Nov 1, 2012

Approved for Release
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Director for Human Resources Management and
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Date

DEPARTMENT OF COMMERCE
OFFICE OF HUMAN RESOURCES MANAGEMENT

HUMAN RESOURCES (HR) BULLETIN #162, FY13

SUBJECT: Delegated Examining (DE) Operations

EFFECTIVE DATE: Upon release of this HR Bulletin

EXPIRATION DATE: Effective until canceled or superseded

SUPERSEDES: HR Bulletin #070, FY 07, "Changes to Delegated Examining Operations," dated July 20, 2007.

BACKGROUND: Under Title 5, United States Code (U.S.C.) § 1104, the Office of Personnel Management (OPM) delegated to the Department of Commerce (Department) the authority to conduct full delegated examining for Title 5 competitive service positions for all series and grade levels nationwide, except for Administrative Law Judges. (This authority was delegated under Interagency Delegated Examining Agreement, DOC-1.)

The Department does not have authority to use the examining instruments developed by OPM for positions covered by Administrative Careers with America positions.

The memorandum from the Director for Human Resources Management and Deputy Chief Human Capital Officer (Director) dated February 4, 2011, grants all Principal Human Resources Managers (PHRMs) the authority to carry out the Department's Delegated Examining (DE) authority under Interagency Delegated Examining Agreement, DOC-1 (DOC-1). Although the Director may decide which bureau or Servicing Human Resources Office (SHRO) carries out this authority and the extent to which the activity exercises it, the authority itself may not be re-delegated. All individuals involved in DE activities must comply with the requirements described in the current DOC-1 as well as the current installment of the OPM Delegated Examining Operations Handbook (DEOH), "A Guide for Federal Agency Examining Offices." DOC-1 and the DEOH serve as the foundation for the delegated examining unit (DEU) evaluation program in the Department.

PURPOSE: This HR Bulletin provides DE policy and procedural guidance to SHROs and designated staff trained and certified to conduct DE operations authorized under DOC-1.

COVERAGE: The following bureaus and operating units are authorized to conduct DE activities for the Department under DOC-1:

- Department of Commerce Human Resources Operation Center (DOCHROC) Washington, DC
- Bureau of the Census (Census)
  Census Headquarters, Suitland, Maryland
  Census, National Processing Center, Jeffersonville, Indiana
- National Oceanic and Atmospheric Administration (NOAA)
  Workforce Management Office (WFMO), Client Services Division (CSD)
  NOAA WFMO National Capital Region CSD, Silver Spring, Maryland
  NOAA WFMO Eastern Region CSD, Kansas City, Missouri
  NOAA WFMO Western Region CSD, Seattle, Washington
- National Institute of Standards and Technology (NIST), Gaithersburg, MD
- Department of Commerce Office of Inspector General (OIG), Washington, DC
- U.S. Patent and Trademark Office (USPTO), Alexandria, VA

POLICY:

1. OPM DE Certification – All individuals responsible for conducting DE activities, including those conducting the annual audits, must have completed initial OPM DE certification training and be currently certified to perform this work.

2. OPM Online Recertification Training – At a minimum, 90 days before expiration of certification, a request for recertification training should be submitted to the Office of Human Resources Management (OHRM), Office of Accountability (OA), attention DE Program Manager, who will update the Department's accountability system and forward the request to OPM. Do not submit recertification requests directly to OPM. Once OPM receives a request from the OA DE Program Manager, OPM will establish a user account and issue training access and instructions electronically to each employee. Once this information is received, the training should be completed within 14 days. Failure to maintain DE certification can jeopardize a bureau/operating units' authority to conduct DE operations under DOC-1.

3. DEU Updates and Changes – Inform the OHRM OA DE Program Manager when an employee is new to DE operational activities or no longer performs DE activities as a part of his/her official duties. This will allow the OA to keep the DE certification database up-to-date.

   Notify the Director, OHRM, of changes in DE offices, including new DE offices, suspensions, terminations, etc. The OA Director will notify OPM.

4. Employee Conflict of Interest – When an employee, a subject matter expert (SME), an employee's relative, or a member of an employee's household applies for a position that is being handled by the employee's office, the employee/SME may not be involved in examining and certifying applicants for that position. Each SHRO conducting DE

activities under DOC-1 must include in its policy or standard operating procedure (SOP) instructions for employees involved in DE activities, including SMEs who intend to compete for an open announcement or participate in the development of assessment or ranking of candidates under DE. At a minimum, the policy/SOP should state that an employee must provide written notice to the SHRO designee when:

- The employee or SME intends to apply for a position that is being handled by the DE unit/office in which they work, or
- The employee knows that a relative or a member of his or her household intends to apply for such a position.

5. Career Transition Assistance Plan (CTAP) and Interagency Career Transition Assistance Plan (ICTAP) – Ensure that clearances of CTAP and ICTAP procedures are in compliance with the Departmental policy from HR Bulletin #153, FY12 "Career Transition Assistance Plan (CTAP) and Interagency Career Transition Plan (ICTAP) Evaluation and Clearance Process." Retain written documentation to verify that CTAP and ICTAP clearance is conducted consistently and can be reconstructed by a third party.

6. Veterans Preference Adjudication – Apply veterans' preference provisions of Title 5, U.S.C., including, but not limited to:

   a. 5 U.S.C. § 3305 (competitive service; examinations; when held);
   b. 5 U.S.C. § 3309 (preference eligibles; examinations; additional points for);
   c. 5 U.S.C. § 3310 (preference eligibles; examinations; guards; elevator operators; messengers and custodians);
   d. 5 U.S.C. § 3311 (preference eligibles; examinations; crediting experience);
   e. 5 U.S.C. § 3312 (preference eligibles; physical qualifications; waivers);
   f. 5 U.S.C. § 3313 (competitive service; registers of eligibles);
   g. 5 U.S.C. § 3314 (registers; preference eligibles who resigned);
   h. 5 U.S.C. § 3315 (registers; preference eligibles furloughed or separated);
   i. 5 U.S.C. § 3316 (preference eligibles; reinstatement);
   j. 5 U.S.C. § 3317 (competitive service; certification from registers);
   k. 5 U.S.C. § 3318 (competitive service; selection from certificates); and
   l. 5 U.S.C. § 3319 (preference eligibles; ranking under category rating procedures).

7. Non-Competitive Appointment of Certain Military Spouses – Refer to Departmental policy in HR Bulletin #149, FY12 "Non-Competitive Appointment of Certain Military Spouses."

8. Request to Pass Over All Preference Eligibles – All requests to pass over a **less than 30 percent compensable disabled veteran (10-point preference eligible) or** an applicant with derived preference must be submitted to the Director, OHRM, for final approval before the preference eligible can be passed over. Requests to pass over a **30 percent or more compensable disabled veteran** must be submitted to the Director, OHRM, for preliminary approval; if approved, the Director will forward to OPM for final approval. Only after the pass over of the preference eligible has received final approval from OPM may the 30 percent or more compensable disabled veteran be passed over. Please refer to

Departmental policy in HR Bulletin #098, FY09 "Process for Requests to Pass Over All Preference Eligibles for Competitive Service Positions and Excepted Service Positions Covered under Title 5, United States Code (U.S.C.)" for additional guidance.

9. Assessments – must be based on reliable rating criteria that are fully documented by the appropriate job analyses and show a direct link to the competencies required for successful performance of the duties in the position description, NOT the performance plan. Each crediting plan should provide clear qualitative distinctions among the competency levels evaluated. In order to promote open and fair competition, please avoid restrictive certification requirements. (For example avoid requiring experience using Federal Government specific software, databases, equipment; and, requiring work experience which can be gained only within the Federal Government).

10. Acceptance of Applications – 30 percent or more compensable veterans may file an application for a vacancy after the closing date of the announcement, up to the issuance of the applicant referral certificate. All other applicants must apply in accordance with the vacancy announcement specifications.

    a. It is the policy of the Department to employ only U.S. citizens or persons owing permanent allegiance to the U.S. (For example natives of American Samoa and Swains Island), except when qualified citizens are not available or when the services of a particular non-citizen are desired for a brief period because of his or her unusual qualifications or background. A non-citizen may only be employed after he or she has been determined not to be a risk to the Department, and only after the Department's Office of Security (OSY) has conducted a risk assessment. A request to employ a non-citizen must be submitted to the Director, OHRM, for approval. Once approved by the Director, the request must be vetted and approved by the OSY. Please refer to Departmental policy for additional guidance.

11. Pathways Programs – SHROs must follow current Departmental guidance on hiring non-citizens. A participant in the Pathways Programs must be a U.S. citizen in order to be eligible for non-competitive conversion to the competitive service.

    Public Notice Requirement: All Recent Graduates Program and Internship Program positions must meet the Pathways Programs public notice requirement in one of the following ways:

    - Through posting a Job Opportunity Announcement (JOA) and collecting applications through USAJOBS; or
    - Posting a position advertisement on USAJOBS (as described in OPM's Pathways "Transition and Implementation Guidance"); and the
    - JOA must be open for at least five business days and must be open to the public.

12. Four Points of Notification – Applicants who apply through USAJOBS must receive notification through USAJOBS at each of the following points during the application process: application received; application assessed for qualifications; applicant referred

or not referred to selecting official; and applicant selected or not selected for the job. SHROs must determine how to notify applicants who apply using alternative methods.

13. Reconsideration of Ratings – SHROs should include in their SOP an applicant rating appeals process.

14. Auditing Certificates – This important process certifies the action taken by hiring managers on returned certificates of eligibles' compliance with Department policy as well as on legal and regulatory selection procedures. Certificates should be audited prior to the selectee entrance-on-duty date and comply with Department policy and DEOH procedures. In an instance where the vacancy announcement has been cancelled but a certificate was issued, the certificate must still be audited. Be sure certificates are annotated to reflect candidate declinations or any failed-to-reply actions. Acceptable documentation from the hiring manager can be in the form of a signature on the actual certificate, an e-mail, electronic signature, and manager statement on the system generated email to the servicing HR Specialist.

15. Quarterly Reports – All offices performing DE activities under DOC-1 are required to submit Quarterly Workload Reports via the OPM web-based Delegated Examining Information System (DEIS) at https://deis.opm.gov. Reports are due by the 15th of the month following the end of the reporting quarter (i.e., January 15, April 15, July 15, and October 15). If there are no DE activities for a specific quarter, a report is still required that confirms no activity.

    a. Materials Needed for Completing the Quarterly Report – Count all applications and selections, including those for temporary and term appointments that were processed under DE. Count only the workload actually produced by your activity, including work accomplished for another Department organization or for another Federal agency. Do not include the following:

    - Applications and selections that occurred under an Outside-the-Register hiring authority or non-competitive authority;
    - Applications collected or selections made under the Outstanding Scholar hiring authority;
    - Direct Hire authority; or
    - Work produced by OPM under a reimbursable contract or by another Federal agency.

16. Annual Self-Audit – All bureaus and operating units must schedule and conduct an internal, annual self-audit of their DE activities, unless such audits are scheduled to be conducted by the Department's Office of Accountability or OPM. Such self-audits must be conducted using certified staff external to your bureau or SHRO DE operations. Every effort must be made to **complete self-audits by September 30th each fiscal year.** Requests for an extension due to unforeseen circumstances will be considered on a case-by-case basis. (Failure to plan ahead is not a valid reason to request an extension.) The PHRM must submit a memorandum addressed to the Director, OHRM to request an extension.

Certification of the annual self-audit requires two steps:

1. Certify the completion of the self-audit to OPM by indicating the date of completion in your quarterly OPM DEIS report; and
2. Submit a copy of the completed DE case listing and a brief summary to the OA DE Program Manager. Reference HRAO-100A "Auditors' Report Writing Template" (attached).

17. Reporting and Recordkeeping – All offices performing DE activities under DOC-1 must comply with requirements annotated in Chapter 7 of the DEOH and applicable bureau and/or SHRO policy. Maintain examining records and documentation sufficient to allow for third party review and reconstruction to ensure compliance with DOC-1 and Merit System Principles. For example, all case files, whether hard copy or electronic, should contain a copy of forms SF-52 and/or SF-39, as well as job analysis, position description, rating schedules/plans, and the signed certificate. An electronic signature is acceptable.

For additional information, please contact Jerome Pryor on (202) 482-6184, or via email at jpryor@doc.gov; or Pamela Boyland on (202) 482-6117, or via email at pboyland@doc.gov

REFERENCES: OPM Interagency Delegated Examining Agreement Number (DOC-1); OPM Delegated Examining Operations Handbook, "A Guide for Federal Agency Examining Offices"; and the following OHRM HR Bulletins: HR Bulletin #144, FY11, "Creating a Vacancy Announcement"; HR Bulletin #131, FY11, "Application Acceptance and Processing"; HR Bulletin # 033, FY06, "Job Analysis – Roles and Responsibility"; HR Bulletin # 148, FY12, "End-to-End (E2E) Hiring Model and Reporting"; HR Bulletin # 153, FY12, "Career Transition Assistance Plan (CTAP) and Interagency Career Transition Assistance Plan (ICTAP) Evaluation and Clearance Process"; HR Bulletin # 071, FY07, "Hiring of Non-Citizens"; and HR Bulletin # 098, FY09, "Process for Requests to Pass Over All Preference Eligibles for Competitive Service Positions and Excepted Service Positions Covered Under Title 5, United States Code (U.S.C.)."

Attachment:

HRAO-100A "Auditors' Report Writing Template"

Department of Commerce **Office of Human Resources Management** **Accountability Office**	**TEMPLATE #**	HRAO-100A
	Revision #	
	Implementation Date	June 26, 2012
	Last Reviewed/Update Date	
	Approved for Release Date	

Human Capital Accountability Assessment Framework and Delegated Examining Audit

Auditors' Report Writing Template

Purpose

All Department of Commerce accountability audit reports must be written using this "Auditors' Report Writing Template" and be in accordance with the Office of Human Resources Management, Standard Operating Procedure (SOP) #HRAO-100, "Standard Operating Procedure for Complying with Reporting Standards for the Human Capital Accountability Assessment Framework and Delegated Examining Audits."

Objectives

Scope

Methodology

Findings

Conclusions

Recommendations

Quality Assurance – Check for Clarity, Grammar, and Spelling

- Are complete sentences used?
- Would someone who did not attend the meeting or was unfamiliar with the topic understand what was written? (If not, clarify.)
- Does the audit report write-up contain terms that may need to be defined to ensure understanding by someone who was unfamiliar with the topic? (If so, explain or define those terms.)
- Are acronyms spelled out first with the acronym following in parentheses? (If not, do so.)

Type of Audit_____ **Bureau/ Operating Unit**_____

Auditors Name_____ **Date**_____

Auditors Signature_____