

**DEFINING OPEN PERIOD, USE OF CUT-OFF DATES AND APPLICANT COUNTS  
WHEN POSTING JOB OPPORTUNITY ANNOUNCEMENTS TO USAJOBS**

1. **PURPOSE:** This notice provides clarification and guidance on determining the open periods for vacancies using either cut-off dates and applicant counts when conducting recruitment under Merit Promotion (MP) or Delegated Examining (DE) procedures within the Department of Veterans Affairs (VA). This guidance will be incorporated into VA Handbook 5005, Staffing. The Office of Personnel Management (OPM), Delegated Examining Operations Handbook (DEOH): [A Guide for Federal Agency Examining Offices dated June 2019](#) provides authoritative guidance on public notice to include open period, closing and cut-off dates. This notice aligns VA guidance with OPM guidance.
2. **POLICY:**
  - a. **Defining the Open Period of the Job Opportunity Announcement.** Human Resources (HR) Specialists must follow DEOH guidance for DE recruitments and MP requirements under part 335 of title 5, Code of Federal Regulations (CFR), local MP plans and, if any, master labor agreements and applicable local collective bargaining agreements (CBA) for MP recruitments when determining an open period for receiving applications. HR Specialists, in collaboration with hiring officials, may establish open periods that either end on a designated date or after receiving a set number of applications (known as an applicant count). In either case, the job opportunity announcement (JOA) must convey this and any other information to ensure consistent application procedures are being used and clear information is conveyed to applicants.
  - b. **Open Periods Based on Length of Time.**
    - (1) HR Specialists must open JOAs for a period that provides adequate notice to applicants and sufficient time for them to apply. Under DE procedures, OPM recommends an open period of at least five calendar days. HR Specialists may deviate from the five-day requirement under merit promotion procedures; however, the minimum open period must be no less than three full days. The day the JOA opens does not count as one of the three full days.
    - (2) If the open period is fewer than five calendar days, HR Specialists must include written justifications in the case file in the event officials must reconstruct actions or respond to potential third-party challenges. These justifications must be clear and based on objective factors, such as the number and type(s) of vacancies being filled, labor market conditions and recent experience filling similar positions. For example, a shorter notice period is appropriate when recent recruitment efforts resulted in the number of qualified candidates consistently and significantly exceeding the number of jobs available for a certain occupation.

c. **Including Cut-off Dates.** A mechanism to manage JOAs with potentially large applicant pools is to use cut-off dates. Cut-off dates establish an early consideration period. Cut-off dates must be used with standing register/open continuous vacancies and recommended for hard-to-fill positions where there is an urgent need to fill a position immediately. Applicants who apply for a position prior to the cut-off date will be considered ahead of applicants who apply after the cut-off date. Hiring officials may select from candidates who applied prior to the cut-off date without considering candidates who applied after the date except for preference eligible applicants as stated in (3) below.

(1) If a cut-off date is incorporated into the recruitment strategy for a JOA, the HR Specialist must rate, rank and refer to the hiring manager all qualified and eligible candidates received by the cut-off date.

(2) HR Specialists may not rate, rank and refer to hiring officials applicants received after the cut-off date until hiring officials exhaust the initial group of applicants and/or if there are additional vacancies to fill.

(3) When filling a vacancy under DE procedures, HR Specialists must consider all 10-point preference eligible applicants who submit their application packages after the cut-off date, but prior to the date the final certificate is issued in accordance with 5 CFR part 211 and 5 CFR part 332.

(4) Example of a cut-off date and corresponding language in a JOA:

Opening Date:	March 1, 2020
Closing Date:	March 30, 2020
Cut-Off Date:	March 6, 2020

This announcement will remain open until the March 30, 2020, closing date, which is the date beyond which the system no longer accepts applications for an advertised position. The cut-off date is March 6, 2020, OR the point at which the first 100 applications are received, whichever comes first. Applications submitted after March 6, 2020, may not receive consideration. In addition, due to the potential of a high volume of applicants, not all applicants may receive consideration.

**Note:** In the example above, the provisions under c (2) & (3) apply for applications received after the cut-off date.

d. **Open Periods Based on Applicant Counts.** Using applicant counts procedures are generally feasible for DE recruitments; however, HR Specialists and hiring officials must carefully consider the ramifications of limiting the applicant pool before using it under MP procedures. HR Specialists may only use applicant counts for MP procedures on a case-by-case basis when warranted by a thorough analysis of prior recruitment attempts for the same or similar positions. When applicant counts are used and the maximum count is

reached, all applications received up to 11:59 p.m. Eastern Time of the day the applicant count maximum is reached must be considered.

(1) **Considerations for MP Procedures.** When HR Specialists use applicant counts with positions being recruited under MP procedures, they must include in the case file a written justification. The written justification must be based on a thorough analysis of previous recruitment attempts for the same or similar positions that considers the following:

- (a) Position being filled;
- (b) Past recruitment efforts;
- (c) Geographic location; and
- (d) Recruitment source.

(2) **Inappropriate Use of Applicant Counts Procedures.**

- (a) **Positions identified as DHA positions.** DHA provides agencies authority to fill vacancies expeditiously without regard to normal hiring procedures when there is a critical hiring need or severe shortage of candidates. Using applicant counts to restrict the number of applicants in such instances is inconsistent with VA's justification for DHA and; therefore, it is not appropriate.
- (b) **Actions which violate Merit Systems Principles.** HR Specialists and hiring officials have a responsibility to uphold the Merit Systems Principles (MSP) and not commit Prohibited Personnel Practices (PPP). HR Specialists and hiring officials must not use applicant count procedures to limit the number of applicants in a manner that restricts fair and open competition, violates MSPs or commits PPPs in any way.

e. **Additional Considerations.** HR Specialists must remember that placing limitations on the open period, such as using cut-off dates or applicant counts, must not violate the terms of any MP plan, master labor agreement or CBAs that require JOAs to be open for a specific time frame.

3. **RESPONSIBLE OFFICE:** Office of the Chief Human Capital Officer, Recruitment and Placement Policy Service (059).

4. **RELATED HANDBOOK:** VA Handbook 5005, Staffing.

5. **RECISSION:** This Notice will be rescinded when the information contained in it is incorporated into and a revised VA Handbook 5005 is published within one year.

**Department of Veterans Affairs  
Washington, DC 20420**

**VA NOTICE 21-05  
September 27, 2021**

**CERTIFIED BY:**

**BY DIRECTION OF THE SECRETARY  
OF VETERANS AFFAIRS:**

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