

111TH CONGRESS
2D SESSION

S. 736

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2010

Referred to the Committee on Oversight and Government Reform

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Hiring Process
3 Improvement Act of 2010”.

4 **SEC. 2. DEFINITION.**

5 In this Act, the term “agency”—

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

9 (2) shall not include the Government Account-
10 ability Office.

11 **SEC. 3. STRATEGIC WORKFORCE PLAN.**

12 (a) IN GENERAL.—

13 (1) DEVELOPMENT OF PLAN.—Not later than
14 180 days after the date of enactment of this Act and
15 in every subsequent year, the head of each agency,
16 in consultation with the Office of Personnel Manage-
17 ment and the Office of Management and Budget,
18 shall develop a strategic workforce plan as part of
19 the agency performance plan required under section
20 1115 of title 31, United States Code, to include—

21 (A) hiring projections, including occupation
22 and grade level;

23 (B) long-term and short-term strategic
24 human capital planning to address critical skills
25 deficiencies;

1 (C) recruitment strategies to attract highly
2 qualified candidates from diverse backgrounds;

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

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

12 (2) INCLUSION IN PERFORMANCE PLAN.—Sec-
13 tion 1115(a) of title 31, United States Code, is
14 amended—

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

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

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

20 “(7) include the strategic workforce plan devel-
21 oped under section 3 of the Federal Hiring Process
22 Improvement Act of 2010.”.

23 (b) HIRING PROJECTIONS.—Agencies shall make hir-
24 ing projections made under strategic workforce plans
25 available to the public, including on agency websites.

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

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

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

11 (2) make such plan available to the President,
12 Congress, and the public.

13 **SEC. 4. FEDERAL JOB ANNOUNCEMENTS.**

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

17 (1) take steps necessary to target highly quali-
18 fied applicant pools with diverse backgrounds before
19 posting job announcements;

20 (2) clearly and prominently post job announce-
21 ments in strategic locations convenient to, and acces-
22 sible by, such targeted applicant pools;

23 (3) seek to develop relationships with targeted
24 and diverse applicant pools to develop regular pipe-
25 lines for high-quality applicants; and

(4) post job announcements for a reasonable period of time.

(b) **PUBLIC NOTICE REQUIREMENTS.**—The requirements of subsection (a) shall not supersede public notice requirements.

6 (c) PLAIN WRITING REQUIREMENT.—

(1) DEFINITION.—In this subsection, the term “plain writing” means writing that the intended audience can readily understand and use because that writing is clear, concise, well-organized, and follows other best practices of plain writing.

(2) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, all job announcements for Federal positions shall be in plain writing in accordance with guidance provided by the Office of Management and Budget.

(d) **CONTACT INFORMATION.**—Job announcements shall include contact information for applicants to seek further information.

20 SEC. 5. APPLICATION PROCESS AND NOTIFICATION RE-
21 QUIREMENTS.

(a) APPLICATION PROCESS.—Not later than 180 days after the date of enactment of this Act and in consultation with the Office of Personnel Management and

1 the Office of Management and Budget, the head of each
2 agency shall develop processes to—

3 (1) ensure that job announcements are open for
4 a reasonable period of time as determined by the
5 head of the agency to allow applicants from diverse
6 backgrounds time to submit an application;

7 (2) review and revise the hiring process of the
8 agency to create a streamlined and timely system for
9 hiring decisions;

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

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

17 (5) not require any applicant to provide a So-
18 cial Security number or any other personal identi-
19 fying information unnecessary for the initial review
20 of an applicant for a position;

21 (6) not require lengthy writing requirements
22 such as knowledge, skills, and ability essays as part
23 of an initial application;

24 (7) not require the submission of additional ma-
25 terial in support of an application, such as edu-

1 cational transcript, proof of veterans status, and
 2 professional certifications, unless necessary to com-
 3 plete the hiring process;

4 (8) provide for a valid, job-related assessment
 5 process to help identify the best candidates for the
 6 position to be filled and which does not place an un-
 7 reasonable burden upon applicants;

8 (9) ensure that applicants are given a reason-
 9 able amount of time after the closing date of the job
 10 announcement to provide additional necessary infor-
 11 mation; and

12 (10) include the hiring manager in all parts of
 13 the hiring process, including—

14 (A) targeted recruitment;

15 (B) drafting the job announcement;

16 (C) review of the initial applications;

17 (D) interviewing the applicants; and

18 (E) the final decisionmaking process.

19 (b) NOTIFICATION REQUIREMENTS.—

20 (1) IN GENERAL.—In consultation with the
 21 Chief Human Capital Officers Council, the head of
 22 each agency shall develop mechanisms under which
 23 each applicant for a Federal job vacancy shall re-
 24 ceive timely notification of the status of each appli-

1 cation or provide the applicant the ability to check
2 on the status of each application.

3 (2) CONTENTS OF NOTIFICATION.—A notifica-
4 tion to an applicant under this subsection shall in-
5 clude—

6 (A) notice of receipt of an application not
7 later than 5 business days after the application
8 was received by the employing agency;

9 (B) an explanation of the hiring process
10 and an estimated timeline of the next actions in
11 the process;

12 (C) notice of the qualification and status of
13 an applicant after all applications for the appli-
14 cable position have been initially reviewed and
15 ranked;

16 (D) notice of the qualifications and status
17 of the applicant after all interviews for the ap-
18 plicable position are completed;

19 (E) for all applicants selected for an inter-
20 view, notice of the ongoing process if selected,
21 including the process for any needed security
22 clearance or suitability review, not later than
23 the date of the interview; and

24 (F) notice to nonaccepted applicants that
25 the applicable position is not open not later

1 than 10 business days after the date on
2 which—

- 3 (i) the selected candidate has accepted
4 an offer of employment; or
5 (ii) the job announcement has been
6 cancelled.

7 **SEC. 6. APPLICANT INVENTORY.**

8 (a) IN GENERAL.—Section 3330 of title 5, United
9 States Code, is amended—

10 (1) by redesignating subsections (e) and (f) as
11 subsections (f) and (g), respectively; and

12 (2) by inserting after subsection (d) the fol-
13 lowing:

14 “(e)(1) The Office of Personnel Management shall es-
15 tablish and keep current a comprehensive inventory of in-
16 dividuals seeking employment in the Federal Government.

17 “(2) The inventory under this subsection shall—

18 “(A) be made available to agencies for use in
19 filling vacancies;

20 “(B) contain information voluntarily provided
21 by applicants for employment, including—

22 “(i) the resume and contact information
23 provided by the applicant; and

24 “(ii) any other information which the Of-
25 fice considers appropriate;

1 “(C) retain information for no longer than 1
2 calendar year;

3 “(D) not include information relating to—

4 “(i) the application of the applicant for a
5 specific vacancy announcement; or

6 “(ii) any other information relating to va-
7 cancy announcements; and

8 “(E) shall provide for a mechanism to allow—

9 “(i) applicants to update resume, qualifica-
10 tions, and contact information; and

11 “(ii) agency officials to search information
12 in the inventory by agency and job classifica-
13 tion.”.

14 (b) **EFFECTIVE DATE.**—The amendment made by
15 subsection (a) shall take effect 180 days after the date
16 of enactment of this Act.

17 **SEC. 7. TRAINING.**

18 Not later than 120 days after the date of enactment
19 of this Act—

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

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

4 **SEC. 8. REDUCTION IN THE LENGTH OF THE HIRING PROC-**
5 **ESS.**

6 (a) AGENCY PLANS.—In consultation with the Office
7 of Management and Budget, the head of each agency shall
8 develop a plan to reduce the length of the hiring process,
9 which shall include an analysis of the current hiring proc-
10 ess performed in accordance with standards established by
11 the Office of Personnel Management.

12 (b) REQUIREMENTS.—To the extent practical, the
13 plan shall require that each agency fill identified vacancies
14 not later than an average of 80 calendar days after the
15 date of identification of the vacancy.

16 (c) REPORTS.—Each agency shall submit an annual
17 report to Congress on the average period of time required
18 to fill each job, and whether such jobs are cancelled or
19 reopened.

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

21 (a) IN GENERAL.—Each agency shall measure and
22 collect information on indicators of hiring effectiveness
23 with respect to the following :

24 (1) RECRUITING AND HIRING.—

1 (A) Ability to reach and recruit highly
2 qualified talent from diverse talent pools.

3 (B) Use and impact of each hiring author-
4 ity and flexibility to recruit most qualified ap-
5 plicants, including the use of student intern-
6 ships and scholarship programs as a talent pool
7 for permanent hires.

8 (C) Use and impact of special hiring au-
9 thorities and flexibilities to recruit diverse can-
10 didates, including veteran, minority, and dis-
11 abled candidates.

12 (D) The age, educational level, and source
13 of applicants.

14 (E) Length of time between the time a po-
15 sition is advertised and the time a first offer of
16 employment is made.

17 (F) Length of time between the time a
18 first offer of employment for a position is made
19 and the time a new hire starts in that position.

20 (G) Number of internal and external appli-
21 cants for Federal positions.

22 (H) Number of positions filled compared to
23 the specific number in the annual workforce
24 plan of the agency, with specific reference to

1 mission-critical occupations or areas of critical
2 shortage deficiencies.

3 (I) Number of offers accepted compared to
4 the number of offers made for permanent posi-
5 tions.

6 (2) HIRING MANAGER ASSESSMENT.—

7 (A) Manager satisfaction with the quality
8 of the applicants interviewed and new hires.

9 (B) Manager satisfaction with the match
10 between the skills of newly hired individuals
11 and the needs of the agency.

12 (C) Manager satisfaction with the hiring
13 process and hiring outcomes.

14 (D) Mission-critical deficiencies closed by
15 new hires and the connection between mission-
16 critical deficiencies and annual agency perform-
17 ance.

18 (E) Manager satisfaction with the length
19 of time to fill a position.

20 (3) APPLICANT ASSESSMENT.—Applicant satis-
21 faction with the hiring process (including clarity of
22 job announcement, reasons for withdrawal of any
23 application, user-friendliness of the application proc-
24 ess, communication regarding status of application,
25 and timeliness of hiring decision).

1 (4) NEW HIRE ASSESSMENT.—

2 (A) New hire satisfaction with the hiring
3 process (including clarity of job announcement,
4 user-friendliness of the application process,
5 communication regarding status of application,
6 and timeliness of hiring decision).

7 (B) Satisfaction with the onboarding expe-
8 rience (including timeliness of onboarding after
9 the hiring decision, welcoming and orientation
10 processes, and being provided with timely and
11 useful new employee information and assist-
12 ance).

13 (C) New hire attrition.

14 (D) Investment in training and develop-
15 ment for employees during their first year of
16 employment.

17 (E) Other indicators and measures as re-
18 quired by the Office of Personnel Management.

19 (b) REPORTS.—

20 (1) IN GENERAL.—Each agency shall submit on
21 an annual basis and in accordance with regulations
22 prescribed under subsection (c) the information col-
23 lected under subsection (a) to the Office of Per-
24 sonnel Management.

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

7 (A) Congress before that information is
 8 made publicly available; and

9 (B) the public on the website of the Office
 10 not later than 90 days after the submission of
 11 the information under paragraph (1).

12 (c) REGULATIONS.—Not later than 180 days after
 13 the date of enactment of this Act, the Director of the Of-
 14 fice of Personnel Management shall prescribe regulations
 15 directing the methodology, timing, and reporting of the
 16 data described in subsection (a).

17 **SEC. 10. REGULATIONS.**

18 (a) IN GENERAL.—Except as provided under section
 19 9(c), not later than 120 days after the date of enactment
 20 of this Act, the Director of the Office of Personnel Man-
 21 agement shall prescribe regulations as necessary to carry
 22 out this Act.

23 (b) CONSULTATION.—The Director of the Office of
 24 Personnel Management shall consult the Chief Human

- 1 Capital Officers Council in the development of regulations
- 2 under this section.

Passed the Senate May 18, 2010.

Attest: NANCY ERICKSON,
Secretary.