



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

Wednesday, February 20, 2013

MEMORANDUM FOR: Chief Human Capital Officers

FROM: John Berry, Director

Subject: Excepted Service - Appointment of Persons with Disabilities

The Office of Personnel Management (OPM) is pleased to announce the issuance of the final regulation concerning the excepted service appointments of persons with intellectual disabilities, severe physical disabilities, and psychiatric disabilities.

The final regulation changes the procedures that govern the employment of persons with disabilities. The final rules eliminate the current requirement that an applicant supply a certification of job readiness in order to be appointed pursuant to this authority, proposes a change of wording, and provides other clarifications on appointments under this authority. The changes support the President's policy of increasing the Federal employment of individuals with disabilities, as expressed in Executive Order 13548.

This change represents a significant step towards OPM's goal to remove a barrier to Federal service for individuals with disabilities. Previously, an individual with a disability who wished to be appointed under the Schedule A authority was required not only to establish that he or she had a qualifying disability but also to submit a "certification of job readiness," essentially a formal written assessment, by a medical professional, vocational rehabilitation specialist, or disability benefit agency, that the applicant could reasonably be expected to perform in a particular work environment. This final rule removes the requirement for such third-party certifications.

Individuals with disabilities often have work, educational, or other relevant experience upon which an agency may rely to determine whether they are likely to succeed in a particular work environment. Under the final regulations, agencies have the option of giving individuals with disabilities, who do not have work, educational, or other relevant experience, a temporary appointment that will allow them to establish their job readiness. An agency may convert, non-competitively, such an individual to a permanent position once the agency determines that the individual is able to perform the duties of the position.

In addition, the final regulation substitutes the term "intellectual disabilities" for the outdated term "mental retardation," without any change in the intended coverage.

The Federal Government has a number of resources to support agencies in utilizing Schedule A for hiring people with severe physical disabilities, intellectual disabilities, and psychiatric disabilities:

- The OPM Shared List of People with Disabilities: OPM has partnered with Bender Consulting Services to provide a list of candidates with disabilities who are eligible to be hired through the Schedule A hiring appointment. This service is provided for free to all Federal agencies. The list is now hosted online on the MAX Federal Community. For more information, visit <https://www.chcoc.gov/sites/default/files/trans5333.pdf#overlay-context=content/excepted-service-appointment-persons-disabilities>
- The Workforce Recruitment Program for College Students with Disabilities (WRP) is a source of candidates for Federal employment jointly managed by the Department of Labor's Office of Disability Employment Policy and the Department of Defense. The program helps connect Federal agencies nationwide with highly motivated post-secondary students and recent graduates with disabilities. Information on using the WRP as a recruitment resource can be found at www.wrp.gov.
- For additional model strategies for recruiting and hiring people with disabilities review your agency's Disability Hiring Plans, EEOC Management Directive (MD) 715, 5 CFR part 302, and CHCO Memo "Model Strategies for Recruitment and Hiring of People with Disabilities as Required Under Executive Order 13548." (<https://www.chcoc.gov/sites/default/files/Model%20Strategies%20for%20Recruitment%20and%20Hiring%20of%20People%20with%20Disabilities%20as%20Required%20Under%20Executive%20Order%2013548%2C%202010.pdf#overlay-context=content/excepted-service-appointment-persons-disabilities>).

If you have any questions or need additional information, please contact Ms. Kimberly A. Holden, Deputy Associate Director, Recruitment and Hiring, at 202-606-0960 or email employ@opm.gov.

Thank you for your continued support in the employment of people with disabilities in the Federal Government's workforce.

Attachments: Final Rule: Excepted Service - Appointment of Persons with Intellectual Disabilities, Severe Physical Disabilities, and Psychiatric Disabilities(<http://www.federalregister.gov/articles/2013/02/22/2013-04095/appointment-of-persons-with-intellectual-disabilities-severe-physical-disabilities-and-psychiatric>).

cc: Human Resources Directors and Equal Employment Opportunity Directors