

112TH CONGRESS
1ST SESSION

H. R. 3064

To provide for improvements in the Federal hiring process, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2011

Mr. SARBANES (for himself, Mr. MORAN, Mr. CONNOLLY of Virginia, Mrs. MALONEY, Mr. LEWIS of Georgia, and Ms. RICHARDSON) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To provide for improvements in the Federal hiring process,
and for other purposes.

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 “Federal Hiring Process
5 Improvement Act of 2011”.

6 **SEC. 2. DEFINITION.**

7 In this Act, the term “agency”—

1 (1) means an Executive agency as defined
2 under section 105 of title 5, United States Code;
3 and

4 (2) shall not include the Government Account-
5 ability Office.

6 **SEC. 3. STRATEGIC WORKFORCE PLAN.**

7 (a) IN GENERAL.—

8 (1) DEVELOPMENT OF PLAN.—Not later than
9 180 days after the date of enactment of this Act and
10 in every subsequent year, the head of each agency,
11 in consultation with the Office of Personnel Manage-
12 ment and the Office of Management and Budget,
13 shall develop a strategic workforce plan as part of
14 the agency performance plan required under section
15 1115 of title 31, United States Code, to include—

16 (A) hiring projections, including occupation
17 and grade level;

18 (B) long-term and short-term strategic
19 human capital planning to address critical skills
20 deficiencies;

21 (C) recruitment strategies to attract highly
22 qualified candidates from diverse backgrounds;

23 (D) streamlining the hiring process to con-
24 form with the provisions in this Act; and

1 (E) a specific analysis of the contractor
2 workforce, whether the balance between work
3 being performed by the Federal workforce and
4 the contractor workforce should be adjusted,
5 and the capacity of the agency to manage em-
6 ployees who are not Federal employees and are
7 doing the work of the Government.

8 (2) INCLUSION IN PERFORMANCE PLAN.—Sec-
9 tion 1115(a) of title 31, United States Code, is
10 amended—

11 (A) in paragraph (5), by striking “and”
12 after the semicolon;

13 (B) in paragraph (6), by striking the pe-
14 riod and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(7) include the strategic workforce plan devel-
17 oped under section 3 of the Federal Hiring Process
18 Improvement Act of 2011.”.

19 (b) HIRING PROJECTIONS.—Agencies shall make hir-
20 ing projections made under strategic workforce plans
21 available to the public, including on agency Web sites.

22 (c) SUBMISSION TO THE OFFICE OF PERSONNEL
23 MANAGEMENT.—Each agency strategic workforce plan
24 shall be submitted to the Office of Personnel Management.

1 (d) GOVERNMENTWIDE STRATEGIC WORKFORCE
2 PLAN.—Based on the agency plans submitted under sub-
3 section (a), the Office of Personnel Management shall—

4 (1) develop a governmentwide strategic work-
5 force plan updated at least annually to include the
6 contents described under subsection (a)(1) on a gov-
7 ernmentwide basis; and

8 (2) make such plan available to the President,
9 Congress, and the public.

10 **SEC. 4. FEDERAL ANNOUNCEMENTS OF VACANT POSI-**
11 **TIONS.**

12 (a) TARGETED ANNOUNCEMENTS.—In consultation
13 with the Chief Human Capital Officers Council, the head
14 of each agency shall—

15 (1) take steps necessary to identify highly quali-
16 fied applicant pools with diverse backgrounds before
17 posting announcements of vacant positions;

18 (2) seek to develop relationships with targeted
19 and diverse applicant pools to encourage applications
20 for high-quality applicants; and

21 (3) post announcements of vacant positions for
22 a reasonable period of time.

23 (b) PUBLIC NOTICE REQUIREMENTS.—The require-
24 ments of subsection (a) shall not supersede public notice
25 requirements.

1 (c) PLAIN WRITING REQUIREMENT.—

2 (1) DEFINITION.—In this subsection, the term
3 “plain writing” has the meaning given under section
4 3 of the Plain Writing Act of 2010 (5 U.S.C. 301
5 note).

6 (2) REQUIREMENT.—All Federal announce-
7 ments of vacant positions for competitive positions
8 shall be written in plain writing in accordance with
9 the Plain Writing Act of 2010 (5 U.S.C. 301 note).

10 (d) CONTACT INFORMATION.—Announcements of va-
11 cant positions shall include contact information for appli-
12 cants to seek further information.

13 **SEC. 5. APPLICATION PROCESS AND NOTIFICATION RE-**
14 **QUIREMENTS.**

15 (a) APPLICATION PROCESS.—Not later than 180
16 days after the date of enactment of this Act and in con-
17 sultation with the Office of Personnel Management and
18 the Office of Management and Budget, the head of each
19 agency shall ensure that processes are implemented to—

20 (1) ensure that positions that are on the an-
21 nouncements of vacant positions are open for a rea-
22 sonable period of time as determined by the head of
23 the agency to allow applicants from diverse back-
24 grounds time to submit an application;

1 (2) allow applicants to submit a cover letter, re-
2 sume, and answers to brief questions, such as ques-
3 tions relating to United States citizenship and vet-
4 erans status, to complete an initial application;

5 (3) not require lengthy writing requirements
6 such as knowledge, skills, and ability essays as part
7 of an initial application;

8 (4) allow applicants to submit application mate-
9 rials in a variety of formats, including word proc-
10 essing documents and portable document format;

11 (5) not require any applicant to provide a So-
12 cial Security number or any other personal identi-
13 fying information unnecessary for the initial review
14 of an applicant for a position;

15 (6) not require the submission of additional ma-
16 terial in support of an application, such as edu-
17 cational transcript, proof of veterans status, and
18 professional certifications, unless necessary to com-
19 plete the hiring process;

20 (7) provide for a valid, position-related assess-
21 ment process to help identify the best candidates for
22 the position to be filled and which does not place an
23 unreasonable burden upon applicants;

24 (8) ensure that applicants are given a reason-
25 able amount of time after the closing date of the an-

1 nouncement of a vacant position to provide addi-
2 tional necessary information; and

3 (9) include the hiring manager in all parts of
4 the hiring process, including—

5 (A) targeted recruitment;

6 (B) drafting the announcement of the va-
7 cant position;

8 (C) review of the initial applications;

9 (D) interviewing the applicants; and

10 (E) the final decision making process.

11 (b) NOTIFICATION REQUIREMENTS.—

12 (1) IN GENERAL.—In consultation with the
13 Chief Human Capital Officers Council, the head of
14 each agency shall ensure there are mechanisms
15 under which each applicant for a vacant position
16 shall receive timely notification of the status of each
17 application or provide the applicant the ability to
18 check on the status of each application.

19 (2) NOTIFICATION.—A timely notification to an
20 applicant under this subsection shall be made
21 upon—

22 (A) receipt of an application by the em-
23 ploying agency;

24 (B) determination of the qualification of
25 the applicant for the position;

1 (C) referral to the selecting official, or
 2 when a decision is made not to refer the appli-
 3 cant; and

4 (D) selection of an applicant.

5 (3) APPLICANTS NOT SELECTED.—The agency
 6 shall notify any applicant who is not offered employ-
 7 ment that the applicable position is not open, not
 8 later than 10 business days after the date on
 9 which—

10 (A) the selected candidate has accepted an
 11 offer of employment; or

12 (B) the announcement of the vacant posi-
 13 tion has been cancelled.

14 **SEC. 6. AGENCY HIRING PROCEDURES.**

15 (a) ELIMINATION OF THE RULE OF THREE; MUL-
 16 TIPLE SELECTIONS FROM ONE CERTIFICATE.—

17 (1) IN GENERAL.—Chapter 33 of title 5, United
 18 States Code, is amended by striking section 3317
 19 and inserting the following:

20 **“§ 3317. Competitive service; certification and selec-**
 21 **tion using numerical ratings**

22 “(a) CERTIFICATIONS.—The Office of Personnel
 23 Management, or an agency to which the Office has dele-
 24 gated examining authority under section 1104(a)(2), shall
 25 certify a sufficient number of names from the top of the

1 appropriate register or list of eligibles for an appointing
2 authority who has requested a certificate of eligibles to
3 consider when filling a position in the competitive service.

4 “(b) SELECTIONS.—

5 “(1) IN GENERAL.—An appointing authority
6 shall select for appointment from the eligibles avail-
7 able for appointment on the certificate provided
8 under subsection (a), unless objection to one or more
9 of the individuals certified is made to, and sustained
10 by, the Office of Personnel Management or the rel-
11 evant agency for proper and adequate reason.

12 “(2) OTHER APPOINTING AUTHORITIES.—Not
13 later than 240 days after the date of issuance of a
14 certificate under subsection (a), other appointing au-
15 thorities may select from that certificate for similar
16 positions in the same occupational series and at the
17 same grade level without any additional posting
18 under section 3327.

19 “(c) PREFERENCE ELIGIBLES.—

20 “(1) PASS OVERS.—

21 “(A) IN GENERAL.—If an appointing au-
22 thority proposes to pass over a preference eligi-
23 ble on a certificate in order to select an indi-
24 vidual who is not a preference eligible, that ap-
25 pointing authority shall submit a statement of

1 reasons to the Office of Personnel Management
2 for passing over the preference eligible.

3 “(B) REASONS FOR PASS OVERS.—

4 “(i) RECORD.—The Office shall make
5 the reasons submitted by the appointing
6 authority part of the record of the pref-
7 erence eligible and may require the submis-
8 sion of more detailed information from the
9 appointing authority in support of the
10 passing over of the preference eligible.

11 “(ii) REVIEW.—The Office shall—

12 “(I) review the reasons submitted
13 by the appointing authority; and

14 “(II) determine the sufficiency or
15 insufficiency of the reasons, taking
16 into account any response received by
17 the Office from the preference eligible
18 based on the reasons made available
19 under or paragraph (3).

20 “(C) FINDINGS.—After the Office has
21 completed the review under subparagraph (B)
22 of the proposed pass over, the Office shall send
23 its findings to the appointing authority and to
24 the preference eligible. The appointing authority
25 shall comply with the findings of the Office.

1 “(2) PREFERENCE ELIGIBLES.—In the case of
2 a preference eligible not described under paragraph
3 (3)(A), upon the request of that preference eligible
4 (or the representative of that preference eligible) the
5 Office of Personnel Management shall provide a
6 copy of—

7 “(A) the reasons for the proposed pass
8 over submitted by the appointing authority
9 under paragraph (1)(A); and

10 “(B) the findings of the Office under para-
11 graph (1)(C).

12 “(3) PREFERENCE ELIGIBLES WITH CERTAIN
13 DISABILITIES.—

14 “(A) NOTIFICATIONS.—In the case of a
15 preference eligible described under section
16 2108(3)(C) who has a compensable service-con-
17 nected disability of 30 percent or more, the ap-
18 pointing authority shall provide notification to
19 the preference eligible of—

20 “(i) the proposed pass over;

21 “(ii) the reasons for the proposed pass
22 over; and

23 “(iii) the right of the preference eligi-
24 ble to respond to those reasons to the Of-
25 fice of Personnel Management or the rel-

1 evant agency not later than 15 days after
2 the date of the receipt of the notification.

3 “(B) TIMING OF NOTIFICATIONS.—The ap-
4 pointing authority shall provide notification to
5 the preference eligible under subparagraph (A)
6 at the same time the appointing authority pro-
7 vides notification to the Office of Personnel
8 Management under paragraph (1).

9 “(C) DEMONSTRATION OF NOTIFICA-
10 TIONS.—Before completing the review under
11 paragraph (1) with respect to a preference eligi-
12 ble described under section 2108(3)(C) who has
13 a compensable service-connected disability of 30
14 percent or more, the Office shall require a dem-
15 onstration by the appointing authority that a
16 timely notification under subparagraph (A) was
17 sent to the last known address of the preference
18 eligible.

19 “(4) NONDELEGATION OF FUNCTIONS.—In the
20 case of a preference eligible described under para-
21 graph (3), the functions of the Office of Personnel
22 Management under this subsection may not be dele-
23 gated.

24 “(d) REEMPLOYMENT.—If the names of preference
25 eligibles are on a reemployment list appropriate for the

1 position to be filled, a nominating or appointing authority
2 may appoint from a register of eligibles established after
3 examination only an individual who qualifies as a pref-
4 erence eligible under section 2108(3)(C) through (G).

5 “(e) REGULATIONS.—The Office of Personnel Man-
6 agement shall prescribe regulations to carry out this sec-
7 tion, including regulations for the establishment of mecha-
8 nisms, such as advanced determination of score, for identi-
9 fying the eligibles who will be considered for appoint-
10 ment.”.

11 (2) COMPETITIVE SERVICE; SELECTION FROM
12 CERTIFICATES.—

13 (A) REPEAL.—Section 3318 of title 5,
14 United States Code, is repealed.

15 (B) TECHNICAL AND CONFORMING AMEND-
16 MENT.—Section 3304(a)(3) of title 5, United
17 States Code, is amended by striking “3318”
18 and inserting “3317”.

19 (3) COMPETITIVE SERVICE; SELECTION USING
20 CATEGORY RATING.—Section 3319 of title 5, United
21 States Code, is amended—

22 (A) by striking the section heading and in-
23 serting the following:

1 **“§ 3319. Competitive service; selection using category**
2 **rating”;**

3 (B) in subsection (e)(2) by striking “sec-
4 tion 3317(b) or 3318(b)” and inserting “section
5 3317(c)”;

6 (C) by redesignating subsections (d) and
7 (e) as subsections (e) and (f), respectively; and

8 (D) by inserting after subsection (c) the
9 following:

10 “(d) Not later than 240 days after the date a certifi-
11 cate under this section is issued, other appointing authori-
12 ties may select from that certificate for similar positions
13 in the same occupational series and at the same grade
14 level in accordance with subsection (c) without any addi-
15 tional posting under section 3327.”.

16 (4) EXCEPTED SERVICE; GOVERNMENT OF THE
17 DISTRICT OF COLUMBIA; SELECTION.—Section 3320
18 of title 5, United States Code, is amended by strik-
19 ing “sections 3308–3318” and inserting “sections
20 3308 through 3319”.

21 (b) REPORTING AND POSTING EMPLOYMENT OPPOR-
22 TUNITIES.—

23 (1) GOVERNMENTWIDE LIST OF VACANT POSI-
24 TIONS.—Section 3330 of title 5, United States Code,
25 is repealed.

1 (2) CIVIL SERVICE POSITIONS LIST.—Chapter
2 33 of title 5, United States Code, is amended by
3 striking section 3327 and inserting the following:

4 **“§ 3327. Civil service positions list**

5 “(a) DEFINITIONS.—In this section—

6 “(1) the term ‘agency’—

7 “(A) means an Executive agency as de-
8 fined under section 105; and

9 “(B) includes the Government Printing Of-
10 fice; and

11 “(2) the term ‘covered position’ means a posi-
12 tion—

13 “(A) in the competitive service (other than
14 a position established for a period not exceeding
15 18 months); or

16 “(B) a position in the Senior Executive
17 Service.

18 “(b) VACANT COVERED POSITIONS.—Subject to reg-
19 ulations prescribed under subsection (e), each agency shall
20 promptly provide notification to the Office of Personnel
21 Management of vacant covered positions in the agency for
22 which the agency seeks applications from individuals who
23 are not employees of that agency.

24 “(c) LIST.—

1 “(1) ESTABLISHMENT AND MAINTENANCE.—
2 The Office of Personnel Management shall establish
3 and maintain a comprehensive list of vacant posi-
4 tions within each agency for which applications are
5 currently being accepted or will soon be accepted.

6 “(2) CONTENTS AND AVAILABILITY.—The list
7 established and maintained under this subsection
8 shall—

9 “(A) include—

10 “(i) a brief description of each posi-
11 tion, including the title, expected duration,
12 location, and rate of pay of the position;

13 “(ii) the period during which applica-
14 tions will be accepted;

15 “(iii) application procedures, including
16 who may apply, and procedures for obtain-
17 ing additional information;

18 “(iv) the conditions under which ap-
19 plicants may be considered; and

20 “(v) any other information the Office
21 considers appropriate; and

22 “(B) be made available to the public, in
23 such form as the Office requires in regulations
24 prescribed under subsection (e).

25 “(d) FEES.—

1 “(1) CHARGING.—The Office of Personnel
2 Management may charge fees to agencies for serv-
3 ices provided under this section and for related Fed-
4 eral employment information.

5 “(2) RETAINING AND USE.—The Office shall
6 retain fees collected under this subsection to pay the
7 costs of providing the services and information.

8 “(e) REGULATIONS.—The Office of Personnel Man-
9 agement shall prescribe regulations to carry out this sec-
10 tion.”.

11 (c) TECHNICAL AND CONFORMING AMENDMENT.—
12 The table of sections for chapter 33 of title 5, United
13 States Code, is amended by striking the items relating to
14 sections 3317 through 3330 and inserting the following:

“3317. Competitive service; certification and selection using numerical ratings.

“**【3318. Repealed.】**

“3319. Competitive service; selection using category rating.

“3320. Excepted service; government of the District of Columbia; selection.

“3321. Competitive service; probationary period.

“**【3322. Repealed.】**

“3323. Automatic separations; reappointment; reemployment of annuitants.

“3324. Appointments to positions classified above GS-15.

“3325. Appointments to scientific and professional positions.

“3326. Appointments of retired members of the armed forces to positions in the
Department of Defense.

“3327. Civil service positions list.

“3328. Selective Service registration.

“3329. Appointments of military reserve technicians to positions in the competi-
tive service.

“**【3330. Repealed.】**”.

15 **SEC. 7. TRAINING.**

16 Not later than 120 days after the date of enactment
17 of this Act—

1 (1) in consultation with the Chief Human Cap-
2 ital Officers Council, the Office of Personnel Man-
3 agement shall develop and notify agencies of a train-
4 ing program for human resources professionals to
5 implement the requirements of this Act; and

6 (2) each agency shall develop and submit to the
7 Office of Personnel Management a plan to imple-
8 ment the training program.

9 **SEC. 8. REDUCTION IN THE LENGTH OF THE HIRING PROC-**
10 **ESS.**

11 (a) AGENCY PLANS.—Unless the Office of Personnel
12 Management certifies an agency already has a plan in ef-
13 fect, the head of each agency shall develop a plan to reduce
14 the length of the hiring process, which shall include an
15 analysis of the current hiring process performed in accord-
16 ance with standards established by the Office of Personnel
17 Management.

18 (b) REQUIREMENTS.—To the extent practical, each
19 agency shall fill identified vacancies not later than an aver-
20 age of 80 calendar days after the date of identification
21 of the vacancy.

22 (c) REPORTS.—Each agency shall submit an annual
23 report to Congress on the average period of time required
24 to fill each position, and whether such positions are can-
25 celled or reopened.

1 **SEC. 9. MEASURES OF FEDERAL HIRING EFFECTIVENESS.**

2 (a) IN GENERAL.—Each agency shall measure and
3 collect information on indicators of hiring effectiveness re-
4 lating to—

5 (1) recruiting and hiring, including the—

6 (A) ability to reach and recruit highly
7 qualified talent from diverse talent pools;

8 (B) use and impact of each hiring author-
9 ity and flexibility to recruit most qualified ap-
10 plicants, including the use of student intern-
11 ships and scholarship programs as a talent pool
12 for permanent hires;

13 (C) use and impact of special hiring au-
14 thorities and flexibilities to recruit diverse can-
15 didates, including veteran, minority, and dis-
16 abled candidates;

17 (D) age, educational level, and source of
18 applicants;

19 (E) length of time between the time a posi-
20 tion is advertised and the time a first offer of
21 employment is made;

22 (F) length of time between the time a first
23 offer of employment for a position is made and
24 the time a new hire starts in that position;

25 (G) number of internal and external appli-
26 cants for Federal positions;

1 (H) number of positions filled compared to
2 the specific number in the annual workforce
3 plan of the agency, with specific reference to
4 mission-critical occupations or areas of critical
5 shortage deficiencies; and

6 (I) number of offers accepted compared to
7 the number of offers made for permanent posi-
8 tions;

9 (2) hiring manager assessment, including—

10 (A) manager satisfaction with the quality
11 of the applicants interviewed and new hires;

12 (B) manager satisfaction with the match
13 between the skills of newly hired individuals
14 and the needs of the agency;

15 (C) manager satisfaction with the hiring
16 process and hiring outcomes;

17 (D) mission-critical deficiencies closed by
18 new hires and the connection between mission-
19 critical deficiencies and annual agency perform-
20 ance; and

21 (E) manager satisfaction with the length of
22 time to fill a position;

23 (3) applicant satisfaction with the hiring proc-
24 ess, including—

1 (A) the clarity of the announcement of the
2 vacant position;

3 (B) the reasons for withdrawal of any ap-
4 plication;

5 (C) the user-friendliness of the application
6 process;

7 (D) the communication regarding status of
8 application; and

9 (E) the timeliness of hiring decision; and

10 (4) new hire assessment, including—

11 (A) new hire satisfaction with the hiring
12 process, including—

13 (i) the clarity of the announcement of
14 the vacant position;

15 (ii) the user-friendliness of the appli-
16 cation process;

17 (iii) the communication regarding sta-
18 tus of application; and

19 (iv) timeliness of hiring decision;

20 (B) satisfaction with the onboarding expe-
21 rience, including—

22 (i) the timeliness of onboarding after
23 the hiring decision;

24 (ii) the welcoming and orientation
25 processes; and

1 (iii) being provided with timely and
2 useful new employee information and as-
3 sistance;

4 (C) new hire attrition;

5 (D) investment in training and develop-
6 ment for employees during their first year of
7 employment; and

8 (E) other indicators and measures as re-
9 quired by the Office of Personnel Management.

10 (b) REPORTS.—

11 (1) IN GENERAL.—Each agency shall submit on
12 an annual basis and in accordance with regulations
13 prescribed under subsection (c) the information col-
14 lected under subsection (a) to the Office of Per-
15 sonnel Management.

16 (2) AVAILABILITY OF RECRUITING AND HIRING
17 INFORMATION.—Each year the Office of Personnel
18 Management shall provide the information submitted
19 under paragraph (1) in a consistent format to allow
20 for a comparison of hiring effectiveness and experi-
21 ence across demographic groups and agencies to—

22 (A) Congress before that information is
23 made publicly available; and

1 (B) the public on the Web site of the Of-
2 fice not later than 90 days after the submission
3 of the information under paragraph (1).

4 (c) REGULATIONS.—Not later than 180 days after
5 the date of enactment of this Act, the Director of the Of-
6 fice of Personnel Management shall prescribe regulations
7 directing the methodology, timing, and reporting of the
8 data described in subsection (a).

9 **SEC. 10. REGULATIONS.**

10 (a) IN GENERAL.—Except as provided under section
11 9(c), not later than 120 days after the date of enactment
12 of this Act, the Director of the Office of Personnel Man-
13 agement shall prescribe regulations as necessary to carry
14 out this Act.

15 (b) CONSULTATION.—The Director of the Office of
16 Personnel Management shall consult the Chief Human
17 Capital Officers Council in the development of regulations
18 under this section.

○