



National Federation of Federal Employees

Affiliated with the International Association of Machinists and Aerospace Workers

Forest Service Council

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Stop Temporary Hiring Abuse

The Forest Service employs a large number of temporary employees to perform work that is seasonal in nature. This includes firefighting but is not limited to it; recreation, engineering, timber pre-sales, silviculture and reforestation, and a large variety of other seasonal natural resources work also falls into this category. Temporary employees are ineligible for retirement, life insurance, and health insurance benefits.

In 1994, OPM promulgated regulations “to ensure that temporary appointments, under which employees receive no benefits, are used to meet truly short-term needs.”¹ In a press release, OPM noted that the land management agencies were principal abusers of the temporary hiring authority, using it for work of a seasonal nature. The release went on to state that the new rules would “end the abuse” and result in the government “treating employees fairly” and to “letting our temporary employees know that we recognize their contributions and respect them as people.”² We could not agree more with these goals.

Unfortunately, they have not been realized: a gaping loophole has allowed the worst offenders to continue business as usual. The loophole is at CFR 213.104(b)(3)(i), which states, “The service limits and restrictions on refilling positions set out in this section **do not apply** when positions involve intermittent or seasonal work, and employment in the same or a successor position under one or more appointing authorities totals less than 6 months (1,040 hours), excluding overtime, in a service year (emphasis added).”

For example, at one Region 1 Ranger District there are three employees who have worked seasonally for 25-30 years as temporary hires and a fourth such who recently called it quits and walked away. Two of these four are firefighters: one is deployed on Type 1 and Type 2 teams for much of the fire season and the other left to work for a contract firefighting firm. The other two perform trails work. Their stories are not atypical. Both the firefighting and the trails work are regular and recurring, each and every season. However, by hiring these workers as temporaries instead of permanent seasonal workers, their unit saves the cost of paying for their benefits. Effects on morale and effectiveness extend beyond those directly affected to their brothers and sisters on the fire lines and on the Forests who bear witness to the unethical exploitation to which they are subjected.

We recommend legislation to finally put an end to this abuse of the temporary hiring authority. While we can never fully repay those employees and their families for this history of abuse, we recommend that we do make them whole at least with respect to the pension benefits they were wrongfully denied by providing them with the opportunity to “buy back” all of their service time as temporary employees.

Endnotes

¹ See 59 Federal Register 46897. Posted at <http://www.gpo.gov/fdsys/pkg/FR-1994-09-13/html/94-22447.htm>

² See OPM Press Release, OPM RESTRICTS USE OF TEMPORARY HIRING AUTHORITY (September 13, 1994). Posted at www.opm.gov/pressrel/1994/PR940913.htm