

## Calendar No. 228

114TH CONGRESS  
1ST SESSION**S. 1580****[Report No. 114-143]**

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

---

## IN THE SENATE OF THE UNITED STATES

JUNE 16, 2015

Mr. TESTER (for himself, Mr. PORTMAN, Mr. CARDIN, Mr. MORAN, Ms. HEITKAMP, Mr. ENZI, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 15, 2015

Reported by Mr. JOHNSON, without amendment

---

**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”.

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

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

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

7 (2) by inserting after subsection (a) the fol-  
8 lowing:

9 “(b) OTHER APPOINTING AUTHORITIES.—

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

25 “(2) APPLICABILITY.—An appointing authority  
26 requesting a certificate of eligibles may share the

1 certificate with another appointing authority only if  
2 the announcement of the original position provided  
3 notice that the resulting list of eligible candidates  
4 may be used by another appointing authority.

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

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

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

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

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

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

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

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

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

8           “(c) SELECTION.—

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

15          “(2) USE BY OTHER APPOINTING OFFICIALS.—  
 16          Under regulations prescribed by the Office of Per-  
 17          sonnel Management, appointing officials other than  
 18          the appointing official described in paragraph (1) (in  
 19          this subsection referred to as the ‘other appointing  
 20          official’) may select an applicant for an appointment  
 21          to a position that 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           “(3) 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           “(4) REQUIREMENTS.—The selection of an in-  
10          dividual under paragraph (2)—

11           “(A) shall be made in accordance with this  
12          subsection; and

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

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

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

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

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

15          (c) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

22          (d) REGULATIONS.—Not later than 1 year after the  
23          date of enactment of this Act, the Director of the Office  
24          of Personnel Management shall issue an interim final rule

1 with comment to carry out the amendments made by this  
2 section.

Calendar No. 228

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

**S. 1580**

[Report No. 114-143]

---

---

## **A BILL**

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

---

---

SEPTEMBER 15, 2015

Reported without amendment