



Department of Energy  
Washington, DC 20585

AUG 5 2015

MEMORANDUM FOR HUMAN RESOURCE DIRECTORS OF SERVICING HUMAN  
RESOURCES OFFICES AND SHARED SERVICE CENTERS

FROM: *Kenneth T. Venuto*  
KENNETH T. VENUTO, DIRECTOR  
OFFICE OF HUMAN CAPITAL MANAGEMENT

SUBJECT: POLICY MEMORANDUM #2  
EXCEPTED SERVICE HIRING POLICY

1. PURPOSE: This document establishes Departmental policy for employment into excepted service positions classified at the GS-15 (or equivalent) level and below for:
  - A. Hiring and selecting individuals for excepted service positions;
  - B. Applying veterans' preference;
  - C. Promoting and reassigning Department employees assigned to excepted service positions; and
  - D. Other staffing requirements when recruiting for excepted service positions.
2. APPLICABILITY: This policy applies to positions in the following categories:
  - A. All positions classified in the General Schedule (GS) pay plan (or equivalent); and positions classified under the Federal Wage System with Excepted Service authority as codified in Title 5 Code of Federal Regulations (CFR), Part 302.
  - B. All positions filled through the Department's Career Pathways Program under 5 CFR, Part 362 (regardless of pay plan and exclusive authority).
  - C. All positions filled through the Department's Hiring People with Disabilities Program.
3. EXEMPTIONS:
  - A. Positions covered by 5 CFR 302.101(b) and 5 CFR 302.101(c) are exempt from this policy memorandum. Although positions covered by 5 CFR 302.201 (c) are exempt from appointment procedures, Servicing Human Resources Offices (SHROs) or Shared Service Centers (SSCs) must ensure applicants entitled to priority consideration under 5 CFR 302.103 is afforded accordingly.
  - B. Positions covered or serviced by the Office of the Chief Human Capital Officer's (OCHCO's) Executive Resources Office (e.g., EJ, EK, SL, ST, etc.) are excluded from these requirements.

4. AUTHORTIES: Title 5 Code of Federal Regulations (CFR) Part 302, Sections §302.104, §302.105, §302.301, §302.302, §302.303 and §302.304. Title 5 USC 1302 (c) or USC 3308-3318; and 5 CFR Part 362 for Pathways Program.
5. BACKGROUND: Title 5 section 302 requires agencies to establish recruitment plans for executing the requirements of federal regulations. In addition, the Veterans' Preference Act requires selections from among qualified applicants for appointments to excepted service vacancies in the same manner and under the same conditions required for the competitive service by 5 U.S.C. 3309-3318.

Therefore, this policy establishes requirements to ensure the Department remains compliant with federal laws and regulations to ensure all veterans' preference eligibles receive appropriate consideration in the referral and selection process for applicable Schedule A, Schedule B and Schedule D appointment authorities.

6. REQUIREMENTS:

1. Reemployment Lists:

- A. The Department's Reemployment Priority List (RPL) must be cleared for excepted service positions in accordance with 5 CFR, Sections 302.105 and 302.303.
- B. SHRO(s) and SSC(s) are required to refer to the Department's RPL on the OCHCO's website to determine if there are available candidates on the RPL.
- C. SHRO(s) and SSC(s) are required to contact the OCHCO, Human Capital Policy Division when the servicing organization has a former employee eligible for reemployment consideration as per 5 CFR, Sections 302.105 and 302.303.

2. Job Opportunity Announcements (JOA):

- A. JOA(s) must meet all public notice requirements as indicated in 5 CFR 330.103, 330.104 and 330.105.
- B. JOA(s) must ensure a fair and equitable process to ensure appropriate consideration is given to all eligible candidates.
- C. JOA(s) must contain all information identified in appendix A-1 (attached).

3. Evaluation Methods: Below are the Department's evaluation methods for evaluating excepted service positions.

A. Rated Method:



1. The Department's rating method for excepted service positions will be comparable to the process identified in 5 CFR 330; and the category rating process as defined in 5 CFR 337 and the Department's policy (see appendix A-2 for veterans' preference requirements).
2. Quality categories ranges must be established according to hiring trends, nature of positions (e.g., administrative, professional, scientific, technical and/or wage board) and must clearly distinguish the Best Qualified candidates from all other candidates prior to posting the JOA.
3. The rated method must be used when filling the following excepted service positions:
  - a. Recent Graduates through the Department's Career Pathways Program;
  - b. Two graded interval administrative positions GS-5 (or equivalent) and above;
  - c. Two graded interval professional and scientific positions GS-5 (equivalent) and above; and
  - d. One grade interval or clerical positions GS-7 (or equivalent) and above.
4. SHRO(s) and SSC(s) are required to follow the attached procedures (see appendix A-2) when filing excepted service positions.

**B. Unrated Method:**

1. The unrated method requires applicants to meet the minimum requirements only. Minimum requirements as defined in the Office of Personnel Management (OPM) Qualification Standards are:
    - a. United States Citizenship;
    - b. Basic educational requirements (when applicable);
    - c. Other key requirements; and
    - d. Specialized experience requirements.
  2. No rating and ranking (scoring of applicants) is required when using the unrated method.
  3. The unrated method is allowed when filling the following positions through excepted service authorities:
    - a. Student Interns through the Career Pathways Program;
    - b. Disability Appointments through Schedule A;
    - c. Veteran Recruitment Authority appointments up to the GS-11; and
    - d. Clerical positions up to GS-6 (and equivalent).
- C. SHRO(s) and SSC(s) are required to follow the attached procedures (see appendix A-2) when using the unrated method to fill excepted service positions.**

Cases that require the rated method versus the unrated method are provided in the below table – note veterans' preference applies for each method applied:

<b><u>Rated Method (with/JOA Posting)</u></b>	<b><u>Unrated Method (with/JOA Posting)</u></b>
Recent Graduates (Pathways)	Student Interns (Pathways)
Two graded interval administrative positions GS-5 (or equivalent) and above	Disability Appointments through Schedule A (veterans preference applies)
Two graded interval professional and scientific positions GS-5 (or equivalent) and above	VRA appointments up through GS-11 (veterans preference applies)
One grade interval or clerical positions GS-7 (or equivalent) and above	Clerical Positions up to GS-6

4. Unsolicited Applications:

A. There may be occasions where unsolicited applications are received without a specific JOA or public notice opportunity. In these instances, SHRO(s) and SSC(s) are required to:

1. Ensure (to the fullest extent possible) veteran candidates are afforded priority consideration over any non-veteran candidate; and
2. Follow requirements indicated in the Department's policy for unsolicited applications from disability applicants and CPS applicants.

3. Order of Selections: SHRO(s) and SSC(s) are required to follow procedures identified in A-2 when identifying candidates eligible for selection.

A. Rated Method: The order of selection for the rated method must be in accordance with the Department's category rating policy ("category rating-like" procedures) in which selections must be made from the highest category of candidates. While veteran selections for excepted service positions are not mandatory, proper procedures must be documented indicating full consideration was given as much as administratively feasible and, as noted, CPS passovers/objections must come to the OCHCO, Human Capital Policy Division for submission to the OPM.

B. Unrated Method: The order of selection for the unrated method is applied in the same manner as the rated method, which requires all veterans' to be considered before non-veterans'. While veteran selections are not mandatory, proper procedures must be documented indicating full consideration was given as much as administratively feasible and, as noted, CPS passovers/objections must come to the OCHCO, Human Capital Policy Division for submission to OPM.

4. Veterans' Recruitment Appointment (VRA):



A. Pursuant to the requirements of the OPM's VetGuide and the Veterans' Recruitment Appointment (VRA) hiring authority, if a SHRO and/or SSC has two (2) or more VRA candidates and one (1) or more is a preference eligible, the SHRO and/or the SSC must apply veterans' preference procedures.

- 1) For example, if an applicant is a VRA eligible on the basis of receiving an Armed Forces Service Medal (this medal does not confer veterans' preference eligibility), and the second (2<sup>nd</sup>) applicant is a VRA eligible on the basis of being a disabled veteran (which does confer veterans' preference eligibility), both individuals are VRA eligibles but only one (1) of them is eligible for veterans' preference.

B. When considering candidates under VRA, SHRO(s) and SSC(s) must refer candidates using the procedures consistent with 5 CFR 302.201(B) and similar to the procedures identified in 5 CFR 302.304 (B)(5)(i). The following certification and consideration procedures are required when there are two (2) or more VRA eligible applicants:

- 1) CPS (veterans' with a compensable service-connected disability of 30% or more);
- 2) CP (veterans' with a compensable service-connected disability of 10% (but less than 30%);
- 3) XP and other 10 point veterans eligible for VRA;
- 4) TP (5 point) veterans' who are eligible for VRA; and
- 5) Other qualified VRA eligibles.

5. Excepted Service Procedures for passover and objection of CPS eligible (30 Percent or More Disabled Veterans):

A. OPM retains exclusive authority to approve CPS passovers and objection requests. Therefore, all requests for objections and passovers must be sent to the OCHCO, Human Capital Policy Division for review, concurrence and routing to OPM.

B. This requirement is not applicable to positions exempted by 5 CFR 302. 101(b); 5 CFR 302.101(c).

6. Trial Periods:

A. Trial Periods of 1-year (52-weeks) are required for the following type of excepted service appointments:

- 1) Any person appointed to an excepted service position without time limitation; and
- 2) Any subsequent "NEW" excepted service appointments through competitive procedures without time limitation.

7. Internal Placement Opportunities for Excepted Service Positions of current DOE employees:

- A. Opportunities for excepted service positions with greater/higher promotion potential must be based on merit and in accordance with the requirements indicated in this policy.
- B. A competitive process (i.e., JOA posting, application review, etc.) is required to promote, reassign or temporarily promote for more than 120-days a current DOE employee to an excepted service position. A competitive process is required when considering existing employees for:
  - 1) Disability Appointments that will result in a promotion/reassignment to a position with higher promotion potential – this is required only when there are other employees in the organization with similar experience and qualified for the same position the employee will be promoted to;
  - 2) Opportunities for promotion to higher graded positions or additional duties and responsibilities of more than 120-days;
  - 3) Reassignment to a position with higher promotion potential;
  - 4) Promotion and Reassignments using VRA eligibility; and
  - 5) Permanent placement into an intern or recent graduate position.
- C. SHRO(s) and SSC(s) are required to follow procedures in appendix A-3 (attached) for information pertaining to formal and informal competitive procedures for excepted service positions.

8. Other conditions of employment:

- A. Any person appointed to an excepted service position with authority for future non-competitive conversion to a competitive appointment is required to meet the conditions of that specific excepted appointing authority. For instance, some appointments (e.g., VRA, Schedule A, and Schedule D) require a period of conditional employment of two years, which must be completed prior to the non-competitive conversion to a career or career-conditional appointment.

9. Promotions and Reassignments in the Excepted Service:

- A. Promotions will be handled in the same manner and under the same conditions as they are handled in the competitive service with the exception of Time-In-Grade (TIG) requirements. While TIG (as indicated under 5 CFR 300.602) is not applicable, employees that hold excepted service positions are expected to have a minimum of 1 year (52 weeks) of quality experience at the next lower grade level before receiving a promotion to a higher graded position. In addition, an employee's recent performance rating must be equivalent to fully successful to be considered for a promotion.



- B. Accelerated promotions, as stated in 5 CFR 300.602 are allowed for excepted service positions. However, SHRO(s) and SSC(s) may not authorize or allow accelerated promotions to individuals hired under the Department's Career Pathways program. SHRO(s) and SSC(s) must have a training agreement (that is not included under the Department's Career Pathways program) established in accordance with OPM's operating manuals. However, an employee may not receive more than two (2) promotions in any 52-week period solely on the basis of one or more training agreements. Also, only OPM may approve a training agreement that provides for consecutive promotions at rates that exceed those permitted by §300.604.
- C. Reassignments will also be handled under the same conditions and in the same manner as the competitive service. Before an employee is reassigned to a new excepted service appointment or converted to another excepted service appointment, employees must meet all qualification requirements related to the position. Non-competitive reassignments are allowed. Reassignments to positions with higher promotion potential for more than 120 days require some form of competitive procedures (refer to appendix A-3 attached).

## 7. RESPONSIBILITIES.

### A. Servicing Human Resources Offices (SHROs) and/or Shared Service Centers (SSCs):

- 1. Must establish internal operating procedures indicating how the office will handle non-selection of veteran applicants in accordance with DOE requirements.
- 2. Establish local procedures on how the evaluation method indicated in this policy and the attached appendix (A-2) will be applied and make the process a matter of record.
- 3. Must inform the applicant/employee in writing of the conditions for the trial period.
- 4. Must use the rating and ranking procedures as identified in this policy and the attached appendix (A-2) when filling excepted service positions.
- 5. Must use the Department's JOA template when filling positions in the excepted service.
- 6. Must submit a written request for passover or objection of a CPS applicant to the OCHCO, Human Capital Policy Division for review, concurrence and submission to the OPM.
- 7. Ensure RPL is cleared before posting any vacant position.

8. Must implement procedures to ensure a fair and open process for consideration for opportunities to promote (temporarily or permanent) and reassign internal employees.
9. Must use this policy in conjunction with the policy issued regarding Hiring People with Disabilities, and the Department of Energy's Career Pathways Program.

B. Office of the Chief Human Capital Officer:

1. Maintain and update the RPL for the Department.
2. Notify SHRO(s) and SSC(s) of any regulatory and/or Departmental changes to this policy.
3. Modify and/or update this policy as required by regulation.
4. Receive, review and (if approved) send to OPM any request for passover or objections of CPS veteran eligible.
5. Answer any questions or concerns of the SHRO(s) and/or SSC(s) regarding this policy.
6. Provide accountability and oversight to the SHRO(s) and/or SSC(s) for the purpose of compliance.

Any questions concerning this guidance may be directed to Tiffany Wheeler, Human Resource Specialist, at [Tiffany.Wheeler@hq.doe.gov](mailto:Tiffany.Wheeler@hq.doe.gov).



## **A-1 Appendix for JOA postings for Excepted Service Positions**

All Job Opportunity Announcement(s) must identify the number of positions to be filled or provide a general statement that reads “number of positions subject to change.” In addition, Servicing Human Resources Offices (SHROs) and Shared Service Centers (SSCs) are required to ensure JOA(s) meet all public notice requirements as indicated in Title 5 330.104. JOA(s) must ensure a fair and equitable process is used to ensure consideration is given to all eligible candidates. JOA(s) must meet the following minimum requirements:

- Contain reasonable opening and closing periods. The minimum opening period for an excepted service JOA should be 3 business days. Exceptions to the 3-day requirement are allowed, contingent on extenuating circumstances (e.g., regularizing illegal appointments, conversion of intern to career-career conditional appointment, etc.). Circumstances must be documented in the standard operating procedures and approved by the Director of the SSC or SHRO.
- Appointment duration (part-time, full-time, limited or permanent).
- Promotion opportunities (or the Full Performance Level of position).
- Identify the opportunity for conversion to permanent appointments (if and when applicable).
- Identify the method of evaluation and any required documentation.
- Identify the required general or specialized experience, knowledge, skills, abilities and/or any related competencies.
- How to apply.
- Reasonable Accommodation statement.
- Special instructions and information for veterans’ and applicants with disabilities; and
- Other special information pertaining to the position and appointment.

**Appendix A-2**  
**Evaluating Candidates for Excepted Service Positions**  
**Rating and Ranking Methods of Evaluation**

**Rated Method:** Servicing Human Resources Offices (SHROs) and Shared Service Centers (SSCs) must use category rating like procedures (similar to those described in 5 CFR 332 and the Department's category rating policy) when utilizing the rating method for excepted service positions. When a JOA is posted and applications are rated against the basic job qualification requirements and job related competencies, all eligible applicants are ranked and placed into a predefined category similar to category rating (e.g. Best Qualified (BQ), Well Qualified (WQ) and Qualified (Q)).

Using the rated method, veteran candidates must be listed ahead of non-veteran candidates within each category. Veterans' will be listed on the selection certificate in order of preference, e.g., CPS, CP, XP, TP, etc., in alphabetical order. Selecting officials must consider veteran candidates before considering non-veteran candidates. However, veteran selection is not mandatory.

Certificates issued under the rating method must appear in the following order, per category:

- a. CPS (10 point Compensable Disability Preference of 30% or more) in alpha order;
- b. CP (10 point Compensable Disability Preference up to 30%) in alpha order;
- c. XP (10 point Disability or Deprived Preference) in alpha order;
- d. TP (5 point preference) in alpha order; and
- e. The remaining applicants in alpha order.

Certificates must be issued using procedures similar to the category rating process. As such, all candidates (veterans' and non-veterans') must appear on the certificate in accordance with their overall rating and appropriate category (BQ, WQ, and Q).

Veterans' will remain in the appropriate category listed ahead of all non-veterans for vacancies filled for professional and scientific positions. However, for administrative and clerical positions, CP and CPS veterans' must be placed in the highest category, regardless of rating.

A preference eligible such as a CP, XP, and TP can be eliminated from consideration only if the SHRO/SSC (examining office) sustains the written request from the selecting official to select a non-veteran over a veteran (passover).

CPS veterans' must remain on the certificate until an official objection/passover is submitted to the OCHCO, Human Capital Policy Division for OPM's review. (See below for additional information for CPS veterans'.)

**Un-Rated Method:** When a JOA is posted for an excepted service position and applications are referred based on a non-rated method (i.e., referred based on basic eligibility requirements only)



certification requirements are applied in the same manner as the rated method, which requires all veterans to be listed ahead of non-veterans in preference order and then followed by alphabetical order. Veterans' are to be considered before any non-veteran applicants in order to ensure priority consideration. However, veteran selection is not mandatory. SHRO(s)/SSC(s) are required to annotate certificates with appropriate preference of each veteran applicant (TP, XP, CP, CPS, etc.). A preference eligible such as a CP, XP, and TP can be eliminated from consideration only if the SHRO/SSC (examining office) sustains the written request from the selecting official to select a non-veteran over a veteran (passover). CPS veterans' must remain on the certificate until an official objection is submitted to the OCHCO, Human Capital Policy Division for OPM's review.

### **Appendix A-3**

#### **Internal Placement Procedures for Excepted Service Positions**

This appendix provides the Department's procedures when considering internal employees (current Department of Energy (DOE) employees) for positions in the excepted service.

When a vacant position exists within a specific office, the hiring manager cannot use a non-competitive appointment authority to arbitrarily promote or reassign an employee (to a position with higher promotion potential) without giving everyone in the office (similarly situated) an opportunity to apply for the position.

These procedures are applicable for consideration for the following type of appointments/opportunities:

- Disability Appointments that will result in a promotion/reassignment to a position with higher promotion potential – this is required only when there are other employees in the organization with similar experience and qualified for the same position the employee will be promoted to;
- Opportunities for promotion to higher graded positions or additional duties and responsibilities of more than 120-days;
- Reassignment to a position with higher promotion potential;
- Promotion and Reassignments using Veteran Recruitment Appointment eligibility; and
- Permanent placement into an intern or recent graduate position.

Formal recruitment procedures are those similar to Delegated Examining, Merit Promotion and other excepted service Job Opportunity Announcements.

Informal recruitment procedures may include:

- Emailed announcement to all employees in Office/Division;
- Internal posting using Hiring Management, visible to DOE employees only; or
- Other informal methods, as long as the hiring official can document proof (e.g. bulletin postings, etc.).