

## STAFFING

- 1. REASON FOR ISSUE:** To establish Department of Veterans Affairs (VA) policy on the use of the Presidential Management Fellows Program.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This policy revision and new appendix set forth a framework for the selection, recruitment, and appointment of Presidential Management Fellows (formerly Presidential Management Interns) and Senior Presidential Management Fellows. The appendix contains provisions for the implementation of related Office of Personnel Management (OPM) regulations that became effective June 20, 2005. Additionally, references to the former name of the program have been changed to reflect its new name. The provisions related to Senior Fellows, a new aspect of the program introduced in Executive Order 13318, are being issued prospectively. OPM's final regulations cover Senior Fellow appointments, but OPM has not yet provided the implementing policies and procedural guidance needed to effect these appointments. The pages in this revision are to be inserted at the corresponding page numbers in VA Handbook 5005, Part II, Chapter 2, Section C; Part III, Chapter 2; and Appendix III-B. Appendix II-Q has been added. These changes will be incorporated into the electronic version of VA Handbook 5005 that is maintained on the [Office of Human Resources Management and Labor Relations Web site](#).
- 3. RESPONSIBLE OFFICE:** The Recruitment and Placement Policy Service (059), Office of the Deputy Assistant Secretary for Human Resources Management and Labor Relations.
- 4. RELATED DIRECTIVE:** VA Directive 5005, Staffing.
- 5. RESCISSIONS:** None

**CERTIFIED BY:**

**BY DIRECTION OF THE SECRETARY  
OF VETERANS AFFAIRS:**

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\*Use in conjunction with the OPM Standard.

**PART II  
CHAPTER 2****3. SPECIAL NEEDS APPOINTMENTS 5 CFR 213.3102(i)(2)**

a. **General.** Facilities may make excepted temporary limited appointments of not to exceed 30 days duration to meet any legitimate special need that cannot be met by another appointment authority. These appointments may be made without regard to the general eligibility requirement in instances when a facility determines there is a critical need to fill a position on an interim basis pending completion of competitive examining, clearances or other procedures required for a longer appointment. Temporary limited appointments of longer duration are not authorized for this purpose.

**b. Extensions**

(1) Facilities may extend the service of an employee serving under a special needs appointment for up to 30 additional days provided that:

- (a) Continued employment is essential to facility operations;
- (b) The initial appointment was properly made; and
- (c) The conditions which justified the original appointment still exist.

(2) This authority may not be used to exceed a service limitation imposed by some other appointing authority. A facility may not employ an individual under this type of appointment for more than 60 days in any 12-month period.

(3) The action extending a special needs employee's service is processed as a conversion.

**4. PRESIDENTIAL MANAGEMENT FELLOW[S AND SENIOR PRESIDENTIAL MANAGEMENT FELLOWS**

a. **Purpose.** This paragraph establishes VA policy for implementing the selection, appointment, and promotion of Presidential Management Fellows (Fellows) and Senior Presidential Management Fellows (Senior Fellows) as a part of the Presidential Management Fellows (PMF) Program in VA. The purpose of the PMF Program is to attract outstanding men and women from a variety of academic disciplines and career paths who have a clear interest in, and commitment to, excellence in the leadership and management of public policies and programs to the Federal service.

**b. Policy**

(1) For purposes of this program, the Administrations and staff offices are considered to be separate entities.

(2) Authority is delegated to field facilities and staff offices to select and appoint Fellows and Senior Fellows to meet their recruitment needs.

(3) Any appointments established under the auspices of this paragraph must comply with the criteria outlined in 5 CFR 362.

(4) Provisions for the appointment, selection and promotion of Fellows and Senior Fellows under this authority may be found in [Appendix Q](#) of this part.

**c. Responsibilities**

(1) The Deputy Assistant Secretary for Human Resources Management and Labor Relations is responsible for:

(a) Developing VA policies and guidelines for the implementation of the PMF Program;

(b) Providing technical guidance and advice to management officials and operating human resources officials; and

(c) Monitoring the use of the program.

(2) Human Resources Management Officers are responsible for:

(a) Ensuring that the employment of any Fellows or Senior Fellows appointed under this authority complies with the provisions of this part and [Appendix II-Q](#), including the posting of PMF openings;

(b) Advising supervisors and management officials in the design and development of formal training and development plans and performance plans (see paragraph 7 of [Appendix II-Q](#));

(c) Assisting supervisors and management officials on, and ensuring the proper application of veterans preference; and

(d) Making qualification determinations for any appointments at the GS-11 or GS-12 level for Fellows, or GS-14 or GS-15 level for Senior Fellows (see paragraph 5 of [Appendix II-Q](#)). (OPM will determine that Fellow Finalists are minimally qualified for the GS-9 grade level and that Senior Fellows are minimally qualified for the GS-13 grade level.)

(3) Supervisors and management officials are responsible for:

(a) The design and development of formal training and development plans and performance plans (see paragraph 7 of [Appendix II-Q](#)); and

(b) The application of veterans preference in accordance with the advice and guidance of Human Resources Management Officers (see paragraph 4 of [Appendix II-Q](#));

(c) The assignment of responsibilities to Fellows that are consistent with their educational background and career interests and the purposes of the program.

**d. References**

(1) Executive Order 13318, dated November 21, 2003.

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(2) 5 CFR, parts 213, 302, 315 and 362.]

**5. STUDENT EDUCATIONAL EMPLOYMENT.** To be used with 5 CFR 213.3202(a) and (b).

**a. Scope**

(1) **Coverage.** This paragraph applies to appointments of students under the Student Educational Employment Program (SEEP). (See 5 CFR 213.3202(a), covering the Student Temporary Employment Program (STEP), and 5 CFR 213.3202(b), covering the Student Career Experience Program (SCEP).) All student employment under SEEP must be carried out in accordance with a written agreement between a VA establishment and an educational institution.

(2) **Exclusions.** This paragraph does not apply to: enrollees in manpower or education programs hosted at no cost to VA or on a cost reimbursable basis; volunteers; WOC (without compensation) employees; or students enrolled in baccalaureate curricula appointed under authorities other than 5 CFR 213.3202(a) and 5 CFR 213.3202(b).

**[APPENDIX Q. PRESIDENTIAL MANAGEMENT FELLOWS PROGRAM**

**1. PURPOSE.** The Presidential Management Fellows (PMF) Program is designed to attract outstanding men and women from a variety of academic disciplines and career paths who have a clear interest in, and commitment to, excellence in the leadership and management of public policies and programs to the Federal service. This appendix provides guidance on implementing the selection, appointment, and promotion of Presidential Management Fellows (Fellows) and Presidential Management Senior Fellows (Senior Fellows) as a part of the PMF Program within VA. Guidance on the professional development requirements of the PMF Program is available in the VA Presidential Management Fellows Program Guide.

**2. ESTABLISHING A NEED FOR A FELLOW OR SENIOR FELLOW**

a. Fellow and Senior Fellow appointments are designed to meet workforce planning needs for management in the public service.

b. When establishing the need for a Fellow or Senior Fellow appointment, supervisors and management officials in collaboration with human resources officials, will:

(1) Determine if the use of a PMF appointment will help meet the long-term and short-term workforce needs of the organization;

(2) Determine if the organization has the resources to support and fund the professional development requirements of the program; and

(3) Design formal training and development plans and performance plans for Fellow or Senior Fellow positions that comply with 5 CFR 362.204.

**3. ELIGIBILITY AND QUALIFICATIONS**

a. **Fellows.** Graduate students from all academic disciplines who expect to complete an advanced degree from a qualifying college or university by August 31 of the academic year in which the competition is held, are eligible to become Fellows under 5 CFR 362.202. These individuals must demonstrate an exceptional ability for, as well as a clear interest in and commitment to, leadership in the analysis and management of public policies and programs. Individuals may be appointed in VA as Fellows if they:

(1) Have completed a graduate course of study at a qualifying college or university;

(2) Have received the nomination of the dean, chairperson or academic director;

(3) Have successfully completed an assessment process administered by the Office of Personnel Management (OPM);

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(4) Have been selected by OPM as a Fellow Finalist; and

(5) Are selected by VA for appointment as outlined in 5 CFR 362.203.

b. **Senior Fellows.** In accordance with 5 CFR 362.202, any individual with an exceptional record of experience and achievement in a leadership (supervisory or managerial), policy, professional, or technical position, in an area relevant to VA's mission or succession requirements, and who has completed a graduate course of study from a qualifying college or university, may apply for appointment as a Senior Fellow in VA. Candidates should evidence a strong commitment to public service and be able to clearly demonstrate that, by virtue of their competencies and accomplishments to date, they have the potential to assume a senior executive or senior level policy, professional, or technical position in the Federal Government after a relatively brief but intensive period of training and development. Individuals may be appointed in VA as Senior Fellows if they:

(1) Have completed a graduate course of study at a qualifying college or university;

(2) Have successfully completed an assessment process administered by the Office of Personnel Management (OPM);

(3) Have been selected by OPM as a Senior Fellow Finalist;

(4) Are selected by VA for appointment as outlined in 5 CFR 362.202; and

(5) Are approved as a Senior Fellow selectee by the Executive Development Committee (EDC) of the VA Executive Resources Board.

c. OPM will select Fellow Finalists and Senior Fellow Finalists based on OPM's evaluation of candidate experiences and accomplishments as outlined in 5 CFR 362.202.

d. **Citizenship.** Fellow Finalists or Senior Fellow Finalists who are not United States citizens may only be appointed to VA as Fellows or Senior Fellows if the requirements specified in 5 CFR 362.203(b) and VA Handbook 5005, Part II, Chapter 2, Section A, Paragraph 5(h) are met. However, in accordance with 5 CFR 315.708 and 5 CFR 338.101, Fellows and Senior Fellows must possess United States citizenship or owe permanent allegiance to the United States at the time of conversion to a permanent position in VA.

**4. SELECTION**

a. OPM will send VA and other departments and agencies participating in the PMF Program an unranked alphabetical list of Fellow and Senior Fellow Finalists for consideration. The list will also include individual resumes of all Fellow and Senior Fellow Finalists.

b. Human Resources Officers who service organizational entities wishing to recruit Fellows or Senior Fellows must post a description of PMF openings that include the grade levels for hiring and promotion potential in OPM's Projected Position System before recruitment begins.

c. VA organizational entities may select Fellow or Senior Fellow appointees from among OPM-identified Fellow Finalists and Senior Fellow Finalists, respectively.

d. Veterans preference must be applied by VA organizational entities when making selections among Fellow and Senior Fellow Finalists, in accordance with [5 CFR Part 302](#).

(1) OPM will annotate the adjudicated veterans preference status on the list of Fellow and Senior Fellow Finalists and the resumes of Fellow and Senior Fellow Finalists given to departments and agencies participating in the PMF Program. The following annotations will be used to indicate the veterans preference status of Fellow and Senior Fellow Finalists:

(a) CPS: 10-point compensable preference based on a service-connected disability of 30% or more;

(b) CP: 10-point compensable preference based on a service-connected disability of 10% or more, but less than 30%;

(c) XP: 10-point (other) preference; granted to recipients of the Purple Heart, persons with a non-compensable service-connected disability (less than 10%), widow/widower or mother of a deceased veteran, or spouse or mother of a disabled veteran; and

(d) TP: 5-point preference.

(2) If a Fellow or Senior Fellow Finalist who is a preference eligible expresses an interest in a specific PMF position, he or she must receive consideration. “Expresses an interest” means the Fellow or Senior Fellow Finalist has initiated contact with a VA organizational entity and asks for consideration for appointment to a specific position that the VA organizational entity is recruiting Fellows or Senior Fellows to fill.

(3) When multiple candidates are being considered for the same position, consideration must be given as follows: first, to preference eligibles having a service-connected disability of 10% or more; second, to other 10-point preference eligibles; third, to 5-point preference eligibles; and then to non-preference eligibles. When fewer than three candidates remain in the highest category, consideration may be expanded to include the next category.

(4) A preference eligible may only be removed from consideration if it can be demonstrated that the preference eligible is not qualified for the position. When a preference eligible is removed from consideration for this reason, that decision must be documented in writing.

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(5) If a VA organizational entity wishes to pass over a preference eligible to select a non-preference eligible, that request must be documented in writing and adjudicated by the facility HR Officer in accordance with [5 CFR 302](#). The notification requirements related to the passover of a preference eligible contained in 5 CFR 302.401 must be met. A copy of any passover request that is sustained must be forwarded to Recruitment and Placement Policy Service (059) in the Office of Human Resources Management and Labor Relations (OHRM&LR). Preference eligibles are entitled, upon request, to obtain a copy of the reason why they were passed over in favor of a non-preference eligible.

**5. GRADE LEVEL UPON APPOINTMENT**

a. A Fellow may be appointed at the GS-9, GS-11, or GS-12 grade level.

(1) OPM will determine that Fellow Finalists are minimally qualified for the GS-9 grade level.

(2) Fellows who meet the minimum qualification requirements of a higher grade of the position to be filled, may be appointed at the GS-11 or GS-12 grade level, provided that grade was included in the VA posting of the position in OPM's Projected Position System.

(3) Before an appointment commitment is made, determinations of qualifications for appointment of Fellows at GS-11 or GS-12 grade level must be made by human resource officials in accordance with the policies and procedures of the [OPM Operating Manual – Qualification Standards for General Schedule Positions](#), VA Handbook 5005, Part II, Chapter 2, Sections A and D, and Appendices II-F1 through II-F36 of this part.

(4) This provision does not confer entitlement to appointment at GS-11 or GS-12 grade level, if qualified.

b. A Senior Fellow may be appointed at the GS-13, GS-14, or GS-15 grade level.

(1) OPM will determine that Senior Fellow Finalists are minimally qualified for the GS-13 grade level.

(2) Senior Fellows who meet the minimum qualification requirements of a higher grade of the position to be filled, may be appointed at GS-14 or GS-15 grade level, provided that grade was included in VA's posting of the position in OPM's Projected Position System.

(3) Prior approval of the Secretary of Veterans Affairs, the Under Secretary for Health, Under Secretary for Benefits, or the Under Secretary for Memorial Affairs will be required for any positions centralized to the respective official. (Current lists of centralized positions are available in [VA Handbook 5001, Part II, Appendices A-D](#).)

(4) Before an appointment commitment is made, determinations of qualifications for appointment of Senior Fellows at GS-14 or GS-15 grade level must be made by human resources officials in accordance with the policies and procedures of [OPM Operating Manual – Qualification Standards for General Schedule Positions](#), VA Handbook 5005, Part II, Chapter 2, Sections A and D, and Appendices II-F1 through II-F36 of this part.

(5) This provision does not confer entitlement to appointment at GS-14 or GS-15 grade level, if qualified.

## 6. INITIAL APPOINTMENTS

a. Fellows and Senior Fellows may be appointed at any time after the individual has been notified that he or she has been selected as a Fellow or Senior Fellow Finalist, but not more than 12 months after the individual was so selected.

b. Appointments are for 2 years in the Title 5 excepted service and may only be made after the Fellow or Senior Fellow has completed all degree requirements.

(1) Fellow or Senior Fellow Finalists must complete all degree requirements by August 31 of the year selected as a Fellow or Senior Fellow Finalist.

(2) An official transcript must document the completion of degree requirements.

(3) Any current VA employee serving in a career or career-conditional appointment selected for the program, must elect to convert to an excepted service appointment to participate in the program.

c. Initial appointments of Fellows are made under 5 CFR 213.3102(ii).

d. Initial appointments of Senior Fellows are made under 5 CFR 213.3102(jj).

e. Appointments of Senior Fellows may only be made with the approval of the Executive Development Committee (EDC) of the VA Executive Resources Board. Procedures for approval of Senior Fellow appointments by the EDC are available in the VA Presidential Management Fellows Program Guide issued by Human Resources Development Service (053) in OHRM&LR.

f. When a Fellow or Senior Fellow appointment is made, the appointing VA organizational entity must notify Human Resources Development Service (053) in OHRM&LR.

g. **Trial Period.** In VA, Fellows and Senior Fellows must serve a 1-year trial period and do not have appeal rights during that time.

## 7. DEVELOPMENTAL ACTIVITIES AND PERFORMANCE MANAGEMENT

a. Fellows and Senior Fellows must have individual development plans (IDPs) and complete required developmental and training activities as outlined in 5 CFR 362.204.

b. Guidance and information on requirements for IDPs and developmental and training activities for Fellows and Senior Fellows is available in the VA Presidential Management Fellows Program Guide issued Human Resources Development Service (053) in OHRM&LR.

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c. Each Fellow and Senior Fellow will be placed on a performance plan and must receive at least one progress review during a performance appraisal period as well as an annual performance evaluation, as prescribed by [5 CFR Part 430](#) and [VA Handbook 5013 Performance Management Systems](#). The progress review and annual performance evaluation will be documented on VA Form 0750, Performance Appraisal Program.

**8. PROMOTIONS**

a. Promotions of Fellows or Senior Fellows should be based on:

- (1) A Fellow or Senior Fellow meeting the minimum qualification requirements of the higher grade;
- (2) A Fellow's or Senior Fellow's demonstration of the capacity to perform the duties of the next higher grade to the satisfaction of the supervisor;
- (3) Availability of work at the higher grade;
- (4) A Fellow's or Senior Fellow's progress toward successfully completing developmental activities set forth in the IDP.

b. The career ladder of the Fellow's or Senior Fellow's position must have been included in the position description and VA's announcement of the position and must support promotion to the higher grade.

c. As outlined in 5 CFR 362.204(d)(2), promotions of Fellows and Senior Fellows are not subject to the time-in-grade requirements of [5 CFR Part 300](#) and VA time-in-grade restrictions found in VA Handbook 5005, Part III, Appendix B, while they are serving on an appointment under 5 CFR 213.3102(ii) or 5 CFR 213.3102 (jj).

d. Fellows or Senior Fellows may be considered for promotion after a performance appraisal has been completed on VA Form 0750 or its electronic equivalent. In accordance with [VA Handbook 5013](#), the minimum appraisal period for a performance appraisal is 90 calendar days.

**e. Consideration of previous education and experience.**

(1) The level and extent of previous education and experience gained prior to the initial appointment as a Fellow may be considered when evaluating the Fellow for promotion if the initial appointment was made at the GS-9 level and the Fellow may have been qualified for a higher grade level at the time of the initial appointment.

(2) The level and extent of previous education and experience may be considered when evaluating a Senior Fellow for promotion if the initial appointment was made at the GS-13 level and the Senior Fellow may have been qualified for a higher grade level at the time of the initial appointment.

f. Promotions should be initiated by the authorizing official of the VA organizational entity to which a Fellow or Senior Fellow is appointed.

g. Fellows who meet the applicable qualification requirements may be promoted up to the GS-13 level while they are serving on an appointment under 5 CFR 213.3102(ii). Senior Fellows who meet the applicable qualification requirements may be promoted up to the GS-15 level while they are serving on an appointment under 5 CFR 213.3102(jj).

h. This provision does not confer entitlement to promotion.

## **9. EXTENSION OF THE 2-YEAR APPOINTMENT**

a. The EDC may approve short-term extensions of up to 120 days to allow appointments to exceed the 2-year limitation, to cover rare or unusual circumstances. Human Resources Officers should submit requests for an extension of up to 120 days to the EDC via OHRM&LR Human Resources Development Service (053) with the following information:

(1) The employee's original IDP.

(2) The extenuating or unusual circumstance that warrants the request. An example of an extenuating circumstance would be if the employee were unable to complete the IDP in the time allotted, due to administrative difficulties or other necessities of the service, or personal issues dealing with family death or medical obligations that would hinder program completion.

(3) The length of the requested extension.

b. OPM approval is required to extend appointments for more than 120 days up to 1 additional year beyond the authorized 2 years, for additional training and/or developmental activities. Human Resources Officers must submit such requests to the EDC via OHRM&LR Human Resources Development Service (053) no later than 120 days prior to the end of the 2-year period. The information should include:

(1) The employee's original IDP.

(2) The extenuating or unusual circumstance that warrants the request. An example of an extenuating circumstance is the employee is unable to complete the IDP in the time allotted, to administrative difficulties or other necessities of the service, or personal issues dealing with family death or medical obligations that would hinder program completion.

(3) The length of the requested extension.

c. Appointments can only be extended for up to 1 additional year. In no instance can an appointment be extended beyond 3 years from the date of the initial PMF appointment.

**10. TENURE GROUP.** Fellows and Senior Fellows are in excepted service Tenure Group II for the order of retention in a reduction in force and other purposes.

**PART II  
APPENDIX Q****11. CONVERSION AND PLACEMENT UPON COMPLETION OF PMF PROGRAM****a. General**

(1) A Fellow or Senior Fellow must complete the program within the time limits of 5 CFR 362.203.

(2) **Certification of Completion.** The EDC will certify that a Fellow or Senior Fellow has met all program requirements. Certification of successful completion will be given to Fellows and Senior Fellows who demonstrate that they have met the performance and developmental expectations set forth in their performance plan and individual development plan. The EDC will complete its evaluation, make a decision regarding certification, and notify the Fellow or Senior Fellow, no later than 30 calendar days prior to the expiration of the Fellow's or Senior Fellow's appointment in the program. The EDC will forward all certifications to OPM. (Procedures for certification are available in the VA Presidential Management Fellows Program Guide issued by OHRM&LR Human Resources Development Service (053).)

(3) Fellows and Senior Fellows who complete the program and receive certification from the EDC must be appointed to full-time permanent positions without further competition. Fellows and Senior Fellows initially appointed under 5 CFR 213.3102(ii) or 5 CFR 213.3102(jj) will be converted to career-conditional (or, if appropriate, career) appointments in the competitive service under 5 CFR 315.708.

(4) Placement must be made effective at any time after certification by the EDC, but no later than the expiration of a Fellow's or Senior Fellow's initial appointment, including any extensions.

(5) A Fellow or Senior Fellow who was initially appointed to a permanent position in an agency excepted from the competitive service upon completion of the program may be appointed subsequently to a full-time permanent position in the competitive service without further competition one time in accordance with the requirement of 5 CFR 315.708 and Executive Order 13318.

(6) Service under the PMF Program is creditable toward career tenure in the competitive service, if the Fellow or Senior Fellow is converted to a career-conditional (or, if appropriate, career) appointment under 5 CFR 315.708.

**b. Conversion Based on Service as a Fellow**

(1) **Non-Competitive Conversion.** A Fellow must be converted non-competitively to career-conditional (or, if appropriate, career) employment when the following criteria are met:

(a) Successful completion of the PMF Program as certified by the EDC; and

(b) Satisfaction of all citizenship, suitability, and qualification requirements.

(2) **Tenure on Conversion.** An employee whose appointment is converted to a permanent position in the competitive service under paragraph (1) of this section becomes:

(a) A career-conditional employee except as provided in paragraph (2)(b).

(b) A career employee when he or she has previously completed the service requirement for career tenure (which may include service as a Fellow) or is excepted from it by [5 CFR 315.201\(c\)](#).

**c. Conversion Based on Service as a Senior Fellow**

(1) **Non-Competitive Conversion to Competitive Service.** A Senior Fellow must be converted non-competitively to career-conditional employment (or, if appropriate, career), when the following criteria are met:

- (a) Successful completion of the PMF Program as certified by the EDC at the time of conversion;
- (b) Satisfaction of all citizenship, suitability, and qualification requirements.

(2) **Tenure on Conversion to Competitive Service.** An employee whose appointment is converted to career-conditional (or, if appropriate, career) employment under paragraph (1) of this section becomes:

- (a) A career-conditional employee except as provided in paragraph (3)(b);
- (b) A career employee when he or she has completed the service requirement for career tenure (which may include service as a Senior Fellow) or is excepted from it by [5 CFR 315.201\(c\)](#).

(3) **Non-Competitive Appointment in the Senior Executive Service.** A Senior Fellow may be appointed without further competition to the Senior Executive Service, when the following criteria are met:

- (a) Successful completion of the PMF Program as certified by the EDC at the time of conversion;
- (b) Satisfaction of all citizenship, suitability, and qualification requirements; and
- (c) Certification by the Qualifications Review Board as prescribed in [5 CFR 317.502](#).

(4) **Tenure on Conversion to Senior Executive Service.** An employee whose appointment is converted to the Senior Executive Service becomes a Career Senior Executive Service employee subject to a 1-year probationary period.

**d. Acquisition of Competitive Status.** An employee whose employment is converted to career-conditional (or, if appropriate, career) employment under this section acquires competitive status automatically upon conversion.

**e. Probationary Period**

(1) In accordance with 5 CFR 315.708(c), Fellows and Senior Fellows converted to career-conditional (or, if appropriate, career) employment will not be required to serve a probationary period following their conversion to the competitive service.

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(2) Senior Fellows converted to positions in the SES are subject to a 1-year probationary period.

**12. EXPIRATION OF PMF APPOINTMENTS**

a. The appointment of a Fellow or Senior Fellow expires at the end of the 2-year period, plus any extensions.

b. One of the following results must occur:

(1) The Fellow or Senior Fellow initially appointed under 5 CFR 213.3102(ii) or 5 CFR 213.3102(jj) receives certification of successful completion of the program from the EDC and is converted to a career-conditional (or, if appropriate, career) appointment in accordance with 5 CFR 315.708 without a break in service.

(2) The Fellow or Senior Fellow initially appointed to a permanent position excepted from the competitive service receives certification of successful completion of the program from the EDC and is converted to a permanent position in the excepted service.

(3) The Senior Fellow receives certification of successful completion of the program from the EDC, receives certification from OPM's Qualifications Review Board, and is appointed to the Senior Executive Service.

(4) If the Fellow or Senior Fellow does not receive certification of successful completion of the program from the EDC and is not converted to a career-conditional (or, if appropriate, career) appointment, the PMF appointment terminates.

(a) Fellows or Senior Fellows who are not certified by the EDC as successfully completing the program are not eligible for conversion to a permanent appointment.

(b) Fellows or Senior Fellows not certified by the EDC as successfully completing the program may request reconsideration by the OPM Director or designee.

1. Requests must be submitted in writing within 15 calendar days of the date of the EDC determination not to certify successful completion. Requests must include documentation and justification of successful completion.

2. The Fellow or Senior Fellow may continue in the program pending the outcome of the request for consideration. VA will continue to provide appropriate developmental activities during this time.

3. The OPM Director's determination is final and not subject to further appeal.

(c) Fellows or Senior Fellows whose PMF appointments have been terminated and who held a career-conditional or career appointment before entering the program may seek reinstatement under 5 CFR 315.401 and are responsible for performing their own job searches.

(d) Fellows or Senior Fellows who have worked in a permanent Federal service job and have veterans' preference or career tenure are eligible for reinstatement without time limit.

(e) Fellows or Senior Fellows with career-conditional tenure are eligible for reinstatement for 3 years following the date of separation from the Federal government.

### **13. WITHDRAWAL FROM THE PMF PROGRAM**

a. A Fellow or Senior Fellow may withdraw from the program at any time by resigning his or her appointment, which is considered a resignation from the Federal service. However, any obligations established at appointment such as accepting a recruitment bonus still apply

b. A Fellow or Senior Fellow who held a career-conditional or career appointment in VA immediately before entering the program, and who withdraws from the program for reasons that are not related to misconduct, poor performance, or suitability, may at VA's discretion be placed in a career-conditional or career position as appropriate by the VA organizational entity that selected the employee for the PMF Program.

c. VA organizational entities must inform OHRM&LR Human Resources Development Service (053) when a Fellow or Senior Fellow withdraws from the program. In accordance with 5 CFR 362.207(a)(3), OHRM&LR Human Resources Development Service (053) will inform OPM when a Fellow or Senior Fellow withdraws from the program.

### **14. READMISSION**

a. Fellows or Senior Fellows who have withdrawn from the program for reasons not related to misconduct, poor performance, or suitability may petition a specific VA organizational entity for readmission and reappointment to the program.

(1) Petitions from Fellows or Senior Fellows must be submitted in writing and include justification and documentation for readmission.

(2) VA entities wishing to readmit former Fellows or Senior Fellows must forward petitions along with the individual's projected status in the program upon approval of readmission and reappointment to the program to OHRM&LR Human Resources Development Service (053) which will forward requests to OPM for final determination and approval.

(3) OPM's final determinations regarding readmission and reappointment are not subject to appeal.

b. Readmission to the program will not be granted if a Fellow or Senior Fellow withdraws from the program for reasons related to misconduct, poor performance, or suitability.

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**15. MOVEMENT OF FELLOWS AND SENIOR FELLOWS BETWEEN DEPARTMENTS AND AGENCIES**

- a. Fellows or Senior Fellows may move from one department or agency to another at any time during the program appointment period.
- b. Fellows or Senior Fellows coming to VA may be reappointed without a break in service after separating from their current agency under 5 CFR 213.3102(ii) or 5 CFR 213.3102(jj), respectively.
- c. Senior Fellows moving from another department or agency to VA during the program must be approved by the EDC prior to appointment at VA for continuation in the program. (Procedures for requesting EDC approval are available in the VA Presidential Management Fellows Program Guide issued by OHRM&LR Human Resources Development Service (053).)
- d. Time served in the program at a previous department or agency will apply towards the completion of the program at VA since there is no break in service.
- e. The VA organizational entity gaining or losing a Fellow or Senior Fellow must notify OHRM&LR Human Resources Development Service (053) of the move of the Fellow or Senior Fellow to or from another department or agency.]



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- (b) Service disabled veterans (5 CFR 315.604);
- (c) Service disabled veterans (30 percent or more) (5 CFR 315.707);
- (d) Severely physically disabled or mentally retarded employees (5 CFR 315.709); and,
- (e) Presidential Management Fellows [and Senior Fellows] (5 CFR 315.708).

**d. Career Promotion of an Employee Whose Position [I]s Reconstituted to a Higher Grade**

(1) **Requirement** - An employee whose position is reconstituted to a higher grade because of the accretion of additional duties and responsibilities may receive a career promotion.

**NOTE:** *The basic function of the original position must continue to be a part of the new one.*

(2) **Guidance** - Employees serving on identical-additional position descriptions are supposed to perform identical duties. It is the supervisor's responsibility to ensure that subordinates perform described duties. To single out one of several such employees for this type of career promotion may, therefore, be interpreted by others to be an act of personal favoritism. Any action of this nature should occur only after careful consideration and sufficient justification.

(3) **Guidance** - There may be times when circumstances require the assignment of additional duties and responsibilities to a position which will result in a promotion and competition is not practical. Some examples are:

(a) Higher level management decision results in a change in workload, technology, procedures or organization and provides for no increase in ceiling. The decision results in a need for a higher grade job to accomplish the assigned tasks. Only one of the employees in the affected unit, which is at ceiling, can qualify for the job;

(b) An increase in technology results in the purchase of new equipment for a line of work requiring an increase in the level of duties and responsibilities for those who will operate it. The employees will continue to perform the same basic function but at a higher level required by the new equipment;

(c) Additional personnel are assigned to an organization that results in a supervisor's position being upgraded;

(d) Additional responsibilities are imposed by law, rule, regulation or policy. To carry out the mandate, new duties must be added to a position in a unit and only one position provides the knowledges, skills or abilities necessary for satisfactory performance in the new job; or

(e) An employee performs a job in such an exemplary manner that other key employees outside the unit gradually come to rely on that person to such an extent, and involving such complicated issues, that eventually the employee is performing duties which are properly classified at a higher grade.

**APPENDIX B. TIME-IN-GRADE RESTRICTIONS  
(TITLE 5 – 5 CFR, PART 300, SUBPART F)**

- 1. PURPOSE.** This appendix contains current VA policy on time-in-grade (TIG) restrictions for promotions to General Schedule positions in both the competitive and excepted service.
- 2. APPLICABILITY OF TIME-IN-GRADE RESTRICTIONS.** The provisions of the TIG restrictions as set forth in 5 CFR, part 300, subpart F, govern advancement to General Schedule positions in the competitive service only. In VA, however, these regulations have been extended to advancement to excepted service positions that are subject to the General Schedule. Although the TIG restrictions are not applicable to positions outside the General Schedule (e.g., wage system jobs); noncompetitive actions in wage system jobs or between wage system jobs and General Schedule positions must be consistent with competitive merit principles even in the absence of specific controls or restrictions on excessively rapid promotions. 5 CFR 330.501 provides instructions on the Office of Personnel Management's separate but related time-after-competitive appointment requirement.
- 3. GENERAL RESTRICTIONS.** The application of the general restrictions will be as outlined in 5 CFR 300.602 and 300.604.
- 4. VA EXCEPTIONS TO TIME-IN-GRADE RESTRICTIONS.** In addition to TIG exceptions listed in 5 CFR 300.603, the following conditions are applied in VA:
  - a. Persons Within Reach on a Register.** The TIG restrictions do not apply to persons who are within reach on an appropriate register maintained by a VA Excepted Board of Examiners for an excepted service position provided that all other statutory and regulatory requirements are met.
  - b. Promotions in Accordance With a Training Agreement.** Employees who are being promoted under the terms of a training agreement which provides for an exception to normal TIG restrictions because of an accelerated rate of training are not subject to the TIG restrictions. Such agreements will be approved by the Administration [or Staff Office] Head subject to concurrence by the Office of Human Resources Management and Labor Relations, Recruitment and Placement Policy Service (059). However, an employee may not be promoted more than two grades in 1 year solely on the basis of a training agreement or a series of training agreements.
  - [c. Presidential Management Fellows Program.** Employees serving in Presidential Management Fellow and Senior Fellow appointments are not subject to normal TIG restrictions, as permitted by 5 CFR 362.204. Promotions must be made using the procedures of VA Handbook 5005, Part II, Appendix Q.]
- 5. AUTHORITY TO WAIVE TIME-IN-GRADE RESTRICTIONS.** The Secretary may waive TIG restrictions for competitive and excepted service positions for advancements of not more than three grades during any 1 service year to avoid undue hardship or inequity in an individual case of a meritorious nature. Requests for such waivers should be submitted as outlined in paragraph 6 [ ].

## 6. SUBMITTING REQUESTS

a. Requests for waivers of TIG restrictions must be submitted over the signature of a field facility director, or Administration [or Staff Office] Head, as appropriate. Such requests must contain documentation fully supporting the request and will be forwarded through channels to the Office of Human Resources Management and Labor Relations, Recruitment and Placement Policy Service (059) for technical review, recommendations, processing and maintenance of records. Before forwarding requests to VA Central Office for consideration, signatory officials will carefully review them to ensure that all other requirements for promotion, including quality and length of experience requirements contained in the appropriate qualification standard, are met.

b. The following minimum records will be maintained by the Recruitment and Placement Policy Service (059), Office of Human Resources Management and Labor Relations, for each action taken under this authority: (1) type of action taken; (2) processing time for taking the action; (3) name of person authorizing the final action; (4) date of the decision on the action; and (5) a brief statement of the rationale for the decision. These records will be kept and available for audit by OPM for at least 2 years. Additionally, the monitoring process may require information concerning problems and/or benefits which may result from use of this authority.

**7. INAPPROPRIATE USE OF TIG WAIVER.** A TIG waiver is not to be used to provide early promotions in recognition of an employee's outstanding performance of official duties. Outstanding performance should be recognized through such measures as quality step increases, superior performance awards or other appropriate special achievement awards. A justification citing high level performance, dedication and/or demonstrated potential to work at a higher grade will not normally support a TIG waiver.

**8. CLARIFICATION OF APPLICABLE TERMS.** In applying TIG restrictions, the following principles will be used in VA for both competitive and excepted service employees:

a. **Excessively Rapid Promotion.** The basic intent of the TIG restrictions is to prevent "excessively rapid promotion." Excessive in these instances refers to any proposed advancement which outstrips reasonable expectations of growth in job demands or employee competence. For example, any promotion of more than two grades or any request involving a second TIG waiver for the same person would normally be considered excessive.

b. **Hardship or Inequity.** In interpreting these terms, hardship basically refers to the effect on the Department's mission while inequity refers to a burden on the employee.

c. **Undue Hardship or Inequity.** The excessiveness or unreasonableness of the hardship to the agency and/or inequity to the employee must be fully documented. Typically, an undue hardship or inequity must be one that is unusual or extraordinary and not one which other employees in the same or similar situation and/or grade level are normally required or expected to undergo on a regular basis. Such an undue hardship or inequity must be both unavoidable and uncorrectable through valid actions other than a TIG waiver. If the situation the facility wishes to have redressed resulted from planned management action or from failure to exercise proper position management, or if it can be corrected by job restructuring or redistribution of work, consistent with classification requirements, then no undue hardship or inequity exists. Moreover, undue hardship or inequity normally occurs only when all other requirements for promotion other than TIG have been met.