
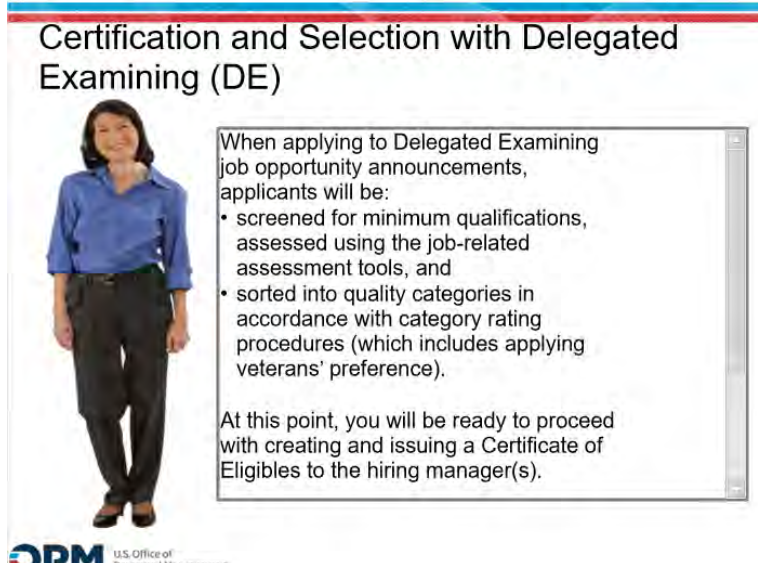


Technical Assistance Module: Spotlight on: Certification and Selection

#	Slide	Notes
1.1 Certification and Selection	 <p>Slide 1.1 features a woman in a blue shirt and dark pants standing with her arms crossed. The text "Spotlight On: Certification & Selection" is displayed in blue. The OPM logo is in the bottom left corner.</p>	
1.3	 <p>Slide 1.3 features a woman in a blue shirt and dark pants standing. The title "Certification and Selection with Delegated Examining (DE)" is at the top. A text box contains the following information:</p> <p>When applying to Delegated Examining job opportunity announcements, applicants will be:</p> <ul style="list-style-type: none">• screened for minimum qualifications, assessed using the job-related assessment tools, and• sorted into quality categories in accordance with category rating procedures (which includes applying veterans' preference). <p>At this point, you will be ready to proceed with creating and issuing a Certificate of Eligibles to the hiring manager(s).</p> <p>The OPM logo is in the bottom left corner.</p>	

Learning Objectives

Upon completion of this activity, the student will be able to:

- determine criteria used to create a Certificate of Eligibles.
- create a Certificate of Eligibles.
- audit a certificate.
- explain objections and pass-overs.
- recognize illegal selection and lost consideration.



1.5

Job Opportunity Announcement Criteria

The most important information used in creating a Certificate of Eligibles is generated from the criteria you publicized in the job announcement. In addition to series and grade, other criteria include:

- Geographic area of consideration
- Interdisciplinary positions
- Dual certification
- Positions restricted to preference eligibles
- Positions restricted to gender



1.6

Geographic Area of Consideration

- In delegated examining, applications **must** be opened to all U.S. citizens and U.S. nationals including American Samoans and Swains Islanders.
- Therefore, qualified and available applicants are considered regardless of their residence.
 - i.e., you may **not** restrict the geographic area of consideration for applicants (such as restricting to applicants from the local commuting area only).
- Residency, as an examination requirement, is a non-merit factor prohibited in 5 CFR 300.103(c).
- Exception – only when established and required by statute
 - Example: Department of Labor State Veterans Employment Officers are required by law to have been a resident of the state they represent for two years prior to appointment.



Select the image to learn more...

Geographic Area of Consideration

Hicklin v. Orbeck

The Supreme Court decision in *Hicklin v. Orbeck* (46 U.S.L.W. 4473, June 22, 1978) led to the following opinion from the Civil Service Commission's Office of the General Counsel:

- The exclusion of nonresidents from job consideration in specific geographic areas appeared to be discriminatory without serving a valid or overriding justifying purpose.
- Residency is a non-merit factor and violates the merit principles of open competition and job relatedness. As such, the use of residency as an examination requirement is prohibited in 5 CFR part 300.



1.7

Knowledge Check 1

Competitive examining vacancy announcements for permanent positions can be limited to individuals in the local commuting area.

Select to reveal if this statement is **TRUE** or **FALSE**.



Complete the practice exercises in the Certification and Selection Workbook. Answers can be found in the Answer Guide.

1.8

Interdisciplinary Positions

- An interdisciplinary position is a position involving duties and responsibilities closely related to more than one **professional or scientific** occupation. As a result, you could classify the position into two or more occupational series. The nature of the work is such that persons with education and experience in two or more professions may be considered equally well-qualified to do the work.
- Interdisciplinary positions must only involve **professional or scientific** occupations. It is inappropriate to use any administrative, technical, or clerical position or any combination as an interdisciplinary position.



Learn more!

Interdisciplinary Positions

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- Interdisciplinary positions must only involve **professional or scientific** occupations. It is inappropriate to use any administrative, technical, or clerical position or any combination as an interdisciplinary position.



Appendix K of the *Delegated Examining Operations Handbook* (DEOH) contains a list of the professional and scientific positions.

The DEOH is available for download from the Resources tab of this module.



1.9

Interdisciplinary Categories

Interdisciplinary positions generally fall into one of the following two categories:

Category 1 - Positions that involve a specific combination of competencies/KSAs characteristic of two or more professional series. Such positions involve the performance of some duties that are characteristic of one profession and other duties that are characteristic of another profession.

Category 2 - Positions that involve competencies/KSAs that are characteristic of either of two or more occupational series. These positions include work that is substantially identical to work performed in either of the professional occupations or academic disciplines involved.

Category Examples



Interdisciplinary Categories

Interdisciplinary positions generally fall into one of the following two categories:

Example for Category 1

- Position oversees a large construction project for a nuclear disposal facility
- A person trained in either civil or nuclear engineering could perform the job
- Use Civil Engineer Series, GS-0810, and Nuclear Engineer Series, GS-0840

Example for Category 2

- Position performs research work on flood control issues
- A person trained in either civil engineering or hydrology could perform the job
- Use Civil Engineer Series, GS-0810, and Hydrology Series, GS-1315



1.10

Certification for Interdisciplinary Positions


- You must create and issue **only one** Certificate of Eligibles (per grade and location) for a single interdisciplinary position.
- When creating a certificate, you should:
 - Screen applicants against the appropriate basic qualifications requirement(s) (i.e., IOR) for the series for which they asked to be considered.
 - Screen all applicants against the same minimum qualifications (i.e., specialized experience, level of education, and combination of the two, as applicable).
 - Apply and rate qualified applicants against the same assessment tool(s) regardless of series.
 - Issue a Certificate of Eligibles with eligibles ranked by quality categories with the series for which qualified noted next to their names.

Learn More!



Certification for Interdisciplinary Positions

- You must create and issue **only one** Certificate of Eligibles (per grade and location) for a single interdisciplinary position.
- When creating a certificate, you should:
 - Screen applicants against the appropriate basic qualifications requirement(s) (i.e., IOR) for the series for which they asked to be considered.
 - Screen all applicants against the same minimum qualifications (i.e., specialized experience, level of education, and combination of the two, as applicable).
 - Apply and rate qualified applicants against the same assessment tool(s) regardless of series.
 - Issue a Certificate of Eligibles with eligibles ranked by quality categories with the series for which qualified noted next to their names.

The qualifications of the person selected to fill the interdisciplinary position determines the final classification for appointment. 

Learn More!



1.11

Dual Certification

Dual certification is the concurrent certification (referral) of an applicant to more than one position, such as multiple grades, specialties, and/or geographic locations from eligibility established under a particular job opportunity announcement or application procedure.

You have the option of using one of two alternative methods of certifying eligibles. Candidates may either be referred on:

- One certificate at a time (single certification)
- All certificates of interest simultaneously (dual certification)

When dual certifying, each certificate is a separate official document and must have a separate certificate number.



1.12

Single Vacancy Certification at Multiple Grade Levels

- **Single vacancy at multiple grades**
 - OPM's policy is that you must **dual certify** eligibles for positions advertised at multiple grade levels on a single job opportunity announcement.
- **Exception to dual certification for single vacancy at multiple grades**
 - single certification may occasionally occur but only as an exception to normal procedures when it is necessary for an efficient staffing operation, such as
 - When using standing inventory to fill multiple positions simultaneously
 - When filling similar positions in multiple locations

Example

Special Note



Single Vacancy Certification at Multiple Grade Levels



Example:

A job opportunity announcement is open for one vacancy for an Engineer, GS-801-7/9 grade levels. An applicant submits an application, indicates he or she is interested in both grade levels, and is qualified for both grade levels. You should dual certify his or her name for each grade level, if within reach for certification.



Single Vacancy Certification at Multiple Grade Levels

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 - OPM's policy is that you must **dual certify** eligibles for positions advertised at multiple grade levels on a single job opportunity announcement.
- **Exception to dual certification for single vacancy at multiple grades**
 - single certification may occasionally occur but only as an exception to normal procedures when it is necessary for an efficient staffing operation, such as
 - When using standing inventory to fill multiple positions simultaneously
 - When filling similar positions in multiple locations

Example

You must document the basis for this exception in the case file. You must also notify all applicants of your intent to single certify candidates, such as by including an explanatory statement in the job opportunity announcement.



1.13

Certifying for Multiple Grades

When a position is announced at multiple grade levels, you must certify an eligible at all grade levels for which he or she is qualified and within reach for consideration - from the lowest grade the applicant is willing to accept to the highest grade.

Select here for example



Certifying for Multiple Grades

When a position is announced at multiple grade levels, you must certify an eligible at all grade levels for which he or she is qualified and within reach for consideration - from the lowest grade the applicant is willing to accept to the highest grade.

Example:

A job opportunity announcement is open for two weeks for an Engineering Technician, GS-0802-7/8/9/10 position. An applicant is willing to accept a GS-8 salary and is qualified for the GS-9 grade level. You must refer the applicant on the GS-8 and GS-9 grade level certificates, if within reach for certification.



1.14

Certifying for Multiple Locations

When a job opportunity announcement is posted for multiple geographic locations, applicants should be allowed to apply for all or given a choice to select a specific number of locations.

- If you expect a large number of well-qualified applicants to compete for a job, you are permitted to require them to choose a reasonable number of locations for which they will be given referral consideration.
- After determining the applicant is qualified, you should certify the eligible to each geographic location selected by the applicant if within reach for certification.



Select the image to view an example.

Certifying for Multiple Locations

Example:

A job opportunity announcement is open for three geographic locations: San Francisco, Miami, and New York City. An applicant submits an application for two locations, Miami and New York City, and is qualified for the position. You must refer the applicant on both the Miami and New York City certificates, if within reach for certification.



1.15

Certifying for Multiple Specialties

When a position is announced for multiple specialties, you may certify eligibles for only the specialties for which the eligible is qualified and within reach.



Click the image to view an example.

Certifying for Multiple Specialties

When a position is announced for multiple specialties, you may certify eligibles for only the specialties for which the eligible is qualified and within reach.

Example:

A job opportunity announcement is posted for clerical positions that include clerks, typists, and receptionists. An applicant submits an application for all the specialties. However, the applicant is qualified only for the clerk and receptionist jobs because he or she lacks the typing skills required for the other job. In this situation, you may refer the applicant to jobs only for which the applicant is qualified (i.e., clerk and receptionist) and within reach for certification.



Click the image to view an example.

1.16

Knowledge Check 2

Place a check mark to indicate whether the proposed job series combinations are **appropriate** or **inappropriate** to be used together to identify an interdisciplinary position.

Appropriate	Inappropriate	Job Series
<input type="checkbox"/>	<input type="checkbox"/>	Accountant (GS-0510) & Financial Analyst (GS-0501)
<input type="checkbox"/>	<input type="checkbox"/>	Botanist (GS-0430) & Horticulturist (GS-0437)
<input type="checkbox"/>	<input type="checkbox"/>	Electrical Engineer (GS-0850), Computer Engineer (GS-0854) & Computer Scientist (GS-1550)
<input type="checkbox"/>	<input type="checkbox"/>	Insurance Specialist (GS-0301) & Actuary (GS-1510)
<input type="checkbox"/>	<input type="checkbox"/>	Program Analyst (GS-0343) & Budget Analyst (GS-0560)
<input type="checkbox"/>	<input type="checkbox"/>	Physical Therapist (GS-0633) & Kinesiotherapist (GS-0635)

**Check Your
Answers**

Complete the practice exercises in the Certification and Selection Workbook. Answers can be found in the Answer Guide.

1.17

Positions Restricted to Preference Eligibles

There are several jobs in the competitive service for which competition is restricted to preference eligibles as long as there are qualified preference eligibles available (5 U.S.C. 3310).

The types of jobs restricted to preference eligibles are:

- Custodian
- Elevator Operator
- Messenger
- Guard

1.18

Announcements & Selections for Positions Restricted to Preference Eligibles

- For positions restricted to preference eligibles, your job opportunity announcement must indicate the position is restricted to preference eligibles and explain whether applications will be accepted from non-preference eligibles.
- If based on past experience there have been an insufficient number of preference eligibles available, your announcement may be open to all applicants.
 - If you accept applications from non-preference eligibles, you must state in the announcement that they will not be considered if a sufficient number of preference eligibles are available.
 - Non-preference eligibles may be selected only after the list of preference eligibles is exhausted (5 CFR 330 subpart D).



1.19

Positions Restricted to One Gender

The law prohibits restricting employment consideration to candidates of one gender (5 U.S.C. 2301).

However, OPM can authorize exceptions to this prohibition in unusual circumstances per the regulations at 5 CFR part 332.

To obtain an exception, you must:

- Submit a request to OPM Workforce Policy and Innovation, before the job is announced, describing why you believe such a restriction is warranted.
- If approved, you must state the gender-based restriction in the job opportunity announcement.



Click the image to view an example.



Positions Restricted to One Gender

The law prohibits restricting employment consideration to candidates of one gender (5 U.S.C. 2301).

However, OPM can authorize exceptions to this prohibition in unusual circumstances per the regulations at 5 CFR part 332.

To obtain an exception, you must:

- Submit a request to OPM Workforce Policy and Innovation, before the job is announced, describing why you believe such a restriction is warranted.
- If approved, you must state the gender-based restriction in the job opportunity announcement.

Example:

A Correctional Officer position where only a female officer may conduct a body search of a female prisoner. This would be an appropriate exception to the general rule.



Click the image to view an example.



1.20

Creating a Certificate of Eligibles



You have screened and assessed applicants. Then, you ranked applicants by placing them in the appropriate quality categories based on the assessment results. Now you are ready to create the Certificate of Eligibles.

The next section of this module contains information on:

- ranking the eligibles in order of their entitlement.
- creating a Certificate of Eligibles.
- selection procedures.

1.21

Ranking the Eligibles



After completing the rating process, you are now ready to rank each eligible by quality category, and in the order of their entitlement. By ranking each eligible, you are establishing what is called the “order of selection.”

Under category rating procedures, the order of eligibles will vary depending upon the nature of the position being filled. This section discusses the rules that apply under category rating, as well as how to order eligibles for professional and scientific positions at GS-9 and above, and for positions restricted to preference eligibles.

Order of Certification

Select each button to learn about the four ways that certification of the candidates must be conducted.

"Regular" Order of Certification

Order of Certification for Positions Restricted to Preference Eligibles

Order of Certification for Professional & Scientific Positions

Certification of Unrated Eligibles

Order of Certification

Regular Order of Certification

For most jobs and grade levels under category rating, qualified candidates are certified in the following order:

1. Interagency Career Transition Assistance Program (ICTAP) eligibles on a separate certificate
2. Eligibles who lost consideration due to erroneous certification
3. Eligibles* in the highest quality category (including all qualified CP/CPS veterans) with preference eligibles placed above non-preference eligibles
4. Eligibles in the next lower quality categories as needed, preference eligibles listed first

*Agency policy may allow for the referral of just the preference eligibles in the highest quality category when there are a sufficient number of eligibles to fill the number of vacancies expected.

Proceed to:

Order of Certification for Professional & Scientific Positions

Order of Certification

Special Situations: Unrated Eligibles

Unrated eligibles

When the entire applicant pool results in three or fewer eligibles and they are either all preference eligibles or all non-preference eligibles, you do not need to rate and rank them.

- You may list the eligibles randomly or in alphabetical order on the certificate with a notation of "Eligible" in lieu of a rating.

Order of Certification

Order of Certification for Professional & Scientific Positions at GS-9 and above.

1. ICTAP eligibles (must be referred separately)
2. Priority consideration candidates
3. Eligibles in highest quality category, preference eligibles listed first
4. Eligibles in the next lower quality categories as needed, preference eligibles listed first

- Note that CPS and CP preference eligibles who place into a lower category do not float to the highest quality category.
- Appendix K of OPM's Delegated Examining Operations Handbook (DEOH) lists all Professional and Scientific job series.

Proceed to: [Order of Certification for Positions Restricted to Preference Eligibles](#)



Order of Certification

Order of Certification for Positions Restricted to Preference Eligibles.

1. ICTAP eligibles entitled to veterans' preference (must be referred separately)
2. Priority consideration candidates entitled to veterans' preference
3. All 10-point preference eligibles with a service-connected disability of 10% or more (CPS and CP) AND preference eligibles in the highest quality category
4. All remaining preference eligibles in quality category order
5. Non-preference ICTAP eligibles (referred separately)
6. Non-preference priority consideration eligibles
7. All remaining eligibles (if non-preference eligibles were allowed to compete) in category order

You may certify non-preference eligibles only when there is likelihood that the supply of preference eligibles will be exhausted before all vacancies have been filled. When non-preference eligibles are certified, they are listed below the last preference eligible.

Proceed to: [Certification of Unrated Eligibles](#)



1.23

Creating a DE Certificate of Eligibles



After you have followed the appropriate order of certification, and you are ready to create a Certificate of Eligibles from the highest quality category, you must:

When using Category Rating, certify all candidates in the highest quality category (agency policy may allow for certification of only preference eligibles).

- If fewer than three eligibles are in the highest quality category, you may opt to merge with the next quality category (after consultation with the hiring manager and/or in accordance with agency policy).
- Reminder - if you issued a certificate of only preference eligibles from the highest quality category, you must first review and certify the remaining non-preference eligibles in the highest quality category before determining whether a merge is possible.
- More information about merging categories can be found in the DEOH, Chapter 6, page 6-20. Merging is also discussed in the Spotlight On: Category Rating module.

1.24

Category Rating Certificates

- Remember that with category rating qualified applicants are assessed and then ranked by being placed in one of the pre-defined quality categories.
 - Preference eligibles with a compensable service-connected disability of 10% or more (CPS and CP) will "float" to the highest quality category regardless of the category they may originally be placed into, with certain exceptions:

[Learn More!](#)

- Within a quality category, always list preference eligibles ahead of non-preference eligibles. Once you have done that, the names of the candidates may otherwise **be listed in any order** (for example, alphabetical order) as determined by agency policy.
- For more information about the placement of candidates into categories, including the impact from applying veterans' preference, refer to chapter 6 of the DEOH.

This is also discussed in the Spotlight On: Category Rating module.

Category Rating Certificates

Placement of Preference Eligibles with a Compensable Service-Connected Disability of 10 % or More (CPS and CP)	
For scientific and professional jobs at the GS-9 or higher...	Place qualified CPS and CP preference eligibles above non-preference eligibles within the same quality category for which they are assessed (CPS and CP eligibles do not "float" to the highest quality category)
For all other positions (series) and grade levels...	Place qualified CPS and CP preference eligibles at the top of the highest quality category (CPS and CP eligibles "float" to the highest quality category)



1.25

Required Information on Certificates



What information is required on the Certificate of Eligibles?

- Certificate number
- Title
- Series
- Grade
- Duty location
- Eligibles' names with veterans' preference designation code, when applicable
- Issuing officer's signature
- Issue date
- Return/due date

1.26

Numbering System for Certificates

- The agency should establish a numbering system to help track certificates.
- Each certificate should have a unique tracking number.
- The agency's tracking system should assist you in identifying the status of a certificate and in reconstructing a certificate.



1.27

Expiration of the Certificates



- OPM does not dictate a specific period of time for which the certificate is valid.
 - Generally, a certificate may be valid until the stated number of vacancies in the JOA has been filled.
 - Re-announcing to clear ICTAP may be warranted if too much time has gone by.
- **Expiration of certificates is governed by agency policy.** Most agencies set an initial 30- or 45-day period for hiring managers to work the certificate, with extensions permitted.
 - Agency policy should address overall expiration as well as initial timeframes, extensions, and re-clearance for ICTAP.



1.28

Changes to an Issued Certificate

You should immediately notify the hiring manager if you discover an error that would change the order of consideration & document the correction of the error in the case file.

- Circumstances permitting the change of a rating on a certificate:
 - Late filers
 - New rating is "ineligible" (example: applicant is not a US citizen or national)
 - Veterans' preference erroneously awarded
- Changes to certificates must be documented and supported by merit principles.



For more information, see Chapter 4 of the DEOH and Spotlight On: Veterans' Preference module.



1.29

ICTAP Selection Priority

- Well-qualified ICTAP eligibles must be selected before anyone on the delegated examining certificate(s) is reachable for selection.
 - Exceptions include potential appointments of 10-point preference eligibles (CPS, CP, and XP), which may be made over ICTAP eligibles if the 10-point preference eligibles can be hired through an appropriate appointing authority. See 5 CFR 330.707 for more information.

There are no pass-over procedures available when considering well-qualified CTAP or ICTAP eligible candidates who have been referred.

Reminder: Well-qualified ICTAP eligibles must be certified on a separate certificate before any delegated examining certificate(s) may be issued.



1.30

Selection Procedures in Category Rating

- Hiring managers are not required to make a selection from a Certificate of Eligibles.
- A hiring manager may select from among the qualified applicants in:
 - the highest quality category, or
 - if a merge took place, the newly merged category comprised of the highest and the second-highest quality categories.
 - When a merge occurs, the merged category is the new highest quality category.
- However, to preserve veterans' preference, a hiring manager may not select any non-preference eligibles while there are preference eligibles available for selection in the highest quality category.



1.31

Selection Order

When selecting among multiple preference eligible applicants in the highest quality category, a hiring manager may select any of the preference eligibles, regardless of the type of veterans' preference designation or the applicant scores.

When the non-preference eligible applicants are reachable for selection, a hiring manager may select any of the non-preference eligibles in the highest quality category, regardless of score.

Hiring managers may select any eligible in the highest quality category except they may not pass over a preference eligible to select a non-preference eligible.

- If there are proper and adequate reasons for passing over an available preference eligible, the hiring manager may request approval to pass over the preference eligible in accordance with 5 U.S.C. 3318.

Pass-overs will be discussed more later in this module.

Selection Order

Example:

If there are 20 eligibles in the highest quality category and 5 preference eligibles are at the top of the category, the hiring manager must select from among the 5 preference eligibles. The hiring manager may not select any of the non-preference eligible unless they obtain approval to pass over all 5 preference eligibles under 5 U.S.C. 3318.



1.32

Let's Check In...



When selecting from a competitive certificate, how does veterans' preference apply?

(Select here to view answer.)

Complete the practice exercises in the Certification and Selection Workbook. Answers can be found in the Answer Guide.

1.33

What Do You Think?

Scenario:

HR specialist Cindy has issued a delegated examining certificate of eligibles to one of her customers, hiring manager Tamara. The certificate contains 12 qualified candidates from the highest quality category, and is made up of 1 CPS, 2 CPs, 1 XP, 2 TPs, and 6 NVs.

Tamara remembers enough about delegated examining to know she must select the veterans' preference candidates before she can select any of the non-preference candidates. But she is unsure how to proceed from there. She emails Cindy to ask if she needs to select the veterans' preference candidates in any particular order.



Does hiring manager Tamara need to select the veterans' preference candidates on the DE certificate in any particular order? How should Cindy answer?

Select the image to view the answer.

Complete the practice exercises in the Certification and Selection Workbook. Answers can be found in the Answer Guide.

1.34

Removal from Consideration

In the process of making selections from a certificate, situations occur that may warrant an eligible to be eliminated from consideration.

Reasons for removal from consideration include:

- Declinations
- Failure to respond to communications
- Failure to report to an interview
- Sustained objection or pass-over



Select the image to learn more about the documentation requirements for these actions.

Removal from Consideration

Any eligible who declines or who fails to respond to communications, including inquiries as to their availability, may be removed from further consideration.

- The official who received the declination, etc., should document these actions adequately.
- Proper documentation to support the removal must be included in the case file in order to remove an eligible from consideration.
 - For detailed instructions on documenting these actions, see the **DEOH**, Chapter 6, Section C, *Preparing the Certificate for the Audit*. Agency policy should include additional requirements to document these actions.



1.35

Non-Selection



Non-selection is **NOT** a sufficient reason to remove an eligible from consideration on a Certificate of Eligibles.

This means that:

- Documenting an eligible as “Not Selected” is **NOT** a sufficient reason to move beyond a preference eligible applicant to select a non-preference eligible in the category, and
- It also is **NOT** a sufficient reason to remove an eligible so that a merged certificate might be created.



1.36

Auditing a Certificate



Auditing is the process of certifying the action taken on a Certificate of Eligibles complies with legal selection procedures, taking into consideration both:

- Veterans' Preference (5 U.S.C. 3318), and
- Category Rating (5 U.S.C. 3319).

The next section of this module contains information on:

- preparing the certificate for audit.
- auditing a Certificate of Eligibles under category rating procedures.
- documenting the personnel action.



Two Basic Rules of Auditing a Certificate

There are two basic responsibilities in the auditing process:
(select each image to reveal.)

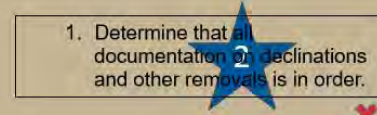


Certificates must be audited prior to entry on duty (EOD).

- This is important because if the certificate was worked improperly, any hiring commitments made by the appointing official may potentially be invalid. A prompt audit will catch these errors early.

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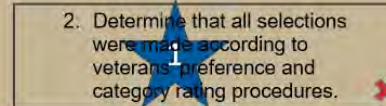


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1.38

Documenting Actions on the Certificate

[Link to SF-39: Standard Form 39](#)

You are responsible for assuring that all actions taken on each of the eligibles certified is documented. Appropriate documentation must be included in the case file for all applicants who were removed from consideration (e.g., declined, failed to respond, etc.).

Reporting Codes:

- Eligible selected (A)
- Eligible declined (DX)
- Failed to respond (FR)
- Failed to report for interview (FR)
- Already employed by agency (CE)
- Not selected (NS)
- Not selected, not contacted (NN)

Note: See Standard Form 39 (**SF 39**) for a complete list of reporting codes



1.39

Improper Removal

If an eligible's name was removed improperly from consideration, you must change the hiring manager's action code to "not selected" before auditing begins.

Hiring Manager's Action	Highest Quality Category		Hiring Manager's Action	Highest Quality Category
DP (no supporting documents)	Belt (XP)	➔	NS	Belt (XP)
A	Dress (TP)		A	Dress (TP)
A	Sweater (CPS)		A	Sweater (CPS)
NS	Boots (NV)		NS	Boots (NV)
NS	Jeans (NV)		NS	Jeans (NV)
A	Scarf (NV)	➔	A (selection now out of order)	Scarf (NV)
NS	Suit (NV)		NS	Suit (NV)

If the change to "not selected" results in a certificate that does not audit properly, (i.e., a selection was made out of order) proper corrective action must be taken, which we'll discuss later in this module.



1.40

Selection Under Category Rating

Within the highest quality category, you should observe the following in determining whether the order of selection is proper:

- Any preference eligible (i.e., CP, CPS, XP, TP, or SSP) is selected; or
- If no preference eligible is available, any non-preference eligible is selected.

If there is no preference eligible in the highest quality category, the hiring manager may select any candidate in that category.

Hiring Manager's Action	Highest Quality Category
	Bell (NV)
	Book (NV)
	Mayer (NV)
	Candle (NV)
A	Lemon (NV)
	Lewis (NV)
A	Novaks (NV)
A	Young (NV)

When preference and non-preference eligibles are in the highest quality category, all preference eligibles are placed at the top of the category. The hiring manager may not select any non-preference eligibles while preference eligibles remain available within the category.

Hiring Manager's Action	Highest Quality Category
NS	Oscar (CPS)
NS	Post (CPS)
A	Levin (TP)
NS	Caruso (NV)

1.41

Finding an Improper Selection



Hiring Manager's Action	Highest Quality Category
NS	Oscar (CPS)
NS	Post (CPS)
Error	Levin (TP) (audit shows erroneous TP)
NS	Caruso (NV)
A (selection now out of order)	Levin (without veterans' preference)



When an improper selection is made and discovered through the audit process you should:

- Notify the hiring manager immediately, and
- Make the correction before the selectee enters on duty, if possible.

There are several options for correcting an illegal appointment, depending on the circumstances. We will review them later in this module.

Finding an Improper Selection



Hiring Manager's Action	Highest Quality Category
NS	Oscar (CPS)
NS	Post (CPS)
Error	Levin (TP) (audit shows erroneous TP)
NS	Caruso (NV)
A (selection now out of order)	Levin (without veterans' preference)



Remember: The hiring manager may not select a non-preference eligible over a preference eligible unless pass-over procedures in 5 U.S.C. 3318(c) are followed.

In this example, we see what would happen if applicant Levin was erroneously selected under TP preference. Once reconstructed, the certificate reveals Levin was selected out of order ahead of Oscar and Post.



1.42

Documenting the Personnel Action

Authority Code BWA – Delegated Examining Authority

- Instructions for documenting the SF 50, *Notification of Personnel Action*, for persons given career or career-conditional appointments under delegated examining are covered in **Chapter 9, Table 9-A** of the *Guide to Processing Personnel Actions*.
- Use of the BWA authority code requires agencies to include their delegated examining agreement number as well as the certificate number as the basis for the appointment authority.
- **Note:** ACM is only used when an agency does not have a signed Interagency Delegated Examining Agreement (IDEA) in place with OPM. This is rare. All departments have IDEAs. There are a few small agencies that do not and may rely on OPM's examining authority.



[Link to GPPA: Table of Contents](#)

1.43

Objecting to an Eligible

- A hiring manager has the option of objecting to any candidate certified. As a delegated examining unit, you have the authority to fully adjudicate most types of objections. However, the decision must be in accordance with the authority granted in your delegation agreement and must be based upon proper and adequate reasons.
- **Definition:** An objection is an agency's request to remove a candidate from consideration on a particular certificate (5 CFR 332).



Select for 3 categories of objections



Objecting to an Eligible

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- **Definition:** An objection is an agency's request to remove a candidate from consideration on a particular certificate (5 CFR 332).



There are three major categories of objections:

- Qualifications (5 CFR 338)
- Medical (5 CFR 339)
- Suitability (5 CFR 731)



1.44

OPM's Exclusive Authority

OPM retains exclusive authority to:

- Make medical determinations pertaining to preference eligibles, including review of a proposed disqualification of a 30% or more compensable disabled preference eligible on the basis of physical disability (OPM's Workforce Policy and Innovation)
- Grant or deny an agency's pass-over request of a preference eligible with a compensable service-connected disability of 30% or more (OPM's Workforce Policy and Innovation)
- Make suitability determinations involving material, intentional false statement or deception or fraud in examination or appointment or refusal to furnish testimony as required by 5 CFR 5.4 (5 CFR 731.103(a)) (OPM's Suitability Executive Agent)



1.45

Objecting vs. Passing Over an Eligible

Definition: A pass-over request is an objection filed against a preference eligible that results in the selection of a non-preference eligible.

Objecting vs. Passing Over an Eligible (5 CFR 332)

Objecting to an eligible removes the eligible from consideration on a particular certificate.

VS

Passing over an eligible removes the preference eligible from consideration in order to select a non-preference eligible.



Passing Over a Preference Eligible

Basic rule - A selecting official may not pass over a preference eligible to select a non-preference eligible without proper and adequate reasons (5 U.S.C. 3318(c)).

OPM

Select the button to learn more



Passing Over a Preference Eligible

Basic rule - A selecting official may not pass over a preference eligible to select a non-preference eligible without proper and adequate reasons (5 U.S.C. 3318(c)).

OPM has exclusive authority to grant or deny a pass-over request of a preference eligible with a compensable service-connected disability of 30% or more (5 U.S.C. 3318(c)(2)).

Select to view Agency



Passing Over a Preference Eligible

Basic rule - A selecting official may not pass over a preference eligible to select a non-preference eligible without proper and adequate reasons (5 U.S.C. 3318(c)).

OPM has exclusive authority to grant or deny a pass-over request of a preference eligible with a compensable service-connected disability of 30% or more (5 U.S.C. 3318(c)(2)).

Agencies have delegated examining authority to grant or deny a pass-over request of a preference eligible of less than 30% (i.e., SSP, TP, XP, CP). Exceptions for these preference eligibles include medical pass-overs and pass-overs involving fraud or false statements as these must be determined to OPM. ❌



1.47

Proper & Adequate Reasons

The following is a list of various grounds for objecting to candidates. This list does not cover all bases on which objections may be made.

- Affiliations
- Age
- Education
- Experience
- Gender
- Medical
- Religion
- Fraud or False Statements
- Habitual Use of Alcohol
- Illegal Use of Narcotics
- Performance Rating
- Personal Characteristics
- Previous Service/ Employment
- Security Clearance

Each case must be decided on its own merits. Your decision should recognize both the needs of the agency and the basic principles of the merit system. Many of these items fall under suitability. A main principle in suitability is looking for the nexus between job duties and the infraction.



1.48

Use Your Resources: Objection & Pass-Over Action and Forms

[Link to SF-62: Microsoft Word - SF 62.doc](#)

An eligible objected to by a hiring manager may be removed from consideration on a certificate *only after the objection has been sustained.*

Objections are usually submitted by the Human Resources office on a Standard Form 62 (SF 62), *Agency Request to Pass Over a Preference Eligible or Object to an Eligible*, or an equivalent document, along with all relevant supporting documentation.

U.S. Office of Personnel Management
Agency Request to Pass Over a Preference Eligible or Object to an Eligible

Part A - Qualifications or Conduct Reasons

INSTRUCTIONS: This form should be used to object to an eligible or to request authority to pass over a preference eligible and appoint a nonpreference eligible. Submit this form in duplicate along with all available information and documents considered pertinent to the case, i.e., vacancy announcement, position description, application, certificate of eligibles, service record, etc. One copy will be returned to you with the decision. Pending approval of an agency's objection to an eligible or request to pass over, the agency may not appoint an eligible who would be within reach only if the action is approved. Special processing and routing instructions are in the Department's Operating Procedures Handbook, Chapter 8, Section 5. Check for an Eligible Reference (OPM 332-401).

1. Agency contact phone and mailing address: _____

2. E-mail address: _____

3. Telephone number: _____

4. Name and address of eligible (Print, Mr./Ms./Mx., Last - First - Middle Initial, State and ZIP Code): _____

5. Rating: _____ 6. Certificate Number: _____ 7. Date of Certificate: _____

8. Position Title and Grade or Equivalent: _____

9. Title of Examination: _____

Reasons for Objected/Pass Over

We object to the eligible indicated above for reasons of: Qualifications Checklist Under 5, OPF 721

We propose to pass over the preference eligible to meet a nonpreference eligible for reasons of: Qualifications Checklist Under 5, OPF 721

Veterans has a service-connected disability of 30 percent or more and has been notified of his action, if the reasons for it, and if he or she might be eligible for a preference.

REMARKS: State reasons specifically and clearly so that the significance is readily apparent. Eligibles have the right to request and receive the reasons for these actions. The reasons, therefore, cannot be considered confidential, except as otherwise stated, if necessary.

Signature and Title of Agency Sponsoring Official: _____ Telephone Number (including Area Code): _____ Date (Month/Day/Year): _____

OPM Agency Decision

This action is sustained and the eligible is removed from consideration.

This action is not sustained for the following reasons: _____



1.49

Timing of Suitability Inquiries

Due to regulatory requirements limiting when an agency may inquire about suitability-related information, objections based on suitability information cannot be initiated until after a tentative job offer has been extended.

A hiring agency may not make specific inquiries concerning an applicant's criminal and/or adverse credit background of the sort asked on the SF 306, Declaration for Federal Employment until after the hiring agency has made a conditional offer of employment to the applicant. See 5 CFR part 330, subpart M.



[View exceptions here.](#)



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OPM permits some exceptions to this rule, however, when there may be legitimate, job/position-related reasons to determine suitability requirements earlier in the hiring process for the particular types of positions they seek to fill.

- An agency's request for an exception under the provisions of 5 CFR part 330, subpart M must be submitted by the Chief Human Capital Officer (or equivalent) at the agency headquarters level.



1.50

Knowledge Check 3

In this exercise, for each item listed below, identify the organization responsible to approve the objection or pass-over request with the circumstance for that request. To make your determinations, pay attention to both the reason for the pass-over/objection request and the applicant's veterans' preference.

OPM	Agency	
<input type="checkbox"/>	<input type="checkbox"/>	Suitability on a TP preference eligible applicant
<input type="checkbox"/>	<input type="checkbox"/>	Suitability on a CPS preference eligible applicant
<input type="checkbox"/>	<input type="checkbox"/>	Qualification on a CP preference eligible applicant
<input type="checkbox"/>	<input type="checkbox"/>	Medical on an XP preference eligible applicant



[Check Answers](#)

Complete the practice exercises in the Certification and Selection Workbook. Answers can be found in the Answer Guide.

While an objection is being considered, hiring managers may continue to make additional selections if there are multiple vacancies, as long as, for each objection pending, at least one vacancy remains unfilled in the event the proposed objection or pass-over is not sustained (5 CFR 332.406(e)).

Pass-Over Procedures

The agency should establish specific objection and pass-over procedures, including designating the appropriate person (HR Director or higher – not required to hold DE certification) to make the determination as to whether or not to grant or deny the hiring manager's request, or to forward to OPM those types of requests to which OPM retains authority.

Documentation of the decision must be retained in the case file.

While an objection is being considered, hiring managers may continue to make

Select each of the 4 steps to reveal the process of objecting to an eligible (5 CFR part 332):



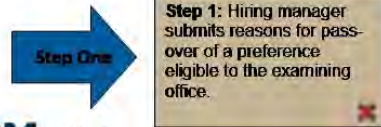
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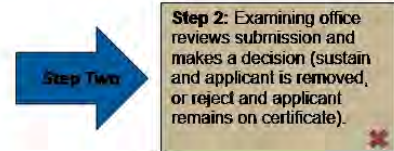
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Documentation of the decision must be retained in the case file.

While an objection is being considered, hiring managers may continue to make

Select each of the 4 steps to reveal the process of objecting to an eligible (5 CFR part 332):



Step 3: Examining office notifies hiring manager of the decision.



Pass-Over Procedures

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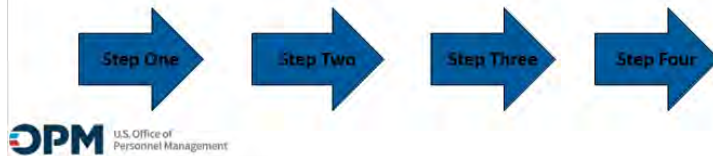
Step 4: Hiring manager takes action directed by examining office (if sustained, removes eligible; if not sustained, can 1) seek reconsideration by submitting additional information, 2) consider/select the eligible, or 3) decline to make a selection from the certificate).



Proposed Pass-Over of a CPS Preference Eligible

As discussed, OPM retains authority to rule on the proposed pass-over of a veteran with a 30% or more service-connected disabled (CPS). Under 5 U.S.C. § 3318(c)(2), a CPS preference eligible is entitled to advanced notice of a proposed pass-over. The CPS veteran has the right to respond to the hiring manager's reasons for pass-over by submitting a response to OPM within 15 days of the notification.

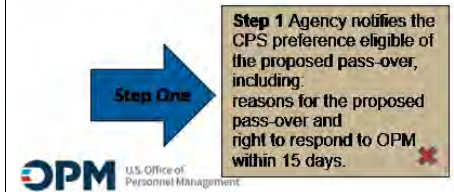
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Step 3: OPM reviews submission including any response received from the veteran and makes a decision; OPM notifies the agency and the veteran of the decision.



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Step 4: Agency takes action on the pass-over decision (if sustained, removes eligible, if not sustained, can 1) seek reconsideration by submitting additional information, 2) consider/select the eligible, or 3) decline to make a selection from the certificate).



Proposed Medical Pass-Over of a Preference Eligible

In considering whether a physical or medical condition will have an impact on an eligible's capacity to perform the job efficiently and safely, you are required to assess whether reasonable accommodation can be provided to permit performance of the job despite the condition.

Under 5 CFR part 339, OPM retains responsibility for ruling on all adverse medical determinations of preference eligibles.

There are three steps in processing a proposed request for medical pass-over of a preference eligible.

Note: If the proposed pass-over involves a CPS preference eligible, the agency must also provide advance notice to the veteran and notify him/her of the right to respond.



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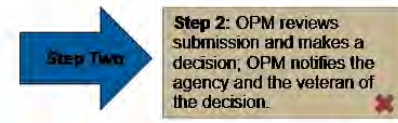


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Step 3: Agency takes action on the pass-over decision (if sustained, removes eligible; if not sustained, can 1) seek reconsideration by submitting additional information, 2) consider/select the eligible, or 3) decline to make a selection from the certificate).



1.54

Let's Check In!

Select to determine if this statement is **TRUE** or **FALSE**.

If an eligible meets criteria listed in 5 CFR 330 subpart F or G and thus is found eligible for CTAP or ICTAP, there is no provision for filing an objection to the selection of that individual.



Complete the practice exercises in the Certification and Selection Workbook. Answers can be found in the Answer Guide.

Erroneous Certification & Illegal Selection



Erroneous Certification

Illegal Selection

Select each button to learn more about erroneous certification and illegal selection.



Erroneous Certification & Illegal Selection

An erroneous certification is an inadvertent misranking, non-certification, or failure to give bona fide consideration to an eligible in connection with a competitive certificate.

Erroneous certification often leads to illegal selections and/or illegal appointments due to the incorrect certificate. ❌



Erroneous Certification & Illegal Selection



An illegal selection occurs when a selection made from a certificate is out of order and results in a violation of the selection rules.

An illegal selection will also result in other eligible(s) on the same certificate being deemed as having lost consideration. Lost consideration is a violation of law and will be discussed more further on in this lesson. ❌



1.56

Illegal Selection

An illegal selection may have occurred either:

- on a properly ranked certificate, or
- on a certificate when an eligible does not appear in the correct order (i.e., eligible was misranked on a certificate or mistakenly did not appear on the certificate at all).

A violation of the selection rules cannot be allowed to stand, and corrective action taken must resolve the violation.



Select the image to learn the role of the Office of Special Counsel.

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- on a certificate when an eligible does not appear in the correct order (i.e., eligible was misranked on a certificate or mistakenly did not appear on the certificate at all).

A violation of the selection rules cannot be allowed to stand, and corrective action taken must resolve the violation.

Cases of knowing or intentional manipulation of the competitive examining system to bring about a non-merit-based outcome constitute a prohibited personnel practice and will normally be referred to the Office of Special Counsel for investigation and disposition. ❌

1.57

Examples of Illegal Selection

Under Category Rating procedures, a situation resulting in illegal selection(s) and subsequent lost consideration(s) will be identified when, upon audit or reconstruction, the following becomes apparent:

- A non-preference eligible within the highest quality category is selected over one or more qualified and available preference eligibles ranked in the same quality category, in the absence of an approved pass-over request(s); or
- A selection is made from a lower quality category when three or more qualified and available eligibles remain in the higher category regardless of veterans' preference status.

Select here learn the importance of a timely audit.



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- A selection is made from a lower quality category when three or more qualified and available eligibles remain in the higher category regardless of veterans' preference status.

Importance of a timely audit: In most instances, potential selection violations are first noted in the audit process. This is the principal reason why it is essential to audit returned certificates before selectees enter on duty. Out of order selections can more easily be resolved if you have a timely audit process. ❌



1.58

Correcting an Illegal Selection

Correcting (regularizing) an erroneous/illegal appointment:

- First, make every effort to put the employee on a legal appointment. Explore alternate legitimate appointment avenues.
 - If a vacancy exists, may post a JOA under which the employee may be eligible and within reach
 - Appoint the employee under an appropriate non-competitive appointing authority
 - Determine whether the employee could have been properly appointed at time of error (i.e., reconstruct previously advertised positions for which the employee qualified to determine if the employee was within reach)
 - If not, determine whether the employee could have been within reach competitively at any time during the period of de facto employment
- If the employee can be placed on a proper appointment, your agency may need to submit a variation request to OPM to provide the employee service credit from the date of the original erroneous appointment up until the date of the second appointment action.
- If none of the alternatives are possible, you must regularize the appointment by removing the employee or submitting a variation request to OPM in order to retain the employee.
 - A variation is granted to avoid unnecessary hardship to the employee, i.e., loss of employment, pay, grade or significant service credit

For more information on requesting a variation, select the image. For more details on appointment avenue options, reference DEOH, Chapter 6, Section E, page 6-47.



Link to: [Variations](#)

1.59

Lost Employment Consideration - Conditions for a Legal Violation

An illegal selection is identified when a selection from a certificate is made out of order. The other eligible(s) who were left out of order by the illegal selection(s) are deemed to have lost consideration.

Lost consideration occurs when an eligible is denied employment consideration due to a violation of law.

Remember: All four conditions must be present for a legal violation to occur:

1. A selection was made from an erroneous certificate;
2. When the certificate is corrected, the affected or misranked eligible is or moves within reach of selection;
3. When the erroneous certificate is corrected, the selectee moves out of selection range; and
4. The misranked eligible meets all qualification requirements for the job.

When correcting lost employment consideration actions, keep in mind hiring restrictions of other placement assistance programs (i.e., CTAP, ICTAP) for the geographical areas involved.



Example: Identify an Illegal Selection & Lost Consideration

Select each step to move through the example: Identify an illegal selection and lost consideration.



Step 1. Selection made from an erroneous certificate.



Example: Identify an Illegal Selection & Lost Consideration

Step 1: Selection made from an erroneous certificate.

Example: Dogwood was selected, but an audit shows that Sage, in the next lower category, was erroneously adjudicated as TP instead of CP.

Highly Qualified		Well Qualified	
Ash (CP)	D	Poplar (XP)	NN
Beech (XP)	D	Sage (TP)	NN
Dogwood (NV)	S	Cherry (NV)	NN
Laurel (NV)	NS		

Select here to proceed to Step 2 of the example.



Example: Identify an Illegal Selection & Lost Consideration

Step 2: When corrected (reconstruction of the certificate), the misranked eligible moves within selection range.

Example: We correct Sage to CP, which now places Sage in the highest quality category.

Highly Qualified		Well Qualified	
Ash (CP)	D	Poplar (XP)	NN
Beech (XP)	D	Cherry (NV)	NN
Sage (CP)	NN		
Dogwood (NV)	S		
Laurel (NV)	NS		

Select here to proceed to Step 3 of the example.



Example: Identify an Illegal Selection & Lost Consideration

Step 3: When corrected (reconstruction of certificate), the selectee moves out of selection range.

Example: Having corrected the certificate we now see that non-preference eligible Dogwood was selected out of order as relates to veterans' preference.

Highly Qualified		Well Qualified	
Ash (CP)	D	Poplar (XP)	NN
Beech (XP)	D	Cherry (NV)	NN
Sage (CP)	NN		
Dogwood (NV)	S		
Laurel (NV)	NS		

Select here to proceed to Step 4 of the example.



Example: Identify an Illegal Selection & Lost Consideration

Step 4: All qualification requirements are met.

Example: We confirm that Sage meets all qualifications requirements. With the confirmed out of order selection, we identify that Dogwood is an illegal selection and that Sage lost consideration.

Highly Qualified		Well Qualified	
Ash (CP)	D	Poplar (XP)	NN
Beech (XP)	D	Cherry (NV)	NN
Sage (CP)	NN		
Dogwood (NV)	S		
Laurel (NV)	NS		

Select here to proceed to the next page.



1.61

Priority Consideration

Priority consideration is a special placement priority given to an eligible who was previously denied consideration due to a violation of law (e.g., Veterans' Preference Act).

Eligibles who lost consideration are given priority consideration for future vacancies until they are either selected or receive a number of priority considerations equal to the number of selections for which they were denied consideration.

There is no situation where an eligible must be selected.

When future Certificates of Eligibles are subsequently issued for the same position for which consideration had been lost, the name(s) of the eligible(s) who lost consideration, but was not yet resolved, is entered at the top of the certificate (with priority consideration status annotated). Regular order of selection applies.



1.62

Lost Employment Consideration - Correcting the Violation

If you identified the error before the out of order selectee has entered on duty, contact the hiring manager immediately and do not extend any employment offers nor proceed with any entrance on duty (as applicable) until you have corrected the error.

If the error was identified after the out of order selectee has entered on duty, provide priority consideration to those eligibles who lost consideration by taking the voluntary or mandatory steps described on the next few slides.



1.63

Lost Employment Consideration - Correcting the Violation - Voluntary Options

The appointing officer can make a voluntary offer to non-competitively appoint the eligible to one of the following positions:

- Offer employment to an **identical** job (same series, same grade, same promotion potential, same tenure, same geographic location, or any location the eligible deems acceptable); or
- Offer employment to any **equivalent** job (same grade, same promotion potential, and same tenure) for which the eligible qualifies in the same geographic area in which the eligible lost consideration (or any location the eligible will accept).

Note: If the eligible accepts or declines one of the appointment offers described here, no further action is necessary.



1.64

Lost Employment Consideration - Correcting the Violation - Mandatory Action

If the appointing officer declines to make any of the voluntary offers; **or**

If the eligible declines a position because the geographic area was unacceptable; **then**

The eligible **must**

- receive priority consideration for the next appropriate job opportunity announcement under competitive procedures; and
- be listed first on the Certificate of Eligibles.

Note: Following the order of certification, an available well-qualified ICTAP eligible has selection priority over individuals entitled to priority consideration (5 CFR 330).

Next, we describe the two options available for this mandatory action.



1.65

Lost Employment Consideration - Correcting the Violation - Two Mandatory Options

The appointing officer has the option of offering the eligible either or both of the following:

- **Option 1:** Priority consideration for the next equivalent job (same grade, same promotion potential and same tenure) within the agency for which the eligible is *minimally qualified* in any geographic area that the eligible deems acceptable.
- **Option 2:** Priority consideration for the next equivalent job (same grade, same promotion potential and same tenure) within the agency for which the eligible is *well-qualified* in any geographic area that the eligible deems acceptable.

Note:
10-point
preference
eligibles
must be
offered
Option 1.

1.66

Determining the Number of Priority Considerations

- **For case examining** - the number of priority considerations would equal the number of selections made from the original certificate in which the eligible was denied consideration.
- **For competitor inventory** - the eligible would continue to receive priority considerations until appointed or until the eligible receives the number of bona fide employment considerations which he/she would have received had the error not occurred, whichever comes first.



Let's Practice!

The last section contains exercises and questions to help you apply the knowledge you have learned about Certification and Selection.

Complete the practice exercises in the Certification and Selection Workbook. Answers can be found in the Answer Guide.