

New Article 18

Old Article 23

Noncompetitive Career Promotions

23.1 Definition

23.1.1 A noncompetitive career promotion position is defined as a position which may be filled at a grade level below the full performance grade level and which is structured to allow the incumbent to rise to the full performance grade level for the position. ~~by the addition, over a period of time, of grade building duties and assignments.~~ The Ffull performance grade level of any position (journeyman level) is a classification decision to be made by the NRC alone. Initial appointment to such a position must be based on competitive selection procedures and the full performance level must be clearly identified and publicized at the time of competition (normally in the vacancy announcement). Subsequent promotions to the next appropriate higher grade level (in the respective occupation series) up to and including the full performance grade level are excepted from competition. A noncompetitive career promotion is not automatic; no employee is guaranteed such a noncompetitive career promotion. All noncompetitive career promotions will be processed in a fair and equitable manner.

23.1.2 An employee may also receive a noncompetitive promotion through an “accretion of duties.” The Agency will provide the Union notice within 30 calendar days when any employee has received a noncompetitive promotion based on an accretion of duties.

23.2—Promotion Waiting Periods

~~The NRC shall promote any employee to the next higher grade level pursuant to this Article when the requirements in Section 23.3, and the following time in grade requirements are met:~~

<del>Promotion To</del>	<del>Time In Grade Requirement</del>
<del>GG-2 up to GG-5</del>	<del>6 months</del>
<del>GG-6 up to GG-12</del>	<del>12 months</del>
<del>GG-13 up to GG-14</del>	<del>18 months</del>
<del>GG-15</del>	<del>24 months</del>

~~However, the NRC may consider and promote based upon the requirements of Section 23.3, alone. Finally, if the employee has not been promoted within the time in grade periods above, the NRC will comply with Section 23.4.~~

~~If a determination to promote is made, the noncompetitive promotion will be effective at the beginning of the first full pay period after the pay period in which the above time in grade requirement is met. A determination to promote or not to promote is due to the employee no later than the date the above time in grade requirement is met.~~

### 23.3 Basis

Noncompetitive career promotions determinations shall be based on the following factors: a determination as to:

23.3.1 whether, based upon the employee's most recent rating of record and the employee's performance since the date of the appraisal, the employee has demonstrated the ability to perform at the next higher grade level;

23.3.2 whether there is sufficient work to be performed at the next higher grade level;

23.3.3 whether the employee meets the qualifications for the position at the next higher grade; has violated any standard of conduct (including those set forth in 10 CFR Part O); or

23.3.34 whether funds are available to pay the additional personnel expenses incurred as a result of such a promotion; and

23.3.4 completion of the NRC one-year time-in-grade requirement.

### 23.4 Determination Not To Promote

A written explanation of any determination not to promote shall be given to the employee within 10 workdays of the date such determination is made unless the employee requests that such determination not be made in writing. When the employee has not demonstrated the ability to perform at the next higher grade level, the employee may request a counseling discussion as to how to demonstrate such ability. A determination not to promote shall not be referred to in any subsequent appraisal of the employee's performance ~~and the written explanation shall not be used as a basis for or a part of such an appraisal.~~ Incumbents who are not promoted will be reconsidered for promotion at 3 month intervals if they occupy GG-2 through GG-5 positions and at 6 months intervals if they occupy GG-6 through GG-14 positions.

If the Agency believes that an employee's misconduct which resulted in a suspension within the year preceding the eligibility date of a career ladder promotion affects his or her qualifications for the position at the next higher grade level, the notice of proposed disciplinary or adverse action based on such misconduct will notify the employee if the misconduct will result in denial of the employee's next career ladder promotion.

### 23.5 Grievances ~~and Job Evaluation Review~~

An employee may grieve an adverse determination under this Article. Section 23.3.1 and/or 23.3.3. ~~An employee may also grieve an adverse determination under Section 23.3.4, unless the denial was required by a Government-wide regulation or the matter at issue affects the authority of NRC to determine its budget. An employee may request a job evaluation review with respect to an adverse determination under Section 23.3.2. Disputes concerning the full performance grade level of any position are not grievable.~~

### 23.6 Notice of Promotion Potential

| The noncompetitive career promotion potential for newly established bargaining unit positions within the NRC will be identified on the vacancy announcement at the time the position is posted.

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