

PRESIDENTIAL MANAGEMENT FELLOWS (PMF) PROGRAM VETERANS' PREFERENCE PROCEDURES FOR AGENCIES

- 5 CFR 302 – Employment in the Excepted Service:
 - §302.201 – Persons entitled to veteran preference
 - §302.302 – Examination of applicants
 - §302.304 – Order of consideration
 - §302.401 – Selection and appointment

- 5 CFR 362 – Presidential Management Fellows Program:
 - §362.202 – Announcement, nomination, and selection

Agency PMF Coordinators, agency representatives, agency human resource professionals, and agency hiring officials must understand and comply with the rules and regulations governing veterans' preference.

To be entitled to preference, a veteran must meet the eligibility requirements in section 2108 of title 5, United States Code. For more information on the types of veterans' preference and their application in Federal employment, refer to the U.S. Office of Personnel Management's (OPM) VetGuide at www.opm.gov/veterans/html/vetguide.asp, or the U.S. Department of Labor's online Veterans' Preference Advisor, at <http://www.dol.gov/elaws/vetspref.htm>.

OPM adjudicates Finalists who claim veterans' preference, based on the documentation submitted by the applicant at the time of application. These documents may include the DD-214 (Certificate of Release or Discharge from Active Duty), the SF-15 (Application for a 10-point Veteran Preference), and/or a certification letter from the U.S. Department of Veterans Affairs. Five or ten points are added, as adjudicated, to the scores of those candidates entitled to preference.

Veterans' Preference in the Assessment Process

Preference eligibles receive three-tiered consideration during the PMF process. The first tier occurs during the nomination process. The second tier occurs during the OPM application review and rating process, and the third tier occurs during the agency appointment process. Veterans' preference is applied in assessment in accordance with sections 302.201, 302.302, and 302.304 of part 302 of title 5, Code of Federal Regulations.

During the applicant's nomination process, colleges and universities must establish a competitive nomination process to ensure that all interested applicants who meet the established criteria receive careful and thorough review, and equal opportunity for nomination. Schools must nominate all students eligible for veterans' preference who apply for nomination and are found qualified. For more information, see *Guidance for Colleges and Universities* on the PMF website at www.pmf.opm.gov.

During the OPM application review and rating process, OPM rates and ranks PMF candidates. OPM adjudicates veterans' preference based on the supporting documentation supplied by the PMF candidate. Candidates are then invited to an in-person assessment center. Candidates who participate in an assessment center will complete an objectively-scored assessment that focuses on analytical problem solving, written communication, and selected OPM leadership competencies. Five or ten points are added to the scores of those candidates entitled to veterans' preference. Candidates are ranked according to their assessment score with adjudicated veterans preference

points applied. Compensably disabled preference eligibles go to the top of the list.

From this list OPM designates candidates to become Finalists. OPM posts the Finalists' names and online resumes on the PMF website for agencies interested in hiring Fellows. The Finalists list is in alphabetical (unranked order). Registered agency users may access a list of adjudicated Finalists on the PMF website. The list will indicate the veterans' preference category for those Finalists who were adjudicated with veterans' preference. The veterans' preference categories are as follows:

- **CPS:** 10-point compensable preference based on a service-connected disability of 30% or more
- **CP:** 10-point compensable preference based on a service-connected disability of 10% or more, but less than 30%
- **XP:** 10-point (other) preference; granted to recipients of the Purple Heart, persons with a non-compensable service-connected disability (less than 10%), widow/widower or mother of a deceased veteran, or spouse or mother of a disabled veteran
- **TP:** 5-point preference

Veterans' Preference in Agency Hiring Decisions

During the agency appointment process, agencies are required to select from the highest available preference category if at least three candidates remain in that group. The only way a preference eligible may be removed from consideration is if the appointing agency can demonstrate that the preference eligible does not qualify for the vacancy. See also *Qualifications Requirements* in the PMF Guide for Agencies at <https://www.pmf.opm.gov/Documents/GuideForAgencies.PDF>. When fewer than three candidates remain in the highest category, consideration may be expanded to include the next category. Under this method, first consideration is to preference eligibles having a service-connected disability of 10% or more. Second consideration is to other 10-point preference eligibles, and third consideration is to 5-point preference eligibles. Last consideration is to non-preference eligibles.

If a Finalist is a preference eligible and he/she expresses an interest in working for an agency, that agency must apply sections 302.304 and 302.401 of title 5, Code of Federal Regulations, when selecting and appointing candidates. For purposes of this program, "expresses an interest" means that he/she has initiated contact with the agency in person or by other direct communication and asked for consideration for appointment to a specific position. This contact may include dropping off a copy of the Finalist's resume at the annual PMF job fair, sending it by mail/e-mail, or delivering it in person at any agency office that is considering appointing a Finalist.* It may also include sending a letter to the agency asking for consideration. This does not mean an agency has to contact each preference eligible on the Finalist list before offering a job to a non-preference eligible.

* **NOTE:** Agencies may also conduct an online search of preference eligibles from the PMF website.

Once a job offer is extended, accepted, and an Entry on Duty (EOD) start date established, that specific applicant pool is closed. Preference eligibles who request consideration after a job offer is extended and accepted will become part of a new applicant pool that will be established if/when a new position become available.

Agencies who hire Fellows usually send hiring officials from their various agency components to the annual PMF job fair. At the same time, Finalists may initiate contact with agencies. Each applicant pool is individual. That is, it consists of whomever the agency contacts or whoever contacts the agency about obtaining a position. Because hiring officials from various agency components hire Fellows, applicant pools may remain individual down to the lowest organizational level, or even down to the position level.

It is important to note that when examining and selecting for PMF excepted service positions, agencies are to apply veterans' preference in accordance with sections 302.304 and 302.401 of title 5, Code of Federal Regulations.

Passing Over a Preference Eligible Veteran

If the agency decides not to hire the preference eligible veteran it contacted or the preference eligible who expressed interest in a particular position, then the agency must prepare a written justification as to why the preference eligible did not meet the criteria for the position. Decisions must be qualifications driven. The written justification accomplishes two objectives. A preference eligible is entitled, upon request, to obtain a copy of the reasons he or she was passed over in favor of a non-preference eligible. The written justification is intended to satisfy that obligation and thus should be written with the expectation that the individual that was passed over may request to review it. Additionally, if OPM officials audit agency PMF processes, the written justification serves as documentation that preference eligibles who were part of the agency applicant pool received proper consideration.

A CPS preference eligible is entitled to advance notice of a proposed passover and has the right to respond to the appointing official's reasons for passover. The preference eligible is to submit a response within 15 days of the notification. The appointing official must make a decision after considering any response submitted by the preference eligible and notify the veteran of the decision in writing.

The Presidential Management Fellows regulations clarify that the provisions of part 302 of title 5, Code of Federal Regulations, regarding Employment in the Excepted Service, apply to the selection of Fellows. OPM confirms its commitment to protect the rights of preference eligibles in the excepted and competitive service and has delegated responsibility for the passover of CPS preference eligibles to agency appointing officials consistent with existing procedures for other excepted service appointments.

If you have further questions please contact the PMF Program Office at (202) 606-1040 or email us at pmf@opm.gov. You may also want to review additional agency guidance found under the PMF website's "Program Policy" webpage and within the PMF Guide for Agencies at <https://www.pmf.opm.gov/ProgramPolicy.aspx>.