



DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
121 BLAKE ROAD
ANNAPOLIS MARYLAND 21402-1300

USNAINST 12213.1
24/HRD
22 MAR 2013

USNA INSTRUCTION 12213.1

From: Superintendent, United States Naval Academy

Subj: EXCEPTED SERVICE HIRING OF FACULTY AND INSTRUCTORS

Ref: (a) SECNAVINST 12534.1C
(b) 10 USC 6952
(c) 5 USC 5102 (c) 10
(d) DoDI 1402.6
(e) SECNAVINST 12300.9
(f) Navy Civilian Human Resources Manual, Subchapter 331.1
(g) DoD Financial Management Regulation, Volume 10, Chapter 12

Encl: (1) Instructional Appointment Renewal/Non-Renewal/Modification Worksheet
(2) Certification of Adherence to Merit Systems Principles

1. Purpose. To issue policy and procedures for employing professors, lecturers, instructors, and other positions which are excepted from the competitive service under references (a) through (d).

2. Background

a. The Naval Academy has the delegated authority to appoint civilians into the excepted service. Per reference (e), these positions, though excepted from competitive career-service hiring procedures, must underscore the Department of the Navy's commitment and adherence to merit systems principles, veteran's preference, and equality of opportunity principles. As an undergraduate institution dedicated to the moral, mental, and physical development of Midshipmen, and Midshipmen candidates at the Naval Academy Preparatory School, the Naval Academy will employ instructional and management faculty to ensure a highly-skilled, mission focused workforce.

b. Reference (b) authorizes hiring the following civilian employee categories:

(1) Instructional Faculty. This category is defined as instructors, lecturers, professors, distinguished military professors, and administrative faculty who support the academic program. This includes faculty in the Cost Center of the Academic Dean and Provost; physical education faculty; Stockdale Center faculty; Division of Leadership and Education Development faculty; Division of Professional Development faculty; Naval Academy Preparatory School faculty; and other instructional positions required by the Superintendent.

(2) Management and Governance Faculty. This category is defined as Naval Academy senior civilian leadership positions, typically at the Cost Center Head level, equivalent to the Vice President/Executive/Dean level at a civilian college or university or those administrative faculty positions with primary duties which influence the strategic course of the institution. Because the United States Naval Academy is defined as a multi-mission military educational installation, a small subset of leadership positions may be filled via the excepted-service search process in order to place high-caliber civilian leaders in senior civilian positions. Prior to

appointment, all senior civilian leaders should possess comprehensive knowledge of both higher education and Department of Defense policy and regulations. The Human Resources Office shall maintain an approved list of Management and Governance Faculty which will be reviewed by the Superintendent at the start of each academic year. The Superintendent retains exclusive authority to make selections for Management and Governance Faculty positions.

3. Policy

a. All excepted service appointments for terms of greater than one year will be filled through a search process which is appropriate for the discipline/profession, to include advertisement of the vacancy per reference (f). All vacancies must be announced on the USNA employment website, with the exception of short-term adjunct hires which may be necessary to meet immediate program requirements. Vacancy announcements shall also be posted in professional publications (either in print or online, as appropriate) and on higher-education websites to attract premier talent. For all Instructional Faculty, the Academic Dean and Provost's office is responsible for retention of supporting documents for advertising services in accordance with reference (g). Excluding tenure-track faculty, the authority to offer an appointment for all Instructional Faculty is delegated to the Academic Dean and Provost. The Superintendent retains exclusive authority to offer time-limited, renewable appointments for Management and Governance faculty positions and to offer appointments to all tenure-track Instructional Faculty.

b. Initial appointments for faculty positions will normally not exceed 3 years, with the exception of some administrative faculty positions which may be appointed for up to 4 years. Appointments are renewable based on the needs of the Naval Academy, funding, and performance of the incumbent. Excepted service appointments will not confer competitive status. For tenure-track faculty, upon the awarding of tenure, such appointments under 10 USC 6952 shall use tenure code 3 "indefinite" on Block 24 of personnel actions, and the achievement of academic tenure shall be noted in the remarks section of a personnel action along with the removal of a not-to-exceed date.

c. Enclosure (1), or its equivalent in the form of an official letter of reappointment, shall be used to renew, non-renew, or modify appointments. Faculty shall be notified of this pending action approximately six months prior to the Not-to-Exceed (NTE) date of the existing appointment whenever possible, with the exception of the tenure-track faculty where notification will be given approximately 12 months prior to the NTE date of the existing appointment.

d. Although time-limited appointments may be terminated at any time based on federal regulations governing such appointments, the Naval Academy normally will honor the terms of faculty contracts as long as performance and conduct are satisfactory.

4. Action.

a. Depending on whether the hiring is for an Instructional Faculty or Management and Governance Faculty position, the following processes shall be followed.

(1) Instructional Faculty. The Academic Dean and Provost, in collaboration with the Human Resources Office, will provide search procedures to be used for filling all Instructional Faculty positions. Those procedures will be published on the HR website; compliant with Merit Systems Principles and typical of those used for highly-competitive academic positions at a premier undergraduate institution. With collaborative assistance from the Human Resources Office throughout the hiring process, the Academic Dean and Provost will coordinate Instructional Faculty searches, and upon conclusion of a search, extend offers of employment. Tenure-track faculty offers will be extended by the Superintendent. The Academic Dean and Provost, in collaboration with the Human Resources Office, will establish procedures to determine initial compensation, to adjust compensation, and to reward the performance of all Instructional Faculty. All compensation offers and adjustments must be market-based and fiscally responsible.

(2) Management and Governance Faculty. Management and Governance Faculty searches will be coordinated by the Human Resources Director (HRD). If the position is not already on an approved list of Management and Governance Faculty positions, prior to initiating such a search, the HRD will lead an Appointment Review Board to assess the applicability of AD hiring authority to the position. The review will be conducted by a board consisting of the HRD, General Counsel, DepFinance, AcDean, Chief of Staff and the Cost Center Head to whom the position would report. This board will make a recommendation to the Superintendent as to application of Administratively Determined (AD) hiring authority. If approved, the HRD will proceed with the search process. Ultimate offers resulting from this process will be extended by the Superintendent. All compensation offers and adjustments must be market-based and fiscally responsible.

b. Enclosure (2), Certification of Merit Systems Principles, must be completed before an offer of employment is extended for any appointment with a term of greater than one year. All offers of employment shall inform the candidate that instructional excepted service positions are not normally offered premium pay or compensatory time off per reference (b). All instructional positions shall be placed on the AD pay plan.

c. The Academic Dean and Provost may modify appointments for Instructional Faculty when:

(1) significant duties are added or removed from the position; and

(2) a salary adjustment is recommended by the Superintendent, Cost Center Head, or designee.

5. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per SECNAV Manual 5210.1 of November 2007.



M. H. MILLER

Distribution:
Electronic Posting, HR Website

Renewal/Non-Renewal/Modification Worksheet for Instructional Appointments

Position Title:

Incumbent:

Current AD Grade/Step/Salary:

Expiration Date of Current Appointment:

Type of Funding/Amount of Funding (Appropriations, Gift, Reimbursable):

Work Schedule (FT, PT, Seasonal, Intermittent):

Discuss whether renewal, non-renewal, or modification of the appointment is in the interest of the Naval Academy. Discuss available funding:

Action (check one):

Notify incumbent of non-renewal, eliminate position

Notify incumbent of non-renewal, begin new search

Renew appointment at current Grade/Step/Salary of _____ for a term of _____

Renew/modify appointment at *higher* Grade/Step/Salary of _____ for a term of _____

Renew/modify appointment at *lower* Grade/Step/Salary of _____ for a term of _____

Approving/Appointing Official
(Superintendent or Academic Dean and Provost)

Date