

STAFFING

- 1. REASON FOR ISSUE:** To update Department of Veterans Affairs (VA) policy concerning without compensation (WOC) appointments.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** The page in this issuance replaces the corresponding page number in VA Handbook 5005, Part II, Appointments. These changes will be incorporated into the electronic version of VA Handbook 5005 that is maintained on the [Office of Human Resources Management Web site](#). Significant changes include updates to provisions concerning WOC appointments and reference to VA Handbook 5001, System of VA Human Resources Management Directives and Handbooks, and the delegation of appointment authority of VA volunteers to Chiefs, Voluntary Service / VA Voluntary Service Program Managers.
- 3. RESPONSIBLE OFFICE:** The Recruitment and Placement Policy Service (059), Office of the Deputy Assistant Secretary for Human Resources Management.
- 4. RELATED DIRECTIVE:** VA Directive 5005, "Staffing."
- 5. RESCISSIONS:** None.

CERTIFIED BY:

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

/s/Robert T. Howard
Assistant Secretary for
Information and Technology

/s/Paul J. Hutter
Executive in Charge of the Office of
Human Resources and Administration

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4. TYPES OF APPOINTMENTS

a. **Competitive Service Appointments (5 CFR 315 and 316).** Subject to meeting the requirements of law, Office of Personnel Management (OPM) regulations, and VA policies, appointing officers may use any applicable civil service authority to make competitive and noncompetitive appointments in the competitive service. Also see 5 CFR, parts 300, 330, and 332, and section B, this chapter for related information.

b. **Excepted Service Appointments.** For information on these appointments, see section C of this chapter and 5 CFR, parts 213, 300, 302, 304, 307 and 308. Other relevant statutory references may be found in 5 U.S.C. Chapter 31, subchapter I.

c. **WOC (Without Compensation) Appointments [5 U.S.C. 3111, 38 U.S.C. 513, 5 CFR 213.3102(k) and] 5 CFR 304.102(h)**

(1) As a general rule, voluntary or gratuitous services furnished on the initiative of a person, without a written agreement with VA, will not be accepted, neither will such services be used in lieu of the regular employment of employees under the competitive or excepted service procedures. When such services are used[,] they must be supplementary to the employment of essential personnel.

(2) Voluntary or gratuitous services may be accepted under an agreement (See 7 Comp. Gen. 810. Also see VHA [Handbook 1620.1], for information on the VA Voluntary Service program, and chapter 3, this part, for information on WOC appointments made under 38 U.S.C. Ch 74. See 5 CFR, part 308, for information concerning voluntary performance by students in connection with educational programs under authority of 5 U.S.C. 3111.) VA is specifically authorized by 38 U.S.C. 513 to accept uncompensated services for the purpose of carrying out all laws administered by VA. To perform such services the person must meet legal and regulatory requirements and enter into a written agreement containing the following points as a minimum:

(a) The identity of the person.

(b) The identity of the VA establishment, the organizational segment where the service is to be performed, and the nature of the service.

(c) The inclusive dates of the agreement[;] or in lieu of a terminal date[,] a statement such as “for an indefinite period.”

(d) A waiver of all claims to monetary remuneration.

(e) A provision to cancel the agreement by either party upon written notification.

(f) Authority under which the agreement is made (38 U.S.C. 513).

(g) Signature of the person and the VA appointing official. [(Reference: VA Handbook 5001, Part II, paragraph 8c.)]