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CHAPTER 338. QUALIFICATION STANDARDS
(To Be Used With 5 CFR 338)

1. SCOPE

This chapter supplements and is to be used in conjunction with related parts of 5 CFR, e.g., 338, and 339, and the instructions contained in OPM's Operating Manual – Qualification Standards for General Schedule Positions and OPM's X-118C Handbook. The chapter provides VA policies and procedures for the development and use of qualification standards and examining guides for VA positions except:

- a. Excepted positions in the Veterans Canteen Service under 38 U.S.C. ch. 78.
- b. Positions filled by WOC (without compensation) employees. (See ch. 300, this part.)
- c. Positions filled by physicians, dentists, nurses, and nurse anesthetists under 38 U.S.C. 73 and 74.
- d. Positions filled by purchase and hire employees under schedule A authority. Qualification standards of comparable positions, however, will apply. (See X-118C Handbook.)

2. POLICY

a. Qualification standards establish minimum requirements which are predictive of successful performance. These standards will be applied uniformly for like positions throughout VA, unless labor market conditions or atypical positions within an occupational group or other meritorious reasons warrant modifications or waivers of the standard to meet management objectives. Unless stated otherwise in the standard or other applicable instruction, the standards for noncompetitive actions will be the same as those for competitive appointments.

b. In the interest of sound human resources management, VA standards for positions not requiring formal technical or professional education or training will permit latitude for rotating and shifting employees in career development programs and other training and placement plans. Where feasible, standards will be developed or appropriately changed to permit the employment of the disadvantaged and the handicapped.

c. The application of qualification standards in VA is an integral part of the agency's overall human resources program. In that context, it includes, unless stated otherwise in an individual standard, application of those related policies and procedures in the following chapter(s) of the FPM and parts of the Code of Federal Regulations:

(1) Part 337, "Examining System," including the provision for giving appropriate credit to applicants for participation in community, cultural, social service, and similar volunteer activities.

(2) Part 412, "Executive, Management, and Supervisory Development."

(3) FPM Chapter 713, "Equal Opportunity."

(4) Part 930, "Programs for Specific Positions and Examinations (Miscellaneous)."

3. GENERAL GUIDELINES

a. Definition. As used in this chapter, a qualification standard is a statement of the minimum requirements that an individual must meet to be qualified for appointment or assignment to a position. These requirements include such considerations as experience, education, training, personnel characteristics, physical ability, minimum age, citizenship, and licensure or certification.

In a broad sense, a qualification standard includes the examining guides, rating schedules, rating scales and other standardized measuring devices and techniques through which the qualifications of candidates are evaluated. A qualification standard does not include the more general requirements such as member-of-family restrictions, apportionment, security, or time-in-grade requirements.

b. Minimum Standards. Qualification standards issued by OPM and VA establish minimum requirements. They usually cover an entire occupation and apply throughout the Federal Government or VA. The title, series codes, and grades stated in the standards serve the dual purpose of identifying the standard and its scope in terms of position coverage. Some standards, usually those concerning more than one class or series, may have a general title that is descriptive of all the positions covered.

c. Interpreting Standards. The determination as to whether an individual meets qualification requirements is made through an analysis of personal data or experience records, as well as interviews, approved tests (oral, written, or performance), and qualification investigations. In applying VA and OPM standards, VA appointing and examining officials are expected to make decisions on the interpretation of standards. When such matters cannot be reconciled, interpretations or decisions will be obtained from the servicing OPM office or from the Deputy Assistant Secretary for HRM (05), as appropriate.

d. Selective Certification (5 CFR, Part 332). These procedures may be used as appropriate.

e. Selective Placement Factors (5 CFR, Part 335). These factors may be used in applying qualification standards.

f. Relationship of "Classification Qualification Statements" to Qualification Standards (OPM Handbook X-118, Pt. II). The minimum nature of qualification standards distinguishes them from the "qualification statements" contained in classification or wage position evaluation standards. The latter often describe levels of skills or abilities which are normally acquired through performance in a position.

g. Progressively Responsible Experience (OPM's Operating Manual for Qualification Standards for General Schedule positions, Section II General Policies and Instructions, E. Application of Qualification Standards, 3. Experience Requirements). In qualification standards requiring progressively responsible experience, where that term is not specifically defined,

candidates must show pertinent experience of increasing importance and responsibility, at successively higher levels, with a substantial portion having been performed at a level comparable to the grade normally next below the grade in the line of work for which they are candidates.

h. Training and Promotion Agreements (5 CFR 410.307). Special training agreements negotiated with OPM are, in effect, changes in qualification standards. These are, by nature of the agreement, conditional and limited in nature, but constitute an approved exception to the normal application of a standard.

i. Physical Requirements. See 5 CFR 339.203, and this part.

4. VA QUALIFICATION STANDARDS

a. General. The VA develops its own qualification standards or approves the use of OPM qualification standards for the following:

(1) Classified positions through grade GS-15 excepted from the competitive service under schedule A or C of OPM's regulations (FPM Supp. 990-1, rule VI).

(2) Medical support positions in the Veterans Health Administration as authorized in 38 U.S.C. 7402. As a matter of general policy, the VA will not use this authority for clerical, administrative, crafts and unskilled positions except where the needs of the VA clearly require different standards from those issued by OPM for similar positions. This policy recognizes the desirability of having the same requirements for like positions in all Federal agencies.

b. Authority To Approve VA Standards. The Deputy Assistant Secretary for HRM is authorized to approve for the Secretary qualification standards and examining guides which are established within the agency. OPM will be furnished copies when they relate to positions in the competitive civil service.

c. Issuance of Standards. VA qualification standards are usually issued in an appendix to the Veterans Health Administration supplement to this chapter. They are also issued by OPM in the Operating Manual for Qualification Standards for General Schedule Positions, noted as approved for use in the Veterans Health Administration or as a VA Single Agency Qualification Standard, when applicable.

d. Selective Certification. Through agreement with OPM, VA standards will be used to request selective certification from Interagency Boards of Examiners whose registers were established to fill similar positions. Any misunderstandings concerning this agreement are to be reported, through channels, to the Deputy Assistant Secretary for HRM (05).

5. OPM QUALIFICATION STANDARDS

a. Issuance of Standards. The Office of Personnel Management (OPM) develops and issues qualification standards in the Operating Manual for Qualification Standards for General Schedule Positions. These are supplemented by examining guides for (1) the preparation of examination

announcements and (2) the development of rating schedules and procedures. Examining offices of OPM may amend OPM qualification standards for the positions involved for both competitive and noncompetitive actions.

b. Exceptions to OPM Qualification Standards. Facility Directors and the Team Leader, Headquarters and Executive Resources Team, may negotiate with and obtain the prior approval of the appropriate OPM office for exceptions to OPM qualification standards, except for the positions below, which require the prior approval of the Under Secretary for Benefits:

(1) All positions in Adjudication Divisions in the GS-101 and 996 series grade 5 and above.

(2) All Counseling Psychologist positions in the GS-180 series. Recommendations for these positions will be forwarded to the Deputy Assistant Secretary for HRM (05) through channels.

c. Coordinating and Approving Standards. The Deputy Assistant Secretary for HRM is responsible for coordinating all qualification standards matters within the VA and with other agencies. This includes coordinating the approval of standards to be issued as Single Agency Qualification Standards and the adoption of OPM standards for use in the Veterans Health Administration.

6. DEVELOPING QUALIFICATION STANDARDS

a. General. Qualification standards (VA or OPM) and examining guides will be developed by the Deputy Assistant Secretary for HRM in cooperation with interested department, Central Office, and field station officials. VA established standards and guides will be approved by the Deputy Assistant Secretary for HRM, with proposed OPM standards and guides forwarded to OPM for necessary action.

b. Field Facilities. Field facilities, including the Headquarters and Executive Resources Team, are encouraged to make recommendations for new or revised standards or examining guides to the Deputy Assistant Secretary for HRM (05) through channels. Submissions will follow the standards format of OPM's Operating Manual for Qualifications Standards for General Schedule Positions or supplements to this chapter. Explanatory background material, organizational and position coverage data, along with other pertinent supporting information will be included.

c. Reviewing Proposed Qualification Standards. From time to time, field stations will be requested to review and comment on tentative drafts of VA as well as OPM qualification standards. The letter of transmittal will establish a due date for return of the comments. At times, arrangements will be made for the OPM to send drafts directly to selected field facilities. When this occurs, field facilities will forward their comments to the Deputy Assistant Secretary for HRM, through channels, no later than the midpoint date between the receipt of the draft and its due date as established by OPM.

7. MODIFICATION OF VA QUALIFICATION STANDARDS--GENERAL

a. Definition. Modification of a VA qualification standard is the changing of the requirements of a standard used to evaluate the qualifications of all candidates for a position. A standard may be changed only in the absence of fully qualified eligibles for both competitive and noncompetitive actions, e.g., appointments, reassignments, and promotions.

b. Effect on Later Actions. When an action has been taken on a modification of a standard, employees will be considered as having met the full requirements of the position when determining eligibility for subsequent placement actions, unless the applicable standard or other instructions specifically exclude this. (FPM, ch. 337)

c. Documenting Modifications. Modifications of VA qualification standards will be appropriately documented for the approving official and the record. The record will be supported by the following, as applicable:

(1) A summary of the recruitment and placement efforts made to locate qualified candidates.

(2) SF 171 or comparable document or a summary of the pertinent qualifications of the candidate(s).

(3) A summary of how the candidate(s) fails to meet the standards.

(4) Recommendations for the proposed modification by appropriate operating officials including any implications which should be known by the approving official.

8. MODIFICATION OF VA QUALIFICATION STANDARDS FOR COMPETITIVE EXAMINATIONS

a. Field Facilities

(1) Facility directors and the Team Leader, Headquarters and Executive Resources, may make agreements with the servicing OPM office or the Interagency Board of Examiners to modify only experience requirements of VA qualification standards for local examining purposes for non-centralized positions. If more than one VA station is in the area to be serviced by the established register, the agreement will be coordinated with all concerned stations. The initiating station will report such modifications, through channels, to the Deputy Assistant Secretary for HRM (05) and, if appropriate, include any specific recommendation for revision of the standard.

(2) Where modification of the training or education requirements of a standard is needed, or a centralized position is involved, the facility director will forward his/her recommendation, through channels, to the Deputy Assistant Secretary for HRM (05).

b. Central Office. The Deputy Assistant Secretary for HRM may make agreements with the OPM to modify training and education requirements and to modify standards for which

examinations are conducted on a centralized basis and coordinate such agreements for positions centralized to the Secretary or the department heads.

9. MODIFICATION OF VA QUALIFICATION STANDARDS FOR TEMPORARY EMPLOYMENT

a. General. In the absence of qualified eligibles, modification of a VA standard for temporary employment (time-limited or TAPER) is appropriate in accordance with the following criteria:

(1) Where reasonable positive staffing efforts have not located acceptable candidates who meet the qualification standard, modification of the length or type of experience, the amount of training, or education may be approved for temporary employment to enable the appointment of the candidate who most nearly meets the existing standard. Statutory or other requirements not shown above such as citizenship, licensure, and registration will not be modified.

(2) "Reasonable positive staffing efforts" means that thorough attempts have been made to locate fully qualified eligibles within the normal labor market area including the VA, other agencies, appropriate registers, the applicant supply file, the local office of the Employment Service, and any other sources that are used in intensified recruitment.

(3) In determining whether to modify a standard, consideration must include the likelihood of the person meeting the requirements for career appointment during his/her employment under the temporary appointment.

b. Field Facilities

(1) Facility directors and the Team Leader, Headquarters and Executive Resources, may modify only experience requirements of a VA qualification standard for positions at their facility, except those centralized to the department or to the Secretary. The modified standard is applicable to all like positions at the location and is to be uniformly applied in all actions affecting the positions involved for the duration of the circumstances which justify the modification. The initiating facility will report such modifications, through channels, to the Deputy Assistant Secretary for HRM (05).

(2) Where modification of the education or training requirements of a standard is needed, or a centralized position is involved, the facility director will forward his/her recommendation, through channels, to the Deputy Assistant Secretary for HRM (05).

10. MODIFICATION OF VA QUALIFICATION STANDARDS FOR NONCOMPETITIVE ACTIONS

a. Scope (FPM, Ch. 338). Certain requirements of VA qualification standards may be modified in noncompetitive actions as explained below. Those requirements which are prescribed by statute, e.g., the licensing, degree, and registration requirements of 38 U.S.C. 7402, however, will not be modified.

b. Criteria. Among the criteria which may form the basis for modifying a standard are:

(1) The absence of acceptable candidates who meet the standard. This contemplates that "reasonable positive staffing efforts" have been made and that the candidates for whom the modification is proposed represents those prospects who most nearly meet the qualification standard, in the judgment of the appointing officer concerned.

(2) Availability of candidates whose type or degree of qualification would probably have been included in the standard had they been considered when the standard was developed. In this instance, action will concurrently be initiated to recommend revision of the standard.

(3) Adequate consideration could not otherwise be given employees in terms of local merit promotion, placement, or employee development programs, in which valid evaluation and selection techniques are used.

c. Approving Modifications (Statutory Requirements Excluded)

(1) Facility directors and the Team Leader, Headquarters and Executive Resources, may modify only experience requirements of a VA qualification standard for noncompetitive actions. This authority is limited to non-centralized General Schedule positions GS-5 and below. For modification of the experience requirements for positions GS-6 and above, or when modification of the education or training requirements is needed, or a centralized position is involved, the facility director will forward his/her recommendation, through channels, to the Deputy Assistant Secretary for HRM (05). A notice of each approved modification will similarly be forwarded.

(2) Department heads, VISN/Network Directors, or VAMC Directors, after considering the recommendation of the Program Director, will approve modification of length of experience, training, and education requirements for their field positions except those delegated in (1) above and those centralized to the Secretary.

(3) The Deputy Assistant Secretary for Personnel will approve modifications of qualification requirements for Central Office positions except those delegated in subparagraph (1) above and those centralized to the Secretary.

(4) The Secretary or his/her designee approves modifications of qualification requirements for positions centralized to him/her.

11. WAIVER OF VA QUALIFICATION STANDARDS

a. Definition. A waiver is an exception to the qualification requirements of a standard applied to an individual in a noncompetitive action.

NOTE:

(1) A waiver may be made when it can be justified as the most appropriate means of filling the position. This means that consideration should be given first to alternate methods of filling the

position such as developing a training program, modifying the qualification standards, making use of detail provisions or recruiting from the outside. Generally, waivers are more appropriate for shortage category positions than in situations where qualified persons are available. A shortage category position is one where "positive recruitment effort" fails to produce qualified persons or where past experience has demonstrated that acceptable candidates are not available.

(2) In approving waivers there should be reasonable assurance that the employee's potential and demonstrated ability gives evidence of satisfactory performance in the new position and that necessary on-the-job or other required training will be available.

(3) Waivers are not proper where there is competition for the position such as a promotion made under a merit promotion plan.

b. Effect on Later Actions. When an employee is placed in a position through the waiver of the requirements of a standard, a correct application of a valid standard has not been made. To be considered for subsequent placement actions, the employee must make up the waived requirements when pertinent to the standard unless action is taken to again waive or modify the requirements.

c. Documenting Waivers. Waivers of VA qualification standards will be documented as described for modifications in paragraph 7c above.

d. Approving Waivers (Statutory Requirements Excluded)

(1) Facility directors and the Team Leader, Headquarters and Executive Resources Team, may waive only experience requirements of a VA qualification standard in a noncompetitive action to a non-centralized position. Where waiver of the training or education requirements of a standard is needed, or a centralized position is involved, the facility director will forward his/her recommendation, through channels, to the Deputy Assistant Secretary for HRM (05). A notice of each approved waiver will similarly be forwarded.

(2) Department heads, Veterans Integrated Service Network Directors, or Area Directors, after considering the recommendation of the Program Director, will approve waivers of length of experience, training, and education requirements for their field positions except those delegated in subparagraph (1) above, and those centralized to the Secretary.

(3) The Deputy Assistant Secretary for HRM will approve waivers of qualification requirements for Central Office positions except those delegated in subparagraph (1) above and those centralized to the Secretary.

(4) The Secretary or his/her designee approves waivers of qualification requirements for positions centralized to him/her.

12. INTERIM STANDARDS

a. General. When a position is not covered by a qualification standard or rating schedule, field facilities including the Headquarters and Executive Resources Team, will develop "interim" standards and related instructions as explained below. Such standards, examining guides, and rating schedules will follow the format and procedures of the applicable VA or OPM standards program. They will be identified as "interim" and will be superseded by a regular standard at the earliest practicable date.

b. VA Qualification Standards

(1) Facility directors approve "interim" VA standards, guides, or schedules for their positions except those positions centralized to the department head or the Secretary.

(2) The Team Leader, Headquarters and Executive Resources, approves "interim" VA standards and related instructions for Central Office positions except those centralized to the Secretary.

(3) Proposed "interim" VA standards and instructions for centralized positions will be forwarded to the Deputy Assistant Secretary for HRM(05), through channels, for necessary approval action by the department head or the Secretary.

c. OPM Qualification Standards. The official having appointing authority over the position (see subpar. b (1) and (2) above) will recommend "interim" standards and related instructions to the servicing OPM office for those positions subject to OPM qualification standards. For positions centralized to the department head or the Secretary, the proposed "interim" standard will be forwarded to the Deputy Assistant Secretary for HRM (05), through channels for processing.

d. Distribution. Two copies of each approved and recommended "interim" standard and related instructions will be forwarded to the Deputy Assistant Secretary for HRM (05), through channels. In addition, two copies of "interim" standards proposed for positions subject to the VA qualification standards program will be forwarded by the approving authority to the appropriate OPM office or Interagency Board of Examiners.