

§ 317.305

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by the Office. A career-type appointment is an appointment in the excepted service other than an appointment:

- (i) To a Schedule C position established under part 213 of this chapter;
- (ii) To a position authorized to be filled by noncareer executive assignment under part 305 of this chapter;
- (iii) To a position which meets the same criteria as a Schedule C position or a position authorized to be filled by non-career executive assignment; or
- (iv) To a position where the incumbent is traditionally changed upon a change in Presidential Administrations.

(b) *Senior Executive Service appointment.* An employee covered by this section shall be converted to a Senior Executive Service career appointment. The employee may be assigned to either a “general” or a “career reserved” position.

§ 317.305 Conversion of excepted appointees.

(a) *Coverage.* This section covers employees serving under an excepted appointment in a position:

- (1) In Schedule C of subpart C of part 213 of title 5, Code of Federal Regulations;
- (2) Filled by noncareer executive assignment under subpart F of part 305 of title 5, Code of Federal Regulations;
- (3) In the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code, other than a career Executive Schedule position; or
- (4) Filled under an authority equivalent to paragraph (a) (1), (2), or (3) of this section.

(b) *Senior Executive Service appointment.* An employee covered by this section shall be subject to one of the following actions.

(1) If the employee’s position is designated a “general” position, the agency may convert the employee to a Senior Executive Service noncareer appointment. The employee may be assigned only to a “general” position.

(2) If the employee’s position is designated a “career reserved” position, the agency may convert the employee to a Senior Executive Service non-career appointment and assign the employee to a “general” position. The em-

ployee cannot remain in a “career reserved” position.

(3) If the employee subject to § 317.302(a) or § 317.302(d) has reinstatement eligibility to a position in the competitive service, or, as determined by the Office of Personnel Management, had substantial career-oriented service under a career-type appointment as defined in § 317.304(a)(2), the employee may request conversion to a career appointment. Such request must be made on or before the end of the notice period.

(i) If the request is approved by the Office, the agency will convert the employee to a Senior Executive Service career appointment. The employee may be assigned to a “general” or a “career reserved” position. The name of the individual and basis for approving the request must be published in the FEDERAL REGISTER.

(ii) If the employee’s request for conversion to career is not approved by the Office, or if the employee elects not to make such a request, the agency will convert the employee to a Senior Executive Service noncareer appointment. The employee may be assigned only to a “general” position.

(4) In lieu of action under paragraph (b) (1), (2), or (3) of this section, the agency may separate the employee from the civil service.

§ 317.306 Conversion of employees under time limited appointments.

(a) *Coverage.* This section covers employees serving under:

- (1) A limited executive assignment under subpart E of part 305 of title 5, Code of Federal Regulations; or
- (2) A similar type of time limited appointment in an excepted service position.

(b) *Senior Executive Service appointment.* An employee covered by this section shall be subject to one of the following actions.

(1) If the position in which the employee is serving under a limited executive assignment or similar type of time limited appointment will terminate within three years from the date of the proposed conversion action, the agency may convert the employee to a Senior Executive Service limited term appointment.