

**Department of
Veterans Affairs**

Memorandum

Date: **MAR 13 2017**

From: Secretary for Veterans Affairs (00)

Subj: Exemption to Hiring Freeze Under Presidential Memorandum dated January 23, 2017

To: Under Secretaries, Assistant Secretaries, and Other Key Officials

1. Under the authority conferred to me by subject memorandum, I am exempting certain positions from the hiring freeze because they are necessary to meet Department of Veterans Affairs (VA) public safety responsibilities. Guidance regarding Senior Executive Service (SES), Title 38 SES-Equivalent, Senior Level, and certain Executive-level Board of Veterans Appeals positions will be issued separately. This memorandum is consolidated and comprehensive guidance, thus the January 27, 2017 memorandum issued by Acting Secretary Robert Snyder is rescinded.

2. As a matter of public safety, I exempt positions in the Veterans Health Administration which provide direct patient care and positions without which patient care is jeopardized. Specific details of this exemption are provided in Attachment 1. This exemption includes a small number of positions in the Interim Staffing Program (Locum Tenens/Traveling Nurse Corps) which augment patient care during periods of staffing shortages or emergencies (total on board at any time shall not exceed on board strength as of January 22, 2017). Also included are health professions training programs and residencies within VA, including all trainees appointed under Title 38.

3. I exempt positions in the Veterans Benefits Administration and the Board of Veterans' Appeals which provide essential Veteran's benefits claims processing and adjudication critical to medical health care and financial stability without which public health and safety would be compromised. Specific details of these exemptions are provided in Attachment 2.

4. The Office of Acquisition, Logistics and Construction (OALC), as well as VHA, will be activating leases and major construction projects in 15 states (43 locations). I grant exemptions, as detailed in Attachment 3, to ensure that the safety and health standards required by law are met. Also included are a limited number of positions within OALC that provide direct patient care for Veteran support (e.g., hearing aid repair) through the Denver Acquisition and Logistics Center, as detailed in Attachment 4.

5. As a public health and safety matter, I am also exempting National Cemetery Administration positions that are directly involved in the burial of Veterans and their eligible family members, as detailed in Attachment 5.

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6. Cybersecurity operations and planning positions are exempt. This exemption is very limited to positions protecting and defending the networks, data (e.g., the private information of our Nation's Veterans) and computer assets of the VA. Each individual recruitment action for this exemption must be approved by the VA Chief of Staff prior to initiating the associated recruitment action.

7. VA law enforcement and criminal investigations positions are exempt to the extent that these positions conduct essential activities that protect life and property. Filling of law enforcement and criminal investigations positions at VHA Medical Centers, Outpatient Clinics, Community Based Outpatient Clinics, Health Centers, and VA National Cemeteries are exempt and need no further approval. VA Central Office recruitment actions for this exemption must be approved by the VA Chief of Staff prior to initiating the associated recruitment action.

8. To ensure that the Department's highest priority needs are met, reallocation of existing employees through details, temporary promotions, and noncompetitive reassignments is authorized. No reallocation may result in the move of an employee from a position that would qualify for an exemption from the hiring freeze to a position that would not qualify for such an exemption. These placement actions are subject to applicable agency policy, regulation, and/or collective bargaining agreements. Specific details are provided in Attachment 6.

9. Requests for additional exemptions for positions not covered in this memorandum may be considered for critical situations. In such cases, a written request for my signature must be submitted through the Acting Assistant Secretary for Human Resources and Administration (HR&A), from an Assistant Secretary or Under Secretary. The written request must include a justification for the critical need and how it relates to essential services or critical mission requirements, why reallocation (reassignment/detail) of existing staff within the agency is not possible to meet the needs outlined in the request, and the urgency of the need and consequences of not filling the position within a three to six-month timeline. HR&A will transmit all requests endorsed for additional VA exemptions to the Office of Personnel Management (OPM).

10. VA Administrations and Staff Offices may post job opportunity announcements (JOA) and conduct related recruitment activities for priority, non-exempt positions. Until the hiring freeze is lifted, no offers of employment may be extended. HR&A will issue a Human Resources Management Letter outlining additional requirements.

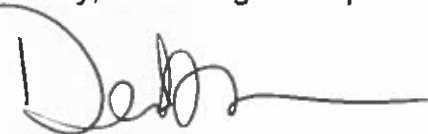
11. This memorandum should be reviewed in conjunction with Office of Management and Budget Memorandum, M-17-17, Office of Management and Budget and Office of

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Personnel Management Memorandum, M-17-18, and Human Resources Management Letter No. 05-17-04, and shall not be construed as "business as usual." VA will only exempt those positions from the hiring freeze that meet the intent of the Presidential Memorandum dated January 23, 2017.

12. Please refer any other hiring freeze questions to Tracy L. Tillery, Supervisory Human Resources Specialist, or Debbie Kolen, Director for Recruitment and Placement Policy, at vahiringfreezequeries@va.gov.

A handwritten signature in black ink, appearing to read "David J. Shulkin", with a long horizontal line extending to the right.

David J. Shulkin, M.D.

Attachments:

1. Exempt positions in the Veterans Health Administration
2. Exempt positions in the Veterans Benefits Administration and the Board of Veterans' Appeals
3. Exempt positions in the Office of Acquisition, Logistics, and Construction and Veterans Health Administration, Activating Leases and Major Construction Projects
4. Exempt positions in Office of Acquisition, Logistics, and Construction for Direct Patient Care
5. Exempt positions in the National Cemetery Administration
6. Reallocation of Existing Employees

Attachment 1

Department of Veterans Affairs

**Exemption to Hiring Freeze Under Presidential Memorandum dated Jan 23, 2017
Exempt positions in the Veterans Health Administration**

1. Direct Patient Care positions include:
 - a. Title 38 and Hybrid Title 38 positions which provide direct patient care without which the safety and welfare of Veterans would be at stake;
 - b. Title 5 positions in the occupational series below which provide direct patient care without which the safety and welfare of Veterans would be at stake. The occupational titles provided below are representative and not inclusive of all position titles. For a position to be exempt under this authorization, the position must be classified in one of the occupational series below and must provide direct patient care;
 - c. Counseling and Director positions in Readjustment Counseling Centers;
 - d. Ongoing health professions training programs and residencies; and
 - e. Trainees appointed under Title 38.

Hiring Authority	Series and Occupation
T5	0060 Chaplain
T5	0101 Addiction Therapist
T5	0101 Licensed Professional Mental Health Counselor
T5	0101 Social Science Program Specialist (Veterans Crisis Line)
T5	0102 Readjustment Counseling Technician
T5	0102 Peer Specialist, Peer Apprentice
T5	0181 Psychology Aid and Technician
T5	0186 Social Services Aid and Assistant
T5	0187 Social Services
T5	0188 Recreation Specialist
T5	0189 Recreation Aid and Assistant
T5	0301 Patient Advocate
T5	0301 Patient Representative
T5	0301 Veteran Outreach Program Specialist
T5	0405 Pharmacology
T5	0413 Physiology
T5	0440 Genetic Counselor
T5	0601 Supervisory Health Science Specialist (Veterans Crisis Line)
T5	0601 Health Science Specialist (Veterans Crisis Line)
T5	0620 Telehealth Clinical Technician (TCT)

Hiring Authority	Series and Occupation
T5	0636 Rehabilitation Therapy Assistant
T5	0638 Recreation/Creative Arts Therapist
T5	0640 Health Aid and Technician
T5	0645 Medical Technical
T5	0646 Pathology Technician
T5	0683 Dental Laboratory Aid and Technician
T5	1715 Vocational Rehabilitation Specialist/Vocational Development Specialist
T5 (Wage Grade)	7408 Food Service Workers (Food and Nutrition)

2. Safe Environment of Care/Access to Care Critical Support positions include:
- Title 5 positions in the occupational series below without which patient care is jeopardized;
 - The position must be located in a Medical Center, Outpatient Clinic, Community Based Outpatient Clinic, Health Center, Veterans Integrated Service Network (VISN) level clinical care (i.e., consolidated pharmacy unit), Consolidated Mail Outpatient Pharmacy or Telehealth/Telemental Hub;
 - The occupational titles provided below are representative and not inclusive of all position titles. For a position to be exempt under this authorization, the position must be classified in one of the occupational series below and must be so critical that a patient care position cannot operate without an employee in said position; and
 - Scheduling and Director positions in Readjustment Counseling Centers.

Hiring Authority	Series and Occupation
T5	0028 Environmental Protection Specialist/GEMS Coordinator
T5	0080 Security Officer
T5	0018 Safety and Occupational Health Management
T5	0081 Fire and Protection and Prevention
T5	0083 Police
T5	0085 Security Guard
T5	0089 Emergency Management
T5	0101 Readjustment Counseling Regl Manager (RCS Deputy District Directors)
T5	0101 Silent Monitor (Veterans Crisis Line)
T5	0101 Supervisory Social Science Specialist (Veterans Crisis Line)
T5	0301 Medical Administration Officer
T5	0301 Correspondence Analyst (Triage) (Veterans Crisis Line)
T5	0303 Program Support Assistant (Patient Care Support; Fisher

Hiring Authority	Series and Occupation
	House)
T5	0340 Research Compliance
T5	0382 Telephone Operators
T5	0503 Medical Reimbursement Technician (Office of Community Care)
T5	0540 Voucher Examiner (Office of Community Care)
T5	0601 Research Health Scientist
T5	0622 Medical Supply Aid and Technician
T5	0650 Office of Research Oversight
T5	0670 Health Systems Administration - Medical Center Director, Associate Director, Deputy Director
T5	0671 COBC/Operations Management
T5	0671 Credentialing
T5	0673 Hospital Housekeeping Management
T5	0690 Industrial Hygiene
T5	0698 Environmental Health Technician
T5	0701 Veterinarian
T5	0704 Animal Health Technician
T5	0800 Professional Engineer
T5	0801 General Engineer
T5	0802 Engineer Technician
T5	0803 Safety Engineer
T5	0809 Construction Control Technician
T5	0819 Supervisory Environmental Engineer
T5	0850 Electrical Engineer
T5	0856 Electronics Technician
T5	0858 Biomedical Engineering
T5	0962 Contact Representative
T5	1105 Purchasing Agents
T5	1306 Health Physicist (Radiation Safety Officer)
T5	1310 Physicist (Radiation Safety Officer)
T5	1601 Biomedical Equipment Support Specialist
T5	1670 Equipment Services
T5	1811 Criminal Investigator
T5	2005 Supply Clerk/ Technician
T5	2010 Inventory Management Specialist
T5	2151 Police Dispatcher
T5	4701 Maintenance & Operations Supervisor
T5 (Wage Grade)	2604 Electronics Mechanic
T5 (Wage Grade)	2606 Electronic Industrial Controls Mechanic
T5 (Wage Grade)	2608 Electronics Supervisor
T5 (Wage Grade)	2610 Electronic Integrated Systems Mechanic

Hiring Authority	Series and Occupation
T5 (Wage Grade)	2805 Electrician
T5 (Wage Grade)	2810 High Voltage Electrician
T5 (Wage Grade)	2854 Electrical Equipment Repairing
T5 (Wage Grade)	3314 Mechanical Technician
T5 (Wage Grade)	3566 Housekeeping Aid
T5 (Wage Grade)	4204 Pipefitting
T5 (Wage Grade)	4206 Plumbing
T5 (Wage Grade)	4742 Utility Systems Repairing-Operating
T5 (Wage Grade)	4749 Maintenance Mechanic
T5 (Wage Grade)	4805 Medical Equipment Repairer
T5 (Wage Grade)	5026 Pest Controller
T5 (Wage Grade)	5306 Air Conditioning Equipment Mechanic
T5 (Wage Grade)	5309 Heating and Boiler Plant Equipment Mechanic
T5 (Wage Grade)	5313 Elevator Mechanic
T5 (Wage Grade)	5317 Laundry and Dry Cleaning Equipment Repairing
T5 (Wage Grade)	5352 Industrial Equipment Mechanic
T5 (Wage Grade)	5402 Boiler Plant Operating
T5 (Wage Grade)	5406 Utility Systems Operating
T5 (Wage Grade)	5408 Wastewater Treatment Plant Operating
T5 (Wage Grade)	5409 Water Treatment Plant Operating
T5 (Wage Grade)	5415 Air Conditioning Equipment Operating
T5 (Wage Grade)	5703 Motor Vehicle Operating (Limited to patient transportation)
T5 (Wage Grade)	5716 Engineering Equipment Operating
T5 (Wage Grade)	6907 Materials Handler
T5 (Wage Grade)	7304 Laundry Worker
T5 (Wage Grade)	7404 Cook
T5 (Wage Grade)	7601 Patient Escort
T5 (Wage Grade)	7700 Animal Caretaker

Attachment 2

Department of Veterans Affairs

Exemption to Hiring Freeze Under Presidential Memorandum dated Jan 23, 2017
 Exempt positions in the Veterans Benefits Administration and the Board of Veterans'
 Appeals

1. Veterans Benefits Administration exempt positions include:
 - a. Positions in the occupational series below which are directly involved in processing benefits claims.
 - b. The occupational titles provided below are representative and not inclusive of all position titles. For a position to be exempt under this authorization, the position must be classified in one of the occupational series below and must be directly involved in processing health claims.

Hiring Authority	Series and Occupation
T5	0101 Social Science / Vocational Rehabilitation Counselor
T5	0181 Psychology Aid and Technician / Rehabilitation Technician
T5	0301 Miscellaneous Administration and Program / Employment Specialist
T5	0301 Miscellaneous Administration and Program / Insurance Specialist
T5	0301 Miscellaneous Administration and Program / Military Services Coordinator
T5	0901 General Legal and Kindred Administration / Legal Admin Specialist (National Call Center, Public Contact)
T5	0930 Hearings and Appeals / Decision Review Officer
T5	0963 Legal Instruments Examining / Legal Instrument Examiner
T5	0996 Veterans Claims Examining / Veterans Claims Examiner
T5	0996 Veterans Claims Examining / Veterans Service Representative (Rating)
T5	0996 Veterans Claims Examining / Veterans Service Representative
T5	0998 Claims Assistance and Examining / Claims Assistant
T5	1165 Loan Specialist / Loan Specialist (Realty)
T5	1171 Appraising / Appraiser
T5	1801 General Inspection, Investigation, and Compliance / Education Liaison Representative
T5	1801 General Inspection, Investigation, and Compliance / Field Examiner

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2. Board of Veterans' Appeals exempt positions include:
- a. Positions in the occupational series below which are directly involved in processing appeals.
 - b. The occupational titles provided below are representative and not inclusive of all position titles. For a position to be exempt under this authorization, the position must be classified in one of the occupational series below and must be directly involved in processing appeals.

Hiring Authority	Series and Occupation
T5	0301 Program Specialist
T5	0301 Supervisory Program Specialist
T5	0905 Attorney Advisor
T5	0905 Supervisory Attorney Advisor
T5	0905 General Attorney
T5	0950 Paralegal Specialist
T5	0962 Contact Representative
T5	0986 Legal assistant

Attachment 3

Department of Veterans Affairs

Exemption to Hiring Freeze Under Presidential Memorandum dated Jan 23, 2017
Exempt positions in the Office of Acquisition, Logistics and Construction (OALC) as
well as Veterans Health Administration
Activating Leases and Major Construction Projects

1. Activating leases and major construction projects exempt positions include:
 - a. OALC positions in the occupational series below which are dedicated to one or more of the major construction/lease activations in 1.b. below and which ensure that the safety and health standards required by law are met.
 - b. Major construction/lease activation sites includes:
 - i. Monterey, Palo Alto, Riverside, San Jose, West Los Angeles, Long Beach, Chula Vista, Alameda, San Diego, San Francisco, and Stockton, CA
 - ii. Denver and Colorado Springs, CO
 - iii. West Haven, CT
 - iv. Orlando, Pensacola, South Hillsborough, Tallahassee, Tampa, Bay Pines, and Riverview, FL
 - v. South Bend, IN
 - vi. Johnson City, KS
 - vii. Lafayette, Lake Charles, and New Orleans, LA
 - viii. Worcester, MA
 - ix. Binghamton, Manhattan, Rochester, and Buffalo, NY
 - x. Cape Girardeau, Springfield, and St. Louis, MO
 - xi. Portland, OR
 - xii. Bayamon, Morovis, and San Juan, PR
 - xiii. Perry Point and Charlotte Hall, MD
 - xiv. Seattle and Tacoma, WA
 - xv. Biloxi, MS
 - c. For a position to be exempt under this authority the position must be classified in one of the occupational series below, must be reporting to OALC, and must be working on an active lease or major construction in one of the locations identified in 1.b. above.

Hiring Authority	Series and Occupation
T5	0340 Project Manager
T5	0800 Professional Engineer (All specialties)
T5	1102 Contracting Officer
T5	1170 Realty Specialist

2. The Deputy Under Secretary of Health for Operations Management (DUSHOM), VHA may exempt a limited number of VHA support positions required to bring the facilities in 1.b above up to operating capabilities.
 - a. Individual exemptions must have a direct link to public safety.
 - b. Individual recruitment actions for exemption must be approved by the DUSHOM prior to initiating the associated recruitment action.
 - c. The DUSHOM shall submit to the Acting Assistant Secretary for Human Resources and Administration (HR&A) a report of exemptions approved on a biweekly basis, in a format to be provided by HR&A.
 - d. No further delegation of this authority is permitted.

Attachment 4

Department of Veterans Affairs

Exemption to Hiring Freeze Under Presidential Memorandum dated Jan 23, 2017
Exempt positions in the Office of Acquisition, Logistics and Construction (OALC) for
Direct Patient Care

1. Direct patient care positions within OALC include:
 - a. Title 5 positions in the occupational series below which provide direct patient care for hearing aid support without which the safety and welfare of Veterans would be at stake.
 - b. For a position to be exempt under this authorization, the position must be classified in one of the occupational series below and must regularly provide direct patient care for over 50 percent of the work week.

Hiring Authority	Series and Occupation
T5	0303 Hearing Aid Program Support Assistant
T5	0303 Veteran Program Support Assistant
T5	6907 Materials Handler

Attachment 5

Department of Veterans Affairs

**Exemption to Hiring Freeze Under Presidential Memorandum dated Jan 23, 2017
Exempt positions in the National Cemetery Administration**

1. National Cemetery Administration exempt positions include:
 - a. Positions in the occupational series below which are directly involved in the burial of Veterans and their eligible family members.

Hiring Authority	Series and Occupation
T5	0303 Cemetery Representative
T5	0303 Program Support Assistant (AO) (Scheduling Office Only) ¹
T5	1630 Cemetery Administrator
T5	3502 Laborer
T5	4701 Operations Supervisor
T5	4749 Maintenance Mechanic
T5	4754 Cemetery Caretaker/Foreman
T5	5026 Pest Control
T5	5352 Industrial Equip Mechanic
T5	5703 Motor Vehicle Operator
T5	5705 Tractor Operator
T5	5716 Engineering Eqpt Operator
T5	5803 Heavy Mobile Equip Mech
T5	5806 Mobile Equipment Service
T5	5823 Automotive Mechanic
T5	6904 Tools And Parts Attendant
T5	6907 Materials Handler

1 Only the Program Support Assistants who Determine Burial Eligibility and Schedule Burials

Attachment 6

Department of Veterans Affairs

**Exemption to Hiring Freeze Under Presidential Memorandum dated Jan 23, 2017
Reallocation of Existing Employees**

1. Current VA employees may be reallocated through details, temporary promotions, realignments, and noncompetitive reassignments.
2. Reallocation may not result in the move of an employee from a position that would qualify for an exemption from the hiring freeze to a position that would not qualify for such an exemption. (i.e.: a Veterans claims examiner performing the duties of a position exempt from the freeze under attachment 2 cannot be non-competitively reassigned to a management analyst position that is not exempt from the hiring freeze. Conversely, a management analyst in a position that is not exempt from the hiring freeze can be non-competitively reassigned to a veterans claims examiner position that is exempt from the freeze as long as the employee meets the qualification requirements and the Career Transition Assistance Program (CTAP) has been cleared. Additionally, a management analyst in a position that is not exempt from the hiring freeze can be non-competitively reassigned to another management analyst position that is not exempt from the freeze as long as the employee meets the qualification requirements and the CTAP has been cleared.)
3. These placement actions are subject to applicable agency policies, regulations, and/or collective bargaining agreements.
4. Details
 - a. Details to same and lower grade positions as well as details to higher grade positions up to 120 days are permitted. Details include:
 - i. Interagency - Between VA and other Federal agencies; and
 - ii. Intra-agency - Within VA.
5. Noncompetitive temporary promotions are permitted up to 120 days.
6. To the extent a realignment is the movement of an employee and employee's position and no vacancy existed or is created, realignments are permitted.
7. Noncompetitive reassignments are permitted to the extent they are a discretionary action covered under 5 CFR 335.103(c)(3) and meet the requirement in 2 above. Job announcements may be posted to clear the CTAP in accordance with 5 CFR 330.607.
8. Participants in scholarship and training programs that are required to complete rotational assignments.