

**PROCEDURES FOR APPOINTING AND ADVANCING  
MEDICAL SUPPORT ASSISTANTS (MSA)**

**1. REASON FOR ISSUE:** To revise the Department of Veterans Affairs (VA) policies and procedures for the appointment and advancement of MSAs in the Veterans Health Administration.

**2. SUMMARY OF MAJOR CHANGES:** This handbook contains mandatory VA procedures on appointing and advancing MSAs. The pages in this issuance replace the corresponding page numbers in VA Handbook 5005. Revised text is contained in [brackets]. These changes will be incorporated into the electronic version of VA Handbook 5005 that is maintained on the Office of Human Resources Management (OHRM) Web site <http://vaww.va.gov/OHRM/HRLibrary/HRLibrary.asp>. Significant changes include:

- a. Removes requirement of Professional Standards Boards for appointments, promotions, reconsiderations and Special Advancement for Achievement (SAAs) pertaining to MSAs.
- b. Provides exception to MSAs throughout policy.
- c. Adds Appendix-Q for guidance on MSA appointments, promotions, reconsiderations and SAAs.
- d. Adds designated responsibilities for Human Resources Offices; Supervisors/Selecting Officials and Medical Center Director/Network Directors.

**3. RELATED DIRECTIVE:** VA Directive 5005 and VA Directive 5007.

**4. RESPONSIBLE OFFICE:** The Recruitment and Placement Policy Service (059), Office of the Deputy Assistant Secretary for human Resources Management.

**5. RESCISSIONS:** None.

**CERTIFIED BY:**

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

/s/  
LaVerne H. Council  
Assistant Secretary for Information and  
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/s/  
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**SECTION C. PROFESSIONAL STANDARDS BOARDS****1. ESTABLISHMENT**

a. Professional Standards Boards (PSBs) act for, are responsible to, and are agents of the Under Secretary for Health for occupations listed in 38 U.S.C. 7401(1), 7401(3) [(with the exception of Medical Support Assistants; Medical Support Assistants are covered under Appendix-Q),] and part time or intermittent registered nurses (RNs) in the following matters.

(1) **Podiatrists, Optometrists, Chiropractors, RNs, Nurse Anesthetists, PAs and EFDAs.** In matters concerning appointments, advancements, and probationary reviews for these occupations, PSBs will determine eligibility and recommend the appropriate grade and step for appointment, recommend candidates for advancement, and conduct probationary reviews, when applicable. This includes part time or intermittent (including temporary service) for RNs appointed under 38 U.S.C. 7405(a)(1) since May 5, 2010.

(2) **Physicians and Dentists.** In matters concerning appointments and probationary reviews, PSBs will determine eligibility for appointment and conduct probationary reviews. See VA Handbook 5007, Part IX, Physician and Dentist Pay regarding the role and responsibilities of compensation panels in determining physician and dentist pay for appointments.

b. Professional Standards Boards for occupations listed in 38 U.S.C. 7401(3) [(with the exception of Medical Support Assistants; Medical Support Assistants are covered under Appendix-Q),] act for, are responsible to, and are agents of the Under Secretary for Health in matters concerning appointments and advancements of individuals in all hybrid occupations. Boards will determine eligibility and recommend the appropriate grade and step for appointment at all grade levels under authority of 38 U.S.C. 7401(3) and 7405(a)(1)(B), and will recommend candidates for special advancements for achievement and promotions to grades above the full performance level. (See VA Handbook 5005, Part III, Appendix O, Full Performance Levels for Hybrid Title 38 Positions.)

c. **Members of boards serve in a dual capacity. They deal with matters in which they must divest themselves of their identity with the particular facility at which they are employed and must become representatives of and primarily concerned with the needs and problems of the entire VHA.**

d. VHA management officials are responsible for ensuring the effective functioning of boards under their jurisdiction.

e. See Appendix III-P, part III, this handbook, Procedures for Reporting Questionable Behavior and Judgment Exhibited by Hybrid Title 38 Professional Standards Boards Members.

f. The Organizational Structure of Hybrid Title 38 Professional Standards Boards is located in Appendix O, this part.

**2. APPROVING AUTHORITIES FOR BOARD MEMBERSHIP.** The following officials may approve or terminate board membership. A second Chair, or Co-Chair, may be appointed to a Board when the approving authority determines it is necessary and appropriate to do so. (For composition of boards, see paragraph 5.)



b. Temporary appointment of part time or intermittent RNs pending processing by a Professional Standards Board for a probationary appointment as a part time or intermittent RN under 38 U.S.C 7405(a)(1)(A). As of May 5, 2010, the time spent under the temporary appointment and prior to Professional Standards Board review for a part time or intermittent RN is creditable towards the completion of the probationary period.

c. Conversion of an employee appointed under 38 U.S.C. 7401(1) or 7401(3) to an appointment under 38 U.S.C. 7405(a)(1), 7405(a)(2) or 7306.

d. Conversion of an employee from an appointment under 38 U.S.C. 7405(a)(1)(A) or 7306 to an appointment under 38 U.S.C. 7401(1) provided the employee had previously completed a probationary period under 38 U.S.C. 7401(1) or 7306 in the same occupation and has had continuous service under 38 U.S.C., chapter 73 or 74 since acquiring such status.

e. Conversion of an employee from an appointment under 7306 or 38 USC 7405 (a)(1)(B) without time limitation to an appointment under 38 USC 7401(3) in the same occupation.

f. Appointment of graduate technicians pending licensure, certification, or registration, student technicians pending graduation, and other individuals appointed under 38 U.S.C. 7405(a)(1) pending completion of requirements for appointment.

[g. Appointments, promotions, or reconsiderations for Medical Support Assistants. Medical Support Assistants are covered under Appendix-Q.]

**7. APPROVING OFFICIAL'S DECISIONS.** The approving official's decision is final. This does not preclude employees from requesting promotion reconsideration under the provisions of part III, chapter 4, Sections A or B (whichever is appropriate), of this handbook.

**8. ORGANIZATIONAL STRUCTURE OF BOARDS.** See Appendix II-O, this part, Organizational Structure of Hybrid Title 38 Professional Standards Boards.

a. **National Boards.** National boards are established to act on appointments, advancements, and probationary reviews for Central Office employees, Regional and VISN PSB members and for VISN and facility employees where those boards do not exist. National boards also act on promotion reconsideration requests submitted under part III, chapter 4, sections A and B, of this handbook.

(1) The National Physician and Dentist Professional Standards Boards also act on appointments and probationary reviews.

(2) The National Nurse PSB acts on all promotion reconsideration requests from registered nurses and licensed practical/vocational nurses, all appointments, advancements, probationary reviews, and reassignments involving Nurse Executive and Nurse V positions.



(3) The National Research Board will consider all appointments and advancements for research employees in accordance with VHA Handbook 1200.03.

(4) Other National Boards may be constituted as needed by the Under Secretary for Health.

b. **Regional Boards.** Whenever necessary, the Under Secretary for Health, or designee, may designate a Regional Board to serve one or more VISNs for designated occupations.

c. **VISN Boards.** For employees assigned at the VISN level, VISN boards shall consider appointments, advancements, probationary reviews, and reassignments where there are additional basic qualification requirements for the new assignment. For nurses and hybrids, see below.

(1) **Nurses.** A VISN NPSB shall consider the appointment, advancement, and reassignment (where there are additional basic qualification requirements for the new assignment) for Nurse IV. The appropriate VISN NPSB is identified in appendix II-H5.

(2) **Hybrids.** A VISN PSB shall consider advancements of facility PSB members and requests for reconsideration of promotions initially considered by a facility PSB. The VISN Board will act on appointments and advancements when a facility board cannot be properly constituted and as delineated in Appendix II- O, this part.

d. **Facility Boards.** Facility boards will be established to act on all appointments and advancements and as delineated in Appendix II-O, this part. For employees occupying positions identified in 38 U.S.C. 7401(1) and for part time or intermittent registered nurses under 38 U.S.C 7405(a)(1), facility PSBs will conduct probationary reviews. For physicians and dentists, PSBs will determine eligibility for appointment and conduct probationary reviews when applicable.



**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) [(with the exception of Medical Support Assistants; Medical Support Assistants are covered under Appendix-Q),] for necessary action as follows:

**(1) Selection and Appointment Action**

(a) The PSB will evaluate qualifications and recommend a grade level and step based on VA qualification standard requirements. With the exception of physicians and dentists, 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 affect 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 or VISN as appropriate.

(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.

**SECTION F. APPOINTMENTS UNDER 38 U.S.C. 7401**

**1. GENERAL.** The primary consideration, prior to making selections and appointments under this authority, is to evaluate qualifications and personal characteristics as they relate to what is essential to successful performance of assigned responsibilities. Prior to effecting appointments under this authority, Professional Standards Boards [(with the exception of Medical Support Assistants)] and selecting officials are required to determine that the candidate's professional qualifications, physical and mental capacity, emotional stability, and any other pertinent qualifying factors, warrant a permanent appointment. The use of this appointment authority should essentially provide tenure for the employee and ensure the continuation of quality service for VHA. [Medical Support Assistants are exempt from the requirement of Professional Standards Boards for appointment actions which are the responsibility of Human Resources and the selecting official.] (See section G for procedures concerning full time temporary, part time, intermittent or fee basis appointments under 38 U.S.C. 7405.)

**2. APPOINTMENTS UNDER 38 U.S.C. 7401(1).** Only full time permanent appointments of physicians, dentists, podiatrists, optometrists, chiropractors, nurses, nurse anesthetists, PAs, and EFDAs are made under authority of section 7401(1). These appointments are subject to a two-year probationary period requirement as specified in 38 U.S.C. 7403(b)(1). See Sections A and G of this chapter for probationary period requirements for individuals appointed as part time or intermittent registered nurses under 38 U.S.C. 7405(a)(1).

**[3.] APPOINTMENTS UNDER 38 U.S.C. 7401(3).** Only full time permanent appointments 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 section A, paragraph 4 of this chapter and VA Directive and Handbook 5021, Part III.*

## PART II

## APPENDIX G17

Qualification standards establish basic requirements which are predictive of successful performance. The application of qualification standards in VHA is an integral part of ensuring a fully qualified workforce is available to care for our patients.

**4. INTERPRETING QUALIFICATION STANDARDS.** The following information is pertinent to the interpretation of VA qualification standards:

a. VHA appointing officials and Professional Standards Boards [(with the exception of Medical Support Assistants; Medical Support Assistants are covered under Appendix-Q),] act for the Under Secretary for Health in applying the qualification standards in a fair and consistent manner. Such decisions are made through an analysis of personal data and/or experience records.

b. When there is disagreement on the interpretation of a qualification standard, the appropriate HRM Officer may request an interpretation or decision from the Deputy Assistant Secretary for Human Resources Management and Labor Relations (059). A courtesy copy of such request will be sent to the appropriate VHA Program Official in VA Central Office, and representatives of union organizations at the national level.

**5. RESPONSIBILITIES.** The following is an explanation of responsibilities associated with the development of VA qualification standards:

a. Qualification standards are developed by teams with representatives from the Office of Human Resources Management and Labor Relations and subject matter experts from VHA. At least 25% of the VHA team membership will be non-managerial members who are performing the work as a full time practitioner.

b. VHA Field facilities may be requested to review and comment on drafts of VA qualification standards.

c. Professional Standards Boards may recommend changes to qualification standards electronically to the Office of Human Resources Management and Labor Relations (059) to improve the quality and clarity of the standards. The Office of Human Resources Management and Labor Relations (059) will consult with the appropriate VHA Program Officials before final proposed changes are submitted for consideration.

## 6. GENERAL GUIDELINES

a. **Education and Experience Requirements.** When developing VA qualification standards, the principle of equal pay for equal work will be followed. The framework for determining grade levels for positions is contained in 5 U.S.C. § 5104 and shall be used for Title 38 Hybrid positions. Other legal provisions providing guidance include: Equal Pay Act, 29 U.S.C. § 206; Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.; Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 et seq.; Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

OCCUPATION	BOARD LOCATION
0672 Prosthetic Representative	Regional, VISN & Facility PSB for GS 5-11 Regional PSBs through GS-13 East Region: VISNs 1-6, & 9 South/West Region: VISNs 7, 8, 18-22 Central Region: VISNs 10-12, 15-17, & 23 National PSB for GS-14
0675 Medical Records Technician (MRT)  Health Information Technician HIT, Tumor/Cancer Registry, Medical Coder, Release of Information (ROI)	VISN MRT PSB for Medical Coder GS-4 through 8 and HIT GS-4 through 7  National MRT PSB for Medical Coder GS-9 and HIT for GS-8  VISN MRT (ROI) PSB for GS-4 through 6  National MRT (ROI) PSB for GS-7 through 8  National PSB for MRT (Tumor/Cancer Registry) for GS-4 through 9
[	]
0681 Dental Assistant	VISN & Facility PSB through GS-7 National PSB for all reconsideration requests
0682 Dental Hygienist	VISN & Facility PSB through GS-9 National PSB for all reconsideration requests
0858 Biomedical Engineer	National PSB for all grades

**NOTE: Regional Boards are alternate boards that are used when VISN boards cannot be constituted.**

**[NOTE: Medical Support Assistants are covered under Appendix-Q]**

**APPENDIX P. PROCEDURES FOR SELECTING HYBRID TITLE 38 PROFESSIONAL STANDARDS BOARDS MEMBERS**

**1. SCOPE.** This appendix provides a fair, consistent, and objective process for approving officials to follow when selecting national, regional, VISN, and facility Professional Standards Boards (PSB) members. All employees will have the opportunity to participate in the peer review process for their occupation [(with the exception of Medical Support Assistants; Medical Support Assistants are covered under Appendix-Q)]. Approval and Selecting officials are encouraged to consider and select from all interested, available, and qualified employees, whenever possible.

**2. PROCEDURES.**

a. Approving officials, or designees, will solicit applications for PSB members annually from all interested employees. Unions will also be asked for employee recommendations for PSB membership. These applications and recommendations will comprise the selection pool.

b. When reviewing applications and Union recommendations, the selecting official will consider such criteria as the employee's quality and quantity of experience in the occupation, the employee's most recent performance appraisal, the employee's conduct and disciplinary record, and other appropriate criteria determined by the Service Chief and VISN Medical Officer in consultation with the Human Resources Manager.

c. The employees selected for the initial Board will serve either a 1-year, 2-year, or 3-year term. At the end of each of these initial terms, all new members will be selected to serve a 2-year term. Thus, members will rotate off the Board on a staggered basis and there will always be at least one member remaining on the Board from the previous year.

d. Selections for the Boards will be made by the Facility Director, the VISN Director, or the Program Director, as appropriate.

e. The Chair of the Board will notify all applicants if they were qualified or not. Unqualified applicants will be informed of which criteria they did not meet.

f. Unions will be notified of the selections for the boards and may express concerns regarding those selections to management.



## SECTION B. PROMOTION AND INTERNAL PLACEMENT OF HYBRID TITLE 38 EMPLOYEES

### 1. GENERAL

a. This section contains instructions and procedures governing the promotion of employees in hybrid title 38 occupations who are appointed under sections 7401(3) and 7405 (a)(1)(B) of title 38, United States Code [(with the exception of Medical Support Assistants; Medical Support Assistants are covered under Appendix-Q)]. Promotion is advancement to a higher grade level and recognizes that an employee is providing a higher level of service to VA.

b. The promotion system shall provide advancement opportunities for employees, predicated upon the recognition of the quality of service rendered, additional experience and professional attainment as determined by an examination of the employee's individual record.

c. To meet the criteria for promotion, the individual must meet the criteria for the next higher grade level in the applicable VA qualification standard. Examination of the individual's total record must reveal evidence that the contribution to VA medical service is of sufficient value to warrant promotion. Potential for continuously greater contribution is also a prerequisite. Reviews and recommendations of supervisors and professional standards board's [(with the exception of Medical Support Assistants; Medical Support Assistants are covered under Appendix-Q)] will be sufficient to ensure that promotion is fully merited and not recommended based on meeting administrative requirements alone.

d. Promotion actions will be taken without regard to race, color, religion, sex, national origin, disability, age, sexual orientation, or status as a parent, or any other non-merit factor, and shall be based solely on job-related criteria.

e. Promotion actions will conform to the restrictions governing the employment of relatives. (See VA Handbook 5025, Legal.)

f. Employees may also be advanced in steps within a grade. (For Special Advancements for Achievement and Special Advancements for Performance see Handbook 5017, Employee Recognition and Awards)

### 2. PERSONS AUTHORIZED TO ACT ON RECOMMENDATIONS OF BOARDS FOR PROMOTIONS

(See appendix III-K, this part.)

### 3. PROFESSIONAL STANDARDS BOARDS

See part II, chapter 3, section C, this handbook, for VA policy covering Professional Standards Boards [(exception of Medical Support Assistants which is covered under Appendix-Q)]. See Appendix II-O, part II, this handbook, Organizational [Structure] of Hybrid Title 38 Professional Standards Boards. See Appendix II-P, part II, this handbook, Procedures for Selecting Hybrid Title 38 Professional Standards Boards Members. See Appendix III-P, this part, Procedures for Reporting Questionable Behavior and Judgment Exhibited by Hybrid Title 38 Professional Standards Boards Members.



(1) Employees who have demonstrated the capability to successfully perform at the next higher grade level will be recommended for promotion. Promotions will become effective on the first day of the first full pay period following approval by the second level supervisor. In no case will the promotion be effected later than the first day of the first full pay period commencing 60 days after the employee's anniversary date. (See paragraph 7.a.(1) below)

(2) Employees who have not demonstrated such capability will be informed in writing by the supervisor that they are not being recommended for promotion. The written notice will state the reason(s) why the employee does not meet the criteria for promotion. The supervisor may recommend the employee for promotion at a later date if it is determined that the employee has met the appropriate criteria. If not promoted during the intervening period, the employee is entitled to promotion consideration on the next anniversary date of grade. Employees who are not promoted may request promotion reconsideration under paragraph 6d(1) below.

d. Promotion to Grades above the Full Performance Level. Employees who are eligible for promotion consideration to a grade that requires a combination of personal qualifications and assignment characteristics are to be considered for promotion to such grades on the first anniversary date of their last promotion, provided they meet the administrative requirements. In addition, employees who are selected for supervisory or managerial assignments that warrant consideration for a higher grade and for assignments based on complexity will be considered for promotion on a date other than the anniversary date of last promotion.

(1) If after reviewing the employee's self-assessment, if submitted, and other relevant material, the appropriate management official (e.g., service chief) determines that the assignment does not meet the qualification standard for a higher grade, that official shall document the reasons for this determination in writing and provide a copy of the determination to the employee. Employees who do not agree with the determination may request promotion reconsideration under paragraph 6.d.(2) below.

(2) If the appropriate management official believes the assignment meets the qualification standard requirements for promotion, a Board Action is to be prepared and submitted, along with all relevant information to the Professional Standards Board [(with exception to Medical Support Assistants; see Appendix-Q)] for consideration within 30 days. If applicable, the employee will be given a copy of the supervisor's comments relating to the self-assessment. The Professional Standards Board will have 30 calendar days to forward its recommendation to the approving official, who will have 30 days to make a decision. Promotions will become effective on the first day of the first full pay period following approval by the approving official. In no case will the promotion be effected later than the first day of the first full pay period commencing 120 days after the employee's anniversary date. (See paragraph 7.a.(1) below)



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(3) If, under paragraph (1) or (2) above, the appropriate management official or the Professional Standards Board does not recommend promotion, or the approving official does not approve the employee's promotion, the employee will no longer receive annual promotion consideration. The appropriate management official may recommend such employees for promotion at any time in the future provided the employees' duties and responsibilities change to the point that the criteria for promotion to the next grade may be warranted. Employees may request promotion consideration by the appropriate management official on subsequent anniversary dates if their duties have changed since they were last considered and the employee believes that these changes meet the criteria in the qualification standard for a higher grade.

**6. PROMOTION RECONSIDERATION AND REVIEW**

a. **Coverage.** This paragraph applies to hybrids appointed under 38 U.S.C. 7401(3) or 7405(a)(1)(B).

b. **Notice of Decision.** Employees are to be advised by their supervisors in writing of any decision not to promote them, of the reason(s) for the decision, of their right to request reconsideration, and that reconsideration must be preceded by an informal discussion with their supervisor.

c. **Informal Discussion.** Employees must discuss their dissatisfaction with their immediate supervisor prior to submitting a request for reconsideration under paragraph d below.

**d. Reconsideration Requests****(1) To Grades at or Below the Full Performance Level**

(a) If promotion to a grade at or below the full performance level (see Appendix III-O, this part) is involved, the employee may, within 30 days of being notified of the decision, submit a written request through the immediate supervisor to the second level supervisor. The employee's written request for reconsideration must indicate when the informal discussion was held with the immediate supervisor and cite the specific reason(s) why the employee believes the decision was not proper. The approving official or designee may extend the 30-day period at the written request of the employee if the employee is unable to submit the information for reasons beyond the employee's control.

(b) Second level supervisors are to review the employee's request within 30 days and determine whether to promote the employee. If the second level supervisor determines that a promotion is not warranted, that supervisor will provide the reasons for this decision to the employee in writing.



(c) If the employee is not satisfied with the explanation of the determination to not promote, the employee can request within 30 days to have the determination reviewed by the next higher level board [(with exception to Medical Support Assistants; see Appendix-Q)]. The employee's request for reconsideration and the supervisor's explanation will be forwarded to the higher level board within 30 days.

(d) The higher level board will make a recommendation within 30 days to the appropriate approving official, who will make a final decision within 30 days

(e) If the promotion is approved, the employee is to be promoted on the first day of the first pay period [following a decision by the approving official. In no case will the promotion be effected later than the first day of the first full pay period commencing 180 days after the employee submits a written request for reconsideration, unless the employee requested an extension to the 30-day period to submit written request for reconsideration. In such cases, the number of additional days taken by the employee to submit a request will be added to the 180-day time limit.] If the promotion is denied, the employee will be provided with a copy of the board action. (See paragraph 7.a.(1) below)

**(2) For Promotions to Grades Above The Full Performance Level**

(a) An employee may submit a written request for reconsideration through the supervisor to the next higher level Professional Standards Board for review within 30 calendar days of the non-promotion decision [(with exception to Medical Support Assistants; see Appendix-Q)]. The approving official or designee may extend the 30-day period at the written request of the employee if the employee is unable to submit the information for reasons beyond the employee's control. The employee's written request for reconsideration must indicate when the informal discussion was held with the immediate supervisor and cite the specific reason(s) why the employee believes the decision was not proper. Supervisors are to review and comment on the employee's request in writing, and provide copies of those comments to the employee within 30 days.

(b) The appropriate Professional Standards Board will review the information submitted by the employee, along with the supervisor's comments, and make a recommendation to the approving official within 30 days. If the employee's request does not include the information specified in paragraph d.(1) above, the technical representative to the Professional Standards Board will return the request to the employee for completion. The employee has 30 calendar days from the date of receipt of the request to obtain the additional information and return it to the Professional Standards Board through the technical representative; however, the appropriate management official may extend the 30-day period if the employee is unable to submit the information for good cause shown. The 30-day period the Board has to make its recommendation may be extended up to the number of days it took the employee to provide the Board with the appropriate information. Upon completing its review, the Professional Standards Board is to forward its recommendation to the approving official for action under paragraph e. below.



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e. **Action by Approving Authority.** Upon review of the reconsideration file, the approving official shall take one of the following actions within 30 days:

(1) Request any additional information needed to make a decision. This includes, but is not limited to, meeting with representatives of the Professional Standards Board [(with exception to Medical Support Assistants; see Appendix-Q)], the employee, and/or the employee's supervisor prior to making a decision under paragraph (2) or (3) below.

(2) Approve the employee's promotion. Promotions will be made effective on the first day of the first full pay period following approval. In no case will the promotion be effected later than the first day of the first full pay period commencing 120 days after the employee submits a written request for reconsideration, unless the employee requested an extension of the 30-day period to submit a written request for reconsideration. In such cases the number of additional days taken by the employee to submit a request will be added to the 120-day time limit. (See paragraph 7.a.(1) below)

(3) Disapprove the promotion and notify the employee of the decision in writing.

f. **Coverage as Employee Grievance.** Requests for promotion reconsideration are excluded from



**APPENDIX M. PROCESSING TITLE 38 PROMOTIONS AND ADVANCEMENTS**

**HOW TO PROCESS A PROMOTION FOR PODIATRISTS, CHIROPRACTORS, NURSE ANESTHETISTS, PHYSICIAN ASSISTANTS, EXPANDED-FUNCTION DENTAL AUXILIARIES, AND TITLE 38 HYBRID OCCUPATIONS**

<b>A</b>		<b>B</b>
<b>S T E P S</b>	If full-time, part-time or intermittent employee is in a	then take these steps [for promotion up to the full performance level]
1	title 38 hybrid occupation	Upon receipt of VA Form 5-97, Notice of Pending Personnel Action, the HRM Office will forward the original to employee’s service chief . A duplicate copy will be retained in the HRM office as a suspense copy.
2		The immediate supervisor will notify employee of eligibility for promotion, and employee will be given 30 days to submit self assessment. The immediate supervisor will make a formal promotion recommendation to the approving official based on an evaluation of employee’s self assessment, performance, experience and/or education, as appropriate. Recommendation will meet criteria described in section B, chapter 4, this part. Employees who have demonstrated the capability to successfully perform at the next higher grade level will be recommended for promotion.
3		Upon concurrence of the promotion recommendation by the approving official, the appropriate personnel action will be prepared and submitted along with supporting documentation to the HRM Office. The promotion will be effected no later than the first day of the first full pay period commencing 60 days after employee’s anniversary date.
4		If promotion is not recommended, the immediate supervisor will notify the employee in writing that they are not being recommended for promotion. The written notice will state the reason(s) why the employee does not meet the criteria for promotion, the right to reconsideration, and that requests for reconsideration must be preceded by an informal discussion with their supervisor. Reconsideration request procedures will follow criteria described in paragraph 6 of chapter 4, this part [(except for Medical Support Assistants; see Appendix-Q)].

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<b>HOW TO PROCESS A PROMOTION FOR PODIATRISTS, CHIROPRACTORS, NURSE ANESTHETISTS, PHYSICIAN ASSISTANTS, EXPANDED-FUNCTION DENTAL AUXILIARIES, AND TITLE 38 HYBRID OCCUPATIONS [ ]</b>		
<b>A</b>		<b>B</b>
S T E P S	[If full-time, part-time or intermittent employee is in a]	then take these steps for promotion [ <b>above the full performance level</b> ]
1	title 38 hybrid occupation	Upon receipt of VA Form 5-97, Notice of Pending Personnel Action, the HRM Office will forward the original to employee’s service chief. A duplicate copy will be retained in the HRM office as a suspense copy. (Employees who are eligible for promotion consideration to a grade that requires a combination of personal qualifications and assignment characteristics are to be considered for promotion to such grades on the <b>first</b> anniversary date of their last promotion, provided administrative requirements have been met.)
2		The immediate supervisor will notify employee of eligibility for promotion, and employee will be given 30 days to submit self-assessment. The immediate supervisor will make a recommendation for promotion to the appropriate management official (e.g. service chief) based on an evaluation of employee’s self-assessment, performance, experience and/or education and assignment. Recommendation will meet criteria described in section B, chapter 4, this part.
3		<p>If the appropriate management official determines the personal qualifications and assignment does <b>not</b> meet the qualification standard to warrant promotion above the full performance level, the employee will be notified in writing that they are not being recommended for promotion. The written notice will state the reason(s) why the employee does not meet the criteria for promotion, the right to reconsideration, and that requests for reconsideration must be preceded by an informal discussion with their supervisor. Reconsideration request procedures will follow criteria described in paragraph 6, chapter 4, this part [(except for Medical support Assistants; see Appendix-Q)].</p> <p>If the appropriate management official determines the personal qualifications and assignment meets the qualification standard to warrant promotion above the full performance level, the appropriate recommendation will be submitted through the Chief of Staff, Associate Director, Associate Director for Patient Services or Nurse Executive and HRM Office to the Professional Standards Board for consideration within 30 days [(except for Medical Support Assistants; See Appendix-Q).]</p>
4		The Professional Standards Board [(except for Medical Support Assistants; See Appendix-Q)] will examine the personnel folder, supervisory evaluations and all other information furnished. Additional information may be obtained at the direction of the board. Boards will report their findings on VA Form 10-2543, Board Action. All members will sign and date the form. The board action and all related papers will then be forwarded to the appropriate promotion approving authority listed in Appendix III- K. Action by the approving authority is required even when promotion is not recommended by the Board. The approving authority will note the final decision on the Board’s recommendation, sign and date VA form 10-2543 and take appropriate action].

**[APPENDIX Q. PROCEDURES FOR APPOINTING AND ADVANCING  
MEDICAL SUPPORT ASSISTANTS**

**1. SCOPE.** This appendix contains the policy and requirements that apply to the employment of Medical Support Assistants (MSAs). This appendix also establishes the procedures for appointments (see VA Handbook 5005, Part II, Chapter 3, paragraph F1), promotions, and compensation of MSAs in Veterans Health Administration (VHA) appointed under sections 7401(3) and 7405 (a) (1) (B) of title 38, United States Code. This appendix is incorporated to Part III of Handbook 5005 through Chapter 4.

**2. POLICY.**

a. Promotion actions will be taken without regard to race, color, religion, sex, national origin, disability, age, sexual orientation, or status as a parent, or any other non-merit factor, and shall be based solely on job-related criteria.

b. Promotion actions will conform to the restrictions governing the employment of relatives. (See VA Handbook 5025, Legal.)

c. All hiring actions will adhere to Veterans Preference requirements in VA Handbook 5005, Part I, Chapter 4.

d. Employees may also be advanced in steps within a grade. (For Special Advancements for Achievement and Special Advancements for Performance see Handbook 5017, Employee Recognition and Awards and paragraph 3 of this appendix.)

e. Nothing in this Appendix shall be interpreted to diminish MSAs' grievance rights negotiated prior to the implementation of this Appendix under any collective bargaining agreement in affect during the implementation of this Appendix.

**3. RESPONSIBILITIES.**

a. Human Resource Offices are responsible for:

(1) Determining eligibility and qualifications in accordance with VA Handbook 5005, Part II, Appendix G45 and recommend the appropriate grade to the selecting official.

(2) Recommending appropriate pay to hiring official using pay setting flexibilities in VA Handbook 5007 pertaining to hybrid title 38.

(3) Determining eligibility, qualifications and recommend the appropriate grade for promotions.

(4) Process requests for reassignments/change to lower grades in compliance with VA Handbook 5005, Part III, Chapter 4, Section B, paragraph 9 and review and make recommendations to the Medical Center Director on Special Advancements for Achievements (SAAs).

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b. The Supervisor at the appropriate level is responsible for:

(1) Obtaining an approval to fill a vacant position in accordance with local procedures. Once approval is obtained the service will initiate recruitment action and contact the servicing Human Resources Office (HRO).

(2) Review applications referred for selections.

(3) Submit supporting documentation for utilization of pay setting flexibilities found in VA Handbook 5007 pertaining to hybrid title 38.

(4) Review requests or recommendations for promotions and make recommendations consistent with 6b and 6c below.

(5) Submit recommendations and documentation for SAAs consistent with VA Handbook 5017, Part V, Paragraph 4e (local facilities are encouraged to develop criteria to ensure consistent application of SAAs).

c. Medical Center Director/Network Director will (for personnel under their jurisdiction): 1) review and serve as the deciding official on requests for additional steps above the minimum on appointments; 2) review and serve as the deciding official on reconsideration requests; and 3) review and serve as the deciding official on SAAs.

**4. PROMOTION.**

a. This section contains instructions and procedures governing the promotion of employees who are appointed under the occupational series GS-679 and titled Medical Support Assistant and appointed under sections 7401(3) and 7405 (a)(1)(B) of title 38, United States Code. Promotion is advancement to a higher grade level and recognizes that an employee is providing a higher level of service to VA.

b. The promotion system shall provide advancement opportunities for employees, predicated upon the recognition of the quality of service rendered, additional experience and professional attainment as determined by an examination of the employee's individual record.

c. To meet the criteria for promotion, the individual must meet the criteria for the next higher grade level in the MSA qualification standard. Examination of the individual's total record must reveal evidence that the contribution to VA medical service is of sufficient value to warrant promotion. Potential for continuously greater contribution is also a prerequisite. Reviews and recommendations of supervisors and Human Resources will be sufficient to ensure that promotion is fully merited and not recommended based on meeting administrative requirements alone.

## 5. PROMOTION – GENERAL

### a. Administrative Requirements for Consideration

(1) A current performance rating of “Satisfactory” or higher.

(2) The experience, education, and performance requirements set forth in the MSA qualification standard. Employees must meet the same grade requirements, including the specified demonstrated accomplishments, as for appointment. Any deviation or exception to these requirements will be limited to those specified in the qualification standard. (See part II, appendix G45).

**b. Promotions Based on Additional Experience and/or Education.** Promotions based solely on additional experience acquired by the employee shall be limited to advancements of one grade or grade interval at a time. If an employee has attained a higher level of education that, when combined with their additional experience, is qualifying for a grade higher than the next grade or grade interval, the employee may be promoted to whatever grade in the qualification standard the additional education warrants.

**c. Processing Procedures** (See appendix III-M, this part)

## 6. PROMOTION CONSIDERATION

**a. Eligibility.** Full-time, part-time, and intermittent employees shall be considered periodically, consistent with 6b and 6c below, for promotion in their current occupation. Eligibility for such promotion considerations shall be based upon fully meeting prescribed administrative requirements. Approximately 60 days prior to the date the employee meets the required period for promotion consideration, Human Resources Management Officers will notify the appropriate supervisory officials that the employee is eligible for promotion consideration to the next higher grade level up to the full performance level. The supervisor will notify the employee, who shall then be given 30 days to submit to their supervisor a self-assessment of their qualifications for promotion consideration. Employees may also notify their supervisor in writing that they are declining to submit a self-assessment during this 30 day period. If this is done, the supervisor will proceed with a recommendation.

### b. Promotion to Grades at or Below Full Performance Level.

(1) Promotions to grades at or below the full performance level (see Appendix III-O, this part) will be based on the recommendation of the immediate supervisor, recommendation of approval by the second level supervisor and personnel action approved by Human Resources Officer. Upon receipt of the employee's self-assessment or written declination, the immediate supervisor will make a recommendation on promotion that is to be acted upon by the second level supervisor within 30 days of the self-assessment being received.

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(2) Employees who have demonstrated the capability to successfully perform at the next higher grade level will be recommended for promotion. Promotions will become effective on the first day of the first full pay period following approval by the second level supervisor. In no case will the promotion be effected later than the first day of the first full pay period commencing 60 days after the employee's anniversary date.

(3) Employees who have not demonstrated such capability will be informed in writing by the immediate supervisor that they are not being recommended for promotion. The written notice will state the reason(s) why the employee does not meet the criteria for promotion. The immediate supervisor may recommend the employee for promotion at a later date if it is determined that the employee has met the appropriate criteria. If not promoted during the intervening period, the employee is entitled to promotion consideration on the next anniversary date of grade. Employees who are not promoted may request promotion reconsideration under paragraph 7 below.

**c. Promotion to Grades above the Full Performance Level.**

(1) Employees who are eligible for promotion consideration to a grade that requires a combination of personal qualifications and assignment characteristics are to be considered for promotion to such grades on the first anniversary date of their last promotion, provided they meet the administrative requirements. This automatic consideration only occurs on the first anniversary for each grade level. In addition, employees who are selected for supervisory or managerial assignments that warrant consideration for a higher grade and for assignments based on complexity will be considered for promotion on a date other than the anniversary date of last promotion.

(2) If after reviewing the employee's self-assessment, if submitted, and other relevant material, the appropriate management official (e.g., service chief) determines that the assignment does not meet the qualification standard for a higher grade, that official shall document the reasons for this determination in writing and provide a copy of the determination to the employee. Employees who do not agree with the determination may request promotion reconsideration under paragraph 7 below.

(3) If the appropriate management official believes the assignment meets the qualification standard requirements for promotion, a request for personnel action is to be prepared and submitted, along with all relevant information to Human Resources for consideration within 30 days. If applicable, the employee will be given a copy of the supervisor's comments relating to the self-assessment. The Human Resources Staffing Specialist will review and forward its recommendation on qualifications to the Human Resources Officer, for approval of personnel action. Human Resources will have no more than 30 days to complete their review. Promotions will become effective on the first day of the first full pay period following approval by the approving official. In no case will the promotion be effected later than the first day of the first full pay period commencing 120 days after the employee's anniversary date.

(4) If, under paragraph (2) or (3) above, the appropriate management official or Human Resources Officer does not recommend the employee's promotion, the employee will no longer receive an automatic annual promotion consideration. The appropriate management official may recommend such employee for promotion at any time in the future provided the employee's duties and responsibilities change to the point that the criteria for promotion to the next grade may be warranted. Employees may

request promotion consideration by the appropriate management official on subsequent anniversary dates if their duties have changed since they were last considered and the employee believes that these changes meet the criteria in the qualification standard for a higher grade. For the reconsideration process for a denial, see paragraph 7 below.

## **7. PROMOTION RECONSIDERATION AND REVIEW**

a. **Coverage.** This paragraph applies to MSAs appointed under 38 U.S.C. 7401(3) or 7405(a)(1)(B).

b. **Notice of Decision.** Employees are to be advised by their supervisors in writing of any decision not to promote them, of the reason(s) for the decision, of their right to request reconsideration, and that reconsideration must be preceded by an informal discussion with their supervisor.

c. **Informal Discussion.** Employees and their supervisor must meet to discuss the recommendation not to promote prior to the employee submitting a request for reconsideration under paragraph d below.

### **d. Reconsideration Requests**

#### **(1) To Grades at or Below the Full Performance Level**

(a) If promotion to a grade at or below the full performance level (see Appendix III-O, this part) is involved, the employee may, within 30 days of being notified of the decision, submit a written request through the immediate supervisor to the second level supervisor for reconsideration. The employee's written request for reconsideration must indicate when the informal discussion was held with the immediate supervisor and cite the specific reason(s) why the employee believes the decision was not proper. The Medical Center Director, Network Director, or appropriate higher level designee (whichever is applicable) may extend the 30-day period at the written request of the employee if the employee is unable to submit the information for reasons beyond the employee's control.

(b) Second level supervisors are to review the employee's request within 30 days and determine whether to promote the employee. If the second level supervisor determines that a promotion is not warranted, that supervisor will provide the reasons for this decision to the employee in writing.

(c) If the employee is not satisfied with the explanation of the determination to not promote, the employee can request within 30 days to have the determination reviewed and recommendation made by the next higher level manager. The employee's request for reconsideration and the supervisor's explanation will be forwarded to the next higher level manager within 30 days.

(d) The next higher level manager will make a recommendation within 30 days and submit through the servicing Human Resources Office to the Medical Center Director, Network Director, or appropriate higher level designee (whichever is applicable), who will make a final decision within 30 days.

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(e) If the promotion is approved, the employee is to be promoted on the first day of the first pay period following a decision by the approving official. In no case will the promotion be effected later than the first day of the first full pay period commencing 180 days after the employee submits a written request for reconsideration, unless the employee requested an extension to the 30-day period to submit a written request for reconsideration. In such cases, the number of additional days taken by the employee to submit a request will be added to the 180-day time limit. If the promotion is denied, the employee will be provided with a copy of the decision.

**(2) For Promotions to Grades above the Full Performance Level**

(a) Within 30 days of the non-promotion decision, an employee may submit a written request for reconsideration to their immediate supervisor. This 30 day period may be extended at the written request of the employee if the employee is unable to submit the information for reasons beyond the employee's control.

1. The employee's written request for reconsideration must indicate when the informal discussion (see Paragraph 7c above) was held with the immediate supervisor and cite the specific reason(s) why the employee believes the decision was not proper.

2. Immediate supervisors are to review and comment on the employee's request in writing, and provide copies of those comments to the employee within 30 days.

3. The immediate supervisor will submit the written reconsideration request and any supervisory comments to the next higher level supervisor.

(b) The next higher level supervisor will review the information submitted by the employee, along with the immediate supervisor's comments, and make a recommendation to Medical Center Director, Network Director, or appropriate higher level designee (whichever is applicable) through Human Resources within 30 days.

1. If Human Resources determines that the employee's request does not include when the informal discussion was held or the specific reasons why the employee believes the decision was not proper, Human Resources will return the request to the employee for completion.

2. The employee has 30 days from the date of receipt of the returned request to obtain the additional information and return it to Human Resources. The Medical Center Director, Network Director, or appropriate higher level designee (whichever is applicable) may extend the 30-day period if the employee is unable to submit the information for good cause shown.

3. The Medical Center Director, Network Director, or appropriate higher level designee (whichever is applicable) has 30 days to make decision. This 30 day period may be extended up to the number of days it took the employee to provide the appropriate management official with the proper information.

4. Upon making the decision, the Medical Center Director, Network Director, or appropriate management official (as the approving official) will forward the decision to the Human Resources for action under paragraph e. below.

e. **Action by Human Resources.** Upon receipt of the reconsideration file, Human Resources shall take one of the following actions within 30 days:

(1) If approved, promotions will be made effective on the first day of the first full pay period following approval. In no case will the promotion be effected later than the first day of the first full pay period

commencing 120 days after the employee submits a written request for reconsideration, unless the employee requested an extension of the 30-day period to submit a written request for reconsideration. In such cases the number of additional days taken by the employee to submit a request will be added to the 120-day time limit.

(2) If disapproved, Human Resources will notify the employee of the decision in writing.

**8. COVERAGE AS EMPLOYEE GRIEVANCE.** Requests for promotion reconsideration are excluded from the Agency Grievance Procedure. See VA Handbook 5021, Part IV, Chapter 3, paragraph 16. Promotion reconsideration decisions are excluded from the negotiated grievance procedure pursuant to 38 U.S.C. 7403(f)(1)(B).

## **9. EFFECTING ADVANCEMENT AND PROMOTION ACTIONS**

### **a. Effective Date**

(1) The promotion will be made effective by the Human Resources Management Officer on the first day of the pay period following the date of approval of the promotion by the approving official, but in no case earlier than the date on which all administrative requirements are met. A promotion may also be made effective at a future date set by the approving authority that does not violate law or negotiated agreement when doing so would benefit the employee. Promotion recommendations and actions that are administratively delayed beyond the time limits specified in paragraph 6 above will be made retroactive.

(2) If an employee becomes eligible for promotion while on LWOP for purposes for which they have a statutory entitlement to receive promotion consideration (e.g., military service, OWCP), no action will be taken until the employee returns to duty. If the employee on return to duty meets all of the requirements for promotion consideration, he or she will be considered for promotion as if he or she had been continuously employed in the position.

**NOTE:** See chapter 6, this part, for effecting promotion actions upon return from military service.

## **10. TEMPORARY PROMOTIONS**

a. An employee may be temporarily promoted to a higher graded position where the grade of the position is based on the complexity of the assignment. The employee must meet the administrative and qualification requirements for promotion and such promotions are to be processed using the procedures in paragraphs 4, 5, and 6 above.

b. On expiration or termination of the assignment, the grade and salary of the employee will be adjusted in accordance with the provisions of VA Handbook 5007, Pay Administration. In applying the provisions of this handbook, the salary will be adjusted to the salary held previously, unless a higher rate is warranted by reason of periodic step increases. On assignment, the following statement will be placed in the "Remarks" item of the SF 50-B, Notification of Personnel Action: "Employee informed of conditions of temporary grade assignment."

c. This temporary promotion no longer requires a professional standards board action and will occur without recourse to such board action. The absence of a board action shall not bar an employee from grieving a failure to temporarily promote pursuant to this section under the negotiated grievance procedure or agency grievance procedure as appropriate.]

**NOTE:** *For hybrid occupations listed under 38 U.S.C. 7401(3) or occupations approved for hybrid status under the provisions of VA Handbook 5005, Part II, Chapter 3, paragraph 2, the selecting official must forward the recommendation for appointment above the minimum rate of the grade to the appropriate professional or similar standards board [(exception of Medical Support Assistants which is covered under Appendix-Q)]. The board will consider this information when making a formal recommendation regarding the candidate's qualifications, and recommended grade and step upon appointment.*

(2) Before using this pay setting authority, approving officials should consider such things as the number of on-duty personnel in the category under consideration and their pay rates, the number of vacancies and the availability of well-qualified candidates; possible employee and/or community relations problems which may result from using this authority and alternatives to using this authority to include the use of recruitment incentives, a more comprehensive recruitment effort, job redesign, internal training, use of part-time employees, etc.

(3) This authority is intended to enhance VA's ability to meet its recruitment needs and may be used with full-time, part-time, intermittent, permanent, or temporary appointments provided its use is consistent with the criteria contained herein. It is typically used for new appointments (i.e., first appointment as an employee of the Federal Government, however it may be used for reappointments, provided the candidate had a break in service of at least 90 calendar days. A 90-day break in service is not required if the candidate's civilian service immediately preceding the appointment consisted of one or more periods of employment under a time-limited or non-permanent appointment, employment as an expert or consultant under 5 U.S.C. 3109 and 5 CFR 304, or employment under a provisional appointment under 5 CFR 316.403.

**c. On-Duty Employees**

(1) A higher step rate may be approved for on-duty employees in the situations shown below if the appropriate standards board or recommending official (if a standards board is not appropriate) has recommended a higher step rate than otherwise applicable. The recommendation may be based on higher or unique qualifications of an individual or special need of VA.

(a) On-duty employees converted to occupations listed under 38 U.S.C. 7401(3); and

(b) On-duty employees reassigned to a new position or changed to a new lower grade position under 38 U.S.C. 7401(3). For the purpose of this paragraph, a new position means a position subject to different qualification standards and in a different occupational series.

(2) On-duty employees in the same occupation as an individual newly appointed under 38 U.S.C. 7401(3) are not entitled to have their pay rate adjusted.