



Director of Administration and Management

ADMINISTRATIVE INSTRUCTION

NUMBER 33

December 17, 2015

Incorporating Change 2, March 20, 2023

HRD, WHS

SUBJECT: Merit Promotion Plan

References: See Enclosure 1

1. PURPOSE. This administrative instruction (AI):

a. Reissues AI 33 (Reference (a)) in accordance with the authority in DoD Directive 5110.04 (Reference (b)) and DoD Instruction 5025.01 (Reference (c)).

b. Implements policy, assigns responsibilities, and provides procedures for selection of employees covered by the merit promotion requirements of Part 335 of Title 5, Code of Federal Regulations (Reference (d)).

2. APPLICABILITY. This AI:

a. Applies to:

(1) OSD and those Defense Agencies, DoD Field Activities, and other components of the DoD that receive human resource services from Washington Headquarters Services (WHS).

(2) All competitive service positions at General Schedule 15 or equivalent (e.g., NH-IV, AD-15) and below, to include wage grade positions that require a competitive selection as defined in Part 335 of Reference (d). It may be used by selecting officials, if appropriate, for excepted service positions. Bargaining unit positions may be subject to provisions of a negotiated agreement.

(3) Positions filled by:

(a) Competitive promotion.

(b) Performance-based promotion.

(c) Time limited or temporary promotion to a higher-graded position for more than 120 days.

(d) Transfer to a position at a higher grade or to a position with more promotion potential than a position previously held on a permanent basis in the competitive service.

(e) Reinstatement to a permanent or temporary position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service if the individual:

1. Had a break from Federal employment less than 1 year before applying for reinstatement; or

2. Did not receive a rating of record for their most recent career or career conditional position of at least fully successful (or equivalent).

(f) Detail for more than 120 days to a position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service.

(g) Reassignment or demotion to a position with more promotion potential than a position previously held on a permanent basis in the competitive service.

(h) Selection for training programs that is part of an authorized training agreement, part of a promotion program, or required before an employee may be considered for promotion pursuant to Part 410 of Reference (d).

b. Does **not** apply to:

(1) Organizations operating under separate agency merit promotion plans or negotiated agreements or employees under the Defense Civilian Intelligence Personnel System.

(2) Promotions resulting from an upgrade in the position without significant change in duties and responsibilities as a result of a classification decision.

(3) A position change permitted by reduction in force procedures.

(4) Promotion to full performance level when the promotion potential was made known in the original vacancy announcement.

(5) Promotion resulting from upgrading of a position due to added duties and responsibilities, when no other employees in the immediate organization are assigned to the same type of position.

(6) Promotion or detail to a higher grade position for 120 days or less.

(7) Promotion to a grade previously held on a permanent basis in the competitive service or to a position with promotion potential no greater than the position previously held on a permanent basis in the competitive service from which the employee was separated or demoted for reasons other than performance or conduct.

(8) Consideration of a candidate not given proper consideration in a competitive promotion action.

(9) Reassignment, demotion, transfer, reinstatement, or detail to a position having promotion potential no greater than the potential of a position the employee previously held in the competitive service from which the employee was separated or demoted for reasons other than performance or conduct.

(10) Reinstatement in accordance with Part 315 of Reference (d), to any position in the competitive service for which the individual is qualified at a higher grade level or with more promotion potential than a career or career-conditional position previously held by the individual, provided:

(a) The individual had a break from Federal employment of 1 year or more before applying for reinstatement.

(b) The last Federal rating of record the applicant received from their last career or career conditional position was at least fully successful (or equivalent).

3. POLICY

a. Merit promotions or selections must be based solely upon job related criteria and must be made in accordance with Section 335.103 of Reference (d), DoD Directive 1020.02E (Reference (e)), and AI 31 (Reference (f)).

b. All aspects of the Office of Personnel Management (OPM) and DoD Priority Placement Program requirements will be followed (including the OPM Interagency Career Transition Assistance Plan for displaced employees), where appropriate, as required by Part 330 of Reference (d) and Volume 1800 of DoD Instruction 1400.25 (Reference (g)).

c. Absent employees within the area of consideration will receive appropriate consideration for promotion if their absence is for legitimate reasons such as their being:

(1) On detail;

(2) On temporary reassignment;

(3) On leave;

(4) At training courses;

(5) In the Military Service;

(6) Serving in public international organizations; or

(7) On assignments in accordance with Sections 3371 through 3376 of Title 5, United States Code (also known as the “Intergovernmental Personnel Act”) (Reference (h)).

d. Selection rules for Veterans’ Preference-eligible or Military Spouse Preference-eligible individuals must be observed.

e. Sufficient records will be maintained to allow reconstruction of each selection and to provide information required by Part 335 of Reference (d).

f. Selecting officials will give due weight to performance appraisals and incentive awards.

g. Supervisors and managers have the right to select or not select from among a group of best qualified applicants or a referral certificate. They may also select from other appropriate sources as listed in Part 335 of Reference (d).

4. RESPONSIBILITIES

a. Director, WHS. Under the authority, direction, and control of the Director of Administration and Management, the Director, WHS, develops guidance for merit promotion within the organizations assigned for administrative support.

b. Chief Human Resource Officer, WHS Human Resources Directorate. Under the authority, direction, and control of the Director, WHS, the Chief Human Resource Officer establishes procedures for merit promotion.

5. PROCEDURES. See Enclosure 2.

6. RELEASABILITY. **Cleared for public release**. This AI is available on the DoD Issuances Website at <https://www.esd.whs.mil/DD>.

7. SUMMARY OF CHANGE 2. The changes to this AI:

a. Incorporate final regulations from Part 335 of Reference (d), effective July 8, 2021.

b. Correct administrative errors and update references and organizational management information.

8. EFFECTIVE DATE. This AI is effective December 17, 2015.

A handwritten signature in black ink that reads "Patricia Young". The signature is written in a cursive style with a large initial "P" and a long, sweeping underline.

Patricia M. Young
Director, Washington Headquarters Services

Enclosures

1. References
2. Procedures

Glossary

ENCLOSURE 1

REFERENCES

- (a) Administrative Instruction 33, "Merit Promotion," December 24, 2008 (hereby cancelled)
- (b) DoD Directive 5110.04, "Washington Headquarters Services (WHS)," March 27, 2013
- (c) DoD Instruction 5025.01, "DoD Issuances Program," August 1, 2016, as amended
- (d) Title 5, Code of Federal Regulations
- (e) DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD," June 8, 2015, as amended
- (f) Administrative Instruction 31, "Equal Employment Opportunity (EEO) and Diversity Programs," August 19, 2013, as amended
- (g) DoD Instruction 1400.25, Volume 1800, "DoD Civilian Personnel Management System: DoD Priority Placement Program (PPP)," December 1, 1996, as amended
- (h) Title 5, United States Code
- (i) Administrative Instruction 37, "Employee Grievances," October 27, 2006

ENCLOSURE 2

PROCEDURES

1. For all merit promotion actions interviews are encouraged. The selecting official may use discretion in determining which and how many applicants are interviewed using job-related questions. The selecting officials may interview all, some, or none of the applicants.

2. These criteria apply to the performance-based promotion process:

a. Selecting officials should consider a minimum of three employees within an organizational unit, if practicable.

b. Each employee being considered must have received a recent exceptional (or equivalent) annual rating.

(1) Employees who received an exceptional rating may be promoted to a vacant position in a higher grade when the vacant position has the same occupational code (or related interdisciplinary or inter-occupational code) and similar function as the position the employee held at the time the employee received the exceptional rating.

(2) WHS Human Resources Directorate must complete a final qualifications determination for all employees that do not currently hold a position in the series advertised.

(3) Managers using performance based promotions are required to notify all eligible employees within the area of consideration by an internal vacancy announcement with a minimum open period of 5 working days.

(4) Notification must include position title, pay plan, series, grade, opening date, closing date, conditions of employment, and salary range. The Figure is a sample announcement.

Figure. Sample Internal Vacancy Announcement

Office Name Sub-Office Name Internal Vacancy Announcement
Job Title:
Open Date:
Closing Date:
Salary Range:
Pay Plan, Series, & Grade:
Who May be Considered: Current (Office Name, Sub-Office Name) employees who received an overall performance rating level "5"-Exceptional during the last performance appraisal cycle. Interested employees within (Office Name, Sub-Office)
Brief Description of Duties:
This position is located in the (Office Name, Sub Office).
(Include any other requirements, such as security clearance, drug testing, or overtime)
(Describe what documents or information must be submitted)
All interested employees, please submit your package to jane.i.doe.civ@mail.mil by closing date listed above. If you have any questions, please contact Selecting Official's Name and number.

3. Managers may promote an employee through competitive procedures when an encumbered position has been upgraded as a result of additional duties and the new position includes most of the duties and responsibilities of the former position. This is an exception in accordance with Reference (g), which only applies to promotions that neither fill nor create a vacancy, and is restricted to the work unit within which the cancelled or established position is located.

4. Human resources specialists may issue additional referral lists from a previous vacancy announcement for identical positions up to 120 days from the date of the initial referral list without re-announcing the position.

5. Normally, a supervisor will release an employee within 2 weeks after official notification that the employee has been selected for promotion and 4 weeks after official notification that the employee has been selected for reassignment.

6. Applicants must submit grievances related to the merit promotion process in accordance with AI 37 (Reference (i)) or in accordance with negotiated grievance procedures.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AI administrative instruction
OPM Office of Personnel Management
WHS Washington Headquarters Services

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this AI.

area of consideration. The source from which the selecting official will accept applications for consideration to fill vacant positions.

DoD Priority Placement Program. The DoD outplacement program as identified in Reference (e).