

Mr. MACY. It says it would be a noncompetitive appointment. What we mean by noncompetitive is that he would not have to be ranked after he had taken the examination at such a level where he would be reached. You are correct about the educational feature. This is different from a normal appointment, because a condition of the appointment is a period of education, which would be in accordance with the VA program. But in order to get into this at all, the individual has to be able to meet the minimum requirements for a particular job.

Mr. THOMPSON. Well, I don't want to belabor the point, or actually become involved in an argument. I have read this Executive order, and it may well be I have misread that particular point, but it seems to me that it states that in the first five grades a written examination is not required.

However, the person must be deemed qualified by the employing agency, whomever it may be, and further, that he has to agree to pursue an educational course of an approved type during the first year. At the end of the first year, he may be further evaluated. But I believe that almost all of the members of the committee were of the opinion, as certainly I was, that the written test can be waived under that Executive order.

Mr. MACY. No; if the job to be filled requires a written test, he has to take it just like anybody else entering that job. If I may, Mr. Thompson, I would like to provide you—and I can provide it for the record—a series of questions and answers with respect to that Executive order that we have developed in order to clarify points such as the one you have been making.

Mr. THOMPSON. Right. I would appreciate it.
(The material referred to follows:)

EXECUTIVE ORDER 11397—AUTHORIZING TRANSITIONAL APPOINTMENTS OF VETERANS WHO HAVE SERVED DURING THE VIETNAM ERA

Whereas the Federal Government has the obligation to facilitate the transition of veterans from service in the Armed Forces during the Vietnam era to employment in civilian pursuits;

Whereas many veterans have not completed education or training adequate to prepare them for the future job demands of civilian employment;

Whereas the Government recognizes that the acquisition of adequate education or training is an essential element in preparing individuals for employment in our present society;

Whereas the Government as an employer has a continuing need for skilled employees and a corresponding duty to encourage the acquisition of adequate education or training by its employees; and

Whereas the acquisition of necessary education or training can be combined effectively with productive employment:

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) 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 1 year of education beyond graduation from high school, or the equivalent thereof; and

(3) is found qualified to perform the duties of the position.