



Executive Order 13932 on Assessing and Hiring Job Candidates in Federal Agencies

August 25, 2020

Background

President Donald Trump issued [Executive Order \(E.O.\) 13932](#), titled “[Modernizing and Reforming the Assessment and Hiring of Federal Job Candidates](#),” on June 26, 2020. The E.O. seeks to alter the federal hiring process by removing potentially unnecessary education qualifications to ensure that the federal hiring process is merit-based. The “[merit system](#)” is generally held to be a [keystone of the federal civil service](#).

This E.O. aligns with the [President’s Management Agenda](#), which identifies “enhanced alignment and strategic management of the Federal workforce” as a primary goal. The E.O. also [appears to align](#) with certain aspects of current law. In particular, the Office of Personnel Management (OPM) and agencies are [prohibited by law](#) from prescribing a minimum educational requirement for competitive service positions, albeit with limited exceptions for scientific, technical, and certain other positions.

[OPM has issued guidance](#) on E.O. 13932 for the increased use of skills- and competency-based assessments in the federal hiring process. OPM’s guidance explained that the agency’s [website already outlines](#) a number of competency-based assessment options. OPM’s guidance also offers a schedule for the implementation of the E.O.

Contents of Executive Order 13932

Purpose

Section 1 of the E.O. emphasizes the [merit-based foundation](#) of the U.S. civil service and suggests that hiring within the federal government should reflect this principle. The E.O. posits that the American public’s perception of the federal hiring process is important to maintaining public confidence in the civil service. In order to keep up with private employers that have modernized their hiring processes, the E.O. suggests that the federal government should favor skills- and competency-based hiring techniques over degree-based educational requirements to assess some job candidates. The E.O. addresses the potential exclusion of capable candidates who have the skills and competencies to be successful in a given

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employment opportunity but do not meet education requirements. The document acknowledges OPM's role in creating hiring rules and guidance and determining qualification requirements for federal jobs. It argues that many federal jobs have an overreliance on educational requirements rather than accepting experiential learning as an alternative path to consideration for federal employment. The Administration views these provisions as a fulfillment of its commitment to increasing employment opportunities.

Revision of Job Classification and Qualification Standards

Section 2 outlines a method for altering the federal hiring process. It mandates that the director of OPM—in collaboration with the director of the Office of Management and Budget (OMB), the assistant to the President for domestic policy, and the heads of agencies—review all job classifications and qualification requirements within the competitive service. The Administration states that any changes to the job classifications and qualification requirements will be made public within 120 days and become effective 180 days following the publication of the E.O. The document directs that minimum education requirements should be used only when an education qualification is legally required to perform the duties of the job. Further, it suggests that a candidate's education should be considered only if it is directly relevant to the essential competencies of the position.

Improving Assessments in the Federal Hiring Process

Section 3 suggests a method for implementing assessment-based hiring techniques. All agencies are to work with the director of OPM to develop practices to assess candidates on their relevant knowledge, skills, competencies, and abilities outside of their educational attainment or lack thereof. It also specifies that candidates' self-evaluations of their qualifications are not sufficient and that agencies must require the candidates to prove their qualifications via assessments. In addition, it mandates that agencies continually evaluate the quality, integrity, and effectiveness of these assessment techniques.

Potential Issues

OPM reports that nearly half of federal employees do not have bachelor's degrees. Consequently, agencies need to routinely evaluate whether a minimum education requirement is necessary, and if not, what knowledge and skills are necessary. While the E.O. may help align the federal hiring process with hiring trends in the broader job market, there may be questions about the feasibility of the E.O.'s proposed timeline.

If Congress reviews this E.O., several topics for potential congressional oversight may be considered. For example, some observers have expressed doubt that OPM has the necessary resources and time to implement the E.O. within 120 days. In addition, effective implementation of the E.O. may depend on agency buy-in to make substantive changes to their practices. At the same time, implementation of the E.O. may bring risks if agencies do not implement the E.O. carefully. One concern is that removing minimum education requirements may allow for more subjectivity in the assessment of candidates, which could lead to perverse outcomes, such as a risk of favoritism in the hiring process.

If Congress wishes to consider options for legislation and their pros and cons, it could require OPM to suggest amendments to the agency's statutory authority for position classification at Title 5, Chapter 51, of the *United States Code*. OPM could also be required to notify the House and Senate Committees on Appropriations of any specific funding needed to implement the E.O. Finally, OPM's inspector general could be required to review the agency's implementation of the E.O., including any effects on the merit system, and report the findings to Congress.

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