

Standard Operating Procedures - Using Schedule B and Title 38 Medical Support Authority

For use by the facility Research Offices and Human Resources Offices

1. Criteria for Hiring Using the Schedule B Appointment Authority under 5 CFR 213.3227(a) for Research Positions.

- a. To be eligible for appointment under Schedule B appointment authority, the individual must meet all of the following criteria:
- 1) Possess scientific, technical, or professional skills needed for a research project;
 - 2) Be working on one or more active VA-approved research projects that can be identified from the local site's list of VA research from ePROMISE database;
 - 3) Be at the GS11 or higher grade level; and
 - 4) Be working on a part-time or intermittent basis. VHA is limited to 800 positions under this authority. Although the Schedule B appointment authority is applicable to full-time employees, the Office of Research and Development (ORD), in consultation with OHRM, has made the decision that this appointment authority should only be used for individuals working on a part-time or intermittent basis. By using the Schedule B authority, part-time and intermittent employees can be appointed for more than one year and can be eligible for benefits; this would not be true if they were appointed under Title 38 Medical Support authority, 7405(a)(1). Full-time employees may be appointed under the Title 38 Medical Support Authority where they can be appointed for up to three years (see below) and are eligible for benefits.

b. Salary Source for Individuals Hired Using the Schedule B Appointment Authority 213.3227(a)

The specific salary source is not critical. Individuals that meet the criteria above may be paid from Research Appropriations, Medical Care dollars, or other VA sources.

c. Appointment Type and Duration of Schedule B Appointments 213.3227(a)

Appointments using this authority are excepted and time-limited. The time limit expiration date (not-to-exceed date) should run parallel with the expiration of the research project. Individuals may be appointed for the duration of the research project, not to exceed three years. If, at the end of a three-year appointment, the individual is still working on an active research project, they may be reappointed for the duration of the project, not to exceed three years. Re-appointment may be repeated as necessary to complete the research. If the project is completed sooner, the appointment must be terminated.

Standard Operating Procedures - Using Schedule B and Title 38 Medical Support Authority

d. Process for Initiating a New Appointment Using the Schedule B Appointment Authority 213.3227(a)

To initiate a new appointment under Schedule B, the facility research office must submit a request (email or USA mail) to the Deputy CRADO for Field Operations requesting approval to appoint an individual.

The request should explain how the individual meets the four criteria above and include the email address of the POC in the relevant Human Resources Office (HRO).

The Deputy Chief Research and Development Officer (DCRADO) will send an approval email to the facility research office and the facility HRO at which time the process may be initiated.

The facility research office should then provide documentation to the facility HRO that an applicant is working on one or more active VA-approved research projects that can be identified from the local site's list of VA research from ePROMISE database and estimate the anticipated duration of the project.

HR offices must not appoint individuals under the Schedule B authority unless they have received documentation from the field research office and an approval email from the Office of Research and Development Deputy CRADO.

e. Required Actions When Using the Schedule B Appointment Authority 213.3227(a)

Facility HR offices are required to follow the appointment procedures of 5 CFR, part 302 and the VA Excepted Board procedures in VA Handbook Part II, Chapter 2 when filing positions at GS-11 and above, and principal investigator positions at the GS-12 level positions under this authority.

Due to the nature of principal investigator positions at GS-13 and above, it is *not* administratively feasible to follow 5 CFR, part 302 and VA Excepted Board procedures. However, upon the request of a qualified preference eligible the facility HR office must furnish him/her with the reasons for his non-selection. At all times, persons eligible for priority consideration under 5 CFR 302.103 must be accorded their rights under 5 USC 8151.

2. Criteria for Hiring Using the Title 38 USC 7405(a)(1) – Medical Support Authority (MSA) for Research Positions.

- a.** To be eligible for appointment under Title 38 Medical Support Authority for research hiring authority, the individual must meet all of the following criteria:
 - 1) Possess scientific, technical, or professional skills needed for a research project; and
 - 2) Be working on one or more active VA-approved research project that can be identified from the local site's list of VA research from the ePROMISE database.

Standard Operating Procedures - Using Schedule B and Title 38 Medical Support Authority

NOTE: It is prohibited to use the MSA authority to fill administrative positions in a research office. All positions must be classified in proper scientific, technical or professional occupations and grade levels in accordance with OPM qualification and classification requirements.

b. Salary Source for Individuals Hired Using the Schedule B Appointment Authority 213.3227(a)

The specific salary source is not critical. Individuals that meet the criteria above may be paid from Research Appropriations, Medical Care dollars, or other VA sources.

c. Appointment Type and Duration of Title 38 USC 7405(a)(1) – Medical Support Appointments

Appointments using this authority are excepted and time-limited. Part-time appointments may not extend beyond one year, are not eligible for benefits and may not be renewed. The Schedule B Appointment Authority under 213.3227(a) may be the preferable authority for part-time and intermittent appointments.

Full-time appointments under Title 38 MSA 7405(a)(1) may be appointed for the duration of the research, not to exceed three years. If, at the end of a three year appointment, the individual is still working on an active research project from the ePROMISE list, the appointment may be extended in increments not to exceed three years each, provided the duties and responsibilities remain directly related to research. If the project is completed sooner, the appointment must be terminated.

d. Process for Initiating a New Appointment Using the Title 38 USC 7405(a)(1) – Medical Support Authority (MSA) for Research Positions.

There is no requirement for prior approval from ORD before use of Title 38 MSA. However, to ensure facility HR offices are using sound hiring and appointment procedures justification of these appointments will be included on the OHRM Oversight and Effectiveness Service's checklist of required documents for review during compliance visits. In addition, special reports on a facility HR office's use of the authority may be requested by the Deputy CRADO for Field Operations or OHRM at any time.

NOTE: A new legal authority code has been established for the appointment and conversion of Research Project employees. The new legal authority is Z04 which will print on the SF 50 as V8V 38 U.S.C. 7405(c)(3) (Research Project). Follow the normal coding procedures when coding accession and conversion actions for Research Project employees. Nature of Action Codes (NOAC) 171 Excepted Appointment NTE and 571 Conversion to Excepted Appointment NTE will be used in conjunction with the newly established legal authority code Z04.

The title of the research project from the ePROMISE list with the project's projected expiration date must be noted in the remarks of the SF-50. The research project's expiration

Standard Operating Procedures - Using Schedule B and Title 38 Medical Support Authority

date (for the purpose of documentation supporting the use of Title 38 MSA 7405(a)(1)) should be consistent with the not-to-exceed date of the individual's appointment action.

3. Inappropriate Use of Schedule B (213.3227(a)) and Title 38 MSA (7405(a)(1)) Appointment Authority

The following individuals should not be hired under Schedule B or Title 38 MSA authorities:

- 1) Individuals who are in Title 38 or Title 38 hybrid positions such as Certified/Registered Respiratory Therapist, Physical Therapist, Occupational Therapist, Pharmacist, Licensed Practical/Vocational Nurse Physician, Dentist, Podiatrist, Chiropractor, Optometrist, Registered Nurse, Physician Assistant.
- 2) Individuals who work in research, but in an administrative role.

Many research positions are continuing in nature may be filled by competitive procedures with a career-conditional or career appointment; temporary or term appointment; or other a noncompetitive hiring authority for which the individual is eligible such as VRA, Schedule A (213.3102(r), or 30% Veterans SCD (5 USC 3112). These options should be used whenever it is appropriate.