



DEPARTMENT OF VETERANS AFFAIRS
DEPUTY ASSISTANT SECRETARY FOR
HUMAN RESOURCES MANAGEMENT
WASHINGTON DC 20420

JAN 26 2017

HUMAN RESOURCES MANAGEMENT LETTER NO. 05-17-02

Federal Hiring Freeze

1. Purpose. The purpose of this Human Resources Management Letter (HRML) is to provide initial guidance regarding the Presidential Memorandum (PM) entitled, Hiring Freeze, dated January 23, 2017, and Office of Management and Budget (OMB) Memorandum M-17-17 entitled, Immediate Actions and Initial Guidance for Federal Civilian Hiring Freeze, dated January 25, 2017.

This is the first of what is anticipated to be several issuances of Department of Veterans Affairs (VA) human resources guidance to ensure consistent implementation of the PM and related OMB and Office of Personnel Management instructions across VA.

2. Background. The PM directs that, except in limited circumstances, "no vacant positions existing [in Executive departments and agencies] at noon on January 22, 2017, may be filled and no new positions may be created." OMB Memorandum M-17-17 further clarifies that "Executive departments and agencies should not make any new offers of employment." The Secretary of Veterans Affairs, as the head of the Department, may make limited exemptions to the hiring freeze as stated by the PM if deemed "necessary to meet national security or public safety responsibilities." Subject to the Inspector General Act of 1978, as amended, the VA Inspector General shall issue implementation guidance with regard to this matter for the Office of Inspector General.

3. Implementing Instructions.

No vacant positions existing in VA on January 22, 2017, may be filled and no new positions may be created unless one of the exceptions below apply:

Exceptions:

a. An individual who received a job offer/appointment from a human resources representative prior to January 22, 2017, and who received documentation that specifies a confirmed start date on or before February 22, 2017, should report to work on that start date.

b. An individual who received a tentative job offer/appointment from a human resources representative prior to January 22, 2017, and who received documentation from a human resources representative that specifies a confirmed start date after February 22, 2017, (or does not have a confirmed start date) must have their offer/appointment approved by the Secretary before entry on duty is authorized.

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c. Individuals who do not have their offer/appointment approved by the Secretary will have their offer/appointment rescinded. See attached template memorandum for withdrawal of employment offers. Before approving or rescinding an offer/appointment, the Secretary must review the position and should consider: (a) merit system principles, 5 U.S.C. § 2301; (b) essential mission priorities; and (c) current resources and funding levels.

4. Approval Process for Exception 3.b

a. No later than February 10, 2017, heads of each Administration or Staff Office should submit to the Assistant Secretary for Human Resources and Administration, a consolidated list (template attached) representing their organization's request along with a cover memorandum summarizing the number of job offers/appointments that should be approved by the Secretary and the number of job offers/appointments that should be rescinded. The submission must include:

1. A spreadsheet (attached) that contains critical information (job opportunity announcement number, organization name, title, series and grade of the position), along with a recommendation for either rescinding or proceeding with the offer; and

2. A cover memorandum from the head of each Administration or Staff Office that contains the following statement: "I certify that all positions in the attached spreadsheet that are being recommended to proceed with onboarding are consistent with the merit system principles, are essential mission priorities, and Administration/Staff Office resource and funding levels were taken into account when making this recommendation."

5. Other Approved Personnel Actions

a. **Detail Assignment.** Employees may be detailed temporarily to other positions at the same or lower grade at their facility, to other VA facilities or other Federal entities, in 120-day increments in accordance with VA Handbook 5005 for up to 1 year.

b. **Career Ladder Promotion.** Employees who occupy a position that allows for progression to a full performance level may be promoted.

c. **Excepted Service Appointments that confer Non-Competitive Conversion to Competitive Status.** Excepted Service employees with non-competitive conversion eligibility to competitive status may be converted. Eligible excepted service appointment authorities include Veterans Recruitment Authority, Schedule A, Pathways Program, or 30 percent or more disabled Veterans.

d. **Restorative Rights.** Employees with restorative rights as required by law (e.g., military duty, workers compensation, career transition assistance program) may be reinstated to existing positions.

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e. Reasonable Accommodation. Actions required in compliance with the Americans with Disabilities Act and the Rehabilitation Act shall proceed as required.

f. Actions Required to Comply with Law. Actions required to comply with law, including decisions or orders issued by the United States Courts, the Equal Employment Opportunity Commission, Merit Systems Protection Board, and Federal Labor Relations Authority; or grievance arbitrators, shall proceed as prescribed by the decisions or orders issued by those bodies.

6. Collective Bargaining Agreements. In addition to any procedural requirements outlined in this HRML, all applicable provisions of national and local collective bargaining agreements must be followed when addressing these actions.

7. Questions. Questions concerning this HRML may be directed to the Director for Recruitment and Placement Policy Service (059), at vatitle5staffingpoli@va.gov.



Nathan H. Maenle

Attachments:

Presidential Memorandum dated January 23, 2017
OMB Memorandum M-17-17 dated January 25, 2017
Approval Excel Spread Sheet (Sample)
Template Memorandum entitled, Withdrawal of Employment Offer