

**Suspend the Rules and Pass the Bill, S. 1580, with An Amendment**  
**(The amendment strikes all after the enacting clause and inserts a new text)**

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1580

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

---

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2015

Referred to the Committee on Oversight and Government Reform

---

## 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 AMENDMENT.—  
13                  Section 9510(b)(5) of title 5, United States Code, is  
14                  amended by striking “3318(b)” and inserting “3318(e)”.

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