

## Office of Personnel Management

## § 213.3302

training and developmental opportunities to acquire the appropriate agency-identified competencies needed for conversion. These activities may include, but are not limited to, formal training classes, rotational or other job assignments, attendance at conferences and seminars, interagency assignments, or other activities approved by the agency.

(9) *Agency Responsibilities.* Each agency will determine the appropriate use of the Career Intern Program relating to recruitment needs in specific occupational series, grades, and geographical areas, ensuring that programs are developed and implemented in accordance with the merit system principles. Agencies may adapt the program to meet their individual requirements, including, but not limited to such aspects as:

(i) Deciding how to delegate the authority to develop Career Intern Programs (*e.g.*, department-wide versus bureaus and agency components);

(ii) Defining the roles and responsibilities of supervisors and other key officials in career intern program administration, such as human resources staff, budget and finance staff, career counselors, or mentors;

(iii) Designing, implementing, and documenting formal program(s) for the training and development of employees selected under the provisions of this Part, including the type and duration of assignments;

(iv) Deciding how to inform the career interns of what will be expected during the internship, including developmental assignments and performance requirements; and

(v) Planning, coordinating, implementing and monitoring program activities.

[47 FR 28904, July 2, 1982, as amended at 47 FR 38258, Aug. 31, 1982; 52 FR 25194, July 6, 1987; 52 FR 43722, Nov. 16, 1987; 54 FR 15371, Apr. 18, 1989; 54 FR 18875, May 3, 1989; 55 FR 26419, June 28, 1990; 56 FR 170, Jan. 3, 1991; 59 FR 64841, Dec. 16, 1994; 62 FR 63628, Dec. 2, 1997; 63 FR 57045, Oct. 26, 1998; 63 FR 66705, Dec. 3, 1998; 65 FR 14431, Mar. 17, 2000; 65 FR 41868, July 7, 2000; 65 FR 78078, Dec. 14, 2000]

### SCHEDULE C

#### § 213.3301 Positions of a confidential or policy-determining nature.

(a) Upon specific authorization by OPM, agencies may make appointments under this section to positions which are policy-determining or which involve a close and confidential working relationship with the head of an agency or other key appointed officials. Positions filled under this authority are excepted from the competitive service and constitute Schedule C. Each position will be assigned a number from § 213.3302 to § 213.3999, or other appropriate number, to be used by the agency in recording appointments made under that authorization.

(b) When requesting Schedule C exception, agencies must submit to OPM a statement signed by the agency head certifying that the position was not created solely or primarily for the purpose of detailing the incumbent to the White House.

(c) The exception from the competitive service for each position listed in Schedule C by OPM is revoked immediately upon the position becoming vacant. An agency shall notify OPM within 3 working days after a Schedule C position has been vacated.

[60 FR 35120, July 6, 1995]

#### § 213.3302 Temporary transitional Schedule C positions.

(a) An agency may establish temporary transitional Schedule C positions necessary to assist a department or agency head during the 1-year period immediately following a change in presidential administration, when a new department or agency head has entered on duty, or when a new department or agency is created. These positions may be established only to meet legitimate needs of the agency in carrying out its mission during the period of transition associated with such changeovers. They must be of a confidential or policy-determining character and are subject to instructions issued by OPM.

(b) The number of temporary transitional Schedule C positions established by an agency cannot exceed either 50

percent of the highest number of permanent Schedule C positions filled by that agency at any time over the previous 5 years, or three positions, whichever is higher. In the event a new department or agency is created, the number of temporary transitional positions should be reasonable in light of the size and program responsibility of that department or agency. OPM may approve an increase in an agency's quota to meet a critical need or in unusual circumstances.

(c) Individual appointments under this authority may be made for 120 days, with one extension of an additional 120 days. They may be deemed provisional appointments for purposes of the regulations set out in parts 351, 831, 842, 870, and 890 of this chapter if they meet the criteria set out in §§ 316.401 and 316.403 of this chapter.

(d) An agency shall notify OPM within 5 working days after a temporary transitional Schedule C position has been encumbered and within 3 working days when it has been vacated. The agency must also submit to OPM a statement signed by the agency head certifying that the position was not created solely or primarily for the purpose of detailing the incumbent to the White House.

[60 FR 35120, July 6, 1995]

## PART 214—SENIOR EXECUTIVE SERVICE

### Subpart A [Reserved]

#### Subpart B—General Provisions

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#### Subpart C—Exclusions

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#### Subpart D—Types of Positions

214.401	Types of positions.
214.402	Career reserved positions.
214.403	Change of position type.

AUTHORITY: 5 U.S.C. 3132.

SOURCE: 45 FR 62414, Sept. 19, 1980, unless otherwise noted.

### Subpart A [Reserved]

#### Subpart B—General Provisions

##### § 214.201 Definitions.

For the purposes of this part:

*Agency, Senior Executive Service position, career appointee, limited term appointee, limited emergency appointee, and noncareer appointee* have the meanings set forth in section 3132(a) of title 5, United States Code.

*Equivalent position* as used in section 3132(a)(2) of title 5, United States Code, means a position under any pay system where the level of the duties and responsibilities of the position and the rate of pay are comparable to that of a position above GS-15 or at Executive Level IV or V.

*Senior Executive Service* has the meaning given that term by section 2101a of title 5, United States Code, and includes all positions which meet the definition in section 3132(a)(2) of title 5.

[45 FR 62414, Sept. 19, 1980, as amended at 56 FR 18661, Apr. 23, 1991]

##### § 214.202 Authority to make determinations.

(a) Each agency is responsible for determining, in accordance with Office of Personnel Management guidelines, which of its positions should be included in the Senior Executive Service.

(b) Agency determinations may be reviewed by the Office of Personnel Management to ensure adherence with law and regulation.

##### § 214.203 Reporting requirements.

Agencies shall report such information as may be requested by OPM relating to positions and employees in the Senior Executive Service.

[60 FR 6385, Feb. 2, 1995]

##### § 214.204 Interchange agreements.

(a) In accordance with 5 CFR 6.7, OPM and any agency with an executive personnel system essentially equivalent to the Senior Executive Service (SES) may, pursuant to legislative and regulatory authorities, enter into an agreement providing for the movement of persons between the SES and the