



MANUAL TRANSMITTAL

Department of the Treasury
Internal Revenue Service

6.250.3

DECEMBER 3, 2012

EFFECTIVE DATE

(12-03-2012)

PURPOSE

- (1) This transmits revised IRM 6.250.3, Delegated Examining Authority.

BACKGROUND

- (1) This IRM revision is part of the Human Capital Office (HCO), Employment, Talent, and Security's (ETS) continuing efforts to provide IRS Human Resource practitioners with the most current policies and procedures.

MATERIAL CHANGES

- (1) 6.250.3.3 - Added additional information on positions covered by the Luevano Consent Decree.
- (2) IRM 6.250.3.8.1 - Added clarifying information on annual internal report submission dates.
- (3) IRM 6.250.3.10 - Edited to conform with language contained in Alert 250-1, Public Notice for Competitive Hiring Outside the Federal Workforce, and to provide additional guidance.
- (4) IRM 6.250.3.12 - Title changed to "Notice of Results and Touch Points." Added additional verbiage clarifying "...regular mail or email." In adherence to the 2010 Hiring Reform, notification will be sent at all four applicant communication touch points: application received, application assessed for qualifications, applicant referred or not referred to selecting official, and applicant selected or not selected for the job.
- (5) IRM 6.250.3.12.1(2)e - Added additional clarifying verbiage.
- (6) IRM 6.250.3.12.1(3)b - Removed reference to "case examining".
- (7) IRM 6.250.3.12.1(7) - Deleted to conform with the guidance contained in IRM 6.250.3.12.1(1) through (6).
- (8) IRM 6.250.3.13(2) - Deleted "rule of three" verbiage.
- (9) IRM 6.250.3.13.1, Supplemental Certificates, was deleted.
- (10) IRM 6.250.3.13.2 - Updated website address and edited language for clarity.
- (11) IRM 6.250.3.13.3(3) - Verbiage changed for clarity.
- (12) IRM 6.250.3.16 - Changed title to conform to Hiring Reform and edited text for additional clarity.
- (13) IRM 6.250.3.16.3, 45-Day Hiring Model Definitions; IRM 6.250.3.16.5, Reporting Requirements; and Exhibit 6.250.3 -1, Snapshot of Department of Treasury of 45-Day Hiring Model were deleted.
- (14) IRM 6.250.3.17 - Updated Office of Personnel Management (OPM) hyperlinks.
- (15) Throughout the document references to 45-Day hiring changed to End-to-End (E2E), as appropriate.
- (16) References to the impact of 2010 Hiring Reform on the certificate in IRM 6.250.3.13.1, Supplemental Certificates, and Exhibit 6.250.3-1, Guidelines for Rule of Three Process and Category Rating Procedures, have been deleted.

- (17) Editorial changes were made throughout the IRM.

EFFECT ON OTHER DOCUMENTS

This IRM supersedes IRM 6.250.3, Delegated Examining Authority, dated November 10, 2009.

AUDIENCE

All Operating Divisions and Functions

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6.250.3

Delegated Examining Authority

Table of Contents

- 6.250.3.1 Overview
- 6.250.3.2 Authority of TREAS-1 Agreement
- 6.250.3.3 Positions Covered
- 6.250.3.4 Use of a Contractor
- 6.250.3.5 Establishing or Abolishing Delegated Examining Units
- 6.250.3.6 Operations of a Delegated Examining Unit
- 6.250.3.7 Recertification for Delegated Examining Members and Units
- 6.250.3.8 Annual Internal Evaluation Audit and Quarterly Report
 - 6.250.3.8.1 Annual Internal Evaluation Audit Report
 - 6.250.3.8.2 Quarterly Report – Delegated Examining Information System (DEIS)
- 6.250.3.9 Revocation of Delegated Authority
- 6.250.3.10 Public Notice Period
- 6.250.3.11 Options to fill External Vacancies Competitively
- 6.250.3.12 Notice of Results and Touch Points
 - 6.250.3.12.1 Reconsideration of Rating
- 6.250.3.13 Certificates
 - 6.250.3.13.1 Auditing Certificates
 - 6.250.3.13.2 Certificate Case Files
- 6.250.3.14 Suitability And Objection/Passover Requests
- 6.250.3.15 Release of Information
- 6.250.3.16 End-to-End (E2E) Hiring Model
 - 6.250.3.16.1 HCO Responsibilities
 - 6.250.3.16.2 Employment Office (EO) Responsibilities
 - 6.250.3.16.3 Exemption from E2E Hiring Model
- 6.250.3.17 References

6.250.3.1
(12-03-2012)
Overview

- (1) Under the provisions of 5 USC § 1104, as amended by Pub. L. No.104-52 of 1995, OPM established an Interagency Delegated Agreement, (TREAS-1 Agreement) with the Department of the Treasury (Treasury).

6.250.3.2
(11-10-2009)
Authority of TREAS-1 Agreement

- (1) The IRS is authorized by Treasury, through the TREAS-1 Agreement, to examine applicants for agency positions or positions at another Federal agency. This IRM provides guidance for the establishment and operation of Delegated Examining Units (DEUs) within the IRS.
- (2) IRS DEUs are responsible for adhering to the “Agency Responsibilities” section of the TREAS-1 Agreement. A complete copy of the agreement can be obtained from the IRS/HCO website at: <http://hco.web.irs.gov/recruitstaff/externalhire/deu/index.html>.

6.250.3.3
(12-03-2012)
Positions Covered

- (1) The IRS can examine applicants for all Title 5 competitive service positions at all series and grade levels nationwide, except for Administrative Law Judge positions.
- (2) Any competitive examining for positions covered under the Luevano Consent Decree will require a separate agreement between Treasury and OPM. IRS DEUs must use either an OPM-developed assessment instrument or develop their own assessment.
- (3) Positions covered under the Luevano Consent Decree are listed in the Delegated Examining Operations Handbook (DEOH), Appendix D available on the OPM website at: www.opm.gov/deu. These positions must meet the following criteria:
 - a. Be filled at the entry level (either GS-5 or GS-7);
 - b. Classified at a two-grade interval; and
 - c. Have promotion potential to a GS-9 or higher.

6.250.3.4
(12-03-2012)
Use of a Contractor

- (1) The IRS may only contract out for examinations that pertain specifically to individual bureau occupations.
 - a. Any tests for occupations found in more than one bureau, such as the TEA (Treasury Enforcement Agent) exam, do not fall in this category.
 - b. The contract authority does not apply to federal governmentwide classification series, even though bureaus may be using bureau-specific titles.
- (2) OPM may review any competitive examining work performed by contractors to ensure that merit system principles and standards are maintained as required by 5 USC § 1104.
- (3) The IRS must notify Treasury regarding the use of any contract for examining as it occurs (e.g., position(s) covered and contractor).
 - a. Employment Offices (EOs) (within Human Capital Office (HCO), Employment, Talent and Security (ETS)) will notify the HCO, ETS, Policy and Programs Office; and
 - b. The HCO, ETS, Policy and Programs Office will notify Treasury.

6.250.3.5
(11-10-2009)

**Establishing or
Abolishing Delegated
Examining Units**

- (1) Employment Operations may establish a new DEU by:
 - a. Forwarding a memorandum requesting establishment of a delegated examining unit to the HCO, ETS, Policy and Programs Office;
 - b. Ensuring each member of the DEU is trained by OPM and the unit certified by OPM before starting operation;
 - c. Ensuring test administrators are trained and certified by OPM before administering any test (if applicable);
 - d. Nominating a Test Control Officer (TCO) within the DEU if OPM-developed examinations will be conducted. The TCO must be certified as such by OPM, and;
 - e. Forwarding information that includes the unit's point of contact, and the address and phone numbers for the established DEU to the HCO, ETS, Policy and Programs Office.
- (2) Each year, DEUs must verify and report their unit contact information (i.e., DEU ID number assigned by Treasury, point of contact, addresses and telephone numbers) to Treasury through the HCO, ETS, Policy and Programs Office by September 30th.
- (3) Employment Operations may abolish a DEU provided they have notified and obtained all required clearances from within the ETS organization and have:
 - a. Forwarded a memorandum requesting abolishment of a delegated examining unit to the HCO, ETS, Policy and Programs Office;
 - The request must include the unit contact information and an appropriate explanation for such request.
 - The request will be forwarded to OPM by Treasury for a final determination.

6.250.3.6
(11-10-2009)

**Operations of a
Delegated Examining
Unit**

- (1) HCO, ETS, EOs performing delegated examining must adhere to the operating guidance contained in the TREAS-1 Agreement, OPM's DEOH, and IRM 6.10.1, IRS Personnel Staffing Accountability.
- (2) HCO, ETS, EOs should maintain IRM 6.250.3, along with the above-mentioned documents, as their Standard Operating Procedures (SOPs) - along with other SOPs and policies under which the delegated examining unit operates. These documents should be readily available for oversight reviews performed by the HCO, ETS, Policy and Programs Office, Treasury or by OPM.
- (3) HCO, ETS, EOs performing delegated examining are subject to an audit performed by the HCO, ETS, Policy and Programs Office, Treasury or by OPM.
- (4) If notified directly by OPM, HCO, ETS, EOs must notify the HCO, ETS, Policy and Programs Office of any audits or return visits by OPM to conduct a follow-up review. HCO, ETS, EOs will provide a copy of OPM's final report of findings to the HCO, ETS, Policy and Programs Office.

6.250.3.7
(11-10-2009)

**Recertification for
Delegated Examining
Members and Units**

- (1) DEUs must maintain certification/recertification lists with dates of certification/recertification for their members. Members must be certified and if already certified, timely recertified in order to continue executing delegated examining as a unit. The HCO, ETS, Policy and Programs Office will maintain the Servicewide certification/recertification list.

- (2) OPM will provide recertification training to all DEU staff through an established training process and schedule.
 - (3) Recertification must occur every three years in order to maintain Delegated Examining authority.

- 6.250.3.8
(11-10-2009)
Annual Internal Evaluation Audit and Quarterly Report

 - (1) The IRS must maintain an internal personnel accountability system to assure that delegated examining authorities are in compliance with law and merit systems principles and that annual internal audits are conducted as stated in TREAS-1 Agreement.
 - (2) The annual internal evaluation audit report meets the bureau's personnel accountability program requirements.
 - (3) Discrepancies discovered and resolved as a result of the annual internal review must be documented and maintained for three years by the DEU.

- 6.250.3.8.1
(12-03-2012)
Annual Internal Evaluation Audit Report

 - (1) Each DEU must complete a yearly internal evaluation audit report for submission to OPM through the HCO, ETS, Policy and Programs Office. The HCO, ETS, Policy and Programs Office submits to Treasury all the annual internal reports by the last Friday in June each year through 2015 (e.g., June 28, 2013; June 27, 2014; June 26, 2015). The report is standard, but may include additional reporting requirements based on new guidance from OPM or Treasury and IRS delegated examining.
 - (2) An OPM-trained and certified Senior HR Specialist *not associated* with the delegated examining unit should conduct the annual internal evaluation audit and complete the report.
 - (3) A copy of the internal evaluation report can be found on the IRS/HCO website at: <http://hco.web.irs.gov/recruitstaff/externalhire/index.html>.

- 6.250.3.8.2
(11-10-2009)
Quarterly Report – Delegated Examining Information System (DEIS)

 - (1) Each HCO, ETS, EO performing delegated examining must submit a quarterly report on examining activities to OPM's Delegated Examining Information System (DEIS).
 - (2) A copy of the quarterly report can be found in OPM's DEOH on OPM's web site at: www.opm.gov/deu.

- 6.250.3.9
(11-10-2009)
Revocation of Delegated Authority

 - (1) DEUs must adhere to TREAS-1 Agreement and conduct an annual internal evaluation audit requirements as stated in IRM 6.250.3, Delegated Examining Authority, and IRM 6.10.1, IRS Personnel Staffing Accountability, failure to comply could result in the revocation of authority to operate as a DEU.
 - (2) OPM can revoke delegated examining authority if a review determines that a DEU is not operating in compliance with the TREAS-1 Agreement.

- 6.250.3.10
(12-03-2012)
Public Notice Period

 - (1) DEUs must post all job announcements using OPM's governmentwide automated hiring system USAJOBS for a minimum open period of five calendar days (providing the closing day does not fall on a non-work day) or more to provide the public with adequate notice of the job announcement.
 - (2) If an open period of fewer than five calendar days is prescribed, it must be clearly documented and justified in the examination case file (for reconstruction

purposes and third party review). The decision to have an open period of less than five calendar days can only be approved by the Employment Office Branch Chief and must be based on objective factors, such as the number and type(s) of jobs expected to be filled, labor market conditions, and recent experience filling similar positions. In cases where the announcement is open for less than five calendar days, due diligence must be applied by the HR Specialist in reviewing any subsequent request for Superior Qualifications Appointment, Retention, and Recruitment incentives. The question that must be answered is, would the incentives have been required if the announcement had been opened longer, allowing time for more applicants to apply?

6.250.3.11
(11-10-2009)

Options to fill External Vacancies Competitively

- (1) IRS offices have four basic options available for filling external vacancies competitively:
 - a. OPM Examining Services can examine and issue a Certificate of Eligibles through the use of a Servicewide interagency reimbursable agreement that is administered by HCO, ETS;
 - b. An OPM-certified IRS delegated examining unit can examine and issue a Certificate of Eligible candidates;
 - c. IRS can perform part of the examining activities through a DEU, or contract with OPM to perform other examining activities; and
 - d. Offices can contract out the examining activities provided they meet the criteria outlined in TREAS-1 Agreement.

6.250.3.12
(12-03-2012)

Notice of Results and Touch Points

- (1) HCO, ETS, EOs must notify candidates of their rating and eligibility either by regular mail or email.
- (2) As a result of the 2010 Federal Hiring Reform, notifications are required to be sent to applicants addressing the following four touch points:
 - Application received;
 - Application assessed for qualifications;
 - Applicant referred or not referred to selecting official; and
 - Applicant selected or not selected for the job.

6.250.3.12.1
(12-03-2012)

Reconsideration of Rating

- (1) In accordance with the OPM DEOH and the TREAS-1 Agreement - Part 2(g), DEUs are responsible for establishing a written procedure for processing an applicant's request for reconsideration of his/her rating. An applicant applying through a non-automated or automated application system may challenge his/her rating, qualification determination, and eligibility determination by requesting a reconsideration in writing (or email). The reconsideration request must include why the decision was incorrect and be based on information (or responses, in the case of an automated application system) provided at the time of application.
- (2) The servicing HCO, ETS, EO will conduct the first level of review; the first level reviewer ((HR Specialist, Senior HR Specialist, or Chief Employment) must be a staff member other than the person who made the original decision. The designated first level reviewer will:
 - a. Review the applicant's responses to screen-out or ranking questions in CareerConnector resume submitted during the application process;
 - b. Determine if an administrative error was made;
 - c. Determine if the applicant is qualified for the position;

- d. Determine if the applicant's score or veterans' preference needs to be adjusted; and
 - e. If rating remains ineligible, respond in writing to the applicant within 10 business days, providing a detailed explanation of the reason for the decision. This must be accomplished without compromising the rating schedule or test materials, if applicable.
- (3) If the reconsideration results in a rating change, the applicant's record should reflect the new rating. The servicing HCO, ETS, EO will:
- a. Change the applicant's status code/rating and give the applicant due consideration. A revised notice of results will also be issued to the applicant. No change will be made to the applicant's responses to questions in CareerConnector (e.g., improper screen-out criteria used in template); and
 - b. Track and document the reason for the change in CareerConnector. The certificate will be revised to reflect the new rating only if the certificate has not been issued. Certificates already issued can be amended only if the new rating is "ineligible;" the eligible applicant was improperly awarded a higher type of veterans' preference; or the rating error was made by the rater/examining office.
- (4) In the event an applicant disagrees with the first level review, the applicant may request a second level appeal within 10 business days. A higher level staff member (Senior HR Specialist or Chief Employment) will be designated to conduct the second level review (e.g., If the 1st level review was conducted by the Senior HR Specialist, then the second level reviewer would be the Employment Section Chief or higher. If the first level review was conducted by the Employment Section Chief, then the second level reviewer would be the Employment Branch Chief or higher.) The second level review decision is final; there is no further appeal to OPM.
- (5) All correspondence relating to an applicant's request for reconsideration, including the reconsideration decision(s), will be retained in the appropriate certificate case file. Refer to DEOH, Appendix C, for more information on records retention.
- (6) Applicants may change their responses to questions in an automated application system or submit supplemental information only if the vacancy announcement is still open. Additional information submitted by the applicant after the closing date of the announcement will not be considered.
- a. If an applicant updates his/her application to an announcement with cut-off dates identified and the eligibility changes or rating increases, the applicant will be considered with all other eligible applicants who applied from that date forward. Changes will not be retroactive.
 - b. Ineligible applicants will only have their qualifications reviewed if a reconsideration request is received from the applicant.

6.250.3.13
(12-03-2012)
Certificates

- (1) An SF-39, Request for Certificate of Eligibles, or equivalent and certificate, must be returned by the expiration date unless the issuing office has authorized an extension.
- (2) When merging categories under the category rating process, selections must be from within the highest quality category regardless of the number of candidates as all candidates are equal.

- a. Preference eligibles receive absolute preference within each quality category. If a preference eligible is in the quality category, the selecting official may not select a non-preference eligible unless a request to pass over the preference eligible is submitted and approved in accordance with 5 USC § 3318.
- b. If two or less candidates (preference or non-preference) remain in the highest quality category, selections may be made from a merged category consisting of the highest and second highest quality categories (5 USC § 9510[4]). A merged quality category will list all preference eligibles ahead of non-preference eligibles. For additional information on the category rating process, please refer to the DEOH and IRM 6.337.1, Alternative Rating and Selection
- c. However, if three or more candidates exist in the highest quality category, categories A and B cannot be merged. Refer to IRM 6.337.1, Alternative Rating and Selection, for additional guidance on merging categories.

6.250.3.13.1
(12-03-2012)

Auditing Certificates

- (1) DEUs must determine and document the certificate with the appropriate audit code. The audit code should clearly define the action and/or reason for action taken on each candidate listed on the certificate. The audit codes are listed on the back of the SF 39, "Request for Certificate of Eligibles." A copy of this form is located on the OPM web site at: <http://www.opm.gov/forms/html/sf.asp>.
- (2) DEUs must audit all certificates before a selectee(s) enter on duty.

6.250.3.13.2
(12-03-2012)

Certificate Case Files

- (1) Under Title 5 USC § 1104, agencies are required to keep appropriate records related to delegated examining. HCO, ETS, EOs must maintain certificate case files with sufficient documentation to allow for a complete reconstruction of the examination process in the event of oversight review or an appeal or legal action.
- (2) Each certificate case file should, at a minimum, contain the information listed in the DEOH Appendix C entitled "Records Retention and Disposition Schedule" available on OPM's web site at: www.opm.gov/deu.
- (3) Each certificate must be audited before the applicant enters on duty and the case file closed within 30 days of receiving the completed SF-39.

6.250.3.14
(12-03-2012)

Suitability And Objection/Passover Requests

- (1) HCO, ETS, EOs should pursue a suitability determination if the applicant's circumstances meet the IRS established criteria for referral when working with category rating.
- (2) 5 CFR Part 731 and IRM 6.731.1, Suitability Determinations for Employment, contains agency established criteria, guidance, and instructions. Information is also available in the OPM DEOH on the OPM web site at: www.opm.gov/deu.

6.250.3.15
(11-10-2009)

Release of Information

- (1) As outlined in the TREAS-1 Agreement, the DEU must ensure that the release of any information to an applicant does not compromise the examination process or disclose confidential materials. The release of information must not interfere with the merit systems principles, or intrude upon the privacy of others. Applicants may request and receive documents regarding their application for a specific vacancy announcement under certain conditions outlined below, provided another applicant's privacy and/or the examining process is not compromised.

- (2) The following material may be made available for review or photocopying by applicants when requested under the Privacy Act of 1974:
 - a. Application material submitted by the requesting individual (notations made by raters or reviewers showing earned rating, veterans' preference and final rating may remain as well as notations on experience blocks showing qualifying experience or quality level);
 - b. Inventory register/cards or similar information provided by an automated process (information must be sanitized to include only the applicant's information to avoid an unauthorized disclosure of another applicant's information and must receive written authorization from the requesting individual), notice of results of examination or similar documentation; and
 - c. Certification history including identification of dates, jobs for which the applicant's name was certified; Certificates of eligibles, provided that the names, addresses, social security numbers, phone numbers and any other personal information pertaining to all other eligibles is sanitized; and Employment availability documentation, responses and position descriptions.
- (3) The following documents are restricted to only OPM trained and certified delegated examining office employees and are not releasable under the Freedom of Information Act (FOIA) (5 USC § 552, as amended) or the Privacy Act of 1974. DEU must maintain the information below in locked filing cabinets or secured (in the case of computer-based applications), to prevent unauthorized access from a non-delegated examining person.
 - a. Rating schedules/crediting plans (only trained and authorized individuals, such as Test Administrators, Test Security and Control Officers, can have access to rating schedules, crediting plans and/or OPM developed materials);
 - b. Written test materials, answer sheets and answer keys (e.g., scannable forms);
 - c. Test booklets, items or transmutation tables;
 - d. Structured interview questions; and
 - e. Correspondence files directly related to the DE certification process (e.g., pre-employment screening process and background investigations); and applications maintained in the delegated examining files.
- (4) Third party requests from the National Treasury Employees Union for information must be coordinated through Workforce Relations Division (WRD) to determine if the requests are pertinent to IRS and external delegated examining under the TREAS-1 Agreement (e.g., Federal Labor Relations Authority [FLRA] decisions). IRS offices, who receive a third party request or inquiry, with potential Servicewide impact, are required to forward the information to the HCO, ETS, Policy and Programs Office for further guidance. Guidance regarding information requests with Servicewide impact can also be found in IRM 6.300.1, Employment (General).
- (5) DEU must preserve the confidentiality rules outlined in the DEOH, Chapter 7B, Freedom of Information and Privacy Acts when responding to other third party requests such as those from Equal Employment Opportunity counselors. Documentation of Denials of Disclosure for IRS or OPM delegated examining materials are based on 5 USC § 552(b) 2, 5 and 6.

- 6.250.3.16
(12-03-2012)
End-to-End (E2E) Hiring Model
- (1) The IRS E2E Hiring Model requires an ongoing partnership between the IRS HCO and Business Operating Divisions (BOD) to analyze recruitment processes, integrate strategic hiring plans, and regularly monitor the status/cycle time of vacancy announcements.
- 6.250.3.16.1
(12-03-2012)
HCO Responsibilities
- (1) HCO is responsible for:
- Mapping the current hiring process, using OPM's End-to-End Hiring Process from the time a manager identifies a need to hire until the person selected starts their first day on the job. See <http://www.opm.gov/wiki/uploads/docs/Wiki/OPM/training/EndToEnd-HiringInitiative.pdf>, page 27.
 - Collaborating with selecting officials, managers, supervisors and HCO, ETS Division representatives to implement this policy;
 - Evaluating recruitment processes/procedures/systems and streamlining standard operating procedures to ensure compliance with the E2E Hiring Model goals; and
 - Satisfying labor relations issues/implications.
- 6.250.3.16.2
(12-03-2012)
Employment Office (EO) Responsibilities
- (1) HCO, ETS, EOs will implement a 80 calendar day hiring cycle as required by the governmentwide requirement to improve the Federal recruitment and hiring process. HCO, ETS, EOs will ensure compliance with employment laws and regulations and provide consistent hiring practices while implementing this policy.
- (2) HCO, ETS, EOs will use automated systems whenever possible to achieve a shorter hiring cycle.
- (3) HCO, ETS, EOs, in partnership with the respective BOD managers and embedded Human Capital, should analyze the BOD's workforce goals and develop strategies to respond to high attrition rates or unexpected staffing requirements (e.g., impact of new regulations). The analysis of current workforce processes can identify problem areas and prompt the development of new streamlined approaches for recruiting. The analysis should identify successful recruitment strategies previously used to fill occupations that may assist in meeting future recruitment needs and meet or surpass the E2E hiring goals. The HCO and the BODs will consider the various options provided in Federal regulation to streamline hiring processes and to attract, recruit, and retain a highly competent workforce.
- 6.250.3.16.3
(12-03-2012)
Exemption from E2E Hiring Model
- (1) The IRS has a diverse mission that requires different and extensive occupational requirements for employment (e.g., Criminal Investigator). Due to these extensive requirements, it is necessary that certain occupations or specific positions are exempt from the E2E Hiring Model. Occupations and positions that are exempt from the E2E Hiring Model are:
- Positions which require extensive up-front assessments before a "conditional offer" can be made to an applicant (e.g., tests/other assessments scheduled by OPM or a vendor);
 - Positions filled under internal merit promotion procedures;
 - Temporary positions;
 - Filing season and wave hiring positions such as in the Campus; and
 - Senior Executive Service (SES) positions.

- (2) The HCO will establish appropriate overall hiring timeline goals for positions that are exempt from the 80 calendar day standard such as those requiring multiple assessments. The ETS Division will measure and evaluate its hiring processes for these positions to identify opportunities for improvement. The ETS Division will conduct ongoing discussions with managers and the Human Capital community at appropriate established venues (e.g., recruitment conferences and employment conferences) to establish baselines and procedures for evaluating and measuring hiring processes for these positions.

6.250.3.17
(12-03-2012)

References

- (1) To shorten the hiring cycle and improve recruitment processes, the following resources are available:
- Strategies to Improve Federal Hiring available on the OPM website at: http://www.opm.gov/Strategic_Management_of_Human_capital/Top10Fixes.asp
 - OPM's website on hiring flexibilities to attract and retain highly skilled individuals at: http://www.opm.gov/Strategic_Management_of_Human_Capital/fhfr/default.asp

