



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Friday, July 18, 2003

MEMORANDUM FOR: Human Resources Directors

FROM: Leah M. Meisel, Deputy Associate Director For Talent and Capacity Policy

Subject: Changes to the Delegated Examining Operations Handbook, dated April 2003

This is to notify you of major changes in the Delegated Examining Operations Handbook (DEOH) dated April 2003. The revised DEOH reflects the increase in your delegated examining authority and flexibility by removing controls or prohibitions not specifically required by law or regulation. In this memorandum, the major changes to the DEOH are listed first, followed by other significant revisions that are a result of various updated policies and practices. The final portion of this memorandum highlights the name changes of certain program offices within the Office of Personnel Management (OPM) which were brought about OPM's recent reorganization. For ease of reference, the memorandum also reflects the ensuing changes in approval authorities within the new OPM structure.

Major Changes

- **Direct-Hire Authority (Chapter 2, Section A, "Reviewing Hiring Flexibilities")**
Section 1312 of the Homeland Security Act of 2002 (codified at 5 U.S.C. § 3304) provides you with the authority to appoint candidates directly to jobs for which OPM determines there is a severe shortage of candidates or a critical hiring need. OPM's regulations implementing this authority can be found at 5 CFR Part 332. This Chapter explains the procedures for requesting permission from OPM to use direct-hire authority and, if such authority is granted.
- **Public Notice (Chapter 3, Section B, "What is Public Notice?")**
We removed the 5-day minimum public notice requirement from the Handbook because there is no statutory or regulatory basis. Agencies are authorized to determine adequate open periods for their vacancies.
- **Application Receipt Policy (Chapter 3, Section B, "What is Public Notice?")**
Each agency may now establish its own policy and procedures for accepting and processing applications from all applicants, including status applicants. In developing these policies and procedures, you must comply with all applicable laws and regulations including the following:

- Merit system principles of public notice and open competition (5 U.S.C. § 2301);
 - Merit system principles of efficiency and effectiveness (5 U.S.C. § 2301);
 - Rights of preference eligibles (5 U.S.C. § 2108);
 - Rights of surplus or displaced employees (5 CFR Part 330); and
 - Legal and regulatory requirements, such as those concerning noncompetitive appointing authority (5 CFR Part 315).
- **Accepting Late Applications (Chapter 4, Section A, "Accepting Applications")**
We removed the requirement to accept late applications from recently discharged veterans from the DEOH. There is no statutory or regulatory basis. However, you must still accept late applications from other categories of persons who are entitled to apply after the closing date, such as 10-point preference eligibles. You can find a complete description of these categories in Chapter 4.
 - **Proof of Disability Eligibility (Chapter 4, Section A, "Accepting Applications")**
In partnership with the Department of Veterans Affairs (DVA), we revised the requirement that a 10-point preference eligible must submit a letter from the DVA as proof of disability dated within 1-year of filing an application. You can now accept DVA letters certifying permanent disability dated 1991 or later. DVA letters certifying temporary disability should be dated within 12 months of the date of application.
 - **Alternative Rating and Selection Procedures, Category Rating (Chapter 5, Section B, "Rating the Applicants")**
The Homeland Security Act of 2002 (codified at 5 U.S.C. § 3319) authorizes you to develop a category rating method as an alternative process to assess applicants for jobs filled through competitive examining. These rating and selection procedures are regulated at 5 CFR Part 337 and are further described in Chapter 5.
 - **Time Limits in the Examining Process**
We removed all time limits in examining (except for the 30 percent compensable service-connected disabled veteran's right to respond within 15 days from the date of notification that you are submitting a pass over request to OPM). These time limits were not based on law or regulation. The following time limits were removed:
 - Requirement to make selections from a certificate within 10 business days of issuance;
 - Requirement to readvertise for Career Transition Assistance Program/Interagency Career Transition Assistance Program 90 days after issuance of the certificate when a selection has not been made; and
 - Requirement to appoint within 30 days of selection from a certificate.
 - **Records Retention and Disposition Schedule (Appendix C)**
We changed the Records Retention and Disposition Schedule to reflect the amount of time you are required to maintain examining materials before destroying the records. You are required to maintain your records for at least three years.

- **Introduction** - The new Introduction describes the Purpose, Audience, Materials Needed, How the Handbook is Organized, and OPM's Pledge to Applicants. To help understand the examining process and how the Handbook is organized, a "Competitive Examining Process Flow Chart" outlining the major steps of the examining process is provided.
- **Chapter 1, OPM and Agency Responsibilities** - We made the following revisions to the Interagency Delegated Examining Agreement of October 2000. These revisions are described in various parts of the Handbook:
 - Deleted the statement "Any authority delegated under this agreement can not be contracted out to private or commercial enterprises," and made corresponding changes in other sections of the agreement that specify how agencies must carry out delegated examining work; and
 - Added specific authority for agencies, at their option, to administer court-approved examinations (developed by OPM) for positions covered by the Luevano Consent Decree, using instruments approved under that Decree.
- **Chapter 2, Identifying the Job and its Assessments** - We added the following information to Section A - Reviewing Hiring Flexibilities:
 - Added the Luevano Reporting Requirements - Agencies are currently submitting these reports to OPM on an annual basis; and
 - Added the procedures to request the Administrative Careers With America (ACWA) examining instruments. Agencies who wish to administer the ACWA examining instruments must follow these procedures to obtain copies of the assessment instruments.
- **Chapter 3, Recruit and Announce the Job** - The revisions are:
 - Identified the differences and importance of recruitment and public notice (Section A - Recruitment); and
 - Clarified the importance of developing an accurate description of the position through a job announcement (Section C - Create a Job Announcement).
- **Chapter 4, Accept and Review Applications** - The revisions are:
 - Removed the District of Columbia's Department of Corrections displaced employee program from the list of Career Transition Assistance Program (CTAP) and Interagency Career Transition Assistance Program (ICTAP). This program expired on December 31, 2002 (Section B - Reviewing Applications); and
 - Described the difference between determining an applicant's suitability and determining their qualifications. Suitability determinations were delegated to agencies in March 2001 (Section B - Reviewing Applications).
- **Chapter 6, Certifying Eligibles** - The revisions are:

- Clarified the definition of an interdisciplinary position (Section A - Criteria Outlined in the Job Announcement); and
- Clarified the use of dual certification (Section A - Criteria Outlined in the Job Announcement).

The following Appendices were changed:

- Appendix A - Sample Interagency Delegated Examining Agreement
 - Updated the Interagency Delegated Examining Agreement.
- Appendix B - Vendor Criteria List
 - Outlines criteria an agency should consider when choosing a contractor.
- Appendix C - Records Retention and Disposition Schedule
 - Changed the length of time delegated examining offices must retain examining records and materials.
- Appendix D - Positions Covered Under the Luevano Consent Decree
 - Updated the list to include the reclassification of the following occupations:
 - GS-201, Human Resource Management;
 - GS-901, General Legal and Kindred Administration;
 - GS-1101, General Business; and
 - GS-2210, Information Technology Management
- Appendix E - Handbook for Agency Test Administrators and Test Control Officers
 - Updated the information in the Handbook for Agency Test Administrators and Test Control Officers to include responsibility for test material, administering the test, test security procedures and the test security agreement.
- Appendix I, CTAP/ICTAP Charts
 - Placed the CTAP and ICTAP charts from the October 1999 Handbook into a separate appendix.
- Appendix N - Oversight Review Guide
 - Deleted the Delegated Examining Checklists from the October 1999 Handbook.

Following are the revisions due to the changes in OPM's organizational structure:

- Organizational Name Change.
The following name changes were made throughout the DEOH.

Old Name	New Name
Employment Service (ES)	Strategic Human Resources Policy Division (SHRP)
OPMServiceCenter	Human Resources Products and Services Division, Services Branch (HRPS)
Office of Merit System Oversight and Effectiveness (OMSOE)	Human Capital Leadership and Merit System Accountability Division (HCLMSA)

- Transfer of Approving Authority.
OPM's Human Capital Leadership and Merit System Accountability Division (HCLMSA) and Strategic Human Resources Policy Division have the authority to grant or deny the following requests:
 - Extension of term appointment beyond the four-year time limit (Chapter 2, Section A, Reviewing Hiring Flexibilities) - You must submit a written request to the OPM Human Capital Officer for your agency explaining the reasons an extension is needed, and the additional time required. Reference 5 CFR part 316, subpart C - Term Employment.
 - Extension of a temporary limited appointment (Chapter 2, Section A, Reviewing Hiring Flexibilities) - You must submit a written request to the OPM Human Capital Officer for your agency identifying the exceptions due to a major reorganization, base closing, or other unusual circumstances that require an extension of the temporary appointment. Reference 5 CFR part 316, subpart D, Temporary Limited Employment.
 - Positions restricted to one gender (Chapter 6, Section A, Criteria Outlined in the Job Announcement) - You must obtain OPM's approval prior to applying "one gender" as a selective placement factor. You must submit a written request to the OPM Human Capital Officer for your agency stating the reasons for restricting to one gender in the position. Reference 5 CFR part 332, subpart D - Consideration for Appointment.
 - Passover of preference eligibles (Chapter 6, Section D, Object to an Eligible) -

OPM retains exclusive authority to:

- Make medical qualification determinations pertaining to preference eligibles. You must submit your pass over request with supporting documentation to OPM's Strategic Human Resources Policy Division; and
- Grant or deny an agency's pass over request of a preference eligible with a compensable service-connected disability of 30 percent or more. You must submit a SF-62, Agency Request to Pass Over a Preference Eligible or Object to an Eligible along with supporting documentation explaining the reasons for passing over the preference eligible to the OPM Human Capital Officer for your agency (5 U.S.C. § 3318 (b)(2)).

We are pleased to provide you with this update that includes additional flexibilities. If you have any questions or need more information, please contact Suzy Barker, Manager for Recruiting, Examining and Assessment Group, at (202) 606-2226 or smbarker@opm.gov.