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Date

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**DEPARTMENT OF COMMERCE
OFFICE OF HUMAN RESOURCES MANAGEMENT**

HUMAN RESOURCES (HR) BULLETIN #261, FY22

SUBJECT: Hiring Authority for College Graduates

EFFECTIVE DATE: Upon release of this HR Bulletin

EXPIRATION DATE: Effective until canceled or superseded

SUPERSEDES: None

BACKGROUND: On August 13, 2018, the President signed Public Law 115-232, the National Defense Authorization Act (NDAA) for Fiscal Year 2019. Section 1108 of the NDAA established a new hiring authority, codified at 5 United States Code (U.S.C.) 3115, for appointing college graduates to positions at specified grades in the competitive service. It establishes that an agency may non-competitively appoint an eligible and qualified college graduate to any position in the administrative or professional series at the GS-11 level or below (or equivalent).

The authority allows agencies to appoint college graduates into competitive service positions, without regard to rating, ranking, and veterans' preference provisions. The intent is to provide additional flexibility in hiring eligible and qualified individuals. The authority helps the Department better recruit and fill mission-critical occupations, and will allow it to use strategic recruiting to hire recent college graduates to fill professional and administrative positions at the GS-11 level or below (or equivalent).

This new hiring authority is separate and distinct from the Pathways Program and other programs for recent graduates authorized under Executive Order 13562.

PURPOSE: HR Bulletin #261 sets forth policy and guidance for the Department on using the new hiring authority for college graduates.

AUTHORITY: Title 5, Code of Federal Regulations (CFR) § 315.614 has been established for employment of college graduates. In accordance with the authority, an agency may non-competitively appoint an eligible and qualified college graduate to a position classified in a

professional or administrative occupational category at the GS-11 level or below (or equivalent) without regard to the provisions of 5 U.S.C. 3309–3319 and 3330.¹

After appropriate public notice is provided, any eligible individual who meets the minimum qualification standard for the position may be selected without regard to the application of veterans' preference or the provision of Career Transition Assistance Plans/Interagency Career Transition Assistance Plans (CTAP/ICTAP). Appointments must adhere to Merit System Principles.

OHRM RESPONSIBILITY:

- Using data from the NFC for the last pay period of the fiscal year, OHRM shall determine the total number of allocated appointments for the entire Department each fiscal year.
- In coordination with the PHRMs, OHRM will determine the methodology used each fiscal year to determine the allocations to bureaus/OU's, as it may vary each year based on the data.
- As soon as possible at the beginning of each fiscal year, OHRM will provide the PHRMs the designated number of allocations for each of their serviced bureaus/OU's.
- OHRM will also manage any 'reserved' or unused allocated appointments that may be available for that fiscal year.
- Provide oversight of the allocations and their utilization.

SHRO/ENTERPRISE SERVICES RESPONSIBILITY:

The SHRO/ES, in conjunction with their serviced bureau(s)/OU(s), are responsible for:

- Tracking the use of the designated number of non-competitive appointments available for that fiscal year.
- Appropriately applying the provisions of 5 CFR § 315.614
- Submitting requests on behalf of a serviced client, to the Director, OHRM, for the allocation of 'reserved' or unused slots, if available.
- Responding to data calls on the use of the authority.
- Maintaining a record of job postings to meet periodic accountability and compliance requirements.

ELIGIBILITY: Under the authority, a "college graduate" is an individual who has received a bachelor's or advanced degree from an institution of higher education (defined in 20 U.S.C. 1001(a)). The eligible individual must apply for the position being filled under the authority (using the date the application is received as the date of submission) no later than 2 years after the individual received their degree. In the case of an individual who has completed not less than 4 years of intervening obligated service in a uniformed service, the application must be received

¹ 5 U.S.C. 3309 – 3319, 3330 (veterans' preference, competitive service, alternative ranking and selection procedures, and the Government-wide list of vacant positions).

no later than 2 years after the individual was released or discharged from that uniformed service. The individual must also meet the minimum qualification standards prescribed or approved by OPM for the position to which the individual is being appointed.

SHROs/ES may accept applications from applicants prior to their receiving a degree. If such an applicant is selected, they may not be appointed until after the degree has been completed.

QUALIFICATIONS: Eligible college graduates appointed under the authority must meet the OPM-prescribed minimum qualification standard, or an OPM-approved, agency-specific qualification standard for the position being filled.

CLASSIFICATION: Initial appointments of eligible and qualified individuals may be made to any position classified in a professional or administrative occupational series at the GS-11 level or below (or equivalent), including positions with promotion potential beyond the GS-11 (or equivalent).

PUBLIC NOTICE REQUIREMENT: The Department must adhere to Merit System Principles, and must publicly advertise the position in a manner that endeavors to reach qualified individuals from all segments of society. Job Opportunity Announcements (JOA) for college graduates, under 5 CFR § 315.614, are not required to be advertised on *USAJOBS*; however, *USAJOBS* may be used. In accordance with HR Bulletin #210, FY17, *Creating a Job Opportunity Announcement*, JOAs must remain open for a minimum of 7 calendar days.

The requirement also includes notifying OPM before filling a position under the authority (5 U.S.C. 3327(b)). Notification to OPM can come through *USAJOBS* from a standard announcement, a standard announcement without the option to apply online, or an exclusive job announcement.²

If *USAJOBS* is not used to advertise the position, the SHRO/ES must satisfy the requirements of 5 U.S.C. 3327(b) by providing OPM information about the position in the same format it usually would when posting a position on *USAJOBS*.

If *USAJOBS* is not used, the JOA must be publicly displayed, at a minimum, on the bureau/OU's public facing home page by either providing the actual JOA or a link to it. Bureaus/OU must maintain a record of the job posting to meet periodic accountability and compliance requirements. Each bureau/OU should consider whether additional recruiting and advertising activities (LinkedIn, etc.) are necessary or appropriate to further Merit System Principles.

A JOA must include, at a minimum, the following information:

1. Position title, series, grade/band level
2. Geographic location where the position is to be filled
3. Starting salary of the position

² At the time of the publication of this bulletin, OPM is in the process of defining how to notify for an agency posting and third-party job announcements outside of *USAJOBS*.

4. Minimum qualifications of the position
5. Whether the position has promotion potential to higher grade/band levels
6. Any other relevant information about the position such as telework opportunities, recruitment incentives, and bargaining unit status;
7. Specific information instructing applicants on how to apply;
8. An equal employment opportunity statement: SHROs may use the recommended equal employment opportunity statement located on OPM's *USAJOBS* website; and
9. A reasonable accommodation statement.

CTAP/ICTAP: Selection priority under 5 CFR part 330, subparts F and G, pertaining to CTAP and ICTAP does not apply to this hiring authority.

APPOINTMENT TYPE: Under the authority, college graduates are appointed to career or career-conditional permanent positions in the competitive service.

COMPETITIVE STATUS: An individual appointed under this authority acquires competitive status upon completion of a probationary period in accordance with the provisions of subpart H of 5 CFR § 315.³

CAREER TENURE: An individual appointed under 5 CFR § 315.614(a) becomes a career-conditional employee unless the individual has already satisfied the requirements for career tenure, or is exempt from the service requirement for career tenure pursuant to 5 CFR § 315.201.

LIMITATION ON THE NUMBER OF APPOINTMENTS: In accordance with 5 CFR § 315.614(i), all agencies (i.e., the Department of Commerce) have a limited number of appointments (slots) that can be made each fiscal year under the authority. The number of authorized college graduate appointments is based on 15% of the number of individuals the Department appointed during the previous fiscal year to positions in the competitive service classified in a professional or administrative occupational category, at the GS-11 level or below (or equivalent) under competitive examining procedures. The Department may not count appointments made using direct hire authorities, non-competitive authorities, excepted service authorities, or selections under merit promotion authorities when establishing the limit for a given fiscal year.

Reserved or Unused Available Appointments: If the methodology used provides for a pool of reserved slots, bureaus/OUTs may request to be allocated slots from this pool. The request must be submitted to the Director, OHRM, through their SHRO/ES, and include a justification as to why the additional slot(s) are needed.

Note: OPM may establish a lower percentage limitation based on any factor OPM deems appropriate.

REPORTING: The Department is required to provide an annual report to Congress and OPM on the use of appointments under the authority, and the impact of the authority in that fiscal year.

³ Subpart H is titled and addresses "Probation on Initial Appointment to a Competitive Position."

The bureaus are required to respond to any requests for information from OHRM. The Department's report must contain the following information:

1. The total number of individuals appointed by the agency under this authority by position title, series, grade, and geographic location.
2. The number of individuals appointed under this authority by the items identified in 5 U.S.C. § 3115(g), and in OPM guidance.
3. The number of veterans appointed, as defined in 5 U.S.C. 2108.
4. Any numerical limitation(s) established.
5. Recruitment sources, outreach, and recruitment activities used to fill positions.
6. The total number of individuals appointed by the agency during the relevant fiscal year to a position in the competitive service, classified in a professional or administrative occupational category at the GS-11 level or below (or equivalent).
7. The number of individuals appointed under the authority that have been separated, to show a break down between involuntary and voluntary separations as well as the reasons for each type of separation; and the number of individuals appointed the previous fiscal year to positions at the GS-11 level or below (or equivalent).
8. Information on difficulties encountered when using the authority.

OPM may request additional information on the use of the authority. The Department must include in its report to Congress and OPM any additional information required by OPM.

CHANGES TO THE CODE OF FEDERAL REGULATIONS: In order to implement the authority, OPM created § 315.614, "Hiring Authority for College Graduates," to subpart F of part 315, title 5, CFR, and revising part 330, "Recruitment, Selection, and Placement (General)."

REFERENCES: NDAA for Fiscal Year 2019; Interim Rule by OPM, "Hiring Authority for College Graduates"; 5 CFR § 315.614; 5 CFR 315 and 330.

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