

STAFFING

1. **REASON FOR ISSUE:** To revise the Department of Veterans Affairs (VA) policies and procedures for the appointment and advancement of hybrid title 38 occupations. This revision to policy is phase two of the three phases. This revision will apply specifically to physical therapy assistant; dental hygienist; biomedical engineer; dental assistant; registered respiratory therapist; speech pathologist and audiologist; medical instrument technician; diagnostic radiologic technologist; pharmacy technician; medical technologist; psychologist; licensed pharmacist; social worker; nursing assistant; licensed practical or vocational nurse; and certified respiratory therapist.
2. **SUMMARY OF MAJOR CHANGES:** This handbook contains mandatory VA procedures on appointing and advancing hybrid title 38 occupations. 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 Chief Human Capital Officer Website](#). Significant changes include:
 - a. Removes requirement of professional standards boards for the hybrid title 38 occupations of physical therapy assistant; dental hygienist; biomedical engineer; dental assistant; registered respiratory therapist; speech pathologist and audiologist; medical instrument technician; diagnostic radiologic technologist; pharmacy technician; medical technologist; psychologist; licensed pharmacist; social worker; nursing assistant; licensed practical or vocational nurse; and certified respiratory therapist.
 - b. Removes references to obsolete professional standards boards from Appendix O in Part II.
 - c. Amends language of Appendix U in part II for appointments and promotions/advancements to cover the occupations: physical therapy assistant; dental hygienist; biomedical engineer; dental assistant; registered respiratory therapist; speech pathologist and audiologist; medical instrument technician; diagnostic radiologic technologist; pharmacy technician; medical technologist; psychology; licensed pharmacist; social worker; nursing assistant; licensed practical or vocational nurse; and certified respiratory therapist.
 - d. Amends language in Chapter 4 of Part III and Appendix M of Part III to clarify that the policy in these sections for promotion/advancement of hybrid title 38 occupations is only applicable to hybrid title 38 occupations that have a professional standard board.

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

4. **RESPONSIBLE OFFICE:** Recruitment and Placement Policy Service (059), Office of the Chief Human Capital Officer.

5. **RESCISSIONS:** None.

CERTIFIED BY:

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

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PART II. APPOINTMENTS
CHAPTER 3. TITLE 38 APPOINTMENTS
SECTION A. GENERAL

1. SCOPE

- a. **General.** This chapter contains administrative requirements and procedures relating to the appointment of individuals to occupations identified in 38 U.S.C. § 7306, 7401(1), and 7401(3); and employees in those occupations who are appointed under 38 U.S.C. § 7405. This section also applies to medical support personnel appointed under authority of 38 U.S.C., chapters 73 or 74.

NOTE: All references throughout this handbook to occupations identified in 38 U.S.C. § 7401(3) includes those occupations not specifically listed in Section 7401(3) but approved for hybrid status by the Assistant Secretary for Human Resources and Administration/Operations, Security and Preparedness in accordance with the provisions of paragraph 2 below. See Appendix O in part III of this handbook for a complete list of hybrid occupations. [The requirement for professional standards boards for hybrid title 38 occupations throughout this handbook does not include: physical therapy assistant; dental hygienist; biomedical engineer; dental assistant; registered respiratory therapist; speech pathologist and audiologist; medical instrument technician; diagnostic radiologic technologist; pharmacy technician; medical technologist; psychologist; licensed pharmacist; social worker; nursing assistant; licensed practical or vocational nurse; certified respiratory therapist, medical support assistant, medical supply technician (sterile processing) and any hybrid occupations approved for hybrid status on or after January 1, 2017 in Veterans Health Administration (VHA) and appointed under 38 U.S.C. §§ 7401(3) and 7405. For policy and guidance on appointments and promotions pertaining to these occupations see Appendix U of this part.]

- b. **Central Office Appointments.** Provisions of this section apply to Central Office employees in the occupations indicated in subparagraph a. who are appointed under 38 U.S.C. § 7306, 7401(1), 7401(3), or 7405. The terms “medical center officials” and “facility Director or designee” refer in Central Office to the Under Secretary for Health or designee.
- c. **Residents.** Medical and dental residents appointed under 38 U.S.C. § 7406, and podiatry, optometry, and chiropractic residents and trainees appointed under 38 U.S.C. § 7405 are included within the scope of this section. The term resident as used in this chapter includes interns.
- d. **Exception from the Competitive Service and the Provisions of 5 U.S.C. Chapter 51.** The appointments of persons under the authority of sections 7306, 7401(1), and 7401(3), and under sections 7405 and 7406 to occupations identified in those sections, are excepted from the competitive service and from 5 U.S.C. chapter 51.

2. AUTHORITY AND RESPONSIBILITY

a. Designation of Title 38 Hybrid Status for Health Care Occupations

- (1) The Assistant Secretary for Human Resources and Administration/Operations, Security and Preparedness subject to the concurrence of the Under Secretary for Health, is delegated the authority to approve health care occupations for conversion to title 38 hybrid status under 38 U.S.C. § 7401(3) provided such health care occupations:
 - (a) Are not occupations relating to administrative, clerical, or physical plant maintenance and protective services;
 - (b) Would otherwise receive basic pay in accordance with the General Schedule under section 5332 of title 5;

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) and part-time or intermittent registered nurses (RNs) in the following matters.

[NOTE: All references throughout this section to the requirement for professional standards boards for hybrid title 38 occupations do not include: physical therapy assistant; dental hygienist; biomedical engineer; dental assistant; registered respiratory therapist; speech pathologist and audiologist; medical instrument technician; diagnostic radiologic technologist; pharmacy technician; medical technologist; psychologist; licensed pharmacist; social worker; nursing assistant; licensed practical or vocational nurse; certified respiratory therapist; medical support assistant; medical supply technician (sterile processing) and any hybrid occupations approved for hybrid status on or after January 1, 2017 in VHA and appointed under 38 U.S.C. sections 7401(3) and 7405.]

- (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) 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 P, part III, of this handbook, Procedures for Reporting Questionable Behavior and Judgment Exhibited by Hybrid Title 38 Professional Standards Boards.
 - f. The Organizational Structure of Hybrid Title 38 Professional Standards Boards is 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 [4].)

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, and/or Human Resources for 38 U.S.C. § 7401(3) occupations [whichever is applicable], 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. (See section G of this part 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, Physician Assistants (PAs), and Expanded-Function Dental Auxilliary (EFDA)s 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 FOR OCCUPATIONS 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).
 - a. The Supervisor at the appropriate level will obtain 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).
 - b. Before recruitment is initiated, Human Resources will work in collaboration with the Supervisor to determine the eligibility and qualifications requirements that pertain to the assignment and grade level for the position to be filled in accordance with the qualification standards found in VA Handbook 5005, Part II Appendices found in Appendix G.
 - c. Human Resources will determine eligibility and qualifications in accordance with standards found in VA Handbook 5005, Part II found in Appendix G, document the determination as instructed by VHA national policy office and recommend the appropriate grade to the selecting official for appointments, promotions, reassignments and change to lower grades.

- d. Human Resources will notify candidates who fail to meet the requirements and fail to qualify for appointment.
- e. Processing requests for promotions, reassignments and change to lower grades in compliance with VA Handbook 5005, Part III, Chapter 4, paragraph 9.
- [f. The Supervisor will review applications referred for selections. It is recommended that Supervisors who are not subject matter experts consult subject matter experts when evaluating applications. This may take the form of a panel.]
- g. Once a selection is made the Supervisor will consult with Human Resources and submit supporting documentation for utilization of pay setting flexibilities (if applicable) found in VA Handbook 5007, Part II, Chapters 2, 3 and 4, pertaining to hybrid title 38.
- h. Medical Center Director/Network Director will (for personnel under their jurisdiction) review and serve as the deciding official on requests for additional steps above the minimum on appointments.]

NOTE: For more information on probationary periods, see section A, paragraph 4 of this chapter and VA Directive and Handbook 5021, Part III.

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

- a. VHA appointing officials [] and Human Resources Officers 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. Training will be provided to human resources officers and management officials regarding the interpretation of qualification standards.
- 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.

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.

**APPENDIX O. ORGANIZATIONAL STRUCTURE LOCATION OF SPECIFIC HYBRID TITLE
 38 PROFESSIONAL STANDARDS BOARDS**

OCCUPATION	BOARD LOCATION
0101 Licensed Professional Mental Health Counselor	National PSB for all grades
0101 Marriage and Family Therapist	National PSB for all grades
[]	[]
[]	[]
0601 Blind Rehabilitation Specialist/Blind Rehabilitation Outpatient Specialist	National Board –regional board members and GS-13 and above Five Regional Boards – through GS-12 Southeast – VISNs 7, 8, 9 Northeast – VISNs 1, 2, 3, 4, 5, 6 Central – VISNs 10, 11, 12, 15, 23 Southwest – VISNs 16, 17, 18, 19 Northwest – VISNs 20, 21, 22
0601 Nuclear Medicine Technologist	VISN & Facility PSB through GS-12 National PSB for all reconsideration actions
[]	[]
[]	[]

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OCCUPATION	BOARD LOCATION
[]	[]
0630 Dietitian	VISN & Facility PSB through GS-12 National PSB for GS-13 [& 14]
0631 Occupational Therapist	Regional PSB through GS-12 Northeast Region: VISNs 1-6 & 10 Southeast Region: VISNs 7-9, 16 & 17 Midwest Region: VISN's 11-15 & 23 West Region: VISN's 18-22 National PSB GS-13 &14
0633 Physical Therapist	Regional PSB through GS-12 Northeast Region: VISNs 1-6 & 10 Southeast Region: VISNs 7-9, 16 & 17 Midwest Region: VISNs 11- 15 & 23 West Region: VISNs 18-22 National PSB GS-13 &14
0635 Kinesiotherapist (Corrective Therapist)	Regional PSB appointment & advancement through GS-12 Northeast Region: VISNs 1-6, 10 Southeast Region: VISNs 7-9, 16 & 17 Midwest Region: 11-15 & 23 West Region: VISNs 18-22 National PSB for GS-13 and above and all reconsideration actions
0636 Occupational Therapy Assistant	National PSB through GS-8

OCCUPATION	BOARD LOCATION
[]	[]
[]	[]
[]	[]
[]	[]
0648 Therapeutic Radiologic Technologist	VISN & Facility through GS-11 National PSB for GS-12
[]	[]

OCCUPATION	BOARD LOCATION
[]	[]
[]	[]
[]	[]
0667 Orthotist/Prosthetist	Regional, VISN & Facility PSB for GS 5-11 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-12 -14
0669 Medical Records Administrator/Specialist	VISN & Facility PSB for GS-5 to GS-12 National PSB for GS-13 &14

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
[]	[]
[]	[]
[]	[]

[]

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. Approval and Selecting Officials are encouraged to consider and select from all interested, available, and qualified employees, whenever possible.

[NOTE: All references throughout this section to professional standards boards for hybrid title 38 occupations do not include: physical therapy assistant; dental hygienist; biomedical engineer; dental assistant; registered respiratory therapist; speech pathologist and audiologist; medical instrument technician; diagnostic radiologic technologist; pharmacy technician; medical technologist; psychologist; licensed pharmacist; social worker; nursing assistant; licensed practical or vocational nurse; certified respiratory therapist; medical support assistant; medical supply technician (sterile processing) and any hybrid occupations approved for hybrid status on or after January 1, 2017 in VHA and appointed under 38 U.S.C. sections 7401(3) and 7405. For policy and guidance on appointments and promotions pertaining to these occupations see Appendix U of this part.]

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.

APPENDIX U. PROCEDURES FOR APPOINTING AND ADVANCING HYBRID TITLE 38 OCCUPATIONS

1. **SCOPE.** This appendix contains the policy and requirements that apply to the appointments, promotions and compensation of: [physical therapy assistant; dental hygienist; biomedical engineer; dental assistant; registered respiratory therapist; speech pathologist and audiologist; medical instrument technician; diagnostic radiologic technologist; pharmacy technician; medical technologist; psychologist; licensed pharmacist; social worker; nursing assistant; licensed practical or vocational nurse; certified respiratory therapist;] medical support assistants; medical supply technicians (sterile processing); and any hybrid occupations approved for hybrid status on or after January 1, 2017 in VHA and appointed under 38 U.S.C. sections 7401(3) and 7405.
2. **POLICY**
 - a. Appointment and 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.
 - d. Nothing in this handbook shall be interpreted to diminish hybrid title 38 grievance rights negotiated under any collective bargaining agreement.
3. **RESPONSIBILITIES**
 - a. Human Resources shall:
 - (1) Work in collaboration with the Supervisor before recruitment is initiated to determine the eligibility and qualifications requirements that pertain to the assignment and grade level for the position to be filled in accordance with the qualification standards found in VA Handbook 5005, Part II Appendix G.
 - (2) Determine eligibility and qualifications in accordance with standards found in VA Handbook 5005, Part II found in Appendix G and recommend the appropriate grade to the selecting official for appointments, promotions, reassignments and change to lower grades.
 - (3) Notify candidates who fail to meet the requirements and fail to qualify for appointment.
 - (4) Processing requests for promotions, reassignments and change to lower grades in compliance with VA Handbook 5005, Part III, Chapter 4 Section B;

- b. The Supervisor at the appropriate level shall:
 - (1) Obtain 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. It is recommended that Supervisors who are not subject matter experts consult subject matter experts when evaluating applications. This may take the form of a panel.
 - (3) Consult with Human Resources and submit supporting documentation for utilization of pay setting flexibilities (if applicable) found in VA Handbook 5007, Part II, Chapters 2, 3 and 4, pertaining to hybrid title 38.
 - (4) Review requests or recommendations for promotions and make recommendations consistent with paragraphs 5, 6 and 7 below.
- c. The Medical Center Director/Network Director: shall (for personnel under their jurisdiction) review and serve as the deciding official on requests for additional steps above the minimum on appointments.

4. APPOINTMENTS AND REQUIREMENTS

- a. **Appointment.** General information (see VA Handbook 5005, Part II, chapter 3, section F paragraph 3).
- b. **Dual Employment and Compensation Restrictions.** See VA Handbook 5005, Part II, Chapter 3, paragraph 3b.
- c. **Qualification Standards.** The qualification standards for individual occupations are contained in Part II, Appendix G and general qualification standard information in VA Handbook, Part II, chapter 3, paragraph 3f.
- d. **Veterans Preference.** See VA Handbook 5005, Part I, chapter 4 and VA Directive and Handbook 5021, Part III.

NOTE: VA is required to follow title 5 Veterans' preference rules when hiring individuals for Hybrid Title 38 position. See 38 U.S.C. 7403(f)(2); VA Handbook 5005 Part I, Chapter 4.

- e. **Health and Human Services (HHS) Exclusionary List Entities (LEIE) National Practitioner Data Bank (NPDB)) Sanction List.** See chapter 1, section B, paragraph 2 of Part II.
- f. **English Language Proficiency.** See Part II, chapter 3, Appendix I of this handbook.
- g. **Physical Requirements.** See VA Handbook 5019, Occupational Health.

- h. **Probationary Periods.** See section A, paragraph 4 of this handbook.
- i. **Appointment above the minimum.** Individuals appointed under authority of 38 U.S.C. 7401(3), or under authority of 38 U.S.C. § 7405 to occupations identified in section 7401(3), may be appointed above the minimum step of the grade under provisions of VA Directive and Handbook 5007. The step rate for occupations under 38 U.S.C. § 7401(3) cannot be based on the number of years of experience alone. The specific criteria for steps above the minimum rate in VA Handbook 5007, Part II, chapter 3, paragraph 3b must be justified.
- j. **Appointment above the minimum for superior qualifications.**
- (1) Appointment at a step rate above the minimum shall be based on conclusive evidence of superior qualifications which equates to the step rate assigned. Qualifications used to meet minimum grade level requirements in the qualification standard will not be used to also justify appointment at a step rate above the minimum of the grade. The following are examples of appropriate criteria:
 - (2) Significant and distinguished contribution in some phase of the appropriate occupation as evidenced by difficult and original research, writing and publications in professional media of stature, or special recognition in teaching or professional practice.
 - (3) Special competence in the occupation as evidenced by service with professionally recognized committees, groups or responsible offices in professional societies above the local level, or consultative services within the occupation. The competence attained must be supported by achievement of renown on a regional or wider basis.
 - (4) Educational preparation that clearly exceeds requirements for the grade, expertise in specialized treatment modalities, outstanding competence as a clinical practitioner, or significant contributions concerning some aspect of the occupation.
 - (5) Eligibility for certification or certification by an American Specialty Board.
 - (6) Certification by the appropriate national certifying body to formally recognize a level of excellence based on demonstrated superior performance in clinical practice, assessment of knowledge, and colleague endorsement.
 - (7) Other appropriate evidence of professional stature.
- NOTE: Prior to recommending approval or approving actions based on certification, Human Resources will verify the possession of such recognition by the individual.
- k. **Processing.** The approval of step rates above the minimum is subject to the approval of the facility Director on recommendation of the Human Resources Office is required.

5. PROMOTIONS

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- a. This section contains instructions and procedures governing the promotion of employees who are 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 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.

6. 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 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.
- 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.

7. PROMOTION CONSIDERATION

- a. **Eligibility.** Full-time, part-time, and intermittent employees shall be considered periodically, consistent with paragraphs 7b and 7c below, for promotion in their current occupation. Eligibility for such promotion considerations shall be based upon fully meeting prescribed administrative requirements.
 - (1) 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 []. The supervisor will notify the employee

no later than 30 days prior to the employee's anniversary date. The employee 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. If a self-assessment or declination is not submitted the supervisor will proceed with the recommendation at the end of the 30-day period.

[(2) Assignments that are at the full performance level and consideration for designation of an assignment above the full performance level the supervisory official will review the duties of the position. The supervisory official must determine whether the duties being performed meet the definition of a higher-level assignment with the qualification standard. The supervisory official must also take into consideration the information provided in the employee's self-assessment. Supervisors are to apply position management and make sound management decisions. If the supervisor determines the additional duties were higher level duties, the supervisor must determine whether s/he gave other employees in the same position an opportunity to perform the additional duties.. The supervisory official is responsible for requesting and obtaining an approval to establish and fill the position in accordance with local procedures. The process and actions taken is to be documented using VHA Form "Request for HT38 Promotion Up to Full Performance Level" or "Request for HT38 Promotion Above Full Performance Level" whichever is applicable.]

b. Promotion to Grades at or Below Full Performance Level

(1) Promotions to grades at or below the full performance level (see Appendix 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 or expiration of the 30-day time period, the immediate

CHAPTER 4. TITLE 38 AND HYBRID TITLE 38 PROMOTIONS AND INTERNAL PLACEMENTS

SECTION A. PROMOTION OR CHANGE IN ASSIGNMENT AND INTE[R]NAL PLACEMENT OF TITLE 38 EMPLOYEES

1. GENERAL

- a. This section contains instructions and procedures governing the advancement of podiatrists, optometrists, chiropractors, registered nurses (RNs), nurse anesthetists, physician assistants (PAs) and expanded-function dental auxiliaries (EFDAs) appointed under authority of 38 U.S.C. § 7401(1) or 7405(a)(1)(A); and medical and dental residents appointed under authority of 38 U.S.C. § 7406.

NOTE 1: Residents serving under a disbursement agreement are excluded from coverage under the provisions of this section.

NOTE 2: VHA physicians and dentists are excluded from coverage for promotion procedures as described in this section. See VA Handbook 5007, Pay Administration, Part IX, for guidance for pay regulations and procedures.

NOTE 3: Promotions on occupations [without PSBs] covered under 38 U.S.C. § 7401(3) can be found in Part II, Appendix U and [promotions on occupations with PSBs covered under 38 U.S.C. § 7401(3) can be found in Section B of this part.]

- 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 a thorough review 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. A review of the individual's total record must show 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 professional standards boards will be sufficient to ensure that promotion is fully merited and not recommended based on meeting administrative requirements alone. The individual's total record and professional stature will be carefully evaluated and supported by documentary evidence as necessary.
- d. Promotion actions will be taken without regard to age, race, color, religion, sex, national origin, lawful partisan political affiliation, marital status, physical or mental disability (when the employee is qualified to do the work), or membership or non-membership in a labor organization, or any other non-merit factor
- e. Promotion actions will conform to the restrictions governing the employment of relatives. (See VA Handbook 5025, Legal.)

f. Promotion and advancement opportunities shall include:

(1) **Promotion**

(a) Promotion to a higher grade in recognition of substantially greater service to the patient and VA.

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. [] Promotion is advancement to a higher-grade level and recognizes that an employee is providing a higher level of service to VA.

[NOTE: All references throughout this section professional standards boards for hybrid title 38 occupations do not include: physical therapy assistant; dental hygienist; biomedical engineer; dental assistant; registered respiratory therapist; speech pathologist and audiologist; medical instrument technician; diagnostic radiologic technologist; pharmacy technician; medical technologist; psychologist; licensed pharmacist; social worker; nursing assistant; licensed practical or vocational nurse; certified respiratory therapist; medical support assistant; medical supply technician (sterile processing) and any hybrid occupations approved for hybrid status on or after January 1, 2017 in VHA and appointed under 38 U.S.C. § sections 7401(3) and 7405. For policy and guidance on appointments and promotions pertaining to these occupations see Part II, Appendix U.]

- 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 boards 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 K, this part.)

3. PROFESSIONAL STANDARDS BOARDS

See part II, chapter 3, section C, this handbook, for VA policy covering Professional Standards Boards

See Appendix O, Part II, this handbook, Organizational Structure of Hybrid Title 38 Professional Standards Boards. See Appendix P, Part II, this handbook, Procedures for Selecting Hybrid Title 38 Professional Standards Boards Members. See Appendix P, this part, Procedures for Reporting Questionable Behavior and Judgment Exhibited by Hybrid Title 38 Professional Standards Boards Members.

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		
	A	B
S T E P S	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 [with a Professional Standard Board] [ALL HYBRID TITLE 38 OCCUPATIONS WITHOUT A PSB ARE COVERED UNDER PART II, APPENDIX U]	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. []

HOW TO PROCESS A PROMOTION FOR PODIATRISTS, CHIROPRACTORS, NURSE ANESTHETISTS, PHYSICIAN ASSISTANTS, EXPANDED-FUNCTION DENTAL AUXILIARIES, AND TITLE 38 HYBRID OCCUPATIONS		
A		B
S T E P S	If full-time, part-time or intermittent employee is in a	then take these steps for promotion above the full performance level
[1]	title 38 hybrid occupation [with a Professional Standard Board] [ALL HYBRID TITLE 38 OCCUPATIONS WITHOUT A PSB ARE COVERED UNDER PART II, APPENDIX U]	Upon receipt of a notification 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 first 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]		If the appropriate management official determines the personal qualifications and assignment does <u>not</u> 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. 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 facility 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.
[4]		The Professional Standards Board [] 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 K, this part. 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.