

Merit Hiring Rule of Many and Three Considerations

December 2025



The Merit Hiring Plan (MHP) Learning Series

Hiring Experience (HX) Group

Workforce Policy and Innovation

U.S. Office of Personnel Management

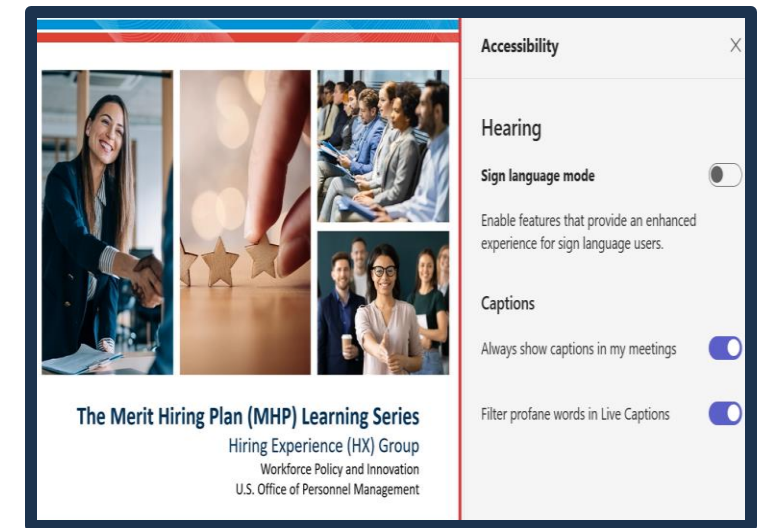
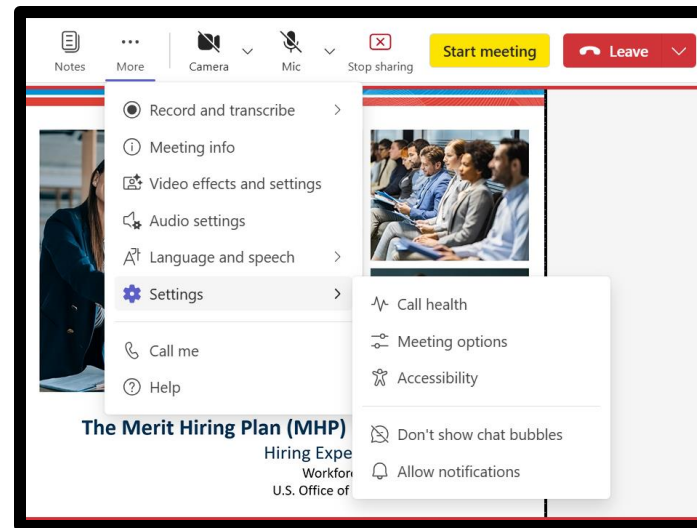
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A recording of this session with ASL interpreters will be posted at <https://www.opm.gov/policy-data-oversight/hiring-information/merit-hiring-plan-resources/#url=Training-Learning-Series>.

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Housekeeping Items

- A copy of this slide presentation is/will be posted on [OPM's Merit Hiring Plan Resources](#) page.
- Ask questions in the Q&A, but please wait until a topic is covered so you're not posting a question that's already been answered.
- We'll respond to as many questions as we can; however, we cannot answer agency-specific or individual-specific questions.
- A recording of this webinar may be found on [OPM's Merit Hiring Plan Resources](#) page.

Agenda

- Overview and Key Terms
- Background
- Veteran's Preference
- Using Rule of Many
- Three Considerations
- Wrap-up: Final Questions & Resources

Overview and Key Terms

Overview

- **What's new:** OPM's [final rule](#) modernizes candidate ranking (numerical ranking) for competitive and excepted service.
- **Key dates:** Published Sept 8, 2025
 - Effective Nov 7, 2025
 - Full compliance by Mar 9, 2026 (90 FR 43135; RIN 3206-AN80)
- **READ THE REGULATION** before implementing any changes.
- Bookmark [OPM's Merit Hiring Plan Resources](#) hub for training, FAQs, and updates.
- **Goal of this brief:** continuation of the government-wide learning series to support HR professionals, Talent Team members, hiring managers, and agency leaders in effective implementation of the Merit Hiring Plan.

What Changed & Who is Affected

- The rule of many replaces the rule of three.
- It authorizes agencies to certify for selection a sufficient number of names, not less than three, using a cut-off score or other mechanism established by OPM.
- Rule of Many does not change the application of veterans' preference in competitive hiring.
- The rule of many may also be used in the excepted service under 5 CFR part 302
 - **The same methods used for competitive service hiring are used for excepted service hiring when using numerical hiring procedures.

Explanation of Key Terms

Competitive Service:

- Civil service positions in the Executive branch not specifically excepted by statute, made by nomination for Senate confirmation, or in the Senior Executive Service

Excepted Service:

- Positions not in the competitive service or Senior Executive Service such as Schedule A, B, C appointments.

Delegated Examining:

- Authority granted by OPM to federal agencies to evaluate candidates for competitive service jobs.

Category Rating:

- A method of assessing and grouping candidates into quality categories instead of assigning numerical scores.

Explanation of Key Terms

Veterans' Preference Eligible:

- A veteran who meets criteria for hiring preference under federal law (e.g., disabled veterans).

Pass Over:

- The act of selecting a non-preference eligible candidate over a preference eligible; requires justification and OPM approval under certain conditions.

Certificate of Eligibles:

- A list of candidates referred to a hiring manager for consideration.

Bona Fide Consideration

- An applicant receives bona fide consideration when his or her name is within the group of eligible candidates referred to the selecting official on a certificate list and a legal appointment is made from among the group. Each eligible candidate is entitled to three bona fide considerations for the same appointment by the same appointing official before he or she can be eliminated from consideration. (This provision does not apply under category rating procedures.)

Background

Rule of Many

Ranking

- Applicants are ranked in numeric scores order (with veterans' preference points added)
- CP/CPS veterans move to the top of the certificate (except for professional/scientific positions GS-9+).

Selection

- The selection official considers all referred candidates
- A non-preference eligible cannot be chosen over a higher-ranking preference eligible without an approved pass-over.

Three Considerations

- An eligible who has received three bona fide considerations can be removed from consideration.

Benefits of The Rule of Many

- Combines the advantages of both category rating and rule of three to allow agencies to make finer distinctions among candidates in terms of their relative qualifications for the position being filled, while at the same time expanding the range of candidates for selection.
- May lead to a more balanced and diverse Federal workforce by providing a wider base of candidates from which agencies may choose.

Veteran's Preference

How is Veterans Preference Applied?

Veterans Preference Codes

- **CPS/CP** – 10% or greater disability
 - **XP** – less than 10% disability, purple heart, and spouses and parents with derived preference
 - **TP** – qualifying military service
 - **SSP** – sole survivorship
 - **NV** – non-veteran/non-preference
- Preference works **the same way as under the rule of three**: applicants are numerically scored; **5- or 10-point** preference is added to passing scores; the list is ordered by score.
 - Ties are broken by veterans' preference.
 - **CP/CPS (10%+ disabled) veterans** are placed at the top of the certificate (except GS-9+ scientific/professional).

Referral & Order on the Certificate

Under the Rule of Many, preference is applied during **rating** and used to determine **referral order**.

Preference eligibles are listed **ahead of** non-preference eligibles with the **same score**.

An agency **may not select** a non-preference eligible **over** a preference eligible with the **same or higher ranking**; pass-over procedures would then apply.

Certificate of Eligibles	
Created using cut off score of 95	
Candidate	Score/VP
1.	94.0 CPS*
2.	96.0 XP
3.	96.0 NV
4.	95.0 TP
5.	95.0 TP
6.	95.0 NV

Does the Rule of Many Reduce Veterans' Preference Protections?

No. The Rule of Many does not weaken veterans' preference protections. In fact, it reinforces the importance of assessing all qualified candidates while maintaining the statutory rights of veterans:

- Agencies **must** give applied selection priority to qualified preference eligibles, regardless of the number of candidates referred.
- The use of a larger referral pool **does not** exempt agencies from the requirement to provide justification for a pass over of a preference eligible.

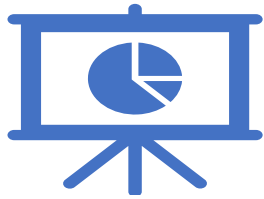
Can a Preference Eligible Be Passed Over Multiple Times?

- **Yes**, but each pass-over must be **separately justified**.
- A new pass-over request is required for each **different position/selection** action; a prior approval may be reused only when the **same position type** and **justification** still apply.
- If the preference eligible has had **three bona fide considerations** and is then **removed from further consideration**, a **pass-over is not required**.

Using Rule of Many

Four Mechanisms

An agency may use **one** of 4 mechanisms for determining the number of applicants to certify for selection:



- A cut-off score based on the assessment(s) used, supported by job analysis data



- A cut-off score based on business necessity; for example, to keep the number of applicants manageable for costly or labor-intensive assessments such as structured interviews



- A set number of names, for example, the top ten names



- A percentage of the highest rated applicants; for example, the top 10 percent will be referred for selection

Considerations for Choosing a Method

- When choosing the appropriate mechanism, agencies should consider:
 - The assessment(s) used
 - Historical applicant data
 - Current labor market conditions
 - And/or other factors appropriate for the hiring action
- The mechanism must be chosen before announcing the vacancy and be identified in the job opportunity announcement.
- The mechanism chosen should allow for a sufficient number of names to allow an agency to consider at least three candidates for each vacancy.

How the Rule of Many Works (Example #1)

POSITION: PROGRAM ANALYST, GS-11

AGENCY IS MAKING 3 SELECTIONS, AND USING A CUT-SCORE BASED ON ASSESSMENT

Veterans Preference Codes

- **CPS/CP** – 10% or greater disability
- **XP** – less than 10% disability, purple heart, and spouses and parents with derived preference
- **TP** – qualifying military service
- **SSP** – sole survivorship
- **NV** – non-veteran/non-preference

Ranked List in score order, including veterans' preference points	
Candidate	Score/VP
1.	94.0 CPS*
2.	96.0 XP
3.	96.0 NV
4.	95.0 TP
5.	95.0 TP
6.	95.0 NV
7.	89.0 TP
8.	89.0 NV
9.	84.0 NV
10.	82.0 NV



Certificate of Eligibles Created using cut off score of 95		
Candidate	Score/VP	Action
1.	94.0 CPS*	Selection 1
2.	96.0 XP	Selection 2
3.	96.0 NV	Selection 3
4.	95.0 TP	
5.	95.0 TP	
6.	95.0 NV	

Questions

Three Considerations Rule

What is the Three Considerations Rule ?

An appointing officer is not required to continue considering an eligible:



Who has received bona fide consideration for three separate appointments for the same position (same title/series/grade);



From the same or different certificates.

Final rule clarifies bona fide consideration:



Documented review of the application is sufficient;



An interview is not required by regulation.

Applying the Three Considerations Rule

Applying Three Considerations

- Beginning with the fourth selection from a certificate (for the same position), an agency may remove one or more candidates who have received three bona fide considerations.
- The number removed at a given point may not exceed the number of selections remaining; removals may include veterans and non-veterans.
- Document the bona fide consideration (review of the candidate's application) and the rationale for removal. DEU audits apply; OPM will update the DEOH.

How the Three Considerations Rule Works (Example #1)

POSITION: ACCOUNTANT, GS-11

AGENCY IS MAKING 5 SELECTIONS, AND USING A SET NUMBER OF CANDIDATES OF 10

Ranked List				
in score order, including veterans' preference points				
Candidate	Score/VP		Candidate	Score/VP
1.	99.0 NV		11.	95.0 XP
2.	98.0 XP		12.	95.0 XP
3.	98.0 NV		13.	95.0 TP
4.	97.0 TP		14.	95.0 TP
5.	97.0 TP		15.	95.0 NV
6.	97.0 NV		16.	94.0 TP
7.	96.0 TP		17.	94.0 NV
8.	96.0 NV		18.	94.0 NV
9.	96.0 NV		19.	94.0 NV
10.	96.0 NV		20.	94.0 NV



Certificate of Eligibles		
Created using set number of eligibles - 10		
Candidate	Score/VP	Action
1.	99.0 NV	Selection 1
2.	98.0 XP	Selection 2
3.	98.0 NV	Selection 3
4.	97.0 TP	
5.	97.0 TP	
6.	97.0 NV	
7.	96.0 TP	
8.	96.0 NV	
9.	96.0 NV	
10.	96.0 NV	



Certificate of Eligibles		
Created using set number of eligibles - 10		
Candidate	Score/VP	Action
1.	99.0 NV	Selection 1
2.	98.0 XP	Selection 2
3.	98.0 NV	Selection 3
4.	97.0 TP	Considered 3 times
5.	97.0 TP	Considered 3 times
6.	97.0 NV	Selection 4
7.	96.0 TP	Selection 5
8.	96.0 NV	
9.	96.0 NV	
10.	96.0 NV	



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Three Considerations Rule: What to Document

Sample Three-Considerations Rule Removal Template (Hiring Managers)

Position (title/series/grade): _____

Certificate(s): _____

Candidate: _____

Bona fide considerations (3):

1) Date/Manager: _____ — Summary of review/interview notes

2) Date/Manager: _____ — Summary of review/interview notes

3) Date/Manager: _____ — Summary of review/interview notes

Rationale (skills/attributes gap tied to job requirements):

- [e.g., Lacks advanced SQL query optimization required for GS-12 data engineer workload; evidence: interview responses; work sample rubric.]

Request:

Remove from further consideration for the position(s) being filled under § 332.405 beginning with selection # ____.

Hiring Manager signature/date: _____

HR Director (servicing personnel office level) approval:

☐ Approved ☐ Disapproved Notes: _____

Signature/date: _____

(Provide written notice to candidate upon request.)

Questions

Pass Over vs. Three Considerations: When It Applies & What to Document

What Is a Pass-Over Request?

A pass-over occurs when an agency seeks to select a **lower-ranked non-preference eligible** over a **preference eligible who is within reach**.

It is typically justified by **qualification, conduct, or medical** reasons and must be **well-documented**.

When Do Pass-Over Procedures Apply?

When the agency wants to select a **lower-ranked non-veteran** instead of a **preference eligible** who is within reach, and the agency believes the preference eligible **lacks the qualifications** for the position.

Three Considerations vs. Pass-Over

A **pass-over** is not the same as removing a preference eligible after **three bona fide considerations**.

After three valid considerations for the **same position**, the hiring manager may **discontinue** further consideration and should **document** the three considerations on the certificate.

Questions

The Merit Hiring Learning Series

OPM Talent Team

The U.S. Office of Personnel Management (OPM) is pleased to provide a free, government-wide learning series to support HR professionals, Talent Team members, hiring managers, and agency leaders in effective implementation of the Merit Hiring Plan.

Must have a .gov or .mil email to register on [Eventbrite](#).



Upcoming Events - Check back at our series collection for updates!

January 12, 2026 - **Rule of Many Q&A Session:** This session will address a variety of frequently asked questions related to using rule of many. We recommend that all attendees read the [Rule of Many regulations](#) and have attended or viewed the Rule of Many Overview and Three Considerations [webinars](#) prior to attending the event.

Virtual events are hosted on MS Teams Townhall. Depending on your agency's network, the Teams Townhall features may not be available to you.

Wrap Up: Resources and Final Questions

Merit Hiring Plan Resources for Agencies

- [Merit Hiring Resources Page](#)
 - [Merit Hiring Plan](#)
 - [Answers to Frequently Asked Questions](#)
 - [Agency Guidance on the Two-Page Limit on Resume Length](#)
 - [Applicant Guidance on the Two-Page Resume Limit](#)
 - [Job Titling Guidance in Alignment with Executive Order 14170 and the Merit Hiring Plan](#)
 - [Guidance on Using the Four Short Essay Questions](#)
 - [Fact Sheet: OPM Launches Merit Hiring Plan to Modernize Federal Workforce and Restore Accountability](#) (May 29, 2025)
 - [Merit Hiring Learning Series](#) (Eventbrite collection)
- [Executive Order 14170 - Reforming the Federal Hiring Process and Restoring Merit to Government Service](#)
- [Public Law 118-188 – Chance to Compete Act](#)
- [Reinvigorating Merit-Based Hiring Through Candidate Ranking in the Competitive and Excepted Service \(Rule of Many\)](#)

Rule of Many vs. Category Rating

Feature	Rule of Many	Category Rating
Selection Method	Candidates are ranked numerically based on assessment scores	Candidates are grouped into quality categories (e.g., Best Qualified, Well Qualified)
Selection Pool	Managers may select from an agency determined range of top-ranked candidates	Managers may select from top quality category only
Flexibility	Offers greater flexibility in choosing among top scorers	More limited flexibility —must stay within the highest category
Supports EO 14170	✅ Yes – aligns with merit-based hiring reforms	✅ Yes – still permitted, but not the preferred method
Use Together?	❌ No – cannot be used with Category Rating in the same hiring action	❌ No – cannot be used with Rule of Many in the same hiring action
Best Used When	You have robust assessments that make fine distinction among candidates, as mentioned in the Merit Hiring Plan	You are filling positions that don't require technical qualifications and applicants have similar competency levels

Thank You

Please take a moment to complete a short survey to provide your feedback on today's session:

<https://surveys.opm.gov/se/5B5534D44D40ECDE>



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