

114TH CONGRESS
1ST SESSION

S. 1580

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2015

Referred to the Committee on Oversight and Government Reform

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Competitive Service
3 Act of 2015”.

4 **SEC. 2. ADDITIONAL APPOINTING AUTHORITIES FOR COM-**
5 **PETITIVE SERVICE.**

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

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

10 (2) by inserting after subsection (a) the fol-
11 lowing:

12 “(b) OTHER APPOINTING AUTHORITIES.—

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

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

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

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

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

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

13 “(B) subject to paragraph (4), may be
14 made without any additional posting under sec-
15 tion 3327.

16 “(4) INTERNAL NOTICE.—Before selecting an
17 individual under paragraph (1), and subject to the
18 requirements of any collective bargaining obligation
19 of the other appointing authority, the other appoint-
20 ing authority shall—

21 “(A) provide notice of the available posi-
22 tion to employees of the other appointing au-
23 thority;

1 “(B) provide up to 10 business days for
 2 employees of the other appointing authority to
 3 apply for the position; and

4 “(C) review the qualifications of employees
 5 submitting an application.

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

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

13 “(c) SELECTION.—

14 “(1) IN GENERAL.—An appointing official may
 15 select any applicant in the highest quality category
 16 or, if fewer than 3 candidates have been assigned to
 17 the highest quality category, in a merged category
 18 consisting of the highest and the second highest
 19 quality categories.

20 “(2) USE BY OTHER APPOINTING OFFICIALS.—
 21 Under regulations prescribed by the Office of Per-
 22 sonnel Management, appointing officials other than
 23 the appointing official described in paragraph (1) (in
 24 this subsection referred to as the ‘other appointing

1 official') may select an applicant for an appointment
2 to a position that is—

3 “(A) in the same occupational series as the
4 position for which the certification of eligibles
5 was issued (in this subsection referred to as the
6 ‘original position’); and

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

9 “(3) APPLICABILITY.—An appointing authority
10 requesting a certificate of eligibles may share the
11 certificate with another appointing authority only if
12 the announcement of the original position provided
13 notice that the resulting list of eligible candidates
14 may be used by another appointing authority.

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

17 “(A) shall be made in accordance with this
18 subsection; and

19 “(B) subject to paragraph (5), may be
20 made without any additional posting under sec-
21 tion 3327.

22 “(5) INTERNAL NOTICE.—Before selecting an
23 individual under paragraph (2), and subject to the
24 requirements of any collective bargaining obligation
25 of the other appointing authority (within the mean-

ing given that term in section 3318(b)(1)), the other appointing official shall—

“(A) provide notice of the available position to employees of the appointing authority employing the other appointing official;

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

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

“(6) COLLECTIVE BARGAINING OBLIGATIONS.—

Nothing in this subsection limits any collective bargaining obligation of an agency under chapter 71.

“(7) PREFERENCE ELIGIBLES.—Notwith-

standing paragraphs (1) and (2), an appointing official may not pass over a preference eligible in the same category from which selection is made, unless the requirements of section 3317(b) and 3318(c), as applicable, are satisfied.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 3319(c)(2) of title 5, United States Code, is amended by striking “3318(b)” and inserting “3318(c)”.

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

4 (d) REGULATIONS.—Not later than 1 year after the
5 date of enactment of this Act, the Director of the Office
6 of Personnel Management shall issue an interim final rule
7 with comment to carry out the amendments made by this
8 section.

Passed the Senate September 17, 2015.

Attest:

JULIE E. ADAMS,
Secretary.