

# Legislative Proposal for a “Path to Permanence” 9/12/11

The proposal calls for amending Title 5, United States Code, by adding the following new chapter:

## **Chapter 96. Personnel Flexibilities Relating to Land Management Agencies**

### **Sec. 9601. Appropriate Use of Temporary Employment Authorities**

(a) Definition – For purposes of this chapter, the term “land management agency” means the following agencies: the Forest Service, Park Service, Bureau of Land Management, Fish and Wildlife Service, Bureau of Indian Affairs, and Bureau of Reclamation.

(b) Land management agencies may use time-limited or career appointments for seasonal work as authorized and regulated by the Office. The agencies determine the length of the season, subject to the condition that it be clearly tied to the nature of the work.

### **Sec. 9602. Competitive service; time-limited appointments.**

(a) Internal competitive status of certain employees in time-limited appointments – Notwithstanding chapter 33 or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, an employee of a land management agency serving under a time-limited appointment in the competitive or excepted service is eligible to compete and be selected for a career appointment in the competitive or excepted service, respectively, under that agency’s internal competitive promotion procedures if

(1) the announcement for the time-limited appointment from which the conversion is made stated that there was potential for subsequent conversion to a career-conditional or career appointment or the employee’s initial appointment to a time-limited appointment occurred prior to January 1, 2012;

(2) the employee's performance under such time-limited appointment or appointments was at least fully successful or equivalent; and

(3) the employee has served under a time-limited appointment or appointments for a period or periods totaling not less than 24 months without an intervening break of two or more years.

(b) Conversion of employees in time-limited appointments to career conditional status

(1) For purposes of this subsection, the term “successor career position” means, with respect to a time-limited position, a newly created career position in the competitive

service with the same or substantially similar major duties and qualification requirements in the same major subdivision of the same agency as the time-limited position.

(2) Notwithstanding chapter 33 or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, an employee of a land management agency serving under a time-limited appointment in the competitive service shall be offered and, upon his or her concurrence, be appointed to any successor career position that the agency decides to fill without further competition if the conditions under paragraphs (1) and (2) of subsection (a) are met and if –

(i) such individual was appointed under open, competitive examination under subchapter I of chapter 33 to the time-limited position; and

(ii) the employee has served under a time-limited appointment or appointments in a position or positions with the same or substantially similar major duties and qualification requirements as the successor career position for a period or periods totaling not less than 24 months without an intervening break of two or more years.

(3) If two or more employees are eligible for conversion under this subsection, then any preference eligible veterans shall be given priority.

(4) If two or more employees have equal priority for conversion under this subsection, then placement shall be determined by competitive procedures consistent with merit system principles.

(c) An employee selected or converted under this section becomes a career-conditional employee, unless the employee has otherwise completed the service requirements for career tenure.

(d) An employee selected or converted to career-conditional employment under this section acquires full competitive status upon selection or conversion.

(e) The provisions of this section shall apply with respect to time-limited employees who have been separated for reasons other than misconduct or unacceptable performance for two years following their separation.

(f) For purposes of this section, time-limited appointments include temporary appointments and term appointments, as defined by the Office.

(g) The Office shall prescribe such regulations as may be necessary to carry out this section.

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