



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Monday, December 1, 2008

MEMORANDUM FOR: OPM Adjudication of Psychiatric/Psychological Objections

FROM: Nancy H. Kichak, Associate Director, SHRP

Subject: OPM Adjudication of Psychiatric/Psychological Objections

This memorandum forwards guidance to assist agencies in better understanding the role of the U.S. Office of Personnel Management (OPM) in the adjudication of psychiatric and psychological objections and to clarify the procedures and guidance used in evaluating these types of cases. Please disseminate to your respective human resource and occupational medical, safety and health personnel Nationwide. This guidance is also readily available at opm.gov/StaffingPortal/MedicalPage.asp.

OPM has received numerous requests from agencies objecting to preference eligible candidates based on medical reasons involving psychological and qualification related assessments that have no medical basis. Medical objections based on mental health issues should be supported by a clinical diagnosis made by either a PhD clinical psychologist or by a physician that is a board certified specialist in psychiatry. Psychological functioning test results with no clinical (medical) evidence leading to the diagnosis of a mental disorder or impairment are not a basis for a medical disqualification. For example, job compatibility, psychological, or personality assessments that are only designed to measure personal traits (e.g., integrity, bias, temperament, or attitude) are non-medical in nature.

OPM is required to adjudicate any disqualification, non-selection, or pass over of a veterans' preference eligible applicant for medical reasons before the position is filled. Generally, the OPM "right of review" is limited to competitive service positions (5 U.S.C. 3312 and 3318; 5 CFR 339 *Medical Qualifications Determinations*).

Requests to disqualify, non-select, or pass over of a preference eligible for medical reasons (i.e. vision or hearing deficit; lifting or bending restrictions) must be submitted to:

U.S. Office of Personnel Management, Strategic Human Resources Policy, Center for Talent and Capacity Policy, 1900 E Street, N.W., Room 6500, Washington, DC 20415-9500

As a reminder, Federal agencies are prohibited from conducting medical examinations and disability-related inquiries prior to a conditional offer of employment. They can be conducted during the “post-offer” period, if all applicants for a specific job category are subject to the same examinations and/or inquiries. The decision not to hire an applicant for medical (psychiatric/psychological) reasons or for a failure to meet medical/functional requirements must be based on the inability of the applicant or employee to meet the performance requirements of the job. It is not sufficient to cite the mere existence of a medical condition.

Requests to disqualify, non-select, or pass over a preference eligible for non-medical qualification issues (i.e. psychological and personality testing) must be submitted to:

U.S. Office of Personnel Management, Human Capital Leadership and Merit System
Accountability Division, 1900 E Street, N.W., Room 7425, Washington, DC 20415-9500

For clarification on any of these issues, please contact J.C. Phillip Spottswood, JD, MPH, on (202) 606-1389, or email at Phil.Spottswood@opm.gov, or Susan Spannbauer, (202) 606-0292, or email at Susan.Spannbauer@opm.gov.

Attachment 1

Attachment 2

Attachment 3

Attachment 4