



DEPARTMENT OF VETERANS AFFAIRS  
DEPUTY ASSISTANT SECRETARY FOR  
HUMAN RESOURCES MANAGEMENT  
WASHINGTON DC 20420

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**HUMAN RESOURCES MANAGEMENT LETTER NO. 05-03-01**

**Veterans Preference and Title 38 Appointments**

**1. Purpose.** This Human Resources Management Letter (HRML) provides guidance to Department of Veterans Affairs (VA) servicing human resources (HR) officials about the application of veterans preference under VA's title 38 excepted service employment system.

**2. Background.** It is the Department's policy that qualified preference eligibles and other veterans receive appropriate VA employment preference. At a time when the Armed Forces of the United States are once again being called to protect America's freedoms, it is even more important that when preference eligibles and other veterans seek employment in VA, they are provided every opportunity to take advantage of the entitlements they have earned. In the attached November 15, 2002, memorandum for Federal Human Resources Directors, the Director, U.S. Office of Personnel Management also reminds departments and agencies of the importance that the President and his Administration place on veterans employment issues, including veterans preference.

**3. Discussion.** In 2001, audits conducted at selected VA health care facilities revealed that some facilities appeared to be unaware of veterans preference requirements when filling positions within the title 38 system. This HRML provides guidance and information on the application of veterans preference when filling positions in the title 38 system. In addition, VA intends to conduct veterans preference compliance audits of title 38 appointments made at randomly selected VA health care facilities beginning in early Summer 2003.

**4. Guidance.**

a. VA policy concerning veterans preference under title 38 is set forth in VA Handbook 5005, Part II, Chapter 3, Section A, Paragraph 3a. In summary, the primary consideration in making appointments of physicians, dentists, podiatrists, optometrists, nurses, nurse anesthetists, physician assistants, and expanded-function dental auxiliaries under 38 U.S.C. chapter 73 or 74, will be the professional needs of the Veterans Health Administration. Consistent with this policy, however, ***preference eligibles and other veterans will be given preference when qualifications of candidates are approximately equal.*** This includes qualified disabled veterans and preference eligibles as defined in 5 U.S.C. 2108.

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b. The application of veterans preference in appointments made to "hybrid" title 38 occupations such as certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, occupational therapists, and pharmacists is a statutory requirement [38 U.S.C. 7403(f)(2)]. When candidates for such hybrid positions are determined to possess approximately equal qualifications for a particular job or position, hiring consideration will be given to preference eligibles and other veterans as defined in 5 U.S.C. 2108. Selections from among these candidates will be made in the following order:

(1) Disabled veterans who have a service-connected disability of 10 percent or more [5 U.S.C. 2108(2)].

(2) Preference eligibles under 5 U.S.C. 2108(3)(C) through (G), other than those above (i.e., disabled veteran; unmarried widow or widower of a veteran who served on active duty in wartime or other designated service period; spouse of a service-connected disabled veteran not qualified for civil service employment; eligible mother of a veteran who lost his/her life in wartime or other designated service period; eligible mother of a service-connected permanently and totally disabled veteran).

(3) Preference eligibles under 5 U.S.C. 2108(3)(A) and (B) (i.e., veterans who served on active duty in wartime or other designated service period).

(4) Other veterans [5 U.S.C. 2108(1)].

(5) All other candidates.

c. Especially for VA, qualified preference eligible and other veteran applicants are an important source of candidates and must receive full consideration when making hiring decisions. The use of appropriate recruitment tools will help provide the best possible applicant pool. It is important that HR recruitment files be available to show that preference eligible and other veterans have been afforded the opportunity to apply for any appropriate title 38 vacancy for which facilities conduct external recruitment. To ensure that qualified preference eligible and other veterans are made aware of title 38 vacancies, the following resources should be considered when conducting recruitment:

- Paid advertising, including national and local newspapers, publications that target the military and veterans, and professional journals;
- VACareers Web site (accessible at <http://www.vacareers.com>);
- USAJOBS Web site (<http://www.usajobs.opm.gov>);
- VA Internet Job Opportunities Home Page (<http://www.va.gov/jobs>);
- VHA Job Opportunities (<http://vhacoweb1/humanres/employment.htm>);
- VA Vacancies Data Base (<http://vhacoweb1.cio.med.va.gov/vacareers>);
- *VA Recruitment Bulletin*;

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- Monthly Specialty Discharge Listing Report [see VA Handbook 5005, Part I, Chapter 2, Section A, Paragraph 3c(3)];
- Department of Labor state employment offices;
- Job announcements sent to military installations and/or veterans service organizations (<http://www.va.gov/vso>);
- Recruitment visits and job fair attendance at military installations and/or those sponsored by veterans service organizations;
- Establishment of working partnerships with state and local veterans service organizations, colleges, universities and other educational or training institutions; and
- Veterans Benefits Administration vocational rehabilitation offices.

d. When qualified veterans apply for appropriate vacancies, it is important that VA health care facilities establish and maintain documentation within HR files to demonstrate that qualified preference eligible and other veteran applicants received appropriate consideration for positions being filled, and to address the relative qualifications of preference eligible and other veteran applicants. At a minimum, facilities must be able to demonstrate from the written record why the qualifications of non-selected preference eligibles and other veterans are not approximately equal to those of selected candidates who either lack preference or are non-veterans, respectively.

e. The local facility director and HR officer should make selecting officials aware of their responsibilities and hold them accountable for supporting the hiring of qualified preference eligibles and other veterans. Training and advisory services should be available to supervisors and managers through means such as HR staff:

- Providing individual advice and assistance to recommending/selecting officials;
- Providing recommending/selecting officials with checklists/guidelines/instructions along with certificates of eligibles (as applicable);
- Conducting periodic supervisory training as well as new supervisor training;
- Providing guidance via the facility's web site, supervisor's manual, internal newsletter, senior management meetings, etc.; and
- Ensuring that supervisors and managers are aware of VA's Disabled Veterans Affirmative Action Program Plan (<http://www.va.gov/DMEEEO/annualreports.htm>).

**5. Reminder and Contacts Concerning Questions.** Field audits will be conducted at randomly selected VA health care facility HR offices for evidence of title 38 veterans preference compliance beginning in early Summer 2003. Questions concerning this HRML or the application of veterans preference under title 38 can be directed to

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Attachment