



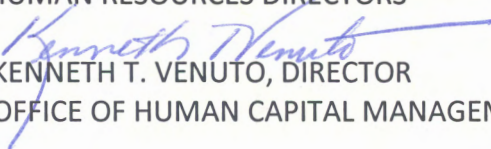
Department of Energy

Washington, DC 20585

MAR 27 2013

MEMORANDUM FOR HUMAN RESOURCES DIRECTORS

FROM:


KENNETH T. VENUTO, DIRECTOR
OFFICE OF HUMAN CAPITAL MANAGEMENT

SUBJECT:

POLICY GUIDANCE MEMORANDUM # 32,
SCHEDULE A APPOINTMENTS OF PERSONS WITH DISABILITIES

As published in the Federal Register on February 22, 2013, the Office of Personnel Management amended 5 CFR 213.3102(u) to make it easier to appoint people with certain disabilities using the Schedule A hiring authority. The new regulation aligns with Executive Order 13548, *Increasing Federal Employment of Individuals with Disabilities*.

At this time, we are issuing Departmental guidance on the implementation of these Schedule A changes. **The ruling takes effect on March 25 and involves personnel actions dated on April 7, 2013, and thereafter.**

Schedule A Changes: Applicants with intellectual disabilities, severe physical disabilities, or psychiatric disabilities, who have work, educational, or other relevant experience, are no longer required to produce "certificates of readiness" as a condition of appointment. Job readiness is determined by an applicant's employment, educational, or other relevant experience, including but not limited to service under another type of appointment in the competitive or excepted service. As defined, the term "intellectual disabilities" includes only the disabilities that were encompassed by the term "mental retardation" in previous versions. The requirement for proof that the applicant has a qualifying disability prior to making an appointment remains in effect.

Temporary Appointments to Determine Readiness: Where it is necessary to observe the applicant on the job to determine whether the applicant is able or ready to perform the duties of the position, a temporary appointment may be made under 5 CFR 213.3102(u)(5)(i). Applicants will be converted to non-temporary Schedule A appointments upon determination of job readiness, and no longer than 120 days from the appointment date. The charts on page 2 provide information necessary to process these actions. For applicants that fail to prove job readiness, it is the responsibility of the hiring managers to consult with their servicing human resources office (SHRO) regarding termination of the appointment.

Employees hired under the Schedule A hiring authority are eligible for non-competitive conversion to the competitive service upon completion of 2 years of service. See 5 CFR 213.3102(u)(6). Time spent on a temporary appointment to determine job readiness does not count towards the 2 years of service. (5 CFR 213.3102(u)(6)(ii)).



Re-employment Rights: Upon approval from the supervisor(s) in the losing organization, the DOE employee may accept a temporary Schedule A appointment under 5CFR 213.3102(u)(5)(i) and may be granted re-employment rights to his/her previous position based on an inability to prove job readiness within the 120 day time-frame. The DOE employee must consult with their losing supervisor and servicing HR office for approval and additional guidance before accepting the appointment. SHROs are responsible for establishing a written agreement between the manager and employee outlining re-employment rights. Managers are responsible for regular consultations with the SHRO regarding the employee's performance during the temporary appointment.

<i>If the person</i>	<i>And the appointment</i>	<i>And the person</i>	<i>Then NOAC is</i>	<i>NOA is</i>	<i>Auth code is</i>	<i>And Authority is (See Notes 1-4 of this table)</i>
Is being employed under Schedule A	Is temporary	Is not on your agency's rolls	171	Exc Appt NTE (date)	WUM (Severe Physical Disabilities) WTA (Intellectual Disabilities) WTB (Psychiatric Disabilities)	213.3102(u)(5)(i)
Is being converted under Schedule A	Is temporary	Is already on the rolls of your agency	571	Conv to Exc Appt NTE (date)	WUM (Severe Physical Disabilities) WTA (Intellectual Disabilities) WTB (Psychiatric Disabilities)	213.3012(u)(5)(i)

See the Guide to Processing Personnel Actions, Table 11-A.

<i>If the Appointment is Based On</i>	<i>And the Person</i>	<i>And the Appointment Is</i>	<i>Then NOAC Is</i>	<i>NOA Is</i>	<i>Auth Code Is</i>	<i>Authority Is</i>
Conversion of an appointment which was made under Schedule A, Sec. 213.3102(u)	Is already on the rolls of your agency	Career	500	Conv to Career Appt	L1M	Reg. 315.709
		Career-Conditional	501	Conv to Career-Cond Appt		

See the Guide to Processing Personnel Actions, Table 9-G.

Employees Leaving Competitive service for Temporary Appointments: Temporary appointments under 5 CFR 213.3102(u) do not include re-employment rights. Therefore, if the employee voluntarily leaves the competitive service for an excepted service appointment under this authority, the employee must sign a written statement in accordance with 5 CFR 302.102.

Unsolicited Applications: There may be instances in which unsolicited applications are received without a specific job opportunity announcement (JOA) or public notice. In such

cases, the servicing human resources office is responsible for ensuring (to the fullest extent possible) persons with disabilities are afforded consideration to the extent permitted by law.

For additional information, the Federal Register publication may be viewed at:
<http://www.gpo.gov/fdsys/pkg/FR-2013-02-22/html/2013-04095.htm>

Please ensure your immediate staff and hiring managers are aware of these changes which are effective immediately. If you have questions, you may contact Donna Friend, Veteran and Disability Employment Program Manager (HC-13) at donna.friend@hq.doe.gov.