

STAFFING

1. **REASON FOR ISSUE:** To revise the Department of Veterans Affairs (VA) qualification standard for General Attorney, GS-0905 appointed under 5 C.F.R. § 213.3102(d), Entire Executive Civil Service.
2. **SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook contains mandatory procedures on staffing. Under the authority of 5 C.F.R., Part 6, Exceptions from the Competitive Service, Rule 6, the Secretary of VA may establish regulations for appointment and position changes in the General Attorney occupation. The revised standard is effective on the date of this publication. This qualification standard will be incorporated into the electronic version of VA Handbook 5005, Staffing, which is maintained on the [Office of the Chief Human Capital Officer website](#) and the [VA Publications website](#). Significant changes include:
 - a. Removes educational requirements.
 - b. Removes physical requirements.
 - c. Clarifies how Veterans' preference is applied.
 - d. Removes the GS-9 grade level.
 - e. Removes the occupational examination guide to include the rating procedure and assignment of points.
3. **RESPONSIBLE OFFICE:** Office of the Chief Human Capital Officer, Recruitment and Placement Policy Service (059).
4. **RELATED DIRECTIVES:** VA Directive 5005, Staffing.
5. **RESCISSIONS:** None.

CERTIFIED BY:

/s/
Dat P. Tran
Acting Assistant Secretary
for Enterprise Integration

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/
Gina M. Grosso
Assistant Secretary for Human Resources
and Administration/Operations, Security and
Preparedness

DISTRIBUTION: Electronic only

NOTE: This transmittal page accompanied the former VA Handbook 5005, Staffing publication. It is provided for reference to highlight revisions made to this qualification standard.

**GENERAL ATTORNEY
QUALIFICATION STANDARD
GS-0905-11/15**

AUTHORITY: [5 C.F.R., Part 6](#), Exceptions from the Competitive Service, (Rule VI)

- 1. COVERAGE.** The requirements in this standard are for appointment as an Attorney in the Department of Veterans Affairs (VA). These requirements apply to all Attorneys in the General Schedule (GS)-0905 series. Attorneys within VA provide legal advice and services with respect to questions, regulations, practices, or other matters falling within the purview of VA; draft and review Department officials' decisions to ensure compliance with the law, regulation, practices, etc., and legal sufficiency; issue written legal opinions and prepare final decisions in adjudications and appeals involving Veterans' benefits under laws administered by VA; engage in judicial and administrative litigation on behalf of the Secretary at the Federal, state, and local levels; examine contracts; provide substantive recommendations to proposed legislation; prepare interpretive and administrative orders, rules, or regulations; negotiate on behalf of the Secretary with Federal, state, and local stakeholders and prepare final VA decisions and orders on the substantive merits of employment discrimination complaints filed by employees, former employees, or applicants for employment.
- 2. BASIC REQUIREMENTS.**
 - a. **Citizenship.** Be citizens of, or owe allegiance to, the United States.
 - b. **Bar Membership Requirements.** All attorneys in the GS-0905 series must be active members in good standing of the bar of a state or territory of the United States or the District of Columbia and must hold a current, unrestricted license to practice law. Employees must maintain their compliance with this requirement. The duties of the position call for appearance in court. The applicant must be a member in good standing of the bar or be eligible for admission to the bar, of the state or territory of the United States or the District of Columbia where he/she will serve.
 - c. **Loss of Good Standing/Bar Membership.** Employees must maintain good standing in a bar of a state or territory of the United States or the District of Columbia while employed as an attorney with VA. Failure to maintain good standing in a bar of a state or territory of the United States, or the District of Columbia provides grounds for removal and possible termination from employment with the VA.
- 3. QUALIFICATIONS.** The applicant's experience and training must demonstrate he/she can successfully perform the position's duties. [The Office of Personnel Management \(OPM\) Position Classification Standard for General Attorney Series, GS-0905](#), provides examples of duties performed at each grade level.

- a. **Quality of Experience.** For each grade, applicants must have one or a combination of the following types of experience in the amounts indicated in paragraphs 3.c.(1) through (5):

- (1) Practice of law includes private, state, or Federal practice in any field of law.
- (2) Other legal experience of a responsible nature is experience in any one or a combination of the following performed in a law office, government office, or in the legal department of a business establishment, in the armed forces, or other Federal service:
 - (a) Conducting legal research, analyzing statutes, writing legal opinions;
 - (b) Writing authoritative or advisory legal opinions involving interpretation of state or Federal laws, regulations, and orders, or the drafting of such regulations or orders; or
 - (c) Drafting, analyzing, and other legal activities with respect to bills, regulations, Executive Orders, proclamations, or statutory provisions.
- (3) Where the volume of legal work in one particular subject-matter field (such as administrative law, legislation, guardianship, loans, torts, or any of the several Veterans' benefits, litigations, etc.) requires the appointee to be specifically qualified in that field, this requirement will be identified as a selective factor through job analysis. Such specific qualifications will be documented in the position description.

b. **Exceptions.**

- (1) **Law Clerk.** The occupational series, Law Clerk 0904, consists of employees who have completed the education and/or training required for admission to the bar and are pending admission. The entry grade level for an appointment is the GS-11 grade level. Employees serve in not-to-exceed positions and must earn admission to the bar of a state or territory of the United States or the District of Columbia within 14 months.
- (2) **Legal Intern.** Legal Intern positions must use the Pathways Internship Program for appointment in accordance with Appendix N, Pathways Program.
- (3) **Superior Law Student Program.**
 - (a) GS-11 and GS-12 candidates applying under this option are required to furnish certification from the registrar of ranking and other attainments in law school. Candidates who meet the requirements may be eligible for appointment Above the Minimum Entry Rate of the grade under 5 U.S.C. § 5333 and VA Handbook 5007, Part II, Chapter 3, Paragraph 4.

(b) Candidates must graduate in the upper one-third of their law class and

(c) Achieve one of the following accomplishments:

- i. Work or achievement of significance on their school's Official Law Review;
- ii. Special high-level honors for academic excellence in law school, such as election to the Order of the Coif;
- iii. Winning a moot court competition or membership on the moot court team which represents the law school in competition with other law schools;
- iv. Full-time or continuous participation in a legal aid program as opposed to intermittent or casual participation;
- v. Significant summer law-office clerk experience; or
- vi. Other equivalent evidence of superior achievement.

c. **Grade Determinations.** In addition to the basic requirements for employment identified in paragraph 2, the following criteria are the minimum qualifications for non-supervisory positions at each grade level.

(1) **GS-11.**

- (a) One year of experience or less in the practice of law as described in paragraph 3a; or
- (b) Meets qualification through the Superior Qualification Program.

(2) **GS-12.**

- (a) Possession of a Master of Laws (LL.M.) degree;
- (b) Possession of a Juris Doctor (JD) degree in a field of law directly pertinent to the work of the position to be filled as evidenced by transcripts and identified as a selective factor in the position description or subsequent position descriptions in a position ladder;
- (c) Two years of progressively responsible experience as described in paragraph 3a of which a maximum of one year of the required experience may be acquired prior to admission to the bar, and that demonstrates experience performing similar legal work and responsibilities as described in Nature of Cases or Legal Problems, Type I, in the OPM Position Classification Standard for General Attorney Series, GS-0905; or

(d) Meets qualification through the Superior Qualification Program.

- (3) **GS-13.** Three years of progressively responsible experience as described in paragraph 3a, of which a maximum of one year of the required experience may be acquired prior to admission to the bar, and that demonstrates experience performing similar work and responsibilities as described in Nature of Cases or Legal Problems, Type II, in the OPM Position Classification Standard for General Attorney Series, GS-0905.
- (4) **GS-14.** Four years of progressively responsible experience as described in paragraph 3a, of which a maximum of one year of the required experience may be acquired prior to admission to the bar, and that demonstrates experience performing similar work and responsibilities as described in Nature of Cases or Legal Problems, Type III and Level of Responsibility D in the OPM Position Classification Standard for General Attorney Series, GS-0905.
- (5) **GS-15.** Four years of progressively responsible experience as described in paragraph 3a, of which a maximum of one year of the required experience may be acquired prior to admission to the bar, and that demonstrates the professional and administrative abilities required to perform similar work and responsibilities as described in Nature of Cases or Legal Problems, Type III and Level of Responsibility E, in the OPM Position Classification Standard for General Attorney Series, GS-0905.

4. EXAMINING GUIDE.

- a. In the absence of an occupational-wide examining guide, hiring officials must develop prescribed written rating and ranking methodologies, in consultation with Human Resources office staff, based on thorough job analyses if candidates are evaluated beyond minimum qualifications for vacancies.
- b. In accordance with 5 C.F.R. § 302.101(c), Veterans' preference applies as far as administratively feasible. When candidates are determined to be approximately equally qualified for a particular vacancy, hiring preference will be given to Veterans or preference eligibles as defined in 5 U.S.C. § 2108. At a minimum, facilities must demonstrate from the written record why the qualifications of non-selected preference eligibles and other Veterans are not approximately equal to those of selected candidates who either lack preference or are non-Veterans. Upon request, hiring managers must provide qualified Veterans or preference eligibles with the reasons for non-selection.]

RESPONSIBLE OFFICE: Human Resources and Administration/Operations, Security and Preparedness (HRA/OSP) (006), Office of the Chief Human Capital Officer (OCHCO) (05), Recruitment and Placement Policy Service (059)