

STAFFING

- 1. REASON FOR ISSUE:** To revise Department of Veterans Affairs (VA) procedures regarding staffing and recruitment.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook contains mandatory VA procedures on staffing. This revision adds procedures for noncompetitive appointment of certain military spouses in VA. The pages in this issuance replace the corresponding page numbers in VA Handbook 5005. Revised text is contained in [brackets]. This change will be incorporated into the electronic version of VA Handbook 5005 that is maintained on the [Office of Human Resources Management \(OHRM\) Web site](#).
- 3. RESPONSIBLE OFFICE:** The Recruitment and Placement Policy Service (059), Office of the Deputy Assistant Secretary for Human Resources Management.
- 4. RELATED DIRECTIVE:** VA Directive 5005, Staffing.
- 5. RESCISSIONS:** None.

CERTIFIED BY:

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

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Assistant Secretary for
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(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. [Noncompetitive Appointment of Certain Military Spouses

(1) **General.** In accordance with eligibility criteria in 5 CFR 315.612, certain spouses of members of the armed forces may receive noncompetitive, career-conditional (or, if appropriate, career) appointments in the competitive service. Eligibility for appointment does not confer hiring preference or special selection priority. When filling positions under this authority, facilities must adhere to agency Career Transition Assistance Plans (CTAP) and Interagency Career Transition Assistance Plans (ICTAP) provisions in 5 CFR, part 330, subparts F-G.

(2) Definitions

(a) **Active Duty.** Full-time duty in the armed forces, including full-time National Guard duty, except that for Reserve Component members the term “active duty” does not include training duties or attendance at service schools.

(b) **Armed Forces.** The Army, Navy, Air Force, Marine Corps, and Coast Guard.

(c) **Duty Station.** Permanent location to which a member of the armed forces is assigned for duty as specified on the individual's permanent change of station (PCS) orders.

(d) **Member of the Armed Forces or Servicemember.** An individual who:

1. Is serving on active duty in the armed forces under orders specifying that he or she is called or ordered to active duty for more than 180 consecutive days, has been issued orders for a permanent change of station, and is authorized for dependent travel (i.e., the travel of the Servicemember's family members) as part of the orders specifying the individual's permanent change of station;

2. Retired from active duty in the armed forces with a service-connected disability rating of 100 percent as documented by a branch of the armed forces, or retired or was released or discharged from active duty in the armed forces and has a disability rating of 100 percent as documented by the Department of Veterans Affairs; or

3. Was killed while serving on active duty in the armed forces.

(e) **Permanent Change of Station.** The assignment, reassignment, or transfer of a member of the armed forces from his or her present duty station or location without return to the previous duty station or location.

(f) **Spouse.** The husband or wife of a member of the armed forces.

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(3) **Coverage and Eligibility.** Consistent with regulatory guidance in 5 CFR 315.612, facility HR offices may appoint qualified military spouses who meet the following eligibility criteria:

(a) A spouse who married a Servicemember on, or prior to, the date of his or her PCS orders, and relocated with the Servicemember to the designated duty station on his/her PCS orders;

(b) A spouse of a Servicemember released from active duty; or a retiree, who incurred a 100 percent service-connected disability on active duty in the armed forces; or

(c) A widow or widower of a Servicemember who was killed while serving on active duty in the armed forces. The time served on active duty is not limited to combat service. The widow or widower is eligible for appointment under this authority until he/she remarries.

(4) **Eligibility Period.** With the exception of spouses of certain deceased or 100 percent disabled Veterans, covered individuals may receive a permanent appointment or multiple temporary or term appointments within 2 years of the date on the PCS orders. However, spouses of certain deceased or 100 percent disabled Veterans have unlimited eligibility under this authority.

(5) **Eligibility Documentation.** Facility HR staff must obtain the following documentation from the spouse for verification of eligibility status prior to selection.

(a) A spouse of a current Servicemember must provide a copy of the marriage license and the Servicemember's PCS orders specifying: the effective date of the PCS, the duty location, and a statement authorizing the dependent/spouse to accompany the Servicemember to the duty station.

(b) A spouse of a former Servicemember released from active duty, or a retiree, who incurred a 100 percent service-connected disability while serving on active duty in the armed forces must provide: a copy of the marriage license, a DD Form 214, and VA or DOD documentation of the 100 percent service-connected disability.

(c) A widow/widower of a Servicemember who was killed while serving on active duty in the armed forces must provide: a copy of the marriage license, a DD Form 214, documentation of the deceased Servicemember's service-connected death, and a statement validating that the widow/widower is the un-remarried widow/widower of the deceased Servicemember.

(6) **Exclusions.** A spouse who does not accompany the Servicemember to the new duty station, marries the Servicemember after he/she relocates; or a spouse of a Servicemember on deployment, temporary duty (TDY), or other non-PCS orders, is not eligible for appointment under this authority. However, a spouse is eligible if the Servicemember's orders indicate that he/she will proceed to a TDY assignment en route to a new duty station.

(7) **Geographic Restriction.** With the exception of spouses of Servicemembers with 100 percent service-connected disabilities or spouses of Servicemembers killed on active duty, facilities may not appoint eligible spouses to positions outside the geographic area of the permanent duty station designated in the Servicemember's PCS orders. The geographic area is not mile-radius specific. It encompasses the Servicemember's duty station and the surrounding area from which individuals may reasonably commute daily. In accordance with 5 CFR 315.612, the Assistant Secretary for Human Resources and Administration may waive this limit if there are no Federal agencies or departments within the geographic area of the Servicemember's duty station.

(a) Facility Directors may submit requests to waive the geographic restriction. Requests must include a copy of the vacancy announcement, the Servicemember's PCS orders, a brief statement from the spouse indicating her/his desire to waive the geographic restriction, and a statement from the facility that there are no Federal agencies or departments within the local commuting area of the Servicemember's duty station.

(b) Requests to waive the geographic restriction must be submitted to: Director, Recruitment and Placement Policy Service (059), Office of Human Resources Management (OHRM), VA Central Office, Washington, DC 20420.

j.] **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.)

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(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.)