

STAFFING

- 1. REASON FOR ISSUE:** To issue Department of Veterans Affairs (VA) policy 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/Staffing. Revised text is contained in [brackets]. This change will be incorporated into the [Office of Human Resources Management \(OHRM\) Web site](#). Significant changes include updating Part II, Chapter 2, Section B, paragraph 2, which adds the authority to appoint a qualified former career or career conditional VA employee to any position within the competitive service, at the VA, one grade (or equivalent) higher than the grade (or equivalent) of the VA position previously held.
- 3. RESPONSIBLE OFFICE:** Office of Human Resources and Administration (006), Recruitment and Placement Policy Service (059), Office of the Deputy Assistant Secretary for Human Resources Management.
- 4. RELATED HANDBOOK/DIRECTIVE:** VA Directive 5005, Staffing.
- 5. RESCISSIONS:** None.

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**BY THE DIRECTION OF THE SECRETARY
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2. CAREER-CONDITIONAL AND CAREER EMPLOYMENT

- a. **Purpose.** Permanent employment in the competitive service is governed by the career-conditional employment system. The system is designed to permit adjustment of the career service to necessary fluctuations in Federal employment, and to provide equitable and orderly principles and practices for stabilizing the Federal workforce.
- b. **Basic Elements.** Under the career-conditional employment system, employees are generally brought into the service under a career-conditional appointment. A career-conditional employee must prove an interest in a career in the Federal service by completing three years of substantially continuous service before becoming a full career employee. It is during this same 3-year period that the ability and desire of the Government to retain the employee is demonstrated. Career employees have superior tenure to that of career-conditional employees. Certain employees are appointed directly as career employees or are otherwise exempt from the 3-year length of service requirement for career tenure. (See 5 CFR, part 315, subpart B.)
- [c. **Career-Conditional or Career Appointment of Persons Eligible Under the Veterans Affairs Choice and Quality Employment Act of 2017.** Under Public Law 115–46, § 204, VA may appoint, via transfer or reinstatement, a qualified former VA career or career conditional employee to any position within the competitive service without regard to Veteran’s preference or competitive examining rating and ranking procedures. The appointment may be up to one grade (or equivalent) higher than the grade (or equivalent) of the VA position previously occupied by the employee. When filling positions under this authority, facilities must adhere to agency Career Transition Assistance Plan (CTAP) and Interagency Career Transition Assistance Plan (ICTAP) provisions in 5 CFR, part 330, subparts F-G.

(1) Qualified former employees must have:

- (a) formerly occupied any career or career conditional position at the VA within two years before applying for reemployment at VA;
- (b) voluntarily departed such position, or was subject to a reduction in force, and had a satisfactory performance record while occupying such position; and
- (c) since departing VA has maintained licensing requirements, related to the position, if any, and gained skills, knowledge, or other factors related to the position.

(2) Additionally, the former employee must have at least one year of specialized experience equivalent to the next lower grade level.]

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

- [e]. **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 of 61 days or more, regardless of whether it is in the competitive or excepted service. Conversions may occur after 1 day of service on such a time-limited appointment.
- [f]. **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 to competitive status, at the facility's discretion.
- [g]. **Status Quo Appointment and Conversion to Career-Conditional (or Career) Appointment of Disabled Veterans who Complete 38 U.S.C, 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 under 38 U.S.C. chapter 31 for that position, or class of positions in a Federal agency. 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.
- [h]. **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).
- [i]. **Noncompetitive Career-Conditional (or Career) Appointment of Student Trainees in Associated Health Care Disciplines**
- (1) In accordance with 38 U.S.C. 7403(g), VA facilities are authorized to appoint under title 5, without regard to competitive Federal civil service announcement, examining and certification procedures, eligible graduates who have a degree, diploma, or certificate in an associated health care discipline from an accredited institution of post-secondary education, and who have successfully completed an affiliated clinical education training program in a VA health care facility. See appendix II-C for specific instructions on use of this noncompetitive appointment authority and a general list of covered associated health care disciplines.

- (2) This employment authority does not apply to individuals in training programs that will result in post-training appointments under 38 U.S.C. 7401(1) or (3) or under 38 U.S.C. 7405 to an occupation listed under those paragraphs.
- (3) For provisions for appointing students in associated health care disciplines before graduation, see paragraphs 5 and 6, section G, chapter 3 of this part.

[j]. **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 Plan (CTAP) and Interagency Career Transition Assistance Plan (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 Service member.** An individual who:
 - i. 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 service member's family members) as part of the orders specifying the individual's permanent change of station;
 - ii. 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
 - iii. 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.

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- (f) **Spouse.** The husband or wife of a member of the armed forces.
- (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 service member on, or prior to, the date of his or her PCS orders, and relocated with the service member to the designated duty station on his/her PCS orders;
 - (b) A spouse of a service member 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 service member 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 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 deceased or 100 percent disabled Veterans have unlimited eligibility under this authority.
- (5) **Eligibility Documentation.** Prior to appointment, facility HR staff must obtain the following documentation from the spouse to verify eligibility.
- (a) A spouse of a current service member must provide a copy of the marriage license and the service member's PCS orders specifying: the effective date of the PCS, the duty location, and a statement authorizing the dependent/spouse to accompany the service member to the duty station.
 - (b) A spouse of a former service member 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 service member 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 service member's service-connected death, and a statement validating that the widow/widower is the un-remarried widow/widower of the deceased service member.
- (6) **Exclusions.** A spouse who does not accompany the service member to the new duty station, marries the service member after he/she relocates; or a spouse of a service member 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 service member's orders indicate that the service member will proceed to a TDY assignment en route to a new duty station.

- (7) **Geographic Restriction.** With the exception of spouses of service members with 100 percent service-connected disabilities or spouses of service members killed on active duty, facilities may not appoint eligible spouses to positions outside the geographic area of the permanent duty station designated in the service member's PCS orders. The geographic area is not mile-radius specific. It includes the service member's duty station and the surrounding area from which individuals can be expected to 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 service member's duty station.
- (a) Facility Directors may submit requests to waive the geographic restriction. Requests must include a copy of the vacancy announcement, the service member's PCS orders, a brief statement from the spouse indicating her/his desire to waive the geographic restriction, and a statement from the facility affirming that there are no Federal agencies or departments within the local commuting area of the service member'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.

[k]. **Administrative Protections for Career-Conditional and Career Employees**

- (1) **Retention Priority in Reduction in Force.** Employees who have career-conditional appointments have group II tenure for reduction in force. Employees who have career appointments have group I tenure for a 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 have 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 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.C 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 website 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.)