

U.S. DEPARTMENT OF EDUCATION PERSONNEL MANUAL INSTRUCTION	PMI <u>306-1</u> DATE <u>AUGUST 15, 1996</u> APPROVED: <i>Jeanne M. Selater</i> Director of Personnel
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SUBJECT: DEPARTMENT OF EDUCATION SELECTIVE PLACEMENT PROGRAM

I. AUTHORITY

- A. Title 5, CFR, Part 213, Subpart C, Schedule A, Section 213.3101 authorizes agencies to make appointments to positions which are not of a confidential or policy-determining character, and for which it is not practicable to apply qualification standards and regulations established for competitive service.
- B. Title 5, U.S.C., Chapter 31, Section 3102 authorizes the employment of reading assistants for blind employees and interpreting assistants for deaf employees.
- C. 29 CFR 1613.704 states that an agency shall make reasonable accommodation to the known physical or mental limitations of a qualified handicapped applicant or employee unless the accommodation would impose a hardship on the operation of the agency's program.
- D. Federal Personnel Manual (FPM), Chapter 213, Appendix C, Section 213.3102(t) authorizes appointments to positions when filled by mentally retarded persons in accordance with a written agreement between an agency and the Office of Personnel Management (OPM).
- E. FPM, Chapter 213, Appendix C, Section 213.3102(u) authorizes appointments to positions when filled by severely physically handicapped persons who: (1) under temporary appointments have demonstrated their ability to perform the duties satisfactorily; or (2) have been certified by counselors of State vocational rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties.
- F. FPM, Chapter 306 provides the regulations for the hiring, placement, and advancement of handicapped persons including disabled veterans and rehabilitated offenders.

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- G. FPM, Chapter 316, subchapter 4-6, authorizes agencies to make temporary limited appointments for 700 hours or less without regard to registers to employ persons with severe physical handicaps and those who have been restored to mental health after treatment for mental or emotional disorders.
- H. Public Law (PL) 93-112, dated September 27, 1973, amended by PL 93-516, dated December 7, 1974; PL 95-602, dated November 6, 1978; PL 93-508, dated December 3, 1974; and PL 95-454, dated October 1978, which authorize the employment of the handicapped without discrimination.

II. POLICY

It is the policy of the Department of Education to support the goals and objectives of the Selective Placement Program by providing equal opportunity in the hiring, placement, and advancement of qualified handicapped individuals, including disabled veterans and rehabilitated offenders. Ability and job readiness, rather than the handicap, are the primary concern. The objective is to match qualifications of individuals with the requirements of the position being filled.

III. APPLICABILITY

- A. This Instruction supplements FPM, Chapters 213 and 306 and sets forth the policies and guidelines for the administration of the Selective Placement Program. This Instruction applies to those individuals who are physically impaired, emotionally restored, or mentally retarded, and to the rehabilitated offender. Applicable provisions of a negotiated collective bargaining agreement will be applied in conjunction with this Instruction for positions in the bargaining unit.

IV. RESPONSIBILITIES

- A. Director of Personnel is responsible for developing policy, providing guidance to the staff, and monitoring the Department's Selective Placement Program.
- B. Servicing Personnel Officers are responsible for designating employees to serve as Operating Coordinators and for providing support and guidance to such coordinators.
- C. Staff Coordinators (Equal Opportunity Staff) are involved in the following activities:
 - 1. Providing direction, guidance, and support to Operating Coordinators;
 - 2. Interpreting law and executive policy on hiring, placement, and advancement of handicapped individuals in order to propose policy and program initiatives for implementation agency-wide; and
 - 3. Maintaining liaison with national and state offices of public and private organizations concerned with providing rehabilitation services, training, and employment services for the handicapped.

D. Operating Coordinators are responsible for:

1. Assuring that qualified handicapped individuals, including disabled veterans, and Federal employees who become disabled after appointment have an equal opportunity in hiring, placement, and advancement in Federal employment;
2. Publicizing the Selective Placement Program;
3. Reviewing position descriptions with personnel specialists to determine whether or not tasks and medical requirements are unnecessarily restrictive to the employment of handicapped individuals;
4. Assuring that all handicapped employees receive full consideration for vacancies for which they qualify in agency upward mobility programs and for merit promotion opportunities; and
5. Working with supervisors and personnel specialists to analyze jobs to determine whether duties can be performed by handicapped individuals or can be modified to accommodate them.

V. PROGRAM REQUIREMENTS

A. Accepting, Handling, and Controlling Applications

1. Applications of individuals covered by this program will be accepted and maintained by each Operating Coordinator.
 - a. As applications are received, an analysis of the individual's qualifications must be completed by the Operating Coordinator. A certification as to the applicant's qualifications and ability to perform the duties should also be requested at this time from the appropriate certifying organization.
 - b. As vacancies are announced, the coordinator will screen the applications received for possible referral for a specific vacancy.
 - c. If candidates do not meet eligibility requirements for the position specified, the application will be returned to the applicant supply file for future consideration. Applicants will be notified in writing as to the disposition of their application.
 - d. If a candidate does not meet eligibility requirements for appointment under the Schedule A authority, the application will be forwarded to OPM for rating and inclusion on the appropriate OPM register. Candidates will be so notified.
2. Applicants under consideration for a Schedule A appointment must meet all requirements of the position by the date of appointment.

3. Applicants under consideration for a temporary trial appointment must meet all requirements of the position by the date of conversion to the Schedule A appointment.
4. Applicants not meeting qualification requirements of the position for which the application is being made will be so notified. In addition, the certifying organization will be notified of the candidate's lack of qualifications for the position. These applications will be returned to the applicant supply file for future consideration.

B. Employment of Physically Handicapped Individuals

1. Appointments under the Schedule A authority (Schedule A, Sec. 213.3102(u))
 - a. A physically handicapped individual is eligible to be appointed to a Schedule A position when, after an analysis of the individual case, the validity of certain factors can be established, (FPM, Chapter 306, subchapter 4) some of which are:
 - 1) the severity of the impairment;
 - 2) the effect of the disease or impairment on how the individual could function in a particular job; and
 - 3) how the disease or impairment has limited the individual's ability to compete.
 - b. All factors which are considered in supporting an eligibility determination must be fully documented in a case file. (Additional factors to be considered may be found in FPM, Chapter 306, subchapter 4).
 - c. Appointments under the Schedule A authority may be made to positions at grade level GS-1 through GS-15. However, it should be noted that positions at the higher levels tend to stress qualifications based on training, education, and past experience; therefore, the certification or analysis must address these factors. In instances where the analysis does not meet the criteria stated under Section B.1.a., an appointment under normal competitive procedures is required.
 - d. In addition to the analysis, the agency must receive a certification from either the Veterans Administration or a State vocational rehabilitation agency.
2. Temporary Limited Appointment not to Exceed 700 hours

- a. A handicapped individual may also be given a temporary trial appointment (700-hour). This type of appointment permits an agency to observe the individual and determine his/her performance.
 - b. The individual is not guaranteed permanent employment upon completion of the trial appointment; however, an agency may, at its discretion, convert the trial appointment to a permanent Schedule A appointment.
 - c. The individual is eligible for a trail appointment upon certification by either the Veterans Administration or a State vocational rehabilitation agency, or the employing agency may apply OPM's minimum qualification standards to determine eligibility for the appointment.
3. Conversions to Career Appointments
- a. Upon initial appointment, the employee shall be informed of the conditions of employment and the conditions surrounding his/her conversion to a competitive appointment.
 - b. Employees who have completed at least two years of successful performance under a Schedule A appointment should be non-competitive converted to a career or career-conditional appointment, depending on the length of creditable service.
 - c. Conversion is not mandatory for retention in the position; however, a supervisor must justify reasons for nonconversion of those employees who have met the service requirements and who have demonstrated successful job performance. The justification must be in writing and forwarded through the Staff Coordinator to the Director of Personnel for inclusion in the case file as documentation.
 - d. Prior to conversion, the employee will be counseled by the Operating Coordinator on the effect of the conversion on his/her employment status. The employee must sign a statement indicating that he/she understands the conversion. This statement must be signed prior to effecting the conversion action and will be filed on the right side of the Official Personnel Folder (OPF). Once converted to a competitive appointment the employee may not be converted back to an excepted appointment.

C. Employment of Mentally Restored Individuals

1. Appointments under the 700-hour authority (Reg. 316.402(a))
 - a. Gives mentally restored individuals an opportunity to demonstrate their ability to perform the duties of the position.
 - b. Applicants must meet the minimum qualification standards.

- c. Appointment may lead to either an expected position under the Schedule B authority or a competitive appointment through regular procedures.
2. Appointment under the Schedule B authority (Schedule B, Sec. 213.3202(k))
 - a. Authorized for mentally restored persons who: (1) have a documented history of mental illness which was treated within the previous two years; (2) are unemployed; and (3) have been certified directly to a position by a State vocational rehabilitation or Veterans Administration counselor.
 - b. Applicants must meet minimum qualifications standards.
 - c. Authority provides employment up to two years, which includes the time spent on the 700-hour appointment.
3. Appointments under this authority must receive the prior approval of OPM.

D. Employment of Mentally Retarded Individuals

Mentally retarded individuals can be expected to become a part of the regular work force; Therefore, Schedule A appointments (Schedule A, Sec. 213.3102(t)) and conversions will be made in the same manner as those physically handicapped individuals (V. B. 1-3), unless the job requires that appointments be made for less than one year.

E. Separation of the Mentally Retarded Individuals

1. A supervisor of a mentally retarded individual must give the Operating Coordinator at least three weeks written notice of the intent to separate.
2. Before separating a mentally retarded individual, his/her rehabilitation counselor must be given at least two weeks written notice. This will give the vocational rehabilitation agency time to arrange for any needed rehabilitation service or other assistance.

F. Employment of Rehabilitated Offenders

With the prior approval of OPM, agencies may appoint inmates of Federal, District of Columbia, and State penal and correctional institutions under work-release programs (Schedule A, Sec. 213.3102(x)) to positions for which there is a local recruiting shortage. Initial appointments may not exceed one year; however, upon a determination that the inmate is still performing satisfactorily in a work-release program and that a recruiting shortage still exists the appointment may be extended for one additional year.

VI. REASONABLE ACCOMODATION

The Department is required to make reasonable accommodation to the physical or mental limitations of qualified handicapped applicants or employees unless the accommodation would impose an undue hardship on the agency program. Reasonable accommodation may include but shall not be limited to: (1) making facilities accessible and usable; (2) job restructuring, modification of work schedules, modification of equipment, adjustment or modification of worksites; and (3) provision of personal assistants such as readers and interpreters. In providing reasonable accommodation the Department will give significant weight to the needs articulated by the handicapped employee in making a determination as to what form of reasonable accommodation will ensure that the handicapped employee can perform the essential functions of the position.

A. Modification of Worksites

1. Work locations will be reviewed with the supervisor, the vocational rehabilitation counselors, appropriate management representative, and the handicapped employee to determine what modifications, if any, can be made.
2. Modifications will be made unless the accommodations would impose an undue hardship as determined by the Deputy Under Secretary for Management (DUSM) or his/her designee in accordance with OPM regulations.
3. Should the handicapped employee experience unreasonable delay in having the approved modifications made, such will be reported to his/her Operating Coordinator who will make every effort to resolve the situation.

B. Adjusting Work Schedules

1. Supervisors are encouraged to provide handicapped employees with maximum flexibility in setting their hours of work.
2. Employees covered under the Department's Flexitime Program must request changes in accordance with the provisions of PMI 610-2 and PMI 610-3. Supervisors are also encouraged to apply a liberal leave policy to handicapped employees, when appropriate.

C. Restructuring Jobs

1. Prior to attempting to restructure a position, the supervisor and the Operating Coordinator, as appropriate, will consult with the applicant or the employee to identify his/her limitations and to determine which factors make the job incompatible with the individual's handicap.
2. The Personnel Office will perform a detailed job analysis to determine the exact requirements of the position.

3. After consultation with the employee, the supervisor and the Operating Coordinator may, with data gathered from the job analysis, determine how the position is to be altered if alteration is appropriate. The assistance of the Personnel Office may also be required in this effort.

D. Providing Assistance Devices

1. At the time of determining what modifications must be made to the worksite, the employee, the supervisor, and the vocational rehabilitation counselor shall also determine what assistance device may be needed. The equipment needed shall be reported to the Executive Officer of the organization involved.
2. Each Executive Office shall be required to keep an inventory of equipment needed, purchased, and/or being used in his/her organization. The Executive Officer will also maintain a record of which equipment is in need of repair, the cost, and amount of time needed to repair the equipment. Every effort shall be made to provide employees with a replacement device when equipment will be in repair for an extended period of time.
3. Where possible, handicapped employees shall be located in areas which would not permit them to share certain equipment.
4. Agencies are not authorized to purchase equipment of a personal nature (for example: eyeglasses, hearing aids, etc.).

E. Employment of Readers, Interpreters, and Personal Assistants

1. Methods of obtaining services:
 - a. These services may be provided by employees in addition to their regular duties. Employees may provide such services as collateral duties or other duties as assigned, with no adverse effect on the employee's classification, series or grade.
 - b. Schedule A, Section 213.3102(11) authorizes, at the discretion of the agency head, the appointment of personal assistants such as readers and interpreters subject to excepted service procedures and classification and pay procedures.
 - c. Agencies are also authorized to obtain these services from outside sources under a personal service contract.
 - d. Agencies may, at the discretion of the agency head, authorize payment to an individual (including relatives) to accompany or assist a handicapped employee who is travelling on official business.
2. Payment to individuals authorized to provide services:

a. Government Employees

Coworker or employee (includes appointees under Schedule A, Section 213.310(11))

- While serving as a travelling companion, an employee or coworker is entitled to pay, travel expenses, and per diem.
- An employee other than a reader, interpreter, or personal assistant shall not receive compensation in addition to their salary for providing such services.

b. Non-Government Employees

- An individual employed without compensation by the agency as a personal assistant for a handicapped employee may be paid by a non-profit organization or by the handicapped employee from his/her personal funds.
- An individual employed expressly for the purpose of serving as a travel assistant (includes a relative) is entitled to: (1) travel expenses and per diem; (2) pay for work performed at travel destination; and (3) pay for time spent on official travel. (FPM, Chapter 306, subchapter 5-7).