

114TH CONGRESS
1ST SESSION

S. _____

To allow additional appointing authorities to select individuals from competitive service certificates.

IN THE SENATE OF THE UNITED STATES

Mr. TESTER (for himself, Mr. PORTMAN, Mr. CARDIN, Mr. MORAN, and Ms. HEITKAMP) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To allow additional appointing authorities to select individuals from competitive service certificates.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Competitive Service
5 Act of 2015”.

6 **SEC. 2. ADDITIONAL APPOINTING AUTHORITIES FOR COM-**
7 **PETITIVE SERVICE.**

8 (a) IN GENERAL.—Section 3318 of title 5, United
9 States Code, is amended—

1 (1) by redesignating subsections (b) and (c) as
2 subsections (c) and (d), respectively; and

3 (2) by inserting after subsection (a) the fol-
4 lowing:

5 “(b) OTHER APPOINTING AUTHORITIES.—

6 “(1) IN GENERAL.—During the 240-day period
7 beginning on the date of issuance of a certificate of
8 eligibles under section 3317(a), an appointing au-
9 thority other than the appointing authority request-
10 ing the certificate (in this subsection referred to as
11 the ‘other appointing authority’) may select an indi-
12 vidual from that certificate in accordance with this
13 subsection for an appointment to a position that
14 is—

15 “(A) in the same occupational series as the
16 position for which the certification of eligibles
17 was issued (in this subsection referred to as the
18 ‘original position’); and

19 “(B) at a similar grade level as the origi-
20 nal position.

21 “(2) APPLICABILITY.—An appointing authority
22 requesting a certificate of eligibles may share the
23 certificate with another appointing authority only if
24 the announcement of the original position provided

1 notice that the resulting list of eligible candidates
2 may be used by another appointing authority.

3 “(3) REQUIREMENTS.—The selection of an in-
4 dividual under paragraph (1)—

5 “(A) shall be made in accordance with sub-
6 section (a); and

7 “(B) subject to paragraph (4), may be
8 made without any additional posting under sec-
9 tion 3327.

10 “(4) INTERNAL NOTICE.—Before selecting an
11 individual under paragraph (1), and subject to the
12 requirements of any collective bargaining obligation
13 of the other appointing authority, the other appoint-
14 ing authority shall—

15 “(A) provide notice of the available posi-
16 tion to employees of the other appointing au-
17 thority;

18 “(B) provide up to 10 business days for
19 employees of the other appointing authority to
20 apply for the position; and

21 “(C) review the qualifications of employees
22 submitting an application.

23 “(5) COLLECTIVE BARGAINING OBLIGATIONS.—
24 Nothing in this subsection limits any collective bar-
25 gaining obligation of an agency under chapter 71.”.

1 (b) ALTERNATIVE RANKING AND SELECTION PROCE-
2 DURES.—Section 3319 of title 5, United States Code, is
3 amended by striking subsection (c) and inserting the fol-
4 lowing:

5 “(c) SELECTION.—

6 “(1) IN GENERAL.—An appointing official may
7 select any applicant in the highest quality category
8 or, if fewer than 3 candidates have been assigned to
9 the highest quality category, in a merged category
10 consisting of the highest and the second highest
11 quality categories.

12 “(2) USE BY OTHER APPOINTING OFFICIALS.—
13 Under regulations prescribed by the Office of Per-
14 sonnel Management, appointing officials other than
15 the appointing official described in paragraph (1) (in
16 this subsection referred to as the ‘other appointing
17 official’) may select an applicant for an appointment
18 to a position that is—

19 “(A) in the same occupational series as the
20 position for which the certification of eligibles
21 was issued (in this subsection referred to as the
22 ‘original position’); and

23 “(B) at a similar grade level as the origi-
24 nal position.

1 “(3) APPLICABILITY.—An appointing authority
2 requesting a certificate of eligibles may share the
3 certificate with another appointing authority only if
4 the announcement of the original position provided
5 notice that the resulting list of eligible candidates
6 may be used by another appointing authority.

7 “(4) REQUIREMENTS.—The selection of an in-
8 dividual under paragraph (2)—

9 “(A) shall be made in accordance with this
10 subsection; and

11 “(B) subject to paragraph (5), may be
12 made without any additional posting under sec-
13 tion 3327.

14 “(5) INTERNAL NOTICE.—Before selecting an
15 individual under paragraph (2), and subject to the
16 requirements of any collective bargaining obligation
17 of the other appointing authority (within the mean-
18 ing given that term in section 3318(b)(1)), the other
19 appointing official shall—

20 “(A) provide notice of the available posi-
21 tion to employees of the appointing authority
22 employing the other appointing official;

23 “(B) provide up to 10 business days for
24 employees of the other appointing authority to
25 apply for the position; and

1 “(C) review the qualifications of employees
2 submitting an application.

3 “(6) COLLECTIVE BARGAINING OBLIGATIONS.—
4 Nothing in this subsection limits any collective bar-
5 gaining obligation of an agency under chapter 71.

6 “(7) PREFERENCE ELIGIBLES.—Notwith-
7 standing paragraphs (1) and (2), an appointing offi-
8 cial may not pass over a preference eligible in the
9 same category from which selection is made, unless
10 the requirements of section 3317(b) and 3318(c), as
11 applicable, are satisfied.”.

12 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) Section 3319(c)(2) of title 5, United States
14 Code, is amended by striking “3318(b)” and insert-
15 ing “3318(c)”.

16 (2) Section 9510(b)(5) of title 5, United States
17 Code, is amended by striking “3318(b)” and insert-
18 ing “3318(c)”.

19 (d) REGULATIONS.—Not later than 1 year after the
20 date of enactment of this Act, the Director of the Office
21 of Personnel Management shall issue an interim final rule
22 with comment to carry out the amendments made by this
23 section.