



**Approved for Release**  
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**Date**

**DEPARTMENT OF COMMERCE**  
**OFFICE OF HUMAN RESOURCES MANAGEMENT**  
**HUMAN RESOURCES (HR) BULLETIN # 034, FY06**

**SUBJECT:** Delegated Examining Unit Oversight Program

**EFFECTIVE DATE:** Upon release of this HR Bulletin

**EXPIRATION DATE:** Effective until canceled or superseded

**PURPOSE:** The purpose of this HR bulletin is to provide guidance for improving the effectiveness and efficiency of the Department's Delegated Examining Unit and to ensure compliance with the Office of Personnel Management's DEU Handbook, Chapter 7, Reporting and Accountability. DEU oversight supports the overall Department system for Human Resources Management (HRM) Accountability, ensuring compliance with Executive Order 13197.

**CONTENT:** This bulletin contains implementing guidance and reporting instructions to bureau managers and DEU Installations on recruitment responsibilities and how to conduct the required annual audit of the Delegated Examining Unit.

**REFERENCES:** OPM's Delegated Examining Operations Handbook; 5 CFR Part 10; 5 CFR Part 294; 5 CFR Part 297; 5 USC § 3318; 5 USC § 552; 5 USC § 1104; Public Law 104-52; 5 CFR Part 731; 5 CFR 339.306; 5 CFR Part 300, subpart A; 5 USC § 3305, 3309, 3311, 3313-3315 & 3317; 5 CFR 300.603; 5 CFR 330.501; 5 CFR Part 1320; 5 USC § 1304; 5 USC § 1535; 5 USC § 2301(b)(1), (b)(2), & (b)(5); 5 CFR Part 332, Subpart C; Department of Commerce memorandum dated September 20, 2005, Subject: Job Analysis, HR Bulletin #033, Subject: Job Analysis—Roles and Responsibilities dated April 6, 2006, HR Bulletin #001, Process for Adjudicating Cases Involving Preference Eligibles dated March 10, 2005.

**Attachments:** Implementing Guidance, Quarterly Workload Report and Annual Certification Form, Agency Checklist, OPM-DOC Interagency Agreement

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## Attachment 1

# **DEU OVERSIGHT PROGRAM IMPLEMENTING GUIDANCE**

The focus in human resources has changed from what tended to be a transactional-oriented culture to one that engages strategically to align human resources policies and programs with organization mission, strategic goals, and performance outcomes. To ensure we are working effectively to support organizational missions, we must examine how we are working to fill our vacancies with the best staff possible within the context of the merit system. The following requirements are hereby instituted with respect to Delegated Examining Unit (DEU) competitive examining authority.

No later than October 30 of each year, the following must be provided to the Office of the Secretary, Office of Human Resources Management, Attn: Director, Office of Human Resources Management:

1. Information as to the organization that performed your annual audit of delegated examining activities the prior year (no bureau may conduct their own audit).
2. A copy of the certification that the audit was performed.
3. A copy of the summary report of findings and actions taken from the annual audit.
4. The organization that will perform the audit for the current year and the date the audit will be conducted.
5. The names of all staff performing the DEU competitive examining, the dates they attended the required OPM training, or the date they attended the required refresher training, whichever is the most recent.
6. A statement certifying that no individuals are performing DEU competitive examining who have not been trained by OPM.
7. A copy of any internal policies or guidance relative to competitive examining for the DEU(s) for which you are responsible.
8. The name and contact information of the staff member responsible for your DEU program.

In addition, when completing annual DEU audits for another bureau, you must use the attached checklist when examining individual cases. The summary report must also address the factors listed on the checklist. For example, if you review a case in which veteran's preference was assigned absent documentation, you must note it in the report.

Also, effective immediately, you must provide copies of your quarterly DEU workload reports to Office of the Secretary, Office of Human Resources Management, Attn: Director, Office of Human Resources Management with a copy to OPM no later than the 15<sup>th</sup> of the month following the end of the reporting quarter (January 15, April 15, July 15, and October 15). These reports will be reconciled against Departmental records and based upon our findings, we will follow up with you on any necessary action.

## **BUREAU RESPONSIBILITIES**

Determining, through consultation with your Servicing Human Resources Office (SHRO), the correct position management, knowledge, skills, and abilities that are required, and the position description needed before initiating a recruitment action.

Consider the following factors:

- Characteristics of the labor market in which you will be recruiting.
- The promotion potential of the position.
- The nature of the position (i.e., scientific, technical, administrative, clerical).
- The period of time the announcement will be open to provide an adequate public notice period and for the bureau to receive a representative sample\* of well-qualified applicants from the labor pool.

You must also factor into your recruitment strategy whether or not you intend to offer any incentives to potential candidates such as repayment of student loans (see DAO 202-957), relocation expenses, etc., when trying to attract potential employees to the Department.

\*A representative sample would be well balanced in terms of the current labor market and be comparable in demographics to the current civilian labor force statistics for the geographic area in which you are recruiting.

## **DELEGATED EXAMINING UNIT RESPONSIBILITIES**

To provide advice and consultation to hiring managers on the DOC-OPM Interagency Agreement, the ACES Software, and comply with Merit Systems Principles and Prohibited Personnel Practices to ensure that the Department's vacant positions are filled with the best-qualified person(s) from a sufficient pool of well-qualified applicants.

The merit system requires agencies to give members of the public an opportunity to compete for vacant positions. Therefore, when filling a vacancy through delegated examining, the agency must:

- Recruit all sources to ensure adequate competition for competitive service positions
- List all job announcements on USAJOBS

- Provide an appropriate open period for receipt of applications, considering:
  - The nature of the position(s)
  - The promotion potential associated with the position(s)
  - The characteristics of the relevant labor market
  - Specify filing instructions and conditions clearly in the job announcement

Specifically, Delegated Examining Units are responsible for:

- Consulting with subject matter experts to conduct a job analyses, identifying the knowledge, skills, and abilities needed; develop rating schedules, quality ranking factors and identify selective placement factors if applicable
- Posting Job Announcements on the Automated Commerce Employment System and USAJOBS websites
- Receiving applications
- Screening applications by applying OPM's minimum qualifications standards
- Determining applicant eligibility
- Applying and adjudicating veterans preference
- Ranking eligibles based on their rating
- Issuing Certificates of Eligibles
- Formally upholding or denying requests from management to passover or object to preference eligibles
- Forwarding to the Department's Office of Human Resources Management, any request to passover or object to a preference eligible
- Following CTAP/ICTAP regulations
- Auditing certificates of eligibles
- Determining reconsideration requests
- Allowing Veterans appropriate consideration for late applications as required by law
- Maintaining current, complete and accurate records of all DEU activities, including job analyses for each vacancy

**COMMERCE OFFICE OF HUMAN RESOURCES RESPONSIBILITY**

- Advise bureau policy offices regarding DEU policy
- Analysis of annual reports
- Oversight and follow-up of required actions from annual audit reports as necessary

## QUARTERLY REPORTS AND ANNUAL AUDIT REQUIREMENTS

Most specifically, under this Oversight Program, your Unit is responsible for:

- Providing the Department's Office of Human Resources Office with quarterly workload reports summarizing your delegated examining activities in the format outlined in Attachment 2, with copies to OPM until OPM's automated Delegated Examining Information System is fully operational;
- Notifying the Department's Office of Human Resources Management of any changes in your delegated examining program, including the addition or termination of delegated examining units;
- Keeping files on suitability and medical cases sent to OPM through the Department for adjudication and their results;
- Securing all examination materials including rating schedules assuring that Privacy Act information requirements are met when responding to FOIA or any requests for examination materials from outside parties;
- By January 15 of each year, providing a detailed analysis, results and recommendations/corrective actions of your Annual Audit in an Annual Report to the Department's Office of Human Resources Management (See Attachment 4 for format and methodology to be used in conducting your analysis).

You must submit the above quarterly reports on the following schedule:

January 15 (Annual Audit Due)  
April 15  
July 15  
October 15

To comply with the above reporting requirements, please use Attachments 2 and 3 (Quarterly Workload Report Form and Luevano Consent Decree Report Form and report), and follow the instructions in Attachment 4 for your annual report.

Additionally, an Annual Audit of your Delegated Examining Unit must be conducted and reported to the Department's Office of Human Resources Management by no later than October 30<sup>th</sup> of each year.

The Annual Audit will be performed by DEU certified examiners ***WHO ARE NOT EMPLOYED WITHIN YOUR INSTALLATION***. The only exception occurs when OPM's Merit Systems Compliance Group and/or the Department's Human Resources Management Audit Team has conducted a review of your installation, which may substitute your annual audit.

Installations must certify annually that the required audit has been completed (see Attachment 2) to the Department's Office of Human Resources Management.

Attachment 3, the DOC DEU Audit Checklist has been created for use in installation audits. It covers the full range of issues that interests the Department and OPM.



(7) Number of preference eligibles selected:

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(8) Number of certificates audited<sup>[1]</sup>:

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(9) No. of certificates in (8) which had preference eligibles at the top:

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(10) No. of certificates in (9) which were used:

---

(11) No. of certificates in (9) which were unused:

---

(12) No. of certificates in (11) unused because of CTAP and ICTAP referral:

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(13) No. of certificates in (8) which preference eligibles were not at the top:

---

(14) No. of certificates in (13) which were used:

---

(15) No. of certificates in (13) which were unused:

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(16) No. of certificates in (15) above unused because of CTAP/ICTAP referral:

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(17)<sup>[2]</sup> We certify that an internal self-evaluation of our delegated examining operations was completed on

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<sup>[1]</sup> Count certificates that were audited (returned by the selecting official and closed-out by the EO) during the quarter, rather than the number of certificates that were issued.

<sup>[2]</sup> Complete Line 17 only for the fiscal quarter during which the self-evaluation was completed.

**Attachment 3**

**US DEPARTMENT OF COMMERCE  
DEU AUDIT CHECKLIST**

Operating Unit Being Audited	Office of the Secretary
Operating Unit Conducting Audit	U.S. Census Bureau
Audit Period	From:            To:

Team Members Conducting the Audit:

Team Leader:

Member #1:

Member #2:

Member #3:

If the answer to any of the questions below is “no,” then the audit team will note corrective action(s) taken.

Security of Examination Materials

Are all rating schedules/crediting plans secured?  yes  no

Are all written test materials and answer sheets secured?  yes  no

Are all structured interview questions materials secured?  yes  no

Are all certificates of eligibles secured?  yes  no

Are all correspondence files used in conducting examinations secured?  yes  no

Are all applications for employment secured?  yes  no

Does your unit have a Test and Control Officer?  yes  no

If yes, please enter name of officer:

Does the Officer have proof of Training and Certification from OPM?  yes  no

Does this unit possess any OPM-developed examinations?  yes  no

If yes, please enter name of Test Administrator:

Does Test Administrator have proper credentials from OPM to administer the tests?  yes  no

Does the Operating Unit have on file a copy of all Test Security Control Officer's and Test Administrator's Test Security Agreements?  yes  no

If no, please indicate who does not have the proper credentials below:

- 1)
- 2)
- 3)

### Freedom of Information Requests

Does your Operating Unit respond to FOIA requests directly (  yes  no) or is there another administrative mechanism in place to respond?

#### Respond to Internal Requests Only

Do you keep a file of the requests and the requestors?  yes  no

When an applicant makes a request for materials from an examination, do you keep a copy of the materials supplied to the requestor in a separate FOIA file?  yes  no

Does correspondence indicate that the agency responds to Freedom of Information Act requests and inquiries in a timely and open manner, while insuring the privacy of applicants and employees?  yes  no

Please explain your examination records retention policy:

### Quarterly Workload Reports

Did the Operating Unit submit all quarterly reports to the Department within the audit period?  yes  no

Check all below that appeared on the quarterly reports:

- Number of Applications Processed
- Number of Selections Made
- Number of Preference Eligibles Selected
- Number of Certificates Audited
- Number of Audited Certificates that had preference eligibles at the top
- Number of Audited Certificates that didn't have preference eligibles at the top
- Number of Audited Certificates that were used
- Number of Audited Certificates that were unused
- Number of certificates that were unused due to CTAP/ICTAP referral
- Certification that the annual review has been completed
- Other certification as required by the OPM-DOC delegated Agreement

Check all of the following data reported to the Department that is not supposed to appear on the quarterly reports:

- Applications received or hires made under the Outstanding Scholar hiring authority
- Applications received or selections made under either outside-the-register authority or noncompetitive authority
- Work produced by OPM or another Federal agency under a reimbursable contract

Each Operating Unit must conduct an annual self-audit. No one in the operating unit who has responsibility for examining may conduct the audit, therefore, each Operating Unit MUST CONTACT ONE OF THE OTHER DEU’S WITHIN THE DEPARTMENT TO CONDUCT THEIR ANNUAL SELF-AUDIT. Auditors must be OPM certified DEU examiners.

When the audit has been completed, please send all reports to:

Office of the Secretary  
 Office of Human Resources Management  
 Attn: Accountability and Oversight Officer  
 14<sup>th</sup> & Constitution Avenue, NW  
 Room: 5118  
 Washington, DC 20230

All positions are covered under the OPM-DOC Interagency Agreement except Administrative Law Judges.

Is recruitment appropriately targeted?  yes  no

Has the Operating Unit ensured adequate competition by recruiting sufficient numbers of well-qualified candidates for consideration?  yes  no

If not, for which positions were there not sufficient numbers recruited to ensure adequate competition?

Pay Plan, Series, Grade	Position Title

What were the barriers to adequate competition?

Barrier	Solution Implemented

Were all positions posted properly on the USAJOBS website?  yes  no

Were any jobs posted for less than 10 days?  yes  no

If yes, then list:

Ann. Number	PP/Series/Grade	Title	Open Date	Close Date

Was there an appropriate justification in the DEU case file for the above?

yes  no

If not, list the reasons for the inadequate documentation:


Does the Operating Unit have established policies and procedures on the acceptance and processing of applications?  yes  no

Are all filing procedures included on all announcements?  yes  no

Are procedures in place to insure that applicants who are entitled to file late applications receive appropriate consideration?  yes  no

Are late applications from 10-point veterans' preference eligibles appropriately maintained for positions filled under case examining procedures?  yes  no

If no, explain:

Has the Operating Unit developed applicant assessment procedures that are well documented?  yes  no

Is there any evidence that the Operating Unit has:

- 1) Modified Qualifications Standards  yes  no
- 2) Modified Standards in the Operating Handbook  yes  no

Are job analysis, KSA's and crediting plans based on job requirements, and appropriate to the level of competition?  yes  no

Have all applicants been rated?  yes  no

Do the agency records of the audit of certificates and the annual audits of delegated examining units indicate that appropriate corrective action is taken to resolve cases of erroneous certification and out-of-order selection?  yes  no

How are incomplete applications treated?

Are all-incomplete applications processed in the same manner?  yes  no

Have all applicants been notified of the status of their application?  yes  no

If requested by the applicant, were they given their rating scores?  yes  no

Is there a reconsideration procedure in place for applicants who dispute their rating score?  yes  no

How many complaints has this operating unit had against it concerning rating scores over the audit period?

Is there evidence of non-merit factors such as unwarranted consideration of name requests, conversions of temporary and/or excepted employees without open competition, etc?  yes  no

If yes, explain:

Does the agency have procedures in place for handling suitability issues?  yes  no

How many cases of ineligibility due to the unsuitability of the applicant were referred to the OPM for adjudication during the audit period?

How many cases of ineligibility of preference eligibles due to medical considerations were referred to OPM through the Department for adjudication during the audit period?

Have all veteran preference claims been determined and properly executed within the examining process?  yes  no

If not, explain:

In the issuance of certificates of eligibles, have all the certificates been audited?  yes  no

Were all certificates issued in a timely manner?  yes  no

Is there appropriate use of automation?  yes  no

Is the term “well-qualified” defined to provide opportunities for surplus and displaced employees?  yes  no

Is there documentation supporting determinations that an otherwise eligible CTAP/ICTAP candidate is not well qualified?  yes  no

If not, please explain:

Were eligibles listed in the correct order, by score, veterans’ preference, etc?  yes  no

Are there established procedures for objection/passover of preference eligibles?  yes  no

Were there any procedural deficiencies in the objection/passover requests (i.e., operating unit made a determination that should have been referred to the Department, etc.)?  yes  no

Were all selective and quality-ranking factors justified through proper job analyses?  yes  no

Do appointees/selectees meet appropriate qualification requirements?  yes  no

Are all selections consistent with the “rule of three”?  yes  no

Are all returned certificates audited within 3 workdays?  yes  no

If not, please explain:

Are selecting officials satisfied with the quality and timeliness of issued certificates?  yes  no

Were all determinations on conversion to career or career-conditional appointment made in accordance with 5 CFR Part 315?  yes  no

Were there any exceptions to time-in-grade restrictions?  yes  no

If so, was the reason given that the employee was within reach on a register for competitive appointment to the position to be filled?  yes  no

Were there any exceptions given to the time-after-competitive-appointment restriction?  yes  no

If so, look carefully at the action to determine if it was properly executed and that the exception was warranted. If inadequate documentation is present to justify the action, note it down for the final report.

Does the Operating Unit have a Career Transition Assistance Plan?  yes  no

Does the Operating Unit have procedures in place to ameliorate any appearance of or conflict of interest when an employee (or relative of an employee) of the DEU applies for a position through the DEU examination process?  yes  no

Have all forms (including electronic forms) that collect information from the public been approved by the Office of Management and Budget?  yes  no

Are all records used to implement the DEU authority consistent with OPM's system of records subject to the Privacy Act?  yes  no

Are all records maintained in accordance with OPM's schedule of records retention/disposition?  yes  no

Has any corrective action been requested by OPM on any part of any examination or procedures delegated to the Operating Unit under the Interagency Agreement?  yes  no

If yes, was the action taken?  yes  no

Does the operating unit have a current Accountability Plan that is approved by the Department?  yes  no

Does the operating unit maintain an audit file for the DEU that goes back 3 consecutive years containing all discrepancies and corrective actions?  yes  no

Has the operating unit complied with all the reporting requirements in the Luevano Consent Decree?  yes  no

Are all of the examiners in the DEU currently certified to conduct examinations?  yes  no

List all of the operating unit's examiners by name and the last date of certification:

OPERATING UNIT NAME	EXAMINER'S NAME	DATE OF CERTIFICATION
OS		
OS		
OS		

## Attachment 4a

### Annual Report to the Oversight Office

After the installation's annual audit a report must be made by October 30<sup>th</sup> of each year to the Office of the Secretary, Office of Human Resources to the attention of the Accountability and Oversight Officer. The report will contain the following sections:

Executive Summary  
Analysis of Data  
    Organization and Jurisdiction  
    Recruitment  
    Application Processing  
    Certification and Selection  
    Merit Principle Assessment  
    Accountability  
    Security  
    FOIA  
    Information Technology  
Recommendations and Corrective Action  
Conclusions

The statistical methodology used to analyze your data must adhere to a 95% confidence level with a margin of error of no more than 5 % in the following categories:

Number of Audited Certificates that had preference eligibles at the top  
Number of Audited Certificates that didn't have preference eligibles at the top  
Number of Audited Certificates that were used  
Number of Audited Certificates that were unused  
Number of certificates that were unused due to CTAP/ICTAP referral

Each installation's report is required to have a random sample of at least 10% of all DEU cases (whether or not the cert had a selection) or at a minimum 35 audited cases. In no instance should any "sample" consist of cases processed by a single installation DEU examiner.

All questions on the DEU Audit Checklist must be answered and summarized in a qualitative manner within the report citing instances of success and any corrective actions that have taken place or need to be taken.

The DEU installation manager must forward a signed written memo to the Accountability and Oversight Officer by October 30<sup>th</sup> of each year outlining the names of persons who will constitute the team for the Annual Audit (**no installation will conduct their own audit**).

The following list of DEU Installations and their managers will assist you in creating your audit teams:

Installation	Manager	Phone Number	Email Address
CENSUS HQ			
CENSUS J'VILLE			
EDA			
ITA			
NIST			
NOAA HQ			
NOAA NORFOLK			
NOAA SEATTLE			
NOAA KANSAS CITY			
NOAA BOULDER			
OIG			
OS			
PTO			