

RESOURCE GUIDE

Schedule A Excepted Service Hiring Authority for People with Disabilities



The Federal Government is committed to being a model employer for people with disabilities. One way a federal agency can demonstrate this commitment is to use the streamlined, non-competitive hiring process available through the Schedule A Excepted Service hiring authorities. Schedule A includes an excepted authority for hiring people with intellectual disabilities, severe physical disabilities, or psychiatric disabilities as well as an authority for hiring readers, interpreters, and personal assistants.

This document describes all aspects of Schedule A:

- Background information, including an overview of Schedule A
- Eligibility, including documentation and certification
- Vacancy announcements
- Appointment options
- Conversion
- Other important considerations, including self-identification of disability, interviewing people with disabilities, reasonable accommodation, confidentiality of information, and employee rights and appeals
- Hiring readers, interpreters, and other personal assistants using Schedule A
- Resources

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Introduction and Background

Federal Agencies as Model Employers of People with Disabilities

As the nation's largest employer, the Federal Government has a responsibility to lead by example in including people with disabilities in the workforce. According to data from the Office of Personnel Management (OPM), included in its 2022 Annual Report, [Government-wide DEIA: Our Progress and Path Forward to Building a Better Workforce for the American People](#) (PDF), 2.5% of the federal workforce had a targeted disability and 16.6% of the federal workforce had any disability. The requirement for federal agencies to recruit, hire, retain, and advance people with disabilities is codified in [Section 501 of the Rehabilitation Act](#). Section 501, the [Section 501 Rule](#), and the Equal Employment Opportunity Commission's (EEOC) [Management Directive 715](#) (MD-715) require each federal agency to establish and implement affirmative action program plan for people with disabilities. Each agency must submit an annual report to the EEOC that includes a copy of the agency's plan and the results of the two most recent workforce analyses showing the percentage of employees with disabilities and employees with targeted disabilities in each of the designated pay groups. The report must also include the number of applicants appointed under Schedule A during the previous years, and the total number of employees whose employment at the agency began by appointment under Schedule A.

President Biden has demonstrated his commitment to ensuring the Federal Government is a model employer for all workers. On June 25, 2021, President Biden issued [EO 14035: Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#). In November 2021, the White House issued the [Government-wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#) (PDF).

The EO strengthens the federal workforce by promoting diversity, equity, inclusion, and accessibility (DEIA). The EO provides for, among other things, guidance for agencies on the application of the Schedule A hiring authority for persons with disabilities. Specifically, agencies are asked to (1) assess current practices in using the Schedule A hiring authority to employ people with disabilities in the Federal Government; (2) evaluate opportunities to enhance employment opportunities and financial security for employees with disabilities through different practices or guidance on the use of the Schedule A hiring authority; and (3) ensure applicants and employees with disabilities have access to information about the Schedule A hiring authority for people with disabilities.

Supporting federal employment of people with disabilities has been a priority for previous administrations as well. On July 26, 2010, President Obama issued [EO 13548: Increasing Federal Employment of Individuals with Disabilities](#) (PDF), which provided that the Federal Government, as the Nation's largest employer, become a model for the employment of people with disabilities. The order directed Executive departments and agencies to improve their efforts to employ federal workers with disabilities and targeted disabilities through increased recruitment, hiring, and retention, including through an increased utilization of Schedule A. [Section 501 of the Rehabilitation Act](#) (Section 501) and [implementing regulations](#) (Section 501 Rule) and [EEOC's MD-715](#) require that federal agencies be model employers of people with disabilities. This means that it is unlawful for federal agencies to discriminate on the basis of disability in the employment context, but nondiscrimination alone is not enough. Section 501 and the Section 501 Rule also require federal agencies to take proactive steps to ensure equal employment opportunity for people with disabilities. Toward this end, federal agencies must develop and maintain "an affirmative action program plan" for the recruitment, hiring, advancement, and retention of people with disabilities.

The affirmative action plan must include, among other things, disability hiring and advancement programs, disability anti-harassment policy, reasonable accommodation and personal assistance services (PAS) procedures, accessibility of facilities and technology, workforce utilization analysis, goals, progression toward goals, and recordkeeping and reporting.

Schedule A is considered a form of affirmative action that can be used to assist a federal agency in becoming a model employer for people with disabilities. Under the Section 501 Rule, an affirmative action plan must meet the following criteria related to Schedule A:

- Recruitment practices must include programs and resources that identify job applicants with disabilities who are eligible to be appointed under Schedule A (e.g., databases of people with disabilities who previously applied to the agency but were not hired for the position they applied for);
- Accept applications for appointment under Schedule A, consistent with applicable OPM regulations;
- Determine whether an applicant is eligible for appointment under Schedule A and, if so, forward the application to the relevant hiring officials with an explanation of how and when the applicant may be appointed, consistent with all applicable laws;
- Keep records of the number of employees appointed under Schedule A who have been converted to career or career-conditional appointments in the Competitive Service and the number of such employees who were terminated prior to being converted; and
- Report the number of applicants appointed to positions within the agency under Schedule A during the previous years, and the total number of employees whose employment at the agency began by appointment under Schedule A.

Under [Part J of MD-715](#), federal agencies must discuss hiring processes as they relate to applicants eligible for appointment under Schedule A, including:

- The process used to accept and review applications;
- The criteria used to determine whether an applicant is eligible for appointment;
- The criteria used to create a certificate of eligibles;
- The information provided to hiring officials regarding how and when the applicant may be appointed; and
- Whether training had been provided to all hiring managers on the use of Schedule A.

Options for Applying for Federal Jobs

There are several options available to people, including people with disabilities, interested in applying for federal jobs. Specifically, there are [three services](#) in the Federal Government, and each has different rules and regulations that determine the hiring processes. Those services are the "Competitive Service," the "Excepted Service," and the "Senior Executive Service."¹

Competitive Service

The [Competitive Service](#) consists of all civil service positions in the Executive branch of the Federal Government with some exceptions. In the Competitive Service, applicants must go through a competitive hiring process (i.e., competitive examination) before being appointed. This process may consist of a written test, an evaluation of the applicant's education and experience, and/or an evaluation of other attributes necessary for successful performance in the position to be filled.

Excepted Service

Appointments in the [Excepted Service](#) are civil service appointments within the Federal Government that do not confer competitive status. There are several ways to be appointed into the Excepted Service, such as appointment under an authority defined by OPM as excepted (e.g., Veterans Recruitment Appointment) or being appointed to a position defined by OPM as excepted (e.g., attorney).

Senior Executive Service

The [Senior Executive Service](#) (SES) is comprised of the people charged with leading the continuing transformation of government. These leaders possess well-honed executive skills and share a broad perspective of government and a public service commitment that is grounded in the Constitution. The SES is the keystone of the Civil Service Reform Act of 1978 and was designed to be a corps of executives selected for their leadership qualifications.

¹ The major differences between the Competitive and Excepted Services are in the areas of hiring procedures and job protections. In the Competitive Service, hiring procedures (including veterans' preference), promotion requirements, and qualification requirements are prescribed by law or by OPM and apply to all agencies. In the Excepted Service, only basic requirements are prescribed by law or regulation (e.g., veterans' preference), and each agency develops specific requirements and procedures for its jobs.

Overview of Schedule A Excepted Service Hiring Authority

(See: Appendix 1)

A key option, available to federal agencies for hiring people with disabilities, is the Schedule A Excepted Service hiring authority, which is permitted by federal regulation [[5 CFR §213.3102\(u\)](#)].² Schedule A authority can serve as a quick and efficient means to increase the hiring and advancement of qualified people with intellectual disabilities, severe physical disabilities, or psychiatric disabilities.

- Appointments under Schedule A may be made for grade levels GS 1–GS 15. Schedule A does not include appointment to the SES.
- Schedule A applicants must be qualified for the job—applicants are not guaranteed a job.
- Agencies are strongly encouraged, but not required, to use Schedule A as a proactive strategy included in their affirmative action program.
- Schedule A appointments may be made on a permanent, temporary, or time-limited basis.
- The intent underlying Schedule A is for people with disabilities to obtain civil service competitive status, which is obtained through conversion to the Competitive Service (i.e., career or career-conditional appointment) after completion of two years of satisfactory service rather than remaining in the Excepted Service.
- Schedule A does not create a hiring priority for people with disabilities, in contrast to the preference applicable to disabled veterans [See: Appendix 2].

Business Case for Using Schedule A Excepted Service Hiring Authority

Schedule A can be used to assist an agency in becoming a model employer for people with disabilities. Schedule A can help agencies effectively and expeditiously fill vacancies to meet workforce goals of the various EO's discussed above.

Additional benefits to agencies using Schedule A include:

1. No public notice is necessary—agencies may hire qualified Schedule A candidates for a funded vacancy without issuing a job announcement.
2. Agencies can accept an unsolicited application for consideration under Schedule A (i.e., Schedule A applicants are not required to apply through USAJOBS or the agency's website). However, it may be more effective and efficient for the candidate to apply via the posted vacancy.
3. Schedule A applications can be accepted after the job announcement is posted and even after it closes. These non-competitive applications can be accepted (and considered) at any time until the position is offered to someone.
4. Agencies do not have to clear the [Surplus Employee List](#) before using the Schedule A hiring authority.

² In addition to using Schedule A, there are other ways a person with a disability may be hired for federal jobs using special excepted service hiring authorities such as the [Pathways Programs](#). The Pathways Programs for students and recent graduates provide clear paths to federal internships and potential careers in the Federal Government. The Pathways Programs consist of the Internship Program, the Recent Graduates Program, and the Presidential Management Fellows (PMF) Program. Positions in the Pathways Programs are excepted from the competitive service. Participants in these programs are appointed under [Schedule D](#) (PDF) of the Excepted Service. Agencies should be aware that Schedule D appointees cannot simultaneously be appointed under Schedule A. A person with a disability who is Schedule A eligible may apply for Pathways positions. If selected for a Pathways position, they will be appointed under Schedule D and the regulations governing Schedule D will apply. In addition, there are [special hiring authorities](#) available for federal agencies for hiring disabled veterans, including Veterans Recruitment Appointment, 30 Percent or More Disabled Veterans, and the Veterans Employment Opportunities Act of 1998. Further, there are general rules regarding Veterans Preference Hiring, which apply to virtually all new appointments in both the Competitive and Excepted Services. [See: Appendix 2 for a more comprehensive description of these authorities.] Refer to [Federal Hiring Authorities from a Disability Perspective](#) for additional information.

5. When a job announcement is issued for “[status applicants](#)” that are current Competitive Service employees only, an agency can consider a resume from a Schedule A applicant who does not have a federal position. Schedule A applicants can be considered for any positions except those that are not funded or that are limited to current employees at the facility.
6. There is no limit on the number of times a person with a disability may be appointed under Schedule A if they meet the eligibility requirements for appointment. This includes appointments in an employee’s current agency or a transfer to another agency.

Schedule A Eligibility for People with Disabilities

Categories of People with Disabilities Eligible for Appointment Under Schedule A

To be eligible for appointment under [Schedule A](#), a person must have:

- An intellectual disability,
- A severe physical disability, or
- A psychiatric disability.

The regulations do not specifically include or exclude particular disabilities under these three categories of disabilities. The following guidance can be used to help clarify the categories of people with disabilities eligible for appointment under Schedule A.

- The Federal Government has issued [Standard Form \(SF\)-256: Self-Identification of Disability](#) (PDF) that includes a list of impairments that are considered disabilities and a separate list of impairments considered targeted (significant) disabilities. However, the **SF-256 cannot be used to determine eligibility for Schedule A**. A person with an intellectual disability, a severe physical disability, or a psychiatric disability may still be eligible for Schedule A even if they do not have an impairment considered a disability or an impairment considered a targeted disability as defined by SF-256. Additionally, an agency should not request an applicant fill out the SF-256 until after they have been hired.
- Veterans who meet the eligibility requirements for Schedule A (i.e., having an intellectual disability, severe physical disability, or a psychiatric disability) may apply for positions using Schedule A. Because a Schedule A appointment is in the Excepted Service, it is not subject to competitive appointment procedures. However, an agency must follow the principle of veterans’ preference as far as administratively feasible and, on the request of a qualified and available “preference eligible,” must furnish the “preference eligible” with the reasons for non-selection. [See Appendix 2]

Certification

An agency must require proof (i.e., documentation) of an applicant’s intellectual disability, severe physical disability, or psychiatric disability prior to making an appointment under Schedule A. This documentation lets the agency know that an applicant is eligible to apply using Schedule A because the applicant has an intellectual disability, severe physical disability, or psychiatric disability.

There are no limitations imposed by the OPM on the number of times an applicant may submit documentation, or on requirements concerning the timeframe in which the documentation must be dated.

Determinations of whether a specific disability is included or excluded under these rules for appointment under [5 CFR §213.3102\(u\)](#) are made by the following qualified professionals:

- A licensed medical professional, a physician, or other medical professional duly certified by a state, the District of Columbia, or a Territory to practice medicine
- A licensed (certified) vocational rehabilitation specialist (state or private)
- Any federal agency, state agency, or agency of the District of Columbia that issues or provides disability benefits

This is a list of some examples of documents that agencies may accept as proof of disability:

- Statements or letters on a physician's/medical professional's letterhead stationery
- Statements, records, or letters from a Federal Government agency that issues or provides disability benefits
- Statements, records, or letters from a state vocational rehabilitation agency counselor
- Certification from a private vocational rehabilitation counselor or another counselor that issues or provides disability benefits

NOTE: OPM has developed [sample letters](#) (PDF) certifying proof of disability for purposes of Schedule A eligibility.

NOTE: The proof of disability documentation needs to specify that the applicant has a disability and is eligible to apply using Schedule A. It does NOT need to detail an applicant's specific disability, medical history, or need for accommodation.

NOTE: Proof of disability documentation is not necessarily the same type of documentation that would be required for a reasonable accommodation. Agencies may verify that the proof of disability documentation was indeed issued by one of the entities listed above. Verification can be accomplished in several ways, (e.g., by contacting the issuing entity for verification that the documents are genuine or ensuring the letterhead is genuine).

NOTE: The hiring manager should not be involved in obtaining or reviewing the medical/disability documentation that supports proof of disability. Any medical information obtained during the hiring process, including proof of disability documentation, must be kept separate from personnel files and treated as a confidential medical record. Failure to do so may be considered unlawful discrimination on the basis of disability.

For additional information on confidentiality requirements, read EEOC's [Questions & Answers: Promoting Employment of People with Disabilities in the Federal Workforce](#) and [Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations](#).

Vacancy Announcements and Websites

OPM regulations include requirements for vacancy announcements. [[5 CFR §330.104](#) (PDF)] These regulations include, among other things, that the vacancy announcement must include an equal employment opportunity (EEO) statement and a reasonable accommodation statement.

- An agency may use wording of its choice in its statement that conveys the availability of reasonable accommodation required by [§330.104\(a\)\(18\)](#).
- In its reasonable accommodation statement, an agency may not list types of medical conditions or impairments appropriate for accommodation.
- Agencies can find more information about reasonable accommodations on [OPM's website](#).

Although not required by the OPM regulations relating to vacancy announcements, a best practice is to include in the [vacancy announcement](#) information (using plain and consistent language) about the Schedule A Excepted Service hiring authority and explain the Schedule A application process. Also, agency websites are an easy way to inform applicants about the agency's Schedule A hiring process and procedures.

NOTE: Agencies may wish to use the following Schedule A language for vacancy announcements:

“Schedule A Statement: [Insert Agency Name] welcomes and encourages applications from people with disabilities. The Federal Government has a streamlined hiring process for applicants with disabilities, known as Schedule A. To learn more about Schedule A and eligibility requirements please visit: www.opm.gov/policy-data-oversight/disability-employment.”

Appointment Options Under Schedule A

In General

When hiring through the Schedule A Excepted Service hiring authority, the regulations [5 CFR §213.3102\(u\)](#) specify that an agency has the discretion to make temporary, time-limited (term), and/or permanent appointments. The regulations also explain that an agency may make such appointments under Schedule A based on proof of disability covered by the Schedule A hiring authority, and a determination that the applicant is likely to succeed in the performance of the duties of the position for which they are applying.

In determining whether the applicant is likely to succeed in performing the duties of the position, the agency may rely upon the applicant's employment, education, or other relevant experience including, but not limited to, service under another appointment in the Competitive or Excepted Services. In determining whether the applicant meets the qualification requirements for the position, the agency must consider whether the applicant can perform the essential duties of the job with or without reasonable accommodation.

Rules regarding conversion from Schedule A excepted service hiring authority to Competitive Service (career or career-conditional appointments) are described in the next section.

Temporary Appointments

According to USAJOBS Glossary of Terms, “[temporary appointment](#)” (PDF) means “an appointment lasting one year or less, with a specific expiration date. Typically used to fill a short-term position due to

reorganization, abolishment, or the completion of a specific project or peak workload, or to fill positions that involve intermittent (irregular) or seasonal (recurring annually) work schedules.”

An agency may make a temporary appointment under Schedule A when the:

- Work is of a temporary nature, a time-limited appointment such as a six-month internship; or
- Agency determines that 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.

When an agency uses the temporary employment option to determine an applicant’s job readiness, the hiring agency may convert the candidate to a permanent appointment in the Excepted Service whenever the agency determines the candidate can perform the duties of the position.

Time Limited Appointments

In addition to making temporary appointments, a hiring agency may make a term or time-limited appointment of an applicant who provides proof of disability and a determination has been made that the candidate is likely to succeed in the performance of the duties of the position for which they are applying when the duties of the position do not require it to be filled on a permanent basis. [Refer to [5 CFR §213.104](#) (PDF) for the definition of time-limited appointment.] The term “[term appointment](#)” (PDF) means “an appointment lasting more than one year but less than four years, with a specific expiration date. Term appointments may be used for project work; extraordinary workload, scheduled abolishment of a position, reorganization, uncertainty of future funding, or contracting out of the function.”

Permanent Appointments

Under Schedule A, a hiring agency may also make a permanent appointment of an applicant who provides proof of disability and a determination has been made by the hiring agency that the candidate is likely to succeed in the performance of the duties of the position for which they are applying. The term “[permanent appointment](#)” means an appointment to a position that is not a temporary or time-limited appointment.

Agencies are strongly encouraged to use Schedule A to make permanent appointments unless there is a compelling reason to do otherwise. Schedule A intends to permit these applicants (upon meeting the requirements) to obtain civil service competitive status which is obtained through conversion to the Competitive Service rather than remaining in the Excepted Service.

Promotions

Sometimes an employee who is in the Competitive Service and is Schedule A-eligible may be interested in seeking a different job, such as a promotion. Schedule A may be used for purposes of making promotions of Schedule A-eligible people with disabilities. Current federal employees who are in career or career-conditional status and who utilize Schedule A for an appointment in a different position may lose their career or career-conditional status.

Internships

The [Pathways Programs](#) for students and recent graduates provide clear paths to federal internships and potential careers in the Federal Government. The Pathways Programs consist of the Internship Program, the

Recent Graduates Program, and the Presidential Management Fellows (PMF) Program. Positions in the Pathways Programs are excepted from the Competitive Service. Participants in these programs are appointed under [Schedule D](#) (PDF) of the Excepted Service. Agencies should be aware that Schedule D appointees cannot simultaneously be appointed under Schedule A. A person with a disability who is Schedule A eligible may apply for Pathways positions. If selected for a Pathways position, they will be appointed under Schedule D and the regulations governing Schedule D will apply.

Another federal program is the [Workforce Recruitment Program](#) (WRP), a recruitment program that connects federal sector employers nationwide with college students and recent graduates with disabilities who are interested in internship and permanent jobs. All WRP candidates are U.S. citizens and eligible for appointment under Schedule A. The U.S. Department of Labor's [Office of Disability Employment Policy](#) (ODEP) and the U.S. Department of Defense's [Diversity Management Operations Center](#) (DMOC) manage the program.

The WRP runs on an annual basis and encourages applicants to have a remote informational interview during the fall with a federal employee to discuss their skills and potential career path. To be eligible for the WRP, candidates must be U.S. citizens eligible for Schedule A who are current, full-time undergraduate, or graduate students with a disability, or have graduated within two and a half years of the release of the database each December.

Job Offers and Security Clearances

As is the case for all employees offered a job by a federal agency, a job offer may be extended to a Schedule A candidate only after consulting the security officer/office on the clearance requirements for that position.

There is no limit on the number of times a person with a disability may be appointed under Schedule A as long as they meet the regulatory requirements for appointment. This includes appointments in an employee's current agency or a transfer to another agency.

Conversion

The intent of Schedule A is for employees with disabilities hired under Schedule A to obtain civil service competitive status, which is obtained through conversion to the Competitive Service (i.e., [career or career-conditional appointment](#) [PDF]) rather than remaining in the Excepted Service.

Conversion from Schedule A to Career or Career-Conditional

Under OPM regulations [[5 C.F.R §315.709](#)], an agency may non-competitively convert an employee hired under Schedule A Excepted Service hiring authority to a career or career-conditional appointment in the Competitive Service when the employee:

1. Completes two or more years of satisfactory service, without a break of more than 30 days, under non-temporary Schedule A appointment;
2. Is recommended for conversion by their supervisor;
3. Meets all requirements and conditions governing career and career-conditional appointments, except those requirements concerning a competitive selection from a register and medical qualifications; and
4. Is converted without a [break in service](#) (PDF) of one workday.

In other words, conversion to a career or career-conditional appointment is strongly encouraged.

It should be noted that time spent under the temporary employment option to determine whether a person is able and ready to perform the job counts towards the two-year requirement. However, time spent on a temporary appointment when the work is of a temporary nature does not count towards the two-year requirement. For example, time spent while working during a summer internship does not count towards the two-year requirement.

Conversion and Transfer from One Position to Another and From One Agency to Another

If an agency wants to hire an employee originally hired by another agency under Schedule A, the gaining agency must clear the [Reemployment Priorities List \(RPL\)](#) (PDF). However, if the person is going from one location, activity, or component to another location, activity, or component in the same agency, the agency would not have to clear the RPL. In the case of an employee with a disability appointed under Schedule A transferring from one position to another or from one agency to another (e.g., “detail”), time previously spent under a Schedule A appointment counts towards the completion of the two-year period if the person is reappointed without a break in service.

Conversion from Career to Excepted Service, Including Promotions

Sometimes a person who is in the Competitive Service and is Schedule A eligible may be interested in seeking a different job, either as a lateral move or as a promotion. When an agency hires a person who is currently in the Competitive Service using the Schedule A hiring authority for another position, the agency must convert the employee to a Schedule A Excepted Service appointment. Under these circumstances, the agency must:

- Inform the employee that because the position is being filled using an Excepted Service Authority, the acceptance of the appointment will take them out of the Competitive Service; and
- Obtain a written statement from the employee that says that they understand that they are leaving the Competitive Service voluntarily to accept an appointment in the Excepted Service.

Career Transition Assistance Plans

Provisions of the [Career Transition Assistance Plan \(CTAP\)/Interagency Career Transition Assistance Plan \(ICTAP\)](#) do not apply to the appointment of an employee under an Excepted Service appointing authority (reference [5 CFR §330.609\(i\)](#) [PDF] and [§330.707\(g\)](#) [PDF]) or to the potential subsequent conversion to a permanent career or career-conditional appointment (reference [5 CFR §330.609\(e\)\(3\)](#) [PDF] and [§330.707\(h\)\(3\)](#) [PDF]).

Reductions in Force and Furloughed or Separated Without Misconduct Because of Compensable Injury

When a Reduction in Force (RIF) occurs, agencies have discretion in determining which positions to abolish, as well as discretion to provide affected competing Excepted Service employees with certain assignment rights. Therefore, the impact (positive, neutral, or negative) depends on the implementation of a RIF by the agency.

Although appointments under Schedule A hiring authorities are exempt from some Title 5 Excepted Service hiring requirements, agencies must still afford priority consideration to persons furloughed or separated without

misconduct from a position without a time limit, because of a compensable injury and whose recovery took longer than one year from the date the compensation began (reference [5 CFR §302.101\(c\)](#) [PDF]).

Conversion and Processing Standard Forms (Correct Coding)

For purposes of processing personnel actions under Schedule A Excepted Service hiring authority, agency human resources (HR) offices will process [Standard Form \(SF\)-50: Notification of Personnel Actions](#) (PDF), and [SF-52: Request for Personnel Action](#), in accordance with [Chapter 4](#) (PDF) and [Chapter 11](#) (PDF) of [OPM's Guide to Processing Personnel Actions](#). In coding Standard Form 52 and/or Standard Form 50 in most situations Nature of Action Codes 170, 171, 190, 570, 571, or 590 will be utilized.

Other Important Considerations

In addition to the specific rules regarding Schedule A Excepted service hiring authority and other provisions applicable to a federal appointment, rules regarding the following topics are also critical:

- Self-Identification and Schedule A
- Interviewing People with Disabilities
- Reasonable Accommodations
- Confidential Information
- Employee Rights and Appeals

Self-Identification of Disability

OPM has created a system for reporting disability, including the use of [SF-256: Self-Identification of Disability](#) (PDF). Although completion of SF-256 is voluntary for most new hires, it is required for those hired under Schedule A. The instructions accompanying the form specify: “You should also be aware that participation in the disability reporting system is entirely voluntary, with the exception of employees appointed under the Schedule A Excepted Appointing Authority for People with Intellectual Disability, Severe Physical Disability, or Psychiatric Disability (5 CFR 213.3102(u)). Agencies will request that these employees identify their disability status and, if they decline to do so, their correct disability code will be obtained from medical documentation used to support their appointment.”

In the few limited cases where a Schedule A appointee declines to identify their disability status on SF-256, it is common practice for the agency to privately assure the appointee that every precaution is taken to ensure the information provided is kept to the strictest confidence and to explain the importance of keeping accurate data to determine an agency’s progress in meeting the requirements set forth in Section 501 of the Rehabilitation Act of 1973.

In almost all such situations, a respectful conversation is sufficient to encourage employees to identify their disability status. In the rare instances where a Schedule A appointee still declines to identify their disability status, the correct disability code must be obtained from the medical documentation used to support their appointment. Employees should never be reprimanded or removed from service for declining to identify their disability status.

Interviewing People with Disabilities

Hiring officials are generally prohibited from asking questions about an applicant's disability unless the questions are related to functioning on the job and consistent with the business needs of the position. During the interview process, the hiring official may ask an applicant questions about their job qualifications and how the applicant would perform the essential functions of the job, with or without reasonable accommodation. Applicants should be encouraged to present their qualifications in a positive manner that emphasizes abilities and assets. Sometimes an applicant will choose to anticipate and address job-related questions about ways their disability may affect the performance of critical duties, roles, and responsibilities of the job. To review the EEOC's guidance about questions agencies can ask about an applicant's disability, see: [Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations](#).

It should be noted that the anti-discrimination regulations, including Section 501 and the Americans with Disabilities Act (ADA), permit federal agencies (and employers, generally) to ask disability-related questions for purposes of engaging in affirmative action for people with disabilities (see [Footnote 93 of the Preamble to the Section 501 Rule](#)). If the agency invites applicants to self-identify in connection with providing affirmative action, the agency must state clearly that the information is being requested voluntarily, that it will be kept confidential, that refusal to provide it will not subject the applicant to any adverse treatment, and that it will be used only per the ADA.

Reasonable Accommodation and Undue Hardship

Agency personnel, including HR professionals, supervisors, managers, Disability Program Managers (DPMs), and Selective Placement Program Coordinators (SPPCs) must be knowledgeable about the nondiscrimination obligation under Section 501 of the Rehabilitation Act, including the obligation to make [reasonable accommodations](#) for the known physical or mental limitations of a qualified applicant or employee with a disability unless the agency can demonstrate that the accommodation would impose an [undue hardship](#) in accordance with specified criteria. In addition, per the [Section 501 Rule](#), federal agencies must adopt, post on their public website, and make available to all job applicants and employees in written and accessible formats reasonable accommodation procedures that are easy to understand and address a minimum of 20 specific topics specified in the Rule.

For more information on reasonable accommodations, read Part IV in the EEOC's [Question & Answers: Promoting Employment of Individuals with Disabilities in the Federal Workforce](#). For practical tips and resources on federal accommodation programs read [OPM's guidance](#) and [ODEP's guidance](#).

Confidential Information

Any medical information obtained during the hiring process, including proof of disability documentation under Schedule A, must be kept separate from personnel files and treated as a confidential medical record. Failure to do so may be considered unlawful discrimination based upon disability. Per [OPM's Guide to Personnel Recordkeeping](#) (PDF), the employing agency must maintain any authoritative medical documentation or certificate of disability in a separate, confidential folder—rather than in the person's Official Personnel Folder (OPF). The agency must treat the information as confidential medical records, with access limited only to those whose official duties require such access. OPM encourages agencies to develop written policies to further ensure that the agency maintains the confidentiality and security of private information.

For additional information on confidentiality requirements, read EEOC's [Questions & Answers: Promoting Employment of People with Disabilities in the Federal Workforce](#) and [Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations](#).

Employee Rights and Appeals

EEOC enforces [federal laws prohibiting employment discrimination](#) against federal employees or applicants. The laws protect applicants and employees from discrimination on the bases of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability, or genetic information. Title V of the Rehabilitation Act protects applicants and employees with disabilities from discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, and any other term or condition of employment.

For purposes of [Section 501](#) of the Rehabilitation Act, the term "individuals with disabilities" includes individuals appointed under the Schedule A hiring authority for people with intellectual disabilities, severe physical disabilities, or psychiatric disabilities. Under the Rehabilitation Act, it is also illegal to [retaliate](#) against a person because they engaged in protected EEO activity.

More specifically, under the Rehabilitation Act, as amended, disability discrimination occurs when:

- An employer treats a qualified person with a disability who is an employee or applicant unfavorably because they have a disability.
- An employer treats an applicant or employee less favorably because they have a history of a disability (such as cancer that is controlled or in remission) or because they are believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if she does not have such an impairment).

The law requires an employer to provide reasonable accommodation to an employee or job applicant with a disability unless doing so would cause significant difficulty or expense for the employer ("undue hardship"). It also protects people from discrimination based on their relationship with a person with a disability.

Federal employees or job applicants who believe that a federal agency has discriminated against them have a right to file a complaint. Each agency is also required to post information about how to contact the agency's EEO office.

Hiring Readers, Interpreters, and Other Personal Assistants

Agencies can use Schedule A [5 CFR §213.3102\(II\)](#) to fill positions on a full-time, part-time, or intermittent basis, as needed, as readers for employees who are blind/visually impaired, interpreters for employees who are D/Deaf or hard of hearing, and personal assistants for employees with disabilities. The EEOC has issued a helpful guide for federal agencies implementing reasonable accommodation procedures. [Attachment B](#) (PDF) to the EEOC guide includes sample language regarding the creation of staff assistance slots such as readers and interpreters, including requesting staff assistant slots, use of staff assistants, hiring authorities, and release of positions.

Conversion of Interpreters, Readers, and Other Personal Assistants

Readers, interpreters, and personal assistants hired under this section of Schedule A [5 CFR §213.3102\(II\)](#) are eligible for non-competitive conversion. (See [5 CFR §315.711](#) [PDF]) The regulations specify that an agency may convert noncompetitively to career or career-conditional employment, a reader, interpreter, or personal assistant:

1. Who completed at least one year of satisfactory service in such a position under a non-temporary appointment; and
2. Whose employment in such a position is no longer necessary for reasons beyond management control, (e.g., resignation or reassignment of the employee being assisted).

Additional Resources

OPM Resources

- [Regulations implementing Schedule A](#) including 2013 amendments to regulations are: 5 CFR §213.3102(u) and §213.3102 (II)
- OPM [Glossary of Terms Used in Personnel Actions](#) (PDF)
- The OPM [website](#) offers comprehensive resources regarding hiring authorities for SPPCs, HR professionals, managers, and hiring officials. Resources regarding Schedule A include:
 - [Disability Employment FAQs](#)
 - [Disability Employment Hiring](#)
 - [Federal Hiring Flexibilities Resource Center](#)

EEOC Resources

- [The ABCs of Schedule A: Tips for Hiring Managers](#)
- [The ABCs of Schedule A: Tips for HR Professionals](#)
- [The ABCs of Schedule A for Disability Program Managers and Selective Placement Program Coordinators](#)
- [The ABCs of Schedule A for Service Providers](#)
- [The ABCs of Schedule A: Tips for Applicants with Disabilities](#)

ODEP Resources

[ODEP's website](#) has a section on the [Schedule A hiring authority](#) that includes links to resources developed by EEOC and others, as well as webpages on [recruitment and retention](#) and [hiring youth with disabilities](#).

The [Job Accommodation Network \(JAN\)](#) is an ODEP-funded service that provides free, expert, and confidential guidance on workplace accommodations and other disability employment issues. The JAN website includes [resources about Schedule A](#).

The [Employer Assistance and Resource Network on Disability Inclusion \(EARN\)](#) is an ODEP-funded service that helps employers recruit, hire, retain, and advance workers with disabilities. The EARN website also includes resources on [Schedule A](#).

APPENDIX 1: Regulations Implementing Schedule A Excepted Service Hiring Authority for People With Disabilities and Readers, Interpreters, and Personal Assistants

Electronic Code of Federal Regulations

Title 5 → Chapter I → Subchapter B → Part 213

Title 5: Administrative Personnel

PART 213—EXCEPTED SERVICE

SCHEDULE A

§213.3102 Entire executive civil service.

... (u) Appointment of persons with intellectual disabilities, severe physical disabilities, or psychiatric disabilities—(1) Purpose. An agency may appoint, on a permanent, time-limited, or temporary basis, a person with an intellectual disability, a severe physical disability, or a psychiatric disability according to the provisions described below.

(2) Definition. “Intellectual disabilities” means only those disabilities that would have been encompassed by the term “mental retardation” in previous iterations of this regulation and the associated Executive order, Executive Order 12125, dated March 15, 1979.

(3) Proof of disability. (i) An agency must require proof of an applicant's intellectual disability, severe physical disability, or psychiatric disability prior to making an appointment under this section.

(ii) An agency may accept, as proof of disability, appropriate documentation (e.g., records, statements, or other appropriate information) issued by 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 [certified] vocational rehabilitation specialist (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.

(4) Permanent or time-limited employment options. An agency may make permanent or time-limited appointments under this paragraph (u)(4) where an applicant supplies proof of disability as described in paragraph (u)(3) of this section and the agency determines that the individual is likely to succeed in the performance of the duties of the position for which [they are] applying. In determining whether the individual is likely to succeed in performing the duties of the position, the agency may rely upon the applicant's employment, educational, or other relevant experience, including but not limited to service under another type of appointment in the competitive or excepted services.

(5) Temporary employment options. An agency may make a temporary appointment when:

(i) The agency determines that 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. When an agency uses this option to determine an individual's job readiness, the hiring agency may convert the individual to a permanent appointment in the

excepted service whenever the agency determines the individual is able to perform the duties of the position;
or

(ii) The work is of a temporary nature.

(6) Noncompetitive conversion to the competitive service. (i) An agency may noncompetitively convert to the competitive service an employee who has completed 2 years of satisfactory service under this authority in accordance with the provisions of Executive Order 12125, as amended by Executive Order 13124, and §315.709 of this chapter, except as provided in paragraph (u)(6)(ii) of this section.

(ii) Time spent on a temporary appointment specified in paragraph (u)(5)(ii) of this section does not count towards the 2-year requirement.

(II) Positions as needed of readers for blind employees, interpreters for deaf employees, and personal assistants for handicapped employees, filled on a full-time, part-time, or intermittent basis.

APPENDIX 2: Descriptions of Additional Hiring Authorities

Pathways Programs

In addition to using Schedule A, there are additional ways a person with a disability may be hired for federal jobs using special excepted hiring authorities such as the [Pathways Programs](#) (PDF). The Pathways programs for students and recent graduates provide clear paths to federal internships and potential careers in the Federal Government. The Pathways programs consist of the Internship Program, the Recent Graduates Program, and the Presidential Management Fellows Program.

Positions in the Pathways Programs are excepted from the Competitive Service. Participants in these programs are appointed under Schedule D of the Excepted Service. Pathways Programs are for positions other than those of a confidential or policy-determining character. The competitive service requirements make the adequate recruitment of sufficient numbers of students attending qualifying educational institutions impracticable. The same is true for applicants who have recently completed qualifying educational programs.

Participants in these programs are appointed under Schedule D of the Excepted Service. Agencies should be aware that Schedule D appointees cannot simultaneously be appointed under Schedule A. A person with a disability who is Schedule A eligible should be encouraged to apply for Pathways positions. If selected for a Pathways position, they will be appointed under Schedule D and the regulations governing Schedule D will apply.

Schedule A for people with disabilities can be used to hire a temporary employee and some agencies utilize this flexibility to afford students and recent graduates opportunities in federal service. These appointees are not, however, Schedule D appointees. When utilizing Schedule A in this way, it is a best practice to integrate Schedule A interns into the Pathways Program events and other appropriate opportunities.

The Internship Program is for current students. It consolidates two existing internship programs into a single program designed to provide high school, vocational/technical, undergraduate, graduate, and professional students opportunities to be exposed to the work of government through federal internships.

The Recent Graduates Program will provide developmental opportunities in federal jobs for applicants who have recently graduated from qualifying educational institutions or programs.

The Presidential Management Fellows (PMF) program has been the Federal Government's premier leadership development program for graduate and professional degree candidates for over three decades.

Special Hiring Authorities for Disabled Veterans

Special hiring authorities available to federal agencies for hiring disabled veterans include:

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

In addition, this section describes the general rules regarding Veterans' Hiring Preference.

Veterans Recruitment Appointment

Veterans Recruitment Authority (VRA) [38 USC 4211, et seq.; 5 CFR part 307; 5 CFR part 302, subpart B (Eligibility Standards)] allows appointment of qualified covered veterans and disabled veterans, for entry-level and mid-level positions, up to the GS 11 or equivalent grade level. Veterans are hired under excepted appointments to positions that are otherwise in the Competitive Service. After the veteran satisfactorily completes two years of substantially continuous service, they must be converted noncompetitively to a career or career-conditional appointment. An applicant may receive more than one VRA appointment as long as they meet the definition of a covered veteran at the time of appointment. If an agency has two or more VRA candidates and one or more is a preference-eligible veteran, the agency must apply the veterans' preference procedures [5 CFR §302].

A “disabled veteran” means a veteran who is entitled to compensation, or who, but for the receipt of military retired pay, would be entitled to compensation, under laws administered by the VA, or is a person who was discharged or released from active duty because of a service-connected disability.

“Qualified” with respect to employment in a position, means the person can perform the essential functions of the position, with or without reasonable accommodation for a person with a disability.

Because VRAs are made to positions otherwise in the Competitive Service, the incumbents, like Competitive Service employees, may be reassigned, promoted, demoted, or transferred in accordance with applicable laws and regulations. In addition, a veteran with less than 15 years of education must receive training or education prescribed by the agency.

30 Percent or More Disabled Veterans

Under the 30 Percent or More Disabled Veterans authority [5 USC 3112; 5 CFR §316.302; 5 CFR §316.402; 5 CFR §315.707], a hiring manager may appoint an eligible candidate to any position for which they are qualified without competition (without issuing a vacancy announcement). Unlike the VRA, there is no grade-level limitation. Subject to requirements concerning qualifications and a specified probationary period, an agency may convert the employment of an eligible, disabled veteran to career or career-conditional employment from a time-limited appointment of more than 60 days.

An eligible, disabled veteran is a disabled veteran who retired from active military service with a service-connected disability rating of 30 percent or more or is a disabled veteran rated by the VA as having a compensable service-connected disability of 30% or more. Thus, a disabled veteran who is converted under the policy described above acquires a competitive status automatically on completion of the probation.

Veterans Employment Opportunities Act of 1998 (VEOA)

Veterans Employment Opportunity Act of 1998 (VEOA) [5 USC 3304(f); 5 CFR 315.611; 5 CFR 335.106] is a Competitive Service appointing authority that can only be used when filling permanent, Competitive Service positions. It cannot be used to fill Excepted Service positions. It allows veterans to apply to announcements that are only open to so-called “status” candidates, which means “current Competitive Service employees.”

To be eligible for a VEOA appointment, an applicant's latest discharge must be issued under honorable conditions (an honorable or general discharge), and they must be either a preference-eligible or a veteran who substantially completed three or more years of active service.

When agencies recruit from outside their workforce under merit promotion (internal) procedures, announcements must state VEOA is applicable. As a VEOA eligible, an applicant is not subject to the geographic area of consideration limitations. When applying under VEOA, an applicant must rate and rank among the best qualified when compared to current employee applicants to be considered for appointment. An applicant's veterans' preference does not apply to internal agency actions such as promotions, transfers, reassignments, and reinstatements.

Veterans Hiring Preferences

Veterans' Preference gives eligible veterans preference in appointment over many other applicants. Veterans' Preference applies to virtually all new appointments in both the Competitive and Excepted Service. Veterans' Preference does not guarantee veterans a job and it does not apply to internal agency actions such as promotions, transfers, reassignments, and reinstatements.

Veterans' Preference can be confusing. In accordance with Title 5, United States Code, Section 2108 ([5 USC 2108](#)), veterans' preference eligibility is based on dates of active duty service, receipt of a campaign badge, Purple Heart, or a service-connected disability. In other words, not all active-duty service may qualify for veterans' preference. Only veterans discharged or released from active duty in the armed forces under honorable conditions are eligible for veterans' preference. This means an applicant must have been discharged under an honorable or general discharge. If an applicant is a "retired member of the armed forces," they are not included in the definition of preference eligible unless they are a disabled veteran OR retired below the rank of major or its equivalent.

The two basic types of preference eligible are disabled (10-point preference eligible) and non-disabled (5-point preference eligible).

An applicant is a 10-point preference eligible if they served at any time, and:

1. have a service-connected disability, **OR**
2. have received a Purple Heart.

An applicant is a 5-point preference eligible if their active-duty service meets any of the following criteria:

1. 180 or more consecutive days, any part of which occurred during the period beginning September 11, 2001, and ending on a future date prescribed by presidential proclamation or law as the last date of Operation Iraqi Freedom, OR
2. Between August 2, 1990, and January 2, 1992, OR
3. 180 or more consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976;
4. In a war, campaign, or expedition for which a campaign badge has been authorized or between April 28, 1952, and July 1, 1955.

Preference eligibles are divided into four basic groups as follows:

1. CPS - Disability rating of 30% or more (10 points)
2. CP - Disability rating of at least 10% but less than 30 percent (10 points)
3. XP - Disability rating less than 10% (10 points)
4. TP - Preference eligibles with no disability rating (5 points)

Note that disabled veterans receive 10 points regardless of their disability rating. When agencies use a numerical rating and ranking system to determine the best-qualified applicants for a position, the agency adds an additional 5 or 10 points to the numerical score of qualified preference-eligible veterans.

When an agency does not use a numerical rating system, preference-eligible veterans who have a compensable service-connected disability of 10% or more (CPS, CP) are placed at the top of the highest category on the referral list, except for scientific or professional positions at the GS-9 level or higher. XP and TP preference-eligible veterans are placed above non-preference-eligible veterans within their assigned category.

An applicant must provide acceptable documentation of preference or appointment eligibility. A copy of the veteran's Form DD-214, "Certificate of Release or Discharge from Active Duty," is preferable. If claiming a 10-point preference, the veteran must submit a [SF-15: Application for 10-point Veterans' Preference](#) (PDF).