

Title: Delegated Examining Objection/Passover Guide

Approved by: Armando Falcon

Date: 11/19/04

Purpose. The Delegated Examining Objection/Passover Guide establishes the procedures for requesting and adjudicating objections and passover of eligibles certified for selection under our Delegated Examining Internal Operating Plan.

1.0 Authorities and References.

- a. Office of Personnel Management (OPM), Delegated Examining Operations Handbook.
- b. 5 C.F.R., Part 211, Veterans Preference.
- c. 5 C.F.R., Part 332, Recruitment and Selection through Competitive Examination.
- d. OFHEO Guideline #218 Delegated Examining Internal Operating Plan

2.0 Definitions.

- a. **Certificate:** A list of the highest-ranked eligibles in score and veterans preference order, submitted to a selecting official for appointment consideration in accordance with the competitive selection laws and regulations.
- b. **Eligible:** An applicant who satisfies the minimum qualifications requirements for the position, and therefore is eligible for consideration.
- c. **Objections:** request to remove an eligible from consideration on a particular certificate.
- d. **Passover:** An objection filed against a preference eligible that if sustained, would result in the selection of a non-preference eligible.

Title: Delegated Examining Objection/Passover Guide

- e. **Preference Eligible:** A veteran, spouse, widow, or mother, who meets the definition provided in 5 U.S.C. § 2108. Preference eligibles are entitled to have 5 or 10 points added to their earned score on a civil service examination (See 5 U.S.C. § 3309). Preference does not apply, however, to in-service placement action such as promotions.

3.0 Requesting an Objection.

- a. A selecting official may **request** an objection to an eligible based on proper and adequate reasons, such as education, experience, false statements, past performance ratings, inability to obtain a security clearance, personal characteristics, habitual use of alcohol, illegal use of narcotics or for medical reasons. The selecting official must ensure that the reason for the request is proper and adequate, and does not violate merit system principles. Requested objections based on experience or education must clearly show the eligible lacks the education and/or experience that is required as part of the minimum qualifications of the position.
- b. Once a the selecting official determines that there is a valid reason for an objection, he or she must send a completed SF-62, along with documentation that supports the requested objection, and forward the completed package to the Manager, Human Resources for review and decision.
- c. The Manager, Human Resources will review the completed request and make a decision to sustain or not sustain the objection based on the information provided.
- d. If the objection is sustained, the eligible will be removed from the Certificate of Eligibles, and the selecting official can consider any remaining eligibles. If the objection is not sustained, the selecting official has the option of challenging the decision by providing additional documentation to support a favorable decision, or consider/select the eligible for the position.

Title: Delegated Examining Objection/Passover Guide

4.0 Requesting Passovers.

A selecting official may request an objection to a preference eligible in favor of a non-preference eligible if he or she believes that there are proper and adequate reasons, such as those indicated in paragraph 3.0a above. The two methods for requesting passovers are described below:

- a. If the selecting official is requesting to passover a preference eligible that has a disability less than 30% (ie TP, XP or CP eligibles) he or she should:
 1. Determine that there is a valid reason for an objection, complete an SF-62, along with documentation that supports the requested objection, and forward the completed package to the Manager, Human Resources for review and decision.
 2. The Manager, Human Resources will review the completed request and make a decision to sustain or not sustain the objection based on the information provided.
 3. If the objection is sustained, the preference eligible will be removed from the Certificate of Eligibles, and the selecting official can consider any remaining eligibles. If the objection is not sustained, the selecting official has the option of challenging the decision by providing additional documentation to support a favorable decision, or consider/select the preference eligible for the position.

- b. If the selecting official is requesting to Passover a preference eligible that has a disability of 30% or more (i.e. CPS) he or she should:
 1. Determine that there is a valid reason for an objection, complete an SF-62, along with documentation that supports the requested objection, and forward the completed package to the Manager, Human Resources for review and decision.

Title: Delegated Examining Objection/Passover Guide

2. The Manager, Human Resources will review the completed package and concur or non-concur on the request. If she or he does not concur, the selecting official has the option of challenging the decision by providing additional documentation to support a favorable decision, or selecting the preference eligible. If he or she concurs with the request it will be sent to the Office of Personnel Management for adjudication, as they retain exclusive authority for passovers of CPS veterans. The Manager, Human resources must also provide advance notification to the preference eligible indicating the reason for the proposed Passover, and informing the candidate of his or her right to respond to the reasons to OPM within 15 days of notice.

3. OPM will review the request and make a decision to sustain or not sustain the Passover based on the information provided from OFHEO, and the response from the affected candidate. If the passover is sustained, the preference eligible will be removed from the Certificate of Eligibles and the selecting official can consider any remaining eligibles. If the passover is not sustained, the selecting official has the option of challenging the decision by providing additional documentation to support a favorable decision, or consider/select the eligible for the position.