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| <b>U. S. DEPARTMENT OF EDUCATION</b><br><b>PERSONNEL MANUAL INSTRUCTION</b> | <b>PMI</b> <u>316-1</u><br><b>DATE</b> <u>APRIL 30, 1991</u><br><b>APPROVED:</b><br><i>LOISE E. HAIRSTON</i><br>DIRECTOR OF PERSONNEL<br><span style="float: right;">06/05/02</span> |
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SUBJECT: TERM EMPLOYMENT

I. AUTHORITY

- A. 5 CFR, Part 316, Subpart C, Sec. 316.301 authorizes an agency to make a term appointment for a period of more than one year in accordance with the conditions published in the Federal Personnel Manual (FPM), when the needs of the service so require and the employment need is for a limited period of four years or less.
- B. The Office of Personnel Management (OPM) has delegated to the Department the authority to determine when term appointments are appropriate and to approve the request to appoint staff under this authority. This authority will be exercised by the Director of Personnel.

II. POLICY

Persons employed under this authority must be exclusively engaged on work of a project nature. Employees so engaged may be promoted, demoted or reassigned to positions within that project which were authorized to be filled under the term appointing authority. Under no circumstances will appointments exceed four years or the duration of the project, whichever end sooner.

III. APPLICABILITY

This Instruction sets forth the policies and procedures of the Department for requesting approval to appoint staff under the term authority. This Instruction is a supplement to FPM Chapter 316, Subchapter 3. Term employment is used to fill competitive positions through GS-15, which are clearly of a project nature.

IV. REQUIREMENT

- A. Work is considered to be of a project nature when it meets all of the following conditions:
  - 1) it cannot be accomplished by the regular work force

- 2) it is to be completed within a specific time frame that is appropriate for term employment.
  - 3) it is not part of the normal workflow of the organization and;
  - 4) it is generated by a circumstance or situation which is not continuing
- B. Term employment is used for periods in excess of one year and may not exceed four years.
- C. Term appointments made originally for periods of less than four years may be extended without prior OPM approval so long as the total service under that appointment does not exceed four years

V. Rights and Benefits

- A. Term employees serving in positions subject to the General Schedule are eligible for within-grade increases.
- B. Term employees are eligible for health benefits, life insurance and retirement coverage in accordance with the provisions of applicable FPM regulations.
- C. Term employees are eligible for leave benefits in accordance with the provisions of FPM Chapter 630.
- D. Neither reduction in force nor adverse action procedures apply to termination of a term appointment at its scheduled expiration date. However, reduction in force or adverse action procedures must be used to separate term employees before the scheduled expiration date of the appointment.

VI. Procedures for Obtaining Authorization by the Director of Personnel

- A. Personnel Offices must request approval to appoint staff under the term authority in writing addressed to the Director of Personnel. The request must be signed by the head of the appropriate Personnel Office or his/her designee and must provide the following information:
  - 1. Nature of project
  - 2. Duration of project
  - 3. Copies of all position descriptions to be used for the staff (Position descriptions must reflect the nature of projects)
  - 4. Number and types of positions to be filled (List by title, series and grade range)

5. Any authorizing legislation concerning the project
  6. Statement justifying the need for term authority
- B. The Personnel Policy and Program Division (PPPD) will review position descriptions and other supporting documents to ensure that the use of term appointments is appropriate. Upon completion of the review, the Director, PPPD will make a recommendation for approval or disapproval to the Director of Personnel. A written authorization will be forwarded to the appropriate Personnel Office.

VII. Record Keeping

- A. Personnel Office are required to establish and maintain appropriate records on the use of all delegated authorities. The record must contain the following information:
1. Copy of memorandum of approval to use term authority
  2. Copy of all position descriptions for which term authority was approved
  3. Statement of justification on the need for term authority
  4. Any authorizing legislation
  5. List by title, series, and grade of all positions to be filled under term authority