

Office of Personnel Management

§ 307.104

307.104 Appeal rights.

AUTHORITY: 5 U.S.C. 3301, 3302; E.O. 11521, 3 CFR, 1970 Comp., p. 912; 38 U.S.C. 4214.

SOURCE: 58 FR 12145, Mar. 3, 1993, unless otherwise noted.

§ 307.101 Definitions.

In this part,

(a) The term *veteran* has the meaning given in section 4211 (2)(A), (3) and (4) of title 38, United States Code, as follows:

(1) *Veteran of the Vietnam era* means an eligible veteran any part of whose active military, naval, or air service was during the Vietnam era.

(2) *Disabled veteran* means:

(i) A veteran who is entitled to compensation (or who, but for the receipt of military retired pay, would be entitled to compensation) under laws administered by the Department of Veterans Affairs; or

(ii) A person who was discharged or released from active duty because of a service-connected disability.

(3) *Eligible veteran* means a person who:

(i) Served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge; or

(ii) Was discharged or released from active duty because of a service-connected disability; or

(iii) As a member of a reserve component under an order to active duty pursuant to section 672(a), (d), or (g), 673, or 673b of title 10 of the United States Code, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge.

(b) *Post-Vietnam-era veteran* means an eligible veteran who first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces after May 7, 1975.

(c) *Vietnam era* means the period beginning August 5, 1964 and ending May 7, 1975.

(d) *Veterans readjustment appointment (VRA)* is an excepted appointment made after April 8, 1970, under this part, to a position otherwise in the competitive service of eligible veterans

of the Vietnam era and the post-Vietnam era.

§ 307.102 Coverage and general responsibilities.

(a) Federal agencies have the responsibility to provide the maximum of employment and job advancement opportunities to eligible veterans of the Vietnam era and the post-Vietnam era who are qualified for such employment and advancement.

(b) Employees with VRA appointments who satisfactorily complete two years of substantially continuous service under the VRA program, including training when required, shall be converted to career-conditional or career employment, as appropriate.

[58 FR 12146, Mar. 3, 1993, as amended at 60 FR 3058, Jan. 13, 1995]

§ 307.103 Appointing authority.

(a) An agency may appoint any veteran who served on active duty after August 4, 1964, who meets the basic veterans readjustment eligibility provided by law.

(b) Appointments are subject to investigation by OPM. A law, Executive order, or regulation which disqualifies a person for appointment in the competitive service also disqualifies a person for a veterans readjustment appointment.

[60 FR 3058, Jan. 13, 1995]

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A veterans readjustment appointment (VRA) is an excepted appointment to a position otherwise in the competitive service. Veterans readjustment appointees have the same appeal rights as excepted service employees under parts 432 and 752 of this chapter, except the appointees are also entitled to limited appeal protection during their 1st year of service as set forth in § 315.806 of this chapter. This means that a VRA appointee with more than 1 year of current continuous service, who is also a preference eligible, can appeal an adverse action to the Merit Systems Protection Board. Non-preference eligibles serving under VRA