

Competitive Service Act of 2015

[Public Law 114–137]

[This law has not been amended]

【Currency: This publication is a compilation of the text of Public Law 114-137. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. [5 U.S.C. 101 note] SHORT TITLE.

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

SEC. 2. ADDITIONAL APPOINTING AUTHORITIES FOR COMPETITIVE SERVICE.

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

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

(2) by inserting after subsection (a) the following:

“(b) OTHER APPOINTING AUTHORITIES.—

“(1) IN GENERAL.—During the 240-day period beginning on the date of issuance of a certificate of eligibles under section 3317(a), an appointing authority other than the appointing authority requesting the certificate (in this subsection referred to as the ‘other appointing authority’) may select an individual from that certificate in accordance with this subsection for an appointment to a position that is—

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

“(B) at a similar grade level as the original position.

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

“(3) REQUIREMENTS.—The selection of an individual under paragraph (1)—

“(A) shall be made in accordance with subsection (a); and

“(B) subject to paragraph (4), may be made without any additional posting under section 3327.

“(4) INTERNAL NOTICE.—Before selecting an individual under paragraph (1), and subject to the requirements of any collective bargaining obligation of the other appointing authority, the other appointing authority shall—

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

“(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.

“(5) COLLECTIVE BARGAINING OBLIGATIONS.—Nothing in this subsection limits any collective bargaining obligation of an agency under chapter 71.”.

(b) ALTERNATIVE RANKING AND SELECTION PROCEDURES.—Section 3319 of title 5, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) SELECTION.—

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

“(2) USE BY OTHER APPOINTING OFFICIALS.—Under regulations prescribed by the Office of Personnel Management, appointing officials other than the appointing official described in paragraph (1) (in this subsection referred to as the ‘other appointing official’) may select an applicant for an appointment to a position that is—

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

“(B) at a similar grade level as the original position.

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

“(4) REQUIREMENTS.—The selection of an individual under paragraph (2)—

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

“(B) subject to paragraph (5), may be made without any additional posting under section 3327.

“(5) INTERNAL NOTICE.—Before selecting an individual under paragraph (2), and subject to the requirements of any collective bargaining obligation of the other appointing author-

ity (within the meaning 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.—Notwithstanding 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 AMENDMENT.—Section 9510(b)(5) of title 5, United States Code, is amended by striking “3318(b)” and inserting “3318(c)”.

(d) [5 U.S.C. 3318 note] REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall issue an interim final rule with comment to carry out the amendments made by this section.