

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. The pages in this issuance replace the corresponding page numbers in VA Handbook 5005. Revised text is in [brackets]. These revisions will be incorporated into the electronic version of VA Handbook 5005 that is maintained on the [Office of Human Resources Management Web site](#). Significant changes include:

a. Consolidates excepted appointment authorities for persons with disabilities into one appointing authority under 5 CFR 213.3102(u).

b. Clarifies that time spent on a temporary appointment does not count toward the 2-year satisfactory service requirement for noncompetitive conversion to competitive service.

c. Clarifies that persons with disabilities on Schedule A appointments receive concurrent consideration with competitive service employees under merit promotion procedures for advancement opportunities.

d. Identifies Selective Placement Coordinators as professional resources.

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:

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**BY DIRECTION OF THE SECRETARY
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SECTION B. SELECTIVE PLACEMENT PROGRAMS

1. AFFIRMATIVE EMPLOYMENT PROGRAM PLANS

[a.] Affirmative employment program plans for people with disabilities and disabled Veterans are required by section 501 of the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. These plans are developed in accordance with instructions issued by the Equal Employment Opportunity Commission (EEOC) and the Office of Personnel Management. Internal VA instructions for plan preparation and submission are issued by the Office of Diversity [and Inclusion.

b. VA committed to establishing Selective Placement Coordinators at all VA field facilities in its FY2006 EEO Report/FY2007 EEO Plan submitted to the EEOC under EEO Management Directive 715. Specific roles and responsibilities of Selective Placement Coordinators are outline in VA Directive 5975, "Diversity Management and Equal Employment Opportunity," dated March 6, 2007.]

2. PLACEMENT REQUIREMENTS

a. General

[(1)] In many instances, a specific disability bears no relationship to the actual abilities, skills, and knowledges required for successful performance of a specific job. It is essential[,] therefore, that each appointing officer and selecting official consider the individual capabilities of each disabled Veteran or other person with [a] disability[] in relation to the actual physical [and other] requirements of the position. Particular attention will be given to the degree to which the applicant or employee with [a disability can perform the essential job functions of the position with appropriate reasonable accommodation.] In addition, sound job redesign techniques should be employed to facilitate the placement[,] retention[, and advancement] of [] qualified people with disabilities. Reasonable accommodation [] will often enable people with disabilities to function effectively in positions for which they otherwise might appear to be unsuitable.

[(2)] Appointing officers and selecting officials should [familiarize themselves with diversity management and EEO policies contained in VA Directive 5975 maintained on the [Office of Diversity and Inclusion Web site](#). Additionally, they should] explore the full range of placement flexibilities available in efforts to make effective placements of disabled Veterans and people with disabilities. This should include seeking professional advice and assistance from appropriate resources, including [Selective Placement Coordinators and other VA experts, such as Human Resources staff], when necessary in making sound placement decisions. In particular,[and as needed,] the guidance of counseling and rehabilitation specialists at VA regional offices and medical care facilities should be fully considered.

[(3)] People with [intellectual disabilities, severe physical disabilities, and psychiatric disabilities] appointed under 5 CFR 213.3102(u) in Schedule A may be afforded concurrent consideration with competitive service employees under merit promotion procedures. Such an approach may significantly improve upward progression opportunities for employees with [intellectual disabilities, severe physical disabilities, and psychiatric disabilities]. (See paragraph 12 of part III, chapter 3, this handbook.)

b. **Physical Examinations.** Physical standards for title 5 positions are covered in part II, chapter 2, section D, this handbook. For title 38 positions, see part II, chapter 3, section A, this handbook. [Pre-placement physical examinations to determine fitness for employment are required for all full-time, part-time, and intermittent employees in designated positions (see VA Handbook 5019, Occupational Health Services). Fitness determinations for initial assignments and position changes to designated positions will be documented using Optional Form 178 (OF 178), Certificate of Medical Examination.] Only those functional requirements and environmental factors applicable to the specific job are to be [listed on the OF 178]. The Occupational Health Physician/Occupational Health Care Provider (VA Handbook 5019, Occupational Health Services) will review the health qualification findings [and recommend] employment where the abilities of the individual are predictive of successful performance in the position without hazard to the individual or others.

[c. **Proof of Disability.** Proof of an applicant's disability is required prior to making an appointment under Schedule A. Acceptable proof of an individual's intellectual disability, severe physical disability, or psychiatric disability includes records, statements, or other appropriate information issued from a licensed medical professional (e.g., a physician or other medical professional duly certified by a State, the District of Columbia, or a U.S. territory, to practice medicine); a licensed vocational rehabilitation specialist (*i.e.*, State or private); or any Federal agency, State agency, or an agency of the District of Columbia or a U.S. territory that issues or provides disability benefits.]

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[d.] **Written Tests.** Where written tests are required by the Office of Personnel Management or approved for use by the Deputy Assistant Secretary for HRM[(05)] appropriate arrangements will be made for applicants with physical impairments to demonstrate pertinent knowledges, skills, and abilities by testing methods adapted to their special needs and circumstances. This includes those who are blind, deaf, and all others who may have difficulties in taking an examination in the normal manner.

[e.] **Placement Evaluations.** Special attention will be given to the 90-day placement follow-up and the probationary (trial) period certification as one means of ensuring that [an] employee with [a] disability[] is properly placed and has full opportunity to succeed. Should another assignment be indicated or if termination cannot be justifiably avoided, appropriate personnel action will be taken. (Title 5 references: In this handbook, part II, chapter 2, see requirements in section A, paragraph 10 on placement follow-up, and in section C, paragraph 5h on trial period. In VA Handbook 5021, Employee/Management Relations, see part III, chapter 2 for separations during trial period.)

3. SPECIAL TITLE 5 APPOINTING AUTHORITIES. In addition to the special appointing authorities specifically for disabled Veterans listed in paragraph 2, section A, this chapter, there are a number of title 5 excepted appointment authorities which may be used to facilitate employment of either disabled Veterans or [] persons with disabilities. These authorities cover appointment of: [people with intellectual disabilities;] people with severe physical disabilities; people with psychiatric disabilities; [] readers for employees who are blind; interpreters for employees who are deaf; and personal assistants for employees with disabilities. Details on these authorities are located in part II, chapter 2 of this handbook.

4. [DISABILITY] SELF-IDENTIFICATION PROCEDURE. HRM Officers will ensure that new appointees have the opportunity to [privately] self-identify any [disability] they may have by completing an SF 256, Self-Identification of [Disability, during new employee orientation. Completion of an SF 256 is voluntary for all employees except those appointed under Schedule A, 5 CFR 213.3102(u). Employees appointed under 5 CFR 213.3102(u) will be requested to identify their disability status and, if they decline to do so, their disability code will be obtained from medical documentation used to support their appointment]. Since an employee's [disability] status may change, facilities will annually encourage employees to keep their [disability] identification code current [electronically by accessing <https://secure.vssc.med.va.gov/SF256> or manually] by visiting [their local] HRM office []. Appointees and employees alike should be assured that the privacy of their [disability] identification will be preserved. [Disability data codes do] not appear on [] personnel records [within an employee's Official Personnel Folder.] VA's affirmative employment program for people with disabilities [uses the resulting data only for statistical reports to reflect the level of program support and effectiveness].

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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 [Disabled] 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. [S]pecial time-limited authorities for these 30-percent disabled Veterans [] 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 [] Disabled Veterans and Other [Persons with Intellectual Disabilities, Severe Physical Disabilities, or] 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) [in a nontemporary appointment] may be converted at the facility's discretion to competitive status[].

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. [HR Offices may obtain advice on individual cases from the Recruitment and Placement Policy Service (059).]

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.

CHAPTER 3. PROMOTION (TITLE 5)

1. SCOPE. Contains categories of employees to be considered for promotion while absent from official duty.

a. **All VA Employees.** The following categories of VA employees within the area of consideration must be given consideration for promotion as though they were present for duty.

- (1) Employees on Intergovernmental Personnel Act agreements;
- (2) Employees on leave;
- (3) Employees attending training courses;
- (4) Employees on detail, either internally or to other Federal agencies;
- (5) Employees serving in public international organizations, either through a transfer or detail;
- (6) Employees separated for military service with restoration rights;
- (7) Employees absent because of compensable injury (see 5 CFR, part 353, subpart C); and
- (8) A Veteran serving on a Veterans Recruitment Appointment (VRA) appointment.

b. **Concurrent Consideration of Certain Excepted Service Employees Under Competitive Merit Promotion Procedures.** Generally, employees serving under excepted appointments (except Veterans [Recruitment] Appointments) are precluded from competing under competitive promotion procedures with competitive service employees. However, certain excepted service employees, e.g., title 38 and hybrid title 38 employees covered by VA/OPM Interchange Agreements (see appendix III-C), or, [persons with intellectual disabilities, severe physical disabilities, and psychiatric disabilities] appointed under Schedule A [] shall be included within the minimum area of consideration. Therefore, the same rating and ranking criteria will be used in evaluating employees in these groups and each group will be referred for promotion []. Such an approach may significantly improve upward progression opportunities for [persons with intellectual disabilities, severe physical disabilities, and psychiatric disabilities]. See Appendix III-C.

c. **Veterans Employment Opportunities Act (VEOA).** When facilities are accepting applications from outside VA, individuals who are eligible for consideration under the VEOA may apply. (See part II, chapter 2, section B, paragraph 2c of this handbook.)

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(b) Service disabled Veterans (5 CFR 315.604);

(c) Service disabled Veterans (30 percent or more) (5 CFR 315.707);

(d) [Employees with intellectual disabilities, severe physical disabilities, and psychiatric disabilities] (5 CFR 315.709); and,

(e) Presidential Management Fellows and Senior Fellows (5 CFR 315.708).

d. Career Promotion of an Employee Whose Position Is Reconstituted to a Higher Grade

(1) **Requirement** - An employee whose position is reconstituted to a higher grade because of the accretion of additional duties and responsibilities may receive a career promotion.

NOTE: *The basic function of the original position must continue to be a part of the new one.*

(2) **Guidance** - Employees serving on identical-additional position descriptions are supposed to perform identical duties. It is the supervisor's responsibility to ensure that subordinates perform described duties. To single out one of several such employees for this type of career promotion may, therefore, be interpreted by others to be an act of personal favoritism. Any action of this nature should occur only after careful consideration and sufficient justification.

(3) **Guidance** - There may be times when circumstances require the assignment of additional duties and responsibilities to a position which will result in a promotion and competition is not practical. Some examples are:

(a) [A higher-level] management decision results in a change in workload, technology, procedures or organization and provides for no increase in ceiling. The decision results in a need for a higher grade job to accomplish the assigned tasks. Only one of the employees in the affected unit, which is at ceiling, can qualify for the job;

(b) An increase in technology results in the purchase of new equipment for a line of work requiring an increase in the level of duties and responsibilities for those who will operate it. The employees will continue to perform the same basic function but at a higher level required by the new equipment;

(c) Additional personnel are assigned to an organization which results in a supervisor's position being upgraded;

(d) Additional responsibilities are imposed by law, rule, regulation or policy. To carry out the mandate, new duties must be added to a position in a unit and only one position provides the knowledges, skills or abilities necessary for satisfactory performance in the new job; or

(e) An employee performs a job in such an exemplary manner that other key employees outside the unit gradually come to rely on that person to such an extent, and involving such complicated issues, that eventually the employee is performing duties which are properly classified at a higher grade..

APPENDIX A. PROBATIONARY PERIOD FOR FIRST-TIME SUPERVISORS/MANAGERS

1. SCOPE

a. This appendix contains policies and procedures pertaining to the probationary period required of all first-time supervisors and managers in the competitive service.

b. It does not apply to excepted service employment in the Veterans Health Administration under 38 U.S.C., chapter 73, 74 or 78 authorities. Also excluded are those positions excepted when filled by a particular group of persons such as those [with intellectual disabilities, severe physical disabilities, or psychiatric disabilities], and those positions excepted under 5 CFR 302.101(c).

2. POLICY. The success or failure of VA's mission of providing high quality health care and benefits programs for Veterans is dependent, to a large extent, on the caliber of our supervisors and managers. Incumbents of these positions must possess unique skills and abilities [that] cannot readily be taught or developed in other kinds of positions. A probationary period provides the opportunity for assessing the new supervisor's or manager's performance on the job, and includes procedures for the return of such employees to nonsupervisory or nonmanagerial positions in instances where they fail to successfully complete the required probationary period. Generally, this probationary period is required for all those individuals whose initial assignment to a supervisory/managerial position occurred on or after August 11, 1979.

3. AUTHORITY. This requirement is established by section 5 U.S.C. 3321 and 5 CFR, part 315, subpart I.

4. DEFINITIONS

a. "Supervisory" and "managerial" positions have the meaning given them in OPM's General Schedule Supervisory Guide.

b. For wage system positions, "supervisory positions" have the meaning given them in the OPM's Federal Wage System Job Grading Standard for Supervisors.

c. A supervisory/managerial probationary period under 5 U.S.C. 3321 and 5 CFR, part 315, subpart I means: The first year of service as a newly appointed supervisor or manager in the competitive service.

d. A probationary period under 5 CFR, part 315, subpart H, and Civil Service Rule 2.4 means: The first year of service following appointment of an employee who has been given a career-conditional (or career, if applicable) appointment in the competitive service before competitive status is acquired.

5. BASIC REQUIREMENTS AND LENGTH OF PROBATIONARY PERIOD

a. The general requirement is that an employee must serve a 1-year probationary period upon initial assignment to a supervisory and/or managerial position. Exemptions and exceptions to this requirement are as follows: