



U.S. Office of Personnel Management Pandemic Planning Guide

What Hiring Strategies Could an Agency or Manager Use During a Pandemic Health Crisis?

This Pandemic Planning Guide is designed to assist agencies as they prepare for and respond to a pandemic health crisis. The guide is general in nature. For detailed human resources information, see www.opm.gov/pandemic/. For the latest information on contingency planning for a pandemic influenza, see www.pandemicflu.gov. Readers should also review their agency policies, practices, and guidance prior to taking action.

NOTE: Regulatory procedures, agency policies, and collective bargaining agreements, if any, apply when using the following flexibilities.

The Office of Personnel Management (OPM) encourages agencies to consider the following five strategies for keeping organizations staffed in the event of a pandemic health crisis:

1. **Utilize your existing workforce.** Detail or temporarily promote current employees into affected positions for up to 120 days. Agency Career Transition Assistant Plan (CTAP) selection priority does not apply to placements for up to 120 days. Agencies should check their internal policies and any collective bargaining agreements.
2. **Use critical need and short-term hiring flexibilities.** Current regulations allow agencies to quickly fill jobs in both the competitive and excepted service for short durations with minimal restrictions. In addition, OPM may authorize agencies to use additional flexibilities in order to meet their needs. These include:

Excepted Service Appointing Authorities

Intermittent or temporary appointments in remote/isolated locations: Under 5 CFR 213.3101(i)(1), an agency may appoint individuals for up to 1 year to work less than 1040 hours per year; appointments may be extended in 1 year increments indefinitely.

30-Day Critical Need: Under 5 CFR 213.3102(i)(2), an agency may make 30-day appointments and may extend them for up to an additional 30 days.

1-year temporary appointment: Under 5 CFR 213.3101(i)(3), OPM may authorize agencies to make appointments on a temporary basis for up to 1 year, which may be extended (without additional OPM approval) for up to another year. OPM will notify agencies immediately upon authorization of this authority.

The following appointing authorities do not require public notice and may be effected without regard to CTAP and ICTAP selection priority. Veterans' preference, however, does apply. Agencies may use these authorities to fill senior-level (SL) positions; however, each senior-level space allocation must be reported to OPM within 10 days after the appointment.

Competitive Temporary Appointments

An agency may make competitive service appointments of 120 days or less without regard to CTAP or ICTAP selection priority. However, soliciting eligibles under these programs for longer appointments may help identify one or more previously unknown, well-qualified, displaced Federal employees available for immediate employment. (See 5 CFR part 316 and part 330, subparts F and G.)

SES Limited Appointments

Under 5 CFR 317.601, agencies may make SES Limited Term or Limited Emergency appointments of career employees, as long as the appointment is within the space allocation limit previously authorized by OPM. Agencies may seek a temporary allocation from OPM if space is not currently available. Agencies may also seek authority from OPM to make Limited Term or Limited Emergency appointments of *non-career* employees using an automated form generated through the Executive and Schedule C System.

3. **Use direct hire authority.** The direct hire authority (DHA) allows agencies to hire quickly to meet mission-critical staffing needs or severe shortages. Agencies may immediately appoint any qualified individual to a covered position after issuing public notice. DHA can drastically reduce hiring timeframes because rating and ranking is not required. Although veterans' preference does not apply under DHA, OPM encourages agencies to appoint qualified veterans' preference eligible candidates whenever possible. OPM has provided DHA for a number of categories Governmentwide:

- Diagnostic Radiologic Technologist, GS-0647; all grade levels and locations
- Medical Officer, GS-0602; all grade levels and locations
- Nurse, GS-0610, GS-0620; all grade levels and locations
- Pharmacist, GS-0660; all grade levels and locations

In addition, OPM has provided several agency-specific direct hire authorities. OPM encourages managers and supervisors to check with their human resources office to determine whether the agency has DHA for positions they need to fill. Agencies may request additional DHAs from OPM based on a critical hiring need or severe shortage of candidates. OPM will expedite requests for agency-specific DHA.

4. **Use your agency-specific excepted service authority.** OPM has provided some agencies with their own Schedule A or B hiring authority for specific positions when competitive examining was not practical. Supervisors and managers should check with their human resources office to determine whether the agency has a Schedule A or B authority for the positions they need to fill. If so, this authority can be used without public notice or regard to CTAP and ICTAP selection priority. Veterans' preference, however, does apply. Agencies needing a Schedule A or B authority should contact OPM for more details.
5. **Go where the talent is.** During an emergency, a manager or supervisor may need to quickly find people who possess the competencies needed to perform the work of the agency. OPM encourages agencies to consider the following:

Reemploying Annuitants

Agencies may wish to consider rehiring retirees (with salary offset or, with OPM approval, a salary offset waiver if the annuitant refuses reemployment without a waiver) to deal with emergency situations or to supplement your workforce. Upon request, OPM is prepared to give agency heads authority to waive the salary offset otherwise required of reemployed Federal civilian annuitants. We cannot approve waivers retroactively.

Reemploying Buyout Recipients

In conjunction with the above authorities, agencies may also wish to rehire retirees or others who left the Federal Government with buyouts. Depending upon the specific statute under which the individual received the buyout, an agency may request a repayment waiver from OPM in truly unusual circumstances. Persons being considered for waivers must be the only qualified applicants available for the positions or possess expertise and special qualifications necessary to deal with an emergency such as a pandemic health crisis.

Agency Reemployment Priority Lists (RPL)

Current/former employees affected by a reduction in force or recovered from a compensable injury on an agency's RPL are another immediate source of qualified individuals available for temporary, term, or permanent competitive service appointments. Conversely, in some cases, an agency may wish to make an exception to the RPL provisions to appoint someone else under 5 CFR 330.207(d).

Used separately or together, these five strategies will help agencies staff mission-critical positions during an emergency with a minimum of red-tape, while the agency considers longer-term staffing options. For less urgent needs, agencies should continue to use competitive examining or any applicable hiring flexibility the agency would otherwise use.