

# **Delegated Examining Operations Program Directive Manual**



**Department of Homeland Security  
Cybersecurity and Infrastructure Security Agency  
Directive Manual #: 2060-03  
Revision Number: **N/A**  
Issue Date: 09/27/2023**

This document and its contents are the property of CISA. If the document or its contents are provided to an outside agency, written permission must be obtained from their sponsor listed in the CISA Governance Library and based on condition that they not be distributed further.

## Table of Contents

I.	General Information.....	1
A.	Purpose.....	1
B.	Scope of Application.....	1
C.	Exemptions .....	1
D.	Supersession.....	1
E.	Review Dates .....	1
F.	Revision Log.....	1
II.	Responsibilities .....	2
A.	The Director:.....	2
B.	The Chief Human Capital Officer (CHCO):.....	2
C.	The Associate Chiefs and Branch Chiefs, Center for Talent Management, Office of the Chief Human Capital Officer (OCHCO): .....	2
D.	The Associate Chief, Global Recruitment/USA Staffing Team, OCHCO: .....	2
E.	The Human Resources (HR) Specialist, Center for Talent Management, OCHCO (HR Specialist):.....	3
F.	The Hiring Official: .....	3
III.	Standards and Procedures .....	4
A.	Description .....	4
B.	DE Certification Requirements.....	4
C.	Job Opportunity Announcements (JOAs).....	4
D.	Job Analysis and Assessments.....	7
E.	Eligibility .....	7
F.	Category Rating and Ranking.....	8
G.	Reconsideration of Ratings and Rating Appeal Procedure.....	9
H.	Erroneous Certification and Priority Consideration .....	10
I.	Application Acceptance and Qualification Procedures .....	10
J.	Re-Opening JOAs .....	11
K.	Selection Procedures .....	11
L.	Corrective Actions Related to Selection Procedures .....	12
M.	Pass Over and Objections Requests.....	12
N.	Records .....	13
O.	Compliance and Enforcement.....	13
IV.	Authorities.....	15

# Delegated Examining Operations Program Directive Manual

Page ii

V. Signature .....	16
Appendix A: References .....	A-1
Appendix B: Definitions and Acronyms.....	B-1
A. Definitions: .....	B-1
B. Acronyms .....	B-5

**I. General Information**

**A. Purpose**

This Directive Manual (DM) establishes the procedures to implement the Cybersecurity and Infrastructure Security Agency (CISA) Delegated Examining (DE) Operations Program and the processes for designated staff assigned to conduct DE operations.

**B. Scope of Application**

This DM applies to Title 5 competitive service positions for all series and grade levels, announced through DE procedures when seeking to fill vacancies through a competitive process open to all United States (U.S.) citizens or nationals, including current federal

C. employees, with the below exemptions.

**Exemptions**

Administrative law judge positions are not covered by this DM.

D.

**Supersession**

None.

**E. Review Dates**

**This section is completed by SPP.**

1. Last Review Date: N/A
2. Effective Date: 09/27/2023
3. Next Review Date: 09/27/2026

**F. Revision Log**

**This section is completed by SPP.**

Revised Section Number and Title	Deleted Section Number and Title	Approved By:	Date:

## II. Responsibilities

### A. The **Director**:

1. Establishes and ensures the effective implementation of the DE Program for CISA;
2. Designates the Chief Human Capital Officer (CHCO) to implement and manage CISA's DE Program; and
3. Delegates the authority to approve pass over and objections of preference eligibles to the CHCO.

### B. The **Chief Human Capital Officer (CHCO)**:

1. Oversees the development, implementation, goals and objectives and ongoing management of CISA's DE Program;
2. Ensures the development and maintenance of DE policy and procedures throughout CISA;
3. Ensures compliance with and enforcement of the standards and procedures described in this DM, Office of Personnel Management (OPM) guidance and all other relevant Department of Homeland Security (DHS) and federal laws, rules, regulations and guidelines, including the requirements outlined in the Merit System Principles (MSPs) and Prohibited Personnel Practices (PPPs) found in 5 United States Code (U.S.C.) 2301 and 2302;
4. Approves or denies pass over requests or objections that do not require OPM approval and provides reports of all actions taken, upon request;
5. Reviews pass over requests and objections that require OPM approval to determine whether they will be forwarded to DHS, which forwards the request to OPM for consideration; and
6. Reviews and monitors Delegated Examining Unit (DEU) staff operations through evaluations of the DE activities to ensure that employees are appropriately trained or certified to conduct DE activities, as well as, to ensure compliance with federal laws and regulations, upon request.

### C. The **Associate Chiefs and Branch Chiefs, Center for Talent Management, Office of the Chief Human Capital Officer (OCHCO)**:

1. Comply with the policy set forth herein and any policies and procedures issued by OPM, DHS and CISA OCHCO with respect to DE;
2. Ensure that authorized DE program staff members with DE authority place an assigned DEU identification number (e.g., HS000HQ) on all DE case files; and
3. Ensure all Human Resources (HR) employees conducting DE are currently certified to perform DE work, obtain required DE certification and arrange for the timely registration and completion of the required recertification assessment.

### D. The **Associate Chief, Global Recruitment/USA Staffing Team, OCHCO**:

1. Oversees the annual DE self-audits of each DEU and provides required documentation to OPM;
2. Submits requests to establish, modify, suspend or terminate DEUs to OCHCO;

3. Approves requests to establish, modify, suspend or terminate examining responsibilities for the employees who serve as DEUs;
4. Ensures the development and maintenance of DE Standard Operating Procedures (SOPs);
5. Oversees and maintains current list of all DE certifications and related expiration dates as well as monitors new employees and contractors who need to be certified;
6. Provides procedural guidance and deadlines for conducting annual audits and resolving any findings, in accordance with applicable DE policies and procedures; and
7. Provides required records to DHS and OPM, ensuring compliance with statutory and regulatory requirements.

**E. The Human Resources (HR) Specialist, Center for Talent Management, OCHCO (HR Specialist):**

1. Prepares and submits pass over and objection requests in coordination with divisions and mission enabling offices (offices);
2. Adheres to the DE Certification Program Guide;
3. Serves as the test control officer;
4. Ensures all necessary records are maintained, including, but not limited to, documenting the appropriateness of and rationale for a public notice period of less than five calendar days, following proper disposition guidelines and record maintenance and documenting the use of certificates or reasons for non-use;
5. Develops the quality ranking factors (QRFs) and selective placement factors (SPFs) prior to announcing the job listing;
6. Applies all applicable hiring preferences during the hiring process, including veterans' preference; and
7. Conducts reviews of any reconsiderations/appeals to Category Rating from eligible candidates.

**F. The Hiring Official:**

1. Adheres to the DE Certification Program Guide;
2. Oversees hiring new employees for DE purposes;
3. Ensures all necessary records are maintained, including but not limited to, documenting job analysis, assessment development and resumes; and
4. Reviews and approves the QRFs and SPFs established prior to announcing of the job listing.

### **III. Standards and Procedures**

#### **A. Description**

This DM creates a baseline standard by which CISA can opt to acquire talent, using the DE process. The processes outlined in this DM inform and support DE certification requirements, SOPs and the requirements for assessment.

#### **B. DE Certification Requirements**

1. All individuals responsible for conducting DE activities, including those conducting audits, must complete DE certification requirements and be currently DE certified to perform these activities.
2. Individuals are required to successfully pass the OPM DE certification assessment, in accordance with the OPM's DE Certification Program Guide.
  - a. It is recommended that individuals have formal classroom and on-the-job training in federal staffing and placement and DE procedures as a first step toward DE certification prior to taking the assessment.
  - b. Upon passing the assessment, individuals receive a DE Certification, which is valid for three years.
  - c. The requirement for certification applies to both federal employees and contractors.
3. If an employee conducting or working to conduct DE activities fails the assessment, they may re-take the DE Certification assessment after 90 days. If they fail the assessment a second time, they must wait six months before they may re-take the assessment.
4. CISA must keep a record of and submit a copy of the DHS Individuals Who Conducted DE Activities Fiscal Year (FY) Report to DHS upon request.

#### **C. Job Opportunity Announcements (JOAs)**

1. A public notice (i.e., a JOA) is posted for all DE announcements whenever the area of consideration is hiring candidates from outside the federal workforce for competitive civil service positions lasting more than 120 days.
2. DE JOAs are required to:
  - a. Recruit and attract enough well-qualified candidates to ensure adequate competition for competitive civil service positions;
  - b. Provide sufficient public notice of the opportunity to compete by listing all JOAs on USAJOBS (per 5 U.S.C. 3327 and 3330) for an appropriate open period, at least five calendar days, to provide those individuals who want to apply for the position with an adequate opportunity for receipt of applications;
  - c. Provide receipt of applications or set application limits and document the rationale in the examination file;
  - d. Specify application procedures, filing instructions and conditions clearly in the JOA and include the following:

- i. Position Title, series, pay plan and grade (or equivalent);
  - ii. Job Type (i.e., permanent or time-limited, including the expected duration of the time-limited job);
  - iii. Duty location(s);
  - iv. Opening and closing dates, plus any other information dealing with how the receipt of applications will be handled, such as the use of early cut-off dates;
  - v. Name of issuing agency;
  - vi. Announcement number;
  - vii. Qualification requirements, including knowledge, skills and abilities (KSAs) or competencies and a specialized experience definition with examples of specialized experience;
  - viii. Salary range of grade/pay band;
  - ix. Number of vacancies;
  - x. Brief description of duties;
  - xi. Basis of rating;
  - xii. What required JOA documentation to file;
  - xiii. Instructions on how to apply, including point of contact, telephone number and email address, if appropriate;
  - xiv. Information on how to claim veterans' preference, if applicable;
  - xv. Equal employment opportunity statement and reasonable accommodation statement;
  - xvi. CISA's definition of "well-qualified" for Career Transition Assistance Plan (CTAP) and the Interagency Career Transition Assistance Program (ICTAP) and information on how the candidates may apply, including proof of eligibility required; and
  - xvii. Information on any items that will affect eligibility or consideration for the position and an explanation of how eligibility or consideration may be affected, including, but not limited to, licensure requirements, drug testing and security clearance.
- e. Assess applications using category rating or other approved alternative assessment procedures as required by CISA policy and this DM;
  - f. Ensure candidates receive timely notification regarding the status of their applications at key points in the hiring process; and
  - g. Be written in plain language with clear, meaningful definition of qualifying specialized experience specific to the position(s) being advertised and contain clear descriptors of evaluation methods, including SPFs and QRFs.
    - i. SPFs and QRFs are developed by the HR Specialist and approved by the Branch and/or Associate Chief, Center for Talent Management and the hiring manager prior to posting the vacancy.
      - 1) Once they have been determined, the QRFs and SPFs are extended to the hiring manager for their review and edits, if necessary.
      - 2) Once approved by the hiring manager, the Branch and/or Associate Chief, Center for Talent Management provides final approval.
    - ii. HR Specialists use the OPM Job Analysis Methodology for determining the QRFs and SPFs.

3. Conditions of employment should be supported in the position description and/or by job analysis.
4. JOAs (excluding the online questionnaire or assessment) must not exceed five pages in length when printed on an 8.5-inch by 11-inch paper with no less than a ten-point font size.
  - a. Exceptions are made for the accessibility requirements under Section 508 of the Rehabilitation Act of 1973, as amended, for individuals with disabilities.
5. JOAs posted for positions at multiple grade levels must include instructions that provide a clear distinction of how the candidate responses will be assessed and evaluation methods used to determine candidates' qualifications for each grade announced.
6. Extending, amending and cancelling JOAs:
  - a. Vacancy announcements may be extended if there is an insufficient number of qualified candidates who apply compared to the number of vacancies available for a position during the open period. Extensions must not involve any change in the content of the announcement, except to extend the closing date.
  - b. Amendments to announcements may be made to supplement information, such as modifying or editing text or a certificate. When amendments are made, the announcement must be extended so that the new information is posted on USAJOBS.
  - c. When extending or amending an announcement, a note must be added to the announcement advising candidates of changes.
7. Re-announcing JOAs: Positions may not be re-announced within 90 days of the closing date unless one of the following criteria are met:
  - a. If the position requirements changed significantly (e.g., the ranking criteria, KSAs and competencies, the SPFs of the grade level), the position is re-advertised without automatically considering the original candidates.
    - i. Notice is sent directly to candidates who previously applied and the re-advertisement includes an annotation similar to the following: "We are re-advertising this position to reflect a change in the (specify the change). As such, all previous candidates must reapply to receive consideration."
  - b. If re-advertising is required due to insufficient candidates and there is no change to the position requirements, it is possible to re-advertise within the 90-calendar day period.
    - i. The position is re-advertised without automatically considering the original candidates.
    - ii. Notice is sent directly to candidates who previously applied and the re-advertisement includes an annotation similar to the following: "This position is being re-advertised. As such, all previous candidates must reapply to receive consideration."
  - c. Branch Chiefs and Associate Chiefs, Center for Talent Management, are required to establish documentation and record keeping procedures for reconstruction purposes.
  - d. HR Specialists must communicate with applicants concerning the status of their application and it must be done in a timely manner on at least four communication touch-points.

- i. However, it is acceptable if these occurrences are combined into two communications.

#### **D. Job Analysis and Assessments**

1. Hiring Officials are involved in the job analysis and assessment development. They assign and document due weight in the application package during evaluation, rating and review. Consideration should only be given to the extent that the information is relevant to the requirements of the position being filled.
2. Assessment criteria of candidates may include, but are not limited to, occupational questionnaires, tests and structured interviews.
3. Assessments are required to align with job analyses and make clear and appropriate distinctions between creditable levels of qualifications, and cannot contain inappropriate measures, such as knowledge specific to CISA policy or processes which could be learned within a standard orientation period (e.g., 90–120 days of Entry on Duty (EOD)).
4. OCHCO is required to follow guidance found in the Delegated Examining Operations Handbook (DEOH) and any CISA related interagency agreement(s) if examining for positions covered by the Administrative Careers with America (ACWA).
5. Agencies are not required to use ACWA assessment tools and may use any other validated (i.e., job-related) assessment tool(s) when examining candidates for competitive service positions such as the OPM USA Hire assessment questionnaire.
6. Assessment tools are required to comply with the requirements in 5 Code of Federal Regulations (CFR) 300; Chapter 2, Section C of the DEOH; and be consistent with the technical standards in the Uniform Guidelines on Employee Selection Procedures (see 29 CFR 1607).
7. HR Specialists may request and use an OPM-developed examining instrument, including ACWA instruments.
  - a. HR Specialists interested in using alternative examining instruments (e.g., competitive inventory) require approval from the CHCO and are responsible for correct usage of these materials.

#### **E. Eligibility**

1. Applications are reviewed by an HR Specialist to determine which applicants, if any, are entitled to selection priority based on the requirements of an agency CTAP, ICTAP or Reemployment Priority Listing (RPL). HR Specialists must not put these candidates on a competitive selection Certificate of Eligibles (or a merit promotion referral list, if considering applicants under multiple procedures), but should instead refer them separately.
2. HR Specialists must review each applicant's eligibility based on citizenship status, veterans' preference and other applicable requirements such as conditions of employment and selective service registration.
3. HR Specialists determine veterans' preference according to the OPM's Federal Employment Policy Handbook: Veterans and the Civil Service.
4. HR Specialists must also make determinations on the following:

- a. Conversion to career or career-conditional employment (5 CFR 315.G);
- b. Exceptions to the time-in-grade restriction (5 CFR 300.F); and
- c. Exceptions to the time-after-competitive-appointment restriction (5 CFR 330.E).

**F. Category Rating and Ranking**

1. Qualified candidates for permanent, term and temporary positions in the competitive service are assessed using category rating procedures.
2. Category rating is a method of evaluating candidates who meet eligibility and minimum qualification requirements for the position by assessing the candidates' experience, education and training and placing them into pre-defined "quality categories" rather than assigning individual numerical scores.
  - a. This approach is a way of assessing, ranking and selecting job candidates for positions filled through competitive examining procedures.
3. Quality Categories: Quality categories are "Best Qualified," "Well Qualified" and "Qualified."
  - a. Each category represents a grouping of candidates with similar levels of job-related KSAs and competencies.
  - b. Candidates are assessed and placed into categories based on their job-related competencies, KSAs and any applicable SPFs.
  - c. Categories cannot include a "Not Qualified" category.
4. Category Rating Procedures: DEU category rating procedures must be documented and adhere to the following requirements:
  - a. Categories are defined in a DEU, DE, SOP or DE case file through job analysis. Definitions should be written to reflect the requirements of the position. The quality categories are defined prior to announcing the job and each category should have a clear definition that distinguishes it from the other categories.
  - b. Quality categories may be defined using numerical scores (i.e., a range of scores to define each quality category):
    - i. Scores of 95-100 are considered "Best-Qualified;"
    - ii. Scores of 85-94 are considered "Well Qualified;" and
    - iii. Scores of 70-84 are considered "Qualified."
  - c. Rating criteria adhere to the technical standards in the Uniform Guidelines (29 CFR 1607).
  - d. Each quality category definition is included in the job opportunity announcement, along with a description of how veterans' preference is applied under category rating procedures.
  - e. A numerical ranking process does not apply to category rating.
  - f. Cut-off scores may be established when there is a large volume of qualified candidates. If a cut-off score is not identified, all candidates determined to meet the minimum qualification requirements are referred to the selecting official.
5. Ranking the eligibles: After completing the rating process, each eligible is ranked (or each eligible who met any passing grade established in the above rating method) by quality category and in the order of their entitlement, to establish an "order of selection."

- a. Under category rating, the Certificate of Eligibles certifies eligibles in the following order:
    - i. Position 1: Eligible veterans;
    - ii. Position 2: CTAP, RPL, or ICTAP eligibles;
    - iii. Position 3: Eligibles who lost consideration due to erroneous certification selection; and
    - iv. Position 4: Eligibles in the highest quality category with preference listed ahead of non-preference eligibles.
  - b. All eligibles must be placed in a quality category based on merit.
6. HR Specialists may share a competitive service certificate issued under its DE authority with one or more hiring managers within CISA and/or other federal agencies for a position(s) to be filled on a permanent, term or temporary basis. Positions filled on a term or temporary basis are subject to certain provisions (5 CFR 316). Positions may be full-time or other than full-time (i.e., part-time, seasonal, on-call and intermittent).
7. All actions taken on a shared certificate must be made within the 240-day period beginning on the date the original hiring agency issued the certificate of eligibles. This period cannot be extended.
8. CISA maintains case file documentation sufficient to reconstruct its own use of the certificate in accordance with DEOH and is required to safeguard testing and examination materials, examination results and the names of applicants from disclosure to other persons in accordance with 5 U.S.C. 300.201.
9. Agencies sharing certificates must keep records of the instances of sharing certificates in accordance with provisions in 5 CFR 300.

**G. Reconsideration of Ratings and Rating Appeal Procedure**

1. Candidates can request reconsideration (appeal) within 30 calendar days of their rating decision.
2. A candidate's request for appeal is made in writing and indicates why the candidate believes the original rating decision is inaccurate.
3. The division or office head and HR Specialist who made the original decision conduct the review.
4. The HR Specialist replies to the candidate's request in writing and provides a full explanation of the reasons for the decision, without compromising the rating schedule.
5. CISA's internal appeal procedures are required to be made available to candidates who wish to challenge an assigned rating, and the HR Specialist must advise the candidate that the results of the appeal could result in a higher, lower or same score.
6. CISA allows candidates to submit a second level appeal to the designated official within OCHCO who sent the notification, upon receipt of the CHCO's decision, within 30 calendar days of the first decision.
  - a. The result of the second level appeal is final. The candidate may not appeal the decision any further.

7. CISA must follow the guidance in the DEOH, 5 CFR 300 and this DM (see Erroneous Certification and Priority Consideration below, if applicable) when the review results in a changed rating.
8. If an appeal leads to a rating change, the candidate's record should reflect the new rating. In case examining, the certificate should reflect the new rating.

#### **H. Erroneous Certification and Priority Consideration**

1. In the event the Branch and/or Associate Chiefs, Center for Talent Management, HR Specialist or Hiring Official discovers an error that resulted in a selection in violation of the selection rules, the following corrective action must be taken to resolve the error:
  - a. Divisions, offices and DEU ensure that the instructions in the DEOH, Chapter 6, Section E, are followed to determine if candidates lost consideration and correct (regularize) any erroneous appointments.
  - b. The division or office that made the original error gives priority consideration (see Chapter 6, Section E of the DEOH for more information) for future vacancies within their DEU to all candidates who lost consideration due to an erroneous selection.
  - c. If a violation of law or an illegal appointment is identified, DEU notifies the Chief Counsel.
  - d. Any variation request(s) to provide service credit for the period an incumbent(s) who was on an illegal appointment or to retain incumbent(s) appointed erroneously, are submitted to Audit and Accountability Subdivision for review and concurrence and OPM approval.

#### **I. Application Acceptance and Qualification Procedures**

1. OCHCO encourages candidates to apply through electronic means.
2. HR Specialists make clear that candidates are required to submit only a résumé and copies of any required forms, at the time of initial application.
3. Required forms may include, but are not limited to, forms documenting:
  - a. Veterans' preference eligibility; and
  - b. Transcripts when education is being substituted for experience or when education is required as part of the qualifications.
4. Branch and/or Associate Chiefs, Center for Talent Management may place a reasonable limit on the number of pages of a résumé that will be reviewed as part of an initial qualification determination and this limit must be clearly explained in the JOA.
  - a. Candidates may not automatically be screened-out because they submit résumés of longer lengths.
    - i. When a page limit is used, the JOA announcement may state that only a limited number of pages in the submitted resume will be reviewed.
5. Copies of materials that may be required to verify claimed eligibility (e.g., unofficial college transcript) must be submitted by close of the JOA. Official copies are submitted prior to EOD.

6. Documentation to support claims of veterans' preference is required in order to carry out the ranking portion of the examining process, including a completed form Standard Form (SF-15), "Application for 10-point Veterans' Preference," and one of the following forms:
  - a. Documentation of disability from the military branch of service;
  - b. Documentation from the Department of Veterans Affairs (DVA) issued in 1991 or later, certifying that the veteran has a permanent service-connected disability;
  - c. A letter from the military branch of service or from DVA certifying temporary disability; and
  - d. An official citation, documents or discharge certificate, issued by a military department showing award of the Purple Heart.
7. HR Specialists must follow the Category Rating requirements in this DM when evaluating candidates.
8. HR Specialists must adhere to the DEOH guidelines and the Category Rating requirements in this DM when merging categories.
9. The qualification requirements applied are clearly specified in the JOA. Candidates must meet qualification requirements by the closing date of the JOA in order to qualify for the position.
  - a. In accordance with the OPM Qualification Standards Operating Manual, applications can be accepted from students who expect to complete qualifying education within nine months from the date of the application. However, the education must be successfully completed and verified by the assigned HR Specialist before the candidate is appointed.
10. Suitability: CISA Offices must refer a case to DHS when it determines that a government-wide debarment by OPM under 5 CFR 731.204(a) may be an appropriate action. In addition, divisions and offices take actions directly involving material, intentional false statement or deception or fraud in examination or appointment or refusal to furnish testimony as required by 5 CFR 5.4.

#### **J. Re-Opening JOAs**

1. JOAs may be re-opened or late applications may be accepted dependent upon veterans' preference eligibility and under the following circumstances:
  - a. Ten-Point Eligibility Preference;
  - b. They were unable to file for an open competitive examination or appear for a test due to active duty in the Armed Forces;
  - c. They were unable to file for an open competitive examination or appear for a test due to service in a federal agency; or
  - d. They were originally on an inventory of eligible but lost eligibility for appointment due to active duty.
2. A federal employee who was unable to file or appear for a test due to active duty in the Armed Forces continuing beyond 15 days. All above applicants may file an application after the closing date if the inventory of potential eligibles still exists or if one is about to be established.

#### **K. Selection Procedures**

1. A Hiring Official may select any eligible candidate(s) in the highest quality category; except, the hiring manager may not select a non-preference eligible over a preference eligible (see Section M for Pass Over Requests).
2. The Hiring Official:
  - a. May select eligible candidates from the highest quality category; or
  - b. May select eligible candidates from a newly merged category comprised of the highest and the second-highest quality categories, if fewer than three candidates were placed in the highest quality category.
3. The Hiring Official may not pass over a preference eligible in the same quality category from which a selection is made unless they have made a pass over request and it has been approved.
4. Any appointment resulting from a selection made by the Hiring Official prior to merging the highest quality category with the next lower quality category is a valid and legal appointment.
5. The name of the selectee is removed from the highest quality category and the individual's name does not appear in the newly merged highest quality category.

**L. Corrective Actions Related to Selection Procedures**

1. Appropriate corrective action must be taken when errors in selection are identified including, but not limited to, cases of lost consideration, incorrect order of preference (e.g., selecting one eligible over another, outside of the hierarchy of preferences) or the selection of someone who does not fit the proper KSAs or competencies for the position.
2. Divisions or offices or the Hiring Official notify the CHCO of the priority consideration and other selection errors within 30 calendar days of the discovery.
3. Divisions and offices are required to coordinate corrective actions with the CHCO if an improper selection is made resulting from administrative error. Corrective actions must be consistent with requirements outlined in the DEOH.
4. In the event of an improper selection, the OCHCO must:
  - a. Notify the appointing official immediately; and
  - b. Make the correction before the selectee enters on duty, if possible.
5. Corrections that require approval from OPM are requested through, and with the approval of, the CHCO.

**M. Pass Over and Objections Requests**

1. Hiring managers must select preference eligibles over non-preference eligibles unless there is an approved pass over request.
2. Pass over and objections requests may be approved by the CHCO with some exceptions.
3. The following requests must be referred to and approved by DHS and OPM as OPM retains the exclusive authority to:
  - a. Make medical determinations pertaining to preference eligible candidates;

- b. Grant or deny an agency's pass-over request of a preference eligible candidate with a compensable service-connected disability of 30% or more; and
  - c. Make suitability determinations involving material, intentional false statement or deception or fraud in examination or appointment or refusal to furnish testimony as required by 5 CFR 731.103(a).
- 4. Requests related to the above topics are forwarded to DHS then OPM through and with the concurrence of the CHCO.
- 5. Hiring Officials consult with appropriate HR Specialist and the CHCO prior to initiating a pass over or objection request of a preference eligible candidate for employment. In all cases, only the HR employees with appropriate training and expertise (Hiring Officials, HR Specialists and/or Branch or Associate Chiefs, Center for Talent Management) can carefully evaluate each pass over and objection request and make a recommendation before forwarding it to higher levels in CISA.
- 6. HR Specialists must follow the guidelines in the DHS Pass Over or Objection Request Checklist.

#### **N. Records**

- 1. Records associated with hiring actions are retained in USA Staffing, to allow for third-party reconstruction (See Appendix C, "Records Retention and Disposition Schedule" found in the DEOH Handbook for required case file documents).
  - a. Records associated with personnel actions, including all documentation sufficient for third party reconstruction purposes, are retained according to the DEOH's Records Retention and Disposition Schedule.
  - b. Generally, records created in a given year must be retained for a total of three full years.
  - c. Records involved in litigation and grievance processes may be destroyed only after official notification is received from OPM, Department of Justice, courts, the Office of the General Counsel, etc. that the matter has been fully litigated or resolved and closed.

#### **O. Compliance and Enforcement**

- 1. All CISA divisions, offices and employees are required to comply with this DM and applicable laws, regulations and DHS policy.
- 2. Consequences for Noncompliance:
  - a. Noncompliant employees are subject to disciplinary procedures, including, but not limited to, the termination of the employee's employment with the federal government.
  - b. Failure to maintain current DE certification can jeopardize CISA's DEU authority to conduct DE activities under OPM guidance and federal regulations and may result in that authority being rescinded.
  - c. If CISA does not act to correct noncompliance with DHS or federal requirements, it may be subject to federal penalties.
- 3. Compliance Procedures:

- a. All DE procedures must comply with this DM and all other applicable federal laws, rules and regulations related to merit system protection principles and DE requirements. Together, these laws, rules, policies and regulations provide a framework for implementing effective and efficient DE operations throughout CISA. Copies of such SOPs (e.g., the DEOH) are required to be provided to the CHCO when requested.
- 4. Enforcement Methods:
  - a. The Branch and Associate Chiefs, Center for Talent Management facilitate the collection, review and retention of all the DE Program's supporting documentation to determine compliance.
  - b. Branch and Associate Chiefs, Center for Talent Management will conduct periodic audits of shared certificates issued under category rating rules.
  - c. The Branch and Associate Chiefs, Center for Talent Management provide a report on DE compliance or other requested data to the CHCO and CISA Enterprise Risk Management System, when requested.
  - d. OCHCO maintains records of the following compliance indicator data:
    - i. The number and details of all pass over and objection requests;
    - ii. The number and details of all pass over and objection requests that are sent to OPM;
    - iii. The number and details of all instances of corrective action(s) taken; and
    - iv. The number and details of all reconsiderations of ratings.
- 5. The CHCO is responsible for ensuring compliance with this DM and all other relevant DHS and federal policies.

**IV. Authorities**

- A. Presidential Memorandum, “Improving the Federal Recruitment and Hiring Process,” May 11, 2010
- B. Public Law 107-296, “Homeland Security Act of 2002”
- C. 5 U.S.C. 1104, “Delegation of Authority for Personnel Management”
- D. 5 U.S.C. 332.406, “Objections to eligible”
- E. 5 U.S.C. 1402, “Authority and Functions of agency Chief Human Capital Officers ”
- F. 5 U.S.C. 2102, “Competitive Service”
- G. 5 U.S.C. 2108, “Veteran; Disabled Veteran; Preference Eligible”
- H. 5 U.S.C. 2301, “Merit System Principles”
- I. 5 U.S.C. 2302, “Prohibited Personnel Practices”
- J. 5 U.S.C. 3300, “Subchapter I - Examination, Certification and Appointment”
- K. 5 U.S.C. 3319, “Alternative Ranking and Selection Procedures”
- L. 5 CFR 211, “Veteran Preference”
- M. 5 CFR 300, “Subpart A - Employment Practices”
- N. 5 CFR 315, “Career and Career-Conditional Employment”
- O. 5 CFR 330, “Recruitment, Selection, and Placement (General)”
- P. 5 CFR 332, “Recruitment and Selection Through Competitive Examination”
- Q. 5 CFR 337, Subpart B “Direct Hire Authority”
- R. 5 CFR 338, “Qualification Requirements (General)”
- S. 5 CFR 339, “Medical Qualification Determinations”
- T. 29 CFR 1607, “Uniform Guidelines on Employee Selection Procedures (1978)”
- U. OPM Delegated Examining Operations Handbook (DEOH)
- V. OPM Delegated Examining Certification Program Guide
- W. OPM, “Vet Guide for HR Professionals”
- X. OPM, “Category Rating Policy”
- Y. Interagency DE Agreement (DHS-1) Between Department of Homeland Security and the U.S. Office of Personnel
- Z. DHS Directive 251-04, “Delegated Examining,” June 2021
- AA. DHS Instruction 251-04-001, “Delegated Examining”
- BB. DHS Delegation 03000, “Delegation for Human Capital and Human Resources,” June 2012
- CC. DHS Instruction 121-01-007-01, “The Department of Homeland Security Personnel Security and Suitability Program,” June 2017

**V. Signature**

(b) (6)

Cybersecurity and Infrastructure Security Agency

09/27/2023

Date

**Appendix A:  
References**

- I. DE Certification Program Guide
- II. SF-62 – Pass Over Request Form
- III. SF-15 - Application for 10-point Veterans' Preference
- IV. DHS Individuals Who Conducted DE Activities FY Report
- V. Records Retention and Disposition Schedule

## Appendix B: Definitions and Acronyms

### A. Definitions:

1. **Career Transition Assistance Plan (CTAP):** A program giving displaced CISA employees that have been separated, or are being separated, priority for jobs within the agency.
2. **Category Rating:** A method of evaluating candidates who meet eligibility and minimum qualification requirements for the position by assessing the applicants' experience, education and training and placing them into pre-defined "quality categories" rather than assigning individual numerical scores.
3. **Certificate of Eligibles:** List of eligibles from which an appointing officer selects one or more applicants for appointment.
4. **Competitive Examining:** The traditional method for making appointments to competitive service positions requiring adherence to competitive requirements under Title 5. This may consist of a written test, an evaluation of an applicant's education and experience, or an evaluation of other attributes necessary for successful performance in the position to be filled. OPM may delegate authority, by agreement, to an agency to examine for all of its competitive service positions, except administrative law judges.
5. **Competitive Inventory:** An established register or list of candidates/recruits who are ready to be certified for positions in an occupation frequently filled with non-status candidates when it is not efficient to recruit and examine for each job filled.
6. **Competitive Service:** All civil service positions in the executive branch that are not specifically excepted from the civil service laws by or pursuant to statute, by the President, or by OPM under Rule VI, and that are not in the Senior Executive Service (SES).
7. **Competitive Service Positions:** Positions subject to the civil service laws passed by Congress to ensure that applicants and employees receive fair and equal treatment in the hiring process.
8. **Contractor:** An individual who performs work for or on behalf of any agency under a contract and who, in order to perform the work specified under the contract, requires access to space, information, information technology systems, staff and other assets.
9. **Corrective Action:** Elimination and remediation addressing a weakness or cause of a problem.

10. **Debarment:** An action taken to exclude a person from government contracting and government-approved subcontracting or covered transactions for a reasonable specified period. A person so excluded is debarred.
11. **Delegated Examining (DE) Authority:** The authority to conduct competitive examinations for positions in the federal competitive service based on a competitive process open to all U.S. citizens or nationals, including federal employees, except for administrative law judge positions.
12. **Delegated Examining Operations Handbook (DEOH):** A handbook, released by OPM, that provides assistance to agencies with delegated examining authority. It applies to competitive examining only and not merit promotion, excepted service, SES or non-competitive service. It provides guidance and options, and specific operational procedures designed to ensure that examining programs comply with merit system laws and regulations.
13. **Delegated Examining Staff:** Any personnel assigned to DEU or have DE authority. This includes the Human Capital Service Team Supervisors, Human Capital Service Team Specialists and hiring officials.
14. **Delegated Examining Unit (DEU):** A unit that is granted DE authority by OPM and the CISA CHCO. The unit is responsible for ensuring to the maximum extent possible that CISA's vacant positions are filled with the best-qualified persons from a sufficient pool of well-qualified eligible people.
15. **Direct Hire Authority:** An appointing (hiring) authority that OPM can give to federal agencies for filling vacancies when a critical hiring need or severe shortage of candidates exists.
16. **Eligible:** An applicant who satisfies the minimum qualifications requirements for the position and, therefore, is eligible for consideration.
17. **Hiring Official:** Any supervisor or manager with the authority to make hiring decisions.
18. **Interagency Career Transition Assistance Program (ICTAP):** A program giving displaced federal employees priority for jobs in federal agencies other than the agency from which they separated.
19. **Job Analysis:** Identifies the competencies and KSAs directly related to performance on the job. It is a systematic procedure for gathering, documenting and analyzing information about the content, context and requirements of the job. It demonstrates that there is a clear relationship between the tasks performed on the job and the competencies required to perform the tasks.

20. **Job Opportunity Announcements (JOAs):** Federal job announcements issued by the CISA staff that have direct hire or delegated examining authority, based on the type of job.
21. **Non-Competitive Service Positions:** Federal or civil service positions which are not in the competitive service or the Senior Executive service, and do not confer competitive status. It is also known as “excepted service.”
22. **Objection:** A request to remove an eligible candidate or participant (preference or non-preference eligible) from consideration on a certificate of eligible candidates or participants. An eligible candidate may be removed from consideration only after the objection request has been sustained.
23. **OPM-Developed Test Materials:** The written tests, rating schedules, crediting plans, proficiency skill tests, scoring keys and any other tests or assessment materials developed or purchased by OPM for use within and across the federal government to determine an applicant’s proficiency level for a specific position (e.g., USA Hire assessment questionnaire).
24. **Pass Over Request:** An objection filed against a preference eligible candidate that results in the selection of a non-preference eligible candidate, if approved by OPM.
25. **Priority Consideration:** An employee who has been subject to a reduction-in-force, who has the required qualifications, and who will be placed even if an external candidate is determined to be more qualified.
26. **Quality Ranking Factors (QRFs):** KSAs that could be expected to enhance significantly performance in a position but are not essential for satisfactory performance. Applicants who possess such KSAs may be ranked above those who do not, but no one may be rated ineligible solely for failure to possess such KSAs.
27. **Recommended Action:** A suggestion that improves the efficiency and effectiveness of DE operations. Recommended actions may include new, revised or changes in procedures, processes, policy, methods and techniques.
28. **Reemployment Priority Listing (RPL):** The mechanism agencies use to give reemployment consideration to their former competitive service employees separated by reduction in force or fully recovered from a compensable injury after more than one year.
29. **Required Action:** A legal or regulatory violation that must be corrected. Required actions include personnel actions that are not in compliance with federal law, statute, or regulations, or violate one or more MSPs or constitute PPPs. Required actions also include actions that are not in compliance with DHS policy or guidance.

- 30. **Selective Placement Factors (SPFs):** KSAs or special qualifications that are in addition to the minimum requirements in a qualification standard, but are determined to be essential to perform the duties and responsibilities of a particular position.
- 31. **Test Control Officer:** Supervisory HR Specialist or Hiring Official who is responsible for test administrators who are conducting tests follow OPM guidance, as well as requesting written test material and for the security and control of test material while it is in CISA possession.
- 32. **Veterans' Preference:** Preference for veterans who are disabled or who served on active duty in the Armed Forces during certain specified time periods or in military campaigns over others in hiring from competitive lists of Eligibles and in retention during reductions in force. In addition to receiving preference in competitive appointments, veterans may be considered for special noncompetitive appointments for which only they are eligible.
- 33. **Violations:** Actions that result in an improper or illegal personnel action (e.g., Merit Systems Principles (MSP) or Prohibited Personnel Practices (PPP) violations, illegal appointments, etc.) or systemic practices or program deficiencies that significantly undermine or invalidate human capital programs or processes (e.g., failure to conduct a job analysis, inadequate public notice, etc.).

# Delegated Examining Operations Program Directive Manual

Page B-5

## B. Acronyms

Acronyms	
ACWA	Administrative Careers with America
CFR	Code of Federal Regulations
CHCO	Chief Human Capital Officer
CISA	Cybersecurity and Infrastructure Security Agency
CTAP	Career Transition Assistance Plan
DE	Delegated Examining
DEOH	Delegated Examining Operations Handbook
DEU	Delegated Examining Unit
DHS	Department of Homeland Security
DM	Directive Manual
DVA	Department of Veterans Affairs
EOD	Entry on Duty
FY	Fiscal Year
HR	Human Resources
ICTAP	Interagency Career Transition Assistance Program
JOA	Job Opportunity Announcements
KSA	Knowledge, skills and abilities
MSP	Merit System Principles
OCHCO	Office of the Chief Human Capital Officer
Offices	Mission Enabling Offices
OPM	Office of Personnel Management
PPP	Prohibited Personnel Practices
QRF	Quality Ranking Factors
RPL	Reemployment Priority Listing
SES	Senior Executive Service
SF	Standard Form
SOP	Standard Operating Procedures
SPF	Selective Placement Factors
TA/CSA	Talent Acquisition/Client Services Advocate
U.S.	United States
U.S.C.	United States Code