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**Approved for Release**

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**Date**

**Paula Patrick**

**Acting Director for Human Resources Management and  
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**DEPARTMENT OF COMMERCE  
OFFICE OF HUMAN RESOURCES MANAGEMENT**

**HUMAN RESOURCES (HR) BULLETIN #253, FY21**

**SUBJECT:** Extension of Schedule A Appointing Authority for Coronavirus Disease 2019 (COVID-19)

**EFFECTIVE DATE:** Upon release of this HR Bulletin

**EXPIRATION DATE:** December 31, 2021

**SUPERSEDES:** Human Resources Bulletin #242, FY20, "Schedule A Appointing Authority for Coronavirus Disease 2019 (COVID-19)."

**BACKGROUND:** On March 13, 2020, a national emergency was declared in response to the outbreak of Coronavirus Disease 2019 (COVID-19). The Centers for Disease Control and Prevention (CDC) reported that all 50 states, as well as the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands, had confirmed cases of COVID-19. The COVID-19 pandemic health crisis poses a serious public health risk and direct threat to lives.

Under Title 5, Code of Federal Regulations (CFR) § 213.3102(i)(3), the Office of Personnel Management (OPM) has authority to authorize the use of Schedule A excepted service appointments to fill positions on a temporary basis for up to 1 year, which may be extended for up to 1 additional year if needed, for which examining is impracticable. As such, and in response to the COVID-19 pandemic, on March 20, 2020, OPM exercised this authority to fill positions on a temporary basis as needed in response to, or as a result of, COVID-19.

On March 29, 2021, OPM extended until December 31, 2021, the use of the excepted service Schedule A Hiring Authority under 5 CFR § 213.3102(i)(3) for hiring additional staff needed in response to the ongoing COVID-19 pandemic.

**PURPOSE:** This HR Bulletin provides Department of Commerce (DOC) approval authority, accountability responsibility, guidance, processing instructions, and tracking and reporting requirements for the use of the COVID-19 Schedule A hiring authority, 5 CFR § 213.3102(i)(3).

**APPROVAL AUTHORITY:** The Principal Human Resources Managers (PHRMs) have the authority to approve the use of 5 CFR § 213.3102(i)(3) without additional approval from the Office of Human Resources Management (OHRM).

**ACCOUNTABILITY:** The PHRMs are responsible for ensuring the authority is used **ONLY** for positions in response to, or as a result of, COVID-19. In addition, when using this authority, the provisions of 5 CFR, Part 302, and the procedures in 5 United States Code (U.S.C.) 3318(c) and 5 U.S.C. 3319(c)(7), must be followed when passing over a preference eligible.

**LENGTH OF APPOINTMENT:** Temporary appointments may be made for up to 1 year and may be extended up to 1 additional year. If the public health emergency or pandemic continues, requests for extensions of appointments beyond 24 months may be submitted through OHRM to OPM on a case-by-case basis.

**EXPIRATION OF AUTHORITY:** No new appointments may be made after the expiration date of this authority (December 31, 2021). However, individuals appointed prior to the expiration date of the authority may remain employed for the duration of their appointment.

Appointments made before the authority's expiration date may be extended beyond that date.

**TYPES OF POSITIONS:** This authority may be used only to fill positions in response to, or as a result of, COVID-19. This authority may **NOT** be used to fill positions not directly related to the emergency.

The DOC is not restricting the use of this authority to specifically designated pay plans, series, grade/band levels, or geographic locations. The PHRMs have full discretion in determining and ensuring that the use of the authority meets the intent of the authority.

**PUBLIC NOTICE:** Schedule A appointing authorities are non-competitive, excepted service appointments; therefore, there is no public notice requirement (posting on USAJOBS.gov). However, *USAJOBS* may be used to advertise the open position(s).

**ICTAP/CTAP AND RPL:** Appointments under 5 CFR § 213.3102(i)(3) are excepted from the Reemployment Priority List (RPL), the Career Transition Assistance Plan (CTAP), and the Interagency Career Transition Assistance Plan (ICTAP) in accordance with 5 CFR §§ 330.211(i), 330.609(i), and 330.707(g).

**ACQUISITION OF COMPETITIVE STATUS:** Appointments under 5 CFR § 213.3102(i)(3) do not confer competitive status in the competitive service, as these appointments are in the excepted service.

**SUITABILITY:** Applicants hired under the authority are subject to the same suitability/background investigation process as other applicants.

**PROCESSING:** Standard Form (SF)-50, Notification of Personnel Action – Servicing Human Resources Offices or the Enterprise Services Organization, as applicable, must process

appointment actions under this authority in accordance with the time-limitations prescribed in this bulletin under Expiration of Authority, and must use the following legal authority codes:

- First authority code is “W9R/Sch. A, 5 CFR 213.3102(i)(3)”
- Second authority code is “W9C”

**REPORTING REQUIREMENTS:** The PHRMs are required to send in monthly reports (due 5 business days after the end of each month) to the Director for Human Resources Management and Chief Human Capital Officer. The reports are to have the following information for each position filled using Title 5, CFR § 213.3102(i)(3):

- Bureau/operating unit
- Line office
- Name of incumbent
- Title
- Pay/plan
- Series
- Grade/band
- Effective date of appointment
- Not-to-exceed (NTE) date of appointment
- Summary/description of duties/responsibilities, and brief justification as to the position’s response to, or as a result of, COVID-19

**REFERENCES:** Title 5, Code of Federal Regulations (CFR), Part 213, Subpart C, Schedule A § 213.3102(i)(3); 5 CFR, Part 302, and the procedures in 5 United States Code (U.S.C.) 3318(c) and 5 U.S.C. 3319(c)(7) on passing over a preference eligible; Office of Personnel Management, “Memorandum For Heads of Executive Departments and Agencies, Coronavirus (COVID-19) Schedule A Hiring Authority,” dated March 20, 2020; Office of Personnel Management Fact Sheet – COVID-19 Excepted Service Hiring Authority, dated March 30, 2020; “Memorandum For Heads of Executive Departments and Agencies, Extension of the Coronavirus COVID-19 Schedule A Hiring Authority,” dated March 29, 2021

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