



# Staffing Medical Support Authority

VHA Human Resources Development

## Introduction:

In VHA HR, we typically use the term “medical support authority” to refer to a certain hiring under Title 38. However, there is no actual term as this in policy or regulation. Rather, we are referring to the use of a *time-limited appointment for medical support personnel*. This HR Note is designed to highlight key requirements, considerations, and tools for using this appointment authority appropriately. Key to all of the guidance is that positions that are involved in general administration, technical and trades and crafts would generally not be appropriate.

## Requirements by Law:

By law, under Section 7405(a)(1) of Title 38 of the United States Code, the VA is allowed to appoint individuals identified under what we call full Title 38 and hybrid Title 38 into temporary and part-time positions. The law stipulates in 38 USC 7405(a)(1)(D) that we may use this appointment authority to employ other professional, clerical, technical, and unskilled personnel (including interns, residents, trainees, and students in medical support programs). It is important to look at the entire Section 7405(a)(1) to fully understand this appointment authority and other options.

## VA Policy and Guidance:

VA guidance in the Handbook and subsequent Human Resources Management Letters (HRMLs) further defined the law and provided guidance and required justification and documentation when using this appointment authority.

- VA Handbook 5005, Part II, Ch. 3, Section G, paragraph 6, addresses the appointment of medical support personnel under 38 USC 7405(a)(1).
- Human Resources Management Letter (HRML) 05-09-03 dated July 15, 2009 provided additional guidance and clarification on appropriate usage along with a requirement to document the usage of the authority for each appointment.
- More recently, HRML 05-13-02 dated January 24, 2013 provided more specific guidance and clarification on using this appointment authority in support of research projects in VHA.
- Additionally, considerations for pay of individuals serving in these positions are referenced in VA Handbook 5007, Part II, Ch. 2 on setting initial rates of pay; Part III, Ch. 5 on periodic step increases; and Part V, Ch. 6 on other forms of premium pay.

## References:

- 38 USC 7405
- VA Handbook 5005, Part II, Chapter 3, Section G, Paragraph 6
- VA Handbook 5007 (multiple reference points)
- HRML 05-09-03 and HRML 05-13-02

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## Documentation Requirements:

Both HRML 05-09-03 and HRML 05-13-02 require following the guidance of each HRML as well as properly documenting each appointment. Both HRML documents have an Attachment A which are templates to provide the required documentation and justification. It falls to each VHA HR office to ensure that not only is the justification document completed, but to ensure that the document is maintained on the temporary side of the Electronic Official Personnel Folder (e-OPF) each time this authority is used. Additionally, HR offices need to be cognizant that the Office of Human Resources Management (OHRM) Oversight and Effectiveness Service will review this requirement on their compliance visits. Other review teams within VA and the VHA Workforce Management and Consulting Office may also review this requirement. Finally, special reports on the use of this authority may be run by these review teams.

## Employment Conditions:

It is vital that HR professionals fully advise the individuals hired under this authority of the nature of their temporary appointment. The employee should understand all of the details of their appointment regarding the employment situation with the duration of the appointment and other key information regarding their benefits (or ineligibility for certain benefits).

## Other Considerations for Research Positions:

Particular attention should be paid to the use of this appointment authority in support of research projects in VHA. A new legal authority code of Z04 was established for research project employees appointed under 38 USC 7405(c)(3). There is also a Standard Operating Procedure document that is currently posted on the Office of Research and Development's website at: <http://www.research.va.gov/resources/policies/default.cfm>.