

STAFFING

1. **REASON FOR ISSUE:** To issue Department of Veterans Affairs (VA) procedures regarding staffing and recruitment.
2. **SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook contains mandatory procedures on staffing. The pages in this issuance replace the corresponding page numbers in VA Handbook 5005, Staffing, Part II, Chapter 2, Section B, paragraph 2, Career Conditional and Career Employment. Revised text is contained in [brackets]. This change will be incorporated into the electronic version of VA Handbook 5005, Staffing, which is maintained on the [Office of the Chief Human Capital Officer website](#) and [VA Publications website](#). Significant changes:
 - a. Authorize VA facilities to share certificates and to make appointments from a delegated examining shared certificate with another federal agency.
 - b. Add procedures in Appendix II-O, Competitive Service Act of 2015, P.L. 114-137 Sharing Certificates with Other Federal Agencies.
3. **RESPONSIBLE OFFICE:** Office of Human Resources and Administration/ Operations, Security, and Preparedness (HRA/OSP) (006), Office of the Chief Human Capital Officer (OCHCO) (05), Recruitment and Placement Policy Service (059).
4. **RELATED DIRECTIVE:** VA Directive 5005, Staffing, April 15, 2002.
5. **RESCISSION:** Not Applicable.

CERTIFIED BY:

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

/s/
Guy T. Kiyokawa
Assistant Secretary for
Enterprise Integration

/s/
Cassandra M. Law
Assistant Secretary for
Human Resources and Administration/
Operations, Security, and
Preparedness.

- (1) Protection Against Arbitrary Removal. Non-probationary career conditional and career employees [are protected] against arbitrary removal described in 5 C.F.R. § 432 and 752 and VA Directive and Handbook 5021, Employee/Management Relations. While serving probation, career conditional and career groups have limited protection covered in 5 C.F.R. § 315(h), and VA Directive and Handbook 5021.
- m. **[Sharing Certificates with Other Federal Agencies.** In accordance with the Competitive Service Act of 2015, P.L. 114-137, VA facilities are authorized:
- (1) To share a competitive certificate issued under delegated examining (DE) procedures with one or more appointing authorities at different agencies or departments, and,
 - (2) To make an appointment from a delegated examining shared certificate to a position that is in the same occupational series, grade level (or equivalent), full performance level and duty location during the 240-calendar-day period following the issue date of the initial certificate of eligibles. See Appendix II-O, this part, for specific instructions on the use of shared certificates.]

3. NON-PERMANENT EMPLOYMENT.

- a. Scope.
- (1) This paragraph supplements regulations contained in 5 C.F.R. § 316 and should be used in conjunction with that reference and other applicable portions of this chapter.
 - (2) Regulations for temporary appointments in the excepted service of title 5, United States Code are contained in 5 C.F.R. § 213. This includes the 30-day critical needs appointment authority. (See section C of this chapter.)
 - (3) This paragraph does not apply to excepted service positions in the Veterans Health Administration filled under 38 U.S.C. § 73 and 74 or to excepted positions in the Veterans Canteen Service filled under 38 U.S.C. § 78. These positions are covered in chapter 3 of this part.
- b. Policy. Temporary and term appointment authorities will be used only under conditions authorized by the Office of Personnel Management (OPM). To meet VA's Interagency Career Transition Assistance Plan (ICTAP) obligations, all title 5 competitive service vacancies lasting over 120 days must be posted on OPM's USAJOBS system when applicants from outside VA are accepted. (See paragraph 1a of this section.)
- c. Temporary Limited Appointments. Temporary limited appointments may be used to fill short-term employment needs expected not to exceed 1 year, and

PART II
CHAPTER 2

- d. continuing positions expected to be needed for placement of the organization's permanent employees who would otherwise be displaced. (See 5 C.F.R. § 316(d).)

[APPENDIX O. SHARING CERTIFICATES WITH OTHER FEDERAL AGENCIES UNDER THE COMPETITIVE SERVICE ACT OF 2015

1. **PURPOSE.** This appendix provides guidance on the process for sharing certificates, under delegated examining (DE), with another Federal agency or making a selection from a DE shared certificate generated by another agency under the provisions of the Competitive Service Act (CSA) of 2015, P.L. 114-137. The procedures outlined in this appendix apply when VA is either the originating or the receiving agency in a shared certificate initiative. This guidance is only applicable to title 5 occupations in the competitive service and should be used in conjunction with all guidance cited under the REFERENCES section below and any applicable labor agreements.
2. **BACKGROUND.** Enacted on March 18, 2016, the CSA allows an appointing authority (i.e., the head of the original Federal agency or Department) to share a competitive certificate issued under DE procedures with one or more appointing authorities (at different agencies or departments). The receiving agency may use this process to make an appointment from the shared certificate to a position that is in the same occupational series, at the same grade level (or equivalent), at the same full performance level, and within the same duty location during the 240-calendar day period following the issue date of the initial certificate of eligibles.
3. **REFERENCES.**
 - a. [Competitive Service Act of 2015](#) (P.L. 114-137)
 - b. [5 C.F.R. § 332.408 - Shared Use of a Competitive Certificate](#)
 - c. [5 C.F.R. § 330.104 - Requirements for Vacancy Announcements](#)
 - d. [5 C.F.R. Part 330, Subpart F, Agency Career Transition Assistance Plans for Local Surplus and Displaced Employees](#)
 - e. [OPM Memorandum on Implementing Policy Guidance on the Competitive Services Act, dated January 11, 2018](#) with [Questions and Answers](#)
 - f. [Delegated Examining Operations Handbook - June 2019 – Chapter 6, Section F, Shared Certs](#)
4. **DEFINITIONS.**
 - a. **Appointing Authority.** [OPM's CSA-Shared Certificates, Question and Answers](#) defines appointing authority as a person, either empowered by law or delegated by authority, authorized to make appointments. The term “original hiring agency” or the “receiving agency” will be used in this policy to refer to the agency initiating the hiring action and the agency using a certificate of eligibles created by another federal agency.

- b. **Original Agency.** The agency Human Resources (HR) office that first initiated the hiring action (i.e., the sharing agency) and generated the original (first) certificate of eligibles and is now sharing it with other agencies.
- c. **Receiving Agency.** The agency HR office using the shared certificate of eligibles that was initially generated by another agency.

5. RESPONSIBILITIES.

- a. **The Chief Human Capital Officer (CHCO)** shall:
 - (1) Develop Department-wide policy and guidance regarding the Shared Certificate Program consistent with Office of Personnel Management (OPM) and VA policies and guidance and all applicable federal laws and regulations.
 - (2) Provide oversight of the Shared Certificate Program consistent with VA policy, guidance, and applicable federal laws and regulations.
 - (3) Conduct accountability reviews of Human Resources (HR) office procedures, actions, and records to ensure conformance with OPM and VA policy and guidance and all applicable federal laws and regulations.
 - (4) Share potential and known shared certificate opportunities learned through various forums (e.g., Chief Human Capital Officers Council, Communities of Practice, etc.) with VA HR offices.
- b. **Originating Agency HR Office Staff** shall:
 - (1) Provide notice in the Job Opportunity Announcement (JOA) for the original vacancy that one or more Federal hiring agencies may use the resulting list of eligible candidates and allows applicants an opportunity to “opt-in” to having their application materials, name, and other personal information shared with other Federal agencies that may have similar open positions.
 - (2) Generate a certificate of eligibles (referral list).
 - (3) Redact names of selected applicants and applicants who did not opt-in to have their application, name, and other personal information shared with other hiring agencies prior to sharing the certificate with other agencies.
 - (4) Share certificate of eligibles and all documentation (e.g., job analysis, testing and examination materials, JOA, rating schedule/crediting plan, application material, etc.) pertaining to creation of the certificate with participating agencies.

- (5) Notify receiving agencies when/if errors are found in the original case that may affect selections by the receiving agency.
- (6) Maintain documentation to create the certificate and to reconstruct all originating agency hiring actions.

c. **Receiving Agency HR Office Staff** shall:

- (1) Comply with all applicable federal laws and regulations using OPM and agency policy and guidance.
- (2) Coordinate with the originating agency to receive certificate of eligibles and application material.
- (3) Maintain documentation in recruitment case files and/or hiring system sufficient for reconstruction and reporting purposes.
- (4) Verify through conducting a job analysis that the minimum qualification requirements, including use of any selective placement factors and competencies or knowledge, skills, and abilities (KSAs) used for the original position are same for the position to be filled.
- (5) Provide notification (see enclosed [Sample Candidate Notification](#)) of receipt of application to:
 - (a) Candidates on the shared certificate;
 - (b) Internal employees; and,
 - (c) Other individuals the agency is required to consider such as VA's Career Transition Assistance Program (CTAP) and the locally established Reemployment Priority List (RPL) of eligibles.
- (6) Make selection(s) within 240-calendar days from the date the original hiring agency issued the certificate.

6. REQUIREMENTS WHEN ORIGINATING A SHARED CERTIFICATE. Except as identified in the sub-paragraphs below, HR office staff shall follow normal practices when initiating and filling recruitment actions for shared certificates as they do when filling a job under competitive examining procedures (e.g., hiring approval, job analysis, etc.).

- a. **JOA Notification.** HR office staff must use the following language, in the "How you will be Evaluated" section of the JOA to inform applicants that the resulting list of candidates may be used by one or more agencies:

Applicants referred for selection consideration for this position will be shared with other Federal agencies at their request. Sample language may include: “In order for your information to be shared with other federal agencies, you must choose to opt-in when applying for this position. If an agency requests a list of applicants referred for selection consideration (i.e., certificate) and you are on that list, you will be notified by the receiving agency.”

- b. **Applicant Option to Opt-In.** HR office staff must provide applicants the opportunity to opt-in to have their application and other personal information shared with one or more hiring agencies. The applicant questionnaire must include the following question:

Applicants referred for selection consideration for this position may be shared with other Federal agencies at their request. Do you authorize the sharing of your name and application material with other Federal agencies? Yes/No

- c. **Selections.** As the originating agency, VA hiring officials have first choice in making selections before the HR office staff shares the certificates with other agencies. VA hiring officials may make additional selections after the certificate is shared.

- d. **Sharing the Certificate.**

(1) HR office staff must complete the following prior to sharing certificates with other agencies:

- (a) Coordinate any objections to eligibles and/or requests to pass over preference eligibles;
- (b) Audit the certificate; and
- (c) Redact the names of applicants who have not opted-in for inclusion on the shared certificate and any eligibles selected from the certificate prior to sharing the certificate.

(2) Share all documentation (e.g., job analysis, testing and examination materials, JOA, application material, etc.) pertaining to the creation of the certificate with participating agencies. **NOTE:** When transmitting documentation, HR office staff must safeguard personally identifiable information (PII) not needed for effective use of the certificate.

- e. **Discovery of an Erroneous Action.** HR office staff must notify (including specific details) all receiving agencies when/if errors are found in the original case that may affect selections by a receiving agency.

7. MARKETING AND IDENTIFYING SHARED CERTIFICATE OPPORTUNITIES.

- a. VA HR offices may market their shared certificate opportunities as follows:
 - (1) Notify the Office of the CHCO (OCHCO) or the appropriate VA Administration Talent Team to market through OPM's Talent Team Community of Practice; or
 - (2) Through the [USA Jobs Agency Talent Portal](#), talent pool feature.
- b. VA HR offices may learn of opportunities to receive shared certificates as follows:
 - (1) Review JOAs specifying shared certificate language on USA Jobs or via [USA Jobs Agency Talent Portal](#), talent pool feature. If hiring managers are interested in a shared certificate opportunity, HR office staff should contact the original agency to express interest; or,
 - (2) Notifications from the OCHCO, Administration Talent Team or OPM's Talent Team Community of Practice announcing shared certificate opportunities.
- c. If a VA hiring manager is interested in receiving a certificate(s) from another agency, the VA HR Specialist must ensure the announcement meets the following criteria before requesting use.
 - (1) The original announcement must:
 - (a) Be opened through a DE Unit;
 - (b) Be an opportunity to fill a title 5 competitive service, permanent or term position that is in the same occupational series, at the same grade level (or equivalent), at the same full performance level and within the same duty location of the one being requested (**NOTE:** Consideration must be given to other requirements (e.g., incentives, work schedule (part-time or full-time), telework, etc.) in the originating agency's JOA. If the originating agency's JOA requirements are stricter than the receiving agency's, use of the shared certificate may not be applicable). The minimum qualification requirements, including use of any selective placement factors and competencies or knowledge, skills, and abilities (KSAs) used for the original position are the same for the position to be filled at the receiving agency;
 - (c) Include language that provided notice that one or more agencies may use the resulting list of applicants; and,

- (d) Provide an opportunity for applicants to “opt-in” to have their application material shared.
- (2) The request must be within 240-calendar days from the original certificate issue date.

8. VA AS THE RECEIVING AGENCY REQUIREMENTS TO USE A SHARED CERTIFICATE.

- a. **Position Verification.** VA HR office staff, in collaboration with the hiring manager, must conduct a thorough job analysis and review all recruitment documents prior to using a shared certificate to ensure minimum qualification requirements (including use of any selective factors) and competencies/KSAs used for the original position are appropriate for the position they wish to fill.
- b. **Notification.** Before using a shared certificate, the VA HR office must provide notification to candidates on the shared certificate, internal employees and other individuals the agency is required to consider, such as VA’s CTAP and RPL eligible. A [sample candidate notification](#) is enclosed.

- (1) **Candidates on the shared certificate.** Notification must include the following:

- (a) Notification informing candidates of the receipt of their name and application materials and VA’s intent to consider them for the position being filled.

NOTE: Candidates are not allowed to update their application. The receiving agency is not allowed to further assess the candidates on a shared certificate or otherwise affect an eligible’s placement on the certificate. HR office staff may not reorder a certificate based on additional information reviewed after a certificate of eligible is issued. However, they may use additional methods or resources (such as informational interviews or a review of applicant writing samples) to help make selection decisions.

- (b) Notification of VA’s requirement to consider its own employees, as well as other individuals, they are required to consider before anyone on the shared certificate.
 - (c) Notification of the position title, series, grade level or equivalent, duty location and any additional information (e.g., travel, clearance, telework, etc.) about the position being filled.
- (2) **Internal Agency Workforce.** For each shared certificate leveraged, VA HR offices must post an internal announcement (merit promotion) for up to 10 business days, in accordance with applicable collective bargaining

obligations, law, and OPM and VA policy, and they must issue a certificate to the hiring manager to ensure they consider agency applicants before making a selection from the shared certificate.

NOTE: In accordance with the CSA, the internal announcement time limit cannot be waived or extended. For bargaining unit positions, HR offices may coordinate with the appropriate union to limit the announcement period to 10 business days or less.

NOTE: HR offices may use an active certificate for a similar position to meet the internal job posting/notification requirement if the certificate has been issued in the past 120-calendar days and is still in an active status. To be considered “similar,” the series, grade, full performance level, competencies/KSAs, specialized experience and duty location must be the same as the shared certificate position (including any selective placement factors, if applicable).

- (3) **CTAP and RPL candidates.** When VA is the receiving agency, HR offices must clear CTAP and RPL in accordance with VA policy.

c. **Certificate Procedures**

- (1) **Certificate expiration.** HR offices have 240 calendar days from the date the originating HR office issued the certificate to make a selection from the shared certificate.
- (2) **Veteran Objection/Pass over.**
 - (a) Each receiving HR office will work the shared certificate independently and consider any potential objections and/or pass over cases independent of the actions of any other originating or receiving HR office. Objections and pass overs made and sustained by one receiving HR office do not carry over to other agencies.
 - (b) HR office staff must process objections and pass-overs in accordance with applicable provisions of 5 C.F.R. § 332.406, Objections to Eligibles; 5 C.F.R. § 337.304, Veterans’ Preference; the Delegated Examining Operations Handbook; and applicable VA policy in this handbook.
- (3) **Selections.**
 - (a) If there are no CTAP or RPL eligibles, and internal candidates have been considered, the VA hiring manager can select from the shared certificate.

- (b) The receiving HR office is not obligated to make a selection from the shared certificate. When making selections, HR offices must follow normal DE procedures. Note that other agencies are likely using the same shared certificate; therefore, HR office staff may encounter candidates listed on the certificate who are receiving simultaneous consideration and/or may have already accepted an offer of employment.
 - (4) **Certificate annotations and audit.** Upon completion of the process, the HR office must follow normal procedures to annotate and audit the shared certificate.
- d. **Maintain Documentation.** HR office staff must maintain case file documentation sufficient to reconstruct its own use of the certificate. The case file must include, but is not limited to, the following documentation:
 - (1) Personnel action request for authorization to hire.
 - (2) Originating agency's JOA and recruitment documents (e.g., job analysis, rating schedule/crediting plan, position descriptions, applications of those certified, etc.).
 - (3) Receiving agency's position verification documentation (e.g., job analysis, rating schedule/crediting plan, position description, etc.).
 - (4) Internal agency merit promotion announcement.
 - (5) Clearance of CTAP and RPL candidates.
 - (6) Copy of certificate with documented actions.
 - (7) Other case file documents (i.e., failure to respond, declinations, etc.).
- e. **Resolving Errors.** In the event an original agency discovers they made an error on the original certificate, the receiving agency must take appropriate action to address/correct any erroneous actions they made subsequent to the original agency's error.

9. SENDING OR RECEIVING SHARED CERTIFICATES.

- b. If the originating or receiving HR office uses a talent acquisition system different from USA Staffing, the originating HR office has the flexibility to determine the best way to transmit certificates and accompanying documentation.
- c. If the originating or receiving HR office uses USA Staffing as its talent acquisition system, it must follow the applicable steps in the [USA Staffing Shared Certificate Guide](#) to share or receive available certificates.

SAMPLE CANDIDATE NOTIFICATION

Greetings,

The Department of Veterans Affairs (VA), **{enter Administration}** is in receipt of your name and application for the position of **{enter title, series, grade and duty location}**. VA received your application via the shared certification process from **{enter name of originating agency}** because you applied for a similar position with them and granted them permission to share your name and application with other federal agencies who are recruiting to fill similar positions.

We are pleased that you wish to be considered for a **{enter title, series, grade and duty location}** with VA. However, federal hiring rules require us to consider employees from our current VA workforce and certain other individuals, before we can consider anyone on the shared list of qualified candidates. Once we meet our internal notification requirements, we may be considering other applicants, such as yourself, for this position.

Thank you!

{ENTER SIGNATURE BLOCK}