

## PERSONNEL RECRUITMENT AND APPOINTING AUTHORITIES

### COMPETITIVE SERVICE APPOINTING AUTHORITIES

CATEGORY	AUTHORITIES	DESCRIPTION
Competitive Examining	5 U.S.C. Chp 22 5 CFR Part 322; 5 CFR Part 315; Subpart C; Individual agency delegation of examining authority	The traditional method to enter Federal service is by appointment through the competitive examining process. Because of a 1995 amendment to 5 U.S.C. 1104, the U.S. Office of Personnel Management delegates authority to agencies to examine for all their positions (except for administrative law judges). Jobs announced under this process are open to the public. (Require a DEU or staff approved for examining under the agency's delegated examining agreement). Agencies (organizations) without a DEU authority/agreement must submit paperwork to OPM for certification.
Current and Former Competitive Employees	CFR Part 315, Subparts D and E	Current career and career-conditional employees may be appointed by transfer. Former career and career-conditional employees may be appointed by reinstatement, but time limits may apply. Transfer and reinstatement eligibles may be required to compete under the merit promotion program. See 5 CFR Part 335.
Time-Limited Appointment	CFR Part 316, Subpart D	Temporary appointments are made not to exceed 1 year and may be extended for 1 additional year. The work must not be permanent in nature. Temporary employees may work full-time or part-time work schedules and earn annual and sick leave. Employees on temporary appointments of 1 year or less are not entitled to retirement benefits, health or life insurance.
Term Appointments	CFR Part 316, Subpart C	Term appointments are made for period of more than 1 year but may not exceed 4 years. Term employees may work full-time or part-time work schedules. Term appointments may be appropriate, for example, when there is project work, extraordinary workloads, or an agency reorganization. Term employees are eligible for retirement benefits, health and life insurance, and earn annual and sick leave.
TAPER Employment	CFR Part 316, Subpart B	Specific authority for Worker-Trainee positions. Agencies may make TAPER appointments to positions at GS-1, WG-1 and WG-2 and may reassign, or promote the appointees to other positions through grade GS-4, WG-5, or equivalent grades in the Federal Wage System consistent with Sec. 330.501. Agencies are authorized to reassign or promote Worker-Trainees under this authority. Eligible for coverage under FERS, Life and Health Insurance.
Outstanding Scholar Program and Persons with Bilingual/Bicultural Skills  A special hiring authority established to be used as a supplement to competitive examining for some entry-level positions (ACWA).	Direct-Hire Authority (Luevano Consent Decree)  When selection is made under the Administrative Careers With America Outstanding Scholar Program	This special hiring authority is restricted to grade levels GS-5 and GS-7. Applicants must be college graduates and have maintained a grade point average (GPA) of 3.5 or better on a 4.0 scale for all undergraduate course work, or have graduated in the upper 10 percent of their graduating class or major university subdivision, such as the School of Business Administration.

Veterans Employment Opportunities Act (VEOA)	Veterans Employment Opportunities Act of 1998	Authority permits an agency to appoint an eligible veteran who has applied under an agency merit promotion announcement that is open to candidates outside the agency. Veterans are given a Career Conditional appointment in the competitive service.
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**EXCEPTED SERVICE APPOINTING AUTHORITIES**

<b>CATEGORY</b>	<b>AUTHORITIES</b>	<b>DESCRIPTIONS</b>
Veterans' Readjustment Appointment (VRA)	38 U.S.C. 4214; 5 CFR Part 307; 5 CFR 315.705	A special authority by which agencies can appoint eligible veterans without competition to positions at any grade level through GS-11 or equivalent. The VRA is an excepted appointment to a position that is otherwise in the competitive service. After 2 years of satisfactory service, the veteran is converted to a career-conditional appointment in the competitive service.
30 Percent or More Disabled Veteran	5 U.S.C. 3112; 5 CFR 316.402(b)(5); 5 CFR 315.707	These veterans may be given a temporary or term appointment (not limited to 60 days or less) to any position for which qualified (there is no grade limitation). After demonstrating satisfactory performance, the veteran may be converted at any time to a career-conditional appointment.
Student Educational Employment Program  Consist of two components - student career experience program (formally the "Co-op Program") and the student temporary employment program	Executive Order 12015; 5 CFR 213.3202(a), (b) and (d)	<p><b>(1) Student Career Experience Program</b> This component offers valuable work experience directly related to the student's academic field of study. It provides formal periods of work and study while attending school. It requires a commitment (signed agreement) by the student, the school, and the employing Federal agency. The student may be eligible for permanent employment under this component after successfully completing education and meeting work requirements.</p> <p><b>(2) Student Temporary Employment Program</b> Job opportunities under this component offers the student temporary employment. Employment can range from summer jobs to positions that can last for as long as they are a student. These employment opportunities need not necessarily be related to the student's academic field of study.</p>
Presidential Management Intern (PMI) Program	Executive Order 12364; 5 CFR 213.3102(ii); 5 CFR Part 362; 5 CFR 315.708	<p>Individuals eligible to be nominated for the PMI Program are graduate students from a variety of academic disciplines completing a master's or doctoral-level degree from an accredited college or university during the current academic year. These individuals must also have a clear interest in, and a commitment to, a career in the analysis and management of public policies and programs.</p> <p>Students must be nominated for the PMI Program by the appropriate dean, director or chairperson of their graduate academic program. Students participate in a competitive nomination process devised by their educational institution. This competitive nomination process ensures fair and open competition among all interested and eligible graduate-level students.</p>

Appointment of Mentally Retarded Persons Schedule A	5 CFR 213.3102(t)	Positions filled by mentally retarded persons. These appointments are generally made on a continuing basis without time limitations. The employees may work full-time or part-time schedules. Upon completion of 2 years of successful performance, the employee may qualify for conversion to the competitive service.
Appointment of Severely Physically Handicapped Persons Schedule A	5 CFR 213.3102(u)	Positions filled by severely physically handicapped persons who, (1) under a temporary appointment, have demonstrated their ability to perform the job satisfactorily; or (2) have been certified by counselors of the State vocational rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties. The employees may work full-time or part-time work schedules. Upon completion of 2 years of successful performance, the employee may qualify for conversion to the competitive service.
Critical Hiring Need Schedule A	5 CFR 213.3102(1)(2)	Temporary and less-than-full time positions for which examining is impracticable. Appointment under this authority may not exceed 30 days and may be extended for up to an additional 30 days if continued employment is essential to the agency's operations.
Surveying Technician (Temporary field positions)	Schedule A, 213.3114(j)(ii)	NOAA hiring authority to appoint temporary employees to perform recurring seasonal work which is expected to last less than 6 months in a year.
Federal Career Intern Program (FCIP)	E. O. 13162; 5 CFR 213.3202(a)	Individuals are appointed to a 2-year internship. Upon successful completion of the internship, the intern may be eligible for permanent placement within an agency. Initial appointments can be made at any grade level for which the agency has a formal training program in place; the intent of the program is an initial appointment at the GS-5/7/9 level. This appointment does require a 2 year formal training and development program. Persons referred for ACWA occupations must have taken and passed the ACWA examination.
Expert and Consultant Appointment	5 CFR 304; 5 U.S.C. 3109	Definition: (1) Consultant - serves as an advisor, providing views or opinions based on a high degree of broad administrative, professional, or technical knowledge or experience. Shall not perform or supervise operating functions. (2) Expert - Possesses a mastery of the principles, practices, problems, methods, and techniques of a field or specialized area which are clearly superior to the qualifications possessed by other competent persons. Is usually regarded as an authority by peers. May perform or supervise the performance of operating functions.

### **INTERCHANGE AGREEMENTS WITH OTHER MERIT SYSTEMS**

Agencies may noncompetitively appoint employees covered by the interchange agreements with other merit systems to career or career-conditional appointments.

To be eligible for career or career-conditional appointment, a person must: (a) Be currently serving under an appointment without time limit in the other merit system or have been involuntarily separated from such appointment without personal cause within the preceding year; AND (b) Be currently serving in or have been involuntarily separated from a position covered by an interchange agreement (some agreements do not cover all positions of the other merit system); AND (c) Have served continuously for at least 1 year in the other merit system prior to appointment under the interchange agreement, except that an employee of the Defense Nuclear Facilities Safety Board must have served continuously for at least 2 years with the Board under an appointment without time limit. The U.S. Office of Personnel Management has agreements with:

Tennessee Valley Authority	Only employees in salary policy positions (trades and labor positions are not covered). Agreement effective 10/16/57; extended indefinitely.
Nuclear Regulatory Commission	Agreement effective 10/1/75; extended indefinitely.
Veterans Health Administration of the Department of Veterans Affairs	Only medical and related employees appointed under sections 7401(1) and (3) [formerly sections 4104(1) and (3) of title 38, U.S.C. Agreements effective 11/1/79 and 5/12/87; extended indefinitely.
Civilian Intelligence Personnel Management System (CIPMS)	Employees of the military departments, Department of Defense, appointed under chapter 81 of title 10, U.S.C. Agreement effective 3/9/90; expires 9/30/03
Nonappropriated Fund (NAF) employees of the Department of Defense	Agreement effective 9/20/91; extended indefinitely
Nonappropriated Fund (NAF) employees of the Coast Guard, Dept of Transportation	Agreement effective 11/3/94. This agreement expired 11/1/99 and will not be extended.
Defense Nuclear Facilities Safety Board	Only professional, scientific and technical employees. Agreement effective 10/12/95; expires 7/5/03
Federal Aviation Administration	Agreement effective 11/6/97; expires 7/5/02
Veterans Canteen Service of the Department of Veterans Affairs	Only employees in the Canteen Management Program. Agreement effective 11/1/79; extended indefinitely

#### **MISCELLANEOUS AUTHORITIES REGULATED BY OPM**

CATEGORY	AUTHORITIES	DESCRIPTION
Career or Career-Conditional Appointments	5 CFR Part 315, Subpart F	This subpart contains noncompetitive appointing authorities covering a variety of situations and individuals, such as Peace Corps volunteers, former overseas employees, and incumbents of positions brought into the competitive service.

#### **MISCELLANEOUS AUTHORITIES NOT REGULATED BY OPM**

Following is a list of other current appointing authorities that are authorized by statute or court order. Because the U.S. Office of Personnel Management (OPM) does not regulate these authorities, they are not listed in 5 CFR. This list contains the most widely known authorities; others may exist. Using these authorities, an agency may appoint an eligible individual to any position for which the person meets the qualification standard and other requirements governing appointment to the competitive service, except they are not required to compete in a competitive examination. They are not required to compete with career and career-conditional employees under internal merit staffing procedures unless an agency's policies require them to do so. The agency must verify applicant eligibility.

CATEGORY	AUTHORITIES	DESCRIPTION
Postal Career Service Employees	39 U.S.C. 1006	Permits appointment without a break of a single day of an employee or officer of the Postal Career Service (that is, one serving under appointment without time limit). Based on agreement between the U.S. Office of Personnel Management and the U.S. Postal Service, an employee must have completed Postal probation (that is, 3 months on a substantially full-time basis, or 520 hours).
Postal Rate Commission Employees	39 U.S.C. 3604(e)	Permits appointment without a break in service of a single day of an employee or officer of the Postal Rate Commission serving under an appointment without time limit. Based on agreement between U.S. Office of Personnel Management (OPM) and the Postal Rate Commission, an employee must have completed probation (one year) under Postal Rate Commission Career Service appointment.
General Accounting Office (GAO)	31 U.S.C. 732(g)	Permits appointment of a current or former General Accounting Office (GAO) employee who has completed at least 1 year of continuous service under a nontemporary appointment that began on or after October 1, 1980.
Administrative Office of the U.S. Courts Employees	28 U.S.C. 602	Permits appointment of a current or former Administrative Office of the U.S. Courts (AO) employee, except employees appointed to a high level position under 28 U.S.C. 603 or a position of a confidential or policy-determining nature. An employee must have completed at least 1 year of continuous service under nontemporary AO appointment.
Federal Bureau of investigation (FBI) Employees	Public Law 103-317, section 115 (8/26/94)	Permits appointment of a person: (1) Who on 8/26/94 was serving in an appointed position (under other than a temporary or term basis) with the Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division (the Division) that was to be relocated from Washington D.C., to Clarksburg, West Virginia; (2) Whose last previous Federal employment was with the Division; and (3) Who has not relocated with the Division. Appointment eligibility is for 2 years after separation from the Division.