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Promising Practices for Using Schedule A to Recruit, Hire, Advance, and Retain Persons With Disabilities



U.S. Equal Employment Opportunity Commission
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Introduction

Under Section 501 of the Rehabilitation Act as amended,¹ Federal agencies may not discriminate against job applicants and employees based on disability. Additionally, under Section 501 and regulations promulgated by the U.S. Equal Employment Opportunity Commission (EEOC),² agencies must implement a plan to hire and promote persons with disabilities (PWD) and persons with targeted disabilities (PWTD)³ at all levels of Federal employment. Through an affirmative action plan, agencies commit to employing no less than 12% of workers who are PWD and no less than 2% of workers who are PWTD.⁴ According to the EEOC's [FY 2020 Annual Report on the Federal Workforce](#), participation rates increased from 8.70% in fiscal year (FY) 2016 to 9.45% in FY 2020 for PWD and 1.01% in FY 2016 to 1.84% in FY 2020 for PWTD.⁵ Although participation rates have improved, the Federal Government has not yet met its goals.

Through Management Directive 715 (MD-715), which applies to all Executive Branch agencies, the EEOC provides policy guidance and technical assistance to help agencies establish and maintain effective equal employment opportunity (EEO) programs. Specifically, [MD-715, Part J](#) calls for the EEOC and agencies to collaborate to improve affirmative action programs for PWD and PWTD.⁶ As part of these programs, agencies often use excepted hiring authorities such as Schedule A, which allows for "appointment of persons with intellectual disabilities, severe physical disabilities, or psychiatric disabilities" outside the competitive hiring process.⁷ Hiring authorities such as Schedule A help Federal agencies to meet their employment goals for PWD and PWTD.

¹ [29 U.S.C. § 791](#).

² [29 C.F.R. § 1608.4](#).

³ The U.S. Office of Personnel Management's [Standard Form 256](#) lists the following as targeted disabilities: Developmental Disability, for example, autism spectrum disorder; Traumatic Brain Injury; Deaf or serious difficulty hearing benefiting from, for example, American Sign Language, CART, hearing aids, a cochlear implant, and/or other supports; Blind or serious difficulty seeing even when wearing glasses; Missing extremities (arm, leg, hand and/or foot); Significant mobility impairment, benefiting from the utilization of a wheelchair, scooter, walker, leg brace(s) and/or other supports; Partial or complete paralysis (any cause); Epilepsy or other seizure disorders; Intellectual disability; Significant Psychiatric Disorder, for example, bipolar disorder, schizophrenia, PTSD, or major depression; Dwarfism; Significant disfigurement, for example, disfigurements caused by burns, wounds, accidents, or congenital disorders.

⁴ [29 C.F.R. § 1614.203 \(d\)\(7\)\(i\)](#).

⁵ The participation rate is defined as the number of people from a demographic group in the workforce divided by the total workforce. Data includes only permanent employees.

⁶ Only agencies with 1,000 or more permanent employees must complete MD-715, Part J for submission to the EEOC, but all agencies must document their affirmative action programs.

⁷ The regulations at [5 C.F.R. § 213.3102](#) describe appointment authorities, all of which are "Schedule A" authorities. The hiring authority at [5 C.F.R. § 213.3102\(u\)](#) for certain individuals with disabilities is often referred to as "Schedule A," but Schedule A actually includes this and all the authorities in Section 213.3102.

On June 25, 2021, President Biden issued [Executive Order \(EO\) 14035: Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#). This EO charged the Department of Labor (DOL), the Office of Personnel Management (OPM), the EEOC, the Office of Management and Budget (OMB), and the U.S. Access Board to “assess current practices in using Schedule A hiring authority....and evaluate opportunities to enhance equity in employment opportunities and financial security for employees with disabilities through different practices or guidance on the use of Schedule A hiring authority.”

This report provides an overview of the current use of Schedule A and other hiring authorities for PWD and describes current promising practices. This report aims to assist the Federal community in increasing their use of Schedule A to meet the numerical goals for disability employment.

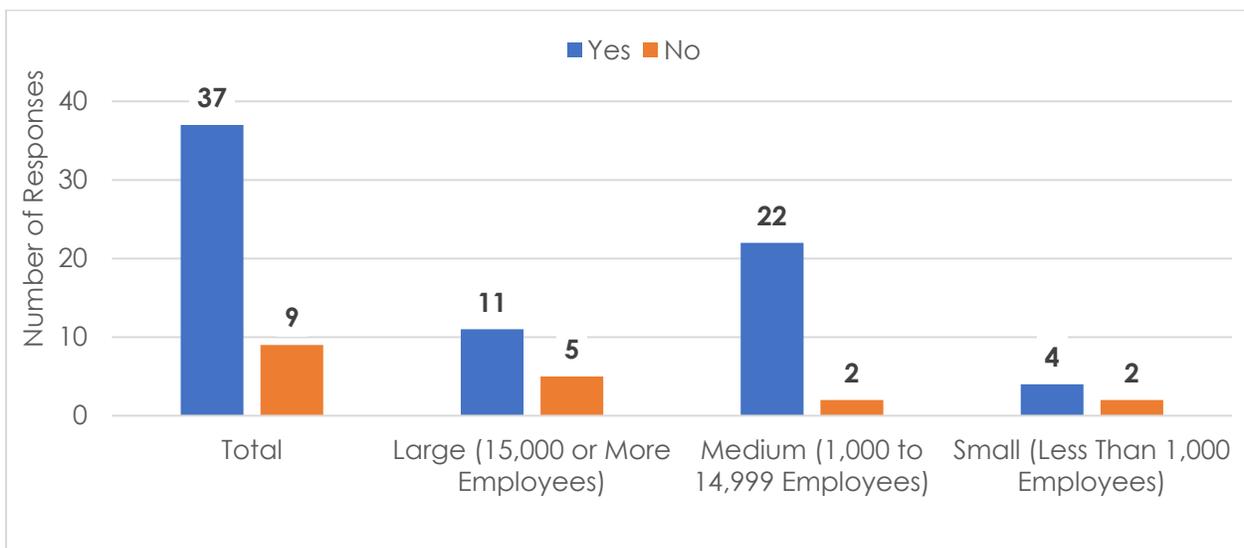
Number of Schedule A Hires

The EEOC surveyed EEO Directors at Federal agencies to learn more about the current use of Schedule A and identify current disability-related employment practices. In total, 55 agencies responded, including 18 large (15,000 or more employees), 29 medium (1,000 to 14,999 employees), and eight small (fewer than 1,000 employees) agencies.

Areas of Satisfaction

The EEOC also asked agencies about their satisfaction with the process for using the Schedule A hiring authority. Overall, Figure 1 shows that, out of the 46 agencies that responded to this question, 37 were satisfied while nine agencies were not. Responses varied by agency size. The vast majority of medium agencies (22 out of 24) reported being satisfied, compared to about half of large and small agencies that reported the same.

Figure 1. Is Your Agency Satisfied With the Process for Using the Schedule A Hiring Authority?



Source: U.S. Equal Employment Opportunity Commission.

Table 1 breaks down the factors contributing to agency satisfaction with Schedule A. The 38 agencies that responded to this question could select multiple factors. Overall, 30 agencies each reported that speed of hiring and ease of use contributed to their satisfaction. By comparison, 26 agencies selected quality hires as a factor. The data varied by agency size. For example, the vast majority of large agencies (10 out of 11) pointed to speed of hiring and ease of use as factors. Meanwhile, small agencies cited each of the three factors equally.

Table 1. Factors Contributing to Agency Satisfaction with Schedule A Hiring Authority

	Number of Agencies	Speed of Hiring	Quality Hires	Ease of Use
Small (less than 1,000)	4	3 (75.00%)	3 (75.00%)	3 (75.00%)
Medium (1,000 to 14,999 employees)	23	17 (73.91%)	15 (65.22%)	17 (73.91%)
Large (15,000 or more employees)	11	10 (90.91%)	8 (72.73%)	10 (90.91%)
Total	38	30 (78.95%)	26 (68.42%)	30 (78.95%)

Note: Agencies could select multiple factors.

Source: U.S. Equal Employment Opportunity Commission.

Areas of Dissatisfaction and Confusion

Despite agencies' overall satisfaction with Schedule A, agencies reported certain areas of dissatisfaction and difficulty. For example, agencies stated that officials and applicants with disabilities may lack familiarity with Schedule A. Furthermore, agencies reported a lack of qualified staff able to process hiring actions under Schedule A and that leadership may not hold staff accountable for not using the hiring authority. Agencies also expressed difficulty in reviewing and determining the sufficiency of medical documentation to support applicant eligibility. One agency described receiving conflicting intra-agency guidance on whether Schedule A candidates must compete for internal promotions or could be non-competitively selected.

Agencies also expressed that the definition of disability under Schedule A is unclear, particularly that the disability is not required to meet the definition of targeted disability to be eligible. This leaves agencies to make determinations on an agency by agency basis. Furthermore, agencies noted that Schedule A is not applicable when a position is already in the excepted service based upon the position type or the agency's status as an excepted service agency.

Another concern was the length of the trial period for Schedule A appointments. Agencies stated that the two-year trial period prior to conversion to competitive status is less favorable than other hiring authorities, which are usually one year.

Agencies also reported confusion regarding Schedule A, including:

- Whether Schedule A applicants are required to compete for internal opportunities.
- Whether PWD may be selected only in the context of a simultaneous competitive hiring process.
- How Schedule A relates to veterans' preference and the right to compete.

These responses are consistent with a 2018 report from OPM, which found Human Resources (HR) practitioners needed clarification on a variety of issues arising with respect to the excepted service, particularly the application of veterans' preference and how to apply the Schedule A hiring authority.⁸

Other Hiring Authorities for Recruiting PWD and PWTD

Agencies described that, regardless of Schedule A usage, officials relied on other strategies for disability hiring to make best use of all available options. As part of an overall disability hiring strategy, agencies focused in particular on veterans' preference in the competitive process and excepted veteran hiring authorities. For instance, agencies described using the 30% or more disabled veteran hiring authority, which allows any veteran with a 30% or more service-connected disability to be non-competitively appointed. Some agencies preferred this authority because it does not include the two-year trial period required under Schedule A and allows for conversion to the competitive service within 60 days.⁹ Other agencies used other authorities and programs applicable to servicemembers and veterans as part of their disability recruitment strategies.¹⁰

In addition, agencies stated that officials made use of hiring authorities specific to the agency or a group of positions to recruit PWD. For example, OPM authorized the use of excepted service appointments to address the need for hiring staff in support of the Infrastructure Investment and Jobs Act, otherwise known as the Bipartisan Infrastructure Law.¹¹ Agencies described leveraging this authority to include PWD. When using agency-specific or position-specific hiring authorities, agencies described providing additional training to personnel to recruit PWD.

Finally, agencies reported using student hiring as a pipeline to increase disability representation. The [Workforce Recruitment Program](#) (WRP), which is managed by DOL's

⁸ [Special Study: Excepted Service Hiring Authorities: Their Use and Effectiveness in the Executive Branch](#), July 2018 at 25-26.

⁹ [5 U.S.C. § 3112](#); [5 C.F.R. §§ 315.707, 316.302\(b\)\(4\), 316.402\(b\)\(4\)](#).

¹⁰ See, for example, the Veterans Recruitment Authority, [5 C.F.R. Part 307](#).

¹¹ See [Memorandum from Director Kiran A. Ahuja for Heads of Executive Departments and Agencies: Infrastructure Investment and Jobs Act Schedule A Hiring Authority](#).

Office of Disability Employment Policy (ODEP) and the Department of Defense, helps agencies hire PWD for internships or permanent jobs—all of whom are prescreened through the program as eligible for appointment under Schedule A. The WRP database contains more than 2,000 resumes from college students, graduate students, and recent graduates with disabilities.

Furthermore, the [Pathways Internship and Recent Graduates Programs](#) allow agencies to noncompetitively convert students and recent graduates to the competitive service.¹² These authorities provide agencies with another way to recruit PWD while they are in school and after they complete their education. Thus, agency responses indicate that Schedule A is one part of a larger repertoire of hiring authorities available to recruit PWD.¹³

Agency Promising Practices

Agencies reported practices that could help the Federal community improve disability representation. Responses indicated that collaboration among the EEO, HR, and Diversity, Equity, Inclusion, and Accessibility (DEIA) offices led to a variety of promising results. Agencies described using external outreach and recruitment, repositories of Schedule A applicants, internal training, and process improvements. Other agencies could use these practices as part of a targeted strategy to improve employment of PWD.

Coordination Among the EEO, HR, and DEIA Offices

Agencies with collaboration among the EEO, HR, and DEIA offices reported a variety of promising practices, including:

- Conducting monthly meetings between all Bureau-level EEO and HR Directors to identify candidates eligible under special hiring authorities for consideration for open vacancies.
- Conducting biweekly meetings among EEO, HR, and DEIA offices to coordinate outreach to and recruitment of underserved communities, including the use of the Schedule A hiring authority.
- Conducting quarterly meetings among EEO, HR, and DEIA offices to review the number of PWD/PWTD in each regional and program office and to look for areas to provide strategic support.

¹² [5 C.F.R. § 213.3402](#).

¹³ The Employer Assistance and Resource Network on Disability Inclusion (EARN) provides further information about hiring authorities that can be used for disability recruitment in an ODEP-funded report entitled [Federal Hiring Authorities from a Disability Perspective](#).

Collecting and Disseminating Information About Schedule A Candidates

Agencies reported other promising practices throughout the recruitment and hiring cycle, including unique ways to collect eligible candidate application packages and improve processes for using Schedule A to fill vacancies, such as:

- Posting a general announcement on [USAJOBS](#)¹⁴ to collect a list of candidates eligible for excepted veteran and Schedule A appointments and maintaining a repository of candidates.
- Maintaining databases, created by EEO and HR offices, of Schedule A candidates with sufficient documentation of disability. Candidates in these databases can then be provided to hiring officials and HR specialists, upon request, or through regular e-mails to relevant officials, with appropriate guidance on how to use the Schedule A hiring authority.

Increasing Representation of Schedule A Candidates for Vacant Positions

Agencies described the following strategies for increasing the representation of Schedule A eligible candidates when filling vacant positions:

- Developing paid internship programs by partnering with local disability nonprofits to prepare PWD for agency positions; upon completion of these paid internships, candidates may be eligible for hiring under Schedule A.¹⁵
- Establishing standard operating procedures that require hiring officials to consider noncompetitive options, including Schedule A, when filling vacancies.
- Requiring hiring officials to certify and review a roster of Schedule A candidates prior to a selection.
- Deploying a pre-recruitment consultation during hiring processes to recommend that hiring managers review candidates prequalified under excepted hiring authorities prior to posting an announcement.

Internal Training and Outreach

Agencies identified internal training and outreach efforts to increase knowledge and awareness of Schedule A and other information related to hiring PWD. Promising practices included:

¹⁴ USAJOBS is a website hosted by OPM, which serves as the Federal Government's official employment site. [About USAJOBS](#).

¹⁵ Agencies should consult with legal counsel to seek guidance on the agency's authority to work with non-governmental entities.

- Webinars, such as one sponsored by the Disability Employee Resource Group, which was presented to over 75 individuals, including senior managers, and provided information on hiring PWD.
- Training for hiring managers on how to receive a separate Schedule A hiring certificate or a list of Schedule A candidates, how to use OPM's Agency Talent Portal (ATP)¹⁶ to search for Schedule A applicants, and combatting stereotypes about PWD in certain occupations.¹⁷
- Monthly newsletters targeting human capital personnel, including senior leaders and hiring managers, to provide information and resources on Schedule A, and to track current workforce data in relation to hiring goals for PWD and PWTD.

External Training and Outreach

Agencies also described external outreach intended to expand the candidate pool and generate interest in employment. Promising practices included:

- Agency attendance at career fairs to develop partnerships with organizations servicing disabled veterans.
- Issuing agency email blasts to vocational rehabilitation centers, workforce development programs, WRP, and ATP to share available job opportunities.
- Creating an agency email box for public questions about careers with the agency, including inquiries from those who identify as Schedule A eligible; and providing staffing to ensure that such inquiries receive timely responses.
- Developing agency relationships with college and university centers for PWD.
- Preparing brochures that explain Schedule A for distribution to community members.
- Using employment platforms, such as LinkedIn, to engage with PWD.

Recommendations

Federal agencies are currently engaging in promising practices to increase Schedule A hiring and disability representation. However, additional actions may lead to greater use of Schedule A and better representation of PWD and PWTD. Accordingly, the EEOC recommends the following actions to improve Schedule A hiring:

¹⁶ The ATP replaces [OPM's Chief Human Capital Officers' Shared List of People with Disabilities](#), which was a database of candidates with disabilities who were eligible to apply for employment through the Schedule A hiring authority.

¹⁷ This information can be disseminated during required reasonable accommodation training or during separate training throughout the year.

- OPM, the EEOC, DOL, OMB, and the U.S. Access Board should continue existing collaborations to enhance agency practices. Such collaborations may include education through the [Federal Exchange on Employment & Disability](#) (FEED)¹⁸ and the learning community hosted by the EO 14035 implementation team.
- These agencies should continue to provide guidance, clarification, and outreach—particularly in areas where agencies have expressed confusion or difficulty, such as veterans' preference, when to use Schedule A, and what constitutes sufficient disability documentation.
- Agencies should promote collaboration among their EEO, HR, and DEIA offices to implement promising practices and increase hiring through Schedule A and other disability authorities.
- Agencies should expand and share promising practices, such as practices related to the collection and dissemination of information about Schedule A candidates, as well as internal and external training and outreach.

¹⁸ FEED is an interagency working group open to Federal employees whose job duties involve inclusion of PWD. It is managed by representatives from the EEOC, OPM, and ODEP.

Appendix: Questions and Answers on Schedule A

Does using Schedule A violate veterans' preference or the right to compete?

No. Although historically this has been an area of confusion, using the Schedule A hiring authority does not violate veterans' preference or the right to compete. Veterans' preference applies only to the competitive service hiring process¹⁹ and offers eligible veterans additional points to their earned rating.²⁰ In contrast, Schedule A is an excepted service hiring authority, so agencies may make appointments under Schedule A that are not subject to veterans' preference. Schedule A may be used even for positions that could also be filled in the competitive service.²¹ Furthermore, EEOC technical assistance states that an agency can hire a Schedule A candidate without posting a job announcement.²²

For appointments to the excepted service, agencies should follow veterans' preference principles "as far as administratively feasible."²³ The U.S. Court of Appeals for the Federal Circuit and the MSPB, both of which adjudicate claims involving veterans' preference, have held that an agency may meet this requirement by considering veterans' preference as a "positive factor."²⁴

Certain veterans may not be denied the opportunity to compete for vacancies when an agency accepts applicants outside its own workforce.²⁵ However, agencies may use lists, such as OPM's [ATP](#), to recruit candidates outside of an agency eligible for

¹⁹ OPM regulations and precedent from the U.S. Court of Appeals for the Federal Circuit and the Merit Systems Protection Board (MSPB), both of which have jurisdiction over claims of veterans' preference, support the proposition that Schedule A appointments do not violate veterans' preference. See [5 C.F.R. § 302.101\(c\)\(11\)](#) (stating that Schedule A positions are exempt from the appointment procedures of the competitive service); [Patterson v. Department of the Interior](#), 424 F.3d 1151, 1157-58 (2005) (stating that OPM's designation of positions in the excepted service intended to exempt the positions from the procedures utilized in the competitive service); [Van Wersch v. Department of Health and Human Services](#), 72 M.S.P.R. 662, 665-66 (1996) (stating that an employee could be appointed under Schedule A to a position that could be converted to the competitive service, but did not have competitive status because of the nature of the appointment).

²⁰ [5 U.S.C. § 3309](#).

²¹ See [Kopec v. Department of Veterans Affairs](#), MSPB Docket No. PH-3330-14-0320-I-1, 20 (Jan. 20, 2016) (nonprecedential).

²² See the EEOC's "[The ABCs of SCHEDULE A Tips for Human Resource Professionals on Using the Schedule A Appointing Authority](#)," Question 3.

²³ [5 C.F.R. § 302.101\(1\)](#).

²⁴ See, for example, [Dean v. Department of Labor](#), 808 F.3d 497, 506-07 (Fed. Cir. 2015); [Jarrard v. Social Security Administration](#), 115 M.S.P.R. 397, 15 (2010), [aff'd](#), 669 F.3d 1320 (Fed. Cir. 2012).

²⁵ See [5 U.S.C. § 3304\(f\)\(1\)](#); [5 C.F.R. § 335.106](#); [Kerner v. Department of the Interior](#), 778 F.3d 1336, 1337 (Fed. Cir. 2015); [Oram v. Department of the Navy](#), 2022 M.S.P.B. 30, 8 (2022), [aff'd](#), 2022-1545 (Fed. Cir. Dec. 8, 2022).

appointment under the Schedule A hiring authority without violating the right to compete.

Can an agency hire an employee under Schedule A without formally announcing the position in the competitive service?

Yes, an agency may hire an employee to a position that would ordinarily be in the competitive service by using Schedule A without formally announcing the position.²⁶ Furthermore, agencies may utilize resources like OPM's [ATP](#) to fill such positions by searching for applicants eligible under Schedule A.

Can Schedule A be applied to promote a current employee?

Yes, agencies may use Schedule A to promote a current employee.²⁷ Further, such a promotion would not constitute a violation of the right to compete because an agency is not accepting applications from individuals outside its own workforce.²⁸

What constitutes a sufficient document for eligibility under Schedule A?

According to the regulations, agencies must require "appropriate documentation" for proof of disability. This documentation may be provided from any of the following sources: a licensed medical professional; a licensed vocational rehabilitation specialist; or a Federal, State, District of Columbia, or U.S. territory agency that "issues or provides disability benefits."²⁹ OPM provides [sample letters](#) that an applicant may use. However, these sample letters are not the only documentation that may constitute proof of disability.³⁰

²⁶ See the EEOC's "[The ABCs of SCHEDULE A Tips for Human Resource Professionals on Using the Schedule A Appointing Authority](#)," Question 3.

²⁷ See the EEOC's "[The ABCs of SCHEDULE A Tips for Human Resource Professionals on Using the Schedule A Appointing Authority](#)," Question 6.

²⁸ [5 U.S.C. § 3304\(f\)\(1\)](#); *c.f.* [Montgomery v. Department of Health and Human Services](#), 123 M.S.P.R. 216, 7 (2016) (finding that the right to compete was invoked based upon the agency's consideration of applicants outside its own workforce).

²⁹ [5 C.F.R. § 213.3102\(u\)\(3\)\(ii\)](#).

³⁰ EARN recently published two ODEP-funded resources that provide additional information on Schedule A hiring. See [Frequently Asked Questions About the Schedule A Excepted Service Hiring Authority for People with Disabilities](#); [Resource Guide: Schedule A Excepted Service Hiring Authority for People with Disabilities](#).