

Title: Delegated Examining Internal Operating Plan

Approved by: Armando Falcon, Jr. Date: 2/25/2002

**1.0 Purpose.** The Delegated Examining Internal Operating Plan establishes the policy and procedures for filling non-competitive service positions with competition at the Office of Federal Housing Enterprise Oversight (OFHEO).

**2.0 Authorities and References.**

- a. Office of Personnel Management (OPM), Delegated Examining Operations Handbook.
- b. 5 C.F.R., Part 211, Veterans Preference.
- c. 5 C.F.R., Part 300, Employment (general).
- d. 5 C.F.R., Part 332, Recruitment and Selection through Competitive Examination.
- e. 5 C.F.R., Part 337, Examining System.
- f. Interagency Agreement Number (OFHEO-1) between OPM and OFHEO.
- g. OFHEO Guideline No. 203, Salary Administration.
- h. OFHEO Guideline No. 205. Affirmative Employment Program.

**3.0 Policy.** It is OFHEO's policy to:

- a. Ensure that delegated examining is conducted in accordance with merit systems laws, regulations, and principles.
- b. Perform non-status competitive examination and certification to include the development of rating guides, evaluation of applicants, and developing non-status Certificates of Eligibles for career and career-conditional positions, including ensuring management's right to select or not to select from non-status Certificates of Eligibles developed under this plan.
- c. Provide adequate public notice of the opportunity to compete for consideration, to select from among the best qualified available candidates on the basis of job-related measures, and to fill job vacancies with candidates from the general

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public and from within the federal workforce. Individuals, who do not have competitive status, as well as federal employees with competitive status, can compete for a permanent appointment under this process.

- d. Provide equal opportunity to all individuals by ensuring that all phases of the non-competitive process – identification, qualification evaluation and selection – and other personnel actions are effected without regard to race, color, gender, religion, national origin, age, disability, sexual orientation, marital status, political or labor organization affiliation, or status as a parent in accordance with federal law and OPM delegated examining authority.

**4.0 Coverage.** This plan covers all requests for appointment of non-status applicants, including permanent appointments and temporary or term appointments lasting beyond 120 days, and which are covered by the delegated examining procedures. The delegated examining unit within OFHEO has the authority to examine for all positions and grade levels.

**5.0 Responsibilities.**

- a. The Manager, Human Resources is responsible for:
  1. Administering this plan, monitoring its technical and regulatory aspects, ensuring that the public and employees are informed of the policies and procedures of the plan, and ensuring that the Human Resources staff responds to inquiries about non-competitive vacancies.
  2. Ensuring that Human Resources staff members are certified and/or re-certified by OPM for the performance of delegated examining work. (Only Human Resources staff certified by OPM are eligible to participate in the delegated examining process).
- b. Selecting Officials are responsible for considering candidates fairly, making selections on a timely basis from among the best-qualified candidates, and assisting the Human Resources staff in the recruitment and placement process.
- c. The Applicant applying for a position under this plan is responsible for reviewing the vacancy announcement and following the application procedures outlined in the non-status vacancy announcement, including addressing rating factors, and submitting applications by the closing date, if applicable. Any

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failure to submit any of the required information contained in the vacancy announcement, may reduce the applicant's final ranking or remove the applicant from consideration for the position.

In order to receive consideration for a vacancy under this plan, applications must be received in the Office of Human Resources no later than the closing date stated on the vacancy announcement, or as otherwise noted. Applications may be hand-delivered, mailed, faxed, or e-mailed. Candidates who mail applications at government expense or who make unauthorized use of government equipment or services to submit applications will not be considered.

#### **6.0 Role of the Delegated Examining Unit (DEU).**

- a. Provide advice and assistance on competitive examining procedures and requirements, and answers general staffing questions posed by managers and applicants.
- b. Ensure that the DEU process is followed, in accordance with merit principles, and that any appointment from a non-status Certificate of Eligibles is defensible, documented, and a legal appointment - one that will sustain an audit by OPM.
- c. Ensure that each step is thoroughly reviewed for compliance, as it occurs, not at the end of the process when an offer is pending.
- d. Abide by the Interagency Career Transition Assistance Plan (ICTAP), which requires an agency to provide selection priority to eligible well-qualified surplus or displaced employees for agency vacancies in the local commuting area. These employees must provide documentation with their application to identify them as an ICTAP eligible.
- e. Abide by the provisions of the Veterans Readjustment Act, which includes Vietnam Era Veterans, Post Vietnam Era Veterans, and Disabled Veterans.

#### **7.0 Delegated Examining Unit process.**

**7.1 Obtaining Approval.** The Manager, Human Resources at the request of an

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Associate Director, Deputy Director, or Director will submit a request to fill a vacant position through the Associate Director, OFA and the Deputy Director, to the Director for approval. The request must provide the following information and documents:

- a. Number of vacancies, position title, grade level, and promotion potential.
- b. Whether full-time, part-time, temporary, term, or permanent.
- c. Whether relocation costs will be paid.
- d. Length of time vacancy will be open.
- e. A position description that has been assigned a grade level by a Human Resources staff member with classification authority.
- f. A job analysis and rating guide.
- g. Preferred names of the rating panel members from the recruiting office.
- h. A written description of any proposed paid advertising.
- i. Desire to use commercial search firm(s).

**7.2 Posting of DEU vacancy announcements.**

- a. After approval by the Director, the Human Resources staff will prepare and distribute a non-status vacancy announcement that meets federal law and DEU requirements. A copy of the vacancy announcement will be posted on OFHEO bulletin boards, the OFHEO Internet website, and OPM's Federal Jobs Information Database. All employees within OFHEO will receive an electronic copy of the vacancy via email.
- b. Vacancy announcements will include the following information:
  - 1) Announcement number.
  - 2) Opening and closing dates.
  - 3) Position title and grade level.

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- 4) A statement of promotion potential to the next higher grade level, if applicable.
  - 5) Duty station.
  - 6) Organizational location of the position.
  - 7) Area of consideration.
  - 8) Brief statement of principal duties.
  - 9) Eligibility and minimum qualification requirements.
  - 10) Quality ranking factors.
  - 11) A statement on the evaluation methods to be used in the rating process, e.g., general qualifications, panel ratings, referral to the selecting official, and provisions for acceptance of applications from ICTAP eligibles, displaced Department of the Defense (DOD) civilian employees, and veterans preference.
  - 12) A statement regarding any required supervisory or managerial probationary period, if applicable.
  - 13) A statement on reasonable accommodation. Applicants must notify the Manager, Human Resources to request reasonable accommodation.
  - 14) Instructions on how to apply.
  - 15) Equal Employment Opportunity statement.
- c. Vacancies under this plan must be open for a minimum of five (5) business days (excluding holidays). Applications must be received by the closing date of the announcement, unless noted otherwise on the vacancy announcement.
  - d. Supervisors are responsible for ensuring that employees, who may be interested in applying for a non-status vacancy, but are absent during the open period, are notified.

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- e. Any paid advertising, which will be in addition to posting the non-status vacancy announcement, will be prepared by the recruiting office and submitted to the Contracting Officer. The advertisement must be placed in publications that will reach a highly qualified, diverse applicant pool.
- f. In using commercial search firms, which is also in addition to posting the non-status vacancy announcement, the Contracting Officer will obtain the commercial search firm services. The Manager, Human Resources will serve as the Contracting Officer's Technical Representative. Search firms can only be used in addition to vacancy announcements at OPM and can refer candidates to the vacancy application procedures. Individuals referred by search firms cannot be interviewed outside of the typical OPM required process, but may apply for any vacancy announcement advertised in accordance with this plan.

### **7.3 Basic eligibility review of applicants.**

- a. The Human Resources staff will determine whether applicants meet citizenship and general competency requirements. Applicants whom do not meet the requirements will be removed from further consideration.
- b. If there are three or fewer non-status applicants who meet the general competency requirements, none of whom are eligible for Veterans' preference, all of them may be referred on a Certificate of Eligibles list to the selecting official for consideration without being rated.

### **7.4 Panel members.**

- a. Panel membership will be at least three panel members and must include one minority or woman. One of the panel members must have knowledge of what it takes to do the work and one must be from an office other than the recruiting office. In the interest of fairness, the Deputy Director will reserve the right to make the final decision on panel membership.
- b. Each panel member will review each application and use the rating guide provided by the Human Resources staff to rate each applicant. Panel members must use the Applicant Rating Form provided by the Human Resources staff to document the consensus rating of the panel for each applicant and provide the completed forms to the Human Resources staff.

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- c. The Human Resources staff will add 70 points for meeting the general competency requirements to the consensus panel rating and add points for Veterans preference, as required by Federal law.

### **7.5 Veterans preference.**

- a. Veterans Preference points will be awarded from one of the categories below as long as the applicant provides proof that they are entitled to veterans preference. The maximum number of points that may be added to a veteran's score is 10 (ten) points. An applicant may receive 5 or 10 points added to their total score, as outlined below.
  - 1) Ten (10) points (compensable preference - CPS) is added to a veteran's score based on a service-connected disability of 30% or more.
  - 2) Ten (10) points (compensable preference - CP) is awarded to a veteran based on a service-connected disability of 10% or more but not more than 30%.
  - 3) Ten (10) points (other preference - XP) is granted to recipients of the Purple Heart, persons with a non-compensable service-connected disability (less than 10%); a widow/widower or mother of a deceased veteran; or spouse or mother of a disabled veteran.
  - 4) Five (5) points (other preference -TP) is awarded to a veteran who served in the Armed Forces and was honorably discharged.
  - 5) No preference is granted to non-veterans (NV).

The groups listed above are reflected in score order. For example, if a veteran from group 1 above (CPS) has the same score as a veteran from group 2 above (CP), the veteran from group 1 will be listed before the veteran from group 2. A CP veteran cannot be selected over a CPS veteran. As well, an XP veteran cannot be selected over a CPS or a CP veteran.

- b. In order to receive points for veterans' preference, all veterans must submit a copy of their Report of Separation from Active Duty (DD-214), documenting that their service was honorable.

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- c. Applicants claiming 10-point preference on the basis of disability must include appropriate documentation from the military service or a letter from the Department of Veterans Affairs, dated within 12 months of application, before 10-point preference can be awarded. When the appropriate documentation for 10-point preference is absent, applicants will be granted 5-points but only if the veteran appears to meet basic veterans' preference requirements and submits the appropriate proof of military service (DD-214). If an applicant claiming 5-point preference does not submit supporting information, the individual will be rated as a non-veteran.

**7.6 Certificate of Eligibles.** The Human Resources staff will provide the selecting official a certificate of eligibles of best-qualified applicants.

- a. The certificate of eligibles will include the names of the top three scoring applicants and their corresponding scores listed in descending order. If the applicants were not rated, as permitted by Section 7.3(b), the certificate of eligibles will include the names of the applicants in alphabetical order.
- b. Eligible 10-point compensably disabled veterans (CPS and CP) float to the top of the certificate, regardless of numerical rating, ahead of all other candidates. If there is more than one CPS/CP eligible, they are listed in score order. All other eligible competitors are listed in score order. A selecting official must select from the three highest-ranking eligibles available for appointment, but may not pass over a preference eligible to select a lower-ranking, non-preference eligible.
- c. The Human Resources staff will advise the selecting official of any priority selection or Veterans' preference considerations required by federal law. If there are none, any of the three listed applicants may be selected.

**7.7 Interviews of non-status applicants.**

- a. The selecting official will determine whether to interview applicants on the certificate of eligibles and who should conduct the interviews. If one applicant on the certificate is interviewed, all applicants on the certificate should be interviewed.



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- b. The interview should consist of questions that are designed to elicit information regarding the competencies of the position and to clarify any questions about the application. The same questions should be asked of each applicant being interviewed.
- c. Travel expenses for applicants being interviewed may be paid with the approval of the Director.

**7.8 Selection not required.** The Selecting Office may return the certificate of eligibles without selection if he or she decides not to fill the vacancy or to alter the requirements of the position.

**7.9 Selection and offer of position.** The Selecting Official will inform the Manager, Human Resources, the Deputy Director, and the Director of the selection. The Selecting Official is required to make appropriate reference checks, or he/she will delegate the reference checking to the hiring manager. Reference checks will consist of questions posed to former supervisors that pertain to the candidate's work performance and conduct (conduct questions generally relate to the candidate's leave usage). The Selecting Official or the Manager, Human Resources will negotiate salary, bonus, relocation expenses, starting date, and resolve any employment issues with the selected applicant **prior** to making the formal offer. The Selecting Official may make a tentative offer. The Manager, Human Resources reserves the right to make all formal offers of employment for the agency.

**7.10 Notification of applicants.** After the formal offer has been accepted, the Human Resources staff will notify all applicants who applied for a vacancy under this plan, in writing, of the results of the competition in accordance with OPM requirements. Inquiries regarding applicant ratings will be referred to the Human Resources staff.

## **8.0 Reconsideration, grievances, and complaints.**

- a. Pursuant to 5 C.F.R. 300.104 and Chapter VI, *Delegated Examining Operations Handbook*, applicants may ask OFHEO for reconsideration with respect to their rating or the rejection of their application in connection with competition under OPM delegated examining authority.

- 1. To request consideration, an application must send a written request to the Manager, Human Resources, within one year of receiving notice of the results of the competition. The request should indicate why the applicant

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believes the rejection of the application or the rating was not proper. The Manager, Human Resources will send a written response giving a full explanation of the reasons for the decision without unduly comprising the rating schedule, within 30 calendar days, if practicable, of the receipt of the request.

2. If the applicant is not satisfied with the written response, he or she may request a review. To request a review, the applicant must send a written request for review to the Associate Director, Office of Finance and Administration. A written decision will be sent to the applicant within 30 calendar days, if practicable, of the receipt of the request for review. The decision of the Associate Director, Office of Finance and Administration, is final.
  3. The address of the Manager, Human Resources, and the Associate Director, Office of Finance and Administration, is: Office of Federal Housing Enterprise Oversight, 1700 G Street, N.W., Washington, D.C. 20552.
- b. Non-selection from among a group of properly ranked applicants on a best-qualified list under this plan is not a basis for a grievance under OFHEO's *Grievance Procedure*.
  - c. Applicants have the right to contact an Equal Employment Opportunity counselor if they believe they were not selected because of their race, color, gender, age, nationality, religion, or disability.
  - d. Applicants have the right to file a complaint with the Office of Special Counsel if they believe they were not selected because of their marital status, political and labor organization affiliation, status as a parent, or sexual orientation.
  - e. Specific instructions for adjudication of veterans preference are contained in *OPM's Federal Employment Policy Handbook: Veterans and the Civil Service (VetGuide)*.

**9.0 Case Files.** The Manager, Human Resources will create, maintain, retain, and release case files related to delegated examining in accordance with the *Delegated Examining Operations Handbook*, federal law, and OPM guidance. Case files created and maintained under this plan are part of the OPM Government-wide systems of records, notice of which is published in the *Federal Register*.

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**10.0 Reports to OPM.** In accordance with OPM requirements, the Human Resources staff will provide quarterly workload reports to OPM by the 15<sup>th</sup> of the month following the end of the quarter, e.g., the report for the 1<sup>st</sup> quarter - January through March – will be due April 15.)