



# NFFE Forest Service Council Legislative Committee

March 1, 2010



## Re-instatement of 1039 Positions

Several weeks ago, the Union became aware of a HRM initiative to come into compliance with OPM regulations (the 24 in 36 month rule and 1039 rule). Under this effort, hundreds of temp positions would have been abolished and the employees working in them would have lost their re-hire eligibility for the coming season.

We worked hard behind the scenes to avert this disaster. We met personally with HRM leadership in Albuquerque and OPM leadership in Washington, DC. We stressed that this would have a devastating effect on employees and on agency capabilities. We also discussed the spirit of the regulations and alternative interpretations.

Last Friday, NFFE Forest Service Council President Ron Thatcher and I met with HRM Director Robin Bailey and learned that our efforts had been successful. Robin told us that the positions would not be abolished as long as 1039 hours of base work in the position had not been exceeded. If you have been told you could not be re-hired this season because you were left on the roles with no break in service or because of the 24 in 36 month rule, then you should be receiving a letter from HRM reversing this decision and restoring your status (as long as you were within the 1039 limit).

Robin and his staff have our thanks for working with us in good faith on this difficult issue. It is not easy thing to change a decision already being implemented and chart a new course. We really appreciate the leadership and courage they have shown.

NFFE-FSC continues to believe that employees who perform recurring seasonal work should get the permanent status and benefits they deserve. We will continue to work hard for this goal. But, we need to work with OPM and Congress to develop a "pathway to permanence" for long-term temps before their temporary positions can be converted to permanent seasonal ones. This will be a long, hard battle, but we have received a commitment from OPM leadership to work with us. HRM tells us they are in general agreement with this goal and will work with us. We look forward to an effective collaboration to bring long-overdue economic justice.

See [http://www.nffe-fsc.org/committees/legislative/temp\\_hire.php](http://www.nffe-fsc.org/committees/legislative/temp_hire.php) for more information.

In solidarity,  
**Mark Davis**  
Chair, NFFE FSC Legislative Committee



