

is exempt from the requirements of 5 U.S.C. 552a(d), relating to access to and amendment of the records by the data subject. This exemption is claimed because portions of this system relate to testing or examining materials used solely to determine individual qualifications for appointment or promotion in the Federal service. Access to or amendment of this information by the data subject would compromise the objectivity and fairness of the testing or examining process.

(ii) All information in these records that meets the criteria stated in 5 U.S.C. 552a(k)(4) is exempt from the requirements of 5 U.S.C. 552a(d), relating to access to or amendment of the records by the data subject. This exemption is claimed because portions of this system relate to records required by statute to be maintained and used solely for statistical purposes. Access to or amendment of this information by the data subject would compromise the confidentiality of these records and their usefulness for statistical research purposes.

(c) The Office also reserves the right to assert exemptions for records received from another agency that could be properly claimed by that agency in responding to a request. The Office may refuse access to information compiled in reasonable anticipation of a civil action or proceeding.

[53 FR 1998, Jan. 26, 1988, as amended at 57 FR 20956, May 18, 1992]

PART 300—EMPLOYMENT (GENERAL)

Subpart A—Employment Practices

Sec.

- 300.101 Purpose.
- 300.102 Policy.
- 300.103 Basic requirements.
- 300.104 Appeals, grievances and complaints.

Subpart B—Examinations and Related Subjects

- 300.201 Examinations.

Subpart C—Details of Employees

- 300.301 Authority.

Subpart D—Use of Commercial Recruiting Firms and Nonprofit Employment Services

- 300.401 Definitions.
- 300.402 Coverage.
- 300.403 When commercial recruiting firms and nonprofit employment services may be used.
- 300.404 Use of fee-charging firms.
- 300.405 Requirement for contract.
- 300.406 Agency responsibilities.
- 300.407 Documentation.
- 300.408 Corrective action.

Subpart E—Use of Private Sector Temporaries

- 300.501 Definitions.
- 300.502 Coverage.
- 300.503 Conditions for using private sector temporaries.
- 300.504 Prohibition on employer-employee relationship.
- 300.505 Relationship of civil service procedures.
- 300.506 Requirements of procurement.
- 300.507 Documentation and oversight.

Subpart F—Time-in-Grade Restrictions

- 300.601 Purpose.
- 300.602 Definitions.
- 300.603 Coverage.
- 300.604 Restrictions.
- 300.605 Creditable service.
- 300.606 Agency authority.

Subpart G—Statutory Bar to Appointment of Persons Who Fail to Register Under Selective Service Law

- 300.701 Statutory requirement.
- 300.702 Coverage.
- 300.703 Definitions.
- 300.704 Considering individuals for appointment.
- 300.705 Agency action following statement.
- 300.706 Office of Personnel Management adjudication.
- 300.707 Termination of employment.

AUTHORITY: 5 U.S.C. 552, 3301, and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., page 218, unless otherwise noted.

Secs. 300.101 through 300.104 also issued under 5 U.S.C. 7201, 7204, and 7701; E.O. 11478, 3 CFR 1966–1970 Comp., page 803.

Secs. 300.401 through 300.408 also issued under 5 U.S.C. 1302(c), 2301, and 2302.

Secs. 300.501 through 300.507 also issued under 5 U.S.C. 1103(a)(5).

Sec. 300.603 also issued under 5 U.S.C. 1104.

Subpart A—Employment Practices**§ 300.101 Purpose.**

The purpose of this subpart is to establish principles to govern, as nearly as is administratively feasible and practical, the employment practices of the Federal Government generally, and of individual agencies, that affect the recruitment, measurement, ranking, and selection of individuals for initial appointment and competitive promotion in the competitive service or in positions in the government of the District of Columbia required to be filled in the same manner that positions in the competitive service are filled. For the purpose of this subpart, the term “employment practices” includes the development and use of examinations, qualification standards, tests, and other measurement instruments.

[36 FR 15447, Aug. 14, 1971]

§ 300.102 Policy.

This subpart is directed to implementation of the policy that competitive employment practices:

(a) Be practical in character and as far as possible relate to matters that fairly test the relative capacity and fitness of candidates for the jobs to be filled;

(b) Result in selection from among the best qualified candidates;

(c) Be developed and used without discrimination because of race, color, religion, sex, age, national origin, partisan political affiliation or other nonmerit grounds; and

(d) Insure to the candidate opportunity for appeal or administrative review, as appropriate.

[40 FR 15379, Apr. 7, 1975]

§ 300.103 Basic requirements.

(a) *Job analysis.* Each employment practice of the Federal Government generally, and of individual agencies, shall be based on a job analysis to identify:

(1) The basic duties and responsibilities;

(2) The knowledges, skills, and abilities required to perform the duties and responsibilities; and

(3) The factors that are important in evaluating candidates. The job analysis

may cover a single position or group of positions, or an occupation or group of occupations, having common characteristics.

(b) *Relevance.* (1) There shall be a rational relationship between performance in the position to be filled (or in the target position in the case of an entry position) and the employment practice used. The demonstration of rational relationship shall include a showing that the employment practice was professionally developed. A minimum educational requirement may not be established except as authorized under section 3308 of title 5, United States Code.

(2) In the case of an entry position the required relevance may be based upon the target position when—

(i) The entry position is a training position or the first of a progressive series of established training and development positions leading to a target position at a higher level; and

(ii) New employees, within a reasonable period of time and in the great majority of cases, can expect to progress to a target position at a higher level.

(c) *Equal employment opportunity.* An employment practice shall not discriminate on the basis of race, color, religion, sex, age, national origin, partisan political affiliation, or other nonmerit factor. Employee selection procedures shall meet the standards established by the “Uniform Guidelines on Employee Selection Procedures” (1978), 43 FR 38290 (August 25, 1978).

[40 FR 15380, Apr. 7, 1975, as amended at 43 FR 38310, Aug. 25, 1978]

§ 300.104 Appeals, grievances and complaints.

(a) *Employment practices.* A candidate who believes that an employment practice which was applied to him or her by the Office of Personnel Management violates a basic requirement in § 300.103 is entitled to appeal to the Merit Systems Protection Board under the provisions of its regulations.

(b) *Examination ratings.* A candidate may file an appeal with the Office from his or her examination rating or the rejection of his or her application, except that, where the Office has delegated examining authority to an agency, the