



Hiring Authorities and Flexibilities



CONNECTING  TOP TALENT

Federal Civil Service

Competitive Service

- Positions in the Executive Branch

Excepted Service

- Positions not in the competitive service or SES
- Legislative and Judicial Branch

Senior Executive Service (SES)

- Senior Managers and Leaders

Types of Hiring Authorities

- Veterans Employment Authorities
- Non-competitive Appointment Authorities
 - Military Spouses
 - Former Peace Corps Volunteers
 - Former Peace Corps Employees
- Excepted Service Employment
 - Schedule A – Employment of Individuals with Disabilities
 - Schedule A – Fellowships, Scholarship, and Similar Programs
 - Schedule D – Pathways
- Other
 - Direct Hire
 - Experts and Consultants
 - Details Under the Intergovernmental Personnel Act

Special Hiring Authorities for Veterans

- 30 Percent or More Disabled Veterans
- Veterans' Recruitment Appointment (VRA)
- Veterans' Employment Opportunities Act of 1998 (VEOA)

Special Hiring Authorities for Veterans

30 Percent or More Disabled Veterans

- Veterans with a disability rating of 30 percent or more who meet the qualification requirements for the position can be hired noncompetitively under a time-limited appointment lasting at least 60 days
- The hiring manager may convert the veteran to a permanent competitive service position at any time during the time-limited appointment

Special Hiring Authorities for Veterans

Veterans' Recruitment Appointment (VRA)

for eligible veterans who:

- Are disabled;
- Have a campaign badge;
- Have the Armed Forces Service Medal; or
- Separated from service within the last 3 years

Special Hiring Authorities for Veterans

VRA — Features

- 2-year excepted service appointment
- Initial appointment up to GS-11
- Eligible veterans who successfully complete the 2-year program must be converted to a permanent position in the competitive service

Special Hiring Authorities for Veterans

Veterans' Employment Opportunities Act (VEOA)

Preference eligibles and veterans separated after 3 years of active service may compete for jobs filled under merit promotion procedures when agencies accept applications from individuals outside of their workforce

Special Hiring Authorities for Veterans

VEOA — Features

- Allows veterans to apply under merit promotion procedures for a permanent competitive service position
- Veterans' preference does not apply
- Provides access to jobs that were otherwise closed

Non-Competitive Hiring Authorities for Military Spouses

- Facilitates entry of military spouses into the Federal Government
- Eligible spouses must apply in response to a Job Opportunity Announcement in USAJOBS
- Eligible spouses must meet qualification requirements for the position

Non-Competitive Hiring Authorities for Military Spouses

3 categories of eligibility — an applicant must be one of the following:

- Relocating with service member spouse under Permanent Change of Station (PCS) orders,
- Spouse of a service member who is 100 percent disabled due to a service-connected injury, or
- Spouse of a service member killed while on active duty

Non-Competitive Hiring Authorities for Military Spouses

Eligibility time limits:

- 2 years of eligibility from the date of the spouse's Permanent Change of Station (PCS) orders
- Permanent eligibility from the date of the documentation indicating the service-connected disability or death (*unless the spouse remarries*)

[Note: eligible spouses may receive one permanent appointment only under this authority.]

Non-Competitive Hiring Authorities for Former Peace Corps Volunteers

- Volunteers with at least 1 year satisfactory service, certified by Peace Corps
- Eligible for non-temporary appointment for 1 year after completing volunteer service; can be extended for 2 additional years by:
 - Military service
 - Study at institution of higher learning
 - Determined by the agency

Non-Competitive Hiring Authorities for Former Peace Corps Personnel

- Former Peace Corps employees must have completed at least 36 months continuous satisfactory service
- Eligible for non-temporary appointment for 3 years after separation from Peace Corps (no extension)

Non-Competitive Hiring Authorities: General Requirements

- Agencies may use a merit promotion announcement to recruit eligible applicants
- Applicants must meet the qualifications for the position being filled
- Veterans' preference does not apply
- VEOA consideration applies
- Agency must clear RPL, CTAP, ICTAP (*i.e., displaced employees and others with reemployment rights*)

Non-Competitive Hiring Authorities: Advantages

- Public notice not required for positions lasting less than 120 days
- Strategic recruitment opportunities
- Assess to determine which applicants are qualified and select any qualified applicant

Excepted Service Employment

Positions are excepted from the competitive service by Statute, Executive Order, or OPM action, and listed under Schedules A, B, C or D

- **Schedule A** – Cannot use traditional examining methods; not subject to OPM qualification standards
- **Schedule B** – Cannot hold open competition; must meet OPM qualification standards
- **Schedule C** – Political appointees
- **Schedule D** – temporarily removed when filled by students or individuals who recently completed their education

Excepted Service Appointments: Appointment of Individuals with Disabilities

- Designed to remove any barriers and increase employment opportunities for individuals with disabilities
- Expands the Federal Government's ability to hire persons with these disabilities

Excepted Service Appointments: Appointment of Individuals with Disabilities

3 categories of disabilities — an applicant must have one of the following:

- Intellectual disability,
- Psychiatric disability, or
- Severe physical disability

Excepted Service Appointments: Appointment of Individuals with Disabilities

- Proof of the disability is required
- Temporary or non-temporary appointments
- Eligibility for non-competitive appointment to permanent position in the competitive service after successfully completing 2 years

Appointment of Individuals with Disabilities Mythbuster

MYTH:

Applicants applying for positions under the Schedule A appointing authority for persons with intellectual disabilities, severe physical disabilities, or psychiatric disabilities must have a “certification of job readiness.”

FACT:

Individuals applying for this Schedule A appointing authority **are no longer required** to submit a “certification of job readiness.” They must, however, provide proof of their disability.

Excepted Service Appointment: Fellowships, Scholarships, & Similar Programs

Fellowships, scholarships, and similar
agency-specific programs under Schedule A
[5 CFR 213.3102 (r)]

- Positions are filled from a limited applicant pool and operate under requirements established by a Federal agency and/or a non-Federal entity
- Appointments may not exceed 4 years
- These are non-Pathways program appointments

Excepted Service Employment: General Requirements *(non-Pathways)*

Agencies must have policies and procedures in place for making appointments in the excepted service, including:

- Receipt of applications
- Qualification requirements
- Evaluation/assessment of applicants
- Order of selection
 - Including the application of veterans' preference
- Promotions, reassignments and details

Excepted Service — Mythbuster

MYTH:

When making any appointment under schedule A of the excepted service, veterans' preference is applied as far as administratively feasible (i.e., apply preference if it makes sense to do so).

FACT:

Veteran's preference applies as administratively feasible (i.e., using a methodology not prescribed in 5 CFR 302) for certain positions filled under schedule A (e.g., attorneys), or when OPM and an agency with a specific schedule A hiring authority agree (through written agreement). Otherwise, veterans' preference must be applied fully to schedule A appointments, in accordance with the provisions of 5 CFR part 302.

Excepted Service Appointment: Pathways Internship Program

- Provides students with paid opportunities to work and explore Federal careers while still in school
- Formal written agreement between the agency and student
- Work is related to the student's academic pursuits or career interests

Excepted Service Appointment: Pathways Internship Program

- Successful students are eligible for a position in the competitive service upon completing academic requirements
- Interns may:
 - Work full- or part-time
 - Be hired on a temporary basis for up to one year, or an indefinite period
 - Be converted to a permanent or term position

Excepted Service Appointment: Pathways Recent Graduates Program

- 1-year program with formal training and developmental opportunities to meet specific agency needs
- Appointed at the GS-5/7/9 (*GS-11 or 12 for certain scientific or professional positions*)
- Eligibility for permanent appointment to the competitive service

Excepted Service Appointment: Pathways Presidential Management Program

- 2-year leadership development program
- Fellows appointed at the GS – 9, 11, or 12
- Rigorous training requirements
- Eligible for permanent placement if...
 - Successful completion of fellowship
 - Fellow is certified by agency
Executive Resources Board

Excepted Service Employment: General Requirements for Pathways

- Agencies must have a signed MOU with OPM
- Agencies must establish policies for making appointments (and for advancing employees), including:
 - Public notification – USAJOBS at a minimum
 - Qualification requirements
 - Evaluation/assessment of applicants
 - Order of selection, including:
 - ✓ The application of veterans' preference
- Agencies must adhere to reporting requirements

Pathways — Mythbuster

MYTH:

Agencies can't accept applications at career fairs or other on-campus recruiting events.

FACT:

Agencies are encouraged to actively recruit talent from a variety of sources, including participation in career fairs or other on-campus events. Agencies must provide public notification on USAJOBS/StudentsandGrads. Agencies must also provide alternative methods of applying for candidates who are unable to attend the career fair or other event.

Excepted Service Employment: Advantages

- Public notice may not be required in all instances
- Can develop agency qualification standards when using Schedule A authorities
- Time-in-grade does not apply
- Strategic recruitment opportunities

Direct Hire Authority

Allows agencies to hire individuals without regard to sections 3309 – 3318 of Title 5 to positions for which:

- Public notice has been given, and
- OPM has determined there exists either a:
 - Severe shortage of candidates (i.e., agencies expect to hire all available qualified candidates), or
 - Critical hiring need (e.g., agencies need to fill positions quickly due to an emergency, to meet legal requirements, carry out a Presidential mandate)

Direct Hire Authority — Mythbuster

MYTH:

When using a Direct Hire Authority (DHA), an agency does not have to post a job announcement on USAJOBS.

FACT:

When using DHA, agencies still must post a job announcement on USAJOBS prior to filling a job. DHA waives veterans' preference and the rating and ranking process – it does not waive public notice requirements.

Direct Hire Authority: Advantage

- Addresses critical hiring needs
- Expedites hiring by eliminating the traditional rating and ranking procedures

Employment of Experts and Consultants

- To perform temporary or intermittent expert or consultant work
- Paid up to GS-15, Step 10
- Cannot perform managerial or supervisory work

Details: Intergovernmental Personnel Act (IPA)

IPA Details

- Between Federal government and state/local governments and education institutions
- 2-year assignments; can be extended up to an additional 2 years
- Federal employees must agree, upon completion of assignment, to continued service with the Federal Government equal to time on assignment

Considerations When Choosing Hiring Authorities

- Agency policies
- Union Agreements
- Merit Promotion Plan
- Strategic Workforce Plans/Diversity and Inclusion Goals

Which Authority Would You Choose?



Carla is a hiring manager within the Department of Cyber Security. After several recent departures, Carla must fill multiple Information Technology Specialists to support the technical aspects of the agency's mission – preventing cyber attacks.

Which of the authorities discussed today might you recommend that Carla explore using to fill these positions?

From Ideas to Action

- Have conversations about choosing the most appropriate hiring authorities to meet your hiring goals
- Have conversations about when it may be appropriate to use some of these hiring authorities

Hiring Authorities and Flexibilities

Thank You

For more information on hiring authorities and flexibilities, please visit our website at www.opm.gov/hiringexcellence

Hiring Authorities and Flexibilities

Questions ?