



DEPARTMENT OF VETERANS AFFAIRS
DEPUTY ASSISTANT SECRETARY FOR
HUMAN RESOURCES MANAGEMENT
WASHINGTON DC 20420

JUN 26 2003

HUMAN RESOURCES MANAGEMENT LETTER NO. 05-03-03

**Identifying Best Qualified Candidates in Title 5 Merit Promotion Actions
When There Are Small Numbers of Candidates**

1. Purpose.

a. This Human Resources Management Letter (HRML) provides guidance on complying with statutory and regulatory requirements for the identification of best qualified candidates in Title 5 merit promotion actions when there are small numbers of candidates. The guidance focuses on situations where no official rating and ranking panel is required by VA policy in VA Handbook 5005, Part III, or collective bargaining agreements. Changes reflecting this guidance should be incorporated into local merit promotion plans.

b. This HRML reinforces and amplifies earlier guidance contained in HRML 05-99-3, titled "Update to Internal Placement and Merit Promotion Staffing Policies and Procedures", dated April 2, 1999.

c. Once minimum qualifications are determined, there are various assessment tools (see Attachment A for examples) that can be used by managers, supervisors, or subject matter experts to assist in making better selections. These assessment tools can be used in combination or singly, depending on the particular occupation or position. Traditionally, human resources management specialists have most often determined distinctions among small numbers of candidates using a crediting plan. In order to achieve the high performing workforce that is necessary to meet VA's strategic goals, in most cases managers, supervisors, or subject matter experts can perform assessments to determine which candidates are best qualified with a higher degree of validity. This best qualified distinction is necessary to comply with merit system principles and other statutory requirements.

2. Background.

a. Merit System Principle Requirements. "Recruitment should be from qualified individuals from appropriate sources ... and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity" [5 U.S.C. 2301(b)(1)]. In accordance with this merit system principle, the Federal regulations in 5 CFR Part 300, Subpart A, and Part 335 mandate that selections are to be made from among the best qualified candidates. Other than requiring that fair and consistent

HUMAN RESOURCES MANAGEMENT LETTER NO. 05-03-03

job-related criteria serve as the basis for merit promotion actions and other employment practices, the regulations do not specify how the best qualified distinction is to be accomplished.

b. OPM Evaluation of VA Human Resources Programs. The Office of Personnel Management (OPM) has periodically conducted evaluations of the human resources management (HRM) programs of Federal departments and agencies. As a result of its past two evaluations of VA's HRM program, OPM has cited continued widespread noncompliance with the requirement to identify the best qualified candidates in instances when, due to there being fewer than a certain number of candidates, local merit promotion plans and negotiated master labor agreements do not require that a promotion panel be held. OPM has observed that: employees have been referred if they meet the basic qualification requirements for a position without further differentiation; and VA facilities have not identified the best qualified candidates at any point in the selection process. In OPM's view, such a practice does not comply with the requirement that selection must be from among the best qualified candidates [5 U.S.C. 2301(b)(1) and 5 CFR 335.103(b)(4)]. Best qualified determinations are to be made regardless of whether there is a promotion panel. Simply identifying those who meet minimum qualification requirements is insufficient. A further application of job-related criteria must be made at some point in the consideration/selection process to determine which qualified candidate(s) is/are actually "best qualified."

c. Labor Agreement Provisions. OPM additionally expressed concern about the way national and local negotiated labor agreement provisions are being administered. While a negotiated agreement may provide that a small number of candidates be referred without rating and ranking, neither merit promotion regulations nor statute [5 U.S.C. 2301(b)(1)] permit a selection/s to be made from candidates referred in such a manner when no best qualified determinations have occurred. Selections must be limited to those who have been identified as best qualified candidates through application of job-related criteria.

3. Guidance.

a. This HRML confirms that statute and regulations mandate that before any merit promotion selection decision occurs, there must be a determination that identifies the best qualified candidate(s) based on fair and consistent application of job-related criteria. It also confirms that all merit promotion selections must be from among those candidates determined to be best qualified "based on relative ability, knowledge, and skills."

b. This HRML specifies that the required comparison or assessment to identify best qualified candidates must be accomplished by applying job-related criteria fairly and consistently, but does not prescribe a standard or detailed procedure of how this is to be done. Instead, it outlines various types of assessment tools that may be used effectively. Options selected must use valid job-related criteria determined through a

HUMAN RESOURCES MANAGEMENT LETTER NO. 05-03-03

job analysis process. See Attachment A for a list of some assessment options and related documentation requirements.

c. Best qualified determinations may be made by subject matter experts (SMEs), recommending officials, selecting officials (when there are no intervening recommending officials), or HRM specialists, as specified in merit promotion plans.

d. The selecting official should ensure that the determination of best qualified candidates is reflected on the certificate before making selection/s and that documentation to support that determination is/has been provided to the HRM office for inclusion in the merit promotion announcement file.

e. The best qualified determination can be made at different stages of the merit promotion process, depending on the job-related assessment method(s) selected, HRM guidance and the selecting official's preference. In some instances, when there are small numbers of applicants, a certificate of all basically qualified candidates may be referred to the selecting official (e.g., where a negotiated agreement provides for such referral). However, in such a situation, a determination of the best qualified candidates must occur before a selection can be made. Recommending/selecting officials may, personally or through SMEs, identify best qualified candidates through performance-based interviews (PBIs), work samples/simulations, intensive review of application packages, etc., or a combination of such evaluation methods. For example, a work activity simulation may be incorporated into a PBI process. In all cases, the official(s) making the best qualified determination will sign an appropriate document for the given merit promotion announcement file that identifies who the responsible official(s) is/are and the methods(s) used to make the determination.

f. Human Resources Management Officers are responsible for ensuring that selecting officials receive appropriate instructions and advice on the process of identifying best qualified candidates and on documentation requirements.

g. All processes used in making best qualified determinations must be job-related and consistent with merit system principles.

h. The selecting official must choose from among the best qualified candidates for any selection(s) made from the certificate. Merit promotion certificates must document who identified the best qualified candidates. Sample merit promotion certificates are provided as Attachments B and C, and they may be modified based on local needs. Attachment C meets all OPM requirements and VA small-number referral requirements in national agreements. All documentation pertinent to the selection process must be made part of the official merit promotion file.

HUMAN RESOURCES MANAGEMENT LETTER NO. 05-03-03

4. Questions. Questions relative to the contents of this HRML may be referred to the Staffing Division, Human Resources Management Programs and Policies Service (051D) through e-mail to StaffingPolicy051D/VACO@mail.va.gov , or by telephone to 202-273-9827 for referral to a Specialist.


Ventris C. Gibson

Attachments

ASSESSMENT OPTIONS

FACTUAL BACKGROUND DOCUMENTS

An evaluation of a candidate's job-related competencies based on a review of factual background documents to include positions held, levels of responsibility, accomplishments, and job-related education received.

Documents Required

Crediting plan [used to evaluate an applicant's education/experience as pertains to job-related competencies/knowledges, skills, abilities and other characteristics (KSAOs) identified through job analysis]. Evaluation is accomplished through a review of:

- the candidate's factual background documents to include types of positions held, levels of responsibility, accomplishments and job-related education; OR
- a combination of the application package, supervisor's performance appraisal, vacancy announcement, position description, job analysis/ review, and the qualification standard. If the combination is used, documents should identify specific KSAOs or competencies (identified through job analysis) required for successful job performance.

PERFORMANCE-BASED INTERVIEW (PBI OR STRUCTURED INTERVIEW)

A performance-based or structured interview consisting of questions that are based on job-related competencies/KSAOs critical to job performance. The interview may include questions concerning job knowledge, job samples, work requirements, and handling various job-related situations. Structured interviews often anchor the rating scales used by the interviewers with behaviorally specific examples of what constitutes good, average, or poor mastery of a particular competency/KSAO. See <http://www.va.gov/pbi>

Documents Required

List of questions and form with recorded responses to questions for the official record.

WORK SAMPLE ASSESSMENT

Systematic evaluation of a candidate's work sample or simulation of a specific work activity that would represent a job-related competency/KSAO typically required upon entry on duty in the position. Such a work sample would not be scored or used as a screen-out. Examples: Reading a meal menu or cleaning agent use instruction label; typing a short passage of text; writing sample (selected by applicant from previous work, or completed based on instructions given at the time of consideration).

Documents Required

For the official record, work sample instruction and work samples (or written summaries if by nature unable to be filed) which the panel/SME/recommending &/or selecting official reviewed.

CERTIFICATION PROGRAM/PROFESSIONAL CERTIFICATION

A certification which may be developed by an agency, group of agencies, or other outside organizations reflecting satisfaction of specified job-related requirements. The certification does not necessarily require recognition by a professional community. Certain recognized certification programs [e.g., Certified Public Accountant (CPA)] are valid assessment tools if appropriately related to the position to be filled.

Documents Required

Copy of candidate certification(s) and related certification requirements.

PROFESSIONAL ACTIVITY

Evidence of substantial job-related contribution to a recognized profession, as recognized by a panel of peers or other experts (e.g., publications, patents, prizes/awards).

Documents Required

List of acceptable categories of professional activities and evidence thereof for candidate(s).

HUMAN RESOURCES MANAGEMENT LETTER 05-03-__
ATTACHMENT B

DEPARTMENT OF VETERANS AFFAIRS
MERIT PROMOTION CERTIFICATE

Part I – To Be Completed by Human Resources Office

1. To:	2. Announcement No.
--------	---------------------

3. POSITION TO BE FILLED (Title, series, grade, organization and location) *[Provide one certificate per grade level.]*

4. BEST QUALIFIED CANDIDATES DETERMINED BY (check applicable box):

- Human Resources Specialist Subject Matter Expert Rating and Ranking Panel
 Recommending Official(s) Selecting Official

5. BEST QUALIFIED CANDIDATES:

In accordance with the procedures of the Merit Promotion Plan, the following candidates, listed in alphabetical order under their consideration category, have been determined to be the best qualified for consideration for this position:

VA PROMOTION CANDIDATES

Name(s)

VEOA APPOINTMENT CANDIDATES

Name(s)

NON-VA TRANSFER PROMOTION CANDIDATES

Name(s)

REINSTATEMENT PROMOTION CANDIDATES

Name(s)

S - A - M - P - L - E

Employment Applications (OF 612, SF 171, Resume, as appropriate), Rating Factor Responses, and Supervisory Appraisals for each of the best qualified candidates are furnished for your review and consideration. You are requested to carefully evaluate each candidate's qualifications. Please indicate the name(s) of the candidate(s) you have selected in Part II below.

Human Resources Official (Name, Title and Phone No.)

Signature

Date

Part II – To Be Completed by Selecting Official

TO THE HUMAN RESOURCES OFFICE:

I have considered each of the best qualified candidates and evaluated their qualifications relative to the rating factors specified in the vacancy announcement. Based upon this review:

I have selected from among the best qualified candidates:

I did not make a selection. (If applicable, state the further recruitment action/s desired.)

Selecting Official (Name, Title and Phone No.)

Signature

Date

HUMAN RESOURCES MANAGEMENT LETTER 05-03-__
ATTACHMENT C

DEPARTMENT OF VETERANS AFFAIRS
MERIT PROMOTION CERTIFICATE

Part I- To Be Completed by Human Resources Office

1. To:	2. Announcement No.
--------	---------------------

3. POSITION TO BE FILLED (Title, series, grade, organization and location) *[Provide one certificate per grade level.]*

4. QUALIFIED CANDIDATES: In accordance with the procedures of the Merit Promotion Plan, the following candidates have been determined to be qualified for this position:

VA PROMOTION CANDIDATES

Name(s)

VEOA APPOINTMENT CANDIDATES

Name(s)

NON-VA TRANSFER PROMOTION CANDIDATES

Name(s)

REINSTATEMENT PROMOTION CANDIDATES

Name(s)

S - A - M - P - L - E

Employment Applications (OF 612, SF 171, Resume, as appropriate), Rating Factor Responses, and Supervisory Appraisals for each of the Qualified candidates are furnished for your review and consideration. You are requested to carefully evaluate each candidate's qualifications. Please ensure that a determination is made of which Qualified candidates are Best Qualified in accordance with Part II below, and then indicate the name(s) of the Best Qualified candidate(s) you have selected in Part III below.

Human Resources Official (Name, Title and Phone No.)

Signature

Date

Part II- To Be Completed by Requesting Office

BEST QUALIFIED CANDIDATES DETERMINED BY (check applicable box):

[The official/s identified below who make the Best Qualified determination are then to NOTE "BQ" next to the appropriate names.]

- Human Resources Specialist Subject Matter Expert Rating and Ranking Panel
 Recommending Official(s) Selecting Official

Part III - To Be Completed by Selecting Official

TO THE HUMAN RESOURCES OFFICE:

I have considered each of the Best Qualified candidates and evaluated their qualifications relative to the rating factors specified in the vacancy announcement. Based upon this review:

- I have selected from among the Best Qualified candidates:

 I did not make a selection. (If applicable, state the further recruitment action/s desired.)

Selecting Official (Name, Title and Phone No.)

Signature

Date