

The *ABCs* of **SCHEDULE A**

For the Human Resources Professional



**How to Hire
Using the
Schedule A
Appointing
Authority**

INTRODUCTION

Human Resources / Human Capital (HR) professionals know first hand how lengthy and somewhat tedious the federal hiring process can be. Diligent efforts by HR to assist a ‘customer’ – whether that customer is a federal manager with a vacancy or an applicant looking for a position – are not always enough to get things done quickly. As noted by the Merit Systems Protection Board in its report entitled *Reforming Federal Hiring -- Beyond Faster and Cheaper* (September 2006), it takes an average of 102 days to complete all of the steps in the competitive hiring process, from making the request to making the appointment. No one delights in the prospect of spending three plus months trying to fill a position. Further, HR professionals know that plenty of promising candidates are lost because they can not wait months for a hiring decision.

Over the years, the Office of Personnel Management (OPM) has introduced different hiring authorities to assist in streamlining the hiring process. One such hiring authority is Schedule A. Schedule A is an *Excepted Service* appointing authority which may be used to hire individuals with disabilities.

Schedule A hiring can be quick and efficient, as long as all parties know what is required. This quick reference guide seeks to provide HR professionals with the tools needed to process Schedule A appointments. Using the Schedule A appointing authority, found at 5 CFR § 213.3102(u), qualified candidates who meet OPM's guidelines can be hired non-competitively –

- ❖ without the typical recruitment headaches;
- ❖ without posting and publicizing the position; and
- ❖ without going through the certificate process.

How? By following the Easy How To Steps detailed in the next section.

EASY HOW TO STEPS

1 Typically, once a prospective candidate has been identified, HR will be approached by a hiring manager, a Selective Placement Coordinator (SPC), or a Disability Program Manager (DPM), for help in getting the candidate on board. The SPC/DPM and hiring manager should have already worked together to identify the essential functions of the position in question. Doing so ensures that prospective candidates have the requisite knowledge, skills and abilities to successfully perform in the position. HR professionals should inquire as to whether this step has occurred.

Occasionally HR will initially be approached by an applicant directly. Prospective employees might, for example, identify a desired position within the agency from a vacancy announcement. Where this occurs, HR personnel should put the applicant in touch with the DPM and/or SPC.

In either situation, you, as the HR professional, should *verify* the determination that the proposed candidate has the requisite knowledge, skills and abilities to perform the essential functions of the position in question.

2 Next, HR professionals will consult with the manager and/or the SPC/DPM to decide what type of appointment is to be offered. The types of appointments available under Schedule A include:

- a. temporary appointments (Refer to 5 CFR § 213.104 for the definition and restrictions

on temporary appointments in the excepted service);¹

- b. time-limited appointments (Refer to 5 CFR § 213.104 for the definition of time-limited appointment), when the duties of the position do not require it to be filled on a permanent basis; and
- c. permanent appointments.

Although the appointment will be in the excepted service, the intent underlying Schedule A is to permit individuals with disabilities to obtain competitive status in the civil service. This is obtained through conversion to the competitive service rather than remaining in the excepted service.

3

Once an appointment type is determined, a conditional offer of employment should be extended to the candidate. Agencies should make clear that the offer is contingent upon receipt of Schedule A qualifying documentation from the candidate,

¹ Under the new 5 CFR § 213.3102(u) appointing authority, a hiring agency may, in addition to the temporary appointments identified in the question above, make:

- 1) A time-limited appointment of an individual who provides proof of disability and certification of job readiness, when the duties of the position do not require it to be filled on a permanent basis.
- 2) A permanent appointment of an individual who provides proof of disability and certification of job readiness.

EASY HOW TO STEPS

i.e., proof of disability.² Often, the SPC/DPM will have already collected this documentation, so as to speed the process along. **Importantly, the hiring manager should not be involved in the disability documentation process, as medical documentation must be kept strictly confidential.**

4

At this point in the process, the SPC/DPM should already be engaged in discussions with the candidate about possible reasonable accommodations that might be needed on the job. (Further information on the role of the SPC/DPM is covered in a separate quick-reference guide.) Nonetheless, once an offer has been accepted, and prior to the entry-on-duty date being finalized, HR should contact the selectee to verify whether accommodation needs have been addressed. Where the need has *not* been addressed, you should follow your agency's approved policy for handling reasonable accommodation requests. Further, you should work with the SPC/DPM and the new employee's manager, where necessary, to ensure that the accommodation is in place when the new employee comes on board.

² Proof of a disability(ies) is required for appointments under 5 CFR § 213.3102(u). Proof of disability is the term used to define any number of documents which attest to the fact that the candidate does indeed have a disability. The documentation can take many acceptable forms, so agencies should be flexible. Agencies may accept as proof of disability simple documentation from a licensed medical professional (e.g., a physician or other medical professional duly certified by a State, the District of Columbia, or a U.S. territory, to practice medicine); a licensed vocational rehabilitation specialist (i.e., State or private); or any Federal agency, State agency, or an agency of the District of Columbia or a U.S. territory that issues or provides disability benefits. Documentation need only certify that the applicant has a disability which is long-term and/or permanent in nature.

- 5 In coding the Standard Form 52, Request for Personnel Action, and/or the Standard Form 50, Notification of Personnel Action, review Chapter 11 of the Guide to Processing Personnel Actions. In most situations, you will utilize Nature of Action Codes 170, 171, 190, 570, 571, or 590. For additional information, the Guide is available online at <http://www.opm.gov/feddata/gppa/gppa.asp>.

That's it!

Seem easy? It is! No more three, six, or nine month wait! And Schedule A is always an option, even when the competitive process has already begun / been used first.

HR professionals are constantly called on to provide advice and hiring options to managers. So, when a manager is not pleased with the candidates on a certificate they receive, recommend Schedule A as an alternative option. Provide the hiring manager with resumes, etc., of Schedule A candidates received from your agency's SPC/DPM or other resources (including those that come in with other applicants under a current vacancy announcement). When utilized properly, Schedule A offers federal agencies maximum flexibility and efficiency in meeting critical hiring needs. Moreover, hiring talented applicants with disabilities helps your agency, and the federal government overall, to meet the requirements of the Rehabilitation Act to hire and advance people with disabilities.

The Federal Government – Opportunities for All!

FREQUENTLY ASKED QUESTIONS

Q. What is Schedule A?

A. Schedule A is an appointing authority, or hiring authority. It is an Excepted Service appointment for persons with disabilities. The regulations guiding the *Excepted Service -- Appointment of Persons with Disabilities and Career and Career-Conditional Appointment* are found in the Code of Federal Regulations (CFR). The citation is 5 CFR § 213.3102(u).

Q. Why should agencies consider using this hiring authority?

A. Agencies should use this hiring authority for a number of good reasons:

- ***Individuals with disabilities are an untapped source of excellent applicants;***
- No public notice is required. In fact, many of the usual HR-related stumbling blocks are avoided, which will result in significantly reducing the time necessary to hire a well-qualified candidate;
- Doing so can support an agency's Career Patterns initiative. Technological advances and growing emphasis on tele-work may dovetail with the needs of many applicants with disabilities; and
- Agencies don't have to clear 'surplus employee' lists prior to using Schedule A.

Q. What about accommodations? Aren't they expensive and a hassle?

A. No! More often than not, providing accommodations is simple and *usually* free! Moreover, agencies are not alone in trying to work through accommodation requests. There are several resources available, some of which are listed herein – just check the Resources page!

And remember, just as we all need assistance at some point in the work place, accommodations may be needed by an individual with a disability. You want all employees to be at their best at work, and accommodations play a role in reaching that goal. Providing accommodations does not have to be a difficult, expensive or time consuming process.

Q. Is this appointment to a permanent position?

- A. It can be. Agencies may self-determine what type of placement to make, based on the needs of the position, as well as the qualification level of the candidate. Under the Schedule A appointing authority, a hiring agency may make a temporary appointment, a time-limited appointment, when the duties of the position do not require it to be filled on a permanent basis, or a permanent appointment. Agencies are strongly encouraged to make permanent appointments unless there is a compelling reason to do otherwise.

Q. What about a probationary period?

- A. Depending on the type of appointment, probationary periods typically last up to two years. Schedule A candidates should be held to the same performance standards as all other employees. Once the employee's accommodation needs have been met, if any exist, then the agency should feel free to expect no more or less from a Schedule A employee than it would from any other employee. Further, once the probationary period has been successfully completed, employees should be converted to permanent competitive status.

RESOURCES

RECRUITMENT / HIRING

EARN – The Employer Assistance & Recruiting Network (EARN) is a **free** service that connects employers looking for quality employees with skilled job candidates. Moreover, if you need to make the business case for hiring people with disabilities, EARN can provide you with the information you need! Further information can be found at <http://earnworks.com>.

WRP – The Workforce Recruitment Program (WRP) is a recruitment and referral program that connects federal sector employers nationwide with highly motivated postsecondary students and recent graduates with disabilities who are eager to prove their abilities in the workplace through summer or permanent jobs. Students represent all majors, and range from college freshmen to graduate students and law students. A searchable database is available through the WRP website. Further information about WRP can be found at <http://wrp.gov>.

Veterans with Disabilities – There are numerous organizations and agencies that exist to assist veterans with disabilities find and maintain employment, far too many to list here. The following is a small sample of the many websites that are useful resources to keep handy:

- ❖ The Department of Labor's (DOL) Veterans Employment & Training Service <http://www.dol.gov/vets/welcome.html>
- ❖ Hire Heroes <http://www.hireheroesusa.org>
- ❖ Wounded Warriors Project <http://www.woundedwarriorproject.org>

Advocacy Groups – There are several different advocacy groups that also serve as excellent resources for recruiting and hiring individuals with disabilities. The following is a sampling of those resources:

- ❖ American Association of People with Disabilities <http://www.aapd-dc.org/>
- ❖ National Council on Independent Living <http://www.ncil.org/>
- ❖ Council of State Administrators of Vocational Rehabilitation <http://www.rehabnetwork.org/>
- ❖ Deaf and Hard of Hearing in Government <http://dhhig.org/>
- ❖ American Council of the Blind <http://www.acb.org/>

Federal Resources – There are numerous federal programs designed to meet the needs of people with disabilities in finding employment. The following is a non-exhaustive list of programs/resources:

- ❖ The Office of Personnel Management’s “Disability Site”
<http://www.opm.gov/disability/>
- ❖ DOL’s Office of Disability Employment Policy
<http://www.dol.gov/odep/>
- ❖ Also check out the federal government’s one-stop web site for people with disabilities, their families, employers, veterans and service members, workforce professionals and many others.
www.DisabilityInfo.gov

ACCOMMODATIONS

CAP – Within the federal government there is a wonderful program housed within the Department of Defense. The Computer/Electronic Accommodations Program (CAP) provides assistive technology and services to people with disabilities throughout the federal government **FREE OF CHARGE!** That means you, as a HR professional, can tap this resource for help in accommodating an employee with a disability. CAP will do the needs assessment, buy the needed technology, train the employee on how to use it, and follow up with updates. All you have to do is ask! (Note: Before contacting CAP directly yourself, check with the SPC/DPM, as they may already have a relationship with CAP.) Further information about CAP can be found at <http://www.tricare.mil/cap/>.

JAN – The Job Accommodation Network (JAN) represents the most comprehensive resource for job accommodations available, and is a terrific and easy-to-use resource. This **free** consulting service is designed to increase the employability of people with disabilities. JAN provides individualized worksite accommodation solutions, as well as information on job accommodations and related subjects for employers and people with disabilities. Additional information can be found at <http://www.jan.wvu.edu/>.



U.S. Equal Employment Opportunity Commission
1-800-669-4000 / TTY 1-800-669-6820
www.eeoc.gov