

Human Resources Manual

Instruction 511-3: Non-Competitive Promotion Based Upon Reclassification (Accretion of Duties)

Issuance Date: October 21, 2011

Background:

This instruction provides guidance to Human Resources Offices and Operating and Staff Divisions on criteria for effecting a non-competitive promotion based upon reclassification or gradual accretion of duties.

This issuance is effective immediately. Implementation under this issuance must be carried out in accordance with applicable laws, regulations, merit promotion plans, union agreements, and Departmental policy.

Denise L. Carter  
Deputy Assistant Secretary for Human  
Resources

INSTRUCTION 511-3

**HHS PERSONNEL INSTRUCTION 511-3**  
**Non-Competitive Promotion Based Upon Reclassification (Accretion of Duties)**

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**511-3-00 PURPOSE**

The purpose of this Instruction is to present guidance and operational policy regarding the use of non-competitive promotion that is based upon the addition of new duties and responsibilities (accretion of duties) to a position in the Department of Health and Human Services (HHS).

**511-3-10 REFERENCES**

- A. 5 CFR 335.103(c) (3) (ii), Promotion and Internal Placement
- B. 5 CFR 511, Subpart F- Classification Appeals
- C. Office of Personnel Management (OPM) Position Classification Standards, Introduction to the Standards and the Classifier's Handbook
- D. OPM Research Grade Evaluation Guide, September 2006
- E. HHS Instruction 511-1- Position Classification, May 2008
- F. Operating Division (OPDIV) Merit Promotion Plans (MPPs)

**511-3-20 POLICY**

A. It is the policy of HHS to maximize the use of the merit promotion process and encourage free and open competition by posting all vacancies. HHS strongly believes that this strengthens the adherence to Merit System Principles required by law and regulation. Frequent use of exceptions to this undermines and weakens these Merit System Principles. HHS recognizes that a permanent non-competitive promotion to a reclassified position may be processed as an exception to merit promotion procedures. Examples include the application of new OPM classification standards, correction of a previous classification error, and the re-promotion of an employee who had previously competed for a higher grade position.

B. **Multi-Allocated Positions:** Competitive Merit Promotion procedures will apply in those instances where the employee is encumbering a multi-allocated position description (PD), in which two or more employees occupy the same PD in the same immediate organization unit.

C. It is the policy of HHS to utilize hiring and other personnel flexibilities to attract and retain a highly competent and motivated workforce. Reassignments must comply with personnel regulations and collective bargaining agreements, as appropriate. These reassignments are usually done to positions at the same grade level and do not involve permanent promotions to grades an employee had not previously held.

D. It is the policy of HHS to strongly encourage Human Resources Offices (HROs) to communicate with OPDIV managers who seek a non-competitive promotion based upon a reclassification of new and additional duties and responsibilities. Such cases must be well documented to describe the new duties and responsibilities, changes in reporting relationships, and other classification factors.

E. Human Resource Specialists (HRSs) will ensure that all requests for non-competitive promotions are fully documented and meet all the requirements for an exception to the merit promotion process. This includes a new PD that adequately describes the additional duties and responsibilities assigned to the employee; a PD Cover Optional Form (OF) 8, signed and dated by the manager with authority over the position, and all justification documents that support the manager's assertion that an "accretion of duties" non-competitive promotion is warranted.

F. It is the policy of HHS to ensure employees are not limited from invoking their statutory classification appeal rights to either HHS, under HHS Instruction 511-1, or to OPM, under CFR 511, Subpart F.

### **511-3-30 PROCEDURES**

A. In order to determine whether or not an employee meets the requirement for an accretion of duties promotion, the HRS must receive the following documents from the first line supervisor and address the following questions:

Documents that are to be submitted:

1. Request for Personnel Action (SF-52) or electronic equivalent
2. Justification for Promotion Based on Reclassification (Accretion of Duties)
3. A new draft PD, which includes the additional duties and responsibilities.

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4. A PD Cover Sheet OF-8 that is signed and dated by the manager with the authority over the position

Questions to be answered:

1. What additional duties and responsibilities were added to the position?
2. Who if anyone performed these duties prior to the incumbent?
3. How did it come about that this incumbent began performing the additional duties?
4. How long have these new duties been assigned to the incumbent?
5. Why were these duties not assigned to an existing higher graded position or assigned to an existing or new position?

B. The HRS will review the information provided along with the official personnel folder, and pertinent OPM classification standards and regulations to determine if the request meets the regulatory requirements of a promotion based on reclassification. The HRS will determine if the employee meets the eligibility and qualification requirements for the reclassified position.

C. The HRS may choose to conduct a separate fact-finding interview (desk audit) with the manager or supervisor and the employee to ensure that the questions identified in section 511-3-30C have been thoroughly answered.

D. The HRS will prepare a written Report of Findings (RoF) and present it to the manager, summarizing the conclusion(s) to concur or non-concur with the exception to merit promotion based upon reclassification. The RoF will contain the classification rationale that justifies the decision.

The HRS will inform the manager that an accretion of duties promotion is not automatic. There are other options including: reassigning the higher grade duties to another employee; having the duties performed in another work unit; or submitting a competitive promotion in accordance with the OPDIV's MPP.

E. HHS OPDIVs and their HRO's that utilize a non-competitive promotion process based upon the OPM Impact of the Person concept must develop a written procedure that defines that process. In addition, all OPDIV Impact of the Person processes must be in compliance with the OPM Research Grade Evaluation Guide, issued in September 2006.

F. Prior to granting a promotion based upon this Instruction, concurrence from a management official within the HHS HR servicing organization must be obtained.

OPDIVs are encouraged to establish procedures to support the implementation of this policy within their respective Agency functional areas.

G. The following conditions must be met before a promotion based upon reclassification is considered.

- The major duties and basic functions of the current position must be absorbed into the new position.
- The new position must be in the same series and pay system as the former position.
- A one grade interval position may not be changed to a two grade interval position.
- The current position must be abolished.
- The new position must not have any known promotion potential beyond its current grade.
- The new position cannot reduce the known promotion potential of another position or adversely impact another occupied position.
- The position cannot be upgraded because of the addition of supervisory or team leader duties to a non-supervisory or non-team leader position.

H. In the event the HRS RoF does not support the request for a non-competitive promotion based upon reclassification, the manager with the authority over such a position may submit additional rationale and/or justification to the HRS for reconsideration. The final decision to concur or non-concur with such a request rests with the HRO Director.

#### **511-3-40 PROCESSING AND RETENTION OF DOCUMENTATION**

A. If the HRS RoF concurs with the request for a non-competitive promotion based upon reclassification, the personnel action will be processed in the Capital HR system.

B. If the HRS RoF does not concur with the request for a non-competitive promotion based upon reclassification, the revised PD, standard or non-standard, may be utilized as the official PD of record for that employee at their current series and grade.

C. All position related documentation will be retained and attached to the revised PD in the organization's PD Book or electronic PD Library for as long as the PD remains active in the organization.