Frequently Asked Questions About the Schedule A Excepted Service Hiring Authority for People with Disabilities
The Federal Government is committed to becoming a model employer for people with disabilities. One way a federal agency can demonstrate this commitment is to use the streamlined hiring process available through the Schedule A Excepted Service hiring authority for people with intellectual disabilities, severe physical disabilities, and psychiatric disabilities and for hiring readers, interpreters, and personal assistants (Schedule A).

This document provides frequently asked questions (FAQs) and answers regarding all aspects of Schedule A:

- Background information, including an overview of Schedule A
- Eligibility, including documentation and certification
- Vacancy announcements
- Appointment options
- Conversion
- Other important considerations, including self-identification of disability, interviewing people with disabilities, reasonable accommodation, confidentiality of information, and employee rights and appeals
- Hiring readers, interpreters, and other personal assistants under Schedule A

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Frequently Asked Questions

Background

Q1: Are federal agencies expected to become model employers of people with disabilities?

A1: As the nation's largest employer, the Federal Government has a responsibility to lead by example in including people with disabilities in the workforce. Section 501 of the Rehabilitation Act (Section 501) and implementing regulations (Section 501 Rule) and Equal Employment Opportunity Commission (EEOC) Management Directive 715 (MD-715) also require that federal agencies be model employers of people with disabilities. The Office of Personnel Management (OPM) has developed a Disability Employment website that contains important information for federal agencies to use in recruiting, hiring, and retaining people with disabilities. Executive Order 13548: Increasing Federal Employment of Individuals with Disabilities (July 26, 2010) and Executive Order 14035: Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce (June 25, 2021) specify that federal departments and agencies must become model employers of people with disabilities.

Q2: Are federal agencies required to take affirmative action regarding the recruitment, hiring, retention, and advancement of qualified people with disabilities?

A2: Yes. Under Section 501, it is unlawful for federal agencies to discriminate based on disability in employment, but nondiscrimination alone is not enough. Section 501 of the Rehabilitation Act of 1973 [Public Law 93–112, Approved September 26, 1973, 87 Stat. 355, As Amended Through P.L. 117–286, Enacted December 27, 2022] requires federal agencies to maintain an affirmative action program and take proactive steps to ensure equal employment opportunities for people with disabilities. The Section 501 Rule includes goals for the employment of people with disabilities (PDF) and sub-goals for the employment of people with significant or targeted (PDF) disabilities.

The affirmative action program also includes outreach, recruitment, mentoring, training and management development, and creating a work environment that actively welcomes and fosters the advancement of qualified people with disabilities. In sum, the affirmative action program plan includes specific steps reasonably designed to gradually increase the number of employees with disabilities and targeted disabilities to achieve these goals. Affirmative action does not include quotas or granting preferences to people with disabilities.

Overview of Schedule A Excepted Service Hiring Authority

Q3: Is Schedule A hiring authority an Excepted Service?

A3: Yes. There are three services in the Federal Government, and each has different rules and regulations that determine the hiring process. Those services are the "Competitive Service," the "Excepted Service," and the "Senior Executive Service." Schedule A falls under the category of “Excepted Service.”

Excepted Service appointments are civil service appointments within the Federal Government that do not confer competitive status.
Q4: Does the Excepted Service include specific options available to federal agencies for hiring people with disabilities?

A4: Yes. Federal regulations include the Schedule A Excepted Service hiring authority for people with intellectual disabilities, severe physical disabilities, or psychiatric disabilities. [5 CFR §213.3102(u)]

Q5: Why should a federal agency use Schedule A to hire people with disabilities?

A5: Schedule A is a form of affirmative action that can be used to assist an agency in becoming a model employer for people with disabilities. Specifically, Schedule A can be used to help agencies effectively and expeditiously fill vacancies and meet the goals established under the Section 501 Rule. Both EO 13548 and EO 14035 also call on agencies to further the Federal Government’s commitment to being a model employer through the use of Schedule A.

Q6: Does Schedule A provide flexibility to federal agencies in making hiring decisions?

A6: Yes. Schedule A authority can serve as a quick and efficient means to increase the hiring and advancement of qualified people with intellectual disabilities, severe physical disabilities, or psychiatric disabilities.

- Appointments under Schedule A may be made for grade levels GS 1-GS 15. Schedule A does not include appointments under the SES.
- Schedule A applicants must be qualified for the job—applicants are not guaranteed a job.
- Agencies are strongly encouraged, but not required, to use Schedule A as a proactive strategy included in their affirmative action program.
- The intent underlying Schedule A is for people with disabilities to obtain civil service competitive status, which is obtained through conversion to the Competitive Service (i.e., career or career-conditional appointment) after completion of two years of satisfactory service rather than remaining in the Excepted Service.

Q7: Are federal agencies permitted to hire qualified candidates with disabilities under Schedule A without issuing a job announcement or other public notice?

A7: Yes. A public notice is not required. Agencies may hire qualified Schedule A candidates for a funded vacancy without issuing a job announcement.

Q8: Can federal agencies accept an unsolicited application for consideration under Schedule A authority?

A8: Yes. Agencies can accept an unsolicited application for consideration under Schedule A authority (e.g., Schedule A applicants are not required to apply through USAJOBS or the agency’s website).

Q9: Can Schedule A applications be accepted after the job announcement has been made or after the job announcement closes?

A9: Yes. Schedule A applications can be accepted after the job announcement closes. These non-competitive applications can be accepted (and considered) at any time until the position is offered to someone.
Q10: Do agencies have to clear the Surplus Employee List before using Schedule A?

A10: No. Agencies do not have to clear the Surplus Employee List before using the Schedule A hiring authority.

Q11: When a job announcement is issued for “status candidates” can an agency consider a resume from a Schedule A applicant who does not have a federal position?

A11: When a job announcement is issued for “status applicants,” (i.e., candidates that are current competitive service employees only), an agency can consider a resume from a Schedule A applicant who does not have a federal position. Schedule A applicants can be considered for any positions except those that are not funded (i.e., positions that are limited to current employees at the facility).

Q12: Are there any limits on the number of times a person with a disability may be appointed under Schedule A?

A12: There is no limit on the number of times a person with a disability may be appointed under Schedule A if they meet the eligibility requirements for appointment. This includes appointments in an employee’s current agency or a transfer to another agency.

Schedule A Eligibility and Certification

Q13: What are the categories of people with disabilities eligible for appointment under Schedule A?

A13: Per OPM regulations [5 CFR §213.3102(u)], to be eligible for appointment under Schedule A, a person must have:

- An intellectual disability,
- A severe physical disability, or
- A psychiatric disability.

Q14: Does Schedule A include or exclude particular disabilities under the three categories of disabilities?

A14: The regulations do not specifically include or exclude particular disabilities under these three categories of disabilities.

Q15: What categories of disabilities may be included under the term “severe physical disability”?

A15: The term “severe physical disability” includes blindness, deafness, paralysis, missing limbs, epilepsy, dwarfism, and other types of physical disabilities. As noted in A14, the regulations do not specifically include or exclude particular disabilities under these three categories of disabilities.

Q16: Is eligibility for Schedule A limited to categories of people with disabilities and people with targeted disabilities included on Standard Form (SF)-256: Self-Identification of Disability?

A16: No. SF-256 (PDF) includes a list of impairments that are considered disabilities and a separate list of impairments considered targeted (significant) disabilities. SF-256 cannot be used to determine eligibility for
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Schedule A. A person with an intellectual disability, a severe physical disability, or a psychiatric disability may still be eligible for Schedule A even if they do not have an impairment considered a disability or an impairment considered a targeted disability under SF-256. An agency should not request an applicant fill out the SF-256 until after being hired.

**Q17: Are disabled veterans eligible to apply for federal employment under Schedule A?**

A17: Yes. Veterans who meet the eligibility requirements for Schedule A (i.e., having an intellectual disability, severe physical disability, or a psychiatric disability) may apply for positions using Schedule A. Because a Schedule A appointment is in the Excepted Service, it is not subject to competitive appointment procedures. However, an agency must follow the principle of veterans’ preference as far as administratively feasible and, on the request of a qualified and available “preference eligible” veteran, must furnish the “preference eligible” veteran with the reasons for non-selection.

**Q18: Must an agency require certification, i.e., proof of disability documentation, before making an appointment under Schedule A?**

A18: Yes. An agency must require proof (i.e., documentation) of an applicant’s intellectual disability, severe physical disability, or psychiatric disability before making an appointment under Schedule A. This documentation simply lets the agency know that an applicant is eligible to apply using Schedule A because the candidate has an intellectual disability, severe physical disability, or psychiatric disability.

**Q19: Who is authorized to make determinations of whether a person is eligible under Schedule A as a person with an intellectual disability, a severe physical disability, or a psychiatric disability?**

A19: Determinations of whether a specific disability is included or excluded under these rules for appointment under 5 CFR §213.3102(u) are made by the following qualified professionals:

- A licensed medical professional, a physician, or other medical professional duly certified by a state, the District of Columbia, or a Territory to practice medicine
- A licensed (certified) vocational rehabilitation specialist (state or private)
- Any federal agency, state agency, or agency of the District of Columbia that issues or provides disability benefits

[See also: Question 20]

**Q20: What types of documents may agencies accept as proof of disability?**

A20: This is a list of some examples of documents that agencies may accept as proof of disability:

- Statements or letters on a physician’s/medical professional’s letterhead stationery
- Statements, records, or letters from a Federal Government agency that issues or provides disability benefits
- Statements, records, or letters from a state vocational rehabilitation agency counselor
- Certification from a private vocational rehabilitation counselor or another counselor that issues or provides disability benefits
Q21: Does the proof of disability documentation need to detail the applicant’s specific disability or medical history?

A21: No. The proof of disability documentation needs to specify that the applicant has a disability and is eligible to apply using Schedule A. It does NOT need to detail an applicant’s specific disability, medical history, or need for accommodation.

Q22: May an agency verify the proof of disability documentation?

A22: Yes. Agencies may verify that the proof of disability documentation was indeed issued by one of the entities listed above. Verification can be accomplished in several ways, e.g., by contacting the issuing entity for verification that the documents are genuine or ensuring the letterhead is genuine.

Q23: Should the hiring manager be involved in obtaining the proof of disability documentation?

A23: No. The hiring manager should not be involved in obtaining or reviewing the medical/disability documentation that supports proof of disability.

Q24: What is the requirement regarding medical information obtained during the hiring process, including proof of disability documentation?

A24: Any medical information obtained during the hiring process, including proof of disability documentation, must be kept separate from personnel files and treated as a confidential medical record. Failure to do so may be considered unlawful discrimination based on disability. For additional information on confidentiality requirements, read EEOC's Questions & Answers: Promoting Employment of Individuals with Disabilities in the Federal Workforce and EEOC's Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations.

Q25: Has OPM developed sample proof of disability documentation letters?

A25. Yes. OPM has developed sample letters (PDF) certifying proof of disability for purposes of Schedule A eligibility.

Q26: Are there limitations on the number of times an applicant may submit documentation before making an appointment under Schedule A?

A26: No. There are no limitations imposed by OPM on the number of times an applicant may submit documentation, or on requirements concerning the timeframe in which the documentation must be dated.

Vacancy Announcements and Agency Websites

Q27: Are federal agencies required to include information about Schedule A in their vacancy announcements and on their websites?

A27: OPM regulations (PDF) include requirements for vacancy announcements. These regulations include, among other things, that the vacancy announcement must include an equal employment opportunity statement and a reasonable accommodation statement. Although not required by the OPM regulations relating to vacancy announcements, a best practice is to include information (using plain and consistent language) about
the Schedule A Excepted Service hiring authority in agency vacancy announcements and explain the Schedule A application process.

In addition, agency websites are an easy way to inform applicants about the agency's Schedule A hiring process and procedures. Agencies may wish to use the following Schedule A language for Vacancy Announcements:

“Schedule A Statement: [Insert Agency Name] welcomes and encourages applications from individuals with disabilities. The Federal Government has a streamlined hiring process for people with disabilities, known as Schedule A. To learn more about Schedule A and eligibility requirements please visit: www.opm.gov/policy-data-oversight/disability-employment.”

Appointment Options Under Schedule A

Q28: What appointment options are available to a federal agency under Schedule A?

A28: When hiring through Schedule A, a federal agency has the discretion to make temporary, term (time-limited), and/or permanent appointments. [5 CFR §213.3102(u)]

Q29: Under what circumstances may an agency make a permanent appointment under Schedule A?

A29: Under Schedule A, a hiring agency may also make a permanent appointment of a person who provides proof of Schedule A eligibility, when a determination has been made by the hiring agency that the person is likely to succeed in the performance of the duties of the position for which they are applying. The term “permanent appointment” means an appointment to a position that is not a temporary or time-limited appointment.

Q30: Are federal agencies required to use Schedule A to make permanent appointments?

A30: Agencies are strongly encouraged to use Schedule A to make permanent appointments unless there is a compelling reason to do otherwise.

Q31: Under what circumstances can a federal agency make temporary appointments?

A31: The term “temporary appointment” (PDF) means “an appointment lasting one year or less, with a specific expiration date. Typically used to fill a short-term position due to reorganization, abolishment, or the completion of a specific project or peak workload; or to fill positions that involve intermittent (irregular) or seasonal (recurring annually) work schedules.” An agency may make a temporary appointment under Schedule A when the:

- Work is of a temporary nature, a time-limited appointment such as a six-month internship; or
- An agency determines that it is necessary to observe the applicant on the job to determine whether the applicant is able or ready to perform the duties of the position.
Q32: Under what circumstances may an agency convert a person hired under Schedule A from a temporary to permanent Excepted Service appointment?

A32: When an agency uses the temporary employment option to determine a person’s job readiness, the hiring agency may convert the person to a permanent appointment in the Excepted Service whenever the agency determines the person can perform the duties of the position.

Q33: Under what circumstances can an agency make a time-limited appointment under Schedule A?

A33: A hiring agency may make a time-limited appointment or term appointment of a person who provides proof of disability when a determination has been made that they are likely to succeed in the performance of the duties of the position for which they are applying when the duties of the position do not require it to be filled on a permanent basis.

The regulations [5 CFR §213.104](https://www.federalregister.gov/documents/2018/06/07/2018-12805/what-are-the-regulations-on-temporary-appointments-and-term-appointments) define the term “time-limited appointment” to mean temporary appointments for a period not to exceed one year, unless the applicable Schedule A, B, or C authority specifies a shorter period. Agencies may extend temporary appointments for no more than one additional year (24 months of total service). “Term appointment” (PDF) means “an appointment lasting more than one year but less than four years, with a specific expiration date. Term appointments may be used for project work, extraordinary workload, scheduled abolishment of a position, reorganization, uncertainty of future funding, or contracting out of the function.”

Q34: Are federal agencies permitted to use Schedule A for detail assignments, lateral moves, and promotions? Can a person in the competitive service use Schedule A for a promotion?

A34: Yes. Federal agencies are permitted to use Schedule A for detail assignments, lateral moves, and promotions so long as the person meets the eligibility criteria for the new job. In addition, sometimes a person who is in the Competitive Service and is Schedule A-eligible may be interested in seeking a different job, such as a lateral position. Schedule A also may be used for purposes of making promotions of Schedule A eligible people with disabilities. [See also: Question 45]

Q35: What is the relationship between federal internship programs and Schedule A?

A35: The [Pathways Programs](https://www.usajobs.gov/) for students and recent graduates provide clear paths to federal internships and potential careers in the Federal Government. The Pathways programs consist of the Internship Program, the Recent Graduates Program, and the Presidential Management Fellows Program. Positions in the Pathways Programs are excepted from the competitive service.

Participants in these programs are appointed under [Schedule D](https://www.usajobs.gov/schedules) (PDF) of the Excepted Service. Agencies should be aware that Schedule D appointees cannot simultaneously be appointed under Schedule A. A person with a disability who is Schedule A eligible may apply for Pathways positions. If selected for a Pathways position, they will be appointed under Schedule D and the regulations governing Schedule D will apply.

Another federal program is the [Workforce Recruitment Program](https://www.usajobs.gov/schedules) (WRP), a recruitment program that connects federal sector employers nationwide with college students and recent graduates with disabilities. All WRP candidates are U.S. citizens and eligible for appointment under Schedule A. WRP candidates are current, full-
time undergraduate, or graduate students with a disability, or have graduated within two and a half years of the release of the WRP database each December.

**Q36: May a job offer be extended to a Schedule A candidate requiring security clearance?**

A36: As with any potential job offer, human resources should first consult with the agency’s security officer/office on the clearance requirements for that position.

**Q37: Are there limits on the number of times a person may be appointed under Schedule A?**

A37: No. There is no limit on the number of times a person may be appointed under Schedule A if they meet the regulatory requirements for appointment.

**Conversion**

**Q38: Is the intent of the Schedule A regulations to convert people with disabilities to competitive status or have them remain in the Excepted Service?**

A38: The intent of the Schedule A regulations is for people with disabilities hired under Schedule A to obtain civil service competitive status, which is obtained through conversion to the Competitive Service (i.e., career or career-conditional appointment [PDF]) rather than remaining in the Excepted Service. **Thus, conversion to a career or career-conditional appointment is strongly encouraged.** The hiring agency maintains the discretion to determine whether an employee should be placed in the permanent career workforce.

**Q39: Under what circumstances may a person with a disability be converted from Schedule A to career or career-conditional status?**

A39: Under OPM regulations [5 CFR §315.709], an agency may non-competitively convert an employee hired under Schedule A Excepted Service hiring authority to a career or career-conditional appointment in the competitive service when they:

1. Complete two or more years of satisfactory service, without a break of more than 30 days, under non-temporary Schedule A appointments;
2. Are recommended for conversion by their supervisors;
3. Meet all requirements and conditions governing career and career-conditional appointments, except those requirements concerning competitive selection from a register and medical qualifications; and
4. Are converted without a break in service (PDF) of one workday.

**Q40: Does time spent under the temporary employment option count toward the two-year requirement?**

A40: Time spent under the temporary employment option to determine whether a person is able and ready to perform the job counts towards the two-year requirement. However, time spent on a temporary appointment when the work is of a temporary nature does not count towards the two-year requirement. For example, time spent while working during a summer internship does not count towards the two-year requirement.
Q41: Does time spent on one job count when a person hired under Schedule A moves from one position to another or from one agency to another?

A41: In the case of a person with a disability appointed under Schedule A transferring from one position to another or from one agency to another (e.g., detail, lateral move, promotion), time previously spent under a Schedule A appointment counts towards the completion of the two year period if the person is reappointed without a break in service (PDF).

Q42: May a person with a disability who is in Competitive Service use Schedule A for a promotion or to move to another position?

A42: Sometimes a person who is in the Competitive Service and is Schedule A-eligible may be interested in seeking a different job, such as a promotion. When an agency hires a person who is currently in the Competitive Service using the Schedule A hiring authority for another position, the agency must convert the employee to a Schedule A Excepted Service appointment. Under these circumstances, the agency must:

- Inform the employee that because the position is being filled using an Excepted Service Authority, the acceptance of the appointment will take them out of the competitive service; and
- Obtain a written statement from the employee that says that they understand that they are leaving the Competitive Service voluntarily to accept an appointment in the Excepted Service.

The two years of satisfactory service for non-competitive conversion begins when the employee is converted to the new Schedule A appointment, regardless of previous appointments or conversions. This period is mandatory and cannot be reduced.

Q43: Do the provisions of the Career Transition Assistance Plan apply to the appointment of a person under Schedule A?

A43: No. Provisions of the Career Transition Assistance Plan (CTAP)/Interagency Career Transition Assistance Plan (ICTAP) do not apply to the appointment of a person under an Excepted Service appointing authority (reference 5 CFR §330.609(i) [PDF] and §330.707(g) [PDF]) or to the potential subsequent conversion to a permanent career or career-conditional appointment (reference 5 CFR §330.609(l) [PDF] and §330.707(h)(3) [PDF]).

Q44: What is the relationship between the policies regarding Schedule A and policies regarding “Reductions in Force” and employees “Furloughed” or “Separated Without Misconduct Because of Compensable Injury”?

A44: When a Reduction in Force (RIF) occurs, agencies have discretion in determining which positions to abolish, as well as discretion to provide affected competing Excepted Service employees with certain assignment rights. Therefore, impact (positive, neutral, or negative) depends on the implementation of a RIF by the agency.

Although appointments under Schedule A hiring authorities are exempt from some Title 5 Excepted Service hiring requirements, agencies must still afford priority consideration to employees furloughed or separated without misconduct from a position without a time limit, because of a compensable injury and whose recovery took longer than one year from the date the compensation began (reference 5 CFR §302.101(c) [PDF]).
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**Q45: What forms should be used for processing personnel actions under Schedule A?**

A45: For purposes of processing personnel actions under Schedule A Excepted Service Hiring Authority, agency Human Resources Offices will process Standard Form 50 (PDF), Notification of Personnel Actions, and Standard Form 52 (PDF) Request for Personnel Action, per Chapter 4 (PDF) and Chapter 11 (PDF) of OPM’s Guide to Processing Personnel Actions (PDF). In coding, Standard Form 52 and/or Standard Form 50 in most situations, Nature of Action Codes 170, 171, 190, 570, 571, or 590 will be utilized.

**Other Important Considerations**

**Q46: Which policies regarding self-identification of disability should be considered in making appointments under Schedule A?**

A46: OPM has created a system for reporting disability, including the use of SF-256 (PDF). Although completion of SF-256 is voluntary for most new hires, it is required for those hired under Schedule A. The instructions accompanying the form specify: “You should also be aware that participation in the disability reporting system is entirely voluntary, with the exception of employees appointed under Schedule A, Section 213.3102(u) (intellectual, severe, physical, or mental disabilities). Agencies will request that these employees identify their disability status, and if they decline to do so, their correct disability code will come from medical documentation used to support their appointment.”

**Q47: Which policies regarding interviewing people with disabilities should be considered in making appointments under Schedule A?**

A47: Hiring officials are generally prohibited from asking questions about an applicant’s disability unless the questions are related to functioning on the job and consistent with the business needs of the position. During the interview process, the hiring official may ask an applicant questions about their job qualifications and how the applicant would perform the essential functions of the job, with or without reasonable accommodation. Applicants should be encouraged to present their qualifications in a positive manner that emphasizes abilities and assets. Sometimes an applicant will choose to anticipate and address job-related questions about ways their disability may affect the performance of critical duties, roles, and responsibilities of the job. To review the EEOC’s guidance about questions agencies can ask about an applicant’s disability, see Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations.

It should be noted that the anti-discrimination regulations, including Section 501 and the Americans with Disabilities Act (ADA), permit federal agencies (and employers, generally) to ask disability-related questions for purposes of engaging in affirmative action for people with disabilities (see: Footnote 93 of the Preamble to the Section 501 Rule). If the agency invites applicants to self-identify in connection with providing affirmative action, the agency must state clearly that the information is being requested voluntarily, that it will be kept confidential, that refusal to provide it will not subject the applicant to any adverse treatment, and that it will be used only in accordance with the ADA.

**Q48: Which policies regarding reasonable accommodations should be considered in making appointments under Schedule A?**

A48: Agency personnel, including HR professionals, supervisors, managers, Disability Program Managers (DPMs), and Selective Placement Program Coordinators (SPPCs) must be knowledgeable about the
nondiscrimination obligations under Section 501 of the Rehabilitation Act, including the obligation to make reasonable accommodations for the known physical or mental limitations of a qualified applicant or employee with a disability unless the agency can demonstrate that the accommodation would impose an undue hardship in accordance with specified criteria. In addition, per the Section 501 Rule, federal agencies must adopt, post on their public website, and make available to all job applicants and employees in written and accessible formats reasonable accommodation procedures that are easy to understand and address a minimum of 20 specific topics specified in the rule.

For more information on reasonable accommodations, read Part IV of the EEOC’s Questions and Answers: Promoting Employment of Individuals with Disabilities in the Federal Workforce. For practical tips and resources on federal accommodation programs read the OPM guidance, the Department of Labor Office of Disability Employment Policy’s (ODEP) guidance, or contact the Job Accommodation Network (JAN).

Q49: Which policies regarding confidential information should be considered in making appointments under Schedule A?

A49: Any medical information obtained during the hiring process, including proof of Schedule A eligibility, must be kept separate from personnel files and treated as a confidential medical record. Per OPM’s Guide to Personnel Recordkeeping (PDF), the employing agency must maintain any authoritative medical documentation or certificate of disability in a separate, confidential folder—rather than in the person’s Official Personnel Folder (OPF). The agency must treat the information as confidential medical records, with access limited only to those whose official duties require such access. OPM encourages agencies to develop written policies to further ensure that the agency maintains the confidentiality and security of private information.

For additional information on confidentiality requirements, read EEOC’s Questions & Answers: Promoting Employment of People with Disabilities in the Federal Workforce and Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations.

Q50: Which policies regarding employee rights and appeals should be considered in making appointments under Schedule A?

A50: EEOC enforces federal laws prohibiting employment discrimination against federal employees or applicants. The laws protect applicants and employees from discrimination on the bases of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability, or genetic information. Title V of the Rehabilitation Act protects applicants and employees with disabilities from discrimination. For purposes of Section 501 of the Rehabilitation Act, the term “individuals with disabilities” includes people appointed under the Schedule A hiring authority for people with intellectual disabilities, severe physical disabilities, and psychiatric disabilities. Under the Rehabilitation Act, it is also illegal to discriminate against a person because they complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

More specifically, under the Rehabilitation Act, as amended, disability discrimination occurs when:

- An employer treats a person with a disability who is an employee or applicant unfavorably because they have a disability.
- An employer treats an applicant or employee less favorably because they have a history of a disability (such as cancer that is controlled or in remission) or because they are believed to have a physical or
mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if they do not have such an impairment).

- The law requires an employer to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer (“undue hardship”).
- The law also protects people from discrimination based on their relationship with a person with a disability.

The law prohibits discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, and any other term or condition of employment. Federal employees or job applicants who believe that a federal agency has discriminated against them have a right to file a complaint. Each agency is also required to post information about how to contact the agency’s EEO office. More information about the complaint process can be found at: www.eeoc.gov/federal/fed_employees/complaint_overview.cfm.

OPM provides an overview of federal policy regarding employee rights and appeals. Federal employees have a variety of appeal and grievance rights. Generally speaking, employees cannot pursue more than one method of appealing an action.

**Hiring Interpreters, Readers, and Other Personal Assistants**

**Q51: Can agencies use Schedule A for hiring readers, interpreters, and personal assistants?**

A51: Agencies can use Schedule A [5 CFR §213.3102(ll)] to fill positions on a full-time, part-time, or intermittent basis, as needed, as readers for employees who are blind/visually impaired, interpreters for employees who are D/deaf or hard of hearing, and personal assistants for employees with disabilities. The EEOC has issued a helpful guide (PDF) for federal agencies implementing reasonable accommodation procedures. Attachment B to the EEOC Guide includes sample language regarding the creation of staff assistance slots, readers, and interpreters, including requesting staff assistant slots, use of staff assistants, hiring authorities, and release of positions.

**Q52: Under what circumstances may people hired under Schedule A serving as interpreters, readers, and personal assistants be converted to career or career-conditional employees?**

A52: Agencies can use Schedule A [5 CFR §213.3102(ll)] to fill positions on a full-time, part-time, or intermittent basis, as needed, as readers for employees who are blind/visually impaired, interpreters for employees who are D/deaf or hard of hearing, and personal assistants for employees with disabilities. These readers, interpreters, and personal assistants hired under this section of Schedule A are eligible for non-competitive conversion (see: 5 CFR §315.711 [PDF]). The regulations specify that an agency may convert non-competitively to career or career-conditional employment, a reader, interpreter, or personal assistant:

1. Who completed at least one year of satisfactory service in such a position under a non-temporary appointment; and
2. Whose employment in such a position is no longer necessary for reasons beyond management control, e.g., resignation or reassignment of the employee being assisted.