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## Executive Order 11521--Authorizing veterans readjustment appointments for veterans of the Vietnam era

**Source:** The provisions of Executive Order 11521 of Mar. 26, 1970, appear at 35 FR 5311, 3 CFR, 1966-1970 Comp., p. 912, unless otherwise noted.

WHEREAS this Nation has an obligation to assist veterans of the armed forces in readjusting to civilian life;

WHEREAS the Federal Government, as an employer, should reflect its recognition of this obligation in its personnel policies and practices;

WHEREAS veterans, by virtue of their military service, have lost opportunities to pursue education and training oriented toward civilian careers;

WHEREAS the Federal Government is continuously concerned with building an effective workforce, and veterans constitute a major recruiting source; and

WHEREAS the development of skills is most effectively achieved through a program combining employment with education or training:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution of the United States, by sections 3301 and 3302 of title 5, United States Code, and as President of the United States, it is ordered as follows:

**Section 1.** (a) Subject to paragraph (b) of this section, the head of an agency may make an excepted appointment, to be known as a "veterans readjustment appointment", to any position in the competitive service up to and including GS-5 or the equivalent thereof, of a veteran or disabled veteran as defined in section 2108(1), (2), of title 5, United States Code,

who:

- (1) served on active duty in the armed forces of the United States during the Vietnam era;
- (2) at the time of his appointment has completed not more than fourteen years of education; and
- (3) is found qualified to perform the duties of the position.

(b) Employment under paragraph (a) of this section is authorized only under a training or educational program developed by an agency in accordance with guidelines established by the Office of Personnel Management.

(c) An employee given a veterans readjustment appointment under paragraph (a) of this section shall serve subject to:

- (1) the satisfactory performance of assigned duties; and
- (2) participation in the training or educational program under which he is appointed.

(d) An employee who does not satisfactorily meet the conditions set forth in paragraph (c) of this section shall be removed in accordance with appropriate procedures.

(e) An employee serving under a veterans readjustment appointment may be promoted, reassigned, or transferred.

(f) An employee who completes the training or educational program and who has satisfactorily completed two years of substantially continuous service under a veterans readjustment appointment shall be converted to career-conditional or career employment. An employee converted under this paragraph shall automatically acquire a competitive status.

(g) In selecting an applicant for appointment under this section, an agency shall not discriminate because of race, color, religion, sex, national origin, or political affiliation.

[Sec. 1 amended by Executive Order 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

**Sec. 2.** (a) A person eligible for appointment under section 1 of this order may be appointed only within one year after his separation from the armed forces, or one year following his release from hospitalization or treatment immediately following his separation from the armed forces, or one year after involuntary separation without cause from (i) a veterans readjustment appointment or (ii) a transitional appointment, or one year after the effective date of this order if he is serving under a transitional appointment.

(b) The Office of Personnel Management may determine the circumstances under which

service under a transitional appointment may be deemed service under a veterans readjustment appointment for the purpose of paragraph (f) of section 1 of this order.

[Sec. 2 amended by Executive Order 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

**Sec. 3.** Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service shall also disqualify a person otherwise eligible for appointment under section 1 of this order.

**Sec. 4.** For the purpose of this order:

(a) "agency" means a military department as defined in section 102 of title 5, United States Code, an executive agency (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, and those portions of the legislative and judicial branches of the Federal Government and of the government of the District of Columbia having positions in the competitive service; and

(b) "Vietnam era" means the period beginning August 5, 1964, and ending on such date thereafter as may be determined by Presidential proclamation or concurrent resolution of the Congress.

**Sec. 5.** The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out the provisions of this order.

[Sec. 5 amended by Executive Order 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

**Sec. 6.** Executive Order No. 11397 of February 9, 1968, is revoked. Such revocation shall not affect the right of an employee to be converted to career-conditional or career employment if he meets the requirements of section 1(d) of Executive Order No. 11397,<sup>1</sup> after the effective date of this order.

**Sec. 7.** This order is effective 14 days after its date.

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<sup>1</sup> **Editorial note:** The provisions of section 1 of Executive Order 11397 of Feb. 9, 1968, 33 FR 2833, 3 CFR, 1966-1970 Comp., p. 712, are as follows:

**Section 1.** (a) Under such regulations as the Civil Service Commission may prescribe, the head of an agency may make an excepted appointment (to be known as a "transitional

appointment") to any position in the competitive service at GS-5 or below, or the equivalent thereof, of a veteran or disabled veteran as defined in section 2108 (1), (2) of title 5, United States Code, who:

- (1) served on active duty in the armed forces of the United States during the Vietnam era;
- (2) at the time of his appointment has completed less than one year of education beyond graduation from high school, or the equivalent thereof; and
- (3) is found qualified to perform the duties of the position.

(b) An employee given a transitional appointment under paragraph (a) of this section serves subject to:

- (1) the satisfactory performance of assigned duties; and
- (2) the satisfactory completion, within such reasonable time as is prescribed in the regulations of the Civil Service Commission, of not less than one school year of full-time approved education or training, or the equivalent thereof, except that two school years of full-time approved education or training, or the equivalent thereof, shall be required when an employee has not completed high school, or the equivalent thereof, by virtue of that education or training.

(c) An employee who does not satisfactorily meet the conditions set forth in paragraph (b) of this section shall be removed in accordance with appropriate procedures.

(d) An employee who satisfactorily meets the conditions set forth in paragraph (b) of this section and who has completed not less than one year of current continuous employment under a transitional appointment shall, in accordance with the regulations of the Civil Service Commission, be converted to career-conditional or career employment when he furnishes his employing agency proof of the satisfactory completion of the required education or training. An employee converted under this paragraph shall automatically acquire a competitive status.

(e) In selecting an applicant for appointment under this section, an agency head shall not discriminate because of race, color, religion, sex, national origin, or political affiliation.

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