

CAPE Excepted Service Fact Sheet

This Fact Sheet outlines the differences between Excepted Service and Competitive Service in the Federal government.

Excepted Service

Operations Research Analysts in the Office of the Director, Cost Assessment and Program Evaluation (CAPE) are in the *Excepted Service*. These positions are excepted from the *Competitive Service* under the merit system in the Executive Branch administered by the Office of Personnel Management (OPM). Under the authority of Title 5, Code of Federal Regulations (CFR), section 213.3201, CAPE has established its own hiring system based on merit, and has established its own evaluation criteria to fill position vacancies. However, CAPE uses OPM qualification and classification standards for these positions. Qualified applicants are rated and ranked by a Subject Matter Expert Panel. Veteran's Preference applies.

Generally, members of the general public may apply for most CAPE position vacancies. There is no requirement for candidates to have been employed previously by the Federal government. All candidates must be US citizens and be able to obtain and maintain a security clearance and the Top Secret or Top Secret/SCI level, as determined by the position.

Competitive Service

The Competitive Service refers to Federal agencies who are subject to OPM's competitive hiring processes to evaluate and rank job candidates. Under the Competitive Service, Federal employees with competitive status may be considered for positions without having to compete with members of the general public in an open competitive process. Competitive status is attained only upon satisfactory completion of a probationary period with a competitive service agency.

Employees transferring from a competitive service agency who have already fulfilled a probationary period with their initial appointment are not required to serve another probationary period; employees who have not completed a probationary period are subject to a 1 year probation.

Because Operations Research Analysts in CAPE are not in the Competitive Service, employees who do not have competitive status may not compete for many position vacancies in the Executive Branch, otherwise known as Merit Promotion. Further, excepted service positions does not confer competitive career status.

Federal employees with competitive status who are hired by the CAPE will receive credit for Federal service toward their retirement benefits subject to OPM's rules regarding creditable service for retirement purposes. Employees with 3 or more total years in a competitive position, may also return to Competitive Service subject to the respective Competitive Service agency application procedures, its requirements and the availability of position vacancies.

Pay and Benefits

Positions follow the General Schedule table for the Washington, D.C. area as established by OPM. CAPE Operations Research Analysts receive the same standard Federal employee benefits (health and life insurance, retirement, Thrift Savings Plan, leave accruals and other benefits) as employees in the Competitive Service. See <https://www.usajobs.gov/Help/working-in-government/benefits/>

Frequently Asked Questions

Q: What does voluntarily relinquishing competitive status prior to appointment to an excepted service position mean?

A: Law requires notification when an employee is leaving competitive service so there is confirmation they understand the change in the type of appointment
https://ecfr.io/Title-05/pt5.1.302#se5.1.302_1102

Q: I have 3 years in the competitive service, do I relinquish my "tenure"?

A: Reinstatement eligibility does not guarantee a job offer. "Hiring agencies have the discretion to determine the sources of applicants they will consider (yes, a person may have to apply to go back to the same grade, it depends on the HR activity and how they are accepting applicants). Individuals usually apply to agencies in response to vacancies announced under the merit promotion program. Some agencies accept applications only when they have an appropriate open merit promotion announcement, while others accept applications at any time. If you are seeking a higher grade or a position with more promotion potential than you previously held, generally you must apply under a merit promotion announcement and rank among the best-qualified applicants to be selected. Status applicants include individuals who are eligible for reinstatement." Benefits are the same for competitive and excepted service.
https://ecfr.io/Title-05/se5.1.335_1103
<https://www.opm.gov/policy-data-oversight/hiring-information/reinstatement/>

Q: Can I be management reassigned from a CAPE excepted service position into a competitive service position at the same grade level I previously held in the competitive service? What if I am promoted at CAPE?

A: CAPE cannot manage direct reassign anyone outside of our authority (i.e., we can manage direct between CAPE divisions but not from CAPE to the Army) and cannot manage direct between appointment types unless there is policy guidance that allows it; CAPE currently does not interchange agreement to permit this.

Q: Will I be qualified to compete for competitive service positions at the same grade, or higher than I attain in CAPE? For instance, if I come to CAPE as a 14 and am promoted to 15, can I compete for a competitive Senior Executive Service (SES) position?

A: Grade is not a requirement for competition for SES positions. To qualify for SES positions, you must show that you possess the five Executive Core Qualifications (ECQs), the Mandatory Technical Qualifications, and any other qualifications, if applicable. If you had at least 3 years as a GS-14 in the competitive service, you could apply using that experience for a merit promotion in the competitive service. If you did not have 3 years as a GS-14 in the competitive service, you would have to apply under Delegated Examining Procedures (announcements open to All US Citizens).