

STAFFING

- 1. REASON FOR ISSUE:** To revise Department of Veterans Affairs (VA) procedures regarding the promotion of employees appointed under 38 U.S.C. 7401(1) and 7405(a)(1)(A).
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook contains mandatory VA procedures on staffing and recruitment. The pages in this issuance replace related material in part II, chapters 1-3, of VA Handbook 5005, Staffing. These changes will be incorporated into the electronic version of the VA Handbook 5005, Staffing, that is maintained on the [Office of Human Resources Management and Labor Relations Web site](#). This revision reflects the following changes:
 - a. Removes specific title reference to hybrid title 38 occupations.
 - b. Removes reference to TAPER appointments.
 - c. Adds paragraph for delegating the approving authority for new hybrid title 38 occupations.
- 3. RESPONSIBLE OFFICE:** The Recruitment and Placement Policies 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:

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

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d. Every transaction as indicated above will require that the appointment authority screen the HHS OIG List of Excluded Individuals/Entities before obligating the Agency in any binding agreement. This HHS exclusionary list can be accessed electronically at [<http://oig.hhs.gov/fraud/exclusions.html>]. Information can be retrieved by searching the database on an individual's or an entity's name.

e. Where a reviewer can determine with certainty that a match exists, then no query to HHS is required. However, in the event that the individual or entity in question appears to be listed on the exclusionary list, but there is inadequate information to certify a match, the apparent match must be verified with HHS OIG prior to proceeding with the appointment/accesion.

f. The validation inquiry may be forwarded to HHS OIG by e-mail to SANCTION@OS.DHHS.GOV. This query requires the individual/entity name, specialty, DOB, SSN, tax ID number (if different from SSN), and address. The reply from the HHS OIG will become a part of the appropriate recruitment/merit promotion file and will be maintained as long as the file itself is maintained.

g. In the event that the individual or entity withdraws their application, a report of contact documenting the apparent match and any subsequent conversation will be entered into the file for that transaction and maintained as a part of the file as long as the file itself is maintained.

h. It is prohibited to hire or contract with individuals or entities during the validation process. If a match is confirmed, the applicant may not be paid from Federal healthcare program funds.

i. Regulatory information is contained in 42 CFR, parts 1000, 1001, 1002, 1003, and 1005.

3. SUITABILITY

a. Suitability determinations will be made in accordance with the provisions of 5 CFR, part 731, and applicable instructions in chapters 2 and 3, this part.

b. If there is any question about an applicant's suitability, no appointment action will be taken, nor will an employment commitment be made, until the matter has been resolved.

c. Questions concerning the use of adverse information in making suitability determinations should be directed to the Regional Counsel or to the [Office of Human Resources Management and Labor Relations (05[])], as appropriate. Questions concerning the legality of adverse determinations and personal liability involvement will also be referred to the Regional Counsel.

SECTION C. EMPLOYMENT OUTSIDE THE CONTINENTAL UNITED STATES**1. GENERAL**

a. This section contains the policies and procedures governing the employment of U.S. citizens at VA facilities in Manila, Republic of the Philippines; the States of Alaska and Hawaii; and the Commonwealth of Puerto Rico. It applies to all employees in the competitive and excepted civil service, including employees in the Veterans Health Administration employed under 38 U.S.C. chs. 73 and 74, (except as provided below) and also to employees in the Senior Executive Service. It does not apply to the appointment of non-U.S. citizens at the VA Regional Office Outpatient Clinic in Manila, Republic of the Philippines under 38 U.S.C. ch. 74 (see chapter 3, section G, paragraph 8, this part). It also does not apply to Veterans Canteen Service employees whose employment is authorized by 38 U.S.C. ch. 78.

b. For the purpose of this section, "continental United States" means the [48 contiguous] States and the District of Columbia, but does not include Alaska or Hawaii. The term "tours of duty" as used in this section encompasses and is synonymous with the term "period of service" as used interchangeably in 5 U.S.C. 5728(a) and in FPMR 302-1 in 41 CFR ch. 302. The term "vacation leave" as used in this section refers to annual leave granted to eligible employees in Alaska and Honolulu, between tours of duty, in connection with a Government authorized round trip back to their actual place of residence and return to Alaska or Honolulu. To be approved for an additional tour of duty and home leave or vacation leave, an employee must sign a transportation agreement (MP-1, pt. II, ch. 2) to remain in the service of VA at the present facility for the required additional tour. The term "home leave" has the meaning given in 5 U.S.C. 6305(a) and 5 CFR 630, subpart F. The place of "actual residence" as used in this section means the employee's actual residence at the time of appointment or transfer to the post of duty outside the continental United States (Unpublished Comp. Gen. B136029, June 24, 1958; 5 U.S.C. 5728(a) and FPMR 302-1, paragraph 302-1.12(c)(3)(ii)). In connection with the same appointment, FPMR 302-1, paragraph 302-1.12(c)(3)(iii) states, "After an employee has been transferred or appointed to a post of duty outside the continental United States, the location of the place of actual residence incorporated in the official records of such employment shall be changed only to correct an error in the designation of residence."

c. This section also applies to any VA facilities that may be established in the future in foreign countries or in areas controlled by the United States that are outside the continental United States.

2. POLICY

a. All positions at Manila which are filled by U.S. citizens are centralized to the Secretary or Administration Head, as appropriate.

b. The selection of employees for positions centralized to the Secretary or to an Administration Head will be approved in accordance with the Department delegations of authority described in VA Handbook 5001, General Introduction and Administration, part II, chapter 2, paragraph 8 for title 5 and title 38 positions. For title 38 positions, also see chapter 3, this part.

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c. Whenever possible, highly qualified VA employees will be selected for key positions outside the continental United States to be filled by U.S. citizens. Consideration of candidates may be limited, however, to those who apply when vacancies are announced or those who have officially indicated a willingness to accept these assignments.

d. Key positions at VA facilities outside the continental United States may be filled by appointment, or by the promotion, reassignment, or demotion of highly qualified VA employees. Appointments to these key positions from outside the Department, however, will be rare.

e. Merit principles will be followed in filling positions in the competitive service and the excepted service. Promotion actions in the competitive service will be taken under appropriate promotion plans, i.e., promotion plans for positions centralized to the Secretary or the Administration Head, or facility promotion plans.

3. RESPONSIBILITIES

a. Appointments and other employment actions involving positions centralized to the Secretary will be approved by the Secretary. Exceptions to established policies determined to be in the best interest of the service will also be approved by the Secretary or an appropriate designee.

b. Administration or staff office heads approve appointments and other employment actions for positions centralized to them; make recommendations on actions requiring the Secretary's approval; and, as appropriate, authorize additional tours of duty and extensions of tours of duty which are determined to be in the best interest of VA (see paragraph 4 [].)

c. Facility directors recommend second tours of duty or extensions thereof at Manila (see paragraph 4a and d); approve additional tours of duty in Alaska, Honolulu, and San Juan (see paragraph 4b []); grant home leave or vacation leave (see paragraphs 5 and 6 []); and separate employees who do not exercise their administrative reassignment rights, in accordance with the provisions of VA Directive and Handbook 5021, Employee/Management Relations.

d. For personnel actions involving centralized positions, the Deputy Assistant Secretary for Human Resources Management and Labor Relations advises on and assists with the recruitment of personnel for assignment to such positions; coordinates movements between releasing and receiving facilities; initiates requests for security clearance, when applicable; and takes other actions necessary for assignment to, or return of the employee from, facilities outside the continental United States.

e. The Director, Office of Human Resources in the Veterans Benefits Administration, or designee, and appropriate Central Office program officials are responsible for providing necessary orientation to employees selected for assignment outside the continental United States.

4. TOURS OF DUTY

a. Assignment of VA employees recruited from the continental United States to Manila will be for a minimum of one initial 2- or 3-year tour of duty, as determined in advance by the Administration Head, and for a second tour of duty of an additional 2 or 3 years, when recommended by the facility Director

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 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 Manual M-2, Pt. XVII, 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.

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NOTE: *Unpaid work experience may be provided for service-disabled veterans who are participating in training programs under chapter 31, title 38, U.S.C. and for clients of State vocational rehabilitation facilities. These trainees are not WOC employees. They receive on-the-job training through written agreements between the employing Federal facility and the Counseling and Rehabilitation Section at the appropriate VA regional office or the State vocational rehabilitation facility. (See 5 CFR 213.3102(k) for additional information.)*

5. EMPLOYMENT REQUIREMENTS AND DETERMINATIONS. Detailed information on the legal and regulatory requirements for employment in VA is contained in [OPM's Guide to Processing Personnel Actions](#) and this chapter. In addition, appointing officers will observe the following:

a. Effective Date of Personnel Actions

(1) **General.** Unless specifically authorized by law or regulation based on law, personnel actions filling positions through any method cannot be effective before the date the approving authority determines that requirements have been met and approves the action. In those rare instances, however, where the required administrative approval was inadvertently overlooked, the approving official may subsequently confirm the action and allow the original effective date to stand. Requirements include determinations that a position has been established and that appropriate legal, regulatory, and administrative approvals have been obtained.

(2) **Appointments (OPM Guide to Processing Personnel Actions).** Appointments must be approved by the appointing authority on or before the date the employee enters on duty. When an employee is to enter on duty on the first Monday of a pay period, the effective date of the appointment will be the first day of the pay period (Sunday). When an employee enters on duty on any day other than the first Monday of the pay period, the effective date of appointment will be the date of entrance on duty unless an earlier date is required to satisfy statutory or regulatory provisions, e.g., restoration after military service. When the first Monday of the pay period is a holiday, the appointment will be effective on the entrance on duty day.

b. Security Requirements. See VA [Directive &] Handbook 0710 [Personnel Suitability & Security Program] for VA instructions concerning position sensitivity designations [Section A, Paragraph 2 and Appendix A] and other security requirements.

c. Qualifications Requirements. Prior to appointment, a determination will be made that the candidate meets established minimum qualification standards requirements. Procedures and policies relating to the use of qualifications standards, as well as the standards for specific occupations, are found in the OPM Operating Manual – Qualification Standards for General Schedule Positions, OPM's X-118C Handbook, section D of this chapter, and appendix II-F [] of this handbook.

d. Verification of Qualifications and Suitability Data (5 CFR, part 731)

(1) **General.** In the case of appointments from civil service certificates, qualification and suitability requirements can reasonably be assumed to have been met where the examination included “vouchering” or other verification of the information in the application. This does not necessarily apply to the examination of applicants for VA police officer positions (see subparagraph [5d](5) []). In all other

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applicant's qualifying experience and most recent 5 years of experience and completion of parts III and IV of VA Form 0120[, VA Police Officer Pre-employment Screening Checklist]. The HRM office is responsible for scheduling medical examination[s for] selected applicants. See [VA] Handbook 0730 [Security and Law Enforcement,] appendix A, Specific Medical Standards for VA Police Officer Applicants and Incumbents.

(b) **Use of Adverse Information as Basis for Nonselection.** When facility officials become aware of adverse information during pre-employment screening, it should be reviewed against suitability and/or security criteria and adjudicated or referred to OPM, as appropriate, in accordance with 5 CFR, parts 731 and 732. When facility officials determine that, based on adverse information obtained in the above screening process, an objection to an eligible on a civil service certificate is warranted or when a preliminary decision is made to nonselect an individual based on information obtained in this pre-employment screening process, the Regional Counsel and [Deputy Assistant Secretary (DAS) for] Human Resources Management [] and [Labor Relations (HRM&LR)] (05[]) should be contacted for advice and assistance related to the use and disposition of such adverse information. Questions concerning the legality of adverse determinations and personal liability involvement will also be referred to the Regional Counsel.

(c) **Disposition of Documents and Records.** After a police officer applicant has accepted an offer of employment, Human Resources Management (HRM) officials should promptly contact the Security Officer (07C), VA Office of Security and Law Enforcement, about initiating the required Minimum Background Investigation, using the SF 86, Questionnaire for National Security Positions. HRM officials will tell police officer applicants that the investigation is a requirement of employment and that the completed investigation must be favorably adjudicated. The applicant will be told that the investigation will be conducted after appointment. To provide a record of satisfactory vouchering, Copy 1 of the VA Form 0120 is filed in the locked and restricted access VA Police Investigative Records File in the facility Director's office. This file shall be subject to the provisions of the Privacy Act system of records titled "OPM/CENTRAL 9." Facility copies of VA Form 0120 on hired police applicants will be kept on file until the employees have been separated or reassigned from serving in a Police Officer position. Copy 2 is mailed or faxed directly to the Director, VA Law Enforcement Training Center, Building 101, 2200 Ft. Roots Drive, North Little Rock, AR 72114. Documents obtained during the pre-employment screening process for those applicants not selected for VA police officer positions will be destroyed.

e. Appointment Documents SF 61 and OF 306

(1) All appointees in competitive and excepted service including WOC employees will complete the appointment documents as described in OPM's Guide to Processing Personnel Actions. In addition to appointment actions, the OF 306, Declaration for Federal Employment, must be executed for certain conversion actions in the competitive service (OPM Guide to Processing Personnel Actions).

(2) The SF 61 Oath of Office (part A) should be administered in a dignified manner to impress the appointee with the seriousness of taking an oath and the significance of entering Federal employment.

(3) The Oath of Office will normally be administered on or before the date of entrance on duty. When an appointee enters on duty on a day, e.g., Sunday, when the authorized person is not available to

administer the oath, taking of the oath may be delayed and administered at the earliest opportunity. No right to compensation accrues until the oath is taken (OPM Guide to Processing Personnel Actions).

f. **Physical Requirements and Examinations.** See VA Directive and Handbook 5019, Occupational Health Services, for policy and procedures on determining physical fitness for appointment and placement actions.

g. **Pay Determinations.** For determination concerning applicable pay rates in appointment and placement actions, see Directive and Handbook 5007, Pay Administration.

h. **Citizenship**

(1) General appropriation acts permit the employment by VA of noncitizens of the United States under certain conditions. For example, a Treasury and General Government Appropriation Act providing funds for VA in a recent fiscal year stated that: “Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People’s Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992...This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.”

(2) Generally, all positions in VA are subject to the citizenship requirement outlined in subparagraph [h](1) []. Citizenship requirements for certain positions in the Veterans Health Administration are contained in sections 7402(c) and 7407 to title 38, U.S.C. For competitive service positions under title 5, U.S.C., citizenship requirements are contained in 5 CFR 338.101.

(3) Noncitizens who have been accorded permanent resident alien status in the United States may be considered for appointment to certain positions in the excepted service of title 5, U.S.C. (e.g., Attorney, Chaplain, Rehabilitation Technician, etc.) unless otherwise precluded by law, Executive Order, or regulation. Generally, however, certain excepted service positions, of a policymaking or confidential nature, such as division/service chief or equivalent or higher at field facilities and equivalent positions in Central Office, or sensitive positions (as defined in MP-1, pt. I, ch. 5, paragraph 5) will be filled by United States citizens. Prior approval by the appropriate administration or staff office head is required before noncitizens can be appointed to these positions. Requests should be forwarded through channels to Central Office (ATTN: [DAS for HRM&LR] 05[]).

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NOTE: *Any questions on employing noncitizens, e.g., nationals of those countries allied with the United States in the current defense effort, may be referred by telephone, e-mail or letter to the [DAS for HRM&LR] (05[]).*

i. Age Limits

(1) **General.** Age limits for both competitive and excepted service positions will be consistent with the requirements contained in 5 CFR 338.601 unless specified otherwise in a qualification standard. In addition, field facility directors will conform to any State or local laws relating to employment of minors and women.

(2) **Firefighters.** Maximum entry age for firefighters is established as provided for in section 3307(d) of title 5, United States Code.

(a) For initial appointments, applicant[s] can not have reached their 37th birthday by the day of appointment.

(b) Applicants who have passed the designated entry age limit noted, but who have previously served in a covered position may be eligible to re-enter the fire service provided that they:

1. Meet all applicable qualifications for the position; and

2. Will be able to complete a total of 20 years of covered and creditable Federal firefighter service by the time the Federal firefighter reaches the age of 57. Prior service in covered positions and creditable towards retirement may be subtracted from the applicant's age to determine if the Federal firefighter meets the maximum entry age.

j. Licensure, Registration, or Bar Membership

(1) The qualification standards for certain occupations [] require that applicants have current State licenses, registration or certification to be considered for employment. Likewise, attorneys must have bar membership. It follows that these employees must maintain their licensure, registration, certification, or bar membership on a current basis to continue their employment in such positions.

(2) Appointing officers will use VA Form 4682, Certification of Licensure, Registration, or Bar Membership, to verify the possession of a current State license, registration, or bar membership when processing the appointment of these employees. Thereafter, an expiration date follow-up will be coded as provided for on page App C - 8 of VA Manual MP-6, part V, supplement No. 1.5 (PAID). The facility Director will designate the official(s) who will be responsible for the follow-up verification of the employee's current license, registration, or bar membership. VA Form 4682 will be used and be filed on the right side of the employee's personnel folder. Only the initial form and the latest form are required to be on file.

(3) Employees who do not maintain their current license, registration, or bar membership, must be removed from their positions and assigned to other positions for which they qualify or be separated under appropriate procedures.

k. **Applicant Drug Testing.** See VA Directive 5383 and VA Handbooks 5383, 5383.1 and 5383.2.

l. **HHS Exclusionary List.** See chapter 1 of this part.

m. **National Practitioner Data Bank Screening.** See VHA Handbook 1100.19, Credentialing and Privileging.

n. **Employment of Retired Military Officers.** Effective October 1, 1999, PL 106-65 repealed 5 U.S.C. 5532, titled "Employment of retired members of the uniformed services; reduction in retired or retainer pay." []

o. **Dual Pay.** Section 5533 of title 5, U.S.C., authorizes the appointment of persons to more than one civilian office under certain conditions. Appointment officers wishing to use this authority will be guided by the regulations and requirements in 5 CFR 550.501, and VA Handbook 5007, [Pay Administration,] part II.

p. **Restrictions on the Employment and Placement of Relatives.** See part VII, Employment of Relatives, in VA Directive 5025, Legal.

q. **Statutory Bar to Appointment of Persons Who Fail to Register Under Selective Service Law.** Facilities must comply with requirements and procedures in 5 CFR, part 300, subpart G before appointing males born after December 31, 1959, who are 18 or older.

6. CONTROL OF VA EMPLOYEE-VETERAN RECORDS. HRM offices for facilities listed in M21-1, part II, chapter 4, para. 4.07, must complete and forward VA Form 20-0344, Annual Certification of Veteran Status and Veteran-Relatives, formerly VA Form 4535, Notice of Employment, Transfer, or Separation of Veteran, as provided in the M21-1 manual, whenever they appoint or take an action which results in a change of appointing authority of an employee who is a veteran. The M21-1 citation is available on the VA Intranet [at <http://vaww.va.gov>].

7. PART-TIME AND INTERMITTENT EMPLOYMENT. Employment on a part-time and/or intermittent basis may be appropriate when: the position to be filled requires less than full-time service; it is the only way the services of a well-qualified employee can be obtained; or circumstances are such that the part-time or intermittent appointment would be in the best interest of management and/or the employee. Provisions of the Federal Employees Part-Time Career Employment Act of 1978 (PL 95-437) are contained in 5 CFR, part 340 and part I, chapter 3, section B, this handbook.

8. FILLING A POSITION OCCUPIED BY AN EMPLOYEE ON LEAVE. If a replacement is required while the incumbent employee is on extended leave, an interim position may be established. Generally, interim positions will be terminated within 1 year or less, and may be extended only under extenuating circumstances. If an interim position is filled from outside VA, the appointment will be limited to the period of time the interim position will be required unless it can be expected that another

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position of like status, grade, and pay will be available for the appointee when the interim position ends. (See part III, this handbook for provisions related to placement of an employee in an interim position.)

9. PROBATIONARY PERIOD/TRIAL PERIOD

a. Employees [appointed] in [] the competitive service will serve a 1-year probationary period as explained in 5 CFR, part 315, subpart H, and part III, this handbook. An employee given a career-conditional or career appointment by selection from a certificate of eligibles is required to serve a probationary period. This applies not only to the first appointment of this kind, but to any subsequent career-conditional or career appointment by selection from a certificate of eligibles, regardless of whether the appointee had previously completed a probationary period.

b. Employees who are placed in a supervisory or managerial position in the competitive service are required to serve a 1-year probationary period subject to the exemptions and exceptions contained in 5 CFR, part 315, subpart I, and appendix III-A of part III, this handbook.

c. Employees in excepted service positions will serve a 1-year trial period as explained in paragraph 6h of section C, this chapter.

[d. Employees appointed to Hybrid occupations on either a permanent full-time (38 U.S.C. 7401(3)) or part-time (38 U.S.C. 7405 (a)(1)(B)) basis must also serve a 1-year probationary period.]

10. PLACEMENT FOLLOW-UP. A placement follow-up will be used to evaluate the employee's progress and adjustment during the probationary or trial period. The placement follow-up will also be used, as appropriate, following position changes for employees who have completed the probationary or trial period. Follow-ups will be made for all initial appointments and significant position changes. After the employee has completed at least 90 days in the assignment, a human resources management office staff member will interview the supervisor to obtain information about the employee's performance and adjustment to the job, and any training or other needs or outstanding work that warrants attention for further placement consideration. Where deficiencies are reported, the employee should also be interviewed to further explore the courses of action that may be taken to overcome them. The follow-up form, VA Form 5-97, Notice of Pending Personnel Action, will be annotated to show that the follow-up was made, and only significant results will be recorded. These procedures are minimum requirements and where possible, extension of the follow-up interview for all placement actions is encouraged. For example, a follow-up of all promotions can be a valuable aid in assessing the results of the facility's promotion plan and the validity of the evaluation and selection process. Also, separate placement follow-ups with employees can be a valuable source of placement information as well as being an effective employee relations technique. (See MP-6, pt. V, supp. No. 1.5, Appx. C, sec. II.)

11. ECONOMIC OPPORTUNITY AND EDUCATIONAL ASSISTANCE PROGRAMS

a. The special economic opportunity and educational assistance programs described in 42 U.S.C. 2751-2756a, 3056 et seq., 5001; 20 U.S.C. 2301; and part I of this handbook are designed to help those who are unemployed or underemployed and those in need of educational assistance to develop the skills necessary for regular employment. To the extent feasible, VA will participate in these programs as an employer, or most often, as a host, by providing work training and experience opportunities.

b. Since a frequent objective of these programs is the employment of enrollees in permanent full-time positions upon completion of their work-training and experience status, facility management will look at the host-enrollee relationship as an important initial step which may lead to regular employment. Enrollees will be encouraged to compete in entrance level and other Federal civil service examinations so that they may share in the greater opportunities for permanent employment in or outside VA.

c. An agreement between VA and the sponsoring organization will usually be made for each group to be assigned for work-training and experience purposes. Generally, such agreements have a standard format developed by the parent organization of the sponsor which describes the relationships and responsibilities of the organizations involved as well as those relating to the participants. If necessary, such agreements will be modified to meet VA needs and requirements at the time they are negotiated.

d. As new programs develop or changes are made in existing ones, any additional VA instructions needed to implement the OPM issuance will be issued.

12. USE OF PRIVATE SECTOR TEMPORARIES. VA will comply with the requirements identified in 5 CFR, part 300, subpart E on Use of Private Sector Temporaries, Federal Acquisition Regulation (FAR) and Veterans Affairs Acquisition Regulation (VAAR) when contracting for private sector temporaries. See appendix II-B for specific instructions on use of temporary help services in VA.

SECTION B. EMPLOYMENT IN THE COMPETITIVE SERVICE

1. GENERAL. Employment in the competitive service in the Department of Veterans Affairs will be administered in accordance with applicable laws and regulations, including title 5 of the U.S. Code and the Code of Federal Regulations.

a. **Job Announcement Posting Requirements.** To meet VA's Interagency Career Transition Assistance Plan (ICTAP) obligations, all title 5 competitive service vacancies lasting over 120 days must be posted on OPM's USAJOBS system when applicants from outside VA are accepted. This includes jobs being filled under most direct appointment authorities. (See 5 CFR 330.102(a) and (b); 5 CFR 330.707.)

b. **Employment from Federal Civil Service Certificates Under 5 CFR, Part 332.** Under Interagency Agreement # VA-1 between VA and the Office of Personnel Management (OPM), Federal civil service certificates can be obtained from a VA delegated examining unit (DEU), another Federal agency DEU, or an OPM examining office. OPM publishes its Employment Service Pricing Guide on a fiscal year basis. VA and other Federal DEUs each have their own procedures and requirements for providing services. Some may issue certificates for VA facilities, but charge a fee or require other forms of resource exchange for doing so. A VA organization interested in requesting approval to establish or disband a DEU should contact OHRM&LR's [] Recruitment and Placement Policy Service (059). The DEU Chief should also notify (059) of changes in the roster of OPM-trained staff as they occur. Information on the Federal delegated examining process is available on OPM's [W]eb site [at www.opm.gov/deu/index.asp].

2. CAREER-CONDITIONAL AND CAREER EMPLOYMENT

a. **Purpose.** Permanent employment in the competitive service is governed by the career-conditional employment system. The system is designed to permit adjustment of the career service to necessary fluctuations in Federal employment, and to provide equitable and orderly principles and practices for stabilizing the Federal workforce.

b. **Basic Elements.** Under the career-conditional employment system, employees are generally brought into the service under a career-conditional appointment. A career-conditional employee must prove an interest in a career in the Federal service by completing three years of substantially continuous service before becoming a full career employee. It is during this same 3-year period that the ability and desire of the Government to retain the employee is demonstrated. Career employees have superior tenure to that of career-conditional employees. Certain employees are appointed directly as career employees or are otherwise exempt from the 3-year length of service requirement for career tenure. (See 5 CFR, part 315, subpart B.)

c. **Career-Conditional (or Career) Appointment of Persons Eligible Under the Amended Veterans Employment Opportunities Act (VEOA).** Under 5 CFR 315.611, (a) preference eligibles, or (b) veterans whose most recent military separation was under honorable conditions after substantially completing at least 3 years of continuous active military service: may receive a career-conditional (or, if appropriate, career) appointment if selected from among the best qualified under a merit promotion competition that was announced to candidates outside VA's workforce. As it is customary for the

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military to release individuals a few days before completing 3-year tours “for the convenience of the Government,” a facility should normally consider these individuals eligible. Reasonable and consistent use of the “few days” criteria by an operating HRM office is expected.

d. Noncompetitive Appointment of 30 Percent Service-Connected Veterans. Under 5 CFR 315.707, a disabled veteran with a service-connected disability of 30 percent or more who is serving under a time-limited appointment not limited to 60 days or less may be converted noncompetitively to a career-conditional appointment (or career, if otherwise eligible), provided the veteran meets the applicable qualification requirements. There are special time-limited authorities for these 30-percent disabled veterans which allow temporary appointments up to 1 year under 5 CFR 316.402(b)(4) and provisional appointments under 5 CFR 316.403(b)(1). However, conversions may also be made from any time-limited appointment with a not-to-exceed time span of 61 days or more, regardless of whether it is in either the competitive or excepted service. Conversions may occur after 1 day's service on such a time-limited appointment.

e. Conversion to Career-Conditional (or Career) Appointment of Severely Physically Disabled Veterans and Other Severely Physically Disabled Persons, Persons with Mental Retardation, and Persons with Psychiatric Disabilities Serving Under Schedule A Appointments. Under 5 CFR 315.709, after 2 or more years of satisfactory service the subject employees serving under 5 CFR 213.3102(u), (t), or (gg) authorities, respectively, may be converted at the facility's discretion to competitive status under 5 CFR 315.709.

f. Status Quo Appointment and Conversion to Career-Conditional (or Career) Appointment of Disabled Veterans Who Complete 38 U.S. Code, Chapter 31 Training. A facility may give a status quo appointment under 5 CFR 3.1 and 315.604(a) to a service-connected disabled veteran who satisfactorily completed training for that position or class of positions in a Federal agency under 38 U.S.C. chapter 31. A facility may subsequently noncompetitively convert the veteran so appointed at any time to a career-conditional (or, if appropriate, career) appointment under 5 CFR 315.604(b). A probationary period is not required.

g. Congressional Medal of Honor-Recipient Appointments. Executive Order 9268 provides that upon recommendation of the Secretary of Veterans Affairs to the Director, Office of Personnel Management, veterans who have been awarded the Congressional Medal of Honor may be appointed as Contact Representatives in VA. Advice on individual cases should be obtained from the [Office of] Human Resources Management [& Labor Relations (OHRM&LR)] (05[]).

h. Noncompetitive Career-Conditional (or Career) Appointment of Student Trainees in Associated Health Care Disciplines

(1) In accordance with 38 U.S.C. 7403(g), VA facilities are authorized to appoint under title 5, without regard to competitive Federal civil service announcement, examining and certification procedures, eligible graduates who have a degree, diploma or certificate in an associated health care discipline from an accredited institution of post-secondary education, and who have successfully completed an affiliated clinical education training program in a VA health care facility. See appendix II-C for specific instructions on use of this noncompetitive appointment authority and a general list of covered associated health care disciplines.

(2) This employment authority does not apply to individuals in training programs that will result in post-training appointments under 38 U.S.C. 7401(1) or (3) or under 38 U.S.C. 7405 to an occupation listed under those paragraphs.

(3) For provisions for appointing students in associated health care disciplines before graduation, see paragraphs 5 and 6, section G, chapter 3 of this part.

i. **Administrative Protections for Career-Conditional and Career Employees**

(1) **Retention Priority in Reduction in Force.** Employees who have career-conditional appointments are in group II for reduction in force purposes. Employees who have career appointments have group I tenure for reduction in force unless they are serving a probationary period, in which case they are in group II. (See 5 CFR, part 351, and part IV, this handbook.)

(2) **Protection Against Arbitrary Removal.** Non-probationary career-conditional and career employees enjoy the full protection against arbitrary removal described in 5 CFR, parts 432 and 752 and VA Directive and Handbook 5021[, Employee/Management Relations]. While serving probation, both groups have the limited protection covered in 5 CFR, part 315, subpart H, and VA Directive and Handbook 5021.

3. **NON-PERMANENT EMPLOYMENT**

a. **Scope**

(1) This paragraph supplements regulations contained in 5 CFR, part 316, and should be used in conjunction with that reference and other applicable portions of this chapter.

(2) Regulations for temporary appointments in the excepted service of title 5, U.S. Code are contained in 5 CFR, part 213. (This includes the 30-day critical needs appointment authority.) (See also section C of this chapter.)

(3) This paragraph does not apply to excepted service positions in the Veterans Health Administration filled under 38 U.S.C., chapter 73 and 74 or to excepted positions in the Veterans Canteen Service filled under 38 U.S.C., chapter 78. These positions are covered in chapter 3 of this part.

b. **Policy.** Temporary and term appointment authorities will be used only under conditions authorized by the Office of Personnel Management. To meet VA's ICTAP obligations, all title 5 competitive service vacancies lasting over 120 days, [] must be posted on OPM's USAJOBS system when applicants from outside VA are accepted. (See paragraph 1a of this section.)

c. **Temporary Limited Appointments.** Temporary limited appointments may be used to fill short-term employment needs expected not to exceed 1 year, and continuing positions expected to be needed for placement of the organization's permanent employees who would otherwise be displaced. (See 5 CFR, part 316, subpart D.)

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(1) Facilities have the authority to make temporary limited appointments of 1 year or less to positions in the General Schedule and the Federal Wage System. Supervisory certification of the temporary nature of the employment need is to be documented in accordance with 5 CFR 316.401(b). []

(2) While temporary limited appointments may generally be extended up to 2 years from the date of initial appointment in increments of 1-year or less, appointments to seasonal and intermittent work are specifically governed by the criteria specified in 5 CFR 316.401(d)(1). OPM will authorize exceptions to the regulatory time limits only when necessitated by major reorganization, restructuring, facility closing or other unusual circumstances. Requests for agency-wide exceptions must be made to OPM by VA Central Office. Requests of an agency-wide nature may be sent to [OHRM&LR] (05[]). A facility may submit a request for extending an appointment to a specific position or project based on other unusual circumstances to the appropriate OPM Service Center.

d. **Term Appointments.** Term appointments may be for a period of more than 1 year but not more than 4 years to positions where the need for an employee's services is not permanent. Term appointments are often appropriate for persons employed to work on medical research projects. This authority, however, is not limited to research situations and may be used for other appropriate needs as indicated in 5 CFR, part 316, subpart C.

(1) Facilities are delegated the authority for determining whether term appointments are appropriate for particular positions. Selections for term employment, however, must be made under applicable competitive or noncompetitive procedures. Outside-the-register procedures in 5 CFR, part 333 may **no longer** be used for competitive term appointments. (See 5 CFR 316.302 (a).) If an exception to the 4-year limit is clearly justified, a facility may submit a request to make and/or extend a term appointment beyond 4 years to the appropriate OPM Service Center.

(2) Use of this authority will be carefully reviewed during VA and OPM personnel management evaluation visits. Documentation of the reasons for authorizing a term appointment should be maintained in accordance with VA records disposal schedules.

e. **Time-Limited Appointment of VRA Eligibles.** A VRA eligible may be given a noncompetitive temporary appointment of up to 1 year under 5 CFR 316.402(b)(2) or a term appointment under 5 CFR 316.302 not to exceed 4 years to any position in the competitive service at or below GS-11 or equivalent for which the VRA eligible is qualified. Appointment under these authorities does not give the privilege of conversion to competitive status. Because these appointments are not in the title 5 excepted service like the VRA appointment, those over 120 days must be posted on OPM's USAJOBS vacancy announcement system. (See 5 CFR, parts 307 and 316.)

[]

4. SCIENTIFIC AND PROFESSIONAL (ST) POSITION APPOINTMENTS. ST system positions may be established and filled in the competitive service under 5 U.S.C. 3104 and 5 CFR, part 319 outside the General Schedule (and above grade GS-15) to carry out research and development functions requiring the services of specially qualified individuals. A facility wishing to appoint an individual in an

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ST position would first follow the same procedure to establish an ST position as is used to establish a Senior Executive Service (SES) position. (See VA Handbook 5027, Senior Executive Service.)

SECTION C. EMPLOYMENT IN THE EXCEPTED SERVICE

1. VETERANS [RECRUITMENT] APPOINTMENT (VRA). Under 38 U.S.C. 4214, certain Vietnam era and other veterans may be given excepted VRA appointments under 5 CFR 307.103 to positions otherwise in the competitive service at GS-11 or below (or the equivalent in another pay system). For any VRA appointee who has less than 15 years of education, the facility must establish a training or education program, which should meet the needs of both the employee and VA. In VA, a VRA appointee must serve a 1-year trial period (see paragraph 6h of this section), and termination during this year is handled as provided in VA Handbook 5021. Merit promotion provisions cover VRA employees (see part III of this handbook), and they may be promoted above GS-11 level if other requirements are met. Other appointment and conversion requirements are in 5 CFR, part 307.

2. APPOINTMENT OF EXPERTS AND CONSULTANTS**a. General**

(1) This paragraph contains the VA policies and procedures that apply to the employment of experts and consultants when there is an employer-employee relationship as explained in 5 CFR, part 304, and such employment is in positions excepted from the competitive service by statute or by the Office of Personnel Management. The employee's services may be obtained by contract or appointment under an appropriate appointing authority (e.g., 5 U.S.C. 3109) and be in a pay or, when appropriate, a non-pay basis. This paragraph does **not** apply to the employment of consultants and VHA consulting attendings under title 38, U.S.C. ch. 74 authority. See chapter 3 of this part for appointment of [employees to] the[s] positions.

(2) Experts and consultants will be employed only when their services are proper, legitimate, and the most practical way for VA to accomplish its management, operational, and service responsibilities. They will be employed on a temporary or intermittent basis but not-to-exceed 1 year unless specifically provided otherwise by law or for a lesser period of time when the need for their services will be completed earlier. They will not be employed to do a job that regular employees can do as well or to perform the duties of a continuing full-time position; neither will experts and consultants be employed where their appointments circumvent competitive employment procedures or General Schedule pay limitations.

(3) In accordance with 5 CFR 304.103(a)(2), experts and consultants who work on strictly an intermittent basis may be appointed without time limit and all others must receive temporary appointments. However, the above VA policy limits intermittent appointments to not-to-exceed 1 year. Also, the 5 CFR definition for temporary employment clarifies that the appointment may have a full-time, part-time, seasonal, or intermittent work schedule.

(4) The appointment of experts and consultants employed on an intermittent basis can be renewed from year to year; those serving under temporary appointments cannot, except as provided for by 5 CFR 304.103(c).

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CHAPTER 2****b. Authorities and Responsibilities****(1) Office of the Secretary**

(a) The Secretary will determine the need for experts and consultants to be appointed to the Office of the Secretary. This includes responsibility to review and certify each proposed appointment or its extension, when applicable. (See paragraph 3c [].)

(b) All final selections of experts and consultants must be approved by the Secretary or other appropriate official, with the advice and assistance of the Deputy Assistant Secretary for HRM. Field facility heads will forward their recommendations for the appointment and employment of experts and consultants through channels to Central Office for approval. OHRM&LR (05 []) will review staff office/administration requests prior to (00) approval.

(2) **Line Management.** The authority to perform pre-appointment certifications for requests to appoint experts and consultants and for any extensions of such appointments is delegated to [Under Secretaries], Assistant Secretaries, and Other Key Officials for requests under their jurisdiction. (See paragraph 3c [].)

(3) Human Resources Management Officers

(a) Human Resources Management Officers (HRMOs) (including the Director, Central Office Human Resources Service (05HRS), in Central Office) will ensure that all procedures and requirements (e.g., dual employment, dual pay, conflict of interest, leave administration, and records documentation) for the appointment and employment of experts and consultants are followed (see 5 CFR 304.103-107).

(b) HRMOs will conduct the quarterly review of the employment of experts and consultants to assure that their utilization is proper. The reviews will be documented, maintained, and signed by the HRMO as explained in paragraph c, which follows.

c. Review and Certification

(1) **General.** With the advice and assistance of OHRM[&LR], the responsible selecting official will review and certify each proposed appointment, or the extension of an appointment, on the basis of the following considerations:

- (a) Necessity for the position;
- (b) Correctness of the judgment that the position requires the services of an expert or consultant;
- (c) Propriety of the designation of the position as temporary or intermittent;
- (d) Soundness of the decision that this is the most appropriate appointing authority to use;
- (e) Qualifications of the proposed appointee;

(f) Appropriateness of the intended level of pay in relation to both the work to be performed and the qualifications of the proposed appointee; and

(g) Completeness of documentation.

(2) **Documentation.** The selecting official will sign an individually prepared certification attesting that all the requirements in preceding subparagraph (1) have been met for each appointee. The certification will be filed with the permanent records in each appointee's personnel folder and be worded along the lines of the sample in appendix II-M.

d. Review During Employment

(1) **General.** The responsible HRMO will review the utilization of each expert or consultant on a quarterly basis (i.e., March 31, June 30, September 30, and December 31). The HRMO will obtain documentation from the appropriate selecting officials as is deemed necessary to facilitate the review and certification to assure that in each case the:

(a) Circumstances requiring the initial employment of the expert or consultant are substantially the same;

(b) Duties performed are still those of an expert or consultant;

(c) Time limits are being observed;

(d) Documentation is kept current; and

(e) Duties of record are actually being performed.

(2) **Exclusions.** The quarterly review may be omitted for those experts or consultants who worked for 10 days or less during the quarter.

(3) Documentation

(a) Each review will be documented and signed by the HRMO. The review report will cover all experts and consultants and describe how the review was made, summarize the findings, and describe the actions taken to correct any deficiencies noted in the review. Where exclusions in subparagraph [2d](2) [] have been made, a statement describing the extent of the exclusion will be included in the report. Records of reviews will be retained for examination by OPM.

(b) Field facilities will forward a copy of each quarterly review, through channels, to the [OHRM&LR] (05[]). Negative reports are not required.

e. Annual Reviews. Selecting officials (see paragraph 2b(1) []) will be notified by OHRM[&LR] at the close of each fiscal year of their responsibilities and obligations for the proper employment and utilization of experts and consultants. (See [VA] Handbook 5001, for Annual Report on Expert and Consultant Appointments.)

**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]. Organizational elements above facility-level and facilities interested in funding and staffing a Presidential Management [Fellow] (PM[F]) position under 5 CFR 213.3102(ii) should contact the Human Resources Development Service (053). (PM[F]s completing 2 years of satisfactory service may be converted to a career-conditional, or if appropriate, career, appointment under 5 CFR 315.708.)

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.

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(4) Promptly take steps to terminate trial period employees who, after a fair and reasonable trial, do not meet and keep the standards.

(5) Make the formal 10-month evaluation of each trial period employee a realistic and well-reasoned appraisal and base each recommendation for retention on a positive determination that the trial period employee has lived up to expectations and can reasonably be expected to continue to meet acceptable standards. (See MP-6, Pt. V, Supp. No. 1.5, appendix C, Sec. II, code 20.)

i. **VA Single-Agency Schedule A, B, and C Excepted Appointment Authorities.** (Published annually in the Federal Register, [as opposed to being listed in the annual title 5 CFR manual.])

(1) **Schedule A - Section 213.3127**

(a) Purchase and hire employees are temporary workers in trades, crafts, or manual labor occupations appointed for a definite period of time not to exceed the duration of a construction or major repair project. These employees will be appointed under 5 CFR 213.3127(a)(1).

(b) Not to exceed 400 positions of rehabilitation counselors GS-3 through GS-11, in Alcoholism Treatment Units and Drug Dependence Treatment Centers, when filled by former patients. These employees will be appointed under 5 CFR 213.3127(b).

1. 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 [are continuing to receive] outpatient maintenance therapy [], may be appointed under this authority. In-hospital patients will not be appointed to these positions.

2. Prior approval by VA Central Office must be obtained before any appointment commitment is made. The application, 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 Assistant Deputy Under Secretary for Health (10N/05[]) for approval. Once the appointment has been approved, these letters and/or statements will be disposed of in accordance with VHA Records Control Schedule 10-1. 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.

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

4. 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 inservice placement to other lines of work.

5. The number of Rehabilitation Technicians employed under Schedule A authority will be controlled to ensure that the OPM employee limitation is not exceeded. To accomplish this, Directors will notify the Assistant Deputy Under Secretary for Health (10N/05[]) of each appointment, giving the following information:

a. Name of employee.

b. Position title, series, and grade.

c. Date of appointment.

d. Veteran preference (5 or 10 point) and whether the employee is a Vietnam era veteran (military service between Aug. 5, 1964, and May 7, 1975).

e. Agency (VA or non-VA) in which employee completed rehabilitation treatment.

6. Directors will likewise notify Central Office whenever a Rehabilitation Technician leaves excepted service (including conversion to competitive status), giving:

a. Name of employee.

b. Date and reason for leaving.

(2) **Schedule B - Section 213.3227(a).** Not to exceed 400 principal investigatory, and 400 scientific, professional and technical positions at grade GS-11 and above in the medical research program. Although the authority does not require a time-limitation, the authority remains project oriented. All appointments should be made in association with a specific research project. Thus, appointments should be made with not-to-exceed dates consistent with the funding time frames, and extended if necessary to complete a project.

(a) Appointments

1. 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.

2. 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 5 CFR, part 302 and VA Excepted Board procedures in paragraph [6]d [] in filling these positions.

3. VHA facilities using this authority for principal investigator positions at GS-13 and above are **not** required to follow 5 CFR, part 302 and VA Excepted Board procedures. Veteran preference, however, must still be applied, to the extent administratively feasible, in filling these positions.

7. CAREER INTERN PROGRAM

a. **Purpose.** This paragraph establishes VA policy for implementing the Federal Career Intern Program within VA. This program is designed to help recruit and attract exceptional individuals into a variety of occupations. The purpose of the program is to attract exceptional men and women to the workforce who have diverse professional experiences, academic credentials, training, and competencies, and to prepare them for careers in analyzing and implementing public programs.

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 to develop Career Intern Programs to meet their recruitment needs in specific occupations. This authority does not preclude establishing intern programs at the Administration or national levels.

(3) Any programs established under the auspices of this paragraph must comply with the criteria as outlined in 5 CFR 213.3202(o).

(4) Guidance for establishing programs under this authority may be found in Appendix N of this part.

c. Responsibilities

(1) The Office of Human Resources Management shall advise management and operating officials on the policies and procedures and monitor the use of this program.

(2) Under Secretaries, Assistant Secretaries, and other key officials shall provide a copy of Administration-wide and/or national Career Intern Programs to [OHRM&LR] (05[]) prior to implementation. Any programs implemented under this authority must comply with the provisions of this part and Appendix II-N.

(3) Human resources management officers at local facilities shall ensure any Career Intern Program(s) implemented under this authority complies with the provisions of this part and Appendix II-N.

d. References and Authorities

(1) Executive Order 13162, dated July 6, 2000

(2) 5 CFR, parts 213, 302, 315 and 351

SECTION D. QUALIFICATION STANDARDS

1. SCOPE. This section supplements and is to be used in conjunction with related parts of the 5 CFR, e.g., 338, and 339, and the instructions contained in the Office of Personnel Management (OPM) Operating Manual for Qualification Standards for General Schedule Positions and OPM's X-118C Handbook. The section 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 section A, paragraph 4c, this chapter.)
- c. Positions filled by physicians, dentists, optometrists, podiatrists, chiropractors, nurses, nurse anesthetists, physician assistants, expanded function dental auxiliaries, [and all Hybrid Title 38 occupations] under 38 U.S.C., chapters 73 and 74.
- d. Positions filled by purchase and hire employees under VA's single-agency Schedule A appointment authority. (See paras. 5e(3) and 5i(1)(a) of section C, this chapter.) Qualification standards of comparable positions, however, will apply. (See OPM 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 persons who are economically disadvantaged or for persons with disabilities.

c. The application of qualification standards in VA is an integral part of the facility'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 parts of the Code of Federal Regulations:

(1) 5 CFR, part 337, "Examining System," including the provision for giving appropriate credit to applicants for experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether pay was received therefor.

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- (2) 5 CFR, part 412, “Executive, Management, and Supervisory Development.”
- (3) 29 CFR, part 1614, “Federal Sector Equal Employment Opportunity.”
- (4) 5 CFR, part 930, “Programs for Specific Positions and Examinations (Miscellaneous).”

3. GENERAL GUIDELINES

a. **Definition.** As used in this section, 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, personal 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 restrictions on employment of relatives, 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 [O]HRM[& LR] (05), as appropriate.

d. **Selective Certification (5 CFR 332.403).** These procedures may be used as appropriate.

e. **Selective Placement Factors (5 CFR, part 335).** These factors may be used in applying qualification standards. See OPM Operating Manual - Qualification Standards for General Schedule Positions, Section II, General Policies and Instructions, E. Application of Qualification Standards, 6. Using Selective Factors.

f. **Relationship of “Classification Qualification Statements” to Qualification Standards (OPM Operating Manual – Qualification Standards for General Schedule Positions).** 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 Operating Manual - 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 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.

(1) Agreement for Training-Promotion of Service Disabled Veterans

(a) A master agreement has been negotiated with OPM which delegates to VA the authority to develop and implement training plans that result in successful training being used as a substitute for normal qualifications, including time-in-grade requirements. For unpaid training, when noncompetitive appointment to a position or class of positions is the goal of the training, the initial training plan will be reviewed in Central Office (05[]) prior to approval by the field facility Director. Field facilities will forward a copy of the locally approved training plan to their servicing OPM service center.

(b) VBA rehabilitation and education staff may determine that training is necessary for disabled veterans who technically meet requirements of the qualification standard. Such cases should be processed in the same manner as others with a detailed justification of the training submitted for review with the training plan. Detailed justification should be developed by the rehabilitation staff.

(c) For positions subject to OPM qualification standards, 1 month of intensive, carefully planned training may be considered the equivalent of 2 months of experience when it has been determined that the training halves the time usually required to qualify for the position. Requests for such modification of OPM qualification standards should be submitted through channels to the DAS for [O]HRM&LR (05[]) for approval. Similarly, for positions subject to VA qualification standards, this determination may be made by VA officials authorized to modify VA qualification standards. Local approval of modifications permitting experience credit for positions grade 5 and below should be documented in writing and a copy of the approved modification forwarded to Central Office (see paragraph 8c of this chapter).

(2) Training Plan Qualification Modification Requests. Requests for modification of OPM and VA qualification standards which must be approved in VA Central Office should be accompanied by a copy of the training plan, VA Form 22-1905a (Training Program and Progress Record), OF 612 (Optional Application for Federal Employment) or resume, and a copy of the VA rehabilitation and education approval, VA Form 28-8871 (Certification of Eligibility and Feasibility).

i. **Physical Standards (see 5 CFR, part 339 and VA Handbook 5019).** The Office of Personnel Management is responsible for establishing physical requirements, including mental and emotional stability, for all positions in the competitive service. These requirements are issued as a part of the qualifications standards, including those issued by VA. (See also appendi[x] II-F[].) A general physical requirements paragraph applies to all General Schedule qualification standards covering occupations in

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which the positions typically involve sedentary, light, or moderate duties. A more detailed physical requirements paragraph applies to qualification standards for occupations in which the positions typically involve arduous or hazardous duties. Excepted civil service qualification standards established by appointing officers will be governed by these same physical requirements paragraphs, as appropriate.

4. VA QUALIFICATION STANDARDS

a. **General.** 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 5 CFR, part 213, Schedule A or C and 5 CFR, part 6 (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, VA will not use this authority for clerical, administrative, crafts and unskilled positions except where the needs of 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 facilities.

b. **Authority to Approve VA Standards.** The Deputy Assistant Secretary for [O]HRM[& LR] is authorized to approve for the Secretary qualification standards and examining guides which are established within the Department. 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 this part. They are also issued by OPM in the Operating Manual - 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. **Maintenance of Standards.** VA qualification standards (appendi[x] II-F[]) may be maintained in occupational series order with this handbook, and/or they may be interfiled in occupational series order in the OPM Operating Manual - Qualification Standards for General Schedule Positions.

e. **Selective Certification.** Through agreement with OPM, VA standards will be used to request certification from any Federal examining office. Any misunderstandings concerning this agreement are to be reported, through channels, to the Deputy Assistant Secretary for [O]HRM&LR (05[]).

5. ENGLISH LANGUAGE PROFICIENCY FOR VHA POSITIONS

a. [No person will be appointed under authority of 38 U.S.C. chapter 73 or 74, to serve in a direct patient-care capacity in VHA who is not proficient in written and spoken English].

b. Provisions of appendix II-I of chapter 3, this part will be used, as applicable, to determine that title 5 employees in direct patient-care positions meet the English language proficiency requirements of 38 U.S.C. 7402(d).

c. When vacancies for direct patient-care positions are announced (including promotion opportunities and open-continuous announcements), the announcement, citing 38 U.S.C. 7402(d), must include the English language proficiency requirement as a selective factor.

d. When appointing officials determine that eligibles on a Federal civil service certificate do not possess the required proficiency, they may object to those eligibles citing 38 U.S.C. 7402(d). Similarly, when candidates who are not proficient in English have previously been certified by OPM or a VA or other Federal delegated examining unit, the appointing official may request selective certification based on English proficiency.

6. OPM QUALIFICATION STANDARDS

a. **Issuance of Standards.** OPM develops and issues qualification standards in its Operating Manual - Qualification Standards for General Schedule Positions and Handbook X-118-C. These are supplemented by examining guides for (1) the preparation of examination announcements and (2) the development of rating schedules and procedures. OPM may amend OPM qualification standards for the positions involved for both competitive and noncompetitive actions. Facilities may do so only to the extent provided in the OPM Operating Manual's section II, General Policies and Instructions.

b. **Exceptions to OPM Qualification Standards.** Facility directors and the Director, Central Office Human Resources Service, may negotiate with and obtain the prior approval of the servicing 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 functions of the Veterans Benefits Administration 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 [O]HRM&LR (05[]) through channels.

c. **Coordinating and Approving Standards.** The Deputy Assistant Secretary for [O]HRM[&LR] is responsible for coordinating all qualification standards matters within 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.

7. DEVELOPING QUALIFICATION STANDARDS

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

b. **Field Facilities.** Field facilities, including the Central Office Human Resources Service, are encouraged to make recommendations for new or revised standards or examining guides to the Deputy Assistant Secretary for [O]HRM&LR (05[]) through channels. Submissions will follow the standards

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format of OPM's Operating Manual - Qualifications Standards for General Schedule Positions or qualification standard appendices to this section. 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 facilities 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 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[&LR] (05), through channels, no later than the midpoint date between the receipt of the draft and its due date as established by OPM.

8. 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. (OPM Operating Manual - Qualification Standards for General Schedule Positions, par. IIE8, Special Inservice Placement Provisions.)

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) OF 612, 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.

9. MODIFICATION OF VA QUALIFICATION STANDARDS FOR COMPETITIVE EXAMINATIONS**a. Field Facilities**

(1) Facility directors and the Director, Central Office Human Resources Service, may make agreements with the servicing OPM office to modify *only* experience requirements of VA qualification standards for local examining purposes for noncentralized positions. If more than one VA facility is in the area to be

serviced by an announcement or an established register, the agreement will be coordinated with all concerned facilities. The initiating facility will report such modifications, through channels, to the [OHRM&LR] (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 [OHRM&LR] (05[]).

b. **Central Office.** The Deputy Assistant Secretary for [O]HRM&LR may make agreements with 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 [Under Secretaries].

10. 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 []) 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 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 Director, Central Office Human Resources Service, may modify *only experience* requirements of a VA qualification standard for positions at their facility, except those centralized to the administration 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 [O]HRM&LR (05[]).

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(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 [OHRM&LR] (05[]).

11. MODIFICATION OF VA QUALIFICATION STANDARDS FOR NONCOMPETITIVE ACTIONS

a. **Scope.** 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 represent 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 [D]irectors and the Director, Central Office Human Resources Service, may modify *only experience* requirements of a VA qualification standard for noncompetitive actions. This authority is limited to noncentralized 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 [O]HRM&LR (05[]). A notice of each approved modification will similarly be forwarded.

(2) [Under Secretaries], Veterans Integrated Service Network (VISN) Directors, [] Deputy Under Secretar[y] for [Health for Operations and Management,] 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 [subparagraph] (1) [] and those centralized to the Secretary.

(3) The Deputy Assistant Secretary for [O]HRM[&LR] will approve modifications of qualification requirements for Central Office positions except those delegated in subparagraph (1) [] and those centralized to the Secretary.

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

12. WAIVER OF VA QUALIFICATION STANDARDS

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

(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 8c [].

d. **Approving Waivers (Statutory Requirements Excluded).**

(1) Facility [D]irectors and the Director, Central Office Human Resources Service, may waive *only experience* requirements of a VA qualification standard in a noncompetitive action to a noncentralized 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 [OHRM & LR] (05[]). A notice of each approved waiver will similarly be forwarded.

(2) [Under Secretaries], Network Directors, or [] Deputy Under Secretar[y] for [Health for Operations and Management], 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) [], and those centralized to the Secretary.

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(3) The Deputy Assistant Secretary for [O]HRM[&LR] will approve waivers of qualification requirements for Central Office positions except those delegated in subparagraph [12d](1) [] and those centralized to the Secretary.

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

13. INTERIM STANDARDS

a. **General.** When a position is not covered by a qualification standard or rating schedule, field facilities, including the Central Office Human Resources Service, 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 Administration Head or the Secretary.

(2) The Director, Central Office Human Resources Service, 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 [O]HRM&LR (05[]), through channels, for necessary approval action by the Administration Head or the Secretary.

c. **OPM Qualification Standards.** The official having appointing authority over the position (see subparagraph b (1) and (2) []) 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 Administration Head or the Secretary, the proposed “interim” standard will be forwarded to the Deputy Assistant Secretary for [O]HRM&LR (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 [O]HRM&LR (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.

PART II. APPOINTMENTS

CHAPTER 3. TITLE 38 APPOINTMENTS

SECTION A. GENERAL

1. SCOPE

a. **General.** This chapter contains administrative requirements and procedures relating to the appointment of individuals to occupations identified in 38 U.S.C. 7306, 7401(1), and 7401(3); and employees in those occupations who are appointed under 38 U.S.C. 7405. This includes such employees as physicians, dentists, podiatrists, optometrists, chiropractors, nurses, nurse anesthetists, physician assistants (PAs), expanded-function dental auxiliaries (EFDAs), certified respiratory therapists (RTs) or registered respiratory therapists (RRTs), licensed physical therapists (PTs), licensed practical or vocational nurses (LPN/LVNs), occupational therapists (OTs), [] pharmacists[, audiologists, speech pathologists, audiologist-speech pathologists, biomedical engineers, medical instrument technicians, medical records administrators or specialists, medical records technicians, medical technologists, dental technologists (which means dental hygienists and dental assistants/aides), nuclear medicine technologists, occupational therapy assistants/aides, kinesiotherapists, orthotist-prosthetists, pharmacy technicians/aides, prosthetic representatives, psychologists, diagnostic radiologic technicians/technologists, therapeutic radiologic technicians/technologists, and social workers.] This section also applies to medical support personnel appointed under authority of 38 U.S.C., chapter 73 or 74.

b. **Central Office Appointments.** Provisions of this section apply to Central Office employees in the occupations indicated in subparagraph a. who are appointed under 38 U.S.C. 7306, 7401(1), 7401(3), or 7405. The terms “medical center officials” and “facility Director or designee” refer in Central Office to the Under Secretary for Health or designee.

c. **Residents.** Medical and dental residents appointed under 38 U.S.C. 7406, and podiatry, optometry, and chiropractic residents and trainees appointed under 38 U.S.C. 7405 are included within the scope of this section. The term resident as used in this chapter includes interns.

d. **Exception from the Competitive Service and the Provisions of 5 U.S.C. Chapter 51.** The appointments of persons under the authority of sections 7306, 7401(1), and 7401(3), and under sections 7405 and 7406 to occupations identified in those sections, are excepted from the competitive service and from 5 U.S.C. chapter 51.

2. AUTHORITY AND RESPONSIBILITY

a. **Effecting Appointments.** Appointments will be effected only by appointing officers (responsible Human Resources Management Officer). These appointing officers will effect appointments after the approval of the qualifications and the selection for appointment has been made by the approving official designated below.

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b. **Approval of Qualification and Selection for Appointment.** The approving authorities for appointment of certain research personnel, residents, and associated health trainees are contained in M-3 and M-8. The approving officials for appointment to positions in VHA under 38 U.S.C., chapter 73 or 74, will be as follows:

(1) **The Secretary**

(a) On advice of the Under Secretary for Health, the approval of the qualifications and selection of all persons to be appointed under the authority of section 7306.

(b) The approval of all facility directors appointed under the authority of 38 U.S.C., section 7401(1).

(c) The approval of network directors appointed under 38 U.S.C., section 7306 (for network directors appointed in the Senior Executive Service, see 5 U.S.C. 3393 and VA Handbook 5027[, Senior Executive Service]).

(d) The approval of VISN Clinical Managers appointed under the authority of 38 U.S.C., section 7401(1).

(2) **The Under Secretary for Health or Designee in Central Office.** Except as limited by subparagraph (1), the Under Secretary for Health or designee is the approving official for the appointment of all individuals who are appointed in Central Office under 38 U.S.C., chapter 74, irrespective of the type of appointment, title, or grade.

(3) **Network Directors.** Network directors have the authority to appoint chiefs of staff. However, facility officials will continue to forward chief of staff nominations to the VHA Management Support Office (10A2B). The Management Support Office will provide a technical review of the nomination, arrange for appropriate approvals and/or reviews with VHA Central Office officials as necessary, and forward the completed nomination to the Network Director for approval.

(4) **Facility Directors.** Except as limited by subparagraphs (2) and (3) [], the facility Director is the approval authority for the following appointment and assignments.

(a) **Physicians.** The approval of the qualifications and selection of physicians appointed under the authority of sections 7401(1) and 7405, including Associate Chiefs of Staff, Chiefs of Neurology Sections, and physicians in service chief or comparable positions. See appendices II-G2 and II-H1 for procedures for qualifying and appointing physicians to service chief and comparable positions.

(b) **Dentists.** The approval of the qualifications and selection of dentists appointed under the authority of sections 7401(1) and 7405, including chiefs of dental service or comparable positions and staff dentists. See appendices II-G3 and II-H2 for procedures for qualifying and appointing dentists.

(c) **Nurses.** The approval of the qualifications and selection of nurses appointed under the authority of sections 7401(1) and 7405. See appendices II-G6 and II-H5 for procedures for qualifying and appointing registered nurses.

(d) **Podiatrists.** The approval of the qualifications and selection of all podiatrists appointed under authority of sections 7401(1) and 7405. Refer to appendices II-G4 and II-H3 for procedures for qualifying and appointing podiatrists.

(e) **Optometrists.** The approval of the qualifications and selection of all optometrists appointed under authority of sections 7401(1) and 7405. Refer to appendices II-G5 and II-H4 for procedures for qualifying and appointing optometrists.

(f) **Nurse Anesthetists.** The approval of the qualifications and selection of nurse anesthetists, including Chiefs of Nurse Anesthesiology under authority of sections 7401(1) and 7405. Refer to appendices II-G7 and II-H6 for procedures for qualifying and making appointments to Chief, Nurse Anesthesiology positions.

(g) **PAs.** The approval of the qualifications and selection of all PAs, including those in Chief Grade under authority of sections 7401(1) and 7405. Refer to appendices II-G8 and II-H7 for procedures for qualifying and making appointments of PAs to Chief Grade.

(h) **EFDAs.** The approval of the qualifications and selection of all EFDAs appointed under the authorities of 7401(1) or 7405. Refer to appendices II-G9 and II-H2 for procedures for qualifying and appointing EFDAs.

(i) **Pharmacists.** The approval of the qualifications and selection of all pharmacists, including Chiefs of Pharmacy Service (all grades), clinical pharmacists/pharmacy specialists and program specialists in grades GS-13 appointed under the authorities of 7401(3) and 7405. Refer to appendices II-G15 and II-H8 for procedures for qualifying and appointing chiefs of pharmacy service, clinical pharmacy/pharmacy specialists, and program specialists at grades GS-13 and above. In addition, the Director may delegate authority to the Chief, Pharmacy Service, to approve the appointment of pharmacists at GS-12 and below, and of Assistant Chiefs, Pharmacy Service at GS-13.

(j) **PTs and OTs.** The approval of the qualifications and selection of PTs and OTs for section chief positions and positions at GS-12 appointed under the authorities of 7401(3) and 7405. The Director may delegate approval authority for appointments of other PTs and OTs to the Chief of Staff. Refer to appendices II-G12, II-H14 and II-H9 for procedures for qualifying and making appointments to section chief positions.

(k) **Respiratory Therapists.** The approval of the qualifications and selection of all RTs. The Director may delegate approval authority for appointments of RTs to the Chief of Staff appointed under the authorities of 7401(3) and 7405. Refer to appendix II-G11 for qualifying RTs.

(l) **LPNs/LVNs.** The approval of the qualifications and selection of all LPNs/LVNs appointed under the authorities of 7401(3) or 7405. The Director may delegate approval authority for appointments of LPNs to the Chief of Staff or to the Chief, Nursing Service. Refer to appendix II-G13 for qualifications.

(m) **Chiropractors.** The approval of the qualifications and selection of all chiropractors appointed under authority of sections 7401(1) and 7405. Refer to appendices II-G16 and II-H10 for procedures for qualifying and appointing chiropractors.

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[(n) **Other occupations appointed under the authority of 38 U.S.C 7401(3) or 7405.** The approval of the qualifications and selection of all occupations listed in 38 U.S.C. 7401(3). The facility Director may delegate approval authority for appointment of employees in the hybrid occupations (see chapter 3, section A, this part).]

c. **Professional Standards Boards.** See section C of this chapter for provisions relating to the establishment, membership, and functions of Professional Standards Boards.

d. **Human Resources Management Officer Responsibilities.** The Human Resources Management Officer will be responsible for:

- (1) Adherence to administrative and regulatory requirements;
- (2) Review of each case for completeness before forwarding to Central Office;
- (3) Advising boards on administrative and regulatory requirements pertaining to appointments, advancements and probationary reviews;
- (4) Notifying prospective appointees of their selection.

3. APPOINTMENT REQUIREMENTS AND DETERMINATIONS**a. Preference to Veterans**

(1) The primary consideration in making appointments of physicians, dentists, podiatrists, optometrists, chiropractors, nurses, nurse anesthetists, PAs and EFDAs under 38 U.S.C., chapter 73 or 74, will be the professional needs of VHA. Consistent with this policy, however, 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.

(2) When candidates for positions identified in 38 U.S.C. 7401(3), [] are determined to be approximately equally qualified for a particular opening, hiring preference will be given to veterans and preference eligibles as defined in 5 U.S.C. 2108. Selections from among these candidates will be made in the following order:

(a) Disabled veterans who have a service-connected disability of 10 percent or more.

(b) Preference eligibles under 5 U.S.C. 2108(3) (C) through (G) other than those above (e.g. 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; mother of a veteran who lost his/her life in wartime or other designated service period; mother of a service-connected permanently and totally disabled veteran.)

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

(d) All other candidates.

b. Dual Employment and Dual Compensation Restrictions

(1) Except as provided in the subparagraphs below, no full-time employee appointed under authority of 38 U.S.C., chapter [] 73 or 74, will concurrently hold any other type of **paid** appointment in VA.

(2) The following personnel may hold more than one appointment provided it is not contrary to 5 U.S.C. 5533 and VA Directive and Handbook 5007[, Appendix F, Paragraph 3, Pay Administration]: full-time personnel appointed under 38 U.S.C. 7401(3), personnel in occupations listed in 38 U.S.C. 7401(3) who are appointed on a full-time or part-time basis under 38 U.S.C. 7405(a)(1)(B), and medical support personnel appointed on a full-time or part-time basis under 38 U.S.C. 7405(a)(1)(D). A medical resident may serve as an admitting physician on a fee basis in accordance with the criteria in VA Handbook 5007[, Pay Administration]. **Paid trainees in medical support programs funded through the Office of the Chief Academic Affiliations [] may simultaneously hold part-time, intermittent, or fee basis appointments provided there is no violation of dual compensation restrictions, the trainee is determined to be the best qualified applicant, and the utilization as a trainee is consistent with the provisions of VHA Manual M-8, Academic Affairs. All other personnel appointed under authority of 38 U.S.C., chapter[] 73 or 74 are covered by the provisions of subparagraph b(2) through b(4). Pharmacy residents appointed under 38 U.S.C. 7405(a)(1)(D) may be appointed to another position under 38 U.S.C. 7405 without regard to the restrictions in 5 U.S.C. 5533.**

(3) Facility directors may appoint, on a lump-sum fee basis, full-time employees from other VA facilities employed in occupations listed under 38 U.S.C. 7401(1), provided the criteria in paragraph [b](4) [] are met and such an appointment would not be contrary to Department conflict of interest regulations (38 CFR, part 0). Such appointments permit the use of full-time employees on a fee basis at a second VA facility, provided management officials at both facilities agree that the arrangement permits them to meet staffing needs; fees are paid on other than a time basis; and the arrangement results in an employer-employee relationship. (5 CFR, part 304.) Facilities wishing to use this authority should identify the particular task they need accomplished and compensate the employee on a fee basis for the completion of that task. Appointment of full-time employees covered by 38 U.S.C. 7401(1) on a fee basis at the same VA facility is not permitted. No consultant, attending, fee-basis, part-time, or intermittent employee will simultaneously hold more than one compensable appointment in VHA unless the outlined criteria are met. The restriction in the preceding sentence applies to appointment at the same facility or at more than one facility.

(4) For individuals identified in subparagraph b(2), dual appointments may be approved by the facility Director, subject to the following conditions and restrictions:

- (a) Services are essential to the health care needs of patients.
- (b) No other equally qualified individual in the specific specialty is available in the locality.
- (c) There is no violation of dual compensation statutes or VA policies.

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(5) For individuals identified in subparagraph b(2), the following dual appointments will be approved by the facility Director only in exceptional circumstances and if requirements in subparagraph b(4) are met. Officials will ensure that these appointments will not present or lead to a conflict of interest or the appearance thereof. Questions concerning conflict of interest matters may be directed to the Regional Counsel.

(a) Utilization as a consultant or attending in combination with employment on a part-time or intermittent basis at the same facility;

(b) On-facility fee-basis appointment under the schedule of fees in combination with utilization as a consultant or attending at the same facility. (This subparagraph does not apply to outpatient services of off-facility fee-basis personnel in a private office or private clinic, even though consultant or attending services may be performed on the same day.)

(c) Part-time or intermittent employees, or currently employed consultants and attendings, in combination with an on-facility fee-basis appointment to perform an operation, give treatment, or perform special duty nursing.

(6) Recommendations to approving officials should include sufficient information to indicate that dual employment is justified.

c. **Equal Opportunity for Employment.** Employment actions will be taken on the basis of merit and without discrimination for such reasons as age, race, color, religion, national origin, sex, lawful partisan political affiliation, marital status, physical or mental disability (when the individual is qualified to do the work), or membership or non-membership in a labor organization.

d. **Member of Family Restrictions.** Employment actions will conform to the restrictions governing the employment of family members as provided in 5 CFR, part 310. (For further guidance, refer to chapter 2, this part).

e. **Restrictions Regarding Political Activity.** Employees appointed under authority of 38 U.S.C., chapter 73 or 74, are subject to the political activity restrictions in 5 U.S.C., chapter 73 and VA Handbook 5025, Legal.

f. **Qualification Standards**

(1) **General.** The basic qualification requirements for individuals appointed under 38 U.S.C., chapter[s] 73 and 74, in occupations identified in sections 7401(1) and 7401(3), are contained in VA Qualification Standards approved by the Secretary of Veterans Affairs upon recommendations of the Under Secretary for Health. These standards apply to all appointments in these occupations under authority of 38 U.S.C., chapter 73 or 74, regardless of the nature or tenure of the appointment.

(2) **Qualification Standards for Occupations.** The qualification standards for individual occupations are contained in appendix II-G[] of this chapter.

(3) Education

(a) Approved schools and satisfactory internships or their equivalents for the purpose of 38 U.S.C. 7402, will be those designated in the appropriate qualification standards. The accrediting agency or body for verifying education of applicants is also identified in the qualification standards.

(b) Provisions of 38 U.S.C., chapter 73 or 74, require that individuals have education and licensure, registration or certification as specified in the appropriate qualification standard in order to qualify for assignment of patient care responsibility. Unless otherwise indicated in the qualification standard, an unlicensed candidate may not use professional education as a substitute for the accredited education and/or training required by the qualification standards of another occupation. For example, an unlicensed physician may not be appointed as a PA by using graduation from medical school as a substitute for completion of an approved PA training program. Likewise, an unlicensed dentist may not be appointed as an EFDA by using graduation from dental school as a substitute for completion of approved dental assistant or hygienist training.

(4) **Grade Level Determinations.** The grade to which an applicant is appointed will be determined by the individual's qualifications and, in some instances, by the assignment.

g. Citizenship

(1) To be eligible for appointment in VHA, an applicant must be a citizen of the United States (U.S.), except as provided in 38 U.S.C. 7407(a) and subparagraph (2) []. The acquisition of "first papers" or the "owing of allegiance to the United States" does not satisfy the basic requirement of citizenship. Naturalized citizens must furnish evidence of citizenship.

(2) After a determination is made that it is not possible to recruit qualified citizens, necessary personnel may be appointed on a temporary basis under authority of 38 U.S.C. 7405 without regard to the citizenship requirements of 38 U.S.C. 7402 or any other law prohibiting the employment of or payment of compensation to a person who is not a citizen of the United States. Candidates must meet all other requirements for the grade and position concerned.

(3) Requests to petition the U[.]S[.] Department of State (DOS) for waiver of the 2-year home residence requirement under 22 CFR, part 514 must be approved by Office of Patient Care Services (11). Requests to petition DOS will be submitted in accordance with instructions contained in appendix II-J of this chapter. No appointment may be effected or commitment made until the required approval is received from the [U.S. Citizenship and] Immigration [] Service[s] (CIS), formerly the Immigration and Naturalization Service].

(4) Officials of VHA will not commit positions to noncitizens not legally entitled to reside in this country.

(5) Consistent with provisions in this paragraph, the appointment of noncitizens may be approved by the following officials:

(a) The facility Director is the approval authority for appointment of:

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1. All noncitizens as residents (see M-8, Pt. II);

2. Immigrants (aliens who have been admitted for permanent residence.) As of September 20, 1994, all immigrants are required to have an Alien Registration Receipt Card, Form I-551. Form I-551 has the lawful holder's photograph, fingerprint and signature on a white background; it is commonly known as the "green card."

NOTE: *The Form I-151 and all previous forms are no longer valid after September 19, 1994.*

3. All nonimmigrants (e.g., exchange visitors, alien students, visiting professors), provided employment is authorized by the [CIS]. This includes authority to sponsor an individual for a nonimmigrant visa or an extension of such visa. The authorization for employment may be cited on the nonimmigrant's visa, or the nonimmigrant may possess an Employment Authorization Form (I-688B). In cases where the authority to accept compensated or non-compensated employment by the nonimmigrant is not clearly evident, a report of contact with [CIS] officials verifying the employment authorization must be made. A copy of the document used to verify the employment authorization of the nonimmigrant is to be filed in the appointee's personnel folder.

(b) The Under Secretary for Health or designee is the approval authority for the appointment of noncitizens to centralized positions.

(c) The paid appointment of noncitizen associated health trainees is not generally permitted. Any exception requires the approval of the Under Secretary for Health, or designee. (See section G, paragraph 6, this chapter.)

h. Credentialing Requirements (Including License Registration or Certification). See section B of this chapter.

i. HHS Sanction List. See chapter 1, section B, paragraph 2 of this part.

j. English Language Proficiency. No person will be appointed under authority of 38 U.S.C., chapter 73 or 74, to serve in a direct patient-care capacity in VHA who is not proficient in written and spoken English. (See appendix II-I of this chapter).

k. Physical Requirements

(1) General

(a) Guidelines for physical and mental fitness for appointment and retention in VHA shall be established by the Under Secretary for Health. (See VA Directive and Handbook 5019[, Part II, Occupational Health].)

(b) Only those persons who are physically and mentally capable of satisfactorily performing the duties of their assignments are to be employed and retained in VHA.

(c) Determinations of physical and mental fitness will be made without discrimination for such reasons as age, race, color, religion, national origin, sex, lawful partisan political affiliation, marital status, physical or mental disability (when the individual is qualified to do the work), or membership or non-membership in a labor organization.

(2) **Preemployment Physical Examinations**

(a) **General.** A preemployment physical examination is required of all full-time, part-time and intermittent employees. It is not required of residents and interns who furnish evidence of satisfactory physical condition based on a physical examination within the past 12 months. An examination is required in any conversion action from a status not requiring a physical examination to one requiring such procedures.

(b) **Scope and Conduct of Examination.** See VA Directive and Handbook 5019[, Part II, Occupational Handbook].

1. **Oath, Affidavit, and Declaration of Appointee**

(1) All employees of VHA appointed under authority of 38 U.S.C., chapter 73 or 74 (except those utilized on a fee basis) are required to take the oath of office and execute the affidavit (subversive activity), affidavit (striking against the Federal Government), and the declaration of appointee. Noncitizens shall be required to execute only those affidavits on Standard Form (SF) 61, Appointment Affidavit, outlined in the OPM Guide to Processing Personnel Actions. The SF 61 shall be executed in accordance with the requirements set forth in chapter 2, section A, paragraph 5e of this part.

(2) The services of those employees to whom authority to administer oaths has been delegated will be used for administering oaths necessary for effecting appointments in VHA.

m. **Security Requirements for Employment.** See VA Directive and Handbook 0710 [, Personnel Suitability and Security Program] for VA instructions concerning security requirements.

n. **Effective Date of Appointment.** Appointments will be effective on the entrance-on-duty day, except as follows:

(1) **Full-Time Physicians, Dentists, Podiatrists, Optometrists, Chiropractors, and Other Personnel Appointed Under 38 U.S.C. 7306.** When an appointee is to enter on duty on Monday, the appointment will be effective on the preceding Sunday provided the employee is available for duty on that day. Sunday will be considered an administrative non-duty day. If Monday is a holiday, the appointment will be effective on the entrance-on-duty-day.

(2) **Nurses, Nurse Anesthetists, PAs, EFDAs, [and Hybrid Title 38 occupations].** When the appointee is to enter on duty on the first Monday in a pay period, the appointment will be effective on the first Sunday of the pay period. If Monday is a holiday, the appointment will be effective on the entrance-on-duty-day.

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(3) **Restoration After Military Service or Compensable Injury.** An exception to these effective dates may be made if required to satisfy statutory or regulatory provisions such as restoration after military service or compensable injury.

o. **Overseas Employment.** See chapter 1, section C of this part.

p. **Grade and/or Step Adjustments.** If, on review of board actions by the appropriate Professional Standards Board, it is determined that an employee has been appointed at a grade and step rate within the grade which is not commensurate with qualifications, the approving authority for initial appointment may approve an adjustment in the grade and/or step rate within the grade. (See section E, paragraph 2, this chapter, for limitations on adjusting step rates within the grade for this purpose.) These adjustments in grade and/or step rate will be effected as of the beginning of the next pay period following approval. The nature of action on SF 50-B will be "Promotion" or "Change to Lower Grade," as appropriate. In the case of step rate adjustments, the nature of action on SF 50-B will be "Administrative Pay Increase" or "Administrative Pay Decrease," as appropriate. The authority for such actions will be "38 U.S.C. 7403." The following statement will be placed in "Remarks" on SF 50B for such actions: "Adjustment for consistency with standardized qualification requirements."

NOTE: *Service in a lower grade prior to grade adjustment will not be credited toward meeting required time-in-grade for promotion. Service in a lower step rate prior to adjustment of step(s) within the grade will not be credited toward meeting the required waiting period for periodic step increase.*

4. APPOINTMENT/ASSIGNMENT OF NON-PATIENT CARE DUTIES. For VHA policy on the appointment/assignment of non-patient care duties to Title 38 employees, see appendix III-N.

SECTION B. CREDENTIALING AND LICENSURE**1. GENERAL****a. Scope**

(1) This section contains administrative requirements and procedures relating to the credentialing and licensure of applicants and employees appointed to occupations identified in 38 U.S.C. 7306, 7401(1), and 7401(3); and employees in those occupations who are appointed under 38 U.S.C. 7405, including individuals utilized on an on-facility fee basis, on-facility contract or on-facility sharing agreement basis. This includes such employees as physicians, dentists, podiatrists, optometrists, chiropractors, nurses, nurse anesthetists, physician assistants (PAs), expanded-function dental auxiliaries (EFDAs), [and Hybrid Title 38 occupations]. Provisions of this section apply to Central Office employees who are employed in the occupations indicated above under 38 U.S.C. 7306, 7401(1), 7401(3), or 7405. Individuals appointed under 38 U.S.C. 7405, whether paid or without compensation, on an intermittent or fee basis, including consultants and attendings, must be fully credentialed in accordance with provisions of this section, although they are considered employees only during periods when actually engaged in VA service.

(2) The provisions of this section should be used in conjunction with VHA Handbook 1100.19, “Credentialing and Privileging”.

b. Residents. Medical, dental, podiatry, chiropractic, and optometry residents and trainees appointed under 38 U.S.C. 7405 or 7406 are included within the scope of this section. As indicated in paragraph 21 of this section, the appropriate program director is responsible for certifying that the credentials and licensure of residents and trainees have been verified prior to their appointment. Specific procedures described in paragraph 3 through 14 are not applicable to residents functioning within the scope of their training program, but program directors, where possible, should use verification procedures which are generally consistent with those described.

c. Definitions

(1) The terms “medical center officials” and “facility Director or designee” refer in Central Office to the Under Secretary for Health or designee.

(2) The term “credentialing” refers to the systematic process of screening and evaluating qualifications and other credentials, including licensure, required education, relevant training and experience, current competence and health status.

(3) The term “licensure” refers to the official or legal permission to practice in an occupation, as evidenced by documentation issued by a State in the form of a license and/or registration.

NOTE: *The term “state” means any of the states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.*

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(4) An active, current, full and unrestricted license or registration in a State is one which authorizes the licensee to practice outside VA without any change being needed in the status of the license. An employee is responsible for paying any fees necessary to maintain a full and active license in a State. If a State waives fees for any reason, such as for an out-of-state practice or for employment in a Federal facility, the employee may not accept the waiver if this will place the license in an inactive or other restricted status.

d. Responsibilities of VA Officials

(1) The Under Secretary for Health or designee will establish additional credentialing, licensure and/or registration requirements and procedures to assure that only fully qualified and suitable candidates are appointed and retained in VHA. Procedures will be established to thoroughly evaluate applicant credentials, licensure and/or registration status, and to monitor these on a continuing basis for health care employees appointed under 38 U.S.C., chapter 73 or 74.

(2) Facility [D]irectors are responsible for implementing policy and procedures outlined in this section and for providing necessary resources to ensure that the verification of credentials and licensure is effectively and efficiently managed. So that only fully qualified and suitable individuals are appointed and retained under 38 U.S.C., chapter 73 or 74, Chiefs of Staff, selecting officials, PSBs and HRM officials will ensure that the qualifications of candidates for appointment are thoroughly screened and evaluated. The credentialing process includes verifying the individual's licensure and/or registration, relevant training and/or experience, current competence and physical and mental fitness. (See appendix II-L of this chapter for a credentialing checklist.) Officials described in this paragraph will ensure that all applicants and employees covered by this policy are made aware of their responsibilities with respect to credentialing and licensure.

(3) The credentialing and licensure verification process is a shared responsibility, requiring extensive interchange and continuing communication between the Chief of Staff and HRMO. Facility [D]irectors will establish local policies and procedures delineating functions to be accomplished by each of these officials to assure that responsibilities are clearly understood and can be effectively carried out.

(4) Compliance with credentialing and licensure provisions of this section does not obviate the responsibility to determine suitability for employment following guidelines in 5 CFR, part 731 or to initiate background investigations of employees using procedures specified in 5 CFR, part 736.

e. **Documentation.** Information obtained through the verification process must be documented in writing, either by letter, report of contact or, as appropriate on the employment application form.

f. Action Prior to Credentialing

(1) No appointment action will be taken, nor will an employment commitment be made, in any case where officials have reason to question a candidate's suitability for VA employment. All information obtained through the credentialing process will be carefully considered before an employment decision is made. An RN, nurse anesthetist, PA, EFDA, or candidate for appointment to an occupation identified in 38 U.S.C. 7401(3), may be appointed under 38 U.S.C. 7405(a)(1) pending receipt of transcripts, references, and/or related information, and action by a board. However, a physician, dentist, podiatrist,

optometrist, or chiropractor will be appointed only after credentialing information is received and action has been taken by a Professional Standards Board (PSB).

(2) In exceptional circumstances and where required to meet an emergent patient care situation, the facility Director may approve the temporary appointment of a physician, dentist, podiatrist, optometrist, or chiropractor under 38 U.S.C. 7405 without prior action by a PSB. The Director will document for the record the specific circumstances and patient care situation which warranted such an appointment. The appointment will be made only after evidence of current, full and unrestricted licensure has been obtained and a judgment has been made that the individual is fully qualified for the assignment.

g. Applicant and Employee Responsibilities. Applicants and employees will provide evidence of licensure, registration, certification, and/or other relevant credentials, for verification prior to appointment and throughout VA employment as requested. They are responsible for keeping VA apprised of anything that would adversely affect or limit the credentials discussed in this section, and for advising VA of anything that would adversely affect or otherwise limit their clinical privileges. Failure to keep VA fully informed on these matters may result in administrative or disciplinary action.

h. Verification of Credentials After Short Breaks in Service. An applicant who has had a break in VA service of no more than 15 workdays may be reappointed in the same occupation without the full credentialing process required for initial appointment (i.e., verification of education background, licensure status, certifications by professional organizations, references, etc.). The applicant must complete a new employment application form and be recommended by the appropriate board, if action by a board is normally required for the type of appointment being considered. Facility officials will verify any licensure or qualification information that has not previously been documented in the personnel folder or the Credentialing and Privileging Folder, as appropriate. The official designated by the facility Director will note on the application form, in the space reserved for verification of credentials, the reason that credentials were not reverified. Typically, the reason will be that the break in service was for less than 15 workdays. Reverification of credentials is not required for residents or trainees who rotate for training during the academic year between a VA facility and its affiliate(s). (See paragraph 21 for resident credentialing procedures.)

NOTE: *For those subject to the credentialing and privileging provisions of VHA Handbook 1100.19, any break in service requires the verification of those credentials (time limited) which could have changed since last verified (State licensure, Drug Enforcement Administration (DEA) certification, board certification, etc.).*

2. APPLICATION

a. Application Forms. Candidates seeking employment under 38 U.S.C., chapter 73 or 74, must complete one of the following application forms:

(1) VA Form 10-2850, Application for Physicians, Dentists, Podiatrists, Optometrists, and Chiropractors;

(2) VA Form 10-2850a, Application for Nurses and Nurse Anesthetists;

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(3) VA Form 10-2850b, Application for Residency;

(4) VA Form 10-2850c, Application for Associated Health Occupations;

(5) The former Standard Form 171 and 171A, Application for Federal Employment, or Optional Form 612, Optional Application for Federal Employment, and, Optional Form 306, Declaration for Federal Employment. These forms are to be used by applicants for whom none of the above forms is appropriate; primarily, this includes applicants for medical support or nonmedical consultant appointments.

b. Application Review. The HRM Officer or designee will thoroughly review each employment application to assure that all questions are answered and that additional information is provided where required. Applicants are to be asked to account for any gaps in their work history. This information shall be documented on the employment application, and, along with reference checks and other information obtained in the credentialing process, considered in the selection process. Incomplete applications are to be returned and applicants notified that they will not be considered for employment until their application has been fully completed. The HRMO or designee will review applications for compliance with administrative and regulatory requirements. Applicants who do not meet appointment requirements should be so notified.

3. EDUCATIONAL CREDENTIALS**a. Verification of Educational Credentials**

(1) Educational credentials relating to qualifications for employment are to be verified through primary source(s) whenever feasible. This includes education used to qualify for appointment, advancement or which is otherwise related to an individual's employment. This verification should also include a comparison of the educational institution(s) cited on the application against existing lists of institutions or "diploma mills" which sell fictitious college degrees and other professional credentials. The accrediting agency or body for verifying the accreditation status of schools is identified in the appropriate VA qualification standard.

(2) For individuals who will have clinical privileges, written verification of internships, residencies, fellowships, advanced education, clinical practice programs, etc., from the appropriate program director or school is required. For foreign medical graduates, facility officials must verify with the Educational Commission for Foreign Medical Graduates (ECFMG) that the applicant has met requirements for certification, and must obtain a copy of the ECFMG certificate, if claimed by the applicant.

(3) If education cannot be verified because the school has been closed, because a school is in a foreign country and no response can be obtained, or for other similar reasons, all efforts to verify the applicant's education will be documented. In any case, facility officials must verify that candidates meet appropriate VA qualification standard educational requirements prior to appointment.

b. Transcript of Higher Education

(1) When practical, applicants should be asked to provide a transcript of their qualifying education for evaluation by the appropriate PSB prior to appointment. If an individual has a degree in a related field, consideration should be given to obtaining a transcript of this program as well. An RN or LPN/LVN must provide an official transcript of their nursing education program prior to appointment. Transcripts may be requested from other applicants, including nurse anesthetists, PAs, EFDAs, and candidates selected for appointment to an occupation identified in 38 U.S.C. 7401(3).

(2) Transcripts should be evaluated to consider the specific course work completed, grades received, and overall level of difficulty of the program. A master's degree or post-graduate certificate program providing entry-level qualifying education should not be credited at the graduate level. For example, individuals who have a baccalaureate degree in an unrelated field and earn a master's degree in nursing or a post-baccalaureate certificate in occupational therapy would qualify on the same basis as an individual with an undergraduate degree and no experience.

c. Educational Profile for Physicians. Facilities may obtain, from the American Medical Association, a profile listing all medical education a physician candidate has received in this country and available licensure information for follow-up as necessary. It should be noted, however, that this is a secondary source and, by itself, is not considered sufficient for verification purposes.

4. EMPLOYMENT HISTORIES AND PREEMPLOYMENT REFERENCES

a. References. As a minimum, a reference will be obtained from each applicant's current or most recent employer. Additional references should be obtained, if possible, particularly from employer(s) or other individuals who are knowledgeable about the applicant's work history during the preceding 5 years. For physicians and dentists, at least three references will be obtained and for other candidates, every effort will be made to obtain such additional references.

(1) For any candidate whose most recent employment has been private practice, facility officials will contact institution(s) where clinical privileges are and/or were held, professional organizations, references listed on the application form, and/or other agencies, institutions or persons who would have reason to know the individual's professional qualifications.

(2) The VA Form Letter 10-341a, Appraisal of Applicant, may be used to obtain references on applicants. However, supplemental information may be required to fully evaluate the educational background and/or prior experiences of an applicant (see subparagraph (3) []). Initial and/or follow-up telephone or personal contact with those having knowledge of an applicant's qualifications and suitability are encouraged as a means of obtaining a complete understanding of the composite employment record. All references must be documented in writing. Written records of telephone or personal contacts must report who was spoken to, that person's position, the date of the contact, a summary of the information provided, and the reason why a telephone or personal contact was made in lieu of a written communication. Reports of contact are to be filed with other references in the personnel folder and, as appropriate, in the Credentialing and Privileging Folder.

application form. For other applicants, the official designated by the facility Director will document verification of specialty certification where required on the appropriate application form. See paragraph d for procedures on documenting specialty documentation.

c. **On-Duty Employees.** On-duty employees attaining specialty certification will have their certification verified under paragraph d.

d. **Verification Procedures.** If listings of specialists are used to verify specialty certification, these must be from current or recently issued copies of the publications as follows:

(1) **Physicians.** Board certification may be verified through the Compendium of Medical Specialists, published by the American Board of Medical Specialists, or the Directory of American Medical Specialists, published by Marquis' Who's Who, or by direct communication with officials of the appropriate board. A letter from the board is acceptable for those recently certified. (The address and telephone number of the board may be obtained from the latest Directory of Approved Residency Programs published by the Accreditation Council for Graduate Medical Education.) Copies of documents used to verify certification are to be filed in the personnel folder and, as appropriate, in the Credentialing and Privileging Folder. (See VA Handbook 5007[, Part IX, Pay Administration] for procedures relating to verifying board certification for special pay purposes.)

(2) **Dentists.** Board certification may be verified by the listings in the American Dental Directory published annually by the American Dental Association or by contacting the appropriate Dental Specialty Board. Addresses of these boards may be obtained from the American Dental Association, 211 East Chicago Avenue, Chicago, Illinois 60611.

(3) **Podiatrists.** Three specialties are currently recognized by the House of Delegates, American Podiatric Medical Association and VA: the American Board of Podiatric Surgery, American Board of Podiatric Orthopedics, and American Board of Podiatric Public Health. Addresses of these boards may be obtained from the latest American Podiatric Directory.

(4) **Other Occupations.** Board certification and other specialty certificates will be verified by contacting the appropriate specialty board or certifying organization.

e. **Evidence of Continuing Certification.** For professions or occupations in which current certification is required, employees must present evidence of such certification upon request throughout VA employment.

8. DRUG ENFORCEMENT ADMINISTRATION CERTIFICATION

a. **Background.** Physicians, dentists, podiatrists and certain other professional persons may apply for and be granted renewable certification by the Drug Enforcement Administration (DEA) to prescribe controlled substances as a part of their practice. Certification by DEA is not required for VA employment, since employees may use the facility's institutional DEA certificate. However, certification will be verified as indicated below for individuals who claim on the employment application form to currently hold or to have held DEA certification in the past.

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b. **Application Form.** Each applicant in these occupations must provide, on the appropriate VA employment application form, information about his or her current or most recent DEA certificate, if applicable. Any applicant whose DEA certificate has ever been revoked, suspended, limited, restricted in any way, or voluntarily relinquished shall be required to provide a detailed explanation of such action at the time of application for employment.

c. **Restricted Certificates.** A State licensing board may obtain a voluntary agreement from an individual not to apply for renewal of certification or may decide not to approve the individual's application for renewal as a part of a disciplinary action taken in connection with the individual's professional practice. While there are a number of reasons a license may be restricted which are unrelated to DEA certification, an individual's State license is considered restricted or impaired for purposes of VA employment if a State licensing board has suspended the person's authority to prescribe controlled substances or other drugs; selectively limited the individual's authority to prescribe a particular type or schedule of drugs; or accepted an individual's offer or voluntary agreement to limit authority to prescribe. (See paragraphs 13 and 17.)

d. **Verification.** Current DEA certification will be sighted prior to appointment, and a copy of the DEA certificate will be obtained. Current DEA certification will also be sighted during VA employment at the same time as State licensure. (See paragraphs 13 and 17.) The employee will be asked to fully explain in writing if DEA certification has been revoked, suspended, limited, restricted, or voluntarily relinquished since last verified. Upon receipt of such explanation, the Chief of Staff will initiate a review of the employee's clinical privileges, if appropriate.

e. **Required Action by VA Officials**

(1) If action taken on an employee's DEA certificate has the effect of restricting the individual's only State license, immediate action will be initiated to separate the employee under provision of VA Directive and Handbook 5021[, Part VI, Employee/Management Relations].

(2) If, as a result of the review of clinical privileges, a decision is made to propose revocation of an employee's clinical privileges, separation action will be initiated using procedures in VA Directive and Handbook 5021[, Part II, Employee/Management Relations].

9. CLINICAL PRIVILEGES

a. **Review of Clinical Privileges.** Applicants completing VA application forms will be required to respond to questions concerning clinical privileges at VA and non-VA facilities. If possible, copies of clinical privileges will be obtained for review from the applicant or from the institutions where privileges are or were most recently held.

b. **Evaluation of Privileges.** As part of the credentialing process, information on clinical privileges will be evaluated by appropriate facility officials. Details concerning any limitation(s) on privileges will be carefully considered prior to appointment.

c. **On-Going Review.** Clinical privileges will be established and reviewed throughout the individual's employment following standards and guidelines issued by VHA and established in the VA facility's medical staff bylaws. The clinical privileging process must be completed prior to initial appointment.

NOTE: *Additional VHA policy concerning clinical privileges is contained in VHA Handbook 1100.19[, Credentialing and Privileging].*

10. MALPRACTICE CONSIDERATIONS

a. **Applicants.** VA employment applications forms require applicants to give detailed written explanations of any involvement in administrative, professional or judicial proceedings, including Federal torts claims proceedings, in which malpractice is or was alleged. If an applicant has been involved in such proceedings, a full evaluation of the circumstances will be made by officials participating in the credentialing, selection and approval processes prior to making any recommendation or decision on the candidate's suitability for VA employment.

b. **Employees.** Each employee will be asked to indicate at the time of licensure verification any involvement in proceedings described in subparagraph a, and to provide a written explanation of the circumstances, if appropriate. A review of clinical privileges, as appropriate, will be initiated if clinical competence issues are involved.

c. **Evaluation of Circumstances.** Facility evaluating officials will consider VA's obligation as a health care provider to exercise reasonable care in determining that individuals are properly qualified, recognizing that many allegations of malpractice are proved groundless. Facility officials will evaluate the individual's explanation of specific circumstances in each case, and may require the applicant or employee to provide copies of documents pertaining to the case. Reasonable efforts will be made to assure that only individuals who are well-qualified to provide patient care are permitted to do so. Questions concerning legal aspects of a particular case should be directed to the Regional Counsel.

11. DEANS COMMITTEE, MEDICAL ADVISORY COMMITTEES, AND OTHER ADVISORY BODIES. At health care facilities having teaching programs, the Under Secretary for Health will approve the establishment of a Deans Committee, Medical Advisory Committees, and other advisory bodies. (See M-8, pt. I, ch. 3) The Deans Committee may nominate, for consideration by the Director, physicians and dentists for appointment to the professional staff of the facility, including chiefs of service. This applies to individuals appointed on a paid or without compensation basis to full-time, part-time or intermittent assignments; to those appointed on an on-facility fee-basis; and to consultants and attendings. The Director should consider the recommendations of the Deans Committee, but the final decision on the appointment of a physician or dentist resides with the facility Director.

12. SUITABILITY

a. **General.** If adverse information is obtained during the credentialing process, facility officials will review this against suitability criteria and make a determination in accordance with 5 CFR, part 731. Questions concerning the use of adverse information in making suitability determinations or the legality of adverse determinations and personal liability involvement should be referred to the Regional Counsel.

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b. **Applicants.** If there is any question about an applicant's suitability, no appointment action will be taken, nor will an employment commitment be made, until the matter has been resolved.

c. **Employees.** Conclusive evidence of preemployment unsuitability (character traits, past work performance, etc.) may arise after an individual's appointment under 38 U.S.C., chapter 73 or 74. If continued employment is not in the best interest of the service, the employee's appointment will be terminated under VA Directive and Handbook 5021[, Part VI, Employee/Management Relations].

13. GENERAL LICENSURE AND REGISTRATION REQUIREMENTS

a. **General.** Specific licensure, registration and certification requirements for individuals appointed under 38 U.S.C., chapter 73 or 74 are included in paragraphs which follow and in the appropriate qualification standard for the occupation. This paragraph contains definitions and general provisions which apply to all occupations for which licensure and/or registration are required. Applicants must possess at least one active, current, full and unrestricted license, registration or certification to be eligible for appointment, if required for the occupation in the appropriate qualification standard. If all licenses, registrations or certifications are impaired, the individual is ineligible for appointment in VA. Additionally, if the applicant's sole license is considered to be inactive by the State issuing the license (e.g., the State considers the license to be "inactive" because the individual is not practicing in the State where the license is held), the individual is ineligible for appointment in VA.

b. **State.** The term "State" means any of the several States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

c. **Active Licensure.** An active, current, full and unrestricted license or registration in a State is one which authorizes the licensee to practice outside VA without any change being needed in the status of the license. An employee is responsible for paying any fees necessary to maintain a full and active license in a State. If a State waives fees for any reason, such as for an out-of-state practice or for employment in a Federal facility, the employee may not accept the waiver if this will place the license in an inactive or other restricted status.

d. **Failure to Maintain Licensure.** See paragraph 17.

e. **Changes in Authority to Prescribe.** A State licensing board may restrict an individual's license for a variety of reasons. In addition to other reasons, for VA purposes, the license of an individual in an occupation authorized to prescribe is considered to be restricted or impaired if the State licensing board has suspended the individual's authority to independently prescribe controlled substances or other drugs; selectively limited the individual's authority to prescribe a particular type or schedule of drugs; or accepted an individual's offer or voluntary agreement to limit the authority to prescribe. The State's action may be taken in connection with the individual's DEA certification and/or with a separately issued State authorization to prescribe. (See paragraph 8.) This is only one example of a situation in which an individual's license may be restricted or impaired.

f. **Changes in State Licensure Requirements.** An employee is responsible for complying with any changes in licensure and/or registration requirements which may be imposed by the State(s) of licensure. If an employee can show he or she was not notified of the new requirement and proceeded in good faith

under the assumption that the license remained full and unrestricted, this will be accepted as prima facie evidence of licensure up until discovery of the change in requirements. When the employee is notified through any source of a change in requirements, the employee is to act immediately to make the license whole at the earliest possible date, normally no more than 15 workdays after notification. If the employee is unable to make the license whole and, as a result, holds no full unrestricted license in a State, action to separate for failure to meet qualification requirements will be taken under VA Directive and Handbook 5021.

g. Administrative Delay by State Licensing Board

(1) Facility officials who learn that a State licensing board will be delayed in processing renewal applications past the licensure or registration expiration date should notify [OHRM&LR's] Recruitment and Placement Policy Service (059) so that a general notice to all VHA facilities can be issued. If no such notice has been issued, facility officials should verify with the State board that VA employees are considered to be fully licensed or registered during the delay period. Verification of current licensure or registration may be obtained through telephone contact with the State board pending receipt of the renewal.

(2) If an employee is unable to present evidence of current licensure or registration prior to the expiration date, facility officials should verify through written or telephone contact with the State board that the employee's application for renewal has been received and that the employee is considered to be fully licensed or registered. If officials are unable to verify this with the State board prior to the expiration date of licensure, the employee may be permitted to continue in a work status only if the employee certifies that application was made on a timely basis prior to the expiration date of licensure. The certification must include a statement that the employee understands that separation action may be initiated under provisions of VA Directive and Handbook 5021[, Part VI, Employee/Management Relations,] if evidence of renewal is not received within 30 workdays of the expiration date. Where possible, evidence of the employee's application for licensure or registration renewal should be sighted.

h. Questionable Licensure Status. Circumstances may cause the status of an employee's license or registration to be questioned. If facility officials are uncertain whether an employee's license or registration meets statutory or regulatory requirements, a decision by the Regional Counsel will be requested.

i. Payment of Licensure or Registration Renewal Fees. VA employees are responsible for the payment of any required fees on a timely basis to assure that their licensure or registration is maintained on a current, active basis. If an affiliated institution normally pays such fees for VA employees who work part-time or have teaching agreements at that institution, this does not relieve the employee of the responsibility for assuring that licensure or registration is maintained in an active, current status.

14. LICENSURE FOR PHYSICIANS, DENTISTS, PODIATRISTS, OPTOMETRISTS, AND CHIROPRACTORS

a. General. Any physician, dentist, podiatrist, optometrist, or chiropractor appointed under 38 U.S.C., chapter 73 or 74 is required to possess an active, current, full and unrestricted license to practice medicine, surgery, osteopathy, dentistry, podiatry or optometry, as appropriate, in a State, and must

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furnish evidence of this prior to appointment. Current registration will be maintained in accordance with the requirements of the State of licensure and evidence of such licensure and registration must be presented by the employee for verification periodically as requested throughout VA employment. A limited license or any other license less than a full, unrestricted State license, however denominated (e.g., temporary, limited, or institutional), will not meet the licensure requirement for appointment under 38 U.S.C., chapter 73 or 74.

b. **Exceptions.** The only exceptions to the licensure requirements are as follows:

(1) An individual who has met all the professional requirements for admission to the State licensure examination and has passed the examination, but who has been issued a State license which is limited on the basis of noncitizenship or not meeting the residence requirements of the State.

(2) An individual who has been granted an institutional license by the State which permits faculty appointment and full, unrestricted clinical practice at a specified educational institution and its affiliates, including the VA health care facility; or, an institutional license which permits full, unrestricted clinical practice at the VA health care facility. This exception will be used only to appoint an individual who is a well-qualified, recognized expert in the individual's field, such as a visiting scholar, clinician, and/or research scientist, and only under authority of 38 U.S.C. 7405. It may not be used to appoint an individual whose institutional license is based on action taken by a State licensing board as described in subparagraph d [].

(3) An individual who has met all the professional requirements for admission to the State licensure examination and has passed the examination, but who has been issued a time-limited or temporary State license or permit pending a meeting of the State licensure board to give final approval to the candidate's request for licensure. The license must be active, current and permit a full, unrestricted practice. Appointments of individuals with such licenses must be made under authority of 38 U.S.C. 7405 and will be time-limited not to exceed the expiration date of licensure.

(4) A resident who holds a license which geographically limits the area in which practice is permitted or which limits a resident to practice only in specific health care facilities, but which authorizes the individual to independently exercise all the professional and therapeutic prerogatives of the occupation. In some States, such a license may be issued to residents in order to permit them to engage in outside professional employment during the period of residency training. The exception does not permit the employment of a resident who holds a license which is issued solely to allow the individual to participate in residency training.

c. **Verification.** The Chief of Staff will ensure that the licensure and registration of physicians, dentists, podiatrists, optometrists, and chiropractors are verified prior to their appointment under 38 U.S.C. 7306, 7401, or 7405. This includes all individuals serving on a full-time, part-time, intermittent or on-facility fee basis (including consultants and attendings), whether paid or without compensation.

(1) **Licensure Verification With State Boards.** The Chief of Staff will document, on the VA Form 10-2850, Application for Physicians, Dentists, Podiatrists, Optometrists, and Chiropractors, that the status of all licenses has been verified with the appropriate State licensing board for all States in which the applicant lists having ever held a license. This includes licenses which the applicant lists as active,

current, full and unrestricted as well as licenses the applicant lists which were held at any time in the past and which have been allowed to lapse or which are no longer current for any reason. Although PSBs for initial appointments of dentists, podiatrists, optometrists, and chiropractors are normally held in Central Office or at a designated field facility, the Chief of Staff or designee is responsible for sighting verification of the licensure of these individuals.

(2) **Review of Employment Application.** For candidates with recent employment in a State in which no licensure is indicated on the application form, the State board should be contacted to assure that no restriction or revocation action has occurred.

(3) **Physician Screening with FSMB (Federation of State Medical Boards).** A query is not a mandatory requirement of the credentialing process. However, there may be times that a facility may want to query FSMB as a supplement to other information obtained in the credentialing and privileging process. Facilities wishing to query the FSMB are to obtain the appropriate software directly from the FSMB. Queries are to be submitted directly from the querying entity to the FSMB and paid for by the querying entity.

d. **Licensure History.** An individual who has current, unrestricted license in one State, but who has, or has ever had, any license to practice revoked, suspended, denied, restricted, limited, issued/placed on a probationary basis, or who has entered into any other type of voluntary or involuntary agreement with a State licensing board regarding the individual's practice, will not be hired without prior consideration of all relevant facts surrounding the action by the appointing official. A lesser level of scrutiny is required for an individual who has allowed license(s) to lapse because the individual has not paid a registration fee, no longer practices in a State, or does not meet a residency requirement.

e. **Waiver of Licensure Requirement**

(1) The Appointing Official may waive the licensure requirement if a physician, dentist, podiatrist, optometrist, or chiropractor is to be used in a research, academic, or administrative position where there is no direct responsibility for patient care.

(2) The facility Director may waive the licensure requirement if the individual is to serve in a country other than the United States and the licensure is in that country (i.e., Philippines).

15. REGISTRATION FOR NURSES AND NURSE ANESTHETISTS

a. **General.** Any nurse or nurse anesthetist appointed under 38 U.S.C., chapter 73 or 74 is required to possess active, current, full and unrestricted registration as a graduate professional nurse in a State, and must furnish evidence of this prior to appointment. Current registration will be maintained and evidence of this must be presented by the employee for verification periodically as requested throughout VA employment. A limited registration or any other registration less than a full, unrestricted State registration will not meet the registration requirement for appointment.

b. **Verification.** The HRMO or Chief, Nursing Service, (or equivalent position) or designee, as appropriate, must verify the registration of all nurses and nurse anesthetists prior to their appointment under 38 U.S.C., chapter 73 or 74. This includes full-time, part-time, intermittent and on-facility fee

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basis nurses and nurse anesthetists (including consultants), whether they are paid or serving without compensation. Nurses utilized on an on-facility contract or on-facility sharing agreement basis are also covered by provisions of this paragraph.

(1) Except as provided in subparagraph d [], every VHA nurse and nurse anesthetist must have at least one active, current, full and unrestricted registration as a graduate professional nurse in a State.

(2) The appropriate official will document on VA Form 10-2850a, "Application for Nurses and Nurse Anesthetists," that the status of all registration(s) has been verified with the appropriate State board(s) for all State(s) in which the applicant lists having ever held registration. This includes registration(s) which the applicant lists as active, current, full and unrestricted as well as registration(s) the applicant lists which were held at any time in the past and which have been allowed to lapse or which are no longer current for any reason.

(3) For nurses and nurse anesthetists with recent employment in a State in which no registration is indicated on the application form, the State board will be contacted to assure that no restriction or revocation action has occurred.

c. Impaired Registration. Appointing officials may approve the appointment or reappointment of a registered nurse or nurse anesthetist who has previously had impaired registration, provided the candidate currently has full and unrestricted registration.

d. Waiver of Registration Requirement. The facility Director may waive the registration requirement of a nurse or nurse anesthetist if the individual is to serve in a country other than the United States and the registration is in that country (i.e., Philippines).

**16. LICENSURE, REGISTRATION AND/OR CERTIFICATION FOR TITLE 38
ASSOCIATED HEALTH PERSONNEL**

a. General. Any PA or EFDA appointed under 38 U.S.C. 7401(1) or 7405(a)(1)(A) must meet licensure or certification requirements as specified in the appropriate qualification standard. Individuals appointed under 38 U.S.C. 7401(3) or under 38 U.S.C. 7405(a)(1)(B) or 7306 to occupations listed in 7401 must meet licensure, registration and/or certification requirements in the appropriate qualification standard for the occupation. Current licensure, registration and/or certification will be maintained and evidence of this must be presented by the employee for verification periodically as requested throughout VA employment. A limited license, registration or certification or any status of these which is less than full and unrestricted will not meet the qualification standard requirement for the occupation.

b. Verification. Prior to appointment, each applicant's credentials will be checked as follows:

(1) The facility Director will designate the official(s) who will be responsible for documenting on VA Form 10-2850c, "Application for Associated Health Occupations," that the status of all license(s) or registration(s) has been verified with the appropriate State board(s) for all State(s) in which the applicant lists having ever had licensure or registration. This includes licenses or registration(s) which the

applicant lists as active, current, full and unrestricted as well as license(s) or registration(s) the applicant lists which were held at any time in the past and which have been allowed to lapse or which are no longer current for any reason.

(2) [Applicants] must present evidence of registration or certification by the appropriate national certifying body prior to appointment for verification by the official(s) designated by the facility Director. This will be documented on VA Form 10-2850c.

(3) PAs must present evidence of certification by the appropriate national certifying body prior to appointment for verification by the official(s) designated by the facility Director. This will be documented on VA Form 10-2850c, "Application for Associated Health Occupations." Licensure is required for PAs to practice outside VA in some States, although it is not required for VHA employment. If a PA claims licensure in any State(s), the official(s) designated by the facility Director will verify licensure status with the State licensing board(s) as a part of the credentials review.

(4) For candidates with recent employment in a State in which no licensure or registration is indicated on the application form, the State board should be contacted to assure that no restriction or revocation has occurred.

c. **Impaired Licensure.** Appointing officials may approve the appointment or reappointment of an individual covered by this paragraph who has previously had an impaired license, registration or certification, provided the candidate currently has full/unrestricted license/registration.

17. CONTINUING LICENSURE, REGISTRATION, AND/OR CERTIFICATION REQUIREMENTS FOR EMPLOYEES

a. Verification of Primary License

(1) The expiration date of an appointee's primary license, registration and/or certification, as appropriate, will be coded for follow-up purposes as provided in VA Manual MP-6, part V, supplement No. 1.5 (PAID). The appointee will specify the State in which primary licensure is claimed. The facility Director will designate the official(s) who will be responsible for the follow-up verification of these credentials. For this purpose, verification will consist of sighting evidence of renewal. VA Form 4682, Certification of Licensure, Registration, or Bar Membership, will be used and will be filed on the right side of the employee's personnel folder.

(2) Only the initial verification, which may have been certified on VA Form 4682 or the employment application form, and the latest VA Form 4682 are required to be on file. No follow-up expiration date need be coded for employees whose registration or certification is issued on a one-time basis for whom there is no continuing requirement to maintain currency. (See pars.13 to 16 for licensure verification requirements on initial appointment.)

b. **Other Verification.** Individuals with multiple licenses, registrations, and/or certifications are responsible for maintaining these credentials in good standing and of informing the Director or designee of any changes in the status of these credentials. The Director is responsible for establishing a mechanism for assuring that such multiple licenses, registrations and/or certifications are consistently

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held in good standing or, if allowed to lapse, are relinquished in good standing. For any such credentials which were held previously, but which are no longer held or no longer full and unrestricted, the employee will be asked to provide a written explanation of the reason(s). The verifying official will contact the State board(s) or issuing organization(s) to verify the reason(s) for any change.

c. Impaired Licensure. If it is learned that an employee has an active, current, full and unrestricted license or registration in a State, but has had any other license or registration to practice revoked, suspended, denied, restricted, limited, issued/placed on a probationary basis, or has entered into any other type of voluntary or involuntary agreement with a State licensing board regarding the employee's practice, facility officials will take steps to ascertain the full circumstances and, if appropriate, will initiate a review of clinical privileges, disciplinary action and/or termination procedures.

d. Failure to Maintain Current Licensure, Registration or Certification

(1) An employee who does not maintain active, current, licensure, registration and/or certification (if required), or who fails to show evidence of such when requested to do so, must be separated under appropriate procedures in VA Directive and Handbook 5021[, Part VI, Employee/Management Relations]. Questions about whether to separate an employee based on failure to maintain current licensure or registration, should be referred to Regional Counsel.

(2) Some states authorize a grace period after the licensure and/or registration expiration date, during which an individual is considered to be fully licensed and/or registered whether or not the individual has applied for renewal on a timely basis. Facility officials will not initiate separation procedures for failure to maintain licensure or registration on an employee whose only license and/or registration has expired if the State has such a grace period and considers the employee to be fully and currently licensed/registered.

18. REPORTING TO STATE LICENSING BOARDS. Licensed and/or registered employees and former employees will be reported to State licensing or registration boards and/or to other monitoring bodies in accordance with provisions VHA Handbook 1100.18[, Reporting and Responding to State Licensing Board]. This requirement applies to all licensed and/or registered employees included within the scope of this chapter, including residents.

19. HEALTH STATUS OF APPLICANTS AND EMPLOYEES

a. General. The credentialing process includes an evaluation of the health status of applicants as well as employees. Policies and procedures related to physical requirements for applicants and employees are contained in VA Directive and Handbook 5019, [Part II, Appendix A,] Occupational Health Services.

b. Preemployment Physical Examination. All full-time, part-time and intermittent employees, are required to satisfactorily complete a preemployment physical examination prior to appointment.

c. Certification of Physical and Mental Fitness. All applicants and employees, whether paid or appointed on a without compensation basis, who request clinical privileges, including those utilized on a full-time, part-time or intermittent basis, as consultants or attendings, or on a fee-basis, and including

those utilized on an on-facility contract or on-facility sharing agreement basis, will be required to certify that they are physically and mentally capable of performing the requested privileges. Service chiefs will be required to certify that, to the best of their knowledge, the applicant or employee is physically and mentally capable of satisfactorily performing the requested clinical privileges. In cases where the service chief is a nonphysician, certification of satisfactory health status must also be obtained from a physician who is familiar with the duties the individual is privileged to perform. (For residents, see paragraph 21.)

20. NATIONAL PRACTITIONER DATA BANK SCREENING. See VHA Handbook 1100.19[, Credentialing and Privileging].

21. CREDENTIALS OF RESIDENTS AND TRAINEES

a. **General.** Medical, dental, podiatry, optometry, and chiropractic residents and trainees appointed under 38 U.S.C. 7405 or 7406 must meet the licensure requirements for residents and trainees specified in the appropriate qualification standard for the occupation. If licensure is required, evidence of licensure must be furnished prior to appointment and periodically throughout VHA employment as requested.

NOTE: See M-8, part II, for residency and trainee program requirements. See VHA Handbook 1400.1[, Resident Supervision] for clinical practice and privileging requirements.

b. Verification

(1) Before the Director approves the appointment of any resident or trainee in an integrated program, whether paid or without compensation, a Resident/Trainee Credentials Verification Letter (RCVL) signed by the program director of the affiliate, for the occupation or specialty involved, must be submitted through the Chief of Staff for approval by the Director. If the residency or training program is not integrated with an affiliate, the VA facility program director must verify all credentials of residents or trainees and sign the RCVL. A new RCVL is required for each academic year that the resident or trainee is appointed to a VA facility.

(2) The RCVL must certify that all the documents needed for the appointment of that particular individual into the program are in order. For medical residents, these documents must be in compliance with the requirements of the Accreditation Council for Graduate Medical Education (ACGME), and must also meet all requirements of the program. The program director must verify all credentials (diplomas, letters of reference, certificates of advanced training, and, where applicable, Educational Council for Foreign Medical Graduates (ECFMG) certification, DEA certification, and all State professional licenses held prior to entry into the program or obtained during residency training), and affirm that the resident or trainee is physically and mentally fit to take care of patients. (See appendix II-I of this chapter for sample RCVL letter.)

(3) The program director will notify the facility Director if a resident or trainee has had any problems concerning credentials. Specifically, this will include any problems relating to diplomas, references, previous residency or other training, licensure, clinical privileges, DEA certification, and/or professional liability insurance as indicated on the employment applications. (VA Form 10-2850b for medical and

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dental residents, and VA Form 10-2850c or Standard Form 171 or OF-612 and OF-306 for other residents and trainees.)

(4) Residents functioning within the scope of their training program must meet clinical practice requirements as specified in VHA Handbook 1400.1[, Resident Supervision]. The RCVL must certify that ACGME-established criteria for the essentials and special requirements for residency training programs have been followed by the program director, or in certain cases, by the appropriate VA service chief. Such residents are generally excluded from clinical privileging requirements required for VHA staff physicians, except as provided for in subparagraph d [].

(5) A sample format for the RCVL is contained in appendix II-I of this chapter. It must include a list of all the paid or without compensation residents or trainees to be rotated at any time during the academic year to the VA facility.

(6) The original RCVL from each program director for the academic year must be retained for 5 years by the Chief of Staff, or designee, in a Resident/Trainee Credentials Verification File.

(7) Until the facility Director countersigns the program director's RCVL, a resident or trainee cannot be allowed to participate in any of the patient care activities at the VA facility. There will be no exceptions to this policy.

c. **Application Form.** Prior to the appointment of any resident or trainee, the Chief of Staff or the facility Director's designee will document on the employment application, VA Form 10-2850b or [] 10-2850c, as appropriate, that evidence of current, full and unrestricted licensure and registration (if required) have been sighted for all State(s) in which the applicant claims to have ever been licensed. The RCVL may be cited as evidence of licensure verification and as evidence of verification of other required credentials. If the RCVL is sighted as evidence of credentials verification, this will be noted on the VA Form 10-2850b or 10-2850c, or on VA Form 4682 (licensure or registration verification only).

d. **Employment of Residents as Admitting Physicians.** A medical resident functioning outside the scope of his or her training program who is appointed as an admitting physician must meet VA physician qualification standard requirements, including licensure in a State, be fully credentialed in accordance with provisions of this section, and be privileged in accordance with provisions applicable to VHA staff physicians.

SECTION E. GENERAL APPOINTMENT PROVISIONS UNDER 38 U.S.C. CHAPTER 74**1. APPOINTMENT PROCESSING REQUIREMENTS**

a. **Applications Received by Facilities.** Applications received by facilities will be referred promptly to Human Resources Management Service. The Human Resources Management Officer will review applications for compliance with administrative and regulatory requirements. Candidates who fail to meet these requirements and thus fail to qualify for appointment will be notified by the Human Resources Management Officer. Applications from selectees who meet VHA requirements for appointment will be referred to the appropriate Professional Standards Board (PSB) for necessary action as follows:

(1) Selection and Appointment Action

(a) The PSB will evaluate qualifications and recommend a grade level based on VA qualification standard requirements. The board will also recommend a rate of pay with due consideration being given to prior service and professional achievement. (See VA Directive and Handbook 5007[, Part II, Pay Administration].) The board will complete the VA Form 10-2543, Board Action, and forward all documents through the approving authority to the Human Resources Management Officer, who will effect the appointment action. For actions which require the approval of the Under Secretary for Health or designee, the facility board will enter its recommendations on VA Form 10-2543, and forward all documents through channels for approval. On approval, the originals will be returned to the facility.

(b) For physician service chiefs and comparable positions, see appendix II-H1.

(c) For podiatrists, see appendix II-H3.

(d) For optometrists, see appendix II-H4.

(e) For chiefs of nurse anesthesiology sections, see appendix II-H6.

(f) For physician assistants (PAs) at Chief Grade, see appendix II-H7.

(g) For chiefs of pharmacy service (all grades), clinical pharmacy/pharmacy specialists, and program specialists at Grades GS-13 and above, see appendix II-H8.

(h) For occupational and physical therapists as section chief, see appendix II-H9.

(i) For registered nurses at grades IV and V, see appendices II-H5.

(j) For Dentists and EFDAs, see appendix II-H2.

(k) For doctors of chiropractic, see appendix II-H10.

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NOTE: See section B, paragraph 11 of this chapter for provisions relating to Deans Committee recommendations. See M-3 for selection of Medical Investigators and Clinical Investigators appointed under this authority.

(2) **Action When No Facility Vacancy [Exists].** When a facility receives an application and no appropriate vacancy exists at that facility, and the applicant wishes employment elsewhere, the HRM Officer will advise the applicant to consult the VHA vacancy database www.vacareers.com for the location of current vacancies. At the applicant's request, the application will be referred for employment consideration to the VA facility of the applicant's choice which has a suitable vacancy.

b. **Applications Received by Central Office.** If the applicant is to be considered for facility assignment, the application will be referred to the facility of the applicant's choice and processed as provided in subparagraph (1). If the applicant is to be considered for Central Office assignment, an interview may be conducted in Central Office or at a VA facility determined to be more convenient. The appropriate [National] PSB will consider the applicant's professional qualifications, enter its recommendations on VA Form 10-2543, and forward all forms to the appropriate approving authority. The Central Office Human Resources Service [(05HR3)] in Central Office will take the necessary appointment action.

c. **Applicants Not Recommended for Appointment.** When an applicant is not recommended for appointment, the standards board shall record its findings on VA Form 10-2543, [Board Action,] and send this form to the approving official. After approval of the Board Action, the applicant will be notified by the chairperson of the PSB in a letter over the signature of the Chief of Staff or appropriate approving authority that the individual's appointment has not been recommended. The letter will briefly state the basis for the action. The letter should be reviewed by the Human Resources Management Officer for adherence to technical requirements.

2. APPOINTMENT ABOVE THE MINIMUM FOR SUPERIOR QUALIFICATIONS

a. Full-time, part-time, or intermittent physicians, dentists, podiatrists, optometrists, chiropractors, nurses, nurse anesthetists, PAs and EFDAs, who meet the qualification requirements for appointment, may have their initial rate of pay fixed at a step rate above the minimum of the appropriate grade in recognition of superior qualifications, experience, and/or achievement exceeding the expected standards for the grade. The initial rate of pay may be set at any step rate within the grade (See VA Directive and Handbook 5007[, Part II, Pay Administration].)

b. Individuals appointed under authority of 38 U.S.C. 7401(3), or under authority of 38 U.S.C. 7405 to occupations identified in section 7401(3), may be appointed above the minimum step of the grade under provision of VA Directive and Handbook 5007. This includes [Hybrid Title 38 occupations].

c. Appointment at a step rate above the minimum shall be based on conclusive evidence of superior qualifications which equates to the step rate assigned. Qualifications used to meet minimum grade level requirements in the qualification standard will not be used to also justify appointment at a step rate above the minimum of the grade. The following are examples of appropriate criteria:

- (1) Significant and distinguished contribution in some phase of the appropriate occupation as evidenced by difficult and original research, writing and publications in professional media of stature, or special recognition in teaching or professional practice.
- (2) Special competence in the occupation as evidenced by service with professionally recognized committees, groups or responsible offices in professional societies above the local level, or consultative services within the occupation. The competence attained must be supported by achievement of renown on a regional or wider basis.
- (3) Educational preparation that clearly exceeds requirements for the grade, expertise in specialized treatment modalities, outstanding competence as a clinical practitioner, or significant contributions concerning some aspect of the occupation.
- (4) Eligibility for certification or certification by an American Specialty Board.
- (5) Certification by the appropriate national certifying body to formally recognize a level of excellence based on demonstrated superior performance in clinical practice, assessment of knowledge, and colleague endorsement.
- (6) Other appropriate evidence of professional stature.

NOTE: *Prior to recommending approval or approving actions based on certification, Professional Standards Boards will verify the possession of such recognition by the individual.*

[d.] **Processing.** The approval of step rates above the minimum is subject to the following requirements:

- (1) **Physicians.** The facility Director, on recommendation, justification, and documentation by the facility PSB, may approve the appointment of physicians to any step above the minimum of Chief grade or below.
- (2) **Nurses.** The facility Director, on recommendation, justification, and documentation by the appropriate PSB, may approve the appointment of nurses at any step above the minimum of the grade.
- (3) **Nurse Anesthetists.** The facility Director, on recommendation, justification, and documentation by the facility PSB, may approve the appointment of nurse anesthetists to any step above the minimum of the grade. Nurse anesthetists appointed on or after May 4, 1993, may not be appointed at a step rate above the minimum for the grade based on certification by the Council on Certification of Nurse Anesthetists. Certification is a condition of employment and may not be used as a basis for appointment above the minimum step of the grade on initial appointment or reappointment.
- (4) **PAs.** The facility Director, on recommendation, justification, and documentation by the facility PSB, may approve the appointment of PAs to any step above the minimum of Chief grade or below.
- (5) **Other Occupations.** For all other employees, approval of the facility Director on recommendation of the appropriate PSB, is required.

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NOTE: *Action by a Professional Standards Board is not required for the appointment of a nurse, nurse anesthetist, PA or EFDA above the minimum step of the grade under authority of 38 U.S.C. 7405(a)(1) pending processing for probational appointment as provided in section G, paragraph 1a(2) of this chapter.*

NOTE: *See VA Directive and Handbook 5007[, Part IX] for authority to provide special pay adjustments in unusual circumstances.*

(2) **Formal Reviews**

- (a) Appropriate supervisory officials and Standards Boards have responsibility for periodically reviewing the services of probationary employees. At a minimum, at least one formal-periodic review during the probationary period will be done (typically, following completion of the employee's first Proficiency Report).
- (b) The Human Resources Management Office will remind the employee's immediate supervisor and the Chairperson of the Board of the review requirement.
- (c) The employee's immediate supervisor will initiate formal periodic review by submitting a recommendation through channels to the Board. The recommendation should be based on the employee's Proficiency Report and any related material. The Board will have access to the employee's personnel folder and the entire employment record including Proficiency Reports, any counseling reports, and supervisory evaluations. The Board will consider all aspects of the employee's service.
- (d) If the employee is judged fully qualified and satisfactory, the Chairperson of the Board will record that finding by endorsing the current Proficiency Report or by preparing a separate memorandum report, and the employee will be advised of the finding by the immediate supervisor.
- (e) If the Board questions whether the employee is fully qualified and satisfactory, the Board is to return the case to the appropriate authorizing official with a recommendation that a summary review of the employee's services be initiated.

g. Separation During Probation. See VA Directive and Handbook 5021, Employee/Management Relations.

4. APPOINTMENTS UNDER 38 U.S.C. 7401(3). Only full-time permanent appointment of [Hybrid Title 38 employees] are made under authority of section 7401(3). These appointments are subject to title 5 probationary period requirements (see chapter 2, section A, paragraph 9, this part).

NOTE: *For more information on probationary periods, see VA Directive and Handbook 5021[Part III].*

SECTION G. APPOINTMENTS UNDER 38 U.S.C. 7405

1. TEMPORARY FULL-TIME APPOINTMENTS UNDER 38 U.S.C. 7405(a)(1)

a. **General.** Temporary full-time appointments are made under authority of section 7405(a)(1). These appointments may be made when they are in the best interest of the service, such as under the following circumstances:

(1) To employ individuals in occupations identified in sections 7401(1) and 7401(3) when the work to be performed by the employee is of a temporary nature and can be completed within a 3-year or shorter period.

(2) To employ nurses, nurse anesthetists, PAs, EFDAs, [or Hybrid Title 38 employees] pending processing of probationary appointments when the applicants meet the basic requirements for appointment. Such appointments may be effected without board action. This includes appointments above the minimum step of the grade for nurses, nurse anesthetists, PAs and EFDAs provided the application and related documentation show evidence of superior qualifications as described in section E, paragraph 2 of this chapter.

(3) To employ physicians pending processing of probationary appointments when probationary appointments require the approval of the Under Secretary for Health or designee.

(4) To employ residents who have just completed their formal VA residency training and are awaiting probationary appointment.

(5) To reemploy annuitants.

(6) To employ noncitizens when it is not possible to recruit qualified citizens for necessary services.

(7) To employ nonlicensed physicians, dentists, podiatrists, optometrists, and chiropractors for utilization in research or academic positions or in positions where there is no direct responsibility for the care of patients. (See section B, paragraph 14.)

(8) To employ nonlicensed physicians, dentists, podiatrists, optometrists, chiropractors, or unregistered nurses and nurse anesthetists when the individual is to serve in a country other than the United States and the individual is licensed or registered in the country in which the individual is to serve. (See section B, paragraphs 14 & 15.)

(9) To employ physicians in the Research and Development Program as research associates who have been selected in accordance with procedures in M-3.

(10) To employ physicians in the Distinguished Physician Program who have been selected in accordance with procedures in M-2, part I.

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b. **Duration of Appointments.** Temporary full-time appointments may be made for any period up to 3 years depending on the needs of the service. Such appointments may be renewed, but the aggregate period of temporary service normally will not exceed 6 years. The facility Director may grant exceptions to permit renewals (in increments of up to 3 years) beyond 6 years when this type of appointment best meets the needs of the VA medical program.

c. **Consideration for Probationary or Permanent Appointment.** Individuals serving under this type of appointment who meet requirements in 38 U.S.C. 7402 and in the appropriate VA qualification standard may be considered at any time by a board for an appointment under 38 U.S.C. 7401(1) or 7401(3), as appropriate, on recommendation of the appropriate service chief or equivalent position. If their services are needed for an indefinite period, they should be considered for such an appointment in connection with any consideration for an additional 3-year appointment.

d. **Processing.** Applicants for temporary full-time appointments will be processed in the same manner as regular full-time appointees, except the qualifications of nurse, nurse anesthetist, PA, [and Hybrid Title 38] applicants being considered for temporary full-time appointments pending processing of a probationary appointment will be reviewed by the appropriate service chief or equivalent position. The service chief will make a recommendation for appointment to the facility Director. Action by a board is not required for renewal of a temporary appointment.

2. PART-TIME AND INTERMITTENT APPOINTMENTS UNDER 38 U.S.C. 7405(a)(1)

a. **Use of Part-Time and Intermittent Personnel.** VHA's policy is to use the services of qualified individuals on a part-time or intermittent basis where necessary to alleviate recruitment difficulties or when practicality would not indicate employment on a full-time basis.

b. Types and Duration of Appointments

(1) A part-time appointment is utilized when an employee's services are required on less than a full-time basis (i.e., less than 80 hours per pay period). An intermittent appointment is appropriate when the need for the services is of such a nature that it is not possible or desirable to establish a regular and prearranged schedule.

(2) Part-time or intermittent appointments may be made either on a time-limited basis or without time limit depending on the needs of the facility.

c. Processing Appointments

(1) Part-time and intermittent appointments made under authority of 38 U.S.C. 7405(a)(1) will be processed (including board action) in the same manner as regular full-time appointments. Appointees must meet the basic requirements for appointment in VHA.

(2) The proportionate part of the basic workweek required to perform needed services will be determined before an appointment is effected. For the method of controlling per annum utilization beginning with the date of appointment, see MP-4, part II. The proportionate per annum utilization

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2. When processing of security forms is required, the HRM Officer located nearest the residence of the consultant or attending, or as agreed on locally by the HRM Officers of the applicable facilities, will prepare the necessary security forms. The HRM Officer, after processing the forms, will notify the HRM Officer(s) of the other facilities where the individual is being utilized. Evidence of such notification will be filed by each facility in the employee's file folder.

NOTE: See VA Directive and Handbook 0710[, Personnel Suitability & Security Program.]

(c) **Appointments.** The HRM Officer is responsible for processing appointments of consultants and attendings.

1. **Per Annum.** Appointment actions for consultants and attendings on a per annum basis under authority of 38 U.S.C. 7405(a)(1) will be effected using SF 50 B, Notification of Personnel Action. SF 50-B will reflect the following information:

a. The nature of action will be "Excepted appointment NTE 9/30/(YR) _____."

b. Indicate under item 20 the per annum salary.

c. In the "Remarks" section show "Computation of annual salary of \$ _____ is based on an estimated _____ visits at \$ _____ per visit during the fiscal year 20(YR)__. Entitlement to salary is based on availability for duty."

d. In some cases it may be necessary to modify an appointment to reflect new conditions of utilization. The "Remarks" section will show the revised basis of computation of the per annum salary.

2. **Lump-Sum Fee Basis.** FL 10-332, Standardized Letter of Appointment - Consultants and Attendings on a Lump-Sum Fee Basis, will be issued to appoint consultants and attendings on a lump-sum under authority of 38 U.S.C. 7405(a)(2), including nonmedical consultants. A new letter will be issued if needs of the service and conditions of utilization change during the first year of appointment.

(d) **Reappointments**

1. **Per Annum.** Per annum consultants and attendings will be processed for reappointment as described in subparagraph (c) 1, except that the nature of action will be "Conversion to excepted appointment NTE 9/30(YR) _____."

2. **Lump-Sum Fee Basis.** Fee-basis consultants and attendings will be reappointed using VA Form 10-2418b, Consultant/Attending Appointment Renewal Card, in accordance with current VHA instructions. The form will be signed by the Director, Chief of Staff, or HRM Officer.

(e) **Disposition of Forms**

1. Applications and other forms for consultants and attendings will be placed in a file folder with a tab listing the individual's name, date of birth, and Social Security number.

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(4) **Disposition of Forms.** Records of personnel appointed under this paragraph will be placed in a file folder (not personnel folder) with a tab listing the individual's name, date-of-birth and Social Security Number. These records will be maintained alphabetically by appointment category and filed in a location designated by the facility.

e. **Pay.** See VA Directive and Handbook 5007[, Part II].

NOTE: *Persons authorized to provide outpatient services at VA expense on an off-facility fee basis in professional offices, clinics or other non-VA facilities are not considered employees for the purposes of this chapter. Instructions for their utilization are contained in VHA Manual M-1, part I, chapter 18.*

**5. APPOINTMENT OF STUDENTS AND OTHER TECHNICIANS UNDER
38 U.S.C. 7405 (a)(1)(D)****a. General****(1) Student Technicians**

(a) A student enrolled in an approved nursing school, an approved school of nurse anesthesia, or enrolled in an approved training or educational program for an occupation identified in 38 U.S.C. 7405(a)(1)(A) or (B), [] may be appointed on a temporary full-time, part-time or intermittent basis under the provisions of 38 U.S.C. 7405(a)(1)(D) for a period not to exceed the duration of the individual's program.

(b) The appointment of student technicians can help meet patient care needs and also enhance the recruitment of promising students for career service with VA. With the proper orientation to the assignment and under appropriate professional supervision, students can perform duties consistent with the courses they have successfully completed. For example, a student nurse technician could give medications under supervision of the registered nurse, give baths, check vital signs, provide tracheotomy care, and detect signs and symptoms of bleeding and respiratory problems.

(2) Other Student Employment

(a) **General.** Directors of health care facilities may approve appointments of students in occupations other than those cited in paragraph (1) [] under authority of 38 U.S.C. 7405(a)(1)(D).

(b) Selection

1. Candidates normally will be selected from among students whose interests or career objectives are in health care areas.

2. Normally, a panel will be established for the purpose of screening qualifications and ranking student applicants for selection consideration. Preference will be given to students whose qualifications, personal traits, and career motivation appear to offer the best potential for service in VHA and for future contributions to the career field in general. The selecting official will choose applicants for employment from the listing developed by the qualification-screening panel

3. VA student volunteer workers who have demonstrated interest in a health-related career should be encouraged to apply for student employment. Selection of qualified students from this group encourages continued volunteer youth participation and acts as an incentive to other students to serve as volunteers.

4. The Human Resources Management Officer is responsible for the administration of this program, including determining the extent to which the program is publicized and the selection process to be used by the facility. This official is also responsible for documenting all such determinations once they are made.

(c) Funds

1. Available facility funds must be used. If research funds are used, appointments of students for medical research activities will be approved by the facility's Research and Development Committee. Education funds are not to be used for the employment of students.

2. This employment has no relation to authorized training programs or clinical clerkships under which paid or WOC (without compensation) students receive credits from affiliated universities.

(3) Nurse Technician Pending Graduation

(a) In a limited number of states, students who have completed a designated segment of their nursing studies but have not yet graduated are permitted to obtain registration as a graduate professional nurse.

(b) A student enrolled in an approved nursing school who possesses active, current registration to practice nursing in a State may be appointed on a temporary full-time, part-time or intermittent basis under the provision of 38 U.S.C. 7405(a)(1)(D) for a period not to exceed the duration of the individual's academic program.

(4) Graduate Technicians

(a) A graduate nurse who has successfully completed a full course of nursing in an approved nursing school; a graduate physician assistant who has completed a full course of training as a physician assistant in an approved program; or a graduate of an approved training or educational program in an occupation identified in 38 U.S.C. 7405(a)(1)(B), whose licensure or registration in a state, or certification by the appropriate national certifying organization, is pending may be appointed on a temporary full-time, part-time or intermittent basis under the provisions of 38 U.S.C. 7405(a)(1)(D) for a period not to exceed 2 years (e.g., graduate nurse technician, graduate physical therapy technician, graduate pharmacy technician, etc.). Appointment[s] may not be extended.

(b) A graduate nurse or LPN who fails to qualify for registration will be separated from the service on 2 weeks' notice regardless of the termination date of the temporary appointment. In no instance will an individual be retained pending the results of reexamination.

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(c) A graduate PA, [or other Hybrid Title 38 employees] who fails to qualify for licensure, registration or certification [when required] will be permitted to remain on VA rolls pending results of reexamination provided reexamination occurs prior to the expiration date of the temporary appointment.

(d) Graduate technician experience can be credited as successful nursing practice or as successful experience which may be used in meeting grade level requirements as indicated in the appropriate qualification standard.

b. **Approved Training or Educational Programs.** Approved programs must be in schools or educational institutions approved by the Secretary as indicated in the appropriate qualification standard.

c. **Approval Authority.** On recommendation of the appropriate service chief or equivalent, the facility Director may approve technician appointments. The Director may delegate approval authority for [Hybrid Title 38 employees] as indicated in paragraph 2 of section A, this chapter.

d. **Processing**

(1) Student technicians will submit OF 612 and OF 306 or former SF 171. Nurse technicians pending graduation and graduate nurse technicians will submit VA Form 10-2850a. Other graduate technicians will submit VA Form 10-2850c.

(2) After determining that the applicant meets qualification requirements, the appropriate service chief or equivalent will forward SF 52, Request for Personnel Action, to the HRM Officer. Following approval by the Director, the HRM Officer will effect the appointment. Action by a board is not required.

e. **Pay.** See VA Directive and Handbook 5007[, Pay Administration].

f. **Conversions.** Processing technicians for conversion should be initiated prior to their eligibility dates whenever possible, including consideration by a board. Conversions will be effected the first day of the pay period following administrative approval.

(1) **Student Technicians.** A student technician who graduates from an approved school and is pending licensure or registration in a State, or certification by the appropriate national certifying organization, may be converted to a graduate technician appointment. Action by a board is not required.

(2) **Nurse Technicians Pending Graduation.** Following graduation from an approved nursing school, a nurse technician selected for continued VA employment will be converted to a registered nurse appointment under 38 U.S.C. 7401(1) or 7405(a)(1)(A) at the grade and step rate for which qualified, without regard to time-in-grade or any other restrictions. A board action is required, unless a temporary appointment is made pending further processing under provisions of section C, paragraph 7a of this chapter.

(3) **Graduate Technicians.** Following attainment of licensure or registration in a State or certification by the national certifying organization, a graduate technician selected for continued VA employment will be converted to an appointment in the appropriate occupation under 38 U.S.C. 7401(1), 7401(3), 7405(a)(1)(A) or 7405(a)(1)(B). A Board Action is required, unless a temporary appointment is made pending further processing under provisions of section C, paragraph 7a of this chapter.

6. APPOINTMENT OF MEDICAL SUPPORT PERSONNEL UNDER 38 U.S.C. 7405(a)(1)

a. General

(1) Section 7405(a)(1) is primarily used to obtain the services of physicians, dentists, nurses and other individuals in occupations identified in 38 U.S.C. 7401(1) and 7401(3). However, it may be used under certain conditions to obtain the services of medical support personnel in occupations other than those identified in 38 U.S.C. 7401(1) and 7401(3). Appointments of medical support personnel, other than trainees and students, may be made on a temporary full-time basis for a period not-to-exceed 3 years, or on a part-time or intermittent basis for a period not to exceed 1 year. Full-time appointments under this authority may be renewed for one or more additional periods not in excess of 3 years each. Part-time and intermittent appointments are non-renewable. Appointments of associated health trainees and students in occupations other than those identified in 38 U.S.C. 7401(1) and 7401(3) may be made on a temporary full-time basis not to exceed 3 years, or on a part-time or intermittent basis for a period of time consistent with individual training program requirements. (See subparagraph b [].)

(2) The use of this authority is desirable and appropriate for the employment of trainees accepted in VA associated health training programs; high school graduates and college students participating in the VHA summer employment program; students and others, particularly those engaged in the medical research programs, when it is determined impracticable to obtain the necessary services through regular competitive employment procedures. Under no circumstances may this authority be used to circumvent the competitive employment procedures, the competitive system pay limitations and the qualification requirements for competitive appointments.

b. Appointment of Associated Health Trainees

(1) **Type of Appointment.** Appointments of trainees in VA associated health training programs are made by the facility Director under the authority of 38 U.S.C. 7405(a)(1) on a full-time basis, not to exceed 3 years, or on a part-time or intermittent basis for a period of time consistent with individual training program requirements. (See M-8, pt. II)

(2) **Qualification Requirements.** Trainees must meet citizenship requirements and shall be qualified as prescribed in appendices II-D[] of this part. Requests for approval to appoint paid noncitizen trainees will be forwarded to the Assistant Deputy Under Secretary for Health (10N_/143). WOC appointments of noncitizen trainees may be approved by the facility Director.

(3) **Selection and Appointment of Candidates.** M-8, part II sets forth the selection process and the approval authority for appointment of trainees.

(b) VA Form Letter 10-294, Letter of Authorization, will be issued setting forth the terms of utilization. Following approval of the appointment by the facility Director, the letter will be signed by the individual attesting to agreement to the conditions specified, and countersigned by the HRM Officer. The form letter will be prepared in duplicate, with the original given to the employee and the duplicate filed in a location designated by the facility and later disposed of in accordance with existing VHA instructions.

c. Student Trainees, Research Personnel and All Others.

(1) **Classes.** The classes of personnel who may be utilized on a WOC basis are:

(a) Medical and dental students who serve as clinical clerks.

(b) Nursing students who are enrolled in hospital, college or university schools of nursing and who are assigned for clinical experience and instruction.

(c) Students from affiliated institutions who are in associated health care occupations, such as all physical medicine and rehabilitation therapists and coordinators, orientation and mobility specialists, social workers, psychologists, medical technicians or technologists, medical radiology technicians, hospital librarians, pharmacists, medical record librarians, dietitians, dental hygienists, dental assistants[, dental laboratory technicians[, and other occupations listed in 7401(1) and 7401(3)].

NOTE: *Students in associated health care occupations who successfully complete an affiliated clinical education training program in a VA health care facility may be eligible for noncompetitive appointment under title 5 following graduation from an accredited institution of post-secondary education in accordance with 38 U.S.C. 7403(g). (See appendix II-C, this part).*

(d) Scientific and technical personnel and laboratory assistants who are utilized in a medical research program. Usually individuals utilized on this basis are employed by associated medical or dental schools or universities to engage in medical or dental research for which a grant has been made under the provisions of M-3.

(e) The facility Director is the approving authority for WOC appointments at facilities.

(2) **Full or Part-Time Utilization.** WOC appointments may be made on a temporary full-time or part-time basis, depending on the particular objective of the program.

(3) **Processing.** Employees should be processed and appointed as outlined in subparagraph b(2) []. When a large group of students is to be appointed, facility directors may adapt the FL 10-294 to a mass action type document for appointment purposes provided they retain its basic content. Applications for employment need not be solicited unless they are needed to comply with the requirements of section A, paragraph 3, and/or credentialing requirements of section B, this chapter.

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(4) **Payments in Kind.** When facilities are available, students in certain designated programs approved by the Under Secretary for Health or designee, in return for services rendered, may be furnished quarters and subsistence during the whole or any part of the training period. Uniforms also may be laundered by VA if facilities are available. Instructions for making such payments “in kind” are contained in M-1. If a payment “in kind” is authorized, additional copies of VA Form Letter 10-294 will be prepared and submitted to appropriate services at the facility.

d. **Noncitizens.** Noncitizens may be utilized on a WOC basis when no qualified citizens are available and it is deemed to be in the interest of the facility.

8. OVERSEAS EMPLOYMENT OF NON-U.S. CITIZENS UNDER TITLE 38 U.S.C. 7405 (a)(1)

a. **Scope.** This paragraph contains basic policies and procedures for appointing non-U.S. citizens at the VA Regional Office Outpatient Clinic, Manila, Republic of the Philippines in the following occupations:

(1) Physicians, dentists, podiatrists, optometrists, chiropractors, RNs, nurse anesthetists, PAs, and EFDAs appointed under 38 U.S.C. 7405 (a)(1).

(2) Individuals appointed under 38 U.S.C. 7405(a)(1) to occupations listed in 38 U.S.C. 7401(3) [].

(3) Medical support personnel.

(4) Trainees in health care or associated health care occupations appointed under 38 U.S.C. 7405(a)(1).

b. **Appointment Authority.** The Regional Office Director may appoint the following personnel:

(1) The categories of personnel listed in paragraph a(1) and (2) [] may be appointed on a temporary full-time, part-time, intermittent, without compensation, or fee basis.

(2) Medical support personnel may be appointed on a temporary full-time basis not to exceed 3 years, or on a temporary part-time or intermittent basis not to exceed one year.

(3) Trainees in health care or associated health care occupations may be appointed on a full-time, part-time or intermittent basis with or without a time limit.

c. Qualification and Licensure Requirements

(1) VA Qualification Standards will be used to determine the appropriate grade levels for applicants appointed under provisions of this paragraph. The Regional Office Director may, under unusual circumstances, approve a deviation from the grade requirements when the composite record of qualifications justifies the action.

**SECTION H. APPOINTMENT OF MEDICAL AND DENTAL RESIDENTS
UNDER 38 U.S.C. 7406**

1. GENERAL. Medical and dental residents are appointed under authority of 38 U.S.C. 7406 for graduate training leading to qualification in a specialty. (See M-8, pt. II, for policies relating to the establishment and maintenance of medical and dental residency programs in VA.)

2. METHODS OF APPOINTMENT AND COMPENSATION. Medical and dental residents may be given full-time or intermittent appointments and paid directly by VA. (As indicated in M-8, part-time appointments may not be used.) Residents may also be utilized on a WOC (without compensation) basis. Alternatively, when authorized pursuant to the provisions of M-8, part II, chapter 5, they may be appointed and paid through a disbursement agreement with a medical school or other appropriate third party.

3. APPOINTMENT DOCUMENTATION

a. For residents paid directly by VA, the nature of action on the SF-50-B is either “170 Excepted Appointment” or “170 Excepted Appointment-Intermittent,” as appropriate, with the following statement in “Remarks:” “This appointment is for the duration of this training unless sooner terminated and is subject to periodic review by the Resident Review Board.”

b. Residents paid from disbursement agreements must have intermittent VA appointments. A sample appointment letter has been created for this purpose that can be downloaded from the [Office of Academic Affiliations Web site](http://vaww.va.gov/oa) [<http://vaww.va.gov/oa>]. A copy of this letter and a completed Standard Form (SF) 61, Appointment Affidavit, will serve as the appointment documentation for residents with no prior federal service. These documents may be filed per local facility policy consistent with Privacy Act and Freedom of Information Act (FOIA) requirements. Residents with prior Federal service should be directed to the servicing Human Resources Management Office for any additional processing that might be necessary. Do not establish a [] personnel folder for, or process into the Personnel Accounting Integrated Data (PAID) system, residents covered by a full disbursement agreement unless the individual has prior Federal service and Civil Service Retirement System (CSRS) retirement coverage.

4. COMPENSATION

a. **Conditions of Direct Compensation.** The VA medical center may elect either pay mechanism stipulated in VA Directive and Handbook 5007, [Part II,] Pay Administration. That is, under the first option, it may elect to pay residents only during VA rotations. When the resident leaves the VA medical center to receive training at a non-VA facility while not receiving a VA stipend, the resident is placed in a nonpay status. This nonpay status is a condition of employment and is not LWOP (leave without pay) for which the individual makes application. It must be recorded, however, as LWOP for certain other purposes. These periods of LWOP are documented on the SF 50-B. For the pay period beginning an assignment to another non-VA facility, the time and attendance report will reflect in the “Remarks” section: “Assigned to (name of medical center and date of assignment).” On return to the VA medical center, the time and attendance report for that period will reflect in the “Remarks” section: “Assigned to VA medical center (date).” The second option is to pay a resident under a without compensation

APPENDIX B. USE OF PRIVATE SECTOR TEMPORARIES

1. PURPOSE. This appendix provides requirements and guidance on contracting with temporary help service firms for private sector temporaries to meet short-term needs in VA.

2. BACKGROUND. The Government use of private sector temporaries is authorized in 5 CFR, part 300, subpart E. The authority is intended as an option which officials may consider in meeting short-term needs after good faith attempts to locate employees have been unsuccessful. Organizations are required to maintain basic records to establish that use of temporary help services is consistent with OPM requirements.

3. POLICY

a. VA will comply with the requirements identified in 5 CFR, part 300, subpart E, on Use of Private Sector Temporaries, Federal Acquisition Regulation (FAR) and Veterans Affairs Acquisition Regulation (VAAR) when contracting for private sector temporaries.

b. These regulations apply to VA positions under title 5, U.S. Code, in the competitive service as well as Schedules A and B in the excepted service. Temporary help services may not be used for the Senior Executive Service or for the work of managerial or supervisory positions. These regulations also do not apply to occupations covered by title 38, U.S.Code. Established procedures for scarce medical specialist contracts under 38 U.S.C. 7409 remain in effect.

c. Temporary help services shall not be used:

(1) In lieu of the regular recruitment and hiring procedures for permanent appointment in the competitive civil service;

(2) To displace a Federal employee;

(3) To circumvent controls on employment levels; or

(4) In lieu of appointing a surplus or displaced Federal employee as required by: the VA Career Transition Assistance Plan (VA CTAP) under 5 CFR, part 330, subpart F; and the Interagency Career Transition Assistance Plan (ICTAP) under 5 CFR, part 330, subpart G.

4. EQUAL OPPORTUNITY. Equal opportunity principles will be observed in the administration of this authority.

5. RESPONSIBILITIES

a. The Deputy Assistant Secretary for Human Resources Management and Labor Relations (05[]) is responsible for providing assistance to VA officials to ensure that the use of the authority is consistent with OPM regulations.

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b. The Deputy Assistant Secretary for Acquisition and Materiel Management (90) is responsible for providing assistance to VA officials concerning the procurement and contract administration processes.

6. DELEGATIONS OF AUTHORITY

a. The authority to determine the need to contract for use of private sector temporaries is delegated to [Under Secretaries], Assistant Secretaries, Other Key Officials, and Deputy Assistant Secretaries. This authority is further delegated as indicated below and shall not be delegated below the facility Director.

b. Pursuant to 38 U.S.C. 8110, the decision to contract in VHA is delegated to the facility Director.

c. In VA Central Office, the authority to determine the need to contract is delegated to [Under Secretaries], Assistant Secretaries, Other Key officials, and Deputy Assistant Secretaries with the concurrence of the Director, Central Office Human Resources Service (0[5HRS]).

d. The authority to determine the need to contract is delegated to all other facility directors.

7. PROCUREMENT. Contracts for use of temporary help services must be acquired in accordance with contract types and procedures stipulated in the FAR. In order to expedite the urgent acquisition of such services, establishing indefinite delivery/indefinite quantity contracts may be appropriate. Contracting activities may elect to submit solicitations to Acquisition Policy Team [049A5A] for technical/legal review if the estimated value is less than the threshold specified in VAAR 801.602-70.

8. REQUEST DOCUMENTATION. The checklist which is included in this appendix is to be used to ensure that work needs are communicated accurately, regulations are followed, and operating relationships among the using office, the Human Resources Management (HRM) office, and the procurement office are reflected. The HRM office should ensure VA's competitive service recruitment obligations are fulfilled before a requesting organization is given part I of the checklist to complete.

9. RECORDS MAINTENANCE INSTRUCTIONS. In all instances of contracting for private sector temporaries, the basis for the determination of the need for private sector temporaries shall be documented, and records pertaining to the procurement action maintained by the HRM office in an auditable form for possible VA or OPM review of individual actions. Facilities may dispose of checklists, justification statements and initial/extension request authorizations after the completion of an OPM compliance and evaluation review or after 3 calendar years have passed, whichever occurs first. Facility records will include the following:

- a. Facility name, location, and host organizational element(s);
- b. Name and telephone number of facility contact for information about the contract;
- c. Request checklist, justification statements, and initial/extension authorization(s);
- d. Total amount of money the facility paid to temporary help service firms;

a. Each application package must include:

(1) Completed Optional Form (OF) 612 - Optional Application for Federal Employment, or resume. A Standard Form (SF) 171 – Application for Federal Employment is also acceptable. (The HRM office should have blank OF 612's available.)

(2) Copy of degree, diploma, license (if appropriate), or certificate documenting graduation in a health care discipline covered under the provisions of 38 USC 7403(g).

(3) Copy of SF 50-B or FL 10-294 documenting completion of VA affiliated clinical education. (The HRM office would assist with, or advise on, requests for the individual's SF 50-B or FL10-294.)

b. Applications may be accepted from students who will meet all eligibility requirements within 6 months. These applications may be processed and employment commitments made subject to completion of all requirements. The HRM office [] is responsible for ensuring that selectees meet minimum qualification requirements, including training, education, and necessary credentials, prior to entry on duty.

c. Applicants who wish to be considered for employment at a VA facility other than the one in which they trained may contact the facility of their choice to inquire about prospective openings about 2 months before they are available for appointment. Facility officials may assist applicants by checking the VA Vacancy Database on the VA intranet for appropriate openings for which these individuals are eligible.

8. SELECTION PROCEDURES. The HRM office will forward a certificate of candidates qualified for this noncompetitive appointment to the selecting official. Preference will be given to disabled veterans and other preference eligibles as follows.

a. All eligible, qualified candidates will be assigned a basic score of 70. Extra points will be added to this score for preference eligibles. For all positions, candidates will be referred in the following priority group order:

(1) Disabled veterans who have a service-connected disability of 10 percent or more, who have 10 points added under 5 U.S.C. 3309;

(2) Preference eligibles as defined under 5 U.S.C. 2108(3)(C) through (G), other than those in the preceding paragraph 8a (1), who receive 10 points;

(3) Preference eligibles as defined under 5 U.S.C. 2108 (3)(A) and (B), who receive 5 points;

(4) All other candidates.

b. Regardless of preference category, any preference eligible may be selected. However, a preference eligible may not be passed over for selection of a nonpreference eligible.

c. If there are no disabled veterans or other preference eligibles, any candidate may be selected.

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9. RECORDS. A case file will be established for every new appointment made under this authority. Include in the file a copy of the announcement, all applications with supporting documentation, the register of applicants, the certificate of candidates referred, and the selecting official's decision. This file will be maintained in accordance with [General Records Schedule \(GRS\) 1](#), item 15.

10. APPOINTMENTS. Appointments under this authority are subject to all competitive service appointment requirements, except for those concerning use of competitive Federal civil service examining and certification procedures. HRM officials will ensure that academic, training, and qualification requirements are met before making appointments. Appointees are subject to the provisions of title 5, U.S.Code. in all other employment matters such as performance appraisal, leave, hours of duty, and adverse actions.

a. **Conditions for Eligibility.** Individuals are eligible for a noncompetitive appointment upon completion of the following:

(1) Successful completion of a course of study in an accredited institution of post-secondary education. Associate's, Bachelor's, Master's or Doctoral degrees or certificates or diplomas in a major field of study which satisfy requirements in the qualification standard for the entry position are acceptable. Completion must be verified by diploma or certificate, degree, or other official school document. The institution must be accredited by a nationally recognized agency that has been identified by the U.S. Department of Education. Information on accredited institutions is contained in either: the reference [Accredited Institutions of Postsecondary Education](#), published annually by the American Council on Education (ACE) and distributed for ACE by Oryx Press, P.O. Box 33889, Phoenix, AZ 85067-3889, phone: 800-279-6799 or 602-265-2651; or the [Higher Education Directory](#) on colleges or universities, published annually by Higher Education Publications, Inc., 6400 Arlington Boulevard, Suite 648, Falls Church, VA 22042, phone: 888-349-7715 or 703-532-2300.

(2) Satisfactory completion of an affiliated associated health clinical education training program, as required by the institution's curriculum, in a VA health care facility. Completion of the training program is to be verified by a copy of the SF 50-B or FL 10-294.

(3) Meet all qualification standard requirements, including certification/licensure, if required.

(4) Are applying for an appointment to a position in a health care occupation for which they trained.

(5) Meet United States citizenship requirements (5 CFR 338.101).

(6) As required by law, registration with the Selective Service System (5 U.S.C. 3328; 5 CFR, part 300, subpart G).

b. **Time Limit on Appointment Eligibility.** Qualified individuals are eligible for this noncompetitive appointment within 1 year after graduation, with date to be verified by diploma or certificate, degree, or official school document. []

c. **Grade Level.** Students may be noncompetitively appointed to a position for which they trained at any grade level for which they qualify.

d. **Tenure and Status.** An individual appointed under this authority becomes a career-conditional employee (or a career employee if the service requirement has been met (5 CFR 315.201)).

e. **Probationary Period.** An individual appointed under this authority must serve a 1-year probationary period. Time in the student trainee position is not creditable toward completion of the probationary period (5 CFR 315.801-2).

f. **Service Computation Date (SCD).** Time served under the temporary student trainee appointment in a paid status is counted toward the SCD and is considered creditable service for leave purposes only. Time served under a WOC appointment is not counted toward the SCD and, therefore, is not creditable for leave. Student trainee appointments are excluded by law from retirement coverage under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) (5 U.S.C. chapters 83 and 84; 5 U.S.C. 5351).

g. **Appointment Authority.** Appointments will be effected in accordance with instructions in OPM's Guide to Processing Personnel Actions, chapter 9, Career and Career-Conditional Appointments, Table 9-G. Use Nature of Action Code 101 for career-conditional (or, if appropriate, 100 for career) for individuals no longer on VA rolls, and 501 (or 500) to convert those currently on VA rolls. Although OPM's Guide indicates that the proper authority code is ZLM, that code is generic and without definition in VA's automated personnel system. In its place, use VA legal authority code Z41, which prints properly on the SF 50-B as "ZLM 38 U.S.C. 7403(g)(1)(B)."

h. **Movement after Noncompetitive Appointment.** The time-after-competitive appointment restriction does not apply to this noncompetitive appointment (5 CFR 330.501).

11. WAIVERS. The Under Secretary for Health or designee may approve justifiable waivers of the 1-year time limit for noncompetitive appointment of a student trainee. Facility directors must send to VA Central Office (10NA/05[]), through their Network Director, requests for such waivers for individuals who, because of unusual circumstances, were not able to accept an appointment within the 1-year period after graduation. Requests will be evaluated on a case-by-case basis.

APPENDIX C1. LIST OF MAJOR ASSOCIATED HEALTH CARE DISCIPLINES

Public Law 101-237, section 203, authorized noncompetitive title 5 appointments under 38 U.S.C. 7403(g) of graduates in certain associated health-care disciplines who have successfully completed a course of study in an accredited institution of post-secondary education that is affiliated with the Department of Veterans Affairs (VA). As part of a course of study, students must have successfully completed a required clinical education training program in a VA health care facility.

A general list follows of the associated health care disciplines for which VA training is currently being provided. To assist in determining which disciplines may be appropriate for appointment under this authority, classification series representing the predominant General Schedule occupations for each educational program are provided. Questions concerning any series (listed or not) may be directed to the [Office of] HRM[&LR] (05[]) in VA Central Office.

[]

Biomedical Instrumentation and Machine Operation

Biomedical Instrumentation Technician (GS-802)

[]

Certified Nursing Assistant (GS-621)**Dental Auxiliaries**

[]

Dental Laboratory Technician (GS-683)

Dietetics

[]

Clinical Dietetic Technician (GS-640)

Health Services Research and Development (GS-601)**Health System Administrator (GS-670)****Health System Specialist (GS-671)****Librarian**

Hospital Librarian (GS-1410)

Hospital Librarian Technician (GS-1411)

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Medical and Clinical Laboratory

Clinical Laboratory Technician/Assistant (GS-645, 601)

Cytotechnologist (GS-601)

Histologic Technician/Technologist (GS-646, 601)

[]

Medical Laboratory Technician (GS-645)

Medical Media

Medical Illustrator (GS-1020)

Medical Photographer (GS-1060)

[]

Patient Health Educator (GS-1701)

[]

Rehabilitation

Educational Therapist (GS-639)

Manual Arts Therapist (GS-637)

[]

Recreation

Recreation Assistant (GS-189)

Recreation/Creative Arts Therapist (Arts/Music) (GS-638)

Rehabilitation Counseling

Alcohol/Drug Rehabilitation Counselor (GS-101)

[]

Mental Health Associate (GS-640)

Vocational Rehabilitation Counselor (GS-1715)

Social Work

[]

Social Work Associate (GS-187)

Sonography

Diagnostic Medical Sonographer (GS-640)

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Surgical Auxiliaries

Ophthalmic Medical Assistant (GS-640)

Veterinary Science

Biological Science Technician (GS-404)

APPENDIX C2. EMPLOYMENT INFORMATION - RECOMMENDED SAMPLE LETTER

Dear Student:

Upon satisfactory completion of your Department of Veterans Affairs (VA) affiliated clinical education training program, and within 1 year after graduation [] or certification from an accredited institution of post-secondary education, you will be eligible for a direct appointment with VA. Employment opportunities will depend on vacancies at each health-care facility. Openings are publicized within each VA facility and copies of announcements, as well as all forms, are available in the Human Resources Management (HRM) office.

To apply, forward the following information to the HRM office: a completed Optional Form (OF) 612, Optional Application for Federal Employment, or a resume also acceptable: a completed Standard Form (SF) 171, Application for Federal Employment; a copy of your diploma, license (if appropriate), certificate, or degree documenting completion of course study in the affiliated educational program; and a copy of any SF 50B, Notification of Personnel Action, or VA Form Letter 10-294, Authorization (Without-Compensation Personnel) documenting completion of your VA clinical education.

If you wish to be considered for employment at a VA facility other than the one in which you trained, you may contact the facility of your choice to inquire about prospective openings about 2 months before you are available for appointment. Facility officials may assist you by checking the VA Vacancy Database on the VA intranet for appropriate openings for which you are eligible. You should follow application instructions in vacancy announcements in which you are interested.

Sincerely yours,

**APPENDIX H5. RECRUITMENT, APPOINTMENT, ADVANCEMENT,
CHANGE IN ASSIGNMENT AND REASSIGNMENT OF REGISTERED NURSES (RNS)
IN GRADES IV AND V**

1. SCOPE. This appendix covers recruitment, appointments, advancements, changes in assignment, and reassignments of RNs in Nurse IV and Nurse V. This includes facility Nurse Executives (i.e., Chiefs of Nursing Service, Associate Directors for Nursing or Associate Directors for Patient Care Services), and other key nursing personnel (i.e., RNs in Nurse IV or above who are not Nurse Executives). This appendix does not apply to nurse anesthetists, RNs “acting” in positions that would otherwise be covered by this appendix, and personnel other than RNs in Associate Director for Patient Care Services positions.

2. RECRUITMENT, APPOINTMENT, ADVANCEMENT, CHANGE IN ASSIGNMENT AND REASSIGNMENT OF KEY NURSING PERSONNEL

a. **Recruitment for Nurse Executives.** The following actions must be taken when Nurse Executive positions are being filled.

(1) **Establish Search Committee.** Search committee responsibilities might include assessing the facility’s needs, identifying job related skill(s) which need to be emphasized in the selection process (e.g., organizational leadership, management skills, education/staff development, resource utilization, quality management, expertise in a specific nursing discipline, research, exceptional labor-management relations skills), identifying recruitment sources, and screening applicants.

(2) **Notify VHA Central Office.** Notify VHA Central Office (0[5HRS]/1[0]8) of the vacancy, of any skills to be emphasized in evaluating candidates, and of the proposed closing date of the announcement. VHA Central Office will announce the position and its location, the skills to be emphasized, if any, the closing date, and required materials (curriculum vitae and last two proficiency reports or equivalent) in the Weekly Summary Bulletin. The announcement will also include a statement that applicants should apply directly to the employing facility.

NOTE: *Closing dates should be far enough in advance to conduct a comprehensive recruitment effort and give applicants sufficient time to submit required material to the facility.*

b. **Recruitment for Key Nursing Positions Other than Nurse Executive.** When positions other than Nurse Executive are being filled, the actions in subparagraphs 2a(1) and (2) must be taken when local officials determine that a formal recruitment effort is necessary.

NOTE: *Local officials may decide that in order to fill certain key nursing positions (other than Nurse Executive) it is not necessary to establish a search committee.*

c. **Appointment To Nurse IV or V**

(1) After the recruitment process has been completed, the Human Resources Management Officer (HRMO), or designee, will evaluate all applicants against minimum qualification requirements and

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forward applications of all qualified applicants to the Search Committee or other group designated to review the applications.

(2) The Search Committee, or other group, will rate applicants “Qualified” or “Highly Qualified” and forward all applications to the approving official for a tentative selection.

(3) The approving official will forward the tentative selection to the appropriate Nurse Professional Standards Board (NPSB). The NPSB will review the scope of the position and the candidate’s qualifications to determine if assignment of Nurse IV or V is warranted and will make a recommendation to the approving official.

NOTE: *Except as specified in subparagraph 3a of this appendix, VA Central Office NPSB is appropriate for VA Central Office employees, Veterans Integrated Service Network (VISN) staff, and on all appointments to Nurse Executive and Nurse V positions. The NPSB for the VISN (see paragraph 4) acts on other appointments to Nurse IV which do not require a waiver of education. Under no circumstances are facilities to use other boards at local facilities, or another VISN Board, in lieu of using the VISN Board designated for their network.*

(4) The facility Director or designee will approve the selection. All candidates will be advised of their selection or non-selection for the position.

d. Promotions to Nurse IV or Nurse V

(1) The recommending official forwards the proposed functional description, employee’s curriculum vitae and the latest two proficiency reports (or their equivalent) to the appropriate NPSB for review.

NOTE: *VHA Central Office NPSB is appropriate for VHA Central Office employees, VISN staff, all Nurse Executives, and Nurse V positions. All other promotions and advancements to or within Nurse IV which do not require a waiver of education are to be reviewed by the VISN NPSB (see paragraph 4).*

(2) The NPSB reviews the employee’s qualifications and the scope of the position to determine whether the proposed grade is warranted and makes a recommendation regarding the employee’s promotion to the approving official (facility Director or designee).

(3) The approving official approves or disapproves the promotion.

NOTE: *To recommend an action covered by paragraph [2]d, the NPSB must find that the individual meets the qualifications for the position and that the scope and complexity of the assignment are comparable to the corresponding Nurse Executive assignment. The corresponding Nurse Executive assignment means that: a Nurse IV assignment must be comparable to a Nurse Executive assignment at a Level III or IV (complexity level) facility; a Nurse V assignment must be comparable to a Nurse Executive at a Level I or II (complexity level) facility.*

e. Employee Education System. The VISN NPSB acts on actions below Nurse V not requiring a waiver of the education requirement.

c. **VISN Board Membership.** The Nurse Executive at the indicated facility will serve as the VISN NPSB Chairperson and will designate other NPSB members from Nurse IVs and Vs at facilities serviced by the NPSB.

d. **Technical Advisor.** The technical advisor to the VISN NPSB will be the HRMO, or designee, at the facility where the Chairperson is assigned.

5. REQUIRED DOCUMENTATION

a. With each request for action, the requesting facility will forward to the servicing NPSB the following items:

(1) A memorandum from the recommending official supporting the action and indicating a proposed effective date;

(2) VA Form 10-2543, Board Action, with items 1, 2, 3, and 5 on the front side completed. Item 5 should document the candidate's educational preparation, the dates of and adjectival ratings for the latest three proficiency reports, a summary of professional experience, and expiration date of the candidate's license; and

(3) Copies of the last two proficiency reports, plus any other significant documentation concerning the nurse's performance.

b. Additional documentation which individual NPSBs might require should be kept to a minimum.

6. VHA CENTRAL OFFICE MAINTENANCE OF BOARD ACTION FOLDERS. The [Office of Nursing Services (108)] does not maintain board action folders for actions covered by this appendix.

**APPENDIX H8. PROCEDURES FOR APPOINTING
CHIEFS OF PHARMACY SERVICE (ALL GRADES),
CLINICAL PHARMACISTS/PHARMACY SPECIALISTS, AND PROGRAM SPECIALISTS
AT GRADES GS-13 AND ABOVE**

1. SCOPE. This appendix covers appointment of all Chiefs of Pharmacy Service, as well as clinical pharmacists/pharmacy specialists and program specialists in grades GS-13 and above. It does not apply to those in any of these positions in an “acting” capacity.

2. PROCEDURES

a. Clinical Pharmacists/Pharmacy Specialists and Program Specialists (GS-13 and GS-14)

(1) Local recruitment efforts are initiated.

(2) Candidates are interviewed and credentialed, as appropriate.

(3) Service chief forwards the recommended candidate through channels to the facility Director for consideration. For new appointments, the facility Director must consider the recommendation of the local or VISN Standards Board.

(4) The facility Director approves or disapproves the action.

b. Chiefs of Pharmacy Service

(1) Recruitment efforts are initiated. As a minimum, this must include posting the vacancy in the Weekly Summary Bulletin and contacting Central Office program officials who may recommend additional candidates for the position.

(2) Candidates submit applications (including responses to the knowledges, skills, abilities and other characteristics contained in the Weekly Summary Bulletin) to the local facility. Candidates are interviewed, screened and tentatively selected at the facility.

(3) The Chief of Staff or designee discusses the proposed selection with Pharmacy Benefits Management Strategic Health Group (119), which has 5 working days to comment or make recommendations concerning the proposed selection.

(4) The appropriate facility official recommends the selection to the facility Director. New appointments at the GS-12 through GS-14 level must include the recommendation of the VISN Pharmacy Professional Standards Board and any comments made by the Pharmacy Benefits Management Strategic Health Group. New appointments at the GS-15 level are to include the recommendations of the [National] Pharmacy Professional Standards Board.

(5) The facility Director approves or disapproves the action.

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(4) [Appropriate occupation/position listed as Hybrid Title 38 under 7401(3)]; and

(5) Any person appointed under 38 U.S.C. 7405 to serve in an allied health capacity in support of the total treatment team effort, such as clinical psychologists, social workers, rehabilitation medicine therapists, nursing assistants, and laboratory and radiology personnel, dietitians, etc., who are in direct contact with patients in a diagnostic, treatment, counseling, or care capacity.

c. **Appointment.** Any action to assign an individual to a direct patient-care capacity is considered an appointment for the purpose of this appendix. This includes initial appointment and any initial assignment to a direct patient-care position, such as transfer, reassignment or promotion.

3. DETERMINATION OF PROFICIENCY. One of the following criteria will be used to determine English language proficiency:

a. The candidate's primary and native written and spoken language is English.

b. The candidate has completed a combination of 4 or more years of education and/or experience as follows:

(1) Education in this country or in any school in which the basic curriculum is conducted in English, which may include any time spent in graduate and postgraduate training.

(2) Successful work experience in a health care facility in which the primary written and spoken language is English and in which the individual is required to communicate in English.

c. For physicians, any of the following additional criteria may be considered as qualifying for English language proficiency:

(1) Graduation from a medical school accredited by the LCME (Liaison Committee on Medical Education), as listed in the current Association of American Medical Colleges' Directory.

(2) Graduation from a foreign medical school whose curriculum was taught and examined in English.

(3) United States citizenship by birth and graduation from a foreign medical school.

(4) Certification by the ECFMG (Educational Council for Foreign Medical Graduates) with a certificate dated 1976 or later.

(5) Successful completion of the VQE (Visa Qualifying Examination).

(6) Certification by an American Specialty Board.

(7) For residents appointed to an integrated graduate training program (i.e., accredited in the name of an affiliated institution), certification by the Deans Committee or Medical Advisory Committee of having met the written and spoken English proficiency requirements.

4. TOEFL (TEST OF ENGLISH AS A FOREIGN LANGUAGE)

a. If a physician, dentist, podiatrist, optometrist, chiropractor, nurse, nurse anesthetist, [EFDA,] or PA does not meet the above criteria or if proficiency is questionable even though one or more criteria are met, the candidate must successfully complete the TOEFL before a determination of proficiency is made. Successful completion of the paper-based version of this test is the achievement of a minimum converted total score of 550 and a minimum converted total score of 213 on the computer-based version. Where the three-part test is taken, a minimum unconverted score of 55 on each of the three parts of the paper-based version, or an unconverted score of 21 on the computer-based version is required.

b. The TOEFL is administered by Educational Testing Services, Inc., of Princeton, NJ, several times each year in centers around the country. For application materials and information about tests (including testing center locations, filing, deadlines, and test dates), facilities or applicants should call 609-771-7100, or [access the website](#). Payment for testing and training of applicants for employment will not be made by VA.

5. QUESTIONABLE PROFICIENCY

a. If an individual in any occupation not listed in paragraph 4a [], [] does not meet the proficiency criteria or if proficiency is questionable even though one or more criteria are met, the facility Director will determine on an individual basis whether the individual is sufficiently proficient for the assignment involved. Although English language proficiency tests are not required, extreme caution should be exercised in assessing written and spoken English proficiency. This can normally be accomplished through personal interview, reference checks, etc., conducted by the appointing official. In doubtful cases, a final determination should be made only after review and interview by a second management official whose native language is English.

b. If any person, at a facility where the primary written and spoken language of the predominant number of patients is other than English, has not demonstrated proficiency as indicated above, or if proficiency is questionable, the facility Director will determine on an individual basis whether the individual is sufficiently proficient for the assignment involved. This determination will be made as described above.

6. DOCUMENTATION. The determination that an employee is proficient in English will be documented on the appointment SF 52, Request for Personnel Action, which will be retained for the duration of VA employment.

7. TEMPORARY APPOINTMENT PENDING PROFICIENCY DETERMINATION

a. A physician, dentist, podiatrist, optometrist, chiropractor, nurse, nurse anesthetist, [EFDA,] or PA may be appointed under 38 U.S.C. 7405(a)(1)(A) pending successful completion of the TOEFL. The

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facility Director or designee will determine on an individual basis, through personal interview, reference checks, etc., that the candidate is sufficiently proficient to have a reasonable assurance of successfully completing the examination.

b. A written statement will be provided to any candidate thus appointed explaining the requirement for the TOEFL and that continued employment is contingent upon its successful completion.

c. The TOEFL must be successfully completed during the first year of VHA employment in a direct patient-care assignment. An employee whose test scores fail to qualify for successful completion of the exam will be terminated from the service on 2-weeks' notice. If the employee's temporary appointment expires in less than 2 weeks, the employee may not be retained beyond this date.

APPENDIX N. CAREER INTERN PROGRAM

1. PURPOSE. The purpose of the Career Intern Program is to attract exceptional men and women to the VA workforce who have diverse professional experiences, academic credentials, training, and competencies, and to prepare them for careers in analyzing and implementing public programs. The program is intended to be used for grade GS-5, 7, and 9 (and equivalent) positions or other trainee positions appropriate for the program. The policy and delegated authority for this program may be found in chapter 2, paragraph 7, of this part.

a. Administrations and staff offices must submit a justification through the Office of Human Resources Management [and Labor Relations] (05[]) to request Office Personnel Management (OPM) approval to cover additional grades to meet unique or specialized needs.

b. Those GS-5 and 7 positions subject to the *Luevano Consent Decree* will be required to use those assessment tools permitted under the Decree. The *Luevano* Consent Decree specifies that the alternate examining procedures be used when filling any position covered by the Decree. The language of the Consent Decree does not make a distinction between the competitive or excepted services when filling those positions it covers. For this reason, *Luevano*-approved rating schedules and assessments must be used. A listing of the specific occupations covered by the Consent Decree may be found on the [OPM Web site](#). Note that for a *Luevano*-covered position, the noncompetitive Outstanding Scholar Program appointing authority can only be used as a supplement to competitive examining. Thus, unless competitive examining is being used as well, when the excepted Career Intern Program is being used to fill specific *Luevano*-covered Intern positions, the Outstanding Scholar appointing authority is not an available option for those Intern positions.

2. ESTABLISHING A NEED FOR A CAREER INTERN PROGRAM

a. Career Intern Programs are designed to meet workforce planning needs for careers in the public service or to address anticipated shortages in a specific occupation.

b. Any occupation for which a Career Intern Program is being established must lend itself to a formal training and development component. To establish a specific program, the human resources specialist(s), in collaboration with the selecting official/subject matter expert(s), will:

(1) Identify appropriate targeted recruitment sources of candidates with the appropriate background, skills, or education; and

(2) Develop a career intern formal training and development plan. As a first step, it should be determined if a Departmental or Administration level intern program already exists for this career. If no program exists, the local facility may develop one. Components of a program should include but are not limited to individual development plans, performance standards, position descriptions, rotational assignments, specific skills to be acquired, etc.

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3. QUALIFICATIONS AND APPOINTMENTS. Candidates will be evaluated using official VA or OPM qualification standards, as appropriate.

a. Veterans' preference applies to the selection of career interns. Since career interns are appointed to positions in the excepted service, the procedures described in 5 CFR 302 must be followed.

b. Interns will be appointed under 5 CFR 213.3202(o) in the excepted service (Schedule B) for a period not to exceed 2 years, unless developed for or extended up to a maximum of 1 additional year with official VA or OPM approval, as appropriate. (See paragraph 4 for approval process.)

c. Upon successful completion of the internships, the Interns may be eligible for noncompetitive conversion to career-conditional (or, if appropriate, career) appointments in accordance with 5 CFR 315.712.

d. Throughout the internship, the intern must participate in a formal training program and job assignments to develop competencies appropriate to VA's mission and needs.

4. EXTENSIONS OF THE INTERN TRAINING PERIOD

a. The Office of Human Resources Management and Labor Relations (OHRM&LR) [(05)] may approve short-term extensions of up to an additional 120 days for internships that may exceed the 2-year limitation, to cover rare or unusual circumstances. Requests for an extension of up to 120 days should be submitted to OHRM&LR (05[]) with the following information:

(1) The employee's original training and/or developmental plan.

(2) The extenuating or unusual circumstance that warrants the request. An example of an extenuating circumstance is when the employee is unable to complete the plan in the time allotted, due to personal issues dealing with family death or medical obligations which would hinder completion of the internship.

(3) The length of the requested extension.

b. OPM approval is required to develop or extend internships for up to 1 additional year beyond the authorized 2 years for additional training and/or developmental activities. Administrations and staff offices must submit a request to OHRM&LR (05[]) no later than 90 days prior to the end of the 2-year period. The information should include:

(1) The internship training and/or developmental plan.

(2) Reason why the 2-year period is not sufficient time for completion of the internship.

(3) The additional amount of time needed to complete the internship.