

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

District Personnel Manual Issuance System

This instruction should be filed behind the divider for Part III of DPM Chapter(s) 8 & 38

DPM Instruction No. 8-55 & 38-14

SUBJECT: Requirements for Competitive and Non-Competitive
Movement of Employees from a Subordinate Agency
to Another Subordinate Agency

Date: May 28, 2008

1. Purpose

The purpose of this instruction is to provide guidance to subordinate agencies on the requirements for the movement of employees from a subordinate agency to another subordinate agency.

More specifically, this instruction explains when competitive procedures are required for the movement of employees from a subordinate agency to another subordinate agency; and when such movement may be accomplished non-competitively.

2. Definitions

- a. The term “*competitive appointment*” means an appointment, including initial (new) appointment, promotion, reassignment, or demotion, that results from open competition after the posting of a vacancy announcement (or requisition).
- b. The term “*non-competitive appointment*” means an appointment to or placement in a position that is not made thru competitive recruitment.
- c. The term “*subordinate agency*” means any agency under the direct administrative control of the Mayor, including but not limited to the agencies listed in that section of the D.C. Official Code.
- d. Except as specified in this instruction, competitive placements are required for most appointments in the Career Service and Management Supervisory Service (MSS). *See D.C. Official Code §§ 1-608.01 (a) and 1-609.53.*

Note: DPM Instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employee under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, §1.3]

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Distribution: Heads of Department and Agencies, HR Advisors, and DPM Subscribers

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3. Requirements for Competitive and Non-Competitive Movement of Employees from a Subordinate Agency to another Subordinate Agency

a. What types of placements from a subordinate agency to another subordinate agency require open competition?

- A promotion to the Career Service or MSS;
- A reassignment or demotion in the Career Service or MSS to a position with more promotion potential than the position the currently held; and
- Selection to a temporary appointment in the Career Service or a term appointment in the Career Service at grade level 13 (or equivalent) or above (except in the case of a person who is eligible for reinstatement).

b. What types of placements within subordinate agencies may be made non-competitively?

- A reassignment in the Career Service or MSS to a position of the same (or equivalent) grade and the same promotion potential;
- Selection to a temporary appointment in the Career Service or a term appointment in the Career Service at grade levels 12 (or equivalent) and below; and
- A demotion (voluntary) in the Career Service or MSS to a position that has no greater promotion potential than the position currently held.

4. Examples

Example 1:

The Department of Consumer and Regulatory Affairs (DCRA) has a vacant Management Analyst CS-343-14 position it would like to offer to Employee A, a Management Analyst, CS-343-14, in the Office of the Inspector General (OIG). Neither position has promotion potential.

Question: Must OIG Employee A compete for the DCRA position, or can he be placed into the position non-competitively?

Answer: Provided that Employee A qualifies for the DCRA position, he may be placed into it non-competitively. The nature of the action is a *Reassignment – Non-Competitive*, and Employee A's salary will remain the same.

Example 2:

Question: Can Employee B, a Supervisory Human Resources Specialist, MS-201-13, in the D.C. Department of Human Resources (DCHR), be promoted non-competitively to a

Supervisory Management Liaison Specialist, MS-301-14 position in the Office of the Chief Technology Officer (OCTO)?

Answer: The action would constitute a *Promotion* and, for that reason, Employee B cannot be placed into the position non-competitively. The OCTO must advertise the position, and Employee B would have to apply for the position along with other interested individuals.

If selected for the position, Employee B's salary would be set in accordance with the provisions for open range salary schedules contained in DPM Instruction No. 11B-56, *Setting-Pay Provisions for Positions Paid under Open Range Salary Schedules*, dated May 23, 2007.

Example 3:

The DCRA has a vacant Investigator CS-1811-11 position it would like to offer to Employee C, an Investigator, CS-1811-12, in the Department of Housing and Community Development (DHCD). Employee C is willing to accept the lower grade position. The DCRA position has promotion potential to a grade 12.

Question: Can DHCD Employee C be placed into the DCRA position non-competitively?

Answer: Yes, provided that Employee C qualifies for the Investigator position in the DCRA, she may be placed into the position non-competitively. The DCRA position has no greater promotion potential than the position currently held, and Employee C is voluntarily accepting the *demotion* action.

The demotion action is voluntary, not influenced by a management action. Thus, the retained rate compensation rules do not apply. The DCRA may pay the employee at any rate of the new (lower) grade that does not exceed her highest previous rate; or if the employee's highest previous rate falls between 2 rates of the new (lower grade), the agency may pay the employee at the higher rate.

Example 4:

The Department of Human Services (DHS) has a vacant Management Liaison Specialist CS-301-11 position it would like to offer to DCHR Employee D, a Human Resources Specialist (Recruitment), CS-201-9.

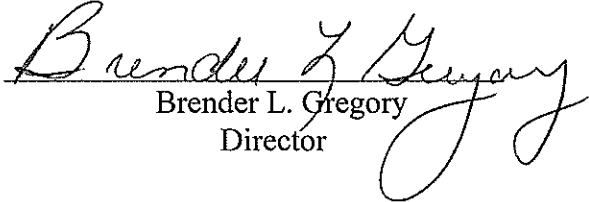
Question: Must DCHR Employee D compete for the DHS position, or can she be placed into the position non-competitively?

Answer: The action would constitute a *Promotion* and, for that reason, DCHR Employee D cannot be placed into the position non-competitively. The DHS must advertise the position, and Employee D would have to apply for the position along with other interested individuals.

If selected for the position, Employee D's salary will be set based in accordance with the promotion provisions of section 1130.2 (a) of Chapter 11 of the D.C. personnel regulations, Classification and Compensation.

5. References

- Sections 829, 830, and 836 of Chapter 8 of the regulations, Career Service.
- Sections 3807 and 3808 of Chapter 38 of the regulations, Management Supervisory Service.
- Sections 1130 and 1141 of Chapter 11 of the regulations, Classification and Compensation.


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