

**Department of
Veterans Affairs**

Memorandum

Date: March 17, 2020

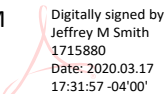
From: Office of Talent Management (20M1)

Subj: Procedure for Appealing Qualification Determinations, OTM SOP 20M1-20-01

To: VBA Human Resources Centers

1. **PURPOSE:** The Purpose of this guidance is to provide a standardized process for Human Resources Centers (HRC) to follow when applicants appeal the qualification determination made by the Human Resources Specialist (HRS) at their respective HRC and applies for both internal and external applicants.
2. **POLICY:** Effective March 17, 2020, Human Resources Centers will ensure that all Human Resources Center Specialist will utilize these standards.
3. **QUESTIONS:** If you have any questions please send to VAVBAWAS/CO/OTM/FRONTOFFICE@va.gov.

Jeffrey M
Smith
1715880



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Jeffrey M Smith
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Date: 2020.03.17
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Jeffrey M. Smith,
Acting Executive Director

Attachment:
OTM Policy Qualification Appeals

OFFICE OF TALENT MANAGEMENT

DATE: March 17, 2020

OTM-SOP-20M1-20-01

PROCEDURE FOR APPEALING QUALIFICATION DETERMINATIONS

1. **PURPOSE**: The purpose of this guidance is to provide a standardized process for Human Resource Centers (HRC) to follow when applicants appeal the qualification determination made by the Human Resources Specialist (HRS) at their respective HRC and applies for both internal and external applicants.
2. **BACKGROUND**: It is the responsibility of the Veterans Benefits Administration's (VBA) Office of Talent Management (OTM) to ensure all applicants are given fair and equitable consideration for announcements to which they have applied, and in doing so, to allow for an employee to file a request for consideration, and consequently, an appeal when they believe the qualification determination was incorrect. It is of importance to note that in order to protect the Merit System Principles and prevent any potential prohibited personnel practices, **only** the applicant may submit an inquiry as to why they were not referred. Requests received from individuals other than the applicant will not be processed. Any appeal submitted will not prevent the Hiring Manager (HM) from moving forward with the process underway to fill the position being recruited for.
3. **DEFINITIONS**:
 - a. **Qualification**: A statement of the minimum requirements that an individual must meet to be qualified for appointment or assignment to a position. These requirements include such considerations as experience, education, training, personal characteristics, physical ability, minimum age, citizenship, and licensure or certification. In a broad sense, a qualification standard includes the examining guides, rating schedules, rating scales and other standardized measuring devices and techniques through which the qualifications of candidates are evaluated. A qualification standard does not include the more general requirements such as restrictions on employment of relatives, security, or time-in-grade requirements.
 - b. **Certified Eligible**: An applicant whose application package is assessed as qualified and meeting eligibility requirements whose name is placed on the certificate of eligibles.

- c. Certificate of Eligible (COE): The listing sent by the HRS at the HRC to the hiring manager that contains those found minimally qualified for the position being recruited. When using the Delegated Examining Unit, this list contains those found best qualified for the position being recruited. There may be multiple Certificates of Eligibles for any given vacancy broken down by grade, hiring authority, etc.
- d. Referral: The act of sending a minimally or best qualified applicant to the hiring manager for consideration. This is done on the COE.

4. **PROCEDURES:**

- a. **POSTING, EVALUATING, RESPONDING**: When reviewing applicants to determine minimally qualified individuals to refer to the hiring manager for consideration, the HRS at the HRC will identify and appropriately annotate in USA Staffing (USAS) all individuals who are minimally qualified and those found to not be minimally qualified. Upon the issuance of the COE to the hiring manager, the HRS will send notice of non-referral/notice of results (NOR) to the individuals found not to be minimally qualified. The NORs for individuals who were not referred for consideration will contain the following language:

“If you believe you were found not qualified due to oversight or error, please submit your appeal to [email address of HRS Point of Contact (POC) on the job announcement] no later than five (5) business days from the date USA Jobs sends the notification of your non-referral. Your email should contain, at a minimum, an explanation of why you believe you should have been referred and any supporting documentation you can provide in support of your appeal. If you were not referred because of missing documentation, you will be required to provide proof the appropriate documentation was included with your application. Please note that any documentation not submitted during the time of application will not be considered.

- b. **RECONSIDERATION REQUEST**: No later than five (5) business days from the date in which the NOR is sent, the applicant may contact the HRS at the HRC and request reconsideration. The applicant will also need to provide a clear reason why they believe the referral determination was incorrect. In the event their non-referral was due to missing documentation, the applicant will be allowed to submit proof said documentation was uploaded correctly by the closing date of the announcement.

- i. DENYING RECONSIDERATION REQUEST: Upon receipt of the reconsideration request, the HRS, in concert with their supervisor, will review the request and determine whether the reconsideration request should be granted. The Supervisory HRS at the HRC will respond to the applicant with the determination no later than two (2) business days from receipt of the applicant's request for reconsideration and include the HR Liaison (HRL) on the email, as well as inform the applicant that if they wish to appeal the decision, they may do so by contacting the HRC Director within three (3) business days from the date of the reconsideration decision.
 - ii. GRANTING RECONSIDERATION REQUEST: If the applicant can show that an error was made when they were not referred for consideration, the HRS will inform the applicant of the outcome. The HRS will also explain that the Hiring Manager will receive an updated list of those referred for consideration, and the applicant's name will be included on the amended list. The HRS will make the correction in USA Staffing, amend the COE, and inform the HRL of the amended COE and the applicant should be added to those being considered for the position.
 1. The hiring manager will utilize the same methods to consider the added applicant as has been used for all other applicants. For example, if a "best qualified (BQ)" determination was made prior to establishing which candidates would receive interviews; this applicant would be BQ'd, and if they scored as high as those considered for interviews, the applicant should be interviewed as well.
 - iii. In the event where an appeal is granted, and the Hiring Manager has already filled the position and no longer has space in their Resource Allocation Model (RAM) for the applicant, the appellant will be given priority consideration the next time that specific position is announced at that location. Priority consideration means the applicant's resume will be provided to the Hiring Manager on a separate certificate for bona fide consideration prior to HRC issuing a certificate with other candidates.
- c. APPEAL OF RECONSIDERATION DETERMINATION: Upon receipt of the second appeal request, the HRC Director will assess all correspondence received by the applicant, as well as the response provided by their team, and determine whether to grant or deny the appeal. The same process as outlined

in 4(b) will be followed when a determination is made.

5. **RESPONSIBILITIES:**

- a. Executive Director, OTM: Responsible for the timely, accurate, and quality delivery of Human Resources services to all VBA business lines and customers.
- b. Assistant Director for Operations, OTM: Responsible for oversight, ensuring implementation and compliance.
- c. Human Resources Center Director: Responsible for the accurate and timely delivery of recruitment services to their customers and is the final appellate authority in this process.
- d. Supervisory HR Specialist, Human Resources Center: Responsible for ensuring the quality of their subordinates' work, verifying the information submitted by applicants when an appeal is filed, and providing and communicating the decision of the applicant's reconsideration request.
- e. HR Specialist, Human Resources Center: Responsible for determining whether applicants meet the qualifications for the positions to which they applied, providing timely responses and feedback to applicants' inquiries and appeals, and coordinating with the HRL as necessary.
- f. HR Liaison, Regional Office and/or Business Line: Responsible for serving as a conduit between applicants and the HRS at the HRC.
- g. Applicant: Responsible for submitting all required documentation, meeting minimum qualifications for the position by the closing date of the announcement, and submitting timely appeals.

6. **REFERENCES:**

- a. VA Handbook 5005, [Staffing](#)
- b. [Guide to Processing Personnel Actions](#)
- c. [5 CFR 315.612](#)
- d. [VA-AFGE Master Agreement](#)

7. **RESCISSIONS:** None

8. **REVIEW DATE**: 2 years from date of published SOP
9. **FOLLOW-UP RESPONSIBILITY**: Assistant Director for Operations and Assistant Director for Policy and Programs, Office of Talent Management