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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 362 RIN 3206-AG17

Presidential Management Intern Program

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations governing selection and employment procedures for Presidential Management Intern positions as part of the implementation of Federal Personnel Manual (FPM) sunset. The regulations incorporate certain requirements that existed in the provisionally retained FPM and were abolished on December 31, 1994.

DATES: Effective Date: March 1, 1995. Comments on the interim regulations must be received on or before May 1, 1995.

ADDRESSES: Send or deliver written comments to Assistant Director, Office of Training Operations, HRDG, Suite 800, 1400 Wilson Boulevard, Arlington, VA 22209.

FOR FURTHER INFORMATION CONTACT: Ardrey Harris at 703-807-0321.

SUPPLEMENTARY INFORMATION: These regulations affect selection and appointment to Presidential Management Intern positions. One of the recommendations of the September 1993 Report of the National Performance Review was that the Federal Personnel Manual (FPM) should be "sunset." Following consultation with agencies and other interested parties, the Director of the OPM issued a memorandum abolishing the FPM as of December 31, 1993. Portions of the FPM and FPM supplements, however, were provisionally retained until

December 31, 1994. Decisions on what to include in the regulations were based on whether the requirement or authority was necessary to assure uniformity in Presidential Management Intern Program (PMIP) operations, and/or to protect employee rights.

Under section 553(b)(3)(B) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because the regulations continue certain requirements and authorities that are currently in the provisionally retained FPM material and that went out of existence as of December 31, 1994, because they are not specified in existing regulations or law. No new requirements would be imposed on agencies under the regulations.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only certain Federal employees.

List of Subjects in 5 CFR Part 362

Administrative practice and procedure, Government employees. U.S. Office of Personnel Management.

Lorraine A. Green,
Deputy Director.

Accordingly, OPM is adding part 362 of title 5, Code of Federal Regulations as follows:

PART 362—PRESIDENTIAL MANAGEMENT INTERN PROGRAM

Subpart A—Purpose, Definitions

Sec.
362.101 Purpose.
362.102 Definitions.

Subpart B—Program Administration

Sec.
362.201 Appointment.
362.202 Eligibility.
362.203 Extensions and Conversions of Presidential Management Internships.
362.204 Termination.
362.205 Resignation.
362.206 Movement of interns between Agencies.
362.207 Career development.
362.208 Agency duties.

Authority: E.O. 12364

Subpart A—Purpose, Definitions

§ 362.101 Purpose.

The Presidential Management Intern Program (PMIP), established by Executive Order 12008 on August 25, 1977, and reconstituted by Executive Order 12346 on May 24, 1982, is designed to attract to Federal service outstanding men and women from a variety of academic disciplines who have a clear interest in, and commitment to, a career in the analysis and management of public policies and programs.

§ 362.102 Definitions.

Presidential Management Interns are individuals appointed in the excepted service, under § 213.3102(ii) of this chapter, in an executive agency or department. Such an individual must be a United States citizen who has completed a graduate course of study at a qualifying college or university, received the nomination of the dean or academic program director, passed on OPM-administered screening process, and been selected by an agency for a 2-year Presidential Management Internship.

Qualifying colleges or universities are accredited United States academic institutions with a graduate program applicable to the management or analysis of public programs and policies.

Subpart B—Program Administration

§ 362.201 Appointment.

(a) The appointment authority for Presidential Management Interns is § 213.3102(ii) of this chapter. Appointments under this authority cannot exceed 2 years unless extended by the Federal department or agency, with the concurrence of the U.S. Office of Personnel Management, for up to one additional year.

(b) Agencies need to assure that all graduate degree requirements have been met at the time of appointment. Interns may not be appointed prior to the *completion of all graduate degree requirements*. Exceptions may be made on an individual basis, but in no case will an intern be allowed to remain in the program if all degree requirements are not completed by August 31 of the year in which interns were selected as finalists.

(c) Finalists in the PMIP may be appointed following official announcement of their selection as finalists. *Appointments must be made no later than December 31 of the year in which the terms were selected as finalists.* Exceptions may be granted on a case by case basis upon request to the PMIP office no later than December 15.

(d) Initial appointments must be made at the grade GS-9, Step 1 level of the General Schedule. If an intern has had prior higher level Federal Government experience, that individual may be placed at higher step within grade GS-9 of the General Schedule. The appointment authority, § 213.3102(ii) of this chapter, authorizes Presidential Management Intern positions only at grades GS-9 and GS-11 of the General Schedule. Therefore, promotions above grade GS-11 can occur only on or after the date of conversion of the competitive service.

§ 362.202 Eligibility.

(a) *General.* Those eligible to be nominated for the Program are United States citizens completing or expecting to complete an advanced degree focusing on or applicable to the analysis or management of public policies and programs from an accredited United States college or university during the current *academic* year.

(b) *Nomination procedure.* (1) Students must be nominated by their school deans or academic program directors. Individuals who wish to be nominated must be rated by their schools as either qualified or not qualified for nomination and should be notified of their status by their schools. The school is obligated to devise a competitive nomination process which ensures that selection is determined on the basis of relative ability, knowledge and skills after fair and open competition which assures that all receive equal opportunity. All honorably discharged veterans with Federal veterans' preference entitlement who are in the qualified group must be nominated. Schools will need to determine which of the qualified individuals have Federal veterans' preference entitlement in order to ensure their nomination. These individuals must submit verification of their Federal veterans' preference entitlement along with their application to the PMIP Review Committee.

Veterans who believe they meet their school's qualification requirements, but who are not nominated, have the right to appeal their non-nomination to the U.S. Office of Personnel Management.

(2) Selection of Program finalists is made by the Presidential Management

Intern Selection Committee based on selection process results.

§ 362.203 Extensions and Conversions of Presidential Management Internships.

(a) Federal agencies may request OPM approval for an extension of an internship for up to a 3rd and final year. The primary reason for extending an internship is to provide the intern with additional training and developmental activities.

(b) A written request to extend an internship should be submitted to the PMIP, no later than 60 days prior to the end of the initial 2-year period. This request must be sent to: U.S. Office of Personnel Management; Presidential Management Intern Program; 1400 Wilson Boulevard; Suite 1200, Arlington, VA 22209.

(c) *Eligibility for conversion.* Employees who have completed Presidential Management Internships are to be converted non-competitively to a career or career-conditional appointment for which they are qualified if all the following criteria are met:

(1) The employee has successfully competed a Presidential Management Internship at the time of conversion;

(2) The employee is recommended for conversion at least 90 calendar days before the completion of the internship. The agency decides whether or not to convert the employee. No recommendation is made to OPM. Agencies are asked to inform the PMIP, U.S. Office of Personnel Management, when an individual will not be converted.

(d) *Effective date.* Conversions will be effective on the date when the 2-year service requirement is met unless the internship is extended by the Federal department or agency, with the concurrence of the U.S. Office of Personnel Management, for up to one additional year.

(e)(1) *Tenure acquired.* Upon conversion, the employee becomes a career employee if the service requirements in § 315.708 of this chapter are met; otherwise, the employee becomes a career-conditional employee.

(2) *The time-after-competitive-appointment restriction.* This restriction, § 330.501 of this chapter, does not apply to conversions under Executive Order 12364.

(f) *Probationary period.* Employees converted under this section do *not* have to serve a probationary period. Successful completion of the Presidential Management Internship is regarded as completion of the probationary period.

§ 362.204 Termination.

The appointment of a Presidential Management Intern under § 213.3102(ii) of this chapter expires at the end of the 2-year internship period. At that time, the employing agency may, with no break in service, convert the intern to the competitive service or extend the internship with prior approval from OPM. If neither of those actions is taken, the Presidential Management Intern appointment terminates.

§ 362.205 Resignation.

Interns who resign during their internship do not have reinstatement eligibility for competitive service positions and cannot be reinstated to the PMIP.

§ 362.206 Movement of interns between agencies.

If an intern wishes to change his or her employing agency during the internship, it is necessary to resign from the current agency and be rehired by the new employing agency under the PMIP appointment authority without a break in service.

§ 362.207 Career development.

(a) The U.S. Office of Personnel Management will provide career development and training programs for interns during the 2-year internship. The career development component of the PMIP includes an initial orientation seminar, conferences, seminars, periodic opportunities for special briefings and workshops, and a program at the end of the internship.

(b) Interns must participate fully in the PMIP orientation and educational programs, as well as seminars, workshops, and other programs throughout the 2-year internship.

§ 362.208 Agency duties.

Agencies must provide—

(1) An orientation for interns which includes discussion of the agency's plans for interns, provides specific information on the functions and mission of the agency, and makes explicit the agency's expectations of interns;

(2) Individual development planning to ensure the intern gains professional and technical skills to qualify for a target upon conversion;

(3) A series of core assignments targeted to a functional area into which the intern is most likely to be converted.

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