



U.S. Department of Veterans Affairs

Office of the Chief Human Capital Officer

VA Central Office
Washington, DC

December 10, 2020

OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER (OCHCO) BULLETIN

- 1. Purpose:** This Bulletin provides guidance on the extension and amendment of direct hire authority (DHA) for 13 occupational series approved by the Office of Personnel Management (OPM) based on a continuing critical hiring need in support of the VA Choice and Quality Employment Act of 2017.
- 2. Background:** On January 24, 2018, OPM granted DHA to the Department of Veterans Affairs (VA) for 15 occupations. Due to conversion of the Biomedical Equipment Support Specialist, GS-1601 and Histopathology Technician, GS-0646, from title 5 to the hybrid title 38 personnel system, the number of covered occupations decreased from 15 to 13.
- 3. Positions Authorized by OPM for VA-001 DHA:** On November 30, 2020, OPM approved DHA through December 31, 2023 for the following occupations and grade levels nationwide:

Accountant (all specialties), GS-0510-9/15

*Boiler Plant Operator, WG-5402-9/12

General Engineer, GS-0801-5/13

Health Science Specialist (Veterans Crisis Line), GS-0101-5/12

Health Technician (all specialties), GS-0640-4/7

Human Resources Assistant (all specialties), GS-0203-5/7

Human Resources Specialist (all specialties), GS-0201-7/11

Information Technology Specialist (all specialties), GS-2210-7/15

*Personnel Security Specialist, GS-0080-7/13

*Police Officer, GS-0083-5/13

Realty Specialist, GS-1170-9/14

*Utility Systems Operator, WG-5406-8/11

Utility System Repair, WG-4742-9/11

***NOTE:** The asterisked occupations above are impacted by OPM classification appeal decisions and/or pending consistency reviews. Pursuant to [5 U.S.C. 5107](#) in conjunction with [section 511.612 of title 5, Code of Federal Regulations \(CFR\)](#), HR Offices must ensure the occupations and grades covered by this DHA comply with OPM appeal certificates, applicable classification standards and merit system principles prior to posting job opportunity announcements or filling positions. Non-compliance conflicts with the [Merit System Principles {2301\(b\)\(3\)}](#) and results in the commission of a [Prohibited Personnel Practice \(2302\(b\)\(12\)\)](#), since it amounts to knowingly failing to take corrective personnel actions to ensure an agency meets its statutory requirements.

4. Procedures. VA-001 –When using this DHA, HR Offices must adhere to the following:

- a. Comply with public notice requirements in [5 U.S.C. 3327](#), [3330](#) and [5 C.F.R. 330, subpart G](#), and requirements in [5 C.F.R. 332.402](#) when seeking to fill positions under this authority. In addition, HR Offices must comply with all relevant laws unless VA is exempt from such laws pursuant to [5 U.S.C. 3304\(a\)\(3\)](#) and this authority.
- b. Identify and use the proper assessment tools for the positions being filled with this DHA to determine who is qualified for the approved positions. HR Offices and selecting officials may not conduct additional rating and ranking to determine relative degrees of qualifications when using this authority.
- c. Assess applicants in the order in which the applications were received and select any qualified applicant in that order.
- d. Appoint individuals under this authority to a competitive service career, career-conditional, temporary or term appointment, as appropriate, without regard to provisions of [5 U.S.C. 3309-3318](#) or [5 C.F.R. part 211](#) and [part 337, subpart A](#).
- e. Coordinate background investigations at the appropriate tier and complete all necessary suitability related adjudications, eligibility for access to classified information or to be employed in a position at VA.
- f. Utilize two authority codes when documenting personnel actions using this DHA. The first code “AYM” automatically fills in “Reg. 337.201” on the Notification of Personnel Action, Standard Form 50. The second authority code “BYO” identifies VA’s use of this agency-specific authority. Using these two authority codes will help OPM to evaluate the use of these authorities without requiring agency reports.

5. Questions:

- a. HR Offices may direct questions regarding recruitment and placement to the Recruitment and Placement Policy Service at vatitle5staffingpoli@va.gov.
- b. HR Offices may direct questions regarding position management, classification appeals and/or occupations included in the consistency reviews to the Compensation and Classification Service at vacoclassif@va.gov.
- c. HR offices may direct questions regarding pay setting to the Compensation and Classification Service at <https://vaww.va.gov/OHRM/Pay/Contacts.asp>.

Attachment

Issued by: VA/OCHCO/Recruitment and Placement Policy Service

1. What is the VA Direct Hire Authority (DHA)?

The Direct Hire Authority (DHA) is an appointing (hiring) authority that the Office of Personnel Management (OPM) granted to VA to fill 13 critical occupations based on a critical hiring need identified within VA. This authority does not require the application of Veterans' preference or rating and ranking.

2. When does the VA-001 Direct Hire Authority expire?

VA-001 DHA expires on December 31, 2023.

3. Can VA appoint a candidate under Direct Hire Authority after the expiration date of December 31, 2023?

VA HR Offices must appoint candidates on or before the December 31, 2023 expiration date. However, if a VA HR Office has extended a written job offer on or before the ending date of the DHA, it is permitted (only in this instance) to use the DHA to make the appointment past the expiration date. This also takes into consideration the time necessary to complete background and security investigations, medical review, etc, and negotiate a reporting date.

4. What is the purpose of the VA-001 Direct Hire Authority?

VA's DHA enables selecting officials to hire, after public notice is given, any qualified applicant without regard to [5 U.S.C. 3309-3318](#), [5 C.F.R. part 211](#), or [5 C.F.R. part 337, subpart A](#). VA's DHA expedites hiring by eliminating competitive rating and ranking, Veterans' preference, "rule of three" and category rating procedures.

5. Does Veteran's Preference Apply When Using VA's Direct Hire Authority?

No. Veterans' preference in hiring does not apply when selecting individuals under VA's DHA. When hiring under DHA, the law allows selecting officials to hire applicants without regard to [5 U.S.C. 3309-3318](#), which eliminates the requirement for applying Veterans' preference. VA HR Offices may assess and select any qualified applicant in the order applicants are received.

6. Can VA use Direct Hire Authority for Time-Limited Appointments?

Yes. VA HR Offices may use the DHA for time-limited appointments.

7. Can VHA use the Direct Hire Authority for Title 38 and Title 38 Hybrid, Excepted Service or Senior Executive Service Positions?

No. Congress authorized direct hiring under [5 U.S.C. 3304](#), competitive service procedures which apply to competitive service positions. Direct hire authority does not cover positions in the excepted service or senior executive service; therefore, HR Offices may not use VA's DHA to fill these types of positions.

8. Are VA HR Offices required to use the Direct Hire Authority to fill the 13 critical occupational groups related to critical hiring?

No. HR Offices may use any available method to attract applicants (merit promotion, competitive examination, Veteran hiring flexibilities and noncompetitive appointing authorities.)

9. Can VA use the Direct Hire Authority to convert an employee in the excepted service or under a time-limited appointment to a permanent career or career-conditional appointment?

Yes. HR Offices may use the DHA to appoint an applicant from an excepted service or time-limited appointment to a permanent career or career-conditional appointment. However, using VA's DHA requires prior public notice, as prescribed in [5 U.S.C. 3327](#) and [3330](#) and [5 C.F.R. 330, subpart G](#). The employee must meet the minimum qualification requirements for the job (e.g., experience, education, medical, licensure/certification, suitability and selective factors.) The HR Office must comply with the laws and regulations of the DHA and give full consideration to all qualified preference eligible candidates. No preference in hiring will be granted.

10. Must applicants applying to the Direct Hire Authority announcement meet all qualification requirements prior to being appointed to VA's workforce?

Yes. At the time of the appointment, the appointing official must ensure the individual selected meets all requirements of the position, including age, citizenship, medical, nepotism (employment of relatives prohibited), qualifications (experience, education and license/certification) and suitability requirements. DHA does not waive qualification and eligibility requirements.

11. Are there restrictions on movement of an employee following appointment using Direct Hire Authority?

Yes. The restriction on movement following competitive appointment in [5 C.F.R. 330.502](#) applies for the first 90 days.

12. Are appointments under DHA subject to a 1-year probationary period?

Yes. Individuals appointed under DHA procedures receive appointments to competitive service positions. Consistent with [5 C.F.R. 315.801](#), [5 C.F.R. 315.802](#) and [5 C.F.R. 316.304](#), an individual is required to serve a 1 year probationary unless the individual has prior service that counts toward completion of the probationary period.

13. Do Reemployment Priority List (RPL), Career Transition Assistance Plan (CTAP) or Interagency Career Transition Assistance Plan (ICTAP) (displaced or surplus) eligibles receive priority consideration when applicants are appointed when using VA's Direct Hire Authority in accordance with [5 C.F.R. part 330](#)?

Yes. Displaced or surplus eligibles are entitled to priority consideration for positions VA fills outside its workforce that are expected to last 120 days or more. In order to receive priority consideration, displaced or surplus eligibles must meet the eligibility requirements and must apply to the job opportunity announcement (JOA).

14. What does priority consideration mean for the purposes of displaced or surplus employees?

When displaced or surplus eligibles apply to positions, meet all of the eligibility requirements and are determined to be well-qualified for the position, they receive priority consideration. This means VA HR Offices must consider them first and may not consider or select any other applicant for the advertised position unless the displaced or surplus eligible declines consideration or selection for the position.

15. What documentation is needed when a displaced or surplus eligible declines consideration for a position?

The HR Office must include the written declination in the recruitment case file for records retention purposes.

16. Does VA have any reporting requirements to OPM regarding the Direct Hire Authority?

Yes. On a periodic basis, OPM will review the use of this DHA to ensure it is being used properly and to determine if continued use is supportable. OPM will monitor VA's use of this authority and may modify or terminate this authority as appropriate.

17. Can VA's Direct Hire Authority be used to make tentative job offers at recruitment events?

Yes. VA HR Offices may extend tentative offers to applicants at recruitment events after the HR Specialist reviews their qualifications and determines they are qualified and eligible for appointment. However, in such instances, VA HR Offices may not accept applications beyond the JOA open period.

18. Can HR Offices develop their own guidance and processes when using VA's Direct Hire Authority?

No. HR Offices must follow the guidance prescribed by the regulatory guidance in [5 C.F.R. 337.205](#).

19. Is VA's Direct Hire Authority exempt from future Government-wide hiring freezes?

No. When there is a civilian hiring freeze, VA's DHA is not exempt. The DHA is a hiring authority and would be treated the same as any other hiring authority.

20. Can applicants appointed under VA's Direct Hire Authority receive a salary above the minimum rate of the grade based on superior qualifications?

Yes. HR Offices must ensure compliance with [5 C.F.R. 531.211-212](#) and [VA Handbook 5007](#) when setting pay above the minimum rate of the grade. The written justification must be sustainable.

21. Can applicants appointed under VA's Direct Hire Authority receive recruitment or relocation incentives?

Yes. HR Offices must ensure compliance with [5 C.F.R. 530, Subpart C](#), [5 C.F.R. 531, Subpart F](#) and [VA Handbooks 5005](#) and [5007](#), when offering recruitment and relocation incentives.

22. Can applicants appointed under VA's Direct Hire Authority receive creditable service for annual leave accrual for non-Federal work experience?

Yes. HR Offices must ensure compliance with [5 C.F.R. 630.205](#) and [VA Handbooks 5005](#) and [5011](#), when granting annual leave accrual for non-Federal work experience.

23. Can HR Offices use VA's Direct Hire Authority to fill career ladder positions?

Yes. VA HR Offices may use VA's DHA to fill career ladder positions.

24. Can HR Offices establish cut-off dates during the public notice requirement?

Yes. Cut-off dates are appropriate for use with standing register/open continuous vacancies or hard-to-fill positions where there is an urgent need to fill a position immediately. OPM approved VA's DHA because of a critical hiring need. Therefore, we recommend that HR Offices post open continuous JOAs that inform applicants of the cut-off dates and the date qualified applicants will be referred to the Hiring Managers.

25. If an occupational series that has been approved for Direct Hire Authority is currently under a classification appeal or consistency review can HR Offices post a JOA for that position?

In accordance with [5 U.S.C. 5107](#) and [section 511.612 of title 5, Code of Federal Regulations \(CFR\)](#), HR Officers must ensure the occupations and grades covered by this DHA comply with OPM appeal certificates, applicable classification standards and merit system principles prior to posting job opportunity announcements or filling positions. As noted in the OCHCO Bulletin, the following occupations are impacted by appeal decisions and/or pending consistency reviews: Boiler Plant Operator, WG-5402-9/12; Personnel Security Specialist, GS-0080-7/13; Police Officer, GS-0083-5/13 and Utility Systems Operator, WG-5406-8/11. JOAs that are non-compliant with classification and appeals or consistency reviews are in direct violation of [Merit System Principles {230I\(b\)\(3\)}](#) and results in the commission of a [Prohibited Personnel Practice {2302\(b\)\(12\)}](#), since it amounts to knowingly failing to take corrective personnel actions to ensure an agency meets its statutory requirements.

26. If all applicants except for Veterans have been selected off a referral list, will an HR Office be required to select the remaining Veterans before announcing the same position again?

Hiring Managers should consider all qualified applicants to include Veterans. VA's DHA must comply with [Merit System Principles 5 U.S.C. 2301](#) and avoid violating [Prohibited Personnel Practices 5 U.S.C. 2302](#).

27. When do Direct Hire Authority referral lists/certificates expire?

Although DHA is not competitive examining, it is a competitive process. VA has decided to closely follow the procedures identified in the delegated examining policy. DHA

certificates and referral lists expire 90 calendar days from the date of issuance. Only one 30 calendar day extension may be granted per JOA.

28. Is a Hiring Manager obligated to interview all candidates that are referred for consideration?

No. All candidates that are referred meet the minimum qualifications of the position. Therefore, all candidates that are referred are considered equally qualified, and Hiring Managers may choose who they would like to interview. VA HR Offices are not permitted to conduct additional rating and ranking to determine relative degrees of an applicant's qualifications, such as selection or interview panels, where scoring (rating/ranking) is used to distinguish superior qualifications. Hiring Managers may conduct interviews (not to be scored) with applicants who are deemed qualified by the HR Office for the purpose of confirming the applicant's qualifications only.

29. When posting a JOA using VA's Direct Hire Authority, are HR Offices required to notify applicants about their application status?

Yes. 2010 Hiring Reform procedures require notice to applications at four points which are: application received, application assessed, applicant referred or not referred to selection official and applicant selected or not selected.