



CIVIL RIGHTS DIVISION

Experienced Attorney & Attorney Manager Hiring Policy

The following process is used to for recruiting and hiring for career experienced attorneys and attorney manager positions¹ in the Civil Rights Division (CRT or Division):

I. ADVERTISING VACANCIES:

With one exception, vacancy announcements for all experienced attorney and attorney manager positions that are open to applicants outside of the Division² will be posted on the Division's intranet, the Department of Justice's intranet and internet (<http://www.justice.gov/careers/legal/experienced.html>), and the Office of Personnel Management's website (<https://www.usajobs.gov/>).

As discussed in Part XI, below, the Division may direct-hire qualified individuals with targeted disabilities through a streamlined, non-competitive appointment using the Schedule A (5 C.F.R. 213.3102(u)) hiring authority without publicly posting the position.

Announcements are also distributed by the Office of Attorney Recruitment and Management (OARM) and/or by the Division's Human Resources Office to a broad and diverse array of organizations, including but not limited to bar associations, law schools and professional organizations. To expand our recruitment efforts, Division managers and employees are encouraged to distribute announcements to additional organizations or individuals who work in subject areas relevant to the work of the Division and/or who may know of qualified candidates for a particular vacancy announcement, or to ask Human Resources to add them to the Division's outreach list of organizations or individuals who wish to receive Division-specific attorney job announcements. Organizations also may sign up to be placed on this list to receive these announcements automatically by e-mailing a request to CRT.SpecProgVacancies@usdoj.gov.

Announcements for attorney and attorney manager positions will be open for a minimum of three (3) weeks with specific opening and closing dates, list the minimum qualifications and, where applicable, the preferred qualifications for the position.

The Division does not accept unsolicited resumes or applications for experienced attorney or attorney manager positions. Only applicants who apply in response to a

¹ Detail opportunities for experienced attorneys and attorney manager positions are subject to the Civil Rights Division's Detail Policy.

²The Department of Justice's policy is to publicly advertise all career attorney and attorney supervisory vacancies. If CRT wants to limit the area of consideration (e.g., open to Division employees only) and/or posting of an announcement (e.g., to DOJNet, doj.gov, etc.) it must first seek approval, through CRT Employment Counsel, from OARM's Director in accordance with procedures set forth under Section 2 of Compendium of OARM Policies and Procedures.

particular vacancy announcement and through the application process set forth in the vacancy announcement may be considered.

II. APPLICATION PROCESS:

Applicants must submit a resume, cover letter highlighting experience relevant to the qualifications identified in the vacancy announcement, and any other information requested in the vacancy announcement. Specific instructions regarding how to submit application materials will be set forth in the vacancy announcement.

III. SELECTION PROCESS FOR EXPERIENCED ATTORNEY POSITIONS:

To ensure a fair, transparent and merit based hiring process, each Section Chief will establish a Hiring Committee (the Committee) within his/her Section for each vacancy announcement. The Section Chief will serve on the Committee and will select the other Committee members from a diverse cross section of attorneys in the Section. The Committee will consist of at least three members, including the Section Chief and at least one non-manager attorney in the Section. The Committee, or a subset of the Committee, will review the applications relative to the qualifications set forth in the vacancy announcement and the Section Chief, with input from the Committee, will determine which applicants will be interviewed.

Applicants selected for interviews will be interviewed by the full Committee or a subset of the Committee consisting of no fewer than three attorneys. To the extent practicable, a common group of Committee members should interview all of the applicants selected for interview for a particular vacancy. If the Section Chief does not participate in the initial interview, he/she may conduct subsequent interview(s) with the applicant(s) recommended by the Committee following the initial interviews. At the conclusion of the interviews, the Committee will meet to discuss the applicants.

The Section Chief will submit his/her hiring recommendation(s), with input from the other members of the Committee, to the Assistant Attorney General (AAG) or the AAG's designee for review and approval. Hiring recommendations by the Section Chief must be in writing and include the number of applicants for the position, the number and names of applicants interviewed, the resume of the recommended applicant(s), and a summary of how the recommended applicant's or applicants' education, work experience and references satisfy the qualifications for the position set forth in the vacancy announcement, and why the recommended applicant or applicants are best suited for the position among the other well-qualified applicants. Section Chiefs are encouraged to recommend more than one applicant for each attorney vacancy.

A decision by the AAG or his/her designees not to accept the Section Chief's recommended applicant(s) must be made in writing.

IV. SELECTION PROCESS FOR ATTORNEY MANAGER POSITIONS:³

To ensure a fair, transparent and merit based hiring process, the Section Chief and/or his/her designated attorney manager(s), in consultation with the career Deputy Assistant Attorney General (career DAAG) and the AAG's career staff designee(s) reviewing the section, will review the applications relative to the qualifications set forth in the vacancy announcement and determine which applicants will be interviewed.

The applicants selected for interviews will be interviewed first at the section level by the Section Chief, and, at the Chief's discretion, his/her designated attorney manager(s) and/or the AAG designees. For one attorney manager vacancy, the Section Chief will make a recommendation to the AAG of three or more qualified applicants who should be given further consideration unless the size/qualifications of the applicant pool makes recommending three applicants impracticable. For multiple attorney manager vacancies, the Section Chief will make a recommendation to the AAG of a sufficient number of qualified applicants who should be given further consideration such that the AAG has a meaningful choice. The career DAAG and AAG designees may interview the recommended applicants, as well as, any of the other applicants who were selected for initial interview by the Section Chief. The second interviews will be conducted by the career DAAG, AAG designees and the Section Chief; the AAG, in consultation with the Section Chief, career DAAG and AAG designees, may choose to participate in the second round interviews.

Following the interviews, the Section Chief, career DAAG and AAG designees will consult regarding the applicants and make a joint hiring recommendation, prepared by the Section Chief, to the AAG for review and approval. In the event that the Section Chief, career DAAG and AAG designees do not reach consensus on the recommendation, the Section Chief will reflect that in his/her hiring recommendation. The AAG may choose to interview the applicant(s) recommended for hire, particularly where the AAG did not participate in the second round interviews. If the AAG interviews the applicant(s) recommended for hire, he/she also may interview any of the applicants who were selected for initial interview by the Section Chief.

A decision by the AAG or his/her designees not to accept the Section Chief's recommended applicant(s) must be made in writing.

V. REFERENCES:

Reference checks are required for all attorney hires, including attorneys hired from other components within the Department.

³ "Attorney manager" positions include career Deputy Chief, Special Counsel and comparable positions that involve management responsibility. This process does not apply to attorney manager positions in the Senior Executive Service (SES).

VI. OFFERS OF EMPLOYMENT:

All offers of employment must be made within the time frames set by OARM and/or the Office of Personnel Management (OPM), and are conditional and subject to the conditions set forth in the vacancy announcement, including successful completion of a background investigation, security clearance (if applicable) and drug testing, as well as to checks of references and/or current and prior employers.

VII. STARTING SALARIES:

The starting salary for an experienced attorney is based on a number of factors, including the attorney's substantive legal experience and skills, and whether the attorney is currently employed outside the federal government, employed by the federal government, or unemployed. Additional salary information may be found on OARM's website at <http://www.justice.gov/oarm/arm/hp/hpsalary.htm>.

VIII. EQUAL EMPLOYMENT OPPORTUNITY, MERIT SYSTEM PRINCIPLES & PROHIBITED PERSONNEL PRACTICES:

The Division is an equal opportunity employer and is fully committed to providing equal opportunity to all employees and applicants. All hiring is based on merit, and consistent with applicable federal laws and Department of Justice policies, including the merit system principles and prohibited personnel practices set forth in the Civil Service Reform Act (5 U.S.C. §§ 2301-2302), discrimination based on race, color, religion, national origin, age, sex (including pregnancy and gender identity), sexual orientation, disability (physical or mental), status as a parent, marital status, political affiliation, genetic information, membership or non-membership in an employee organization, military service, personal favoritism, or other non-merit factors is strictly prohibited. Such factors may not be considered, except as permitted by law, at any point in the hiring process, including in determining which employees participate in the hiring process or which applicants are interviewed, recommended for hire, or hired.

The Civil Service Reform Act and ethics rules also prohibit CRT employees from engaging in nepotism in the hiring process. CRT employees with authority to take, direct others to take, recommend, or approve any personnel action may not hire or promote, or advocate for the hiring or promotion of relatives, domestic partners, friends, members of their household or others with whom they have a close personal relationship, for any position within the Department of Justice. See 5 U.S.C. § 2302(b)(7); 5 U.S.C. § 3110(b); see also Standards of Ethical Conduct, 5 C.F.R. §§ 2635.502 (conflicts of interest) and 2635.702 (prohibiting use of public office for private gain of friends and relatives).

Complaints about discrimination and/or prohibited personnel practices may be raised outside the Division by contacting the Department's Equal Employment Opportunity Staff at 202-616-4800, or the Office of Special Counsel at <http://www.osc.gov> or 800-872-9885. Complaints may also be raised internally within the Division by contacting the Division's Human Resources Officer (currently, Linda Gaither at

202-514-4224), or the Division's employment counsel (currently, Diana Embrey at 202-353-2510). For most types of EEO complaints, employees and applicants must initiate the Department's EEO complaint process **within 45 calendar days** of the alleged discriminatory action; raising a complaint internally within the Division does not toll the 45-day EEO complaint filing deadline. Additional information about the Department's EEO complaint process, which may vary for different types of complaints, is available at <http://www.justice.gov/jmd/eeos/complaints.htm>; see also the Division's EEO Policy, Anti-Harassment & Whistleblower Policy (<http://www.justice.gov/crt>); the Department's EEO Policy (<http://www.justice.gov/jmd/eeos/policy.htm>); and 29 C.F.R. § 1614.

IX. VETERANS' PREFERENCE:

Excepted service attorney positions are wholly exempt from the appointment provisions of 5 CFR Part 302; however, when hiring for such positions, federal agencies must follow the principle of veterans' preference eligibility to the extent it is administratively feasible. The Department of Justice considers veterans' preference eligibility as a positive factor at all stages of the attorney hiring process. Applicants eligible for veterans' preference must include that information in their cover letter or resume and attach supporting documentation (e.g., the DD 214, Certificate of Release or Discharge from Active Duty or other supporting documentation) to their submissions. Although the "point" system commonly associated with veterans' preference is not used, applicants eligible to claim 10-point preference must submit Standard Form (SF) 15, Application for 10-Point Veteran Preference, and submit the supporting documentation required for the specific type of preference claimed (visit the OPM website, www.opm.gov/forms/pdf_fill/SF15.pdf for a copy of SF 15, which lists the types of 10-point preferences and the required supporting document(s)). Applicants should note that SF 15 requires supporting documentation associated with service-connected disabilities or receipt of non-service-connected disability pensions to be dated 1991 or later except in the case of service members submitting official statements or retirement orders from a branch of the Armed Forces showing that his or her retirement was due to a permanent service-connected disability or that he/she was transferred to the permanent disability retired list (the statement or retirement orders must indicate that the disability is 10% or more).

Sections must track the status of each veterans' preference eligible applicant at each stage of the selection process where he or she is eliminated from consideration on a tracking sheet for candidates claiming such eligibility.

X. PRIORITY REEMPLOYMENT LIST:

The Department maintains a Priority Reemployment List (PRL) (<http://www.justice.gov/jmd/hr/rpl.html>) of current (or former) Department attorneys who are facing (or faced) furlough or involuntary separation from continuing appointment without delinquency or misconduct, and applies for reemployment. Involuntary separation includes reduction in force or separation after declining a directed reassignment or transfer of function out of the local commuting area. The local

commuting area is the geographic area that usually constitutes one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities where people live and can reasonably be expected to travel back and forth daily to their usual employment.

To be considered for priority placement, an attorney registrant must apply by the deadline specified in the job announcement and include a copy of his/her separation notice. **CRT HR will notify the Section Chief when a PRL registered attorney has applied.** If the attorney is otherwise qualified for the posted job announcement, the Division must afford him/her priority employment consideration before hiring a non-Division applicant. If the Section is filling multiple positions from the same job announcement and more than one equally qualified registrant applies, the Section Chief may choose from among the registrants.

If the Section Chief determines that another qualified attorney applicant should be hired instead of a PRL registered attorney, the Section Chief or his/her designee must prepare a written request to the Director, OARM, explaining why the PRL registrant **is not qualified** for the position. The Section Chief must submit the request through the Division's Human Resources Office. If approved by OARM, the Section Chief must follow the procedures found in this policy before making the offer to the other applicant.

XI. REASONABLE ACCOMMODATIONS:

Applicants with disabilities who need reasonable accommodations - such as application materials in an alternate format, a sign language interpreter, or assistance attending an interview - should contact the Division's Reasonable Accommodation Coordinator.

XII. OUTREACH & RECRUITMENT OF QUALIFIED APPLICANTS WITH DISABILITIES:

Consistent with Executive Order 13548 (July 26, 2010), Department policies and federal regulations, the Division issued a policy addressing the recruitment and hiring of persons with targeted disabilities. All employees involved in the hiring process should be familiar with the requirements of that policy and adhere to those requirements during the recruitment and hiring process. See Civil Rights Division Hiring of Persons with Targeted Disabilities Policy, July 31, 2012 (<http://mycrt/policies/index.php>). Targeted disabilities are defined and listed in the policy.

Under that policy, the Division may direct-hire qualified individuals with targeted disabilities through a streamlined, non-competitive appointment using the Schedule A (5 C.F.R. 213.3102(u)) hiring authority. Before a vacancy announcement may be posted, the Division's Disability Point of Contact (Disability POC), currently, Diane Petrie, will review the Bender Disability Employment Registry and the resumes the Division has on file from individuals with targeted disabilities, and forward those resumes to the hiring official/committee for review. If the hiring official/committee determines that any of those applicants is qualified, at least one of the qualified applicants must be interviewed. If, after the interview, the hiring official/committee would like to hire the qualified

individual with a targeted disability, that individual may be hired without posting the vacancy announcement.

If no qualified individual is selected for hire through the direct-hire process described above, the position will be posted consistent with the Division's usual posting practice set forth in Part I, above. If the applicant pool for the position includes individuals who self-identified as having targeted disabilities, the hiring official/committee is required to select at least one such applicant for interview. After considering all of the applicants, the hiring official/committee will select the best-qualified applicant for the position.

The Division encourages qualified applicants with disabilities, including individuals with targeted disabilities, such as deafness, blindness, missing extremities, partial or complete paralysis or other current severe conditions, to submit their resumes to the Division by email to CRT.Specprogvacancies@usdoj.gov, register for the OPM Shared List of People with Disabilities (the Bender Disability Employment Registry) by submitting their resume to resume@benderconsult.com and referencing "Federal Career Opportunities" in the subject line, and apply in response to posted vacancy announcements. Additional information about the Bender Registry is available at www.benderconsult.com. Applicants with questions about this process may contact the Division's Disability Point of Contact (currently, Diane Petrie at 202-514-3934). See also <http://www.opm.gov/policy-data-oversight/disability-employment/hiring/>.

XIII. MANDATORY TRAINING FOR EMPLOYEES INVOLVED IN HIRING PROCESS:

All Division employees involved in the hiring process, including selecting and recommending officials, and hiring committee members, are **required** to attend training addressing hiring processes, merit system principles and prohibited personnel practices, and to submit a signed certification of their attendance before participating in the hiring process. This requirement applies to all hiring, including hiring for paid and unpaid intern and student positions.

At the completion of such training, each employee must submit a signed certification of their attendance to the Division's Professional Development Office; all certification forms will be maintained by the Division's Human Resources Officer.

The Department has also mandated that all employees who participate in an attorney hiring process, including participants who evaluate, make recommendations, or are responsible for final hiring decisions, must annually review and comply with DOJ policy regarding the application of veterans' preference eligibility. See OARM Memo 2009-6, April 13, 2009, Application of Veterans' Preference Eligibility to Excepted Service Attorney Hiring and Attorney Vacancy Announcement Language (<http://10.173.2.12/oarm/0906.pdf>).

XIV. DESIGNATION OF ACTING ATTORNEY MANAGERS:

A vacant attorney manager position may be filled on a temporary acting basis. Acting designations are for no longer than 120 days, and may be extended under limited circumstances.

If a Section Chief position is vacant or the Section Chief will be absent from his/her position for an extended period of time, the AAG will designate an Acting Section Chief. If a Section Chief is absent from his/her position for a short period of time (e.g., vacation or short-term sick leave), the Section Chief will appoint an Acting Chief.

The Section Chief, in consultation with the AAG or his/her designee(s), will designate other acting attorney managers as needed.

XV. DESIGNATION OF PRINCIPAL DEPUTY CHIEF:

With AAG approval, a Section may have a Principal Deputy Chief. The Section Chief, in consultation with the AAG, may designate a Principal Deputy Chief.

Hiring managers and members of hiring committees should review and be familiar with the Hiring Guidance for Career Attorney Positions.

This policy is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees.

Revised May 8, 2014. This policy applies to vacancy announcements closing after this policy's issuance and supersedes prior policies on the same topics.