

# Applying Veterans' Preference Under Rule of Many Fact Sheet

Under Rule of Many, a numerical ranking process is used to evaluate applicants through validated assessments to produce a numeric score. Veterans' preference points (10- or 5-point) are then added to passing scores, and applicants are listed on the certificate in score order.

Ties are broken by veterans' preference, and 10% or more disabled veterans (CP/CPS) are placed at the top of the certificate (except for scientific and professional positions at the General Schedule (GS) 9 grade level (or equivalent) and above). Preference-eligible candidates must be granted their due preference when ranking, selecting, and passing over candidates.

When using the Rule of Many:

- Veterans' preference is applied during the rating process and used to determine the order of referral on the certificate of eligibles.
- Preference eligibles are listed ahead of non-preference eligibles with the same score.
- Agencies may not select a non-preference eligible candidate over a preference eligible who has the same or lower ranking. In such cases, agencies must follow the statutorily required pass over procedures.
- A non-preference eligible may be selected over a preference eligible veteran only if: **(1)** the individual is ranked higher on the certificate of eligibles, **(2)** the hiring agency has submitted to the Office of Personnel Management (OPM) and received approval to pass over a 30% or more disabled veteran or the agency's examining office has approved a pass over for other preference eligibles, or **(3)** the preference eligible has been removed from consideration after receiving [three bona fide considerations](#).

**Note:** Hiring managers are required to document their considerations and pass-over request approvals.

## What is a pass-over request?

A pass-over request occurs when an agency seeks to select a non-preference eligible candidate over a preference-eligible candidate who is within reach on the certificate of eligibles. (i.e., the candidate the hiring manager wants to select has an equal or lower ranking than the preference eligible candidate)

A pass-over request must meet the following criteria:

- The agency must submit the request to OPM and receive approval if the preference-eligible is a 30% or more disabled veteran (including 30% or more disabled veterans in the excepted service).
- For other preference eligibles, the agency must document the reason for passing over and notify the veteran of the intent to pass over them.

- Pass overs are typically justified based on qualification issues, conduct, or medical reasons, and must be well documented.

**Important:** Agencies may not make a final selection requiring a pass over that requires OPM approval until OPM has approved the request for a veteran with a compensable service-connected disability of 30 percent or more, or until all other applicable pass over procedures have been properly completed.

**How does using Rule of Many impact veterans' preference?** Rule of Many requires assessing all qualified candidates while maintaining veterans' preference rights for preference eligibles.

### **When do pass over procedures apply?**

Pass over procedures apply when an agency wishes to select a lower ranked non-veteran instead of a preference eligible veteran with an equal or higher ranking. A hiring agency may invoke pass over procedures if the agency determines the preference eligible veteran lacks the qualifications to successfully perform the duties of the position being filled.

### **Can a preference-eligible be passed over multiple times?**

Yes, but each pass-over must be properly justified, and:

- A new pass-over request is required each time a preference-eligible candidate is bypassed for a different position or selection action.
- If the same candidate is considered multiple times for the same type of position, an agency may rely on a previously approved pass over, provided the justification remains valid and applicable.
- When a preference eligible has received three bona fide considerations and is subsequently removed from further consideration, submission of a pass over request is not required.

A pass over of a preference eligible is not the same as removing a preference eligible from consideration under the three-consideration rule.

When a hiring manager has considered a preference eligible three times, the individual may be removed from further consideration without adjudication from OPM. The eligible will remain listed on the certificate, and the hiring manager must document each of the three considerations.

For additional information related to veterans' preference and the three considerations rule, refer to the Rule of Many and [Three Considerations Fact Sheet](#).

### **Where can I find more information or guidance on veterans' preference and pass over procedures?**

Agencies and HR specialists should refer to the following:

- 5 U.S.C. § 3318 and 5 CFR Part 302 (for excepted service)
- OPM's Delegated Examining Operations Handbook (DEOH)

- OPM's Veterans Services page: <https://www.opm.gov/policy-data-oversight/veterans-services/>
- OPM's VetGuide: <https://www.opm.gov/policy-data-oversight/veterans-services/vet-guide-for-hr-professionals/>