


Approved for Release
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Date

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
WORKFORCE MANAGEMENT OFFICE (WFMO)**

HUMAN RESOURCES (HR) GUIDANCE BULLETIN #FY13-001

SUBJECT: Appropriate Use of Term Appointments

EFFECTIVE DATE: Upon release of this HR Guidance Bulletin

EXPIRATION DATE: Effective until canceled or superseded

SUPERSEDES: N/A

BACKGROUND: The Office of Personnel Management (OPM) allows the hiring of Term appointments made for more than one year but not more than four years to positions where the need for an **employee's services** is not permanent. The circumstances under which these nonpermanent appointments are appropriate include (but are not limited to) project work, extraordinary workload, uncertainty of future funding, scheduled contracting out or abolishment of a function, or the need to maintain permanent positions for placement of potential surplus employees. Overly long extensions or consecutive term appointments reflect a permanent need and, therefore must be staffed accordingly.

Term appointments may be made in any increments as long as the appointment is for more than one year and no more than four years. If, for example, the initial term appointment is made for 13 months, the appointment may be extended up to the 4-year limit in as many increments as the agency chooses. The vacancy announcement for a term appointment for less than 4 years should state that the activity has the option of extending the appointment up to the 4-year limit.

The Office of Personnel Management (OPM) may authorize extending an employee in a term appointment beyond 4 years when the extension is clearly justified. When seeking OPM approval, the Line Office (LO) or Staff Office (SO) must document the reasons for the continued need of the employee, keeping in mind that if there is a need to continue the term appointment for an extended period of time, a permanent appointment may be more appropriate.

PURPOSE: The purpose of this HR Guidance Bulletin is to communicate the terms and conditions under which Term positions can be made and extensions beyond four (4) years can be processed.

Advertising Term Appointments

Upon submitting a hiring action for a Term position in the Recruitment Analysis Data System (RADS) a justification indicating the need for a non-temporary position is required.

Competitive Term appointments from competitive registers through delegated examining procedures, as provided in 5 CFR part 332.

Noncompetitive term appointments may be made to individuals who meet the eligibility criteria under specific appointment authorities listed in Title 5 of the Code of Federal Regulations (CFR). Among these authorities are:

- (1) Reinstatement (5 CFR Section 315.401);
- (2) Veterans Recruitment Appointment (VRA) (5 CFR Section 307.103);

Note that such appointments are competitive service appointments -- not excepted VRA appointments -- and do not lead to conversion to career-conditional appointment;

- (3) Appointments of veterans with compensable service-connected disability of 30% or more;
- (4) Appointment under 31 U.S.C. 732(g) for current and former employees of the General Accounting Office (GAO);
- (5) Appointment under 28 U.S.C. 602 for current and former employees of the Administrative Office of the U.S. Courts;
- (6) Reappointment on the basis of having left a term appointment prior to serving the 4-year maximum amount of time allowed under the appointment. Reappointment **must** be to a position in the same agency appropriate for filling under term appointment and for which the individual qualifies. Combined service under the original term appointment and reappointment must **not** exceed the 4-year limit; or
- (7) Conversion in the same agency from a current temporary appointment when the employee is or was within reach on a certificate of eligibles for term appointment at any time during service in the temporary position. "Within reach" means that the person could have been selected for the position under competitive hiring procedures and that the certificate was actually used for term appointment. The person must have been continuously employed in the position from the date found within reach to the date converted to a term appointment.

Although term employees often are hired following the same competitive procedures that are used for hiring permanent employees, term employees do not have status in the competitive service. Consequently, unless they attained status through an earlier appointment, they cannot be selected from their term appointment for permanent career or career conditional appointments

through internal merit promotion procedures. Such conversions cannot occur without special legal authority. The authority for personnel demonstration projects (Title 5, United States Code (USC), Part 4703) is the only provision that currently allows the possibility of term conversions.

Requests for Extensions Beyond the 4-year Maximum Limit

Written requests for extensions beyond the initial 4-year maximum limit must be initiated by the Line Office or Staff Office (LO/SO) and should be submitted no later than six (6) months prior to the expiration of the 4-year limit. The justification must include the reason(s) for extending the term appointment and the proposed length of the extension. LO/SOs must send the written justification through the Policy, Oversight and Accountability Division (POAD) for approval by the Workforce Management Office (WFMO) Director. Provided the justification is approved by the WFMO Director, the package will be forwarded to the Department of Commerce, Office of Human Resources Management (OHRM) Director for approval. Provided the OHRM Director approves, the package will then be forwarded to the Office of Personnel Management (OPM) for approval of the extension.

It is WFMO's recommendation that should a LO or SO find the need to extend the services of a term employee, the process to request an extension be initiated no later than six (6) months prior to the expiration of the employee's appointment expiring. Not receiving a decision on an extension request prior to a term employee's appointment expiring is not grounds for allowing the employee to continue working.

Permanent Employees Accepting Term Appointments

Should a permanent employee accept a term appointment upon expiration of the term appointment, the employee **does not** have rights to return to a permanent position, non-competitively.

Tenure of Term Employees

Term employees do not acquire a competitive status on the basis of their term appointment.

The employment of a term employee ends automatically on the expiration of his/her term appointment unless he/she has been separated earlier.

Trial Period

Term employees must serve a one year trial period. Prior Federal civilian service is credited toward completion of the trial period in the same manner that prior service is credited toward a probationary period. The service must have been in the same agency ("agency" in this context means Department of Commerce); in the same line of work; and contains no more than a single break in service of 30 calendar days or less.

A term employee may be terminated at any time during the trial period.

Benefits and Entitlements

Term employees in General Schedule are eligible for within-grade increases.

Term employees with full or part-time work schedules are eligible for coverage under the Federal Employees Health Benefits Program (FEHB), the Federal Employees Group Life Insurance Program (FEGLI), and a Federal Employees Retirement System (FERS).

Term employees are covered by reduction in force (RIF) procedures as tenure group III employees if affected by a RIF action prior to the expiration of their term appointments. RIF procedures do not apply when term employees are separated on their appointment expiration dates.

REFERENCES: Title 5, CFR ,Part 316; Federal Register Volume 63, No. 221, dated November 17, 1998

FOR ADDITIONAL INFORMATION: Contact

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