

118TH CONGRESS
1ST SESSION

S. 383

To require the Director of the Office of Personnel Management to revise job classification and qualification standards for positions in the competitive service regarding educational requirements for those positions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Mr. RUBIO (for himself and Mr. BUDD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require the Director of the Office of Personnel Management to revise job classification and qualification standards for positions in the competitive service regarding educational requirements for those positions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Skills Act of
5 2023”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

1 (1) the term “agency” means an agency that
2 appoints individuals to positions in the competitive
3 service;

4 (2) the term “competitive service” has the
5 meaning given the term in section 2102 of title 5,
6 United States Code;

7 (3) the term “Director” means the Director of
8 the Office of Personnel Management;

9 (4) the term “education” means the completion
10 or attainment of a postsecondary degree or other
11 credential at an institution of higher education (as
12 defined in section 102 of the Higher Education Act
13 of 1965 (20 U.S.C. 1002));

14 (5) the term “personnel assessment” means a
15 method of collecting information regarding an indi-
16 vidual for the purposes of making a selection deci-
17 sion with respect to the individual;

18 (6) the term “qualification standards” means
19 the minimum requirements with respect to edu-
20 cation, training, and experience that an applicant for
21 employment would need to possess in order to make
22 it likely that the applicant would perform satisfac-
23 torily in the position or occupational series that is
24 the subject of the application for employment; and

1 (7) the term “selection decision” includes a de-
2 cision regarding an individual with respect to—

3 (A) appointment;

4 (B) placement;

5 (C) promotion;

6 (D) referral;

7 (E) retention; or

8 (F) entry into a program leading to career
9 advancement, such as an apprenticeship pro-
10 gram, a training program, or a career develop-
11 ment program.

12 **SEC. 3. REVISION OF JOB CLASSIFICATION AND QUALI-**
13 **FICATION STANDARDS.**

14 (a) REVIEW.—

15 (1) IN GENERAL.—Consistent with the require-
16 ments of this section, the Director, in consultation
17 with the Director of the Office of Management and
18 Budget and the head of each agency, shall review
19 and revise all job classification and qualification
20 standards for positions in the competitive service, as
21 necessary.

22 (2) PUBLICATION; EFFECTIVE DATE.—With re-
23 spect to any change to a job classification or quali-
24 fication standard made under paragraph (1)—

1 (A) the Director shall, not later than 120
2 days after the date of enactment of this Act,
3 make that change available to the public; and

4 (B) the change shall take effect not later
5 than 180 days after the date of enactment of
6 this Act.

7 (b) EDUCATION REQUIREMENT.—The head of an
8 agency may prescribe a minimum requirement with re-
9 spect to education for a position in the competitive service
10 only if a minimum qualification with respect to education
11 is legally required to perform the duties of a comparable
12 position in the State or locality where those duties are to
13 be performed.

14 (c) CONSIDERATION OF EDUCATION.—Unless the
15 head of an agency is determining the satisfaction of a le-
16 gally required minimum requirement with respect to edu-
17 cation for an applicant for employment with the agency,
18 the agency head may consider the education of the appli-
19 cant in determining the satisfaction by the applicant of
20 another minimum qualification only if the education of the
21 applicant directly reflects the competencies necessary to
22 satisfy that qualification and perform the duties of the po-
23 sition.

24 (d) POSITION LISTING.—A position description and
25 job posting published by an agency for a position in the

1 competitive service shall be based on the specific skills and
2 competencies required to perform that position, as estab-
3 lished in the position classifications and qualification
4 standards of the Office of Personnel Management.

5 **SEC. 4. IMPROVING THE USE OF ASSESSMENTS IN THE FED-**
6 **ERAL HIRING PROCESS.**

7 (a) IN GENERAL.—The Director shall work with the
8 head of each agency to ensure that, not later than 180
9 days after the date of enactment of this Act, for a position
10 in the competitive service, the head of an agency assesses
11 an applicant for employment in a manner that does not
12 rely solely on the education of the applicant to determine
13 the extent to which the applicant possesses relevant knowl-
14 edge, skills, competencies, and abilities for the position.

15 (b) OTHER REQUIREMENTS.—With respect to the as-
16 sessment practices described in subsection (a)—

17 (1) the head of each agency shall develop or
18 identify those assessment practices; and

19 (2) those assessment practices—

20 (A) may not be substantively equivalent to
21 competencies only attainable through education;
22 and

23 (B) shall be published by the applicable
24 agency in the human resources manual of the
25 agency.

1 (c) CONSIDERATION OF SELF-EVALUATION.—

2 (1) IN GENERAL.—In assessing an applicant for
3 employment—

4 (A) the head of an agency may not rely
5 solely on the self-evaluation of the stated abili-
6 ties of the applicant; and

7 (B) the applicant shall fulfill other assess-
8 ment standards in order to be certified for con-
9 sideration, as established by the Chief Human
10 Capital Officer of the applicable agency (or an
11 equivalent official).

12 (2) PUBLICATION.—The standards described in
13 paragraph (1)(B) shall be published in the human
14 resources manual of the applicable agency.

15 (d) EVALUATION.—The head of each agency shall
16 continually evaluate the effectiveness of different assess-
17 ment strategies to promote and protect the quality and
18 integrity of the appointment processes of the agency,
19 which shall be reviewed by the Chief Human Capital Offi-
20 cer of the agency (or an equivalent official), who shall
21 make any necessary changes or take any necessary reme-
22 dial actions concurrent with the review.

23 **SEC. 5. APPLICATION.**

24 (a) IN GENERAL.—Nothing in this Act may be con-
25 strued to impair or otherwise affect—

1 (1) the authority granted by law to an executive
2 department or agency, or the head thereof; or

3 (2) the functions of the Director of the Office
4 of Management and Budget relating to budgetary,
5 administrative, or legislative proposals.

6 (b) RIGHTS OR BENEFITS.—This Act is not intended
7 to, and does not, create any right or benefit, substantive
8 or procedural, enforceable at law or in equity by any party
9 against the United States, its departments, agencies, or
10 entities, its officers, employees, or agents, or any other
11 person.

12 **SEC. 6. RULE OF CONSTRUCTION.**

13 Nothing in this Act may be construed to eliminate
14 or otherwise affect the student loan forgiveness or student
15 loan cancellation options available to borrowers under
16 Federal law, as such options are in effect on the day before
17 the date of enactment of this Act.

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