

**VA HUMAN RESOURCES MANAGEMENT POLICY – POLICIES AND
INSTRUCTIONS PRIMARILY APPLICABLE TO VA PERSONNEL UNDER CIVIL
SERVICE RULES AND REGULATIONS**

1. REASON FOR ISSUE: This Veterans Health Administration (VHA) supplement reissues policy incorporating all changes formerly contained in VHA Circulars, Interim Issues, and errata relating to Department of Veterans Affairs (VA) Manual MP-5, Part I, Chapter 302.

2. SUMMARY OF CONTENTS/MAJOR CHANGES: This reissuance:

a. Reflects Public Law 100-527, Department of Veterans Affairs Act, dated October 23, 1988, establishing VA as well as major component and other titles, including the Secretary of Veterans Affairs and Under Secretaries.

b. Reflects changes due to re-codification of Title 38, United States Code (U.S.C.); changes to 5 U.S.C.; Title 5, Code of Federal Regulations (CFR) and abolishment of the Federal Personnel Manual.

c. Reflects changes due to re-codification of 38 U.S.C.

d. Uses current nomenclature to describe internal delegations of authorizations and program responsibilities.

3. RELATED ISSUES: MP-5, Part I, dated December 31, 1998.

4. RESPONSIBLE OFFICE: The Office of the Deputy Assistant Secretary for Human Resources Management (05) is responsible for the contents of this supplement.

5. RESCISSIONS: VHA Supplement to MP-5, Part I, 302, dated December 4, 1979, is rescinded.

6. RECERTIFICATION: This document will not be recertified, and is temporary in nature, until the MP-5, Part I and its supplements are published under the Directives Management System.

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CHAPTER 302. EMPLOYMENT IN THE EXCEPTED SERVICE

NOTE: Schedule A and Schedule B authority are found under Title 5, Code of Federal regulations (CFR) subpart C.

SECTION A. EMPLOYMENT OF REHABILITATION TECHNICIANS**302A.01 SCOPE**

The Office of Personnel Management's (OPM) approval for the Department of Veterans Affairs (VA) to employ Rehabilitation Technicians, General Schedule (GS)-3 through GS-11, in our drug and alcohol dependence treatment centers under the special schedule A authority remains in effect. Employees appointed under this authority must be former VA or non-VA drug dependent or alcoholic patients who have been rehabilitated through a prescribed treatment program. Former patients, including those that may be continued on an outpatient maintenance therapy basis, may be appointed under this authority. In-hospital patients will not be appointed to these positions.

302A.02 APPOINTMENT DETERMINATIONS

a. The employment of Rehabilitation Technicians in the excepted service will be made under schedule A, section 213.3127(b), authority. Facilities using this authority will follow the requirements and procedures contained in 5 CFR 302 and this supplement. Prior approval by VA Central Office must be obtained before any appointment commitment is made. The application package, showing pertinent experience, the name and location of the applicant's rehabilitation program, and letters or statements attesting to candidate's rehabilitation will be forwarded to the Chief, Mental Health Strategic Health Group (116) for approval. Once the appointment has been approved, these letters and/or statements will be disposed of in accordance with current VHA records disposal policies. Facility Directors will ensure that copies of letters or statements concerning an applicant's drug or alcohol dependence rehabilitation are not retained in personnel files nor made a part of the employee's medical records.

b. Applicants for Rehabilitation Technician positions must meet the qualification requirements contained in the VA qualification standard for Rehabilitation Technician, GS-181, dated April 3, 1972.

c. This schedule A authority may be used in addition to, rather than in lieu of, the regular competitive civil service employment procedures. Continuing efforts should be made to convert employees holding excepted appointments to competitive status when warranted by their performance. This will give these employees the greater benefits of competitive status such as reinstatement and transfer rights and eligibility for in service placement to other lines of work.

302A.03 NOTIFICATION OF EMPLOYMENT

a. The number of Rehabilitation Technicians employed under schedule A authority will be controlled to insure that the OPM employee limitation is not exceeded. To accomplish this,

Directors will notify Chief, Mental Health Strategic Health Group (116), of each appointment, giving the following information:

- (1) Name of employee.
- (2) Position of title, series, and grade.
- (3) Date of appointment.
- (4) Veteran preference eligibility (5 or 10 point) and a copy of Department of Defense Form DD 214, Report of Separation from Active Duty.
- (5) Agency (VA or non-VA) in which employee completed rehabilitation treatment.

b. Directors will likewise notify VA Central Office whenever a Rehabilitation Technician leaves excepted employment giving:

- (1) Name of employee.
- (2) Date and reason for leaving (includes conversion to competitive status).

SECTION B. EMPLOYMENT OF MEDICAL RESEARCH PERSONNEL

302B.01 SCOPE

The schedule B excepted service appointing authority for up to 800 scientific, professional and technical positions at grades 11 and above in VA medical research programs, previously approved by the OPM, remains in effect.

302B.02 APPOINTMENTS

a. Appointments made under this delegated schedule B, section 213.3227(a) authority may be made for any period of time.

b. VHA facilities using this authority for scientific, professional and technical positions at GS-11 and above and principal investigator positions at the GS-12 level are required to follow Part 302 and MP-5, Part I, Chapter 302, VA Excepted Board Procedures in filling these positions.

c. VHA facilities using this authority for principal investigator positions at GS-13 and above are not required to follow Part 302 and MP-5, Part I, Chapter 302, VA Excepted Board procedures. Veteran preference, however, must still be applied in filling these positions.

d. Applicants for these positions must meet the appropriate VA or OPM Operating Manual for Qualification Standards for General Schedule Positions qualification requirements for the specific position to which appointed.

302B.03 USE OF OTHER APPOINTING AUTHORITIES

a. The schedule B authority is not intended to replace other available appointment authorities. One example of an appropriate use of the authority would be the appointment of a new principal investigator just completing Ph.D. requirements and having no experience as the lead investigator in a major medical research project.

b. Many research positions are continuing in nature and are filled by career or career-conditional appointment. The career or career-conditional appointment should be used whenever it is appropriate.

c. Projects which are expected to last no more than 4 years may continue to be staffed through the use of the 4-year term appointment authority.

302B.04 PERSONNEL ACCOUNTING INTEGRATED DATA (PAID) REPORTING

a. For PAID reporting purposes, it is necessary to identify employees appointed under this schedule B authority. This will be accomplished by the use of assignment code "MR". Assignment code "MR" and PAID authority code "V8" (schedule B, sec. 213.3227(a)) will be

used to complete appropriate items of appointment or conversion VA Form 5-4652. If an employee is converted from an appointment under this authority to a different type of appointment, the assignment code should be changed to zeros in the normal manner.

b. PAID-generated reports will be reviewed periodically to insure that the ceiling of excepted schedule B employees on VA rolls is not exceeded and to monitor occupational use by the facility.

302B.05 EMPLOYEE RIGHTS, PRIVILEGES, AND BENEFITS

a. **Position Changes.** Employees may be demoted, promoted or reassigned to positions under the same excepted authority.

b. **Reduction-in-Force (RIF).** In instances where a project is terminated prior to the time the appointment of schedule B employees expired, RIF procedures must be used to remove such employees. Schedule B employees are in group III for RIF. As excepted service employees, they have no assignment rights when released from their competitive levels.

c. **Adverse Action.** Employees may have entitlements to due process and certain appeal or grievance rights, depending on the length of current continuous service, veterans preference and bargaining unit status. When contemplating adverse action, the provisions of VA policy manuals MP-5, Part I, Chapter 752 and Chapter 771, as well as the terms of any applicable collective bargaining agreement should be reviewed.

d. **Leave.** Excepted employees are covered by the same time and leave regulations applicable to employees in the competitive service.

e. **Retirement.** Excepted employees whose appointments are for more than 1 year are covered by the OPM retirement system. Excepted employees whose appointments are for 1 year or less are covered under social security.

f. **Life Insurance and Health Benefits.** Excepted employees whose appointments are for more than 1 year are entitled to life insurance and health benefits.

302B.06 CITIZENSHIP

The citizenship requirements contained in MP-5, Part I, Chapter 300, subparagraph 5g, are applicable.