

GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

HRM 9302.1B
July 8, 2024

GSA ORDER

SUBJECT: Employment in the Excepted Service

1. Purpose. This Order issues and transmits General Services Administration (GSA) policy and procedures governing employment in the excepted service. It establishes the framework for GSA appointments in the excepted service. It authorizes GSA to make appointments in the excepted service and establishes GSA's plan for filling excepted service positions in accordance with Title 5, United States Code, Section 3320 and the Code of Federal Regulations 5 CFR 302.

2. Background. Under 5 CFR 302.301, agencies must establish rules for accepting applications for employment in positions in the excepted service. Covered positions are those in the Executive Branch of the Federal Government that are not in the competitive service and that are subject to Title 5, United States Code, or subject to a statutory requirement to follow the veterans' preference provisions of Title 5.

3. Scope and Applicability.

a. This Order applies to all appointments to positions in the excepted service under Schedule A, B, C, or D, as identified by the Office of Personnel Management (OPM) in 5 CFR Part 213. This Order does not apply to positions exempted from the 5 CFR 302 appointment procedures by 5 CFR 302.101(c)(1) – (11). It does not cover appointments requiring confirmation by or to be made with the advice and consent of the Senate in accordance with 5 CFR 302.101(b). Where topics are not specifically addressed, the provisions of 5 CFR 302 govern appointments to the excepted service at GSA. **See Section 11 for a specific list of covered hiring authorities.**

b. The Office of Inspector General (OIG) has independent personnel authority. See Section 6 of the Inspector General Act of 1978, (5 U.S.C. App.3), as amended (Inspector General is authorized "to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General") and GSA Order ADM 5450.39D CHGE 1, GSA Delegations of Authority Manual (Delegations Manual), Chapter 2, Part 1 ("the Inspector General has independent authority to formulate policies and make determinations concerning human capital issues within the [OIG]" and GSA determinations/delegations

do not limit that authority). Similarly, GSA specifically recognizes that the Inspector General has independent authority to formulate policies and make determinations concerning training, employee development, and career management.

4. Cancellation. This directive cancels and supersedes HRM 9302.1A, Employment in the Excepted Service, dated January 5, 2023.

5. Revisions.

- a. Amended Section 6 a.(1) to clarify that a “searchable” USAJOBS job announcement is optional when posting job opportunities.
- b. Added Section 6 a.(2) to state that a searchable USAJOBS posting or custom job link is required as all resume intake for job postings will be through USAJOBS.
- c. Amended Section 6 g. to clarify that resumes and applications will be accepted according to procedures outlined in Section 6 a.(2).
- d. Added clarification to Section 11 b. that 5 CFR 213.3102 (r) appointments may only be used where specific skill sets are required and work assignments do not fall within the scope of regular work performed within GSA.
- e. Amended Appendix C to remove the reference to the GS-0301 series and replaced it with “series vary unless restricted by rule or regulation.”
- f. Amended Appendix C to replace specific position titles for 5 CFR 213.3102 (r) appointments with “Titles vary.”

6. Labor Organizations. Implementation of this Order as it affects employees represented by a labor organization is contingent upon meeting and completion of related labor relations obligations.

7. Signature.

/S/_____
ARRON HELM
Chief Human Capital Officer
Office of Human Resources Management

HRM 9302.1B Employment in the Excepted Service

Table of Contents

<u>Section</u>	<u>Page</u>
1. Introduction	1
2. References	1
3. Definitions	1
4. Responsibilities	3
5. General Provisions	4
6. Identifying Applicants	4
7. Eligibility and Qualifications Requirements	7
8. Evaluation and Consideration of Applicants	7
9. Selection and Appointment	9
10. Time-in-Grade Requirements	10
11. Hiring Authorities	10
12. Forms	15
13. Documentation and Recordkeeping	15
Appendix A. Excepted Service Appointment Recruitment Case Files	A-1
Appendix B. Notification and Acknowledgement of Appointment of Competitive Service Employees to a Position in the Excepted Service	B-1
Appendix C. Excepted Service Appointing Authorities Chart	D-1

Employment in the Excepted Service

1. Introduction. It is the policy of GSA to provide equal opportunity in employment for all persons, without discrimination because of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information. Advocacy for appointment, employment, promotion, and advancement of relatives is prohibited. This Order applies to the excepted service to ensure recruitment through a variety of sources in order to attract a sufficient pool of qualified applicants, and to ensure fairness and objectivity in employment processes.

The excepted service includes all positions in the Executive Branch excluded from the competitive service by statute, executive order, or OPM action. OPM exclusions are divided into Schedules A, B, C, and D. Requests to establish, modify, extend, or abolish excepted service appointing authorities must be made to OPM through the Office of Human Resources Management (OHRM).

2. References.

- Title 5 USC, Chapter 21, Section 2103, Excepted Service
- Title 5 USC, Chapter 31, Section 3109, Employment of Experts and Consultants; temporary or intermittent.
- Title 5 USC, Chapter 33, 3308 – 3318, Examination, Selection, and Placement
- Title 5 CFR Part 213, Excepted Service
- Title 5 CFR Part 302, Employment in the Excepted Service
- Title 5 CFR Part 304, Expert and Consultant Appointments
- Title 5 CFR Part 307, Veterans Recruitment Appointments
- Title 5 USC, Chapter 75, Section 7511, Definitions; applications

3. Definitions. Sourced from OPM Delegated Examining Operations Handbook (DEOH); Guide to Processing Personnel Actions (GPPA) Ch. 11.

a. ***Person entitled to priority consideration*** is a person who was furloughed or separated without misconduct, from a position without time limit, because of a compensable injury and whose recovery takes longer than 1 year from the date compensation began.

b. ***Career ladder*** is the normal grade progression through which employees advance to reach the full-performance level (top grade of the career ladder) of a particular occupation, when the employee meets all requirements. A career ladder consists of grades ranging from the lowest level at which an employee can be hired, to the journeyman level grade, also known as the full performance level.

Candidates may be selected for any grade within the ladder for which they qualify and then be promoted progressively to the full performance level without further competition.

c. **Consultant** is a person who can provide valuable and pertinent advice generally drawn from a high degree of broad administrative, professional, or technical knowledge or experience. When an agency requires public advisory participation, a consultant also may be a person who is affected by a particular program and can provide useful views from personal experience.

d. **Consultant position** is one that requires providing advice, views, opinions, alternatives, or recommendations on a temporary and/or intermittent basis on issues, problems, or questions presented by a Federal official.

e. **Expert** is a person who is specially qualified by education and experience to perform difficult and challenging tasks in a particular field beyond the usual range of achievement of competent persons in that field. An expert is regarded by other persons in the field as an authority or practitioner of unusual competence and skill in a professional, scientific, technical or other activity.

f. **Expert position** is one that requires the services of a specialist with skills superior to those of others in the same profession, occupation, or activity to perform work on a temporary and/or intermittent basis assigned by a Federal official.

g. **Mission Critical Occupation (MCO)** is an occupation that is considered core to carrying out an organization's mission. Such occupations are usually directly associated with the primary mission of the organization without which mission-critical work cannot be accomplished.

h. **Non-competitive conversion** is conversion to career or career-conditional employment under special authorities covered in 5 CFR Part 315. The result of non-competitive conversion is placement in a position in the competitive service that is not made by selection from an open competitive examination, and that is usually based on current or prior Federal service

i. **Temporary appointment** is an appointment made for a limited period of time of one year or less, with a specific not-to-exceed (NTE) date determined by the authority under which the appointment is made.

j. **Trial period** is a period during which management evaluates an employee's performance and conduct to determine whether his or her continued employment is in the best interest of the agency.

k. **Public Notice** (i.e., the job opportunity announcement) explains to job seekers when, where, and how to apply for a Federal job. Public notice is required when considering applicants from outside the Federal workforce for competitive service positions lasting more than 120 days. Under 5 U.S.C. 3327 and 3330, OPM must be notified of job opportunities in the competitive service via a listing on USAJOBS.

4. Responsibilities.

a. Office of Human Resources Management (OHRM). OHRM is responsible for the overall administration and management of GSA's excepted service employment programs. OHRM will:

(1) Develop policy governing the implementation and administration of excepted service employment at GSA;

(2) Provide program direction to GSA servicing Human Resources offices;

(3) Provide program oversight and ensure that all managers and supervisors are aware of the program's requirements and carry out their responsibilities related to the program and participants within their organizations;

(4) Monitor and assess excepted service operations, by conducting periodic program assessments and report results to the OPM, as required.

(5) Advise and assist hiring officials in employing candidates to positions in the excepted service in accordance with this policy and relevant regulations.

(6) Establish and maintain recruitment case files in accordance with this policy.

(7) Approve requests to pass over veterans for all categories of veterans excluding CPS (30 Percent Compensable Disability Preference based on a service-connected disability of 30% or more).

(8) Approve requests for appointments of non-citizens to positions in the excepted service when qualified citizens are not available.

b. GSA Heads of Services and Staff Offices will:

(1) Conduct workforce planning and analysis in partnership with OHRM to identify required skill sets, positions, and appointment types necessary to accomplish mission goals and objectives.

(2) Establish internal procedures as needed to ensure equal opportunity for all in the appointment and placement of employees in the excepted service.

(3) Submit written requests to pass over veterans to select a non-veteran in accordance with GSA policy.

(4) Submit written requests to appoint non-citizens in an excepted service position when extensive efforts to recruit qualified U.S. citizens have been unsuccessful. The request must be submitted to the Chief Human Capital Officer (CHCO) for

authorization and must include evidence of actions taken to recruit candidates and document the results of those efforts.

5. General provisions. Appointment to each vacancy in the excepted service will be based solely on job-related criteria and qualifications for the position without regard to race, color, religion, sex, age (with authorized exceptions as described under 5 U.S.C 3307), national origin, marital status, political affiliation or disability or any other non-merit factor, and will be made in accordance with sections 3308 – 3318 of Title 5 of the United States Code regarding minimum educational requirements and consideration and selection of preference eligibles.

6. Identifying applicants.

a. Generally, statutory “public notice” requirements under 5 U.S.C. 3327 and 5 U.S.C. 3330 do not apply when filling positions using excepted appointment authorities. OPM may identify hiring authorities that are subject to public notice requirements or posting on USAJOBS. Refer to applicable regulations and GSA Orders for guidance on publicizing employment opportunities under specific hiring authorities (e.g. Pathways Program - see 11(d)).

(1) For excepted service hiring authorities covered by this directive, notice of employment opportunities will be published to allow for a diverse, highly qualified applicant pool. Job opportunities may be advertised through various means, including posting a searchable job opportunity announcement (JOA) on USAJOBS; postings on professional association websites or career websites; recruitment fliers; newspaper and periodical publications distributed in applicant rich population centers; career fairs; or other means consistent with merit system principles. While a posted searchable JOA on USAJOBS is not required per se, a job notice advertising the vacancy must be posted in a manner to attract a diverse high quality applicant pool. The Veterans’ Recruitment Appointment (VRA) authority is not subject to job posting requirements.

(2) All applications must be submitted via USAJOBS. In lieu of a searchable JOA on USAJOBS, a custom USAJOBS job announcement link will be included in any non-USAJOBS postings or advertisements to allow candidates the opportunity to apply.

(3) Appropriate candidate sourcing will be determined by the hiring official in conjunction with the servicing Human Resources (HR) office, considering the organizational priorities and objectives; workforce goals; and labor market trends. Recruitment efforts should be sufficiently broad to ensure equal opportunity and to reach a diverse, high quality applicant pool from which to select.

b. All criteria used to assess applicants must be linked to position requirements. A job analysis clearly identifying the link between the major tasks of the position and any competencies required to perform those tasks and any associated assessments must be completed as elements of the recruitment plan prior to publishing notice of the opportunity. One or more assessment tools (e.g. occupational questionnaire) may be

used in conjunction with the job analysis. Additionally, a multiple hurdle approach may be utilized to better distinguish the best qualified candidates.

c. The servicing HR office will consult with the hiring official to determine competencies required for the position. The servicing HR office will issue the appropriate notice or announcement to advertise the employment opportunity, and ensure that all required information is included and appropriate procedures are followed for issuing the notice.

d. In an effort to attract a sufficiently broad and diverse high quality talent pool, and ensure all eligible, interested candidates have an opportunity to become aware of and apply for GSA opportunities, positions should be published for a minimum of 5 business days. Notice periods of fewer than 5 business days must be documented in the case file to show the rationale for using a shorter notice period.

e. Vacancy application procedures must clearly inform potential applicants of critical information necessary to put forward the best application package. At a minimum, the posting should include:

- (1) A brief description of job responsibilities.
- (2) The pay plan, occupational series, grade(s), pay range, and position title.
- (3) An organizational and geographic duty location.
- (4) A statement of who may apply.
- (5) A statement that the position is in the excepted service.
- (6) The minimum qualifications required.
- (7) The criteria against which applications will be evaluated.
- (8) A statement notifying applicants how veterans' preference will be applied.
- (9) An EEO/diversity statement.
- (10) A reasonable accommodation statement. See also section 13 (f) below.
- (11) The conditions of employment (e.g., trial period, mobility program requirements, security clearances, travel, etc.).
- (12) Application documentation and procedures, including the preferred means of contact, any required documents, whether the advertisement has a specific closing date, is open-continuous, or other due date for applying.

(13) A statement of any incentives or entitlements for which the applicant may be considered.

f. In accordance with section 6(e)(10) of this policy, when a notice or announcement is issued to fill a position in the excepted service, the notice or announcement must contain a “reasonable accommodation statement” as required by 5 CFR 302.106. The HR Specialists will coordinate with the Disability Employment Program Manager or Employee Relations Specialist who will work with the individual to identify and clarify the request for reasonable accommodation and arrange for the appropriate accommodation. The following statement may be included in the notice or announcement:

“This agency provides reasonable accommodation to applicants with disabilities where appropriate. If you need a reasonable accommodation for any part of the application and hiring process, please notify the HR specialist identified in the announcement. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.”

g. Applications or resumes may be submitted in response to recruitment activities such as in-person events or targeted recruitment (e.g., attendance at job fairs, college visits, advertising in newspapers, professional journals, or private on-line job postings). However, applicants must be provided with information regarding current employment opportunities and application procedures in accordance with Section 6.a.(2) above.

h. Applicants will be required to submit applications or resumes in response to individual job opportunity announcements for excepted service positions posted under public notice requirements.

i. All candidates must meet minimum qualifications and eligibility requirements, and any positive education requirements, and selective factors identified for the position. Candidates must also submit all documentation identified as required in order to substantiate eligibility for the hiring authority under which they are applying (e.g., DD214 - Member copy 4; Veteran’s Administration (VA) Letter; SF-15 Application for 10 PT Veteran Preference, etc.).

j. Provisions of the Interagency Career Transition Assistance Plan and the Career Transition Assistance Program do not apply.

k. If a current competitive service employee is selected for a position in the excepted service, the servicing HR office must:

(1) Inform the employee in writing or via email that, because the position is in the excepted service, it may not be filled by a competitive appointment, and that acceptance of the proposed appointment will take him or her out of the competitive service while occupying the position; and

(2) Obtain a statement in writing or via email from the employee affirming his or her understanding that he or she is voluntarily leaving the competitive service to accept an appointment in the excepted service. Suggested wording can be found in Appendix B.

7. Eligibility and qualifications requirements.

a. Citizenship. Applicants must be U.S. citizens or nationals to be eligible for employment in the excepted service within GSA organizations. Non-U.S. citizens may be considered when recruitment efforts for difficult to fill positions or positions with highly specialized experience and skills requirements do not yield sufficient pools of quality candidates who are U.S. citizens, provided the individual is lawfully admitted to the United States as a permanent resident or is otherwise authorized to be employed. Justification for such an appointment must be fully documented and must be approved by the CHCO. Justification must include a description of the impact of the position on mission goals of the organization; results of recent recruitment and outreach efforts; data showing the availability and quality of candidates; and expected results of successful employment. Approved justifications and documentation supporting recruitment efforts and results must be maintained in the case file.

b. Qualifications. Applicants must meet all eligibility and qualification requirements for the position being filled, including U.S. citizenship; general and/or specialized experience as defined by the OPM or by the agency for positions not covered in OPM's qualification standards; any positive education requirements; and selective placement factors identified for the position; and any special conditions of employment associated with the position. Additionally, applicants must submit appropriate documentation to substantiate eligibility for appointment.

c. Test requirements. OPM's Delegated Examining Operations Handbook (DEOH) allows agencies to use an OPM-developed assessment instrument or develop their own assessments. GSA uses the Administrative Careers with America (ACWA) assessment tool for covered entry level positions identified in the DEOH. However, a valid, approved alternative to the ACWA assessment may be used when the size and scope of the recruitment effort warrants an alternative. Individuals applying under the Veterans Recruitment Appointment (VRA) authority to covered positions are exempt from the ACWA test requirement. For those individuals, employment under the VRA authority may serve as evidence of their qualifications for the position. A list of occupational series for which OPM currently requires written and/or performance tests can be found in OPM's *Operating Manual* - [Qualification Standards for General Schedule Positions](#).

8. Evaluation and consideration of applicants.

a. Servicing HR offices. These offices will perform an initial review of applications to determine applicant basic eligibility and qualifications for the position. The evaluation may involve only determination of eligibility or it may include numerical rating of

candidates. If the evaluation involves only reviewing basic eligibility, numerical scores will not be assigned and eligible candidates will be referred in accordance with the procedures described in 5 CFR 302.304 (b)(5). As required by 5 CFR 302.302(a), the office will document the evaluation method used for each action, the reason for using that method, the rating criteria, the results of the evaluation, and the outcome of each applicant (i.e., referred or not referred; selection or non-selection). For example, the HR office must document that candidates were referred by veterans' preference categories or score order, and if applicants receive a numerical score, a copy of the rating criteria used. See Section 13(b) of this Order for records retention requirements.

b. Numeric method. When a numeric rating method is used, eligible applicants will be assigned a score of 70 to 100 points based on evaluation of their responses to the vacancy questionnaire and information on resumes/applications compared to the rating schedule/crediting plan developed for the vacancy. Each applicant scoring at least 70 points will be rated "eligible" for the position and will be eligible for evaluation against subsequent assessments (hurdles) associated with the position. Applicants entitled to veterans' preference will have their score augmented by 0, 5, or 10 points, as appropriate. When a numeric rating method is used, candidates are referred for consideration in accordance with 5 CFR 302.304(b)(1), 5 CFR 302.304(b)(2), or 5 CFR 302.304(b)(3).

c. Unranked method. When evaluation involves a determination of basic eligibility and minimum qualifications only, numeric scores will not be assigned, and all applicants who meet minimum qualification requirements can be referred for consideration in accordance with 5 CFR 302.304(b)(5).

d. Professional order. Applicants for professional and scientific positions at the GS-9 level and above, or equivalent, who meet minimum qualification requirements, will be referred for consideration in accordance with 5 CFR 302.304(b)(4).

e. Category rating method. The recruitment notice or job opportunity announcement must state that applicants will be evaluated by the category rating method, include the definition of categories (e.g., Best-Qualified, Well-Qualified, Qualified), and explain how applicants will be assigned to a category.

f. Subject Matter Experts (SMEs). When appropriate, SMEs may be designated to conduct evaluations of candidates' experience. An SME evaluation supplements the initial evaluation by the servicing HR office and serves to ensure candidates meet the technical requirements of the position as spelled out in the job analysis and if an assessment tool is used, the crediting plan. To serve as SME, an individual must be a bonafide SME in a field relevant to that being staffed and must hold a position at or above the grade level of the position under review. The hiring official may not serve as the SME. Refer to the [GSA Subject Matter Experts Standard Operating Procedures](#).

g. Priority Reemployment List. Candidates entitled to priority consideration will be placed on the Priority Reemployment List in accordance with 5 CFR 302.303 and will

receive priority consideration above non-priority candidates as required by 5 CFR 302.304.

9. Selection and appointment.

a. Veterans' preference. In all instances where more than one candidate is identified, selections will be made following procedures in 5 CFR 302.401, and in accordance with all guidelines governing veterans' preference, including passing over a preference eligible. Requests to pass over a veteran other than a CPS must be adjudicated and approved or disapproved by the HR Service Center Director. The rules for passing over preference eligibles with a 30 percent or more compensable service-connected disability in the excepted service are the same as those for the competitive service. To pass over a preference eligible who has a compensable service-connected disability of 30 percent or more, a passover request must be sent to OPM, following established procedures, for adjudication.

b. Trial period. Selected employees must serve a trial period upon employment in the excepted service when the appointment duration exceeds 12 months, i.e., time limited or permanent appointment. Except when a specific appointing authority requires a longer trial period, the trial period for any excepted service appointment will be for a period of two years. The trial period serves the same purpose as a probationary period in the competitive service, i.e., a period during which management evaluates an employee's performance and conduct to determine whether his or her continued employment is in the best interest of the agency. Any action undertaken in this regard should be discussed and coordinated with the servicing HR office. (Note: Certain hiring authorities may allow for a shorter trial period, if the appointing authority allows for conversion into the competitive service. The servicing HR office should refer to the appropriate regulatory guidance governing specific authorities for additional information.)

c. Appointment to a "career ladder" position. Individuals may be appointed to career ladder positions. The full performance level (FPL) of career ladder positions must be identified at the time of recruitment, and employees can be promoted non-competitively only up to the FPL of the approved career ladder. Competitive procedures must be used to promote an employee to a grade higher than the FPL, or to place an employee in a career ladder position with a higher FPL.

d. Non-competitive conversions. A person appointed to an excepted position does not acquire competitive status by reason of this appointment. However, successful completion of all requirements under certain appointing authorities allows the agency to convert the employee to the competitive service. Refer to the appropriate regulatory guidance on specific programs for additional information.

e. Temporary appointment. When an appointment is made on a temporary basis, the time limit provisions of 5 CFR 316.401 apply.

10. Time-in-grade requirements. Time-in-grade requirements do not apply to promotions within the excepted service. However, an employee must meet all qualification requirements and the employee's recent performance rating of record must be at least "fully successful," or equivalent, to receive consideration for promotion. Note that time-in-grade applies to promotions of VRA appointees.

11. Hiring Authorities. This policy covers the following authorities: (1) VRA; (2) Employment under Schedule A 213.3102(r), and (3) Employment of Experts and consultants. This list is not exhaustive.

a. Veterans' Recruitment Appointment (VRA). The VRA is an excepted appointment authority for the employment of eligible veterans without competition. Use of the VRA is discretionary, and the authority can be used to fill any grade level positions through the GS-11 and equivalent. The promotion potential of the position is not a factor. An individual may receive more than one VRA appointment as long as he or she meets the eligibility requirements at the time of appointment.

(1) Individuals eligible for a VRA appointment must have served on active duty, not active duty for training. There is no minimum service requirement. Eligibles include:

(a) Disabled veterans; or

(b) Veterans who served on active duty in the Armed Forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(c) Veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces Service Medal was awarded; or

(d) Recently separated veterans.

(2) VRA eligibility must be substantiated by the DD-214, Member copy 4 (Certificate of Release or Discharge from Active Duty), the SF-15 (Application for 10-point Veterans' Preference) with appropriate supporting documentation, or a certification letter from the U.S. Department of Veterans Affairs. Eligible veterans must have been separated under honorable conditions (i.e., the individual must have received either an honorable or general discharge).

(3) Veterans may also be appointed to a temporary or term appointment non-competitively based on VRA eligibility. However, these types of appointments do not lead to conversion to a permanent position.

(4) Initial appointment is for a 2-year period. Upon satisfactory completion of 2 years of continuous service, the incumbent's VRA must be converted to a career or career-conditional appointment.

(5) Interested individuals may submit applications in response to published job opportunity announcements, but candidates do not have to be on a list of eligibles, i.e.,

they may submit a resume and supporting documentation substantiating eligibility for appointment under the VRA directly to the servicing HR office in the absence of a job opportunity announcement. Candidates must meet all basic qualification requirements for the position, including any education, licensure, or certification requirements, as well as any selective placement factors. When applicants are given numeric ratings, zero, five, or ten points are added, as adjudicated, to the scores of those candidates entitled to preference. If using Category Rating, veterans preference will be applied in accordance with [HRM 9337.1, Category Rating and Selection Procedures](#).

(6) Individuals selected under the VRA must participate in a training or educational program if they have less than 15 years of education. An Individual Development Plan (IDP), should be used to document planned and completed training.

b. Employment of Individuals under Schedule A 213.3102(r). The regulations in 5 CFR 213.3102(r) govern employment in positions established to support programs that operate under specific criteria developed by the agency and when there are limited applicant pools from which to select, making open competition impracticable. This authority will be used to fill positions that require skill sets that are not normally found in the agency's applicant pool. Work performed under this authority is unique and specialized and falls outside of the scope of regular agency work and project assignments. Appointments to such positions must follow the requirements described in this policy. Use of this authority within GSA will be limited to staffing technical positions that directly support programs and initiatives established by the Administration to (1) accomplish goals of the presidential management agenda; (2) fulfill Congressional mandates requiring use of the authority; or (3) accomplish agency goals and priorities of the GSA Administrator. Situations in which use of this authority may be appropriate within GSA are limited to:

- **Fellowship programs.** The term "fellowship" covers a variety of non-permanent employment situations, usually associated with specific programs that include selection criteria. Fellowships may take the form of internship or training programs that provide developmental work opportunities and learning experience to individuals who have completed their education (for instance in the area of science, engineering, architecture, etc.). Given the nature and intent of the program, the majority of these appointments should occur at the post-graduate or post-doctoral level.

- **Industry experts.** Professional/industry exchanges are intended to foster mutual understanding and cooperation between the agency and its customer group or a particular profession, or to bring experienced practitioners to the agency. Appointments made under this authority allow experienced private sector practitioners (i.e., Industry Experts) to gain a better understanding of how Federal policies are formulated and implemented. These practitioners, in turn, bring new ideas, expertise and perspectives from outside Government to agency employees. In GSA, the need for expertise might be in occupations such as information technology or in emerging disciplines. Except where established in program specific guidance, it is expected that individuals appointed under this authority

would be placed into positions at or above the GS-13 level because of the level of expertise being sought.

(1) Use of this authority is not appropriate for administrative positions, supervisory and managerial positions, and most populous occupations. The authority is not intended to be used as a substitute for the normal competitive hiring process. As these programs are intended to infuse best practices from private and non-profit sectors into the agency, positions may not be used to recruit GSA employees or contractors. GSA must adhere to all merit system principles when using this and other hiring authorities. Specific programs and initiatives for which use of this authority in employment of fellows and industry experts is approved at GSA are:

(a) **18F** – A GSA initiative established in 2014 to build easy-to-use, user-centric online services on behalf of other Federal agencies.

(b) **Presidential Innovation Fellows (PIF) Program** – The PIF program is administered as a partnership between the White House Office of Science and Technology Policy (OSTP), the Office of Management and Budget (OMB), and the General Services Administration (GSA). Established in 2012, PIF is a competitive program that pairs technologists and innovators with public servants and change-makers for no less than 6 months or more than 2 years, during which they collaborate on high-profile initiatives aimed at improving lives, saving taxpayer money, fueling job creation, and building the culture of entrepreneurship and innovation within government.

(c) **US Digital Services (USDS)** – USDS is an Office of Management and Budget (OMB) organization established by Presidential Memorandum dated May 23, 2012, to work in collaboration with other government agencies to make websites more consumer friendly, to identify and fix problems, and to help upgrade the government's technology infrastructure.

(d) **GSA Real Estate, Acquisition, Analytic, and Technology (GREAATs) Fellowship Program** – Established in 2014, the goal of the program and initiative is to re-engineer, optimize, and implement process improvement strategies in Federal agencies based on proven models from the private and non-profit sectors. The use of this authority is limited to 50 specific positions for persons with unique qualifications in an area of expertise determined appropriate under this appointing authority.

(2) Assignments to a position under the Schedule A 5 CFR § 213.3102(r) authority are intended to execute the mission related goals and objectives of a specific short-term project or initiative. As such, appointments are time-limited, and may not exceed 4 years. Appointments will be made for an initial period of 6 months to 2 years, dependent upon the formally documented project staffing requirements, the projected project completion date, and the specific Schedule A employment program. The initiative or project status must be evaluated no less than 3 months prior to the appointment expiration date to determine whether a

continuing need exists. Based on a written determination that the need for the position and project for which the appointee was hired continues, the appointment may be extended in 1-year increments up to the 4-year limit. To receive consideration for additional projects after termination of an assigned project, applicants must reapply to the agency. Appointments cannot be further extended once the 4-year limit is reached.

(3) The 4-year time limit is an aggregate of all appointments under this authority. When the 4-year time limit has not been met, successive assignments without a break of at least 60 calendar days will be regarded as continuous service in accordance with 5 CFR 334.104.

(4) Upon the termination or completion of the project that served as the basis for the excepted appointment, the employee's appointment will be terminated via a Personnel Action Request (SF-52).

(5) Appointments under this authority do not confer eligibility for conversion to permanent employment or competitive service.

(6) Employees appointed on a time-limited appointment under this authority are placed in tenure group 3. Employees placed on a temporary appointment are placed in tenure group 0.

c. Experts and Consultants. Experts and consultants may be appointed under 5 U.S.C. 3109. Appointment of experts and consultants under 5 U.S.C. 3109, can serve as an economical way to improve government services and operations. In alignment with the statutory authority for these appointments, experts and consultants may be properly appointed at GSA into mission related programs, projects, or initiatives on a temporary or intermittent basis to provide specialized opinions and advice unavailable in GSA or other federal agencies. Additionally, experts and consultants may not be appointed to do work that is continuous and the responsibility of regular federal employees. 5 CFR 304 further defines appropriate uses of this authority. Regulations found in 5 CFR 304 outline requirements for making Expert and Consultant Appointments, including determining rate of pay, defining inappropriate use of this appointing authority and identifying reporting requirements. 5 CFR 304.103 excepts such appointments from competitive examination, position classification, and General Schedule pay rates.

(1) Interested individuals may submit employment applications in response to published job opportunity announcements, an applicant supply file, or other solicitation consistent with this policy. Incentives such as student loan repayment, recruitment incentive, retention incentive, and relocation incentive cannot be extended to individuals appointed under this appointing authority.

(2) While 5 CFR 304.103 exempts such appointments from competitive examination, position classification and GS pay rates, GSA will use OPM's qualification standards to assess candidate qualifications to perform specific duties and federal

classification standards to determine appropriate grade level and associated pay. The qualifications of the person selected must be documented in writing and retained in the individual's electronic Official Personnel Folder (eOPF).

(3) This authority allows for the employment of individuals who have exceptional expertise that meets a specific need of the agency. Because of the level of expertise inherent in the requirements, appointments using this authority at GSA will be made at no lower than the equivalence of the GS-13 grade level, and will predominantly be at the GS-14 and GS-15 grade levels. It is especially important when appointments are made to acquire the expertise of an expert or consultant that justification supporting the appointment show evidence of an exceptional degree of difficulty and responsibility in the position for which hired, and that the individual is truly recognized as an expert with such responsibilities as presenting papers before public or private organizations, testifying before committees, answering questions directed only to him or her because he or she is recognized as an expert in his field, serving on committees studying problems in the field. Due to the nature of the appointment, i.e., to acquire the expertise of an industry expert, it is not appropriate to assign additional managerial or supervisory work (although an expert may act as team leader or director of the specific project for which he or she is hired). Performance of such additional duties would obviate the employee's ability to perform duties as an expert or consultant in the program or function for which hired. An individual appointed as expert or consultant is considered to possess the level of expertise on which the appointment was based, and therefore, there is no promotion potential.

(4) An expert or consultant who works on a strictly intermittent basis may be given an appointment without a time limit. All other appointments of experts and consultants must be temporary. In accordance with 5 CFR 304.103(c)(1), an agency may employ an expert or consultant who works on a full-time basis for a maximum of 2 years—i.e., on an initial appointment not to exceed 1 year and a reappointment not to exceed 1 additional year.

(5) Upon the termination or completion of the project that served as the basis for the excepted appointment, the employee's appointment will be terminated via a formal Request for Personnel Action (RPA).

(6) Appointments under this authority do not confer eligibility for conversion to permanent employment or competitive service.

(7) Employees appointed on an intermittent basis are placed in tenure group 3. Employees placed on a temporary appointment are placed in tenure group 0.

(8) This appointing authority should be rarely used. Appointments made under this authority must be approved in advance by the Human Resources Service Center Director based on evaluation of a written justification submitted by the requesting office. The justification must address the following criteria:

- (a) The nature and requirements of the hiring situation and the special need of the agency;
- (b) Why is it impracticable to use normal competitive procedures (i.e., why the pool of qualified candidates is severely restricted);
- (c) Special skills required by the position;
- (d) What specific skills the identified candidates bring to the position;
- (e) The benefits GSA would gain by the appointment; and
- (f) How successful achievement of the purpose will be measured.

d. Other Excepted Service Authorities. Agency policy governing the GSA Pathways Program and the Schedule A Hiring of People with Disabilities are not covered by this policy.

(1) Agency policy regarding Schedule D appointments under GSA's Pathways Programs is found in [GSA Order 9362.1 HRM GSA's Pathways Programs](#).

(2) Agency policy regarding Schedule A, Appointment of Persons with Intellectual Disabilities, Severe Physical Disabilities, or Psychiatric Disabilities is found in [GSA Order HRM 9720.1, Using Schedule A to Hire Candidates with Disabilities](#).

12. Forms. An excepted service recruitment checklist and sample excepted service appointment acknowledgment letter can be found at Appendix A and Appendix B.

13. Documentation and recordkeeping. Excepted service recruitment records are subject to the retention and disposition provisions of 36 CFR 1220.

a. Servicing HR offices will establish and maintain records (i.e., recruitment case files) of each selection made for positions under an excepted service appointing authority. The records must contain sufficient information to allow reconstruction of the selection. At a minimum, case files will contain documentation of the recruitment efforts conducted; the applications submitted; the request(s) to fill positions; justification to use a particular hiring authority (if required); copies of the position description(s); the minimum qualification requirements; justification for any selective placement factor(s); evaluation criteria (if applicable); job analysis evidence; rating schedule/crediting plan (if applicable) qualifications determinations; SME panel information (if applicable); applicants' ratings; veterans' preference adjudications; any worksheets or notes; certificates of referral; objection/pass over requests; declinations; and selections.

b. Records retention requirements for appointments to the excepted service are the same as those defined in OPM's DEOH, Appendix C. The records and documentation for excepted service employment will be maintained for a minimum of 3 years. However, records may not be destroyed pending the final resolution of a

grievance, appeal, discrimination complaint, or civil action. These records must include the documentation listed in section 11(a) of this policy. This documentation will be made available for review upon request by authorized GSA agency officials (e.g., as part of Human Capital Independent Audit Program evaluations and program assessments) or be provided in response to special requests from OPM or other oversight agency (Office of Inspector General (OIG), Government Accounting Office (GAO)).

Appendix A. Checklist: Excepted Service Appointment Recruitment Case Files

All recruitment activities (hiring actions) in the excepted service must be readily reconstructed. The following information, records and documents, and a completed checklist must be maintained in all case files for positions identified as covered by this policy.

Position Title, Series, Grade: _____

Organization: _____

Recruitment Authority: _____

- 1. How applications were obtained, including any recruitment that was used.
Describe recruitment activities, e.g., job fairs, job posting on websites, newspapers and/or professional journals.
- 2. Who applied – applicant list.
- 3. How minimum qualifications were determined, i.e., documentation of qualifications standards and any selective factors used.
- 4. How veterans' preference was applied. Were applicants scores augmented by veterans' preference points or were applicants "unranked" and referred by veterans' preference categories?
- 5. How applicants were ranked for referral (were numerical scores given), or were all applicants meeting minimum qualifications referred for consideration? If the evaluation involves only basic eligibility and minimum qualifications, numerical scores will not be assigned, and eligible candidates will be referred in accordance with the procedures described in paragraph (b)(5) of Sec. 302.304.
- 6. Applications and supporting materials (e.g., transcripts or DD214, SF-15, as necessary)

- 7. Other documentation appropriate or pertinent in a case, e.g., veterans' preference adjudications, objections and/or pass-overs and any candidate declinations.

Appendix B. Notification and Acknowledgement of Appointment of Competitive Service Employees to a Position in the Excepted Service

Notification to employee:

This document notifies you that you are accepting an appointment to the position of (position title, pay plan, series, grade)_____ in the excepted service. In accordance with 5 CFR 302.102 you are advised that (a) this position is in the excepted service and cannot be filled by competitive appointment, and (b) that your acceptance of the excepted appointment will result in you leaving the competitive service. In relinquishing your competitive service position to accept a position in the excepted service, you may be subject to new requirements including serving a trial period as well as changes to your tenure group and Reduction-in Force (RIF) retention standing. Additionally, to receive consideration for positions in the competitive service within GSA, you must apply for job opportunities through the GSA Delegated Examining or Merit Promotion Program and meet all requirements for reinstatement. You must submit written evidence clearly indicating that you voluntarily relinquish your competitive service position. Attached is a statement that you may use for this purpose.

Signature: (HR Specialist) _____
Date: _____

Acknowledgement from employee:

I have been advised in writing of the provision of 5 CFR 302.102. This statement acknowledges that I voluntarily relinquish the position I currently hold in the competitive service, and accept the position of (position title, pay plan, series, grade)_____ in the excepted service with the General Services Administration.

Signature: (Employee/Selectee) _____
Date: _____

Appendix C. Excepted Service Appointing Authorities

As of July 2022

All hiring activities will be conducted in alignment with Merit System Principles, veterans programs requirements, Equal Opportunity and pertinent laws, rules, regulations and policies. Please note that the below listing is not all inclusive and includes excepted service hiring authorities covered in this GSA order.

Hiring Authority	Description	Legal Authority	Title(s)	Series & Grades	ACWA	Job Posting	Veterans Preference	Misc.
Veterans Recruitment Appointment (VRA)	Allows agencies to appoint eligible veterans without competition to positions at any grade level up to GS-11 or equivalent. Eligibility • Disabled veteran; or • Served on active duty during a war declared by Congress or in a campaign for which a campaign badge is authorized; or • Awarded an Armed Forces Service Medal; or • Separated from active duty within the past 3 years; and • Separated under honorable discharge	5 CFR 307	All positions	All series, up to GS-11	N/A	May apply via JOA or may apply directly to the agency to be considered noncompetitively.	VP applies when more than one application is received.	Used to initially fill positions up to the GS-11 level. Initial appointment cannot be made above the GS-11 level. However, the position may have promotion potential beyond the GS-11 level. Training required if selectee has less than 15 yrs. of education. After 2 years of satisfactory service, the agency may convert, without competition, to the competitive service.
Industry Experts (Schedule A) Also known as Industry Hires	Allows agencies to bring experienced private sector practitioners to their agencies. Operates under the specific criteria outlined by the agency and/or non-federal organization. • Positions are typically related to digital or emerging technology at the GS-13 and above • Cannot be administrative, supervisor or managerial positions	5 CFR 213.3102 (r)	Titles vary	Series vary unless restricted by rule or regulation GS-13 to GS-15	N/A	Notice of employment opportunity must be published	GSA Policy: VP applies when more than one application is received.	No conversion to competitive service. Appointments are time-limited and cannot exceed 4 yrs. Includes hiring programs such as USDS & 18F (below).

Hiring Authority	Description	Legal Authority	Title(s)	Series & Grades	ACWA	Job Posting	Veterans Preference	Misc.
Experts and Consultants	Allows for the employment of individuals who have exceptional expertise that meet a specific need of the agency. - For limited use only in rare circumstances - Requires justification and advance approval by the HR Director. - Cannot be full time, continuous or same as work done by federal employees	5 CFR 304.103	Titles vary	Series vary GS-13 to GS-15	N/A	Notice of employment opportunity must be published	GSA Policy: VP applies when more than one application is received.	Typically at GS-14 or 15 grade level. No lower than GS-13. Temporary or intermittent basis No conversion to competitive service.
18F	Private sector technology innovators improving digital interface with public. Deployed on a fee for service basis to other agencies. Initial appointment maximum of 2 years. Additional extensions in 1 year increments contingent on project duration. Maximum total appointment length: 4 years. Not appropriate for Administrative, Supervisory, or Managerial positions.	Schedule A 213.3102 (r)	Titles vary	Series vary unless restricted by rule or regulation GS-13 to GS-15	N/A	Notice of employment opportunity must be published	GSA Policy: VP applies when more than one application is received.	Pilot continues until long term viability decision is reached. For use in TTS
US Digital Services	Private sector technology innovators improving digital interface with public. Deployed on a fee for service basis to other agencies. Initial appointment maximum of 2 years. Additional extensions in 1-year increments, contingent on project duration. Maximum total appointment length: 4 years. Use of this authority is not appropriate for Administrative, Supervisory and Managerial positions	Schedule A 213.3102 (r)	Titles vary	Series vary unless restricted by rule or regulation GS-13 to GS-15	N/A	Notice of employment opportunity must be published	GSA Policy: VP applies when more than one application is received.	Pilot continues until long term viability decision is reached. For use in TTS
Presidential Innovation Fellows	Fellowship Program. Selectees are detailed to agencies on a reimbursable basis to work on OSTP approved projects. Candidates are identified through public announcement. Appointment duration: no less than 6 months or more than 2 years.	Schedule A 213.3102 (r)	Titles vary	Series vary unless restricted by rule or regulation GS-15	N/A	Notice of employment opportunity must be published	GSA Policy: VP applies when more than one application is received.	No expiration on use; EO dated 08/17/2015. For use in TTS

Hiring Authority	Description	Legal Authority	Title(s)	Series & Grades	ACWA	Job Posting	Veterans Preference	Misc.
GSA Real Estate, Acquisition, Analytical, Technology Services	Program provides dedicated support to federal agencies through partnerships designed to increase effectiveness in solving evolving policy and innovation challenges in the areas of real estate, technology, acquisition, and analytics. Initial appointment maximum 2 years. Additional extensions in 1-year increments, contingent on project duration. Maximum total appointment length: 4 years. Use of this authority is not appropriate for Administrative, Supervisory and Managerial positions, or most populous occupations.	Schedule A 213.3102 (r)	All positions will be classified in the appropriate occupational series following OPM guidelines in the Handbook of Occupational Groups and Families and The Introduction to Position Classification.	Series vary unless restricted by rule or regulation GS-13 to GS-15	N/A	Notice of employment opportunity must be published	GSA Policy: VP applies when more than one application is received.	No expiration on use. Program cap of 50 positions total. All GSA Services and Staff Offices except OIG may use as long as position meets program criteria.