

## Office of Personnel Management

## § 330.1103

(6) The number of competitive service tenure group 1 or 2 appointments from outside the Federal Government; and

(7) The number of placements made from the agency's Reemployment Priority List.

### § 330.711 Oversight.

OPM is responsible for oversight of the Interagency Career Transition Assistance Plan for Displaced Employees and may conduct reviews of agency activity at any time.

## Subpart H-I [Reserved]

## Subpart J—Prohibited Practices

### § 330.1001 Withdrawal from competition.

An applicant for competitive examination, an eligible on a register, and an officer or employee in the executive branch of the Government shall not persuade, induce, or coerce, or attempt to persuade, induce, or coerce, directly or indirectly, a prospective applicant to withhold filing application, or an applicant or eligible to withdraw from competition or eligibility, for a position in the competitive service, for the purpose of improving or injuring the prospects of an applicant or eligible for appointment. OPM shall cancel the application or eligibility of an applicant or eligible who violates this section, and shall impose such other penalty as it considers appropriate.

[33 FR 12425, Sept. 4, 1968. Redesignated at 60 FR 67282, Dec. 29, 1995; 61 FR 691, Jan. 10, 1996]

## Subpart K—Federal Employment Priority Consideration Program for Displaced Employees of the District of Columbia Department of Corrections

SOURCE: 63 FR 41387, Aug. 4, 1998, unless otherwise noted.

### § 330.1101 Purpose.

A displaced employee of the District of Columbia (DC) Department of Corrections (DOC) who is separated from his/her position as a result of the closure of the Lorton Correctional Com-

plex, and who does not meet the qualifications and suitability requirements for Federal Bureau of Prisons law enforcement positions, is entitled to priority consideration for other Federal vacancies when he/she applies and is determined to be well-qualified.

### § 330.1102 Duration.

This program shall terminate one year after the closing of the Lorton Correctional Complex or December 31, 2002, whichever is later.

### § 330.1103 Definitions.

For purposes of this subpart:

(a) *Displaced employee* means a current or former employee of the District of Columbia Department of Corrections who has received a specific reduction in force (RIF) separation notice as a result of the closure of the Lorton Correctional Complex.

(b) *Does not meet the qualifications and suitability requirements for Bureau of Prisons law enforcement positions* means a DC DOC employee who has not been appointed to a Federal Bureau of Prisons law enforcement position.

(c) *Non-Bureau of Prisons positions in the Federal Government* means any competitive service positions (other than positions covered by the Federal Bureau of Prisons Priority Consideration Program).

(d) *Priority consideration* means a displaced DC DOC employee eligible under this subpart who applies for a vacancy and is determined to be well-qualified and is accorded similar priority and order of selection as an eligible current or former displaced Federal employee under 5 CFR 330, subpart G—Interagency Career Transition Assistance Plan for Displaced Employees. In addition, DC DOC employees are eligible for this priority consideration without regard to any geographical restrictions.

(e) *Well-qualified employee* means an eligible employee who possesses the knowledge, skills, and abilities which clearly exceed the minimum qualification requirements for the position. A well-qualified employee will not necessarily meet the agency's definition of "highly or best qualified," when evaluated against other candidates who apply for a particular vacancy, but

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must satisfy the following criteria, as determined and consistently applied by the agency.

(1) Meets the basic qualification standards and eligibility requirements for the position, including any medical qualifications, suitability, citizenship, and minimum educational and experience requirements;

(2) Satisfies one of the following qualifications requirements:

(i) Meets all selective factors where applicable. Meets appropriate quality rating factor levels as determined by the agency. Selective and quality ranking factors cannot be so restrictive that they run counter to the goal of placing displaced employees. In the absence of selective and quality ranking factors, selecting officials will document the job-related reason(s) the eligible employee is or is not considered to be well qualified; or

(ii) Is rated by the agency to be above minimally qualified in accordance with the agency's specific rating and ranking process. Generally, this means that the individual may or may not meet the agency's test for "highly qualified," but would in fact, exceed the minimum qualifications for the position;

(3) Is physically qualified, with reasonable accommodation where appropriate, to perform the essential duties of the position;

(4) Meets any special qualifying condition(s) that OPM has approved for the position; and

(5) Is able to satisfactorily perform the duties of the position upon entry.

#### § 330.1104 Eligibility.

(a) To be eligible for priority consideration, an employee of the DC DOC must:

(1) Be in receipt of a RIF separation notice from the DC Department of Corrections in connection with the closure of the Lorton Correctional Complex.

(2) Have not been appointed to a Federal Bureau of Prisons law enforcement position.

(3) Apply for a vacancy within the time frames established by the agency;

(4) Be determined by the agency as well-qualified for the specific vacancy.

(b) *Eligibility for priority consideration begins:* on the date the DC DOC em-

ployee receives or is issued a specific RIF separation notice by the DC DOC.

(c) *Eligibility expires:*

(1) One year after the closing of the Lorton Correctional Complex;

(2) When the DC DOC employee is no longer being separated by RIF;

(3) When the DC DOC employee receives a career, career-conditional, or excepted appointment without time limit in any Federal agency at any grade level;

(4) When the DC DOC employee voluntarily separates by resignation or retirement prior to the RIF effective date; or

(5) When the DC DOC employee is separated involuntarily other than by RIF prior to the RIF effective date.

#### § 330.1105 Selection.

If two or more individuals apply for a vacancy and are determined to be well-qualified, and meet the eligibility requirements under § 330.704(a) or § 330.1104(a), the agency would have the discretion of selecting any of these eligible employees.

#### § 330.1106 Appointment of certain present and former employees of the District of Columbia Department of Corrections to vacancies in other Federal agencies.

(a) Appointments made under this section are excepted appointments to positions in the competitive service.

(b) Eligibility for appointment under this subpart expires 1 year after the closing of the Lorton Correctional Complex or December 31, 2002, whichever is later.

#### Subpart L—Interagency Career Transition Assistance for Displaced Former Panama Canal Zone Employees

SOURCE: 65 FR 52294, Aug. 29, 2000, unless otherwise noted.

#### § 330.1201 Purpose.

This subpart implements Section 1232 of Public Law 96-70 (the Panama Canal Act of 1979) and provides eligible displaced employees of the former Panama Canal Zone with interagency special selection priority for continuing