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Chapter 8  
VETERANS' PREFERENCE AND SPECIAL HIRING AUTHORITIES

8.01 Introduction

This chapter provides a summary of Veterans' preference, special appointing authorities, and federal and departmental equal employment opportunity programs and resources. This chapter contains the statutory and regulatory provisions that deal with the employment of Veterans with disabilities.

The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program has a variety of employment resources, some described in this chapter. See Appendix AG, Employment Resources, for a list of other recruitment programs and initiatives related to employment of individuals, including Veterans with disabilities.

8.02 References and Resources

- Laws:
- Title VII of the Civil Rights Act of 1964, as Amended
  - Civil Rights Act of 1991
  - Rehabilitation Act of 1973, as Amended
  - Americans with Disabilities Amendments Act
  - Veterans' Preference Act of 1944, as Amended
  - Jobs for Veterans Act 2002, Public Law (P.Law) 107-288
  - Veteran Employment Opportunity Act, P.Law 105-339
  - Veterans Millennium Health Care and Benefit Act, P.Law 106-117
  - Vow to Hire Heroes Act 2011, P.Law 112-56
  - 5 United States Code (U.S.C.) 2108
  - 5 U.S.C. 3112
  - 5 U.S.C. 3304
  - 5 U.S.C. 3309
  - 29 U.S.C. 794(d)
  - 38 U.S.C. 31
  - 38 U.S.C. 4211
  - 38 U.S.C. 4214
  - 38 U.S.C. 4301-4335
- Regulations:
- 5 Code of Federal Regulations (CFR) 3.1
  - 5 CFR 211
  - 5 CFR 213.3102(u)
  - 5 CFR 302
  - 5 CFR 302.201
  - 5 CFR 307

5 CFR 307.103  
5 CFR 315.604  
5 CFR 315.611  
5 CFR 315.705  
5 CFR 315.707  
5 CFR 315.709  
5 CFR 316.301-302  
5 CFR 316.401-402  
5 CFR 332.401  
5 CFR 335.106

Executive Orders: Executive Order (EO) 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation

VA Directives: VA Directive 5975, March 6, 2007  
VA Directive and Handbook 5975.1, May 30, 2002

OPM Resources: VetGuide  
Delegated Examining Operating Handbook and Memoranda

Websites: [www.fedshirevets.gov](http://www.fedshirevets.gov)  
[www.va.gov/VECS](http://www.va.gov/VECS)  
[www.doleta.gov/business/Incentives/opptax](http://www.doleta.gov/business/Incentives/opptax)  
[www.eeoc.gov/laws/guidance/enforcement\\_guidance.cfm](http://www.eeoc.gov/laws/guidance/enforcement_guidance.cfm)  
[www.askjan.org](http://www.askjan.org)  
[www.section508.va.gov](http://www.section508.va.gov)  
[www.tricare.mil/cap/disabilities](http://www.tricare.mil/cap/disabilities)

### 8.03 Preference in Federal Employment

#### a. General Information

Veterans' preference is a tool to assist in the placement of Veterans in federal government positions, providing a "first consideration." Veterans' preference was established by the Veterans' Preference Act of 1944, as amended, and is found in various provisions of 5 U.S.C. 2108.

Veterans' preference applies to permanent and temporary positions in both the competitive and excepted services, which are two classes of jobs in the federal government. For the competitive service, applicants must compete with other individuals for positions that are posted on the USAJOBS website through a structured process. In the excepted service, applicants such as Veterans with disabilities may be noncompetitively considered and hired

through a number of special appointing authorities that agencies may utilize to fill jobs. The excepted service contains certain agencies and entities, groups of individuals, and positions that are outside the competitive service. The methods used for the competitive and excepted services differ:

1. For Competitive Service

Veterans' preference gives eligible Veterans additional points toward a passing examination score or rating. Eligible Veterans are also placed at the top of hiring certificates for positions, except for professional and scientific positions at grade GS-09 and above. Eligible Veterans who apply for professional or scientific positions still receive points and are listed ahead of other applicants having the same rating. (5 U.S.C. 3309 and 3313(1) and (2)(A); 5 CFR 332.401(b))

2. For Excepted Service

Veterans' preference allows eligible Veterans to apply noncompetitively under special appointing authorities.

- b. Preference Requirements

Veterans must be discharged from active duty under an honorable or general discharge to be eligible for Veterans' preference. Veterans' preference does not:

1. Guarantee that a Veteran will be selected for employment
2. Apply to internal agency actions, such as promotions, transfers, reassignments and reinstatements
3. Apply to the Senior Executive Service, positions in the legislative and judicial branches of the federal government or positions in certain exempted agencies, such as the Central Intelligence Agency

- c. Responsibilities

1. Vocational Rehabilitation and Employment

VR&E will partner with VA's Veterans Employment Coordination Service (VECS) and its regional offices to support the Department's National Veterans Employment Program in the marketing, advocacy and education of Veterans' preference. VECS is an organization within VA's Office of Human Resources management created to attract, recruit and hire

Veterans within VA, particularly severely injured Veterans from Operations Iraqi Freedom and Enduring Freedom.

More information on VECS may be found at [www.va.gov/VECS](http://www.va.gov/VECS).

VR&E staff members must be thoroughly familiar and current with Veterans' preference regulations and documentation requirements. Vocational Rehabilitation Counselors (VRCs) and Employment Coordinators (ECs) act as resources to perform the following tasks:

- Provide guidance on Veterans' preference and assist job ready Veterans in completing federal vacancy applications
- Review applications and ensure Veterans have complete packages including appropriate Veterans' preference and required documentation
- Educate Human Resources (HR) personnel and managers on the importance of hiring Veterans with disabilities and Veterans' preference regulations and rules. (Hiring managers have at their discretion the ability to select applicants from various lists, some of which may not contain any Veteran applicants.)
- Develop a basic understanding of the Office of Personnel Management's (OPM) Delegated Examining Operating Handbook (DEOH) and its regularly occurring memoranda ([www.opm.gov/deu](http://www.opm.gov/deu)), which provide updated information on Veterans' preference. (The DEOH provides operational procedures for agencies to use in the staffing and placement process for competitive examining of positions.)

2. Office of Personnel Management (OPM)

OPM is responsible for prescribing and enforcing regulations in the administration of Veterans' preference in the competitive and excepted services. OPM is also the deciding agency in requests for selecting non-Veterans over Veterans in the job selection process. OPM's guidance is found in the VetGuide at [www.fedshirevets.gov](http://www.fedshirevets.gov) and in the DEOH.

3. Department of Labor's Veterans' Employment and Training Service (DOL/VETS)

VETS assists Veterans in determining their eligibility for Veterans' preference. VETS developed a web-based questionnaire to determine eligibility, which may be found at [www.dol.gov/vets](http://www.dol.gov/vets).

d. Required Documentation

Veterans who claim Veterans' preference must submit the following documentation with their federal job applications. If a Veteran does not submit the required documentation, then Veterans' preference will not apply.

1. For Claiming 5-Points Preference

- DD214, Certificate of Release or Discharge from Active Duty (must show Veteran's character of service upon discharge)

2. For Claiming 10-Points Preference

- DD214, Certificate of Release or Discharge from Active Duty (must show Veteran's character of service upon discharge)
- Purple Heart Recipients: Purple Heart must be listed on the DD214 or other official documentation
- SF-15, Application for 10-Point Veteran' Preference
- Letter from the VA Regional Office stating the Veteran's percentage of disability

3. For Claiming to be a Spouse or Child of a Qualifying Veteran (10-Points preference)

- DD214, Certificate of Release or Discharge from Active Duty (must show the Veteran's character of service upon discharge)
- SF-15, Application for 10-Point Veterans' Preference
- Letter from the VA Regional Office showing that the Veteran is unemployable or 100-percent service-connected
- If Veteran is deceased, a copy of the death certificate

NOTE: Veterans must contact their local VA Regional Office to obtain a Veterans' preference letter at (800) 827-1000.

8.04 Special Appointing Authorities

Special appointing authorities are noncompetitive and excepted service appointing authorities, which federal agencies can use entirely at their discretion. These authorities provide flexibility in staffing hard-to-fill positions and overcoming underrepresentation, and allow for quick and easy hiring.

a. General Responsibilities

1. VR&E will make every effort to educate HR personnel, managers, and Veterans on these special appointing authorities. VRCs and ECs will be knowledgeable about the various authorities' regulations and provide guidance to HR personnel, hiring managers and Veterans. In addition, ECs should promote the use of these authorities.
2. When Veterans are searching and applying for federal employment, ECs and Veterans will check the vacancy announcements, which clearly state "Who May Apply." This section in the vacancy announcements will identify the individuals and authorities that may be considered. ECs will provide Veterans an overview of vacancy announcements and their structure, including what to look for in key sections as Veterans begin their federal job search.

NOTE: Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVERs) may also perform this function.

b. Authorities for Veterans and Individuals with Disabilities

The most common authorities available to hiring managers, HR personnel and Veterans and individuals with disabilities include:

- Veterans' Recruitment Appointment (VRA)
- 30 Percent or More Disabled Veterans' Authority
- Disabled Veterans Enrolled in a VA Training Program Authority
- Veterans' Employment Opportunities Act (VEOA)
- Schedule A for Persons with Disabilities

These authorities offer multiple approaches to the employment of Veterans. Generally, the authorities provide for the following:

Overview of Authorities	
VRA	VRA gives agencies the discretion to appoint eligible Veterans to positions in the federal government without competition. Veterans may be appointed to any grade level in the General Schedule through GS-11 or equivalent). This authority also allows applicants with disabilities rated at 30 percent or more, or rated at 10 or 20 percent and determined to have a "serious employment handicap" to be employed by VA as Veterans benefits counselors, Veterans claims examiners, Veterans representatives at educational institutions and counselors at readjustment centers. Applicants must meet the basic qualifications for the position to be filled.
30 Percent or More Disabled Veterans' Authority	Veterans may be initially appointed noncompetitively to a temporary or term appointment. Then, as early as day 61 of employment under this authority, hiring managers may convert Veterans to a career or career-conditional appointment. There is no grade-level limitation for this authority. Applicants must meet all qualification requirements for the position to be filled.
Disabled Veterans Enrolled in a VA Training Authority	This authority is the equivalent to the Non-Paid Work Experience (NPWE) program. Veterans eligible for training through VR&E may enroll in training or work experience under an agreement between any government agency (local, state or federal) and VA. Veterans are not considered government employees for most purposes. Training is tailored to the individual's needs and goals. Certificates of Training are provided at the end of the training/work experience, which allows agencies to appoint Veterans noncompetitively under status quo appointments. Those appointments may be converted to career or career-conditional at any time.
VEOA	This authority, unique to the competitive service, allows Veterans to apply to positions under merit promotion procedures (inside the federal government) when the agency is recruiting outside of its own workforce. Veterans' preference is not a consideration when selections are made for these appointments.
Schedule A for Persons with Disabilities	This excepted service authority is an alternative to authorities specifically designed for Veterans. Schedule A provides a way to hire individuals with physical, psychiatric or cognitive impairments without competition. Schedule A employees can be converted to permanent positions in the competitive service after completing two years on the job

	and demonstrating satisfactory performance (with or without reasonable accommodation).
Employment of Veterans with Disabilities who have Completed a Training Course under Chapter 31 (5 CFR 315.604)	This authority, unique to the competitive service, allows any agency to appoint a Veteran with a disability noncompetitively to positions or class of positions for which he/she is trained. Veterans with disabilities must satisfactorily complete an approved course of training prescribed by VR&E.

More information on these authorities is listed below:

1. VRA

(a) General Information

VRA is an excepted service authority that allows agencies to appoint eligible Veterans without competition. Veterans can be appointed under this authority at any grade level up to and including GS-11 or equivalent (promotion potential of the position is not a factor). This authority also allows applicants with disabilities rated at 30 percent or more, or rated at 10 or 20 percent and determined to have a "serious employment handicap" to be employed by VA as Veterans benefits counselors, Veterans claims examiners, Veterans representatives at educational institutions and counselors at readjustment centers. This special appointing authority is a good tool for filling entry-level to mid-level positions.

(b) Appointment Options

In most cases, this authority's duration is two years. In accordance with 5 CFR 307.103, after successfully completing two years of employment, Veterans must be converted to a career or career-conditional appointment in the competitive service.

Agencies can use VRA to fill noncompetitive temporary (not to exceed one year) or term (more than one year but not to exceed four years) positions based on an individual's eligibility for VRA. The temporary or term appointment must be at the grades authorized for VRA, but is not a VRA itself and does not lead to conversion to the competitive service. For Veterans on temporary appointments, the agencies may extend the temporary appointments for one additional year for a total of 24 months. Term appointments may be extended within the one-to-four year period according to the employing agencies' procedures. Agencies may request approval of an extension beyond the four years

of a term appointment from OPM. At the conclusion of the temporary or term appointment and extension, if needed, Veterans may be considered for new jobs or other VRAs, provided they qualify.

(c) Requirements

Requirements of this special appointing authority are as follows:

(1) No vacancy announcement is required. Possible recruitment options include but are not limited to the following:

- Veterans may contact agencies and submit resumes and supporting documentation to the agencies' Veterans Employment Program Managers (VEPMs), Special Placement Program Coordinators (SPPCs), HR personnel, or hiring managers
- Hiring managers and HR personnel may receive resume referrals from their agencies' VEPMs and SPPCs, VR&E and other outside resources

(2) Veterans' preference applies under 5 CFR 302.201 and 211 when using this authority.

(3) Specific eligibility requirements for this authority are provided in 38 U.S.C. 4214 and 5 CFR 307.

(4) Agency-prescribed education/training is required for Veterans with less than 15 years of education.

(d) References

For more information on the VRA, see the VetGuide and the following references:

- VRA Authority, Pub. L. 107-288
- 38 U.S.C. 4211 and 4214
- 5 CFR 211, 302.201, 307, 315.705, 316.301-302 and 316.401-402

2. 30 Percent or More Disabled Veterans' Authority

(a) General Information

Under 5 U.S.C. 3112, a Veteran with a compensable service-connected disability of 30 percent or more may receive a noncompetitive appointment in a federal agency if the Veteran meets the job qualification standards. This special appointing authority is a good tool for filling positions at any grade level quickly. Another key feature of this authority is the ability for federal employers to convert Veterans under this authority from a temporary appointment to permanent status after a relatively brief period of employment.

(b) Appointment Options

HR personnel will first place Veterans on a time-limited appointment of at least 60 days. Hiring managers may convert them upon day 61 or later to a career or career-conditional appointment in the competitive service.

Additionally, temporary (not to exceed one year) or term (more than one year, but not more than four years) appointments are other appointment options under this authority. For this authority, temporary and term appointments may lead to conversion to career or career-conditional employment. If a Veteran meets the qualifications for the position and is appointed to the position, a manager may convert the appointment, without a break in service, at any time during the temporary or term appointment.

NOTE: For Veterans on temporary appointments, the agencies may extend the temporary appointments for one additional year for a total of 24 months. Term appointments may be extended within the one-to-four year period according to the employing agencies' procedures. Agencies may request approval of an extension beyond the four years of a term appointment from OPM.

(c) Requirements

Requirements of this special appointing authority are as follows:

(1) No vacancy announcement is required. Possible recruitment options include but are not limited to the following:

- Veterans may contact agencies and submit resumes and supporting documentation to the agencies' VEPs, SPPCs, HR personnel, or hiring managers

- Hiring managers and HR personnel may receive resume referrals from their agencies' VEPs and SPPCs, VR&E, and other outside resources

(2) Specific eligibility requirements for this authority are provided in 5 CFR 315.707(a)(1)-(2).

(3) There is no grade-level restriction.

(4) A VA letter or military discharge papers substantiating the service-connected disability is required.

(5) The applicant must meet the job qualifications including any required employment testing.

(6) Reasonable accommodation must be provided for testing.

(d) References

For more information on the 30 Percent or More Disabled Veterans' Authority, see the VetGuide and the following references:

- 5 U.S.C. 3112
- 5 CFR 316.301-302, 316.401-402 and 315.707

3. Disabled Veterans Enrolled in a VA Training Program Authority

(a) General Information

This authority is a useful resource for providing Veterans with the necessary training and work experience they need at no or nominal cost. Eligible Veterans may be placed in training or work experience at government agencies. The purpose of the Veterans' training or work experience is to:

- Gain exposure in a particular field
- Learn the skills needed for a specific position
- Develop the knowledge and abilities required for the position
- Keep their resumes up-to-date with current and continual work experience

VR&E will establish a formal training agreement with the participating government agency. The training or work experience will provide for tailored duties and assignments to meet the individual's needs and goals. Duration has no required set length.

NOTE: If the training is intended to prepare the individual for an eventual position at the government agency rather than just work experience, the government agency must insure that the training will enable the Veteran to meet the qualification requirements for the position.

(b) Equivalency with Non-Paid Work Experience (NPWE)

This authority is the equivalent of the NPWE Program.

(c) Specific EC and VRC Responsibilities for this Authority

ECs and VRCs perform the following activities:

- (1) Work with HR personnel and managers in the creation of opportunities under this authority and provide guidance.
- (2) Promote the use of this authority and instruct HR personnel and managers to code in their personnel management system the work experience or training under NPWE as this authority. (This will give the federal agencies credit in utilizing the authority and add toward their Disabled Veterans Affirmative Action Program (DVAAP) accomplishments report, which federal agencies submit to OPM.)
- (3) Educate HR personnel and managers on the DVAAP and importance of hiring Veterans with disabilities, in an effort to assist in the marketing of the NPWE so more agencies utilize the authority and program.

(d) Certificate of Training

Upon successful completion of the training, the government agency and VA will give the Veteran a Certificate of Training showing the occupational series and grade level of the position for which trained. The Certificate of Training allows any agency to appoint the Veteran noncompetitively to a position, which may be converted to career or career-conditional at any time.

(e) References

For more information on the Disabled Veterans Enrolled in a VA Training Program Authority, see the VetGuide and the following references:

- 38 U.S.C. Chapter 31
- 5 CFR 3.1 and 315.604

4. Veterans Employment Opportunities Act (VEOA) of 1998, as Amended

(a) General Information

VEOA is a competitive service appointing authority. This authority is different from the excepted and noncompetitive appointing authorities that make up the special appointing authorities, and can only be used when filling permanent, competitive service positions. It allows Veterans to apply to announcements that are only open to "status" candidates, which means "current competitive service employees." The VEOA allows managers to consider highly qualified, non-status preference eligibles and Veterans without using more restrictive competitive examination procedures.

(b) Requirements

Eligible Veterans' latest discharge must be issued under honorable conditions. When federal agencies recruit from outside their own workforce under merit promotion (internal) procedures, vacancy announcements must state "VEOA is applicable" and be posted on the USAJOBS website. Current or former federal employees meeting VEOA eligibility can apply. However, current employees applying under VEOA are subject to time-in-grade restrictions like any other General Schedule employee. Veterans' preference does not apply to internal agency actions, such as promotions, transfers, reinstatements and reassignments. Specific eligibility requirements for this authority are provided in 5 CFR 335.106 and 5 U.S.C. 3304(f).

Federal agencies must consider VEOA applicants with other status candidates. HR personnel perform the following activities:

- Determine which applicants are qualified
- Rate and rank applicants based on their qualifications

- Issue a selection certificate in accordance with the agency merit promotion plan

Veterans are not subject to geographic area of consideration limitations. This simply means that Veterans from outside the geographic area of the position may be considered. Applicants should factor in whether any relocation allowances/incentives are being afforded before applying. (Agencies are under no obligation to provide relocation assistance.) If a VEOA-eligible candidate is selected, he/she is given a career-conditional or career (as appropriate) appointment.

#### (c) References

For more information on the VEOA, see the VetGuide and the following references:

- Pub. L. 105-339
- Veterans Millennium Health Care Act (Pub. L. 106-117)
- 5 U.S.C. 3304(f)
- 5 CFR 315.611 and 335.106

### 5. Schedule A, Appointment for Persons with Disabilities

#### (a) General Information

In accordance with 5 CFR 213.3102(u), individuals, including Veterans, with severe physical, cognitive or psychiatric disabilities may apply for federal jobs noncompetitively. Veterans with disabilities have the option of applying noncompetitively either to a vacancy announcement from USAJOBS or via a resume submission to an agency's SPPC under this authority. A listing of agencies' SPPCs may be found on OPM's website. Refer to M28R.VI.8.05(d)(1-4) for more information on the Selective Placement Program (SPP) and SPPC. The job seeker with a disability must be at least minimally qualified to perform the position.

This authority is a two-year excepted service appointment. After two years of successful employment and approval by the supervisor, the individual may be converted to a career-conditional appointment under the competitive service.

(b) Requirements

Specific eligibility and administration of the authority are provided in the regulation. Veterans who wish to be considered under this authority should note on either the vacancy application package or resume submission for the noncompetitive process, "Applying under 5 CFR 213.3102(u)" or state, "I am an individual with a disability eligible for a Schedule A appointment." The reference and statement are best placed within the cover letter for the application package or resume submission or the top of the application or resume. Sometimes, the accompanying documentation will identify the reference citation.

(c) Documentation

For consideration under this authority, documentation known as a "Schedule A letter" from a licensed medical professional or other entity, such as from VR&E, must be provided with the Veterans' vacancy application packages or resume submissions. The documentation must indicate proof of disability and job readiness certification. See Appendix AB, Schedule A Letter, for a copy of VAF 2157, which is to be used as the "Schedule A letter" for VRCs/ECs and Veterans' use.

(d) Specific EC and VRC Responsibilities for this Authority

ECs and VRCs perform the following activities:

- (1) Provide training to HR personnel and managers as well as guidance on this authority
- (2) Assist Veterans interested in being considered under this authority, including:
  - Determining that the Veteran has a disability and the disability constitutes a barrier to securing employment
  - Evaluating the Veteran's specific job skills, functional abilities and functional limitations
  - Reviewing the requirements of the position that interests the Veteran
  - In some cases, working in close cooperation with the prospective employer and conducting on-site visits to determine

any possible adaptations and/or modifications of the position and the worksite, and identifying reasonable accommodations

- Evaluating the Veteran's ability to meet the requirements of a particular job and work situation
- Establishing the Veteran's ability to perform the duties of the position with or without reasonable accommodation
- Certifying in writing that the applicant is a qualified individual with a disability and is job ready. See Appendix AC, Schedule A Letter, for a copy of VAF 2157

(e) References

For more information about this authority, see 5 CFR 213.3102(u) and 315.709, and [www.opm.gov/disability](http://www.opm.gov/disability).

## 8.05 Equal Employment Opportunity Programs

### a. General Information

VA's Equal Employment Opportunity (EEO) program is committed to ensuring that all employees and applicants for employment have equality of opportunity in the federal workplace. EEO is established by laws, which are shaped into programs by regulatory agencies such as the Equal Employment Opportunity Commission (EEOC) and OPM. These programs are designed to prevent unlawful discrimination and retaliation for filing discrimination claims or other protected activity.

### b. Responsibilities

VR&E Service supports diversity management and EEO in VA and across the federal government. VR&E staff perform the following tasks:

- Assist managers and HR personnel government-wide in the recruitment, development and retention of a diverse workforce
- Advocate employment of Veterans with disabilities and ensure that job-seeking Veterans are treated with dignity and respect
- Work in partnership with VA's Office of Diversity Management and Equal Employment Opportunity (ODMEEEO) to conduct training on affirmative employment for Veterans with disabilities

- Work with managers and HR personnel to conduct accessibility evaluations in the workplace and workstation and identify reasonable accommodations for Veterans with disabilities
  - Analyze hiring and separation trends to project, identify and coordinate recruitment needs
  - Coordinate, market and arrange opportunities with colleges, affinity groups, advertising outlets for specific communities, professional associations, etc.
- c. Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994

1. General Information

USERRA prohibits discrimination in employment, retention, promotion or any benefit of employment based on a Veteran's uniformed service. The Department of Labor assists individuals with USERRA claims. VR&E staff assists Veterans and the Department of Labor, as appropriate.

2. References

For more information about USERRA, see 38 U.S.C. 4301-4335 and [www.dol.gov/vets/programs/userra/main.htm](http://www.dol.gov/vets/programs/userra/main.htm).

d. Work Opportunity Tax Credit (WOTC)

The WOTC is a federal tax credit incentive that Congress provides to private-sector businesses for hiring individuals from 12 target groups who have consistently faced significant barriers to employment. Pub. L. 112-56, Vow to Hire Heroes Act of 2011 was enacted on November 21, 2011. Specifically, under Section 261 of the Act, the "Returning Heroes and Wounded Warriors Work Opportunity Tax Credits" amended and expanded the definition of WOTC's Veteran target groups. The target groups include Veterans or returning Servicemembers who are participating in the VR&E program, particularly those Veterans who have been unemployed for a significant period. In addition, Section 261 specifies the WOTC limit and a sunset date. See Appendix AB, Work Opportunity Tax Credit. These provisions became effective November 22, 2011, through December 31, 2012. Since the tax credits limit and dates are changed periodically, this appendix will be updated as the changes occur.

The main objective of this program is to enable the targeted employees to gradually move from economic dependency into self-sufficiency as they earn a steady income and become contributing taxpayers, while the participating employers are compensated by being able to reduce their federal income tax liability. The WOTC joins other workforce programs that assist in workplace diversity and facilitate access to good jobs for American workers.

For more information on the WOTC, refer to [www.doleta.gov/business/Incentives/opptax](http://www.doleta.gov/business/Incentives/opptax).

e. Selective Placement Program (SPP)

1. General Information

The SPP is a federal recruitment resource that does the following:

- Connects job seekers, including Veterans, with disabilities with HR personnel and hiring managers
- Promotes employment
- Provides options to fill jobs quickly and easily

The program serves as a repository of items not to be limited to resumes and Schedule A letters; information on current federal employment laws; hiring programs and resources; and federal agency employment opportunities. The job-seekers who submit resumes to the SPPCs must be at least minimally qualified to perform the positions they are seeking.

2. Selective Placement Program Coordinator (SPPC)

Each federal agency's SPP has a SPPC or a cadre of SPPCs department-wide. OPM oversees the overall federal SPP. OPM also maintains a listing of all SPPCs government-wide on its website. The SPPCs serve as liaisons between job seekers and hiring managers and HR personnel. The roles of the SPPCs are very similar to the roles of the ECs. Some of the tasks of the SPPCs include:

- Serve as the technical expert on special hiring authorities and the process for applying for positions under those authorities
- Research vacancies in their geographic area

- Identify appropriate vacancies for particular job seekers and provide assistance with the vacancy applications
- Identify possible resumes for hiring managers and HR offices
- Train hiring managers in the utilization of special hiring authorities, and advocate their use

### 3. Job Candidate Referral Options

The referral options are as follows:

- (a) Job seekers may submit their resumes and Schedule A letters directly to a federal agency's SPPC. When a SPPC receives resumes and Schedule A letters from job seekers with disabilities, the SPPC will forward the resumes only to prospective managers that may have vacant positions or are able to create new positions. The managers may review the resumes, arrange interviews and make direct selections.
- (b) SPPCs may work with job-seeking Veterans and submit resumes and Schedule A letters to HR in their agencies to be considered under the special appointing authority for individuals with disabilities (5 CFR 213.3102(u)) to fill open vacancy announcements. Refer to M28R.VI.A.8.04(b)(5) for more information on this special appointing authority. SPPCs and ECs must remind and train hiring agencies' HR offices on keeping information on an individual's disability and medical condition confidential. SPPCs and HR personnel may inform hiring managers that applicants are applying noncompetitively and remind them about the importance of diversity.
- (c) Hiring managers and HR personnel may request from SPPCs and HR personnel resume referrals of job-seekers with disabilities in particular fields. Managers may also request assistance in recruitment activities, such as job fairs, to locate prospective employees. Managers may make selections from the resumes provided by the SPPCs. HR personnel will assist managers in hiring the new employees noncompetitively without posting a vacancy announcement.

### 4. Responsibilities

VA station directors oversee their SPP. VR&E Officers or their designees coordinate with their ECs and VRCs and station personnel officers and SPPCs. Together they develop job opportunities within VA facilities and

other federal agencies in the same geographical area. The VR&E Officer, with the assistance of VRCs and ECs, participate in the station's overall program as follows:

- (a) Serve on the station committee on employees with disabilities.
- (b) Consult with the station's SPPC and serve as a resource person in the following areas:
  - Placement of job seekers with disabilities
  - Analysis of physical and other requirements of positions to determine suitability of positions
  - Modification of worksites and environment, and restructuring job tasks
  - Resolution of problems of job adjustment related to disability
  - Career development planning
  - Orientation/sensitivity training for supervisors and coworkers of employees with disabilities
  - Certification of applicants with severe disabilities for appointment

f. Reasonable Accommodation

1. General Information

According to VA Directive 5975, a reasonable accommodation is defined as: "Any modification or adjustment to the work environment, or to the manner or circumstances under which work is customarily performed, that enables a qualified individual with a disability to perform the essential functions of a position or enjoy equal benefits and privileges of employment as are enjoyed by similarly situated individuals without a disability." The Americans with Disabilities Act (ADA) requires reasonable accommodation in three aspects of employment:

- Equal opportunity in the application process
- Performance of the essential functions of a job by a qualified individual with a disability

- Enjoyment of equal benefits and privileges of employment by an employee with a disability

A federal agency must make reasonable accommodation to the known physical, cognitive and psychological limitations of a qualified applicant or employee unless the agency can show that the accommodation would impose an undue hardship on its operations.

## 2. Types of Reasonable Accommodation

There are many types of reasonable accommodations, including:

- Making facilities accessible to and usable by individuals with disabilities
- Restructuring job duties
- Modifying work schedules
- Adjusting or modifying examinations
- Acquiring assistive technology or modifying equipment or devices

## 3. References

For more information on reasonable accommodation, see:

- VA Handbook 5975.1; EO 13164
- EEOC Guidance on Reasonable Accommodation at [www.eeoc.gov/laws/guidance/enforcement\\_guidance.cfm](http://www.eeoc.gov/laws/guidance/enforcement_guidance.cfm)
- Rehabilitation Act of 1973, as Amended
- Americans with Disabilities Amendments Act
- Job Accommodation Network, a service of the Office of Disability Employment Policy at [www.askjan.org](http://www.askjan.org)

### g. Section 508 of the Rehabilitation Act of 1973, as Amended

#### 1. General Information

29 U.S.C. 794d, 508 requires federal agencies to procure, use, maintain and develop accessible electronic and information technology, unless

doing so imposes an undue burden. Section 508 was enacted to eliminate barriers in information technology to make available new opportunities for individuals with disabilities and encourage the development of technologies that will help achieve these goals. One resource that assists in this effort is the Architectural and Transportation Barriers Compliance Board (the Access Board).

2. Requirements

Section 508 requires agencies to provide federal employees with disabilities access to information and data that is comparable to the access provided to federal employees without disabilities. National security systems are exempt.

3. Responsibilities

VR&E must ensure information provided to employees, applicants and Veterans with disabilities is accessible and compliant with the laws and regulations that govern Section 508. This includes marketing items such as brochures, videos and websites. VRCs and ECs must ask the Veterans they serve what format of information is best for them or assist them in determining that need and provide the necessary format.

4. Computer/Electronic Accommodations Program (CAP)

CAP, a Department of Defense program, provides assistive technology and services to federal employees, including Veterans, with disabilities. CAP provides necessary accommodations at no cost to federal agencies.

5. References

For more information on Section 508 and CAP, visit:

[www.section508.gov](http://www.section508.gov)

[www.section508.va.gov](http://www.section508.va.gov)

[www.tricare.mil/cap/disabilities](http://www.tricare.mil/cap/disabilities)

h. Special Emphasis Programs (SEPs)

1. General Information

ODMEEEO has responsibility for Special Emphasis Programs (SEPs). SEPs and related special observances are designed to increase awareness of diverse groups. SEPs are focused on issues such as eliminating employment barriers and discriminatory practices, decreasing underrepresentation and improving cross-cultural awareness.

For each SEP, there is a Special Emphasis Program Manager (SEPM). SEPMs are required at each VA field facility. Participation in any of the SEPs shall be open to all employees.

## 2. People with Disabilities Program

One of the SEPs required by regulation is the People with Disabilities Program (PWDP). The coordinator of this SEP is the Disability Program Manager (DPM).

The PWDP is a resource to assist VR&E in marketing and educating managers and employees on the VR&E program. The VR&E Officer shall designate a representative to assist in the following activities:

- Collaborate and coordinate with the DPM on various programs and resources, such as reasonable accommodation, to increase recruitment and employment opportunities for Veterans with disabilities
- Serve on the PWDP committee and appropriate subcommittees