



United States Department of the Interior

OFFICE OF THE SECRETARY
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PERSONNEL BULLETIN NO. 98-4 (316) (340)


SUBJECT: SEASONAL EMPLOYMENT

The Office of Personnel Management has issued approval to allow seasonal work schedules for Department of the Interior employees serving under term appointments. Seasonal employment is defined in 5 CFR 340.401 as annually recurring periods of work expected to last less than twelve months during a calendar year. The regulation also states that seasonal employees are *permanent* and placed in nonpay/nonduty status at the end of the work period. Because of the OPM approval, seasonal employees within DOI may also include *term* employees who are placed on nonpay/nonduty status at the end of the work period. This Bulletin clarifies the intent and reiterates the Departmental policy on the use of seasonal employment

Seasonal employment is identified by the work schedule (full-time seasonal, part-time seasonal, part-time seasonal job sharer, or intermittent seasonal) associated with the position. Use these seasonal work schedules only with seasonal appointments described above.

Managers are to examine their annually recurring work requirements to identify relevant seasonal work situations. Personnel offices are to ensure appropriate use of appointing authorities and work schedules when making seasonal appointments and processing personnel actions. Refer to the attached when reviewing the appropriateness of seasonal versus other kinds of employment and when making seasonal appointments.

This Personnel Bulletin will be retained until superseded by a new issuance. Inquiries may be directed to Margaret Portwood at (202) 208-6428, mailstop MS-5221.


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Attachment

Seasonal Employment

Purpose - Seasonal employment allows agencies to develop a cadre of experienced career employees to perform work during an identified period of the year.

Annually recurring periods of work - Work that predictably recurs from year to year is examined to decide whether the work situation is permanent. Work situations are permanent if the work is annually recurring and the duration is for an indefinite period. Seasonal employment is appropriate for such permanent situations. Seasonal employment may be appropriate also if the work is annually recurring and is project in nature.

Successive temporary appointments to the same or successor jobs are to be avoided. The personnel office should reevaluate a position to ensure it is not more appropriately considered “recurring” in nature, when the position has been filled by temporary appointment with the same employee for more than two years in a row.

- **Annually recurring periods of work that last less than twelve months** - Permanent seasonal employment must be used for annually recurring periods of work of less than twelve months but more than six months each year. Permanent seasonal employees are placed in nonpay/nonduty status at the end of the work period.
- **Annually recurring work of less than six months** - Permanent seasonal employment may be used for annually recurring work expected to last less than six months. Such employment ensures employees are not denied benefits. Generally, permanent seasonal employees receive service credit for probationary periods, career tenure, within-grade increases, leave, retirement and other benefits. While in nonpay status, a permanent seasonal employee may accept other Federal or non-Federal employment.

Temporary appointments may also be used for annually recurring work expected to last less than six months. When temporary appointments are made not to exceed six months (1040 hours) in a service year, employees may be extended under similar conditions in subsequent years. This also means that an employee may be appointed to another position in a service year, as long as the appointment is less than 1040 hours. While dual temporary appointments may be legal, bureaus are cautioned in the use of dual employment (two different appointments of less than 1040 hours in the same service year), because of the appearance of violating employees’ rights to benefits and entitlements. (NOTE: It is this perception that has caused the Office of Personnel Management concern in the past).

- **Annually recurring work that is project in nature** - Term seasonal appointments may be used for annually recurring work of less than twelve months but more than six months each year, and is project in nature (expected to last from one to four years). Term seasonal employees are placed in nonpay/nonduty status at the end of the work period. Temporary appointments are more appropriate for annually recurring work of less than six months that

is project in nature.

Use of Seasonal Employment - In determining the use of seasonal versus other kinds of employment, consider:

- the difficulty of obtaining skilled personnel on a recurring basis.
- the costs in time and resources of recruiting and training new employees.
- the availability of other work to which a seasonal employee could be assigned rather than placed in nonduty status.

Appointments - Seasonal positions are filled by career, career-conditional, or term appointment (not-to-exceed), using the appropriate authorities in 5 CFR Part 315 and 316. Positions in the excepted service with annually recurring periods of work are filled using the appropriate authorities in 5 CFR 213.

Work Schedules - Seasonal employees may work on a full-time, part-time or intermittent work schedule.

Terms and Conditions of Seasonal Employment - An employment agreement must be executed outlining the conditions before entering on duty. The agreement must include information on:

- Periodic release and recall as a condition of employment.
- Minimum and maximum period the employee will be expected to work.
- Basis on which release and recall will be effected.
- Benefits to which the employee will be entitled while in nonpay status.

Release and Recall - Bureaus must establish and uniformly apply release and recall procedures. If the employee's work period is less than the minimum period specified in the agreement, reduction-in-force or adverse action procedures will apply as appropriate. Employees are placed in a nonduty/nonpay status by processing Nature of Action Code (NOAC) 430, and the Nature of Action is "Placement in Nonpay Status." When recalled to duty from nonduty/nonpay status, process NOAC 280, and NOA "Placement in Pay Status."

Service Credit - For full-time and part-time schedules:

- Probationary/trial period - a maximum of twenty-two work days in nonpay status is creditable toward completion of probation.

- Career tenure (career/career-conditional appointments) - the first thirty calendar days of each period of nonpay status are creditable for career tenure.
- Within-grade increases - time in a nonpay status may be creditable for computing waiting period for within-grade increases as prescribed in 5 CFR 531.

Benefits

- Retirement - generally eligible for coverage. (5 CFR 831)
- Health Benefits & Life Insurance - generally eligible for coverage if regularly scheduled and work is expected to last at least six months per year. (5 CFR 870 and 890)
- Leave - eligible to earn while in pay status. (5 CFR 630)

Other

- Reduction in force - seasonal employees are placed in a separate competitive level from year-round employees and have assignment rights only to other seasonal positions.
- Unemployment Compensation - while in nonpay status, a seasonal employee may be eligible for unemployment compensation, depending on individual State laws.
- FPPS Edits - only those appointments with annually recurring work periods of less than twelve months but more than six months will pass FPPS edits.

Work is	and, Period of Work is	And	then, Appointment Type is	and, Work Schedule may
Annually Recurring	Less than 6 months		Temporary Appt NTE (1) Excepted Appt NTE (2)	full-time, part-time, or intermittent
	More than 6 months but less than 12 months		Career/Career-Cond Appt Excepted Appt (2)	full-time/seasonal, part-time/seasonal, or intermittent/seasonal
		project in nature (appointment expected to last 1 to 4 years)	Term Appt NTE	full-time/seasonal, part-time/seasonal, or intermittent/seasonal
Nonrecurring	Less than 6 months		Temporary Appt NTE Excepted Appt NTE (2)	full-time, part-time, or intermittent
	More than 6 months but less than 12 months		Temporary Appt NTE Excepted Appt NTE (2)	full-time, part-time, or intermittent
		project in nature (appointment expected to last 1 to 4 years)	Term Appt NTF	full-time, part-time, or intermittent

(1) Note: Seasonal employment (i.e. permanent appointments), may be used to appoint employees when the work is annually recurring of less than 6 months. Bureaus should consider, however, the impact of employee benefits and entitlements when the work is expected to last less than 6 months.

(2) Note: For positions in the excepted service.