

U.S. Department of Transportation

# DEPARTMENTAL PERSONNEL MANUAL

## Chapter 332 COMPETITIVE EXAMINING - DELEGATED EXAMINING ACCOUNTABILITY

THIS DPM CANCELS AND REPLACES ANY PREVIOUSLY ISSUED  
DPM-332 BULLETINS, LETTERS, AND CHAPTERS RELATED TO  
COMPETITIVE EXAMINING.

**DEPARTMENTAL PERSONNEL MANUAL 332**  
**COMPETITIVE EXAMINING - DELEGATED EXAMINING ACCOUNTABILITY**

SECTION 1. GENERAL INFORMATION

Purpose

Coverage

Authority and References

Policy

Definitions

SECTION 2. DELEGATED EXAMINING STRUCTURE WITHIN DOT

SECTION 3. AUTHORITIES AND RESPONSIBILITIES

General Parameters

Current DE Certification Required

Positions Covered

Limits of DOT's authority (authorities retained by OPM)

Responsibility and Authority of the Departmental Office of Human Resource Management

Responsibility and Authority of the Delegated Examining Unit (DEU)

Responsibility and Authority of the DOT Operating Administrations

SECTION 4. ANNUAL AUDIT REQUIREMENTS

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COMPETITIVE EXAMINING -  
DELEGATED EXAMINING ACCOUNTABILITY**

**SECTION 1. GENERAL INFORMATION**

**Purpose**

This Chapter establishes the U.S. Department of Transportation (DOT) competitive examining policy with regard to delegated examining (DE) accountability. The U.S. Office of Personnel Management (OPM) has delegated to the Department the authority to conduct competitive examining (job announcements that are open to all U.S. citizens). In accordance with the terms of the delegation agreement, this chapter establishes DOT's internal accountability system, designed to assure that the use of delegated examining authorities is in compliance with law and merit system principles.

**Coverage**

This Chapter applies to all DOT organizations with competitive service positions subject to Title 5, United States Code.

Under the Interagency Agreement Number DOT-1 between OPM and DOT, DOT Operating Administrations (OAs) may conduct delegated examining, as described in this Chapter.

**Authority and References**

- a. This Chapter is based upon and conforms to the requirements and policy set forth in:
  - 5 U.S.C. Chapter 23 and 33;
  - 5 C.F.R., particularly Part 332 (also Parts 2, 4, 210, 211, 212, 300, 310, 315, 330, 337, and 338);
  - OPM's Delegated Examining Operations Handbook; and
  - Interagency Agreement DOT-1 between OPM and DOT.
  
- b. This Chapter supplements policies and requirements contained in the references cited in (a) above. This Chapter is not self-contained, and must be read in conjunction with the cited references.

## **Policy**

Accountability for delegated examining, as for all HR activities, is a joint responsibility resting with the Department and the OAs, and with agency management, as well as with HR offices. The Department's policy is that all DE activity within the Department shall be in compliance with merit principles, and with all laws, regulations, and OPM requirements. Additionally, DE activity in DOT should provide for recruitment and hiring which supports the Department's Human Capital Plan, and results in a high-quality diverse applicant pool to meet the Department's mission needs.

## **Definitions**

a. *Delegated Examining Authority.* Delegated examining authority is an authority OPM grants to agencies to fill competitive civil service jobs with:

- Applicants applying from outside the Federal workforce,
- Federal employees who do not have competitive service status, or
- Federal employees with competitive service status.

Appointments made by agencies through delegated examining authority are subject to civil service laws and regulations. This is to ensure fair and open competition, recruitment from all segments of society, and selection on the basis of the applicants' competencies or knowledge, skills, and abilities.

b. *Interagency Agreement DOT-1 between OPM and DOT.* The signed interagency agreement between DOT and OPM, which has been signed by OPM and by DOT's Director, Departmental Office of Human Resource Management. It is the document through which OPM has provided DOT with delegated examining authority, and it lists the responsibilities of OPM and of DOT.

c. *OPM's Delegated Examining Operations Handbook.* The handbook provides assistance to agencies with delegated examining authority. It applies to competitive examining only and not merit promotion, excepted service, senior executive service, or non-competitive service. It provides guidance and options, and some specific operational procedures that are designed to ensure that examining programs comply with merit system laws and regulations.

## **SECTION 2. DELEGATED EXAMINING STRUCTURE WITHIN DOT**

The DOT OAs with competitive examining activity studied various options during 2003, with the goal of determining the most efficient and effective method for recruiting, examining, and hiring for DOT positions. They jointly decided on a corporate recruitment approach, with competitive examining handled by one executive agent on behalf of the Department, and using

an automated system for speed and efficiency of operations. After an extensive study of a number of available options, the group selected QuickHire as the automated system.

The Federal Highway Administration, which was already conducting delegated examining (DE), was selected as the Department's executive agent for QuickHire examining. The other OAs are providing resources to the executive agent to accomplish this work. The migration of the other OAs' delegated examining operations to the executive agent is currently on-going, and transfer of the resources, as well as initiation of DE activity, for each OA is scheduled to be accomplished by the end of June 2004. Staffing and resource requirements will be reviewed and adjusted as necessary over time.

The large and long-established "standing registers" are expected to be the last DE activity transferred to the executive agent because of the workload issues associated with their transfer – both for the delegated examining units and for the applicants. Once migration to the Department's executive agent has been completed, and all on-going work in the OAs has been closed out, delegated examining (DE) activity within DOT will be conducted solely by the Department's executive agent, the Federal Highway Administration. However, those HR offices which have been conducting delegated examining prior to migration must continue to maintain records in accordance with OPM DE guidance and requirements. After migration has been completed, the Department will notify OPM of the termination of the DE operations previously conducted in other OAs. The Office of the Inspector General (OIG) has chosen to continue to purchase competitive examining services from OPM.

### **SECTION 3. AUTHORITIES AND RESPONSIBILITIES:**

#### **General Parameters**

Delegated examining within DOT must be conducted in accordance with the provisions of Interagency Agreement DOT-1, as well as in accordance with Title 5 of the United States Code (5 U.S.C.), Part 5, Code of Federal Regulations (5 C.F.R.), OPM's Delegated Examining Operations Handbook, and any applicable DOT policies and procedures. Delegated examining in DOT must be in compliance with law and merit system principles.

#### **Current DE Certification Required**

All individuals responsible for delegated examining activities, including those conducting annual audits, must have completed initial certification training by OPM, and be currently certified to perform this work.

## **Positions Covered**

Delegated examining operations within DOT may be conducted for Title 5 competitive service positions for all series and grade levels nationwide except for (1) Administrative Law Judge positions, and (2) positions covered under the Luevano Consent Decree.

## **Limits of DOT's Authority (Authorities Retained by OPM)**

In addition to the limits on coverage described in the preceding section, there are some other limitations on DOT's DE authority. OPM approval or action is required in certain situations:

- (1) Ineligible determinations (including objections/passovers) on preference eligibles based on medical considerations must be referred to OPM for review and final approval.
- (2) OPM retains final approval authority for objections based on qualifications and/or suitability which would result in the passover of a Compensable Preference eligible with a disability of 30% or more.
- (3) Individuals administering OPM tests first must be trained and certified by OPM.

## **Responsibility and Authority of the Departmental Office of Human Resource Management**

The Department has the authority to determine the location and extent of delegated examining activity permitted within DOT, and the responsibility for ensuring that DE activity is appropriate and in line with the goals outlined below. This Chapter describes the authority and parameters for conducting competitive examining within DOT. Should the nature of DE activities ever so warrant, the Department does have the authority to rescind rights to continue DE activity.

The Department's Office of Human Resource Management has the authority and responsibility for overall policy direction, guidance and assistance to the Department's Delegated Examining Unit (DEU) as needed, and for oversight with regard to DE reviews and any necessary corrective action(s). The Department has overall responsibility for HR direction in DOT, and has multiple goals for DE activity within the Department:

- compliance with all laws, regulations, and OPM requirements;
- compliance with merit principles;
- efficiency, economy, and effectiveness of operations;
- customer satisfaction; and
- recruitment and hiring which supports the Department's Human Capital Plan, and results in a high-quality diverse applicant pool to meet the Department's mission needs.

The Department will provide information and training to the DEU on major new laws, regulations and initiatives affecting delegating examining, e.g., new category rating and direct-

hire authorities. The Department will ensure there is periodic communication with the DEU, and, as necessary, will work with the DEU to resolve issues.

The Department will review reports on DEU activity: the required quarterly reports prepared by the DEU, reports on the required annual audits, and audit reports done by OPM, and will follow-up as necessary with the DEU to help resolve any problems and/or inappropriate actions. The Department will monitor, to ensure that required reports are received from the DEU on a timely basis. The Department will participate in OPM audits of DOT DE activity whenever possible.

In order to assess the effectiveness of the DE program, the Department will periodically undertake activities such as:

- random review of vacancy announcements (assess whether they meet all requirements, are user-friendly, and/or constitute an effective “marketing” tool)
- quarterly meetings with the executive agent
- random review of case(s) (assess compliance with law/regulation/procedure, whether there are sufficient quantity and quality of candidates, the selecting official’s satisfaction with the process)
- get feedback from OAs which use the DEU

The Department will carry out these activities as a supplement to the required annual external audit.

### **Responsibility and Authority of the Delegated Examining Unit (DEU)**

As DOT’s executive agent, the DEU has the authority to conduct delegated examining activities to fill all authorized competitive service positions, on behalf of all OAs. Effective DEU operations are critical for DOT, in the “war for talent.” The DEU will be of vital importance for DOT in accomplishing the goals of the Department’s Human Capital Plan, meeting mission-critical needs, and furthering workforce/succession planning strategies. The DEU will assist all OAs in their efforts to meet DOT’s goals through recruiting a diverse, high-quality applicant pool, and hiring talent to achieve the Department’s mission.

The DEU is responsible for compliance with law and merit systems principles. Specifically, the DEU is responsible for operating in compliance with this Chapter, and therefore must operate in accordance with the provisions of Interagency Agreement DOT-1, with 5 U.S.C., 5 C.F.R., any other applicable laws/regulations/Executive Orders/court orders, OPM’s Delegated Examining Operations Handbook, and any other applicable DOT policies and procedures.

**The DEU has the authority to conduct the full range of delegated examining activities, with the exceptions noted in these documents. The DEU is responsible for adhering to all items listed under “Agency Responsibilities” in Interagency Agreement DOT-1.**

The DEU is responsible for ensuring all necessary records are maintained, in compliance with the requirements in the Delegated Examining Operations Handbook (currently in Appendix C). This includes the responsibility for maintaining records showing that appropriate job analyses

have been conducted with subject-matter experts, and showing the nexus between the job analysis and any selective factors and rating factors (the questions/crediting plan system).

The DEU is responsible for ensuring that vacancy announcements are clear with regard to the definition of the “specialized experience” required, as well as any selective factors.

The DEU has the authority and responsibility to develop written policies and procedures necessary to conducting delegated examining, and to apply them consistently. The Department shall be available to assist with these, as requested by the DEU. The Department shall issue policies as needed; policies developed by the DEU shall be reviewed and approved by the Department. Specific examples include:

- Procedures for determining and documenting the appropriateness of, and rationale for, a public notice period of less than five calendar days
- Procedures/policies on the acceptance and processing of applications from candidates, including status applicants
- Procedures for applicants requesting reconsideration of their ratings.
- Procedures for recusal of staff when someone intends to apply for a covered position, or if a relative or member of their household intends to apply.
- Procedure for accomplishing the required annual audit of delegated examining activities using currently-certified staff not associated with the DE activities
- Procedure for ensuring and documenting current DE-certification of staff members.

The DEU shall monitor DE activities for timeliness and cost of operations; and may also monitor other factors, e.g., success in attracting a diverse and high-quality group of applicants; use of certificates (and reasons for unused certificates); customer satisfaction (managers, applicants). Some of these evaluative processes may be done in conjunction with the Intermodal Corporate Recruitment Team.

The DEU also has the following responsibilities:

- 1) Sign and return to the Departmental Office of Human Resource Management a copy of the memo authorizing delegated examining activity, thereby indicating understanding and acceptance of the Department’s terms and conditions for delegated examining operations.
- 2) Provide to the Department the names of employees conducting delegated examining, with their dates of certification. Provide an updated list as the information changes, and with the annual audit report.
- 3) Prepare and send OPM the required quarterly reports, on a timely basis; send a copy of each to the Department at the same time
- 4) Notify the Department of the audit cycle (when the annual audits will be performed). The DEU must also arrange for the annual audit to be performed, and send the report to OPM in a timely manner; send a copy to the Department at the same time.

## **Responsibility and Authority of the DOT Operating Administrations**

Each DOT OA has the following management responsibilities related to DE:

- Provide the required levels of staff and funding to ensure that the DEU has the resources necessary to operate effectively.
- Follow merit system principles.
- Provide complete recruitment packages to the DEU, including information for electronic outreach, as well as position description and job analysis (staffing plan).
- Work with subject-matter experts and managers to approve announcements, approve questions, and assess certified candidates.
- Interview candidates, make selections for jobs, and make job offers.
- Take timely action on selection certificates and returning packages to the DEU.

## **SECTION 4. ANNUAL AUDIT REQUIREMENTS**

DOT has adopted the model agency-based accountability coverage framework of Delegated Examining Operations Handbook, Appendix H, for the annual self-audits. The audits will review at least 5% of delegated examining cases conducted, or five case files, whichever is greater. The review should try to include cases representative of a sample of occupations, and will include at least one case for each HR Specialist.