

New Article 17

Old Article 22

Merit Selection Procedures

22.1 Purpose

It is the purpose of this Article to provide a fair and equitable process for filling positions through competitive procedures based upon merit, and to ensure the selection of the best qualified candidates for vacant positions. The parties agree that the selection and advancement of employees should be determined solely on the basis of relative ability, knowledge, skills and worker characteristics after fair and open competition which assures that all employees receive equal opportunity. Actions taken under this Article shall be made without regard to race, color, sex, national origin, marital status, age, religion, sexual orientation, labor organization affiliation or non-affiliation, or non-disqualifying disability and shall be based solely on job-related criteria. The Parties agree that the Agency has the right to fill vacant positions by recruiting eligible candidates through the announcement of such vacancies within the Agency or by recruiting from any appropriate source. Consistent with the provisions of this Article, bargaining unit employees will be given the opportunity to apply for vacant positions and given simultaneous consideration with any “outside” applicant(s).

22.2 Coverage

All promotions of bargaining unit employees to bargaining unit positions and other bargaining unit employee placement actions described in this Article shall be made in accordance with the procedures in this Article. Except as provided under Section 22.3 below, the competitive procedures set forth in this Article apply to all promotions and other placement actions to bargaining unit positions, including:

22.2.1. Time-limited promotions or details for more than 90 calendar days to higher graded positions, and details for more than 90 calendar days to a higher grade position or to a position with higher promotion potential than the position an employee currently holds or previously held on a permanent basis (prior service during the preceding 12 months under noncompetitive temporary promotions and noncompetitive details to higher graded positions counts toward the 90 days). A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under competitive procedures and the fact that it might lead to a permanent promotion was included in the original vacancy announcement.

22.2.2. Selection for training which is part of an authorized training agreement, part of a promotion program, or required before an employee may be considered for a promotion.

22.2.3. Promotion, reassignment, transfer, reinstatement, demotion or detail to a position with more promotion potential than the highest potential of a position currently or previously held on a permanent basis (except as permitted by reduction-in-force regulations).

22.32 Exclusions Non-Applicability

This Article will not apply to non-bargaining unit positions. This Article will also not apply to the following:

22.32.1 A promotion resulting from the upgrading of a position without significant change in the duties or responsibilities due to issuance of a new classification standard or due to the correction of an initial classification error;

22.32.2 A position change permitted by reduction-in-force procedures;

22.32.3 A promotion without current competition when at an earlier stage an employee was selected from an NRC register or under competitive promotion procedures for entry into a non-competitive career promotion position structured to allow the incumbent to rise to the full performance level identified for the position. This employee is assigned duties that result in grade-building experience and is promoted as he or she demonstrates the ability to perform at the next higher level.

22.32.4 A promotion resulting from an employee's position being reclassified at a higher grade because of additional duties and responsibilities; in the event a promotion is granted under this exclusion provision, the NRC shall document the duties and responsibilities per Article 26, Position Descriptions. A noncompetitive promotion may be made if all the following conditions are met:

1. the employee continues to perform the same basic functions;

2. the major duties of the position are absorbed into the new position;

3. the new position has no known further promotion potential;

4. no other positions within the organizational unit are adversely affected;

5. the position's higher grade is not based solely on the addition of supervisory duties to a non-supervisory position; and

6. the employee has been performing the higher level duties for a sufficient period of time to determine that the responsibilities are ongoing and permanent.

22.3.5. A temporary promotion, or detail (including a rotational assignment) of 90 calendar days or less to a higher grade position or a position with higher promotion potential than the highest potential of a position an employee currently holds or previously held on a permanent basis. Prior service during the preceding 12 months under noncompetitive time-limited promotions and noncompetitive details to higher graded positions counts toward the 90-day total.

22.3.6. In accordance with law and regulation, promotion to a grade previously held on a permanent basis from which an employee was separated or demoted for other than performance or conduct reasons.

22.3.7. Promotion, reassignment, demotion, transfer, reinstatement, or detail of a bargaining unit employee 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 and did not lose because of performance or conduct reasons.

22.3.8. Consideration of a candidate not given proper consideration in a competitive promotion action, in accordance with Section 22.23, below (Priority Consideration).

22.3.9. In accordance with law and government-wide regulation, appointment or conversion in a special Federally authorized program; e.g., NRC Student Career Experience Program, Presidential Management Intern Program, Veterans' Appointment Program, or special program for the appointment of the mentally challenged, those with psychiatric disabilities or severely physically disabled individuals.

~~22.2.5 A lateral reassignment from a position to another position having no higher promotion potential;~~

~~22.2.6 A temporary promotion of 90 consecutive calendar days or less;~~

~~22.2.7 Selection of a candidate from the Reemployment Priority List for a position at a grade no higher than the one previously held;~~

~~22.2.8 Repromotion to a grade or position from which an employee was demoted without personal cause and not at his or her request;~~

~~22.2.9 Consideration and selection of non-NRC applicants when they constitute an appropriate source when filling a bargaining unit position;~~

~~22.2.10 ——— Details of 90 calendar days or less to a higher graded bargaining unit position or to bargaining unit positions with known higher promotion potential;~~

22.4 Employee Consideration

22.4.1 The area of consideration is the area in which an active search of candidates is made. The minimum area of consideration is that area in which it can be reasonably expected that a sufficient number of qualified employees will be located. When bargaining unit positions are filled under the provisions of this Article, the minimum area of consideration is normally Agency-wide; however, in unusual circumstances caused by factors outside the agency's control which significantly impact budget or staffing levels, the area of consideration may be restricted to an Office if it is determined that a sufficient number of qualified applicants will be found within the area of consideration. The Agency will notify the Union prior to the announcement of any vacancy where the area of consideration is less than Agency-wide.

22.4.2 When ~~competitive procedures are used to~~ filling a bargaining unit position ~~(other than through one of the means covered by the exclusions identified in 22.3, above)~~, NRC employees (both bargaining unit and non-bargaining unit) within the ~~geographic~~ area of consideration may apply and receive simultaneous consideration with any "outside" applicant(s). Those who apply will be considered if otherwise eligible (e.g., the application is complete and is received by the closing date, the applicant has status if the advertised position is permanent and open only to status candidates, etc.) NRC employees will be processed according to the provision of Article 22.

22.5 Vacancy Announcement Posting

Vacancy announcements will be posted for at least 16 calendar days; once posted, the closing date will not be changed to an earlier date. Applications will not be accepted after the closing date. Management has the discretion to determine the appropriate geographic area of consideration. If no suitable candidate(s) is/are found from within the advertised area of consideration, and management wishes to re-advertise, the new area of consideration will include all NRC employees.

An employee who wishes to relocate from one geographic area to another may contact the Office of Human Resources to express such interest. The Office of Human Resources will consider the employee's request, consistent with agency needs. Relocation costs will not be provided to the employee if the relocation is solely for the benefit of the employee.

22.6 Vacancy Announcement Content

22.6.1 All bargaining unit employees will be notified where announcements for competitive merit promotions can be accessed. The notification will provide instructions on how to obtain the announcement via the internet. The vacancy announcement will contain the following information, to the extent that such information is available:

- 22.6.1.1 announcement number;
- 22.6.1.2 opening and closing dates (if an "open until filled" announcement, this shall be indicated);
- 22.6.1.3 ~~position~~ the title, occupational series, and grade, organization and location of the position;
- 22.6.1.4 ~~organizational location;~~
- 22.6.1.45 promotion potential for the position (i.e., career ladder);
- 22.6.1.56 hourly/annual salary range for WG/GG positions;
- 22.6.1.67 area of consideration;
- 22.6.1.78 a brief description of the summary of principal duties and responsibilities of the position and an indication where additional information may be obtained;
- 22.6.1.8 whether the position is a full or part-time position;
- 22.6.1.9 minimum qualifications necessary, including selective placement factors (if any) for filling the position;
- 22.6.1.10 significant working conditions;

- 22.6.1.11 procedures for applying and where to submit applications;
- 22.6.1.12 statement of equal employment opportunity;
- 22.6.1.13 number of positions expected to be filled (in numeral form); (a change in the number of positions available will not necessitate an amendment to the announcement; however, all candidates on the selection certificate will be notified of any changes in the number of positions expected to be filled prior to the referral of the list to the selecting official);
- 22.6.1.14 the rating and quality ranking factors ~~those knowledges, skills, abilities and worker characteristics which constitute the rating factors~~ for the position (if any) and, if certain rating or ranking factors are more important than others, they will be so identified, and assigned a multiple weight;
- 22.6.1.15 bargaining unit status; ~~and~~
- 22.6.2.16 name of immediate supervisor;
- 22.6.2.17 whether relocation expenses are authorized; and
- ~~22.6.2.18~~ for multiple grade vacancies, a statement that applicants should specify the grade level(s) for which they wish to be considered.

22.6.2 "Open until filled" announcements will be used for hard to fill positions, multiple vacancies, or positions for which there is an ongoing need to seek applicants. The status of "open until filled" vacancies will be provided in the Weekly Announcements, distributed to all employees.

22.7 Application Submissions

Any employee who wishes to be considered for a vacancy that has been announced must electronically apply for that vacancy by using NRCareersUSA Jobs. ~~The employee must apply by the closing date stated in the vacancy announcement.~~ The application must include:

22.7.1 a resume;

22.7.2 a response to the vacancy questions ~~narrative statement~~ addressing the applicant's experience and qualifications relative to each of the vacancy questions (i.e., rating factors) listed in the announcement for the position; ~~and~~;

22.7.3 four (4) copies of the most recent available rating of record;

22.7.4 for positions advertised at multiple grade levels, employees may request consideration at any or all of the grade levels for which they are qualified; failure to specify would result in consideration only at the highest grade qualified-; and

22.7.5 any other information required by the vacancy announcement.

22.7.6 An employee may reference additional relevant information as evidence of their qualifications for a position in the narrative statement prepared for each vacancy question (rating factor) or in the resume portion of the application. If the Agency has not issued an official rating of record, the application is complete without one. An incomplete application will not be considered. Since rating panels and officials are prohibited from considering information about

any applicant which is not included in the application package, the parties agree that it is in an applicant's interest to prepare a well-documented application.

22.7.7 The employee must apply by the closing date stated in the vacancy announcement.

~~22.8~~ — Application Deadlines

~~Applications can be submitted to NRCareers up until midnight (Eastern Time) on the closing date of the vacancy.~~

~~The parties may, by mutual agreement, allow an application from an applicant registered with NRCareers to be submitted after the closing date if they view that the situation warrants such an exception. Justification for late applications must be submitted to both NTEU and the Office of Human Resources.~~

22.89 Minimum Qualifications

22.89.1 HR or Regional Personnel Officers (RPO), or subject matter experts, as appropriate, will determine whether candidates meet the minimum qualification requirements, including any selective placement factors, which become part of the minimum qualifications. The NRC will apply minimum qualifications requirements in a fair and equitable manner. When an employee does not meet the minimum qualification requirements, HR/RPO will notify and give the reason to the employee prior to the time that the rating process is completed. HR/RPO will also be responsible for giving advice and assistance to the rating official or panel and to the selecting official to assure compliance with the procedures set forth in this Article.

~~22.9.2. The minimum qualifications shall be the basic requirements of the position. They are those knowledges, skills, abilities and worker characteristics which are essential to the performance of the duties of the position, as stated in the vacancy announcement.~~

~~22.9.3 Minimum qualifications shall be based upon:~~

~~22.9.3.1 ——— duties and responsibilities of the position;~~

~~22.9.3.2 ——— anticipated additional functions of the position; and~~

~~22.9.3.3 ——— anticipated future utilization of individuals employed in such positions.~~

22.910 Rating ~~Factors~~

22.9.1 The NRC shall use a system to rate the candidates when there are four or more qualified applicants for the position. A rating panel consisting of at least 2 3 members will be used for all promotion actions involving 4 or more than 10 applicants. For promotion actions involving a 4 – 10 smaller number of applicants, a single rating official may be used. A representative of OHR will be available to provide advice and assistance to the rating official or the rating panel. The rating official or at least one panel member must have knowledge of the position being filled.

The rating official or all panel members will hold positions at or above the full performance level of the vacant position.

~~22.910.21~~ The rating factors (referred to as “vacancy questions” in NRCareersUSA Jobs) are the job-related knowledges, skills and abilities and worker characteristics which are the criteria against which candidates are evaluated in order to make quality distinctions among qualified candidates. The rating factors are used to predict the probable effectiveness of the candidates' future performance in the vacant position.

~~22.910.32~~ In developing rating factors, the specific knowledges, skills, and abilities and worker characteristics shall be identified from position descriptions, the supervisor's knowledge of the job, subject matter experts (including current incumbents of the position) and other relevant sources, such as the OPM Qualification Standards Handbook and Management Directive 10.37 (formerly NRC 4130). To the extent possible, each rating factor will be described in terms of observable and measurable criteria. Additionally, the NRC agrees to identify any rating factor changes pursuant to a reposting (R) of a vacancy announcement.

~~22.10.3~~ ~~Rating factors shall be based upon:~~

~~22.10.3.1~~ ~~duties and responsibilities of the position;~~

~~22.10.3.2~~ ~~anticipated additional functions of the position; and~~

~~22.10.3.3~~ ~~anticipated future utilization of individuals employed in such positions.~~

~~22.9.4~~ As an alternative to traditional rating factors, NRC may develop vacancy questions that allow for automated rating. The Agency will provide notice and the opportunity to bargain in accordance with Article 49 (Mid-term Bargaining) prior to implementing any automated rating system.

~~22.9.5~~ Evaluations to determine the “best qualified” applicants will be based solely on the evaluation criteria established by the Agency for competitive merit promotion, and will be based on the application materials provided by the applicants.

~~22.11~~ ~~Rating Panel~~

~~The NRC shall use a rating panel consisting of 3 members for all promotion actions involving 4 or more applicants. For promotion actions involving a smaller number of applicants, a single rating official may be used. The NRC agrees to comply with the provision of Management Directive 10.15 in regard to the selection of individuals to serve as a rating official or on a rating panel.~~

~~22.112~~ Crediting Plans

~~22.112.1~~ NRC will prepare crediting plans for all GG-14 and GG-15 technical (series 800 or series 1300) vacancies. When rating occurs, NRC will use tailored or generic crediting plans

for all vacancies. The crediting plan is used to assess the candidate's qualifications and distinguish between rating factor grades/levels (A = most qualified, B = highly qualified, and C = qualified). The crediting plan shall reflect how the knowledges, skills, and abilities of applicants are evaluated in relation to the rating factors that are identified for the position.

22.1~~2~~.2 The rating panel may recommend to the Human Resources Specialist that the crediting plan be adjusted for reevaluation of the candidates if the panel deems it appropriate.

22.1~~2~~.3 Employees may request to view (but not retain a copy, or duplicate) the crediting plan after the selection process is completed. Such a request must be made to the appropriate Human Resources Specialist.

22.1~~2~~3 Consideration of Training and Awards

In arriving at letter grades for various rating factors, rating officials and rating panels shall consider any relevant training and awards granted to individual applicants, provided this information is fully documented in the package submitted by the applicant for the position.

22.1~~3~~4 Rating Process and Scores

In the rating process, NRC will evaluate all information provided as part of the application from each qualified employee applicant against each rating factor by applying the following grades:

"A," or "Most Qualified" - ~~I~~Information shows that the candidate's qualifications substantially exceed the requirements for the relevant rating factor. Such a grade indicates the candidate, with respect to that factor, has the potential to perform in an outstanding manner or to be exceptionally effective in the position.

"B," or "Highly Qualified" - ~~I~~Information shows that the candidate's qualifications exceed the requirements for the relevant rating factor but are not outstanding. Such a grade indicates the candidate, with respect to that factor, will be very effective in the position.

"C," or "Qualified" - ~~I~~Information shows that the candidate's qualifications meet, but do not exceed, the requirements for the relevant factor. Such a grade indicates the candidate, with respect to that factor, will be reasonably effective in the position.

The rating official or rating panel will convert the assigned grades to the following system of numbers which shall be consistently applied to the grades of all candidates. If any rating factors were identified as more important than others, a multiplier will be assigned to the weighted factors and applied on a consistent basis to the grades of all candidates. Grades A, B and C will be converted to numbers 3, 2, and 1 respectively. Weighted factors may be assigned multipliers of 2 or more. Total grade scores will be computed by the use of such numbers and multipliers. Each candidate's total grade score will be divided by the total number of factors plus any additional multipliers. Each rating panel member's score for each factor will be averaged to determine the candidate's score for that factor, which will, in turn, determine each candidate's total grade score. Category ratings will be determined by converting the total grade score back

to a Grade of A, B or C, with scores of 2.5 – 3.0 = A, 1.5 – 2.4 = B, and 1.0 – 1.4 = C. A meeting of rating panel members is not required to determine the total grade score.

Evaluations and ratings to determine the applicants to be referred on the selection certificate will be based solely on the specified evaluation criteria and the application materials submitted by the applicants.

22.1~~4~~⁵ Interviews During the Rating Process

If, after completing the above rating process, the rating panel or official wishes to interview candidates, all candidates having a pre-interview score of no more than 1.0 below the top candidate must be interviewed. If interviews are conducted, all candidates who are interviewed should be asked similar questions. This does not preclude the rating panel or rating officials from asking questions that are unique to the individual's background and qualifications. If any additional qualified applicants are to be interviewed, then all qualified applicants will be given the opportunity to be interviewed. If, as a result of such interviews, applicant ratings are changed, a written record will be made of all such changes and will become part of the individual's application package.

22.1~~5~~⁶ Certification Record (CERT)

At the conclusion of the rating process, the Human Resources Specialist will prepare a "Candidate Evaluation Certification and Selection Record" and certify the authenticity of the ratings. This certification will attest that the rating official or rating panel had complied with the procedures set forth in this Article. The names of rating panel members will be identified on the Candidate Evaluation Certification and Selection Record.

The Human Resources Specialist will also determine how many candidates are to be placed on the selection certificate/best qualified list in accordance with 22.16 and who those candidates are.

Upon completion of such review, the record will be sent to the selecting official along with the application package submitted by each best qualified candidate. The selecting official shall not receive the numerical ratings for any specific candidate on the best qualified list. However, the highest and the lowest scores (reflecting the range of scores on the best qualified list) will be provided to the selecting official.

22.1~~6~~⁷ Selection Certificate/Best Qualified List (BQL)

22.1~~6~~⁷.1 _____ At the conclusion of the rating process, applicants (bargaining unit and non-bargaining unit) who are within 0.4 of the top rated candidate, not to exceed the top five in number, shall comprise the best qualified list for any vacancy. However, if two or more applicants are tied for a final place on the best qualified list, all applicants having the same score shall have their names placed on the list.

22.1~~6~~⁷.2 When ~~a vacancy announcement covers~~ more than one position is expected to be filled, one additional name shall be added to the best qualified list- subject to the requirements of

22.6.1.13, for each additional vacancy. The size of the best qualified list will be based on the number of positions expected to be filled at the conclusion of the rating process. However, if two or more applicants are tied for a final place on the best qualified list, all applicants having the same score shall have their names placed on the list.

22.167.3 The applicants' names shall be given to the selecting official in alphabetical order. The application materials of the referred applicants will be sent with the selection certificate. If the posting was for more than one grade, separate lists will be issued for each grade on the selection certificate. If there are three or fewer competitive eligible candidates for a vacancy at a particular advertised grade level, all of those candidates will be referred to the selecting official in alphabetical order. In addition, qualified non-competitive eligibles will be referred to the selecting official in alphabetical order on a non-competitive referral list or as a separate list on a consolidated selection certificate.

22.16.3.1 Eligible employee candidates referred to the selecting official will be given simultaneous consideration with eligible outside candidates. The names of eligible outside candidates will be referred in accordance with the provisions of Management Directive 10.15 (approved 1/29/96) and related Yellow Announcements. Except as required by law, any outside candidates referred to the selecting official must be at least as well qualified (in terms of qualifications category rating) as the bargaining unit applicants on the best qualified list; however, when outside candidates are not rated, eligible employee candidates will be given first consideration by the selecting official prior to receiving and considering the list of unrated eligible outside candidates. When requesting the list of unrated eligible outside candidates, the selecting official will describe, in writing, the consideration given to eligible employee candidates. An alleged failure to provide first consideration to an employee under this provision will be subject to the negotiated grievance procedure under Article 51.

22.16.3.2 Any list of eligible employee or outside candidates provided to the selecting official will include documentation of the date provided.

22.167.4 This best-qualified list may be used for a period of 90 days from the date certified for additional identical positions within the same office or region.

22.167.5 If the Certification Record (CERT) is re-used within a 90-day period without reposting for the same position, additional names may be added to the best qualified list in the event of separations, declinations, or selections which change the number of available BQL applicants. The re-used CERT will be re-signed in the event of any changes to the BQL applicants on the CERT. The BQL will be reestablished per this section.

22.167.6 If the selecting official believes that a reposting is necessary due to an insufficient number of candidates referred, the selecting official must review the application package(s) of those candidates referred before ordering the reposting.

22.17 Interviews During the Selection Process

If a selecting official wishes to conduct interviews, all employees on the selection certificate must be interviewed by that selecting official. If interviews are conducted, all candidates who are interviewed should be asked similar questions. This does not preclude the selecting official from asking questions that are unique to the individual's background and qualifications.

22.18 Effective Date of Promotion

If practicable, an employee who has been selected for a competitive promotion will have his/her promotion become effective no later than one complete pay period following his/her selection or the date when the position is vacated if the selection was made in advance of the position being available. Promotions involving a change of duty station will be made effective on the date the employee permanently reports at the new duty station. Employees who are assigned to a temporary duty station who are selected for a permanent position at that location will be given 30 days to accept the permanent position, and will be informed of the impact of such acceptance on their reimbursement for temporary travel expenses as well as any impact of delaying acceptance.

An employee selected for a competitive reassignment or a voluntary change to lower grade with promotion potential that does not exceed the selectee's current position will normally have the action effective a minimum of two full pay periods following his/her selection. A release may be delayed based on workload consideration if agreed to between the employing and acquiring organizations.

22.19 Explanation of Rating Notification of Unsuccessful Candidates

Applicants who are rated not eligible for the position or who are eligible but not referred on the selection certificate(s) will be notified as such within thirty calendar days from the date the certificate(s) was sent to the selecting official. Employees identified by the NRC as not qualified for a vacancy are entitled to seek an explanation of why they are not qualified and to seek career guidance from HR. Employees may request feedback from rating officials/rating panel chair as to their ratings under a specific vacancy announcement. Such requests should be submitted to the appropriate personnel representative.

Applicants referred on the selection certificate(s) but not selected will be notified within thirty calendar days of the selection being accepted. The notice will indicate that the applicant was in the group from which the selection was made and state the name of the person selected for the position.

22.20 Retroactive Pay

Employees are entitled to retroactive pay in connection with improper personnel actions where specifically provided for in law and regulations.

22.21 Union Access to Vacancy/Promotion File

Upon completion of the selection process, a copy of the complete promotional file will be provided, subject to the requirements of law, to the appropriate Union representative when

requested, pursuant to Article 45, Personnel Records and Access to Information, as part of an investigation into or a grievance concerning the selection process of that particular vacancy.

~~22.22 Candidate Notification~~

~~Employees who applied for positions under the NRCareers vacancy announcement system will be provided appropriate notice of the receipt, adequacy, and status of their applications. In addition, these employees (other than those not qualified or not eligible) will be provided the names of the selectee(s).~~

22.223 Priority Consideration

22.223.1 Priority consideration will be given one time to an employee to redress any error in the rating process which resulted in that employee's name being improperly excluded from the ~~selection certificate best qualified list~~ for consideration by the selecting official where such consideration occurred. Priority consideration may only be granted to employees who seek or accept such redress under the grievance procedure contained in this Agreement. An employee granted priority consideration may indicate positions for which they qualify for which he or she would agree to exercise his/her priority consideration right.

22.223.2 Priority consideration means that the employee whose name was erroneously omitted from the ~~selection certificate best qualified list~~ will have the employee's name placed alone on a promotion certificate for the next appropriate vacancy and submitted to the selecting official prior to posting the vacancy. An appropriate vacancy is one at the same grade level, in the same commuting area of original position, having has comparable promotion opportunity as the position for which the employee did not receive proper consideration, a position for which the employee is qualified, with the same bargaining unit status, and for which the employee agrees to exercise his or her priority consideration right. The employee may, at the employee's option, be considered for a comparable position of lower promotion potential.

22.22.3 Priority consideration holders shall be granted a maximum of 5 calendar days, beginning with the date of notification, to exercise their priority consideration right. Extensions to this 5 day period may be granted, as appropriate. During these 5 days the employee may request a copy of the position description and rating factors (if available). Further, employees may seek information about the position from the selecting official before electing to use their priority consideration.

If a priority consideration holder exercises his/her priority consideration right, the selecting official will be required to interview the priority consideration holder unless extenuating circumstances prevent such an interview. If the employee who has been given priority consideration is not selected, the selecting official will prepare a written justification for the employee.

22.223.43 In the event that more than one employee is entitled to priority consideration for the same vacancy, the employee whose priority consideration rights are senior (the employee

who first received priority consideration rights) will be offered priority consideration first. If the senior priority consideration holder declines to exercise his/her priority consideration rights for a given vacancy, or is not selected for the position, priority consideration will then be offered to the next senior priority consideration holder eligible for the position. In the event that two employees receive priority consideration rights on the same date, the issue of seniority between them will be determined by their respective corrected (final) rating scores with the employee scoring highest being considered senior. In the event that two employees acquire priority consideration rights on the same date with identical rating scores, the seniority issue shall be decided on the basis of NRC service.

| 22.~~223~~.54 The agency will furnish NTEU, upon request, a list of bargaining unit priority consideration holders and the grade and type of position(s) for which priority consideration has been granted.