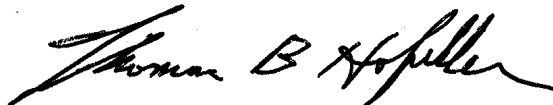


For: FFAS Employees

Guidance on Appointments During Transition Period

Approved by: Associate Administrator for Operations and Management



1 Presidential Transition Period Guidance

A Background

During a Presidential transition period, it is important for agencies to review all personnel appointments carefully to ensure that the actions meet all laws, rules, and regulations and are free of impropriety. The transition period is **August 1, 2008, through May 31, 2009.**

The appointment of Schedule C and noncareer Senior Executive Service (SES) employees to the competitive service warrants special attention to ensure compliance with merit system principles. The record in all personnel actions must show clearly that the actions are proper and legitimate. Both OPM and USDA are obligated to ensure that all personnel actions conform fully to the spirit and letter of the merit system principles and do not involve prohibited personnel practices. Higher level approval is; therefore, required before effective dates of such appointments. In addition, during the transition period, FFAS is required to provide monthly reports to GAO on any personnel actions that result in a political appointee or other noncareer employees being placed into the competitive service or into a career SES position. This applies to Schedule C and noncareer SES personnel from **all** executive departments throughout the Government; it is **not** limited to USDA political appointees and noncareer employees. For reporting purposes, a political appointee is defined as a person having held a politically appointed position at any time within the last 5 years within an Executive Branch of the Federal Government.

B Requirement

OPM has instituted a requirement for pre-appointment review of Federal appointments **before** agency approval.

During the transition period, no appointment of a current Schedule C employee, an individual who formerly held a Schedule C appointment within the last 5 years, or a current noncareer SES employee, may be made to:

- the career Civil Service, until approved by OPM
- a CO position, until approved by the Administrator.

Disposal Date	Distribution
July 1, 2009	All FAS, FSA, and RMA employees; State Offices relay to County Offices

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1 Presidential Transition Period Guidance (Continued)

C Policy

Political appointees:

- have a right to apply for positions in the career Civil Service or CO service
- will receive full consideration based solely on their job-related qualifications.

However, **no** appointment action will be taken until approval is received. All actions involving conversion of current and former political appointees (that is, Schedule C and noncareer SES) to the career Civil Service or CO position will be forwarded to HRD.

This policy is in effect during the transition period that ends **May 31, 2009**.

D Field Office Action

Before an appointment, contact the appropriate Human Resources office, as follows:

- for **CO** positions, contact either of the following in HRD:
 - Michael Rafferty at 202 401-0538
 - Pat Hunter at 202 401 0432
- for **GS** positions, contact the Human Resources specialist that issued the certificate of eligibles.

E Information Requirements for Servicing Human Resources Offices

Forward the following documentation through the appropriate office as follows.

IF for...	THEN submit the following documentation before appointment to...
GS position	OPM through Lisa Flores, HRD, by FAX to 202-205-9062.
CO position	the agency through Michael Rafferty or Pat Hunter.

Documentation to be submitted includes the following:

- position description for the candidate’s current or former appointment and the position description for the proposed appointment

Note: Include fully executed AD-332 or position evaluation statement equivalents that document why and how the respective positions were established. Explain any relationship between the 2 positions.

- a statement explaining the nature of the proposed selectee’s current Schedule C or noncareer SES position, if vacated

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1 Presidential Transition Period Guidance (Continued)

E Information Requirements for Servicing Human Resources Offices (Continued)

- the complete case file for the proposed merit selection including the following:
 - a copy of the vacancy announcement published in USAJOBS
 - length of time the announcement was open
 - recruiting sources and advertising methods used in addition to USAJOBS
 - job analysis, justification of any selective factor, and rating schedule/crediting plan
 - applications from all who applied and information showing how each was rated
 - information showing how regulatory requirements of the Interagency Career Transition Assistance Program were met (**GS employees only**)
 - referral list or list issued to the selecting official and the completed referral list documenting the tentative selection
- description of candidate sources considered other than from a competitive vacancy announcement and the resulting referral list forwarded to the selecting official, if any
- name of the selecting officials, titles, telephone numbers, and types of appointment; such as, career SES, Schedule C, Presidential Appointee, Career, or Committee.

F Penalties

The consequences of committing a prohibited personnel practice, violating a merit systems principle, or otherwise proving improper consideration are **serious**. The selecting official is subject to investigation by the Office of Special Counsel and disciplinary action, including **removal**.

G Contacts

If there are questions about this notice, State Offices shall contact either of the following:

- Lisa Flores at 202-401-0516
- Michael Rafferty at 202-401-0538.