notice of downgrade.
 - (2) Request interviews, if desired, within two days after receiving notification that their files have even referred for mandatory consideration (see Attachment 1 of this Chapter).

- (3) Submit written requests to Personnel Division for extended repromotion consideration outside of their commuting areas.
5. REQUIREMENTS AND PROCEDURES. See Attachment 1 of this Chapter.
6. REFERENCES.
 - a. DOE O 324.1 (formerly DOE 3330.2), PRIORITY PLACEMENT CONSIDERATION, dated October 8, 1986.
 - b. DOE O 360.1, TRAINING, dated May 31, 1995.
 - c. SELECTION PRIORITY FOR SURPLUS AND DISPLACED DEPARTMENTAL EMPLOYEES, issued by Assistant Secretary for Human Resources and Administration, dated November 15, 1995.
7. DEFINITIONS. None.
8. CONTRACTOR REQUIREMENTS DOCUMENT. None.
9. ATTACHMENTS.

Attachment 1 - Requirements and Procedures for Priority Placement and Consideration.

**REQUIREMENTS AND PROCEDURES FOR
PRIORITY PLACEMENT AND CONSIDERATION**

1. Determination of Basic Employee Eligibility.
 - a. Within the appropriate area of consideration, an employee becomes entitled to mandatory consideration as soon as he/she:
 - (1) Receives a RIF separation notice or Certificate of Expected Separation; or
 - (2) Receives written notice of a demotion which will entitle him/her to grade and/or pay retention; or
 - (3) Becomes employed within ORO or OSTI while entitled to grade and/or pay retention.
 - b. To receive mandatory consideration for a specific vacancy, an employee must also meet all qualification requirements for the position, including selective placement factors. At its discretion, management may waive noneducational qualification requirements and consider otherwise eligible employees on a case-by-case basis.
 - c. Some demotion actions (e.g., failure to complete successfully a supervisory or managerial probation period) are not covered by this Chapter, and any resulting repromotion consideration eligibility shall be satisfied in accordance with 5 CFR Part 335 and supplementing DOE and ORO directives.
 - d. Nonselection under this Chapter does not preclude an eligible employee from being considered for the same position under normal competitive internal recruitment procedures.
2. Determination of Positions Affected.
 - a. The procedures in this section apply to vacant positions which will otherwise be filled under competitive internal recruitment procedures. They are not required prior to filling a vacancy under an exception to competition.
 - b. In general, mandatory consideration extends to vacancies which are within the same commuting area as the position occupied by an eligible employee. The normal areas of consideration are:
 - (1) ORO and OSTI positions with a duty station in Oak Ridge, Tennessee.
 - (2) ORO positions with a duty station in Piketon, Ohio.
 - (3) ORO positions with a duty station in Paducah, Kentucky.

- (4) ORO positions with a duty station in Newport News, Virginia.
 - (5) ORO positions with a duty station in Weldon Spring, Missouri.
 - (6) OSTI positions with a duty station in Washington, D.C.
- c. For a particular employee, mandatory repromotion consideration rights extend only to vacancies which will be filled at a grade:
- (1) Above that of the position in which the employee is currently serving, but
 - (2) No higher than the employee's retained grade (if entitled to grade retention) or former grade (if entitled to pay retention).
- d. At its discretion, management may also consider otherwise eligible employees for vacancies which will be filled at the same grade as the employee's current position but have some noncompetitive promotion potential above that grade.
- e. An employee has no noncompetitive repromotion consideration eligibility for positions which will be filled at a grade above his/her retained/former grade.
- f. There is no requirement that a vacant position can be retained at the full performance solely to afford repromotion consideration to otherwise eligible employees.
3. Consideration of Surplus and Displaced Employees.
- a. The required selection priorities are:
- (1) Selection Category I: the Departmental Element's (ORO or OSTI) eligible, qualified surplus and displaced applicants within each commuting area.
 - (2) Selection Category II: well-qualified, eligible DOE surplus and displaced employees who are outside the Departmental Element but within the commuting area and who apply for vacancies.
 - (3) Selection Category III: Well-qualified displaced and surplus DOE applicants outside the commuting area subject to availability of relocation funding as stated in the appropriate vacancy announcement.

Note: A well-qualified surplus or displaced internal agency employee who applies for a vacant position in his/her commuting area must be selected before any other candidate from either within or outside DOE. These procedures take precedent over those for consideration of candidates who are eligible for grade or pay retention.

- b. Order of Selection: The selection process must proceed in this order, i.e., consideration of Selection Category I eligibles first; if there are no Selection Category I eligibles, consideration of Selection Category II eligibles; and if there are no Selection Category II eligibles, consideration of Selection Category III eligibles.
 - c. Employee responsibility and eligibility criteria: Each eligible employee must apply for specific vacancies within the prescribed time frames, attach a copy of his/her RIF separation notice or Certificate of Expected Separation, and meet eligibility criteria as follows:
 - (1) Be a current DOE employee serving under an appointment in the competitive service, in tenure group I or II, and have received a Notice of Job Abolishment, Certificate of Expected Separation, or specific RIF separation notice.
 - (2) Have a current (or last) performance rating of record at least Fully Successful or equivalent.
 - (3) Apply for a vacancy which is at or below the grade level from which he/she may be or is being separated, and which does not have greater promotion potential than the position from which he/she may or is being separated.
 - (4) File a timely application for a specific ORO or OSTI vacancy, and
 - (5) Is determined to be qualified for vacancies in ORO and OSTI.
 - d. The Personnel Division shall maintain lists of eligibles in each Selection Category.
4. Consideration of Repromotion Eligibles.
- a. The Personnel Division shall maintain priority placement lists of employees eligible for mandatory repromotion consideration within each commuting area.
 - b. As soon as an employee becomes eligible for mandatory repromotion consideration, the Personnel Division shall add his/her name to the appropriate eligibility list and establish a repromotion consideration file on that employee. Any eligible employee may submit a current application (SF-171, OF-612, or other acceptable application) for inclusion in this file.
 - c. Each eligible employee shall be provided with:
 - (1) A copy of this Chapter, and
 - (2) A specific reminder of: (a) The employee's entitlement to priority placement consideration; and (b) The fact that eligibility for priority placement consideration terminates as soon as one of the conditions specified in paragraph 9 of this Attachment are met.

- d. When recruitment for a vacancy is being conducted under competitive internal procedures, the Personnel Division shall review the eligibility lists for the position's commuting area and identify the employees qualified for mandatory repromotion consideration. Prior to referring candidates from the competitive recruitment action to the Selecting Official, the Personnel Division shall:
 - (1) Screen the files of qualified employees who are eligible for mandatory repromotion consideration to remove justifications for prior nonselections under this program, and
 - (2) Refer these files to the selecting official in writing for noncompetitive repromotion consideration, and
 - (3) Notify employees in writing of each such referral, including the full classification of the position and its organizational location.
- e. If the selecting official wishes to interview any referred candidate, he/she must interview all such candidates.
 - (1) The Personnel Division shall solicit the interest of the referred candidates in the position and arrange for all interviews.
 - (2) Depending on the requirements of the position, a refusal to attend an interview may justify nonselection for the particular vacancy.

Note: Such a refusal does not affect management's right to select an employee based on other sources of information and to terminate an employee's eligibility for grade and/or pay retention if the resulting offer meets the criteria in paragraph 9 of this Attachment.
- f. A Selecting Official must also interview any referred employee who specifically requests it. If only such employee-initiated interviews are to be conducted, it is not necessary that all referred employees be interviewed.
- g. If the Selecting Official does not select any mandatory repromotion consideration eligible, he/she must submit a written justification to the Personnel Division, which shall secure the necessary concurrence.
- h. When the justification for nonselection has been concurred in, the Personnel Division shall then refer other candidates who are qualified for extended repromotion consideration.
- i. Candidates may be referred under competitive internal recruitment procedures only after it is determined that no selection shall be made under this Chapter.

5. Consideration of Training and Developmental Assignments.
 - a. Supervisors of employees entitled to mandatory repromotion consideration shall consult with the Personnel Division to determine the long-range placement prospects of each employee. Consideration shall be given to manpower forecasts, the specific qualifications of each eligible employee, and the total number of employees with similar skills.
 - b. An employee entitled to mandatory repromotion consideration shall be afforded training and/or developmental assignments which shall prepare the employee for placement in other positions if it is determined that:
 - (1) Current opportunities for placement of that employee are severely limited or nonexistent, and
 - (2) Specific training shall significantly improve the employee's placement opportunities.
 - c. Details may be used for the purpose of providing on-the-job training opportunities. However, use of details does not preclude:
 - (1) Continuing priority placement consideration of the detailed employee for other positions.
 - (2) Consideration of other priority placement eligibles for permanent assignment to the position being filled by detail.
6. Consideration of Extended Repromotion.
 - a. Scope: This section governs noncompetitive referrals of:
 - (1) ORO and OSTI employees who request repromotion consideration outside of their normal commuting area.
 - (2) Other DOE employees who request repromotion consideration for ORO and/or OSTI positions through their servicing personnel offices.
 - b. Initiation: To establish and maintain extended repromotion consideration eligibility, an employee must be eligible for retained grade or retained pay, and he/she must submit a specific request which:
 - (1) Is in writing,
 - (2) Includes a current application (SF-171, OF-612, or other acceptable application),
 - (3) Designates specific commuting areas in which consideration is desired, and

- (4) States a willingness to relocate to the requested referral area(s).
- c. Referral for ORO and OSTI Positions:
- (1) The procedures in this section only apply to vacant positions which will otherwise be filled under competitive internal recruitment procedures. They are not required prior to filling a vacancy under an exception to competition.
 - (2) The Personnel Division shall maintain extended repromotion consideration lists for each ORO and OSTI commuting area. When a request is received, the employee's name shall be added to the specified lists, and an extended repromotion consideration file shall be established on that employee.
 - (3) To receive extended repromotion consideration for a specific vacancy, an employee must also meet all qualification requirements for the position, including selective placement factors. At its discretion, management may also waive noneducational qualification requirements and consider otherwise eligible employees on a case-by-case basis.
 - (4) For a particular employee, extended repromotion consideration rights only apply to vacancies which shall be filled at a grade:
 - (a) Above that of the position in which the employee is currently serving, but
 - (b) No higher than the employee's retained grade (if entitled to grade retention) or former grade (if entitled to pay retention).
 - (5) At its discretion, management may also consider otherwise eligible employees for vacancies which:
 - (a) Will be filled at the same grade as the employee's current position, but
 - (b) Has some noncompetitive promotion potential above that grade.
 - (6) If no employee entitled to mandatory repromotion consideration is selected for an affected vacancy, the Personnel Division shall then forward the files on qualified employees who are eligible for extended repromotion consideration.
 - (7) If no extended repromotion consideration eligible is selected, referrals may then proceed under normal competitive recruitment procedures.
- d. Referral to Other Servicing Personnel Offices:
- (1) When an employee entitled to grade or pay retention requests referral to positions outside of ORO and OSTI, the Personnel Division shall:

- (a) Forward the required materials to the servicing personnel offices(s), and
 - (b) Transmit the results of specific referrals to the employees as they are received from the other office(s).
 - (2) If an eligible employee accepts an offer which shall not terminate grade or pay retention, but which is under the jurisdiction of another servicing personnel office, the Personnel Division shall notify all other offices to which the employee's name has been referred.
7. Providing Information to Employees.
- a. ORO and OSTI employees are entitled to review the contents of their consideration files upon request.
 - b. When the applications of employees in other offices are given extended consideration, the Personnel Division shall advise the servicing personnel office of the results of each referral.
8. Reemployment Priority List.
- a. Employees are eligible for special automatic consideration on the Reemployment Priority List for positions within each commuting area provided they have received a Certificate of Expected Separation, specific RIF notice of separation, or have been separated under RIF procedures.
 - b. Employees must register with the Personnel Division upon receipt of a Certificate of Expected Separation as early as 6 months prior to the RIF separation date but within 30 calendar days after separation under RIF.
 - c. Length of consideration:
 - (1) Tenure Group I employees - 2 years from date entered on Reemployment Priority List.
 - (2) Tenure Group II employees - 1 year from date entered on Reemployment Priority List.
9. Termination of Eligibility.
- a. Termination of consideration for selection priority for surplus and displaced employees shall occur when an offer is made to an equivalent position to one from which the employee may be or is being separated.
 - b. In general, termination of all grade and pay retention rights simultaneously terminates eligibility for repromotion consideration under this Chapter. Specifically, grade and pay retention are terminated by the following circumstances:
 - (1) A break in service of one workday or more.

- (2) Demotion for personal cause or at the employee's request.
- (3) During the period of retained grade:
 - (a) A written election by the employee to terminate grade retention.
 - (b) Being placed in, or declining a reasonable offer of, a position at the same or a higher grade than the retained grade.
 - (c) Failing to comply with reasonable written requirements for obtaining consideration under the Priority Placement Program.

Note: This criterion does not apply when grade retention is required by statute. Questions on its scope should be resolved with the employee's personnel management specialist.

- (4) During the period of retained pay, declining a reasonable offer of a position which has a rate of basic pay equal to or greater than the retained rate of pay, or becoming entitled to such a rate of pay.
- c. OPM regulations specify what constitutes a "reasonable offer." In general:
- (1) The offer must:
 - (a) Be in writing.
 - (b) Include a copy of the official description of the offered position.
 - (c) Inform the employee that refusal shall terminate grade and pay retention rights.
 - (d) Specify the employee's right to appeal such a termination to OPM (5 CFR Part 536.302).
 - (2) The position must:
 - (a) Have equal or greater tenure than that of the position creating grade and/or pay retention entitlement.
 - (b) Be in any agency not specifically excepted from the OPM classification system (e.g., TVA is excepted).
 - (c) Have a work schedule of no less time than that of the position held immediately before the change creating grade and/or pay retention rights.

- (d) Be within the same commuting area as the position occupied immediately before the offer, unless the employee is subject to a mobility agreement.

10. Exceptions to Coverage.

- a. Personnel actions that are not subject to permit promotion procedures, within ORO or OSTI.
- b. Placement under this program which would result in adverse impact by causing the selectee or another employee to become displaced via RIF.
- c. Reemployment of a former DOE employee exercising regulatory or statutory reemployment rights.
- d. Temporary appointments of under 90 days (including extensions).
- e. Exchange of positions between or among agency employees, when the actions involve no increase in grade or promotion potential.
- f. Conversion of an employee on an excepted appointment which confers eligibility for noncompetitive conversion into the competitive service.
- g. Placement activities under RIF regulations.
- h. Placement of an employee into a new position as a result of a reorganization, when the former position ceases to exist, and no actual vacancy results.
- i. Placements made under the Intergovernmental Personnel Act.
- j. The filling of a position through an excepted service appointment.
- k. Details.
- l. Time-limited promotions.
- m. Noncompetitive movement of surplus or displaced employees.
- n. Movement of excepted service employees within the Department.