

117TH CONGRESS
2D SESSION

S. 4911

To provide for noncompetitive appointments in the competitive service for high-performing Federal employees.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2022

Mr. LANKFORD introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for noncompetitive appointments in the competitive service for high-performing Federal employees.

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 “Hiring Proven Per-
5 formers to the Civil Service Act”.

6 **SEC. 2. NONCOMPETITIVE ELIGIBILITY FOR HIGH-PER-**
7 **FORMING CIVILIAN EMPLOYEES.**

8 (a) DEFINITIONS.—In this section—

1 (1) the term “competitive service” has the
2 meaning given the term in section 2102 of title 5,
3 United States Code; and

4 (2) the term “Executive agency” has the mean-
5 ing given the term in section 105 of title 5, United
6 States Code.

7 (b) REGULATIONS.—Under such regulations as the
8 Director of the Office of Personnel Management shall
9 issue, an Executive agency may noncompetitively appoint,
10 for other than temporary employment, to a position in the
11 competitive service any individual who—

12 (1) is certified by the Director as having been
13 a high-performing employee in a former position in
14 the competitive service;

15 (2) has been separated from the former position
16 described in paragraph (1) for less than 6 years; and

17 (3) is qualified for the new position in the com-
18 petitive service, as determined by the head of the
19 Executive agency making the noncompetitive ap-
20 pointment.

21 (c) LIMITATION ON AUTHORITY.—An individual may
22 not be appointed to a position under subsection (b) more
23 than once.

24 (d) DESIGNATION OF HIGH-PERFORMING EMPLOY-
25 EES.—The Director of the Office of Personnel Manage-

1 ment shall, in the regulations issued under subsection (b),
2 set forth the criteria for certifying an individual as a
3 “high-performing employee” in a former position, which
4 shall be based on—

5 (1) the final performance appraisal of the indi-
6 vidual in that former position; and

7 (2) a recommendation by the immediate or
8 other supervisor of the individual in that former po-
9 sition.

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