

ACTION BY: All Divisions and Offices, AMS, FGIS, OT, and ACS

Salary and Time Limitations -Schedule A Appointments

I PURPOSE

This Instruction:

A Prescribes the rules governing the application of salary and time limitations of certain Schedule A appointment authorities.

B Sets forth the most commonly used Schedule A authorities in Exhibit A, attached.

II SCHEDULE A AUTHORITIES

Schedule A positions are positions in the excepted service which are not of a confidential or policy determining character, and for which it is not practicable to examine. Appointments to Schedule A positions are made without regard to the competitive registers of the Office of Personnel Management (OPM). Employees cannot be paid for work performed in excess of the salary and/or time limitations imposed by the appointment authority.

III RESPONSIBILITIES

A Supervisors of employees whose appointments are subject to the types of limitations described in this Instruction shall:

1 Maintain a control record of the earnings and/or days or hours worked that will count against the particular limitations.

2 Insure that such employees are not allowed to perform work which would cause them to exceed the limitations.

B The Employment and Classification Branch, AMS or FGIS, Personnel (PE) Division, shall forward the MODE Report, Employees Approaching Expiration of Appointment Limitation, to the Division or Agency Administrative Officer, AMS, OT, and ACS; or the Agency Administrative Officer or Regional Director, FGIS.

C The Applicable Administrative Officer, or Regional Director, FGIS, shall followup with the immediate supervisor of the affected employee to assure that the employee does not work beyond the appointment limitation.

IV LIMITATIONS ON CERTAIN SCHEDULE A AUTHORITIES

A Nature of Limitations. Some Schedule A authorities limit the amount of money which may be earned by the employee, and others limit the number of days or hours the employee may work. The authorities most often used are shown in Exhibit A, attached. The specific limitation(s) for each appointment is documented on the appropriate personnel action.

B Applying the Limitation.

1 Service-Year Basis. When an authorization for a Schedule A appointment limits service to a period of a year, the term "a period of a year" means service year, except when the excepting authority specifically says calendar year. A service year is a 12-month period beginning with the date of the initial appointment under the authority. A subsequent service year for the same employee is counted from the same date in the subsequent year. However, when the last appointment under the particular authority is terminated over a year ago, the date of the next subsequent appointment is the date from which subsequent service years are counted.

Example 1: An individual was appointed on January 28, 1979, under authority A 213.3113(m)(I), limited to 1,280 hours in pay status. The service year began on that date. Termination was effective November 15, 1979, at the expiration of the 1,280 hours. A second appointment, under the same authority, was effected February 10, 1980. The service year began January 28, 1980, with a new 1,280 hour limitation.

Example 2: Carrying the above example further, the second appointment terminated August 23, 1980, due to lack of work--no other work available--after completion of 900 hours toward the total limitation of 1,280 hours. If a third appointment were to be effected at any time prior to January 28, 1981 (the service year anniversary date), under the same authority, the personnel action would show that the service year began on January 28, 1980, total limitation 1,280 hours, limitation balance 380 hours. This means that from the effective date of this appointment through close of business January 27, 1981, the employee could not be in a pay status more than the balance of 380 hours.

If a third appointment under the particular authority were to be effected September 6, 1981 (more than a year after the previous termination), a new service year would begin September 6, with a new 1,280-hour limitation.

2 Days of Service. "Working days" are calendar days for which an employee is paid for service or leave. A full day is counted against a working day limitation regardless of the number of hours for which an employee is paid. Holidays for which an employee is paid are counted. Nonwork days, such as Saturdays and Sundays, or other days for which the employee is not paid, do not count toward the limit on workdays. Paid leave is counted against the limitation, but annual leave covered by a lump-sum leave payment does not count toward the limit .

3 Hours of Service. "Working hours" are actual hours for which the employee is paid for service or leave. Included are holiday, annual, and sick leave hours for which the employee is paid, but not annual leave covered by a lump-sum payment.

4 Pay Limits. Pay limits are explicit in the excepting authority. A lump-sum leave payment counts toward a pay limit. Also included is any premium pay, such as pay for overtime, night, Sunday, or holiday work, and any annual or sick leave for which the employee is paid.

5 Not-To-Exceed (NTE) Dates. If an established NTE date is reached prior to the limitation imposed by the appointment authority, such date will be the controlling factor regarding expiration of the appointment. An employee cannot be paid for any service beyond the NTE date unless or until a personnel action to extend the appointment can be approved and processed. Appointments may not be extended, nor may employees be paid, beyond the overall working-day, working-hour, or pay limitations of the authority.

V TIME AND ATTENDANCE REPORTING REQUIREMENTS

Form AD-321-3, Time and Attendance Report, shall be completed in accordance with instructions contained in the MODE Time and Attendance Report Handbook.

The office copy of the Time and Attendance Report shall be used to maintain a running total of days, hours, or pay counting against the appointment limitation. The NTE date and Service Year Beginning date shall be brought forward each pay period. This information shall be shown in the Remarks section of the office copy only of the Time and Attendance Report. When the appointment of a Schedule A employee is terminated, the employee shall be provided with the last copy of the final Time and Attendance Report which contains information concerning unemployment compensation.

VI APPLICATION OF LEAVE TO LIMITATIONS

A Annual and Sick Leave Taken. Days or hours of used annual or sick leave are counted against any working-day, working-hour, or salary limitation.

B Annual Leave Earned But Not Taken. Annual leave that is earned but not taken and for which a lump-sum payment is made at the end of the period of employment is not included in counting the number of days or hours in a working-day or working-hour limitation. However, a lump-sum payment is counted against a pay limitation.

/s/ Irving W. Thomas
Deputy Administrator, Management

Most Commonly Used Schedule A Authorities
With Salary and/or Time Limitations

<u>Authorities (Used in AMS, FGIS, OT, and ACS)</u>	<u>Limitation</u>
A-213.3102(g) (Nontemporary part-time or intermittent position)	Compensation is limited to not more than 40 percent of the annual salary of GS-3, Step 1, in a service year.
A-213.3102(q) (GS-7 and below, assistants to scientific, professional, or technical employees)	Hours are limited to not more than 1,040 working hours in a service year. This limit shall not apply to positions GS-4 and below connected with cooperative education programs.
A-213.3102(v) (Summer Aids)	Hours are limited to 700. Pay is limited to minimum wage.
A-213.3102(w) (Stay-in-School Program for Part-Time or Intermittent Employment)	Hours are limited to not more than *-20-* in any calendar * week, except during any period in which school is officially closed.
<u>Authorities (Used in AMS)</u>	
A-213.3113(a)(5) (Agricultural Commodity Aids -Cotton Division)	Days are limited to not more than 180 working days in a service year.
A-213.3113(f)(1) (In Cotton classing offices outside the Washington, DC, Metropolitan area on a seasonal basis)	
Cotton classers GS-9 and below,	Hours are limited to 1,280 and Laborers hours in a service year, except that Cotton classers, GS-5, may be employed as trainees during first appointment for an initial period of 6 months, for training purposes, without regard to this limitation.

Authorities (Con.)

Cotton clerks, GS-2, and
Supervisory clerks, GS-3

A-213.3113(f)(5)
(Agricultural Commodity Graders
(Tobacco), GS-9, and below, and
clerks, GS-4, and below)

Authority (Used in FGIS)

A-213.3113(m)(1)
(Agricultural Commodity Aids -
150 positions; Agricultural Commodity
Technicians- 100 positions; and
Agricultural Commodity Graders -
60 positions).

Limitation (Con.)

Hours are limited to not
more than 1,040 hours in a service year.

Hours are limited to not
more than 1,280 in a
service year.

Hours are limited to not
more than 1,280 in a service
year.