

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Personnel

370 DM Addition to FPM

Chapter 338 Qualification Requirements (General)

370 DM 338,1.1

Subchapter 1. Citizenship Requirement

1.1 Policy. Although FPM 338 does not generally apply to excepted appointments, it is the policy of the Department not to employ noncitizens in excepted positions unless qualified citizens are not available and then on a temporary or indefinite basis only.

1.2 Appropriation Act Restrictions. The annual Treasury, Postal Service and General Government Appropriation Act has traditionally contained restrictions on the employment of noncitizens; and the restrictions sometimes vary. Restrictions in the Act (31 U.S.C. 699b) for FY 1981 are as follows:

"Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on September 29, 1979, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian and Laotian refugees paroled into the United States between January 1, 1975, and September 29, 1979: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than \$4,000 or imprisoned for not more than one year, or both: Provided further, That the above penal-clause shall be in addition to, and not in substitution for any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies."

A. Current Restrictions. Bureaus must assure that any appointment of a noncitizen is consistent with all appropriations act restrictions applicable at the time of appointment.

3/1/82 FPM-263

Replaces 9/18/73 FPM-164

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370 DM 338.1.2B

B. Status of Foreign Countries. Information as to whether specific foreign countries are allied with the United States in the current defense activities is not published as it is subject to frequent changes. However, such information on a specific country may be obtained from the Division of Employment, Office of Personnel.

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370 DM 338,3.1

Subchapter 3. Qualification Standards

3.1 Purpose. This subchapter provides Departmental policy guidance and requirements relating to qualification standards for positions outside the Senior Executive Service (SES) and the Executive Assignment System. For Departmental guidance on the SES and related systems, see 370 DM 920, Appendix B.

3.2 Approved Standards. Qualification standards must be related to the actual abilities, skills, knowledges and characteristics required in the positions they cover, and must include measurement techniques which fairly and impartially test the relative abilities and fitness of persons evaluated.

A. Interior Noncompetitive Qualification Standards may be established by the Office of Personnel for use in noncompetitive personnel actions for the competitive service when OPM standards are not sufficiently related to the specialized jobs of the Department. They establish more exacting and pertinent requirements which supplement requirements in OPM approved standards. When such Departmental standards exist, noncompetitive recruitment must be continued until the appointment of a person who meets the standards is effected, unless a waiver is granted as provided in 370 DM 338,3 .5. Standards of this type may be used as a basis for requesting selective certification from competitive registers.

B. Excepted Service Standards.

(1) Excepted Qualification Standards are established by the Office of Personnel with the assistance of the bureaus. They are based on job requirements of excepted positions, and are applicable whenever such positions are filled.

(2) Excepted Interim Standards may be established for a period not to exceed six months by a bureau when it has jurisdiction over excepted positions for which no approved standard exists. They contain qualification requirements to be used in filling the excepted positions to which they apply. They are automatically cancelled when the Office of Personnel or OPM establish standards for such positions.

3.3 Application of Standards. Hiring and movement of employees throughout the Department will be effected in conformance with at least the minimum requirements in approved qualification standards, unless a waiver is obtained or the action is covered by the exceptions contained in FPM 338.

3.4 Order of Application.

A. Career Service. When they exist, Interior noncompetitive qualification standards will be applied in noncompetitive actions. For all other types of personnel actions, the standards will be applied in the order of precedence established in FPM 338.

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B. Excepted Service. Qualification standards are applicable to positions in the excepted service in the following order:

(1) When excepted qualification standards exist for excepted positions in a bureau, they will be applied uniformly to all applicants in filling such positions in the bureau or specific area of the bureau for which established. They may be used for similar positions in other bureaus in the same manner.

(2) Excepted interim standards drafted by bureau officials and recorded for use pending recommendation through channels for the establishment of excepted qualification standards.

(3) When no excepted standard is in force, competitive standards will be applied in the following order:

(a) The appropriate noncompetitive standard established by the Office of Personnel together with the competitive standard which it supplements.

(b) The competitive standard specifically approved by OPM for use by the Department or Bureau for the occupation concerned.

(c) The appropriate standard in Handbook X-118 or the OPM examination announcement for the occupation concerned.

(d) For one of a kind, or non-recurring excepted positions for which no standards exist, the abilities, skills, knowledges and other characteristics required to satisfactorily perform the job and related to the duties and requirements of the job may be determined from a review of the duties and requirements of the job and be recorded. Evaluation of candidates for such vacancies may be made on the basis of qualification requirements established in this manner.

3.5 Waiver of Standards. When careful evaluation of the qualifications of all available candidates for a position shows that a person who does not meet the requirements of an appropriate published standard is the best qualified to perform the duties of a specific position, a waiver of the standards may be requested. In such cases a complete justification will be submitted with the request.

A. Competitive Service. Bureaus may request approval of a waiver of qualification standards for filling positions in the competitive service from OPM's regional, area, or central offices, as appropriate.

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B. Excepted Service. Bureaus may request approval of the waiver of excepted qualification standards from the Office of Personnel.

C. Noncompetitive Requirements. Waiver of the noncompetitive requirement section of a standard may be approved by the Bureau Head concerned or his/her designated representative.



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Subchapter 5. Age Requirements.

5.1 Minimum Age Limits for Excepted Positions. Minimum age limits are prescribed for many excepted positions as a part of the qualification standard. Where minimum age limits have not been established by the Department for a particular position, the minimum age will be the same as that prescribed for similar positions. Local laws relating to the employment of minors and the Fair Labor Standards Act will be observed in filling excepted positions.

5.2 Waiver of Minimum Age Limits for Excepted Positions. In making excepted appointments without time limitation, established minimum age limits may be waived only with the prior approval of the Office of Personnel. For temporary or seasonal employment, minimum age limits may be waived upon approval of the Head of the Bureau or his/her designated representative.

