

Number	Date	Organization
CFPB-COO-xx	8/11/2014	OHC

Hiring, Promotion, and Internal Personnel Movements Policy

Part I – General Background Information

I. Purpose

This document establishes the Consumer Financial Protection Bureau (CFPB or Bureau) policy and procedures for hiring and promoting CFPB employees and executives. It also establishes the policy and procedures for effecting internal personnel movements such as details, reassignments, and voluntary changes to lower band.

This policy applies to all CFPB positions, except:

- Pathways Program Employees. Pathways policies are explained in CFPB’s Pathways Program Policy (see [Pathways Programs Policy - cfpb.local](http://cfpb.local)).
- Attorneys. By law, attorney positions are excepted from traditional Federal hiring and promotion rules. This includes Attorney positions in the GS-905 occupational series and Law Clerk positions in the GS-904 occupational series.

II. General

This policy is organized into six parts:

- Part I contains general background information.
- Part II contains policies that pertain primarily to the initial recruitment, selection, and placement of employees.
- Parts III and IV contain policies that pertain to subsequent promotion and internal movement of employees.
- Parts V and VI include information on roles, responsibilities, definitions, etc.
- The Appendices contain supplemental information to assist managers and employees in implementing the provisions of this policy.

Within each part, different provisions may apply depending on the type of appointment an employee holds (e.g., competitive service versus excepted service or permanent versus temporary). The policy addresses these differences to the extent possible. Contact your Office of Human Capital (OHC) Customer Consultant with questions about unique situations or how this policy applies to specific employees.

Impacts to pay are discussed within each part. In addition, Appendix A contains a summary of all pay-related provisions of this policy.

III. Policy

CFPB's hiring, promotion, and internal personnel movement policies are designed to attract, retain, and motivate highly competent employees; provide equitable and consistent approaches for making placement decisions; and comply with applicable laws and regulations.

CFPB's policies are also designed to provide hiring managers with reasonable flexibility and a range of options for filling positions. As such, CFPB retains the right to fill or not fill a specific vacancy and determine the most appropriate method for filling that vacancy; select or not select from among a group of best qualified candidates; and select from any appropriate source of candidates, including but not limited to those listed in this policy document.

The Bureau's policy is to provide equal opportunity in employment for all persons, without regard to race, color, religion, sex (including pregnancy, sex stereotyping, gender identity, and gender non-conformity), national origin, disability, age (40 and older), genetic information, political affiliation, marital status, sexual orientation, parental status, uniformed status, membership in a labor organization or union activities, prior EEO or whistleblower activity, or any other non-merit factor.

Part II – Hiring and Initial Placement

IV. Appointment Types

CFPB appoints employees using one of three appointment types established by law:

- a. Competitive Service** – includes all civilian positions in the Federal government that are subject to Title 5 of the U.S. Code and are not specifically excepted from the civil service laws by statute (including the Consumer Financial Protection Act of 2010 (“Act”)), the President, or the U.S. Office of Personnel Management (OPM). The competitive service includes most positions in the Executive Branch of the government. The most common method for entering the competitive service is to be selected for a vacant position after competing with members of the general public in an open competition.
- b. Excepted Service** – these positions are excepted from the competitive service by OPM or by law. There are four categories of excepted service positions:
 - *Schedule A*: positions, other than those of a confidential or policy-determining character, for which OPM has determined it is impractical to use standard qualification requirements to rate and rank applicants under traditional competitive procedures. Examples include attorney positions.
 - *Schedule B*: positions, other than those of a confidential or policy-determining character, for which OPM has determined it is impractical to rate and rank applicants using traditional competitive procedures. Unlike Schedule A, applicants to these positions must meet OPM qualification requirements.

- *Schedule C*: positions of a confidential or policy-determining nature. Normally, these are considered “political-appointed” positions. OPM grants authority to agencies to hire Schedule C positions on a case-by-case basis.
 - *Schedule D*: positions, other than those of a confidential or policy-determining character, for which the competitive service requirements make impracticable the adequate recruitment of sufficient numbers of students attending qualifying educational institutions or individuals who have recently completed qualifying educational programs (i.e., positions covered by the Pathways Program).
- c. **CFPB Excepted Service Waiver Authority** – Section 1013(a)(1)(C) of the Consumer Financial Protection Act of 2010 gives CFPB the flexibility to fill positions that would otherwise be in the competitive service as excepted service positions. These positions are referred to in this document as “CFPB excepted service waiver positions.” This appointment authority is available until July 20, 2015.

V. **Hiring Authorities**

This section describes the types of hiring authorities that can be used to fill positions at CFPB. Additional guidance on how to use these authorities is available in the *CFPB Hiring Manager’s Guide* (see [Hiring Manager's Guide - cfpb.local](http://cfpb.local)). This web-based guide includes step-by-step information specifically tailored to CFPB hiring managers.

a. **Filling Positions Through Merit Promotion**

Merit promotion is a competitive selection procedure that allows certain current and former Federal employees (e.g., those in competitive service positions; those with career status based on a prior competitive service appointment), to apply and be considered for vacant positions under a merit-based process without competing with the general public. Certain veterans and other applicants authorized by law or government-wide regulations are also eligible for consideration under merit promotion procedures.

Hiring managers are not required to fill vacancies through merit promotion – it is one of several options available to them. Hiring managers may consider candidates through other means at the same time they are considering candidates under merit promotion.

Federal agencies are required to develop plans that describe how they will apply merit promotion procedures. This document serves as CFPB’s merit promotion plan.

i. **Scope and Coverage**

Merit promotion procedures can be used to fill positions and advertise developmental opportunities at pay band 7 or below.

Current CFPB employees are eligible to apply for merit promotion vacancy announcements as outlined in Appendix B.

Exceptions to merit procedures are explained in Appendix C.

ii. Merit Promotion Procedures

1. Posting a Vacancy

OHC will work with hiring managers to identify and/or develop a classified position description, job analysis, and assessment process prior to opening a vacancy announcement. No vacancy announcement may be opened without first completing these items.

a. Vacancy announcements:

- Will be open for a period of time that is sufficient to attract a reasonable pool of well-qualified applicants, normally five business days.
- Will be advertised as followed:
 - Competitive Service Merit Promotion Announcements: will be advertised at least CFPB-wide. If desired, managers may expand the area of consideration to include other eligible applicants from outside of CFPB (e.g., other Federal employees). Vacancies opened CFPB-wide will, at a minimum, be posted on the CFPB Jobs Website. Vacancies open to external sources will be posted on the CFPB Jobs Website and on the OPM website, USAJobs.
 - Excepted Service Merit Promotion Announcements: will be advertised CFPB-wide on the CFPB Jobs Website.
- Must contain all of the job information outlined in 5 C.F.R. § 330.104.

2. Accepting Applications

Applications will be accepted through an automated staffing tool and must be received by the closing date on the vacancy announcement.

Employees who are on extended absence (e.g., furlough, extended detail, leave or long-term training, in the military service, or serving on Intergovernmental Personnel Act assignments) will receive consideration for merit promotion vacancies, provided they request this consideration in writing from OHC prior to departure on the extended assignment/leave. The request must include contact information, an electronic version of the resume, and identification of the title, series and pay level(s) of the positions for which consideration is requested. An OHC representative will assess the qualifications of the employee and assign a rating based on the resume. If questions are used to assess candidates, and it is feasible to reach the employee to obtain question responses, the responses will be used in the evaluation process.

3. Evaluating Candidates

Applicants will be evaluated on job-related criteria (e.g., job-related experience, performance appraisals, incentive awards, training, or education and self-development). These criteria will be used to determine the best qualified candidates. Evaluation criteria will be based on the position description as well as input from the hiring manager and/or other designated subject matter expert. Relative weight of criteria and the manner in which they were used will be made part of the merit promotion file (see 7. *Records and Reporting Requirements*, below).

The hiring manager and OHC will determine the appropriate method(s) for evaluating candidates. The selected method(s) will be explained in the vacancy announcement. Methods may include, but are not limited to:

- a. Occupational questionnaire – an inventory of job-related questions to which applicants typically respond through an automated staffing tool.
- b. Review and rating by a panel of subject matter experts – panels must consist of at least two members and at least one member must be a subject matter expert. Other members may be CFPB employees familiar with the mission and function of the organizational segment where the position is located.

Panel members must:

- be at a pay level equal to, or higher than, the pay level of the position being filled;
- not be applicants for the position; and
- not occupy a position subordinate to the one being evaluated.

OHC staff will instruct panel members on merit principles, requirements for documenting rating decisions, and the confidential nature of proceedings. They will also provide technical guidance during the rating and ranking process.

- c. Structured rating interviews – may be used for rating and ranking applicants to establish the list of best qualified candidates. If structured rating interviews are used to determine candidates for referral, all applicants who have successfully completed prior phases of the evaluation process will be interviewed. A structured interview plan will be developed and applied uniformly to all applicants.

4. Referral and Selection of Candidates

OHC will generate lists of eligible candidates from which hiring managers may select for vacant positions. These lists are commonly referred to as “referral lists” or “certificates of eligibles.”

Hiring managers may choose to interview either all or none of the best qualified internal candidates who are referred to them from the list of eligible candidates on a merit promotion certificate.

Hiring managers may select or not select from among the candidates who are referred to them. Selection decisions should be communicated in writing to OHC.

- If the selection was made from a source other than a merit promotion referral list, the source must be identified.
- If no selection was made, the reason for not making a selection must be provided.

The hiring manager has final responsibility for determining which candidate is selected. However, only OHC or a designated representative can make formal offers of employment to candidates.

5. Grievances

Failure to be selected for promotion from among properly ranked and certified candidates is not a basis for a grievance. The number of positions to be filled or the pay level at which positions are advertised or filled is solely a management decision, and is not a basis for a grievance. To the extent there is a matter that may be subject to an employee grievance, CFPB’s *Open Door and Administrative Grievance Policy* (see [Open Door and Administrative Grievance Policy - cfpb.local](#)) applies. Complaints based on alleged discrimination, harassment, or retaliation are administered under EEO complaint processing and other available procedures.

6. Review and Audit Procedures

The CHCO or designee will periodically review CFPB’s merit promotion policies to determine the extent of conformance with requirements and to recommend improvements when needed. Audit procedures will be incorporated into CFPB’s human capital accountability system.

7. Records and Reporting Requirements

CFPB must retain all selection-related documents for a period of two years, unless required to be maintained longer under a preservation directive issued by the Legal Division. Documents must be sufficient to reconstruct the hiring action and include information on how each

candidate was rated and ranked and the hiring manager's selection decision. Hiring managers are responsible for retaining all notes taken as part of the interview and selection process. OHC is responsible for retaining all other selection documents.

b. Filling Positions Through Delegated Examining

OPM grants delegated examining authority to Federal agencies to fill jobs with applicants outside the Federal workforce (or with Federal employees who do not have competitive status). Current Federal employees with competitive status are also eligible to apply for jobs advertised under delegated examining procedures.

i. Coverage

Delegated examining can be used to fill competitive service positions in CFPB pay bands CN-1 through CN-7.

ii. Authority

In order to conduct delegated examining, agencies must enter into a signed agreement with OPM. CFPB received its delegated examining authority from OPM via Interagency Delegated Examining Agreement BCFP-1, dated January 10, 2011. As part of this agreement, CFPB must follow the procedures in OPM's Delegated Examining Operations Handbook (see http://www.opm.gov/deu/Handbook_2007/DEO_Handbook.pdf). The Handbook prescribes most of the procedures Federal agencies must follow when hiring applicants through delegated examining. However, the Handbook delegates to each agency the authority to establish policies and procedures for accepting applications, determining applicant eligibility, referring and selecting candidates, and processing grievances and requests for reconsideration. These policies are outlined below.

c. Delegated Examining Procedure

i. Accepting Applications

Applications will be accepted through an automated staffing tool and must be received by the closing date on the vacancy announcement (except for eligible veterans who meet the requirements for filing late applications).

Vacancy announcements must:

- Be open long enough to attract a sufficient number of best qualified applicants (normally five business days). Open periods of less than five business days must be documented in the case file to show the rationale. The nature of the position to be filled, the number of vacancies, and labor market conditions should be considered.
- Be posted on the CFPB Jobs website and the OPM USAJobs website.
- Contain the information required by 5 C.F.R. § 330.707 and the OPM Delegated Examining Handbook

ii. Determining Applicant Eligibility and Qualification

Applicants will be evaluated using the category rating method described in Appendix D. OHC and the hiring manager will collaborate to develop tools to assess applicants' possession of the competencies required for successful performance of the position to be filled.

Assessments should be designed to ensure that the measurement criteria is appropriate for the job and will differentiate quality levels among the candidates, and should be applied uniformly to all applicants.

iii. Referral of Candidates

OHC will generate lists of eligible candidates (commonly referred to as "referral lists" or "certificates of eligibles") from which the hiring manager may select. Lists will be generated in accordance with CFPB's category rating procedures (see Appendix D).

iv. Selection and Notification of Candidates

Hiring managers may select candidates based solely on written application materials (without conducting interviews), or may interview some or all of the candidates referred for selection.

The hiring manager has final responsibility for determining which candidate is selected. However, only OHC or a designated representative can make formal offers of employment to candidates. All selections must be made in accordance with category rating and delegated examining procedures. Hiring managers may select or not select from among applicants referred by OHC.

v. Reconsideration and Grievances

Applicants may request reconsideration of category determinations. Requests for reconsideration must be in writing or via e-mail and addressed to the Talent Staffing Team. Applicants must indicate why they believe the original decision was not proper. OHC will review requests and respond to applicants, providing an explanation of the reasons for the decision. Reconsideration decisions are final.

Failure to be selected for promotion from among properly ranked and certified candidates is not a basis for a grievance. The number of positions to be filled or the pay level at which positions are advertised or filled is solely a management decision, and is not a basis for a grievance. To the extent there is a matter that may be subject to an employee grievance, CFPB's *Open Door and Administrative Grievance Policy* (see [Open Door and Administrative Grievance Policy - cfpb.local](#)) applies. Complaints based on alleged discrimination, harassment, or retaliation are administered under EEO complaint processing and other available procedures.

vi. Review and Audit Procedures

CFPB will conduct an annual internal audit of its delegated examining activities. This audit must be conducted by an OPM-trained and certified individual not associated with CFPB delegated examining activities. Annual audit procedures will be incorporated into CFPB's human capital accountability system.

vii. Reporting Requirements

OHC will keep a record of each request for recruitment it receives for two years (unless required to be maintained longer under a preservation directive, also known as a "litigation hold," issued by the Legal Division), or until an OPM evaluation is made, whichever comes first. The record will include information sufficient to allow reconstruction of the action. OHC will submit quarterly reports to OPM as required in the Interagency Delegated Examining Agreement.

d. Other Hiring Authorities

Beyond merit promotion and delegated examining, there are a number of other Government-wide hiring authorities available to CFPB hiring managers. Hiring managers may use these authorities in addition to, or in lieu of, merit promotion and delegated examining procedures. Consult the *CFPB Hiring Manager's Guide* (see http://team.cfpb.local/wiki/index.php/Hiring_Manager%27s) or your OHC Customer Consultant for more information and guidance on how to use these authorities. These authorities may also be used to fill attorney positions.

Veterans and Family Member Hiring Authorities:

- i. 30% or More Disabled Veterans:** Veterans who have a current notice of a service-connected compensable disability of 30% or more from the Department of Veterans Affairs may be appointed at any level and without competition. The disabled veteran is appointed to a temporary position lasting longer than 60 days or to a term position. The employee may then be converted without competition to a career or career conditional appointment during his or her temporary or term appointment.
- ii. Operation Warfighter:** Coordinates temporary assignment/internship program for service members that are being treated in medical facilities in the National Capital Region. Operation Warfighter is designed to provide recuperating service members with meaningful activity that assists in their wellness and offers a formal means of transition back to the military or civilian workforce. The average length of an assignment is 3 months at 20 hours per week. There is no promise of permanent employment with an agency upon the completion of an OWF assignment.
- iii. Veterans' Employment Opportunity Act (VEOA):** Allows eligible veterans to compete for certain vacancies under merit promotion procedures when vacancies are open to status candidates outside of Department of

- Defense (DoD). Veterans who are selected may be appointed at any level and are given career conditional appointments in the competitive service.
- iv. **Veterans' Recruitment Appointment (VRA):** A special option by which agencies can appoint an eligible veteran without competition. The candidate does not have to be on a list of eligibles but must meet the basic qualification requirements for the position. The VRA is an excepted appointment to a competitive position up to the GS-11 level or equivalent. After two years of satisfactory service, the veteran is converted to a career-conditional appointment.
 - v. **Noncompetitive Appointment of Certain Military Spouses:** A military spouse may be noncompetitively appointed to a temporary, term, or permanent position providing he or she meets certain eligibility criteria. Eligibility is limited to a maximum of two years from the date of documented eligibility and to the geographical area indicated on the service member's Permanent Change of Station (PCS) orders. However, the geographic restriction does not apply to unmarried widows/widowers. Additionally, the spouse must have been married to the servicemember at the time the servicemember received their orders to relocate, became 100% disabled, or was killed.
 - vi. **Former Overseas Employees:** In order to be eligible, the applicant must be a family member accompanying a sponsor officially assigned to an overseas area who had at least 52 weeks of at least fully successful service in an appropriated fund position. Eligibility is limited to three years following the date of return from overseas to the U.S. to resume residence.

Individuals with Disabilities

- vii. **Individuals With Disabilities:** May be hired through the traditional competitive hiring process or, if they qualify, noncompetitively through the use of excepted service appointing options. Candidates must be fully qualified and be able to perform the essential functions of the position with or without reasonable accommodation.
- viii. **Workforce Recruitment Program (WRP):** The WRP is a recruitment and referral program that connects federal sector employers nationwide with highly motivated postsecondary students and recent graduates w/ disabilities who are eager to prove their abilities in the workplace through summer or permanent jobs. Annually, trained WRP recruiters from federal agencies conduct personal interviews w/ interested students on college and university campuses across the country. Students represent all majors, and range from college freshmen to graduate students and law students. Information from these student interviews is compiled in a searchable database that is available through this website to federal HR Specialists, Equal Employment Opportunity Specialists, and other hiring officials in federal agencies. Employers in the federal government can request a password on <https://wrp.gov/> to gain access to the database.

Peace Corps

- ix. **Former Peace Corps Staff:** Agencies may noncompetitively appoint an individual who has completed at least 36 months of continuous, satisfactory service with the Peace Corps (as a staff member, not volunteer). The individual must have a certification from the Director of the Peace Corps that his/her service was satisfactory and be appointed by the agency within three years after separation from the Peace Corps.
- x. **Former Peace Corps VISTA/Volunteers:** Individuals who have satisfactorily served in the Peace Corps as a volunteer may be noncompetitively appointed to the Federal service within a one year period after completing his/her volunteer service. The one year period may be extended up to two more years for limited reasons.

Students

- xi. **Pathways Program** (see http://team.cfpb.local/wiki/index.php/Pathways_Programs_Policy): CFPB's Pathways Programs provide a clear path to internships and potential careers at the CFPB for students and recent graduates. Through its Pathways Program, CFPB brings students and recent graduates into its workforce (Program Participants) to assist in accomplishing its mission and provides Program Participants with developmental opportunities in a dynamic work environment, exposing Program Participants to public service while enhancing their educational goals and shaping their career choices.

Other Appointment Types

- xii. **Experts and Consultants** (see [Employment of experts policy \(interim\) - cfpb.local](#)): Experts and consultants may be appointed to perform temporary or intermittent work for a maximum period of two years.
 - 1. An *expert* is someone who is specially qualified by education and experience to perform difficult and challenging tasks beyond the usual range of achievement of competent persons in that field.
 - 2. A *consultant* is a person who can provide valuable and pertinent advice drawn from a high degree of broad administrative, professional, or technical knowledge or expertise.
- xiii. **Intergovernmental Personnel Act (IPA) Authority** (see [Intergovernmental Personnel Act policy \(interim\) - cfpb.local](#)): This program allows for assignments to or from state and local governments, institutions of higher education, Indian tribal governments, and other eligible organizations (typically non-profits) when certified. The purpose of these assignments is to facilitate cooperation between CFPB and the non-Federal organization through the temporary assignment of skilled personnel. These assignments allow employees of CFPB to serve with an eligible non-Federal organization for a limited period without loss of employee rights

and benefits when such assignments serve a sound public purpose. Employees of eligible non-Federal organizations may serve in CFPB under the terms set forth in the IPA and implementing guidance.

- xiv. **Re-Employed Annuitants:** This authority allows for the re-employment of Federal retirees to any positions for which they qualify. This authority can be used for annuitants under the Civil Service Retirement System (CSRS), Federal Employees Retirement System (FERS), or Federal Reserve Board Retirement System. Re-employed annuitants may be hired on a time-limited or permanent basis. In limited situations, an annuitant whose retirement was not based upon disability will continue to receive his or her full retirement annuity and salary during re-employment.
- xv. **Reinstatement Eligibles:** This authority allows for re-employment of former Federal employees. Employees may be noncompetitively placed in positions at grades or pay bands equal to or lower than the grade or pay band previously held. Reinstatement eligibles may also compete with merit promotion candidates for positions at higher grades or pay bands than they previously held.
- xvi. **Temporary Appointments:** Temporary appointments can be used to meet a temporary workload peak, complete a project, or meet a staffing need that is going to be terminated by contracting out or abolishment. Temporary appointments extended beyond a total of two years must be approved by OPM.
- xvii. **Term Appointment:** Term appointments can be used to complete work of a project nature, where there is uncertainty of future funding, or where a function is scheduled for contracting out or abolishment. An individual may be hired to perform work that is expected to last for more than one year, but no longer than four years without OPM approval.

In addition, CFPB has a unique Excepted Service Waiver Authority that was granted specifically to assist in standing up the Bureau.

- xviii. **CFPB Excepted Service Waiver Authority:** This authority can be used to fill both executive and non-executive positions pursuant to the waiver provision set forth in Section 1013(a)(1)(C) of the Consumer Financial Protection Act of 2010. Employees hired under this authority may be hired on a term, permanent, or term to permanent basis (“term to perm”). Employees appointed as “term to perm” can be subsequently converted to permanent excepted service appointments on a non-competitive basis after certain conditions are met. This temporary authority expires July 20, 2015. The hiring process for this authority is explained in CFPB’s *Excepted Service for Non-Executive Positions Under Waiver Authority Interim Policy* (see [http://team.cfpb.local/wiki/index.php/Excepted_Service_Non-Executive_Positions_Under_Waiver_Authority_Policy_\(Interim\)](http://team.cfpb.local/wiki/index.php/Excepted_Service_Non-Executive_Positions_Under_Waiver_Authority_Policy_(Interim))) and in CFPB’s *Excepted Service Executive Position Policy* (see [Excepted Service executive positions policy \(interim\) - cfpb.local](http://team.cfpb.local/wiki/index.php/Excepted_Service_Executive_Position_Policy_(Interim))).

VI. Pay Setting Upon Initial Appointment

In general, pay for new hires will be set at an appropriate level that takes the following criteria into consideration:

- Candidate's experience in a similar position or role performing the duties and responsibilities described in the position description;
- Candidate's overall experience in a relevant industry/content area;
- Degree to which the candidate's skill set can be easily transferred to the level identified in the position description;
- Candidate's current salary or salary history (does not include bonuses or additional incentives);
- Salary levels of existing employees in similar roles and/or positions with comparable years of experience;
- Labor demand/market availability of qualified candidates; and
- Degree to which a position can influence the Bureau's ability to successfully meet its mission objectives.

As a general rule, upon appointment to the Bureau, an employee's pay can be set at any level within the pay band for which he or she is hired, in compliance with applicable legal requirements. The salary offer cannot be less than the minimum or more than the maximum of the pay band. Once a salary offer has been determined by OHC, the OHC Customer Consultant will communicate the salary to the hiring manager.

Part III – Promotions

VII. Promotions – General

A promotion is the movement of an employee from one pay band to a higher pay band while continuously employed at CFPB. A promotion may be done competitively following the merit promotion procedures outlined in Part II of this policy, or non-competitively as discussed below.

An employee must be qualified for a position to which he or she is promoted. Qualifying experience may be gained in the public and/or private sectors in paid or unpaid positions and, where appropriate, through education. If qualified, an employee may be promoted more than one band in a single promotion action.

An employee must spend at least 90 days in his/her current pay band before becoming eligible for promotion, even if qualified for higher pay band(s).

a. Process for Requesting a Promotion

Supervisors are responsible for reviewing and monitoring their employees' performance and for initiating requests for all types of promotion discussed in this policy. OHC will not effect a promotion for an employee without prior supervisory authorization. Supervisors should initiate requests for promotion by sending an email to their OHC Customer Consultant at least 30 days in advance of the promotion date. The Customer Consultant will review the promotion request, work with the manager to resolve any questions, and coordinate processing of the request including setting salary and submitting the request for processing.

b. Timing of Promotion Actions

Promotions will be effective at the beginning of a pay period after all approvals and pay setting are complete. Promotions may be done retroactively only if:

- An administrative error occurred within OHC that subsequently prevented timely processing of the promotion. For instance, the HR office lost the manager's email requesting the promotion or failed to submit the promotion action after having received all necessary approvals including pay setting.
- Required by an appropriate third party such as the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrator; or
- As the result of a legally executed settlement agreement.

c. Effect on Pay

Upon promotion, an employee's salary will be set at an appropriate level within the pay band to which he/she has been promoted. The resulting salary for any type of promotional increase may not be less than the pay band minimum or more than the pay band maximum.

As a general rule, CFPB sets pay for promotions as follows:

- Single pay band promotional increase: Up to 7.5% of employee's base salary
- Multiple pay band promotional increase: Up to 12% of employee's base salary

In unique circumstances, amounts in excess of the standard promotional increase may be considered when it is determined by OHC that the standard increase would result in a salary that is significantly lower than the salary levels of existing employees in similar roles with comparable years of experience. Conversely, amounts less than the standard promotional increase may be considered when it is determined by OHC that the standard increase would result in a salary that is significantly higher than the salary levels of existing employees in similar roles with comparable years of experience.

**VIII. Career Ladder Promotions:
Definition**

Career Ladder Promotion: A career ladder is a series of positions of increasing difficulty through multiple pay bands within an occupational series. A career ladder starts at the lowest level at which an employee can be hired for developmental purposes, and progresses through multiple levels to the full performance level without further competition. If a position is on a career ladder, it will be identified in any vacancy announcement, offer letter, and the appointment Notification of Personnel Action (SF-50).

Full Performance Level: Typically, the level at which all employees hired in the occupational group are expected to achieve. At the full performance level, the employee is

deemed to have the expertise normally required in his or her field and is capable of performing the full range of assigned duties and responsibilities. Career ladders are established by managers in consultation with OHC as part of CFPB's workforce planning and position classification processes. An example of a career ladder is a Management and Program Analyst position advertised at a range of pay band levels (for example, CN 51, CN-52, CN-53), with a maximum pay band of CN-53.

Advancement

Employees initially compete for career ladder positions and may be selected at any band within the ladder for which they qualify. Once placed in a career ladder, employees may be promoted progressively to the full performance level, provided there is sufficient work available at the next higher band level and the employee meets all eligibility and qualification requirements.

The standard expected pattern of progression for an employee in a career ladder is one pay band at a time. While CFPB allows for qualified employees to be promoted more than one band in a single promotion action, this is an exception. Generally, career ladder promotions will be to the next higher band. This approach provides a better opportunity for employees to demonstrate – and for managers to assess – their ability to assume more complex responsibilities.

a) Requirements for Career Ladder Promotion

Career ladder promotions are an important tool for advancing and retaining CFPB employees.

Career ladder promotions are neither automatic nor guaranteed. In order to be eligible to advance to the next level on a career ladder, there must be sufficient work at the next higher band level and the employee must meet the following three requirements:

1. Meet the qualification requirements of the next higher band;
2. Demonstrate an ability to perform the work required at the next higher level of the career ladder;
3. Perform at the overall "Solid Performer" level or higher and be rated as a "Solid Performer" or higher on any critical element that is also a critical element for the next higher band.

Process for Achieving a Career Ladder Promotion:

Management will identify and explain how an employee progresses through a career ladder including what criteria will be applied to moving from one level to another. The criteria (including any job-specific standards established by a Division or Office) for career ladder advancement will be applied fairly and consistently to employees in the same position. If the criteria for advancement require satisfactory performance of specific assignments or tasks, Management will make every reasonable effort to distribute these work assignments or tasks in a manner which provides a fair and reasonable opportunity to demonstrate an ability to perform at the higher level for all employees.

Employees in career ladder positions will receive a copy of the position description of the next higher level as they progress through each level of the career ladder. Management will identify and explain any job-specific standards or competencies established for the position, and what is expected from the employees to move through the ladder.

Management will discuss the requirements for career band promotion during the discussion of the employee's annual performance plan (typically within 30 days after the employee begins work). Management will provide feedback on progress toward the next higher band during the employee's midyear and annual performance review. Management will also document the result of either conversation, in writing, at the employee's request.

Management normally will conduct the review and decide whether to promote an employee at least 30 days in advance of the employee's anniversary date provided that all three conditions as stated under "Requirements for Career Ladder Promotion" have been met.

If Management determines that an employee on a career ladder is not to be promoted, the supervisor will meet with the employee to develop a written plan to achieve promotion in the future. This written plan will include the type of work assignments that if successfully completed would demonstrate the ability to perform at the higher level.

IX. Other Non-Competitive Promotions

Certain employees are eligible for non-competitive promotion outside of the career ladder process described above. These employees include:

a. Competitive Service Positions:

- i. Employees who previously held a permanent Federal position in a higher band (or its Federal equivalent) on a permanent basis. For example: John was a GS-15 (permanent) in another Federal agency prior to joining CFPB. He chose to accept a CN-60 (GS-14 equivalent) position at CFPB. John is eligible for non-competitive promotion to CN-70 positions for which he qualifies, based on the fact that he previously held a CN-70-equivalent position on a permanent basis prior to joining CFPB.
- ii. Employees who successfully competed for a permanent Federal position in a higher band (or its Federal equivalent). For example: Susan was a GS-12 (permanent) in another Federal agency prior to joining CFPB. She was in a career-ladder position with promotion potential to the GS-13 level. She chose to accept a CN-52(GS-12 equivalent) position at CFPB. Susan is eligible for non-competitive promotion to any similar position up to CN-53 (GS-13 equivalent), based on the fact that she previously competed and was selected for a permanent position that had promotion potential to the CN-53 level.

b. Excepted Service Waiver Positions:

Excepted service employees appointed under CFPB's excepted service waiver authority and who previously held a higher pay band level on a permanent basis or who held a position for which they had successfully competed for a higher pay band

on a permanent basis under the waiver authority are eligible for non-competitive promotions.

In all instances, employees must meet qualification requirements for the higher pay band. Non-competitive promotions are made at the discretion and request of management – employees are not entitled to non-competitive promotions, even if qualified and eligible.

X. Temporary Promotions

A temporary promotion is the temporary assignment of an employee to a higher band position for a specified period of time with compensation at the higher band level. The employee returns to his or her position at the end of the assignment.

Temporary promotions are intended to meet temporary needs of the Bureau. They can be used to fill temporary positions, accomplish project work, fill positions temporarily pending reorganization or downsizing, or meet other temporary needs.

a. Types of Temporary Promotions

Employees may be temporarily promoted non-competitively or competitively according to the following guidelines:

- i. *Noncompetitive promotions:* Selected employee does not compete with other employees for the assignment. Non-competitive temporary promotions can last up to 120 days, and cannot be extended noncompetitively - any extension beyond 120 days requires competition. If an employee was previously detailed or temporarily promoted to a higher graded position during the preceding 12 months, that time counts towards the 120-day total.
- ii. *Competitive promotions:* Selected employee must compete for the assignment as described in Part II of this policy. Competitive temporary promotions can be made in any increment up to five years. Longer periods require authorization by OPM. Competitive temporary promotions initially made for less than five years may be extended up to five years without further competition. Competitive temporary promotions may be made permanent without further competition after 90 days has passed if the temporary promotion was originally made under competitive procedures, and the fact that it might lead to a permanent promotion was made known to all potential candidates.

b. Eligibility and Qualification Requirements

Employees must meet all qualification and other applicable requirements of the higher band position in order to be temporarily promoted:

- i. *Permanent employees:* eligible for temporary promotions to any position for which they are qualified.
- ii. *Term employees:* eligible, provided the temporary promotion does not extend beyond the not-to-exceed date of the employee's term appointment. (A temporary promotion may not be used as a basis for extending an employee's term appointment.)

iii. *Temporary employees*: not eligible for temporary promotions.

c. Expiration of a Temporary Promotion

Upon completion of a temporary promotion, the employee will:

- Be returned to the position held prior to the temporary promotion. An employee may also be returned to a different position at the same pay band from which promoted, provided that position has no higher promotion potential than a position the employee has held or successfully competed on a permanent basis.
- Be returned to his or her previous salary in the lower pay band. The dollar amount of any merit increase received during the temporary promotion will be added to the employee's previous salary in the lower pay band. The resulting salary may not be less than the pay band minimum or more than the pay band maximum.

d. Documentation

Temporary promotions must be documented by the hiring manager who will send an email to the OHC. Documentation is required to initiate, extend, or prematurely terminate a temporary promotion. Documentation is not required to terminate a temporary promotion that runs its full course.

An employee who is temporarily promoted will sign a statement acknowledging the temporary nature and terms of the position. See Appendix E for a sample.

e. Termination

A temporary promotion ends when the employee is no longer assigned the full range of higher level duties, or the promotion is made permanent. This may occur on or before the not-to-exceed date. Management may terminate a temporary promotion at any time for business-related reasons.

Part IV - Other Internal Personnel Movements

XI. Internal Details

A detail is a temporary assignment of an employee to different duties, or to a different position, for a specified period. Employees can be detailed to a position at the same or different pay band. The employee returns to his or her position at the end of the assignment. A detail is not a formal position change; officially, the employee continues to hold the position from which detailed and keeps the same pay and status. Details may be used to meet temporary needs such as unexpected workload, special projects, or to fill in during another employee's absence. Details may also be appropriate pending description and classification of a position, and for training and development purposes.

CFPB employees can be detailed to positions within CFPB or outside of CFPB. CFPB can also accept employees on detail from other Federal agencies, international organizations, or

state or local government, educational institutions, or other eligible organizations when certified.

This policy covers details of CFPB employees to other positions within CFPB. It does not address details to or from other Federal agencies, the Legislative Branch, the White House, international organizations (see 5 C.F.R. Part 352), or state or local government, educational institutions, or other eligible organizations when certified (see 5 C.F.R. Part 334). Consult your OHC Customer Consultant for guidance on these other types of details.

a. Types of Details

Employees may be detailed internally at CFPB as follows:

- i. *To positions at the same or lower grade:* Details to positions at the same or lower grade may be made without competition for up to 120 calendar days, with extensions in 120-day increments up to a maximum of one year.
- ii. *To positions at a higher grade:* Details to higher grade position (or positions with higher promotion potential than the employee's current position) may be made without competition for up to 120 calendar days. Details beyond 120 days require the use of competitive procedures as described in Part Two of this policy, and may be made or extended up to a maximum of one year.
- iii. *To unclassified duties:* Details to unclassified duties may be made without competition for up to 120 calendar days, with extensions in 120-day increments up to a maximum of one year.

Extensions of details beyond one year require the submission of a written request to the Chief Human Capital Officer outlining the reasons for requiring the employee's services for the extended period.

b. Eligibility and Qualification Requirements

An employee in the competitive service may be detailed to a position in either the competitive service or excepted service.

An excepted service employee serving under a Schedule A, Schedule B, or Veterans Recruitment Appointment may be detailed to a position in either the excepted service or competitive service.

An employee on an excepted service waiver position may be detailed to another excepted service waiver position.

Temporary and term employees may only be detailed to positions which meet the criteria for temporary and term employment. For instance, an employee on a term appointment will remain on a term appointment and will continue to have the same not to exceed date. Employees on a term to perm appointment may only be converted to permanent in their permanent position. They may not be converted to permanent on the position to which they are detailed.

Generally, an employee is not required to meet qualification standards for the position to which he or she is detailed unless the position has a minimum educational or licensure requirement (e.g., attorney or economist).

c. Effect on Pay

A detail, including a detail to a higher graded position, generally does not affect an employee's salary. The employee continues to be paid at the appropriate rate for his or her officially assigned position of record.

d. Initiating a Detail

Supervisors have the discretion to fill positions from any source and are not obligated to grant an employee's request for a detail. A detail may be initiated by management or requested by an employee:

i. Management-initiated details

- a. A supervisor may elect to fill a vacant position via detail either competitively or non-competitively.
- b. If the detail involves an employee in another CFPB division or office, the employee's current management chain must agree to the detail.

ii. Employee-initiated details

- a. An employee may request to be detailed to a vacant position by contacting the supervisor of the position to which he or she would like to be detailed.
- b. The supervisor of the position should consider the request and respond to the employee in a reasonable period of time. The supervisor may request a copy of the employee's resume or job application and interview the employee.
- c. If the supervisor is interested in pursuing the detail, but the detail would be between different divisions or offices, the supervisor must ensure that the employee's current management chain is in agreement.

e. Documentation

No documentation is required for a detail to a position for 30 days or less.

No documentation is required for a detail to a position which is identical to the employee's current position or is in the same pay band, occupational series, and basic duties as the employee's position.

Details for more than 30 days to a different position (i.e., the band, series, or basic duties are different) must be documented by a Standard Form 52 (SF-52). The gaining office should notify OHC via an email if it intends to accept an employee on detail. OHC will then work with the gaining office to prepare the SF-52 and effect the detail. The gaining office must also notify OHC in writing of any request to extend a detail.

XII. Reassignments

A reassignment is an action that places an employee in another CFPB position that is at the same pay band and has no higher promotion potential. An employee may be reassigned either competitively or non-competitively. Competitive reassignments are completed through merit promotion (see Part II, IV(a)). Non-competitive reassignments do not require a competitive action. General provisions of reassignment actions are described below.

a. Eligibility and Qualification Requirements

In general, employees must be qualified for positions to which they are reassigned. Employees can gain qualifying experience in the public and/or private sector in paid or unpaid positions and, where appropriate, through education.

- Permanent employees may be reassigned to other permanent positions.
- Term employees may be reassigned to other term positions.
- Temporary employees (individuals on appointments lasting one year or less) may not be reassigned.

In unusual cases, when it is in the best interests of the Bureau (e.g., in a reduction in force, as a result of a third-party decision on a complaint or grievance, as part of the terms of a settlement agreement, or to meet an important business need of the Bureau the Deputy Director or his/her designee may waive qualifications for non-competitive reassignments.

b. Effect on Pay

There is ordinarily no change in salary as a result of a reassignment. However, in special circumstances where it is determined that a reassignment is critical for the Bureau to meet its mission objectives, a salary increase of up to five percent may be granted. These increases are considered exceptions and must undergo a multiple-level review process. Each request must be submitted by the employee's Associate Director and reviewed and approved by OHC. The CFPB Deputy Director and/or designee is the final approving authority for any exception granted under this section. The resulting salary may not be less than the pay band minimum or more than the pay band maximum.

c. Process for Initiating Reassignments

A reassignment may be initiated by management or requested by an employee as follows:

- i. Management-initiated reassignments
 - a) A supervisor may fill a vacant position non-competitively by reassigning a CFPB employee who is qualified and eligible for the position.
 - b) If the reassignment involves an employee in another CFPB division or office, the employee's current management chain must agree to the reassignment.
- ii. Employee-initiated reassignments
 - a) An employee may request to be reassigned to a vacant position by contacting the supervisor of the position to which he or she would like to be reassigned.

- b) The supervisor of the position should consider the request and respond to the employee in a reasonable period of time. The supervisor may request a copy of the employee's resume or job application and interview the employee.
- c) If the supervisor believes the employee is a good candidate for the position, he or she may contact OHC to determine whether the employee is qualified and eligible for placement in the position.
- d) If the supervisor is interested in pursuing the reassignment, but the reassignment would be between different offices, the supervisor must ensure that the employee's current management chain is in agreement.
- e) Supervisors have the discretion to fill positions from any source and are not obligated to grant an employee's request for reassignment.
- iii. Reassignments as a reasonable accommodation
 - a) An employee may request reassignment because of a disability.
 - b) Employees and managers must follow the procedures set forth in the Reasonable Accommodation policy.
 - c) Reassignments will be granted in accordance with legal requirements.

XIII. Change to Lower Band

XIV.

A change to lower band occurs when an employee moves to a lower pay band than the one he/she currently holds. Changes to a lower band can be voluntary or involuntary. Involuntary changes to a lower band can be taken with or without cause. The provisions in this section apply only to employees who have held the higher pay band on a permanent basis.

The employee must be qualified for the lower pay band position. In unusual cases, when it is in the best interest of the Bureau (e.g., in a reduction in force, as a result of a third-party decision on a complaint or grievance, as part of the terms of a settlement agreement, or to meet an important business need of the Bureau.), the Deputy Director or his/her designee may waive qualifications for changes to lower band.

a. Eligibility and Qualification Requirements

i. Voluntary Change to Lower Band Actions

There are two types of voluntary change to lower band actions:

1. Voluntary Change to Lower Band in the Interest of CFPB

Voluntary changes to a lower band in the interest of the Bureau occur when an employee voluntarily elects to move to a position at a lower pay band, and there is a determination that the change to a lower band is in the interest of CFPB.

- If the employee's current salary is *at or below* the lower pay band maximum at the time of the change to a lower band, the employee will retain his/her current salary.

- If the employee's current salary is *above* the lower pay band maximum at the time of the change to a lower band, the employee is entitled to two years of saved pay. At the end of that period, if the employee's pay still exceeds the lower pay band maximum, his or her pay will be reduced to the lower pay band maximum.

An employee who voluntarily accepts a change to lower band will sign a written statement acknowledging the terms and conditions of the change to a lower band action. See Appendix F for a sample.

2. Voluntary Change to Lower Band for the Employee's Benefit

Voluntary changes to a lower band for an employee's benefit occur when an employee voluntarily requests to move to a position at a lower pay band in order to accommodate a personal need or circumstance of the employee. CFPB retains complete discretion to accept or decline requests for voluntary changes to lower band for an employee's benefit.

Supervisors should consider and respond in a timely manner to employee requests for voluntary change to lower band. If the request involves movement of an employee between divisions or offices, the employee's current management chain must agree to the request. Before agreeing to a change to a lower band, supervisors must coordinate with OHC in order to ensure the employee is qualified for the change to lower band.

- If the employee's current salary is *at or below* the lower pay band maximum at the time of the change to a lower band, the employee will retain his/her current salary.
- If the employee's current salary is *above* the lower pay band maximum at the time of the change to a lower band, the employee's salary will be reduced to the maximum of the lower pay band in the next available pay period.

An employee who voluntarily accepts a change to lower band will sign a written statement acknowledging the terms and conditions of the change to a lower band action. See Appendix F for a sample.

b. Involuntary Change to Lower Band Actions

There are two types of involuntary change to lower band actions:

i. Involuntary Action Through No Fault of the Employee (Without Cause)

In such cases, CFPB initiates the action for reasons that are not due to any personal action or inaction by the employee. Examples include reduction-in-

force (RIF) or reorganization. Such actions will be conducted under prevailing law and Federal regulations and in line with appropriate Bureau policy.

An employee in this situation receives saved pay and saved band protection for a period of two years, during which the employee retains his or her higher salary and pay band and is entitled to all benefits of that band (including potential for merit increases). At the end of the two-year period, the employee will be moved to the lower pay band.

- If the employee's current salary is *at or below* the lower pay band maximum at the time of the change to a lower band, the employee will retain his/her current salary.
- If the employee's current salary is *above* the lower pay band maximum at the time of the change to a lower band, his or her pay will be reduced to the lower pay band maximum.

If an employee moves from a position that is exempt under the Fair Labor Standards Act to a non-exempt position at the lower pay band, the employee will earn premium pay in accordance with the provisions for non-exempt employees.

ii. Involuntary Action Based on an Adverse Action (With Cause)

In certain circumstances, an employee with performance or conduct issues may be placed in a position at a lower pay band. Such movements typically occur in conjunction with a formal adverse action process, and will be conducted under prevailing law and Federal regulations and in line with appropriate Bureau policy. Pay will be reduced to an appropriate level within the lower pay band or as determined by the result of the adverse action process. The resulting salary may not be less than the lower pay band minimum or more than the lower pay band maximum.

c. Re-Promotion

An employee who has undergone a change to a lower band may subsequently be promoted back to a position at a higher pay band level through a re-promotion.

If the re-promotion occurs *at least* 24 months after the change to lower band action was effective, the employee will receive the standard promotional increase upon re-promotion (i.e., up to 7.5% of base salary for single pay band increase; up to 12% for multiple pay band increase).

If the re-promotion occurs *less than* 24 months after the change to lower band action was effective, the employee's salary will be set at his/her previous rate in the higher band, plus the dollar amount of any merit increase received while serving in the lower pay band.

Part V - Roles and Responsibilities

a. Supervisors

- Anticipate long-range personnel needs and communicate them on a timely basis to OHC;
- Initiate timely requests for personnel actions including recruitment, promotion (including career ladder promotions), reassignment, detail, etc.;
- Collaborate with OHC to identify sources of highly qualified applicants and develop job-related criteria for use in evaluating candidates;
- Ensure interviews and reference checks are conducted in a timely manner and in accordance with established CFPB guidelines;
- Make timely selections for vacant positions;
- Assure that employees being promoted are performing at the required levels;
- Assure the accuracy of position descriptions and organization charts; and
- Make personnel decisions based on merit and organizational needs.

b. Employees

- Maintain up-to-date information on job qualifications (e.g., resume);
- Follow all instructions and adhere to all requirements outlined in vacancy announcements. Keep copies of any materials submitted in response to vacancy announcements;
- Stay informed of job opportunities (if interested) by regularly visiting the CFPB website and OPM's website, USAJobs for information on available vacancies (this includes staying informed during periods of extended approved absence (e.g., leave, detail to another agency, military duty));
- Participate in interviews and job selection processes;
- Participate in the performance planning process, request performance feedback, discuss career plans periodically with their supervisor, and ask for guidance on how to improve chances for future promotions;
- Identify and participate in developmental and training assignments to help enhance skills, competencies, and eligibility for promotion; and
- Review all personnel and pay documents to assure accuracy of information.

c. Chief Human Capital Officer (or designee)

- Administers hiring, promotion, and internal placement policies in accordance with all legal requirements;
- Serves as the appointing official for CFPB and exercises final authority to effect hiring offers, pay-related decisions and placement actions;
- Advises managers and employees on hiring, promotion, and internal placement matters;
- Evaluates program effectiveness and implement program adjustments as needed;

- Approves exceptions to hiring, promotion, and internal placement policies in accordance with established exception criteria; and
- Collaborates with the Office of Equal Employment Opportunity to monitor trends and possible barriers to equal employment opportunity under this policy.

Part VI – Definitions, References, Appendices and Canceled Policies

I. Definitions

- i. *Applicant* – A person who applies for a vacant position.
- ii. *Career status* – A status achieved by current or former Federal employees in the competitive service who have completed three years of continuous service.
- iii. *Career-conditional status* – The status of current or former Federal employees in the competitive service who have completed less than three years of service and must serve a one year probationary period the first year of initial appointment.
- iv. *Category rating* – A process of evaluating qualified candidates by quality categories. Candidates are assessed against job-related criteria and placed into one of two or more quality categories.
- v. *Change to lower band* – An action that moves an employee to a lower pay band than currently held.
- vi. *Competitive service* – The competitive service is a part of the United States federal government civil service. Applicants for jobs in the competitive civil service must compete with other applicants in open competition under the merit system administered by OPM.
- vii. *Delegated examining* – Authority to fill competitive civil service positions pursuant to a delegation agreement. Delegated examining authority must be exercised in accordance with civil service laws and regulations.
- viii. *Detail* – A temporary assignment to a different position for a specified period when the employee is expected to return to his or her regular duties at the end of the assignment. An employee who is on detail is considered for pay and headcount purposes to be permanently occupying his or her regular position.
- ix. *Excepted Service* – Positions which are excepted from competitive service by OPM or by law.
- x. *Job analysis* – The process of assessing the duties and responsibilities of a position to determine the knowledge, skills and abilities that are essential to the position or to enhance performance in the position.
- xi. *Merit promotion plan* – A plan that sets forth policies, procedures and requirements, which assure that qualified candidates are considered for assignment to positions in the competitive service, based solely on job-related evaluation procedures. Preference Eligible - An individual who has preference in the examining process accordance with various provisions of title 5, United States Code.
- xii. *Promotion* – The movement of an employee from one pay band to a higher pay band while continuously employed at CFPB.
- xiii. *Reassignment* – An action that places an employee in another position in the same band level.

- xiv. *Subject matter expert* – An individual or group of individuals knowledgeable about the responsibilities of the position.
- xv. *Temporary appointment* – A non-status appointment for a specific period of one year or less. The appointment can be extended for up to one additional year.
- xvi. *Temporary promotion* – A temporary assignment of an employee to a higher band position for specified period of time with compensation at the higher band level.
- xvii. *Term appointment* – A nonpermanent appointment for a specific period which lasts for more than one year but not more than four years.
- xviii. *Unclassified duties* – A set of duties and responsibilities which has not been analyzed, identified and placed in a series and band level using established classification criteria.

II. References

- i. Consumer Financial Protection Act, Section 1013(a)(1)(C)
- ii. CFPB/OPM Interagency Delegated Examining Agreement BCFP-1
- iii. Public Law No. 111-203, Dodd-Frank Wall Street Reform and Consumer Protection Act
- iv. 5 U.S.C. § 2301, Merit System Principles
- v. 5 U.S.C. § 2302, Prohibited Personnel Practices
- vi. 5 C.F.R. Part 300, Employment (General)
- vii. 5 C.F.R. Part 330, Recruitment, Selection, and Placement (General)
- viii. 5 C.F.R. Part 335, Promotion and Internal Placement
- ix. U.S. Office of Personnel Management Delegated Examining Handbook
- x. CFPB Excepted Service Executive Positions Policy (Interim)
- xi. CFPB Open Door and Administrative Grievance Policy
- xii. CFPB Excepted Service Non-Executive Positions Under Waiver Authority Policy (Interim)
- xiii. CFPB Reasonable Accommodation Policy

III. Appendices

- i. Appendix A – Summary of Pay-Related Provisions
- ii. Appendix B – Eligibility to Apply for CFPB Positions
- iii. Appendix C – Exceptions to Competitive Procedures
- iv. Appendix D – Category Rating Procedures
- v. Appendix E – Temporary Promotion Acknowledgement Form
- vi. Appendix F – Voluntary Change to Lower Band Acknowledgement Form

IV. Cancelled Policies

Any previously issued policies on the topics contained in this policy are no longer in effect, including the following:

- i. Merit Promotion and Internal Placement Plan Policy (interim)
- ii. Excepted Service Merit Promotion and Internal Placement Plan Policy
- iii. Delegated Examining Policy (interim)
- iv. Policy Statement on Changes to Lower Pay Band

V. Revision History

Action	Date	Approval Authority
Removes the exclusion of executives from the policy	06/10/2014	
Incorporates interview language agreed upon in the NTEU/CFPB MOU dated 7/2/2013	06/10/2014	
Incorporates Collective Bargaining Agreement language for Career Ladder Promotions	6/10/2014	
Incorporates requirement to be on a temporary promotion for 90 days before promotion may be made permanent.	6/10/2014	

Analisa Archer, Acting, Chief Human Capital Officer



1700 G Street NW, Washington, DC 20552

November 28, 2017

Information memorandum for Acting Director Mulvaney

FROM Jeffrey Sumberg, Chief Human Capital Officer

SUBJECT 30-Day Hiring Freeze Guidance

The attached hiring freeze guidance was prepared by the Office of Human Capital (OHC) and describes the parameters of the freeze in accordance with your expectations. This guidance will remain in effect until December 27, 2017 unless otherwise modified or extended by you.

Once you've approved the guidance, OHC will forward the final version to CFPB managers and the workforce via email.

Please let me know if you have any questions or concerns about this draft.

Attachment

Tab 1: Guidance on Implementing CFPB's Hiring Freeze

Guidance on Implementing CFPB's Hiring Freeze

**Issued by the Office of Human Capital
November 28, 2017**

On November 27, 2017, Director Mulvaney announced a 30-day hiring freeze for the Bureau. The freeze is designed to give the Director and senior leaders time to align the Bureau's budget, programs, and staffing plans with the Director's priorities.

The following guidance prepared by the Office of Human Capital (OHC) describes the parameters of the hiring freeze. This guidance will remain in effect until December 27, 2017 unless otherwise modified or extended by the Director.

Q: What is not permitted under the freeze?

- Filling of existing vacant positions, except as described below.
- Creating or filling new positions.
- Making offers of employment to external applicants after November 28, 2017
- Posting job announcements after November 28, 2017, except for jobs that are limited to CFPB employees only
- Making new offers of employment for any programs involving significantly delayed start dates, including:
 - Pathways Internship Program (e.g., 2018 summer interns)
 - Directors Financial Analysts
 - Louis D. Brandeis Honor Attorneys
 - Economists
 - Presidential Management Fellows
 - Other similar hiring programs

Q: What is permitted under the freeze?

- Honoring job offers made before November 28, 2017, whether the offers have an established Entry on Duty (EOD) date or not
- Posting and filling existing vacancies that are advertised for CFPB employees only and result in a reassignment, promotion, or change to lower band level.
- Career ladder promotions
- Non-competitive temporary promotions of 120 days or less
- Attorney promotions made pursuant to the CFPB Attorney Hiring and Promotions Policy
- Conversions in the ordinary course for employees serving in positions with conversion authority (e.g., Pathways Interns, Presidential Management Fellows, Schedule A (disability) hires, Veterans Recruitment Act appointments)
- Competitive and non-competitive reassignments, including reassignments into acting roles
- Competitive and non-competitive internal details
- External details of personnel to and from the Bureau; including extensions of the details
- Extension of term or temporary appointments of existing CFPB employees
- Intergovernmental Personnel Act (IPA) details
- Unpaid student volunteers
- Placement of individuals with restoration rights accorded by law, such as restoration after military duty
- Actions required as a matter of law (e.g., hiring a reader for an employee with a reasonable accommodation; actions required to implement an EEO settlement or third party judgment)

Q: Will there be any exceptions to the actions covered by the freeze?

A: While there will be no formal process for requesting or granting exceptions to the freeze, Associate Directors may raise concerns with the Director regarding particular positions impacted by the freeze. The Director may approve exceptions on a case-by-case basis and OHC can proceed with the hiring action upon written approval from the Director or his designee. OHC will maintain documentation of any approved exceptions.

Q: How should Divisions and Offices handle interviews for jobs that have already been announced?

A: You may schedule and conduct interviews for jobs that have already been announced. If you select an internal candidate, the selection process can move forward during the freeze. Offers may not be extended to external candidates until the freeze is lifted. An offer may be extended at that time provided the certificate was issued less than 90 days from the offer date.

Q: How should Divisions and Offices handle job announcements that have closed but no referral list has been issued?

A: A list will be issued if the job announcement was open to CFPB employees only. If the job announcement was open Federal-wide or to the public, the certificate may be issued after the freeze is over.

Q: Who should I contact if I have questions about the freeze or the OHC guidance?

A: Please contact the OHC Customer Consultant or Business Partner who serves your Division or Office.



Consumer Financial
Protection Bureau

1700 G Street NW, Washington, DC 20552

January 17, 2018

Decision Memorandum from the Acting Director

FROM	Mick Mulvaney, Acting Director
TO	Sartaj Alag, Chief Operating Officer Jeffrey Sumberg, Chief Human Capital Officer
SUBJECT	Indefinite Extension of Hiring Freeze

On November 27, 2017, I announced a 30-day hiring freeze for CFPB that was to remain in effect until further notice. Today I am extending the freeze indefinitely as the leadership team and I continue to evaluate the Bureau's budget, programs, and staffing needs moving forward.

I approve the guidance prepared by the Office of Human Capital (OHC) which describes the parameters of the indefinite hiring freeze. This guidance will remain in effect for the duration of the freeze unless I approve modifications.


Mick Mulvaney
Acting Director
Consumer Financial Protection Bureau

1-18-18
Date

20. Details

Section 1

- A. A detail is the temporary assignment of an employee to perform the duties of a different position or perform a different set of job duties (including special projects or other assignments that are not covered by the employee's position description) for a specified period with the employee returning to his or her permanent duties at the end of the assignment. A detail is not a position change; the detailed employee continues to encumber the position from which he or she is detailed, and keeps the same pay and status, except as provided below. This article only applies when employees will remain in the bargaining unit while on detail and the detail is within the Bureau. Details will be made in accordance with applicable laws, rules, regulations, and this Article.
- B. This Article does not apply to rotational programs such as the Presidential Management Fellows Program or Honors Attorney Program. It also does not apply to the Examiner Commissioning Program's headquarters rotation requirement.
- C. Details may be to duties at the same, higher, or lower pay band or to unclassified duties. Employees may be detailed internally at CFPB as follows:
 - 1. To duties at the same or lower band: Details to duties at the same or lower band may be made without competition for up to 120 calendar days, with extensions in 120-day increments up to a maximum of one year.
 - 2. To duties at a higher band: Details to higher band duties (or duties with higher promotion potential than the employee's current position) may be made without competition for up to 120 calendar days. Details to higher band duties beyond 120 days within any twelve (12) month period require the use of merit promotion procedure in

accordance with Merit Promotions Article and may be made or extended up to a maximum of one year. As outlined in Section 4 of this Article, if the employee is selected for a detail to higher band duties of more than 30 days and less than 120 days and meets the OPM qualification standards, they will be temporarily promoted.

3. To unclassified duties: Details to unclassified duties may be made without competition for up to 120 calendar days, with extensions in 120-day increments up to a maximum of one year.
 4. Details will not be extended without the employee's consent, except when necessary to complete work currently underway on an assignment. Employees are encouraged to raise any concerns about the possible extension of a detail prior to accepting the detail assignment.
- D. The parties recognize that details are necessary to meet the staffing needs of the Employer and may also be appropriate for training and developmental purposes. The Employer has the right to detail employees based upon staffing, mission, and workload requirements.
- E. In accordance with OPM regulations, details to duties at higher pay bands that are expected to last more than 30 calendar days shall be documented with a Standard Form 52 (or comparable agency form) filed in the employee's Official Personnel Folder. Details to duties at the same or lower pay band will be documented with an SF-52 (or comparable agency form) if they are expected to last 120 days or more.

Section 2

The Employer will select employees for details consistent with the Employer's right to assign work and/or employees pursuant to 5 USC § 7106(a), its mission, staffing and workload requirements, and the terms of this Agreement. In making these selections, the Employer will consider such factors as:

1. The mission-related needs requiring the detail assignment;
2. Employee knowledge, skills, abilities, experience and relevant competencies;

3. The extent to which workload would be interrupted in the office to which the potential detailee is permanently assigned;
4. Other relevant job qualifications; and
5. Developmental needs of the employee.

Section 3

- A. The Employer will solicit employee interest for details of more than 30 days; however, such solicitation is not required when there is a business need for the work to be performed by a specific employee due to specialized skills or experience, or based on a business exigency (e.g., need for work on the project to begin immediately). Solicitation may be made through an expression of interest announcement on the CFPB Intranet, or by email to the group of employees eligible to participate. The Employer will describe these detail opportunities with as much specificity as practicable including the nature of the work involved, the anticipated geographic location, the pay band (if the detail work is classified), telework or alternative work schedule considerations and the anticipated duration of the assignment.
- B. An employee wishing to be considered for a detail covered by this Article will respond to the Employer's solicitation by the specified deadline, which will normally be at least five (5) business days after posting, absent an urgent business need for filling the detail as soon as possible.
- C. The Employer will consider expressions of interest and make selections from among these employees in a fair and equitable manner consistent with the factors identified in Section 3 of this Article. The losing and gaining offices must both approve of the detail. If the detail is approved, the losing and gaining office managers will coordinate to identify a start date and implement the detail. If the losing office does not approve the selection, then the employee should be informed and provided an explanation as to the reasons why the selection could not be approved.
- D. If there are insufficient qualified volunteers and the Employer wishes to proceed with the detail, then selection will be made from qualified employees possessing the necessary band, skill level, and experience requirements for the detail.

Section 4

- A. A temporary promotion is the temporary assignment of an employee to a higher band position for a specified period of time with compensation at the higher band level. The employee returns to his or her position at the end of the assignment. An employee who is selected for a detail to a higher band level position for a period of less than 120 days and meets all of the qualification and other applicable requirements will be offered the opportunity as a temporary promotion. Temporary promotions under this section will only be made for temporary assignments of 30 days or more.
- B. The new assignment will begin on the effective date of the temporary promotion which is established by the Office of Human Capital in partnership with the losing and gaining managers and after pay-setting has been completed.
- C. Selection for temporary promotions that are more than 120 days will be filled in accordance with Merit Promotions Article. Employees who are temporarily promoted without the use of merit procedures will need to compete in order to remain in the position for more than 120 days.

Section 5

- A. To the extent known by the Employer, employees will be given as much advance notice as practicable of any detail and, where practicable, at least 14 calendar days' notice as to the specific location and expected duration of the assignment. In those instances when the foregoing deadlines cannot be met, the Employer agrees to give as much advance notice as practicable.
- B. Employees serving on details may request telework and a work schedule from among those available in the office to which they are detailed. Telework and work schedule requests will be considered consistent with the Bureau's telework and work schedule policies and with mission requirements.
- C. When an employee is returning from a detail, the Employer will seek to meet with the employee to discuss any material changes in the operating procedures of the position that may have occurred since the employee was detailed away from the position.

18. Merit Promotion

Section 1

It is agreed that all promotions to bargaining unit positions are to be made on a merit basis by means of the systematic and equitable procedures as contained in this Article. The provisions of this article will apply whenever a hiring manager elects to announce a vacancy using competitive merit promotion procedures. Merit promotion procedures apply when filling positions in the competitive service; they do not apply when filling positions in the excepted service.

Promotions for Attorneys in the excepted service are covered in the Attorney Hiring and Promotion Policy agreement dated January 13, 2015.

Section 2

All placement and promotion actions to positions in the bargaining unit will be done according to the provisions of this Article, except for the following:

- A. Career ladder promotions where competition has taken place earlier.
- B. Attorney hiring and promotion actions. These actions are covered under the Attorney Hiring and Promotion Policy.
- C. A position change permitted by reduction-in-force (RIF) procedures as outlined in the Reduction-In-Force Article.
- D. Promotion of an employee who failed to receive proper consideration in a prior competitive promotion action under the provisions of Priority Consideration as contained in this Article.

- E. Promotion that results from the application of new classification standards or the correction of a classification action.
- F. Selection for promotion or training of disabled employees under 5 CFR 213.3102(u).
- G. Accretion of duties.
 - 1. A promotion based on accretion of duties is a noncompetitive promotion of an employee to a higher band level resulting from the reclassification of the employee's position because of the addition of substantive new and higher-band level duties and responsibilities. In such cases it must be determined that at the time the employee was hired in his or her current position, there was no intent that the current band level would be increased in the foreseeable future.
 - 2. If there is more than one (1) employee in the organizational unit who would qualify for the higher banded position, competition will be confined to the organizational unit where the work is assigned.
- H. Conversion of a temporary promotion to a permanent promotion provided:
 - 1. The temporary promotion was originally made under competitive procedures;
 - 2. The normal minimum area of consideration for the position was used to recruit candidates; and
 - 3. The fact that the position might lead to a permanent promotion was made known to potential candidates.
- I. Temporary promotions or details for 120 days or less made pursuant to the Details Article.
- J. Reassignments made pursuant to the Reassignments Article.
- K. Promotion to a band level previously held on a permanent basis in the competitive service (or in another merit system with which OPM has an interchange agreement) from which an employee was separated or demoted for other than performance or conduct reasons.
- L. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having promotion potential no greater than the potential of a position an employee currently holds or previously held on a permanent basis in the competitive service (or in another merit

system with which OPM has an interchange agreement) and did not lose because of performance or conduct reasons.

- M. Selection from a delegated examining certificate of eligibles or other appropriate sources (e.g., Veterans' Recruitment Appointment, Schedule A authority for persons with disabilities, direct hire authority, etc.).

Section 3

The Parties agree that the goal is to fill all vacant positions with the best qualified candidates available, taking into consideration the Employer's long-term needs and affirmative employment obligations. The Parties further agree that the Employer has the right, at its discretion, to fill vacant positions by recruiting eligible candidates through the announcement of such vacancies within the CFPB and by concurrently recruiting from any other appropriate recruiting source by any appropriate means, e.g., OPM competitive examining referrals, reassignments, reinstatements, advertisements. When a position is posted to be open to applicants from outside the bargaining unit, bargaining unit employees will be given the opportunity to apply for the vacant position and will be given simultaneous consideration with the outside applicants.

Section 4

- A. Announcements for bargaining unit positions will be advertised at least CFPB-wide; unless the position is being announced in accordance with Section 2, G.2. If desired, managers may expand the area of consideration to include other eligible applicants from outside of CFPB (e.g., other Federal employees).
- B. Vacancies opened CFPB-wide will, at a minimum, be posted on the CFPB website. Vacancies open to external sources will be posted on the CFPB website and on the Office of Personnel Management (OPM) USA Jobs website. All employees will be provided access to such systems at their regular work sites. Employees will be permitted to prepare and submit applications for CFPB positions during normal duty hours, without charge to leave.

- C. All vacancy announcements for bargaining unit positions will be open for a minimum of seven (7) workdays.
- D. All vacancies for CFPB positions will be listed on the CFPB website no later than the date of posting.
- E. At a minimum the vacancy announcement will contain:
 - 1. announcement number;
 - 2. opening and closing dates for acceptance of applications;
 - 3. position title, series, band, organization and location of the position;
 - 4. promotion potential, if any;
 - 5. area of consideration;
 - 6. a brief description of the duties and responsibilities;
 - 7. qualifications required including selective placement factors, if applicable;
 - 8. competencies that will be evaluated during the application process;
 - 9. procedures for applying;
 - 10. number of positions expected to be filled;
 - 11. evaluation methods to be used; and
 - 12. special job requirements such as travel or mobility, or specific requirements for advancement or retention.

Section 5

Any candidate who wishes to be considered for a vacancy announcement, must apply as follows:

- A. Submit an on-line application through the CFPB or the OPM USA Jobs web-site;

- B. Respond to the basic application and any required vacancy assessment questions, submit any required materials, and follow the instructions as outlined in the vacancy announcement.

Section 6

- A. The Employer agrees that selective placement factors will only be used when they are essential to the successful performance of the position. In such cases, they will constitute a part of the minimum requirements of the position. Selective placement factors will be made clear to applicants in the vacancy announcement and must be met at the time of application. They will also be available to the Union upon request.
- B. Applicants who meet the minimum qualification requirements of the position and any selective placement factors will be further assessed to determine if they are “best qualified.”

Section 7

- A. Minimally qualified applicants will be further evaluated based on the assessment criteria as outlined in the job analysis developed prior to the vacancy announcement. To the extent possible, assessments, including but not limited to questions or writing samples, will be described in terms of observable, objective, and measurable criteria.
- B. When ranking applicants for vacancies at multiple band levels, each applicant will be ranked separately by each band level for which the applicant applied.
- C. In those cases where the Employer finds that the nature of the job requires more direct involvement of subject matter experts (SMEs), one or more SMEs will be utilized to review and evaluate the applicants.
- D. The SMEs may evaluate applicant assessment responses by reviewing and verifying information contained in the applicant's resume and other information submitted by the applicant and as identified in the vacancy announcement.

- E. The assessment of each applicant by SMEs will be based solely on the documentation before the SMEs and not on the personal knowledge or opinion of the SMEs.
- F. The Employer has determined that the SMEs must be at the same or higher band level than the position to be filled.

Section 8

- A. The “best qualified” applicants will be referred to the selecting official on a best qualified (BQ) certificate. The determination of the number of BQ applicants that are referred will be made using a natural break point in scores that allows for the referral of an adequate number of applicants. If there is not an adequate number of best qualified applicants in the highest scoring group, the hiring manager may request that applicants from the next lower category be referred for consideration.
- B. The names of the best qualified applicants will be sent to the selecting official in alphabetical order. The application materials of the referred applicants will be provided to the hiring manager.
- C. If the selecting official interviews any of the referred CFPB applicants, all referred CFPB applicants must be interviewed. The Employer will use structured interviews (i.e., the same questions for all applicants) to the maximum extent possible. In most instances, if SMEs are utilized in the interview process, they will be at the same or higher band level as the position being filled. In some instances, employees in a lower band level (those who will report to the position or work with the position) may participate in interviews but the hiring manager will make the final selection decision.
- D. Applicants who do not make the Certificate of Eligibles will not be referred. Applicants under external postings can check the status of their applications at any time by logging into their profile on the USA Jobs website.
- E. Absent exigent circumstances, selections (or a decision to non-select) will generally be made within ninety (90) days from the date the certificate of BQ candidates is received by the selecting official.

Section 9

An employee selected for a promotion will normally be released from his or her present position, and the promotion will be effective, at the end of the pay period closest to fifteen (15) calendar days after final offer of employment is accepted.

Section 10

- A. Upon request, each employee will be provided the following information regarding his or her application for a position announced under this Article if he or she has applied in a timely manner:
 - 1. Whether or not his or her application was received;
 - 2. Whether he or she met the minimum qualifications for the position, including selective placement factors;
 - 3. Whether he or she was referred to the selecting official; and
 - 4. If he or she was selected for the position.
- B. Subject to applicable law and regulation, and absent pending litigation, the Employer will maintain a file on each merit promotion action for a period of two (2) years.

Section 11

An employee who is the subject of an investigation for misconduct will not be denied or have a promotion delayed on the basis of such an investigation, unless it is necessary to protect the interests of the Employer.

Section 12

An employee's accumulation or balance of annual or sick leave may not be considered by ranking officials and/or selection officials as a basis for selection or non-selection. However, this does not preclude the consideration of leave balances if there is abuse of leave or resultant effect on the employee's dependability or work performance.

Section 13

- A. If the employee was erroneously omitted from the best qualified list, he or she will receive priority consideration for the next appropriate vacancy for which he or she is qualified. An appropriate vacancy is one which the same organizational location as the position denied, at the same band level and the same promotion potential as the position denied, and for which the employee is minimally qualified. Priority consideration involves, in addition to the above, the submission of the employee's name along with his or her application and performance appraisal alone on a certificate to the selecting official before the selecting official reviews the qualifications of all other competitive applicants.
- B. In the event that two (2) or more employees are entitled to priority consideration for the same vacancy, the name of all such employees shall be submitted on a Certificate of Eligibles for Reconsideration or Re-promotion to the selecting official in alphabetical order. The employee's application and performance appraisal will be included with the certificate.
- C. If a priority consideration candidate is non-selected, upon request, the candidate will be provided the following information:
 - 1. Whether or not his or her application was received;
 - 2. Whether he or she met the minimum qualifications for the position, including selective placement factors;
 - 3. Whether he or she was referred to the selecting official; and
 - 4. If he or she was selected for the position.

- D. If an Employee with a priority consideration is not selected, the Employee will have received their opportunity and is no longer eligible for further priority consideration.

Section 14

On a quarterly basis, a Selection Report shall be sent to the Chapter President and will also be posted on the OHC intranet (or SharePoint site) for each BU position filled under the competitive merit promotion procedures. At a minimum, that report shall contain the following information:

- A. Announcement number for each position filled.
- B. Number of vacancies identified in the announcement and number of vacancies that were filled under each announcement.
- C. Number of candidates referred under each announcement.
- D. Selection action (i.e., a clear indication of whether or not a selection was made) for each announcement.
- E. Date of each selection action (if a selection was made).

Guidance on Implementing CFPB's Indefinite Hiring Freeze

Issued by the Office of Human Capital

January 17, 2018

On November 27, 2017, Acting Director Mulvaney announced a 30-day hiring freeze for CFPB that was to remain in effect until further notice. The Acting Director has extended the freeze indefinitely as he and the leadership team continue to evaluate our budget, programs, and staffing needs moving forward.

The following guidance prepared by the Office of Human Capital (OHC) describes the parameters of the indefinite hiring freeze. This guidance will remain in effect until modified by the Director.

Q: What is not permitted under the freeze?

- Filling of existing vacant positions, except as described below.
- Creating or filling new positions.
- Making offers of employment to external applicants.
- Posting and filling vacancies that result in a promotion, except as described below.
- Extension of term or temporary appointments for existing CFPB employees.
- Temporary Promotions of more than 120 days.
- Conversions for employees serving in positions with conversion authority (e.g., Pathways Interns, Presidential Management Fellows) except as described below.
- Making new offers of employment for any programs involving significantly delayed start dates, including:
 - Pathways Internship Program (e.g., 2018 summer interns)
 - Directors Financial Analysts
 - Joseph Story Honors Attorneys
 - Economists
 - Presidential Management Fellows
 - Other similar hiring programs

Q: What is permitted under the freeze?

- Honoring job offers made before November 28, 2017, whether the offers have an established Entry on Duty (EOD) date or not.
- Posting and filling existing vacancies that are advertised for CFPB employees only and result in a reassignment or change to lower band level.
- Career ladder promotions pursuant to the Collective Bargaining Agreement.
- Attorney promotions pursuant to the CFPB Attorney Hiring and Promotions Policy.
- Non-competitive temporary promotions of 120 days or less.
- Conversions in the ordinary course for Schedule A (disability) hires and Veterans Recruitment Act appointments.
- Competitive and non-competitive reassignments, including reassignments into acting roles.
- Competitive and non-competitive internal details.
- External details of personnel to and from the Bureau, including extensions of details
- Intergovernmental Personnel Act (IPA) details.
- Unpaid student volunteers.
- Placement of individuals with restoration rights accorded by law, such as restoration after military duty

- Actions required as a matter of law (e.g., hiring a reader for an employee with a reasonable accommodation; actions required to implement an EEO settlement or third party judgment).

Q: Will there be any exceptions to the actions covered by the freeze?

A: There will be no formal process for requesting or granting exceptions to the freeze. However, Associate Directors may raise concerns with the Director regarding particular positions impacted by the freeze. The Director may approve exceptions on a case-by-case basis and OHC will proceed with the hiring action upon written approval from the Director or his designee. OHC will maintain documentation of any approved exceptions. We want to emphasize that exceptions will be extremely limited and rarely granted.

Q: Who should I contact if I have questions about the freeze or the OHC guidance?

A: Please contact the OHC Customer Consultant or Business Partner who serves your Division or Office.

21. Reassignments

Section 1

- A. A reassignment is an action that places an Employee in another CFPB position that is at the same pay band and has no higher promotion potential than the Employee's current position. An Employee may be reassigned either competitively or non-competitively. This Article addresses the non-competitive reassignment of permanent bargaining unit employees from one bargaining unit position to another where the Employer has decided not to fill the position through a competitive vacancy announcement. This Article applies to management-directed reassignments. Competitive reassignments are covered by the Merit Promotion Article.
- B. This Article does not apply to reassignments made by the Employer for the purpose of providing an employee with a reasonable accommodation. Reassignments as a reasonable accommodation will be made in accordance with applicable statutes, regulations, and the Bureau's Reasonable Accommodation policy.
- C. This Article does not apply to requests by employees to permanently change duty stations within the continental United States without a change in position, which are considered under the Employee-Initiated Relocation Article.
- D. Employees in the Office of Supervision Examinations may request to relocate their Home Duty Station within their current region under procedures negotiated by the Parties, which are incorporated by reference.

Section 2

Unless a reassignment is directed for a specific Employee, the Employer will use the following reassignment procedures:

- A. The Employer will issue a notice of interest soliciting volunteers, listing the area of consideration, and the qualifications required for the position. In the event there are more volunteers than the Employer needs, selection from among qualified volunteers will be based on the longest length of continuous Bureau service.
- B. The Employer will compare the knowledge, skills, and abilities of the volunteers against the following criteria:
 - a. the grade(s) of the position(s) to be filled;
 - b. the duties to be performed; and
 - c. the knowledge, skills, and abilities required by the position.
- C. If there are insufficient volunteers to meet the needs of the Bureau, the Employer will determine the area of consideration and qualifications required for the position and select from among qualified employees based on shortest length of continuous Bureau service.

Section 3

Employees involuntarily reassigned will be notified of a reassignment outside of the duty station/commuting area at least sixty (60) days in advance of the reassignment; and at least thirty (30) days in advance for reassignments within the same duty station/commuting area.

Section 4

The provisions of this Article shall not apply to any reassignment resulting from a major reorganization, realignment or restructuring of a Division and/or Office, that involves the relocation of employees outside the commuting area or the closing of an office and in which the

impact of the reassignments is more than de minimis. In such cases, the Employer agrees to provide the UNION with advance notice and an opportunity to bargain in accordance with the requirements of the Mid-Term Negotiations Article or the Reduction in Force Article.

Section 5

The Employer may waive qualifications for non-competitive reassignments. Normally waivers to qualifications may be granted during reductions-in-force, as a result of a third-party decision on a complaint or grievance, as part of a settlement agreement or to meet an important business need.

Section 6

Nothing in this Article prevents an employee from applying for a position in response to a vacancy announcement.