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**Forest Service Handbook 6109.12 – Employment and Benefits Handbook
Chapter 60 - Temporary and Term Employment**

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Superseded Document(s):

Digest: Following is an explanation of the changes throughout the directive by section.

60: Establishes the new chapter 60, Temporary and Term Employment, which revises and incorporates direction formerly issued in chapters 1 and 2 of FSH 6109.14, Temporary Employment Handbook, which is removed from the directive system.

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This chapter provides direction on recruitment, selection, employment, separation, and other aspects of temporary employment programs in both the excepted and the competitive service.

60.1 - Authority

Title 5, Code of Federal Regulations, parts 213 and 316 (5 CFR parts 213 and 316) authorize Federal temporary employment programs in the excepted and competitive service.

Part 213 addresses positions primarily in the research and student employment program area. Research positions filled on a temporary basis by persons having a doctoral degree are listed under Schedule B of 5 CFR 213.3213(b)(1). The student educational program has two appointment authorities under Schedule B of 5 CFR 213.3202 (a) and (b). Direction on these student employment programs is in chapter 50 of this Handbook and is summarized in exhibit 01 of section 66.

Part 316 covers temporary and term employment in the competitive service.

60.2 - Objectives

1. To provide for uniformity in recruitment, selection, employment, and separation of temporary/term employees in the excepted and competitive service.
2. To adhere to the merit principles for Federal employment as issued by the Office of Personnel Management (OPM), Department of Agriculture, and the Forest Service (ch. 20 of this Handbook).

60.3 - Policy

1. Compare the costs of using temporary/term employees with other methods of accomplishing work to determine which method is the most beneficial to the Government, taking into account such factors as workforce and workload needs, unemployment compensation, training, lost-time accidents, medical expenses, vehicles, tools, and benefits.
2. Comply with Office of Personnel Management regulations, ensure the equitable treatment of temporary/term employees, and ensure that temporary/term appointment authorities are used appropriately.
3. Ensure that the temporary employment applicant pool reflects the nation's diversity.

60.5 - Definitions

Career Transitions Assistance Program (CTAP) and Inter-Departmental Transitions Program (ICTAP).

- a. CTAP. The Department-wide Career Transitions Assistance Program established to help surplus and displaced USDA employees find other Federal jobs by helping employees compete through skills assessment and job search assistance; posting

vacancies electronically; and giving selection priority to eligible, well-qualified employees who apply for positions at the grade and in the commuting area of their last position.

b. ICTAP. The Inter-governmental portion of CTAP which provides selection priority across Department lines for eligible employees who have been involuntarily separated.

Commuting Areas. (The following summarizes the definition in 5 CFR 316.401(c) and the definitions negotiated between the Forest Service and the National Partnership Council. Commuting areas may be defined on a Regional/ Station-wide basis or locally). A reasonable distance for employees to travel to the work site as determined on a Region- or Station-wide basis or by the local unit, taking into account the commuting patterns of current employees on the unit; typical weather and road conditions; typical applicant pools and/or areas of consideration for advertising; and so on.

Federal Job Opportunity Board. A dial-in computer bulletin board operated by the Office of Personnel Management to provide information regarding Federal vacancies to the public on positions to be filled for over 90 days.

Major Subdivision. (This definition is excerpted from 5 CFR 316.401(c) and the definition as negotiated with the National Partnership Council). Forest, Regional Office, Station, Area Office, or Washington Office.

Master Agreement. The Service-wide labor/management agreement between the Forest Service and the National Federation of Federal Employees (NFFE).

Position of Record. The officially classified description of the position in which the employee is assigned.

Public Official. An officer, an employee, or any other individual who has delegated authority to appoint, employ, promote, or advance individuals for appointment, employment, promotion, or advancement.

Rehire Eligibility. The opportunity for an applicant to be hired noncompetitively to the same position or any position with the same series, grade, and basic duties and on the same major subdivision for up to three years following the date of separation. Time limitations on employees and positions are set in 5 CFR 316.401(c) and (d); further direction on rehire eligibility and time limitations is in sections 61.21 and 62.5.

Relative: For purposes of restrictions on the employment of relatives (sec. 21.1 and 62.6; 5 CFR 310, part A; 5 U.S.C. 3110), a term including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Service Year Date. (5 CFR 316.401(d)(ii)). The calendar year beginning on the date of the employee's initial appointment in the agency. The service year date is also referred to as the "anniversary date." The 6-month (less than 1,040 hours) limit applies only to time in pay status, excluding overtime and training which may be scattered throughout the service year.

Successor Position. (5 CFR 316.401(c) and (d)). Any position which replaces and absorbs the work of the preceding position in the same major subdivision to which an individual was originally appointed.

Temporary Appointment. Appointment to a position for work of an expected duration of less than one year (sec. 61.21a).

Term Appointment. Appointment to a position for work of an expected duration of more than one year but not more than four years (sec. 61.21b).

Veterans' Preference. Hiring preference given to those who served in the military and were separated from active duty under honorable conditions, and who meet other criteria as set forth in 5 CFR 211 and 307 (sec. 62.53).

61 - Recruitment

61.04 - Responsibility

Line officers are responsible for ensuring that diversity is considered in the planning and recruitment process to ensure a diverse temporary workforce.

61.1 - Planning for Non-Permanent Workforce Needs

Soon after the tentative budget advice package for the current fiscal year is received, the managers of employing units should develop estimates of staffing needs for the upcoming field season. In evaluating the appropriateness of temporary versus other types of employment, consider the available options (sec. 60.3). Conduct outreach and recruitment for individuals from appropriate sources to ensure diversity of the non-permanent workforce.

61.2 - Types of Appointments

The types of appointments available for appointment of non-permanent employees are summarized in exhibit 01, section 66.

61.21 - Competitive Service

61.21a - Term

A term appointment is appropriate for positions of a specified duration when work is expected to last more than one year but not more than four years. Establish the expected duration prior to filling the position and set the duration at the minimum amount of time the position is expected

to be needed and funded. If set at less than four years, the appointment can later be extended to the maximum of four years without further competition.

61.21b - Temporary

A temporary appointment is appropriate for work that is expected to last no more than one year. Temporary appointments can also be used for seasonal work which is needed every year when the work requires less than 1,040 hours of duty, excluding overtime and eligible training each year. A position cannot be considered temporary if it is filled for 24 months or more out of any 36-month period.

61.22 - Excepted Service

"Excepted" generally refers to positions excepted from the competitive service by or pursuant to statute, Presidential order, or Office of Personnel Management (OPM) regulations. There are three types of excepted appointments: Schedules A, B, and C.

61.22a - Schedule A

This schedule includes positions other than those of a confidential or policy-determining character for which it is impractical to examine (5 CFR 213.3101).

61.22b - Schedule B

This schedule includes positions other than those of a confidential or policy-determining character for which it is impractical to hold a competitive examination. The Forest Service has an agency-specific post-doctoral Research Scientist authority under Schedule B of 5 CFR 213.3213(b)(1). The Student Career Experience Program and the Student Temporary Experience Program also fall under Schedule B (5 CFR 213.3202).

61.22c - Schedule C

These positions are of a confidential or policy-determining nature; that is, political appointments authorized by 5 CFR 213.3301.

61.23 - Miscellaneous

61.23a - Veterans' Readjustment

5 CFR 307.101(d) authorizes excepted appointments made after April 8, 1970, of eligible veterans of the Vietnam Era or post-Vietnam Era to a position otherwise in the competitive service.

61.23b - Persons with Mental Disabilities

5 CFR 213.3102(t) provides the authority to promote the hiring, placement, and advancement of persons with mental disabilities. Further direction is at FSM 6133, Disability Employment Programs.

61.23c - Persons with Disabilities

5 CFR 213.3102(u) provides the authority to promote the hiring, placement, and advancement of persons with disabilities. Further direction is at FSM 6133, Disability Employment Program.

61.23d - Special Needs

5 CFR 213.3102(2) authorizes 30-day appointments to position(s) for which a critical hiring need exists. Appointments under this authority may be extended for an additional 30 days, if essential to the agency's operations.

61.24 - Certification by Supervisors

(5 CFR 316.401(b)). Supervisors must certify in writing that each position filled by a temporary appointment is not expected to last more than one year and that the job (or its predecessor) has not been filled for more than 24 months in the previous 36 months. The supervisor also must document the reasons for making a temporary limited appointment. (Ex. 02, sec. 66 contains an example of the certification.)

61.3 - Tours of Duty Under Temporary and Term Appointments

Full-time, part-time, seasonal, and intermittent work all can occur under each type of appointment (term or temporary). However, intermittent tours should be used infrequently because most work can be scheduled in advance.

61.31 - Full-Time

Work requires 40 hours of duty per week or 80 hours per pay period.

61.32 - Part-Time

Work requires between 16 and 32 hours of duty per week.

61.33 - Seasonal

Annually recurring work requires less than 12 months each year. (Seasonal work could occur on a part-time or on a full-time basis.)

1. Term Seasonal. Annually recurring work which lasts less than 12 months each year which is normally expected to last 6 months or more, and is needed for more than one year but

no more than four years. (This type of appointment could be used for work lasting less than 6 months per year at the discretion of the employing unit.)

2. Temporary Seasonal. Annually recurring work which is expected to last less than 6 months (less than 1,040 hours) each year. This time limitation can be exceeded for training purposes up to 685 hours in the first year of the appointment and up to 80 hours each subsequent year.

61.34 - Intermittent

Work occurs at sporadic or irregular intervals so that an employee's hours of duty cannot be scheduled in advance of the administrative workweek.

61.4 - Recruitment Methods

Recruitment for temporary competitive appointments may be accomplished through Forest Service recruitment notices or through an agreement with State Employment Offices in compliance with procedures in 5 CFR part 333.

61.41 - State Employment Offices

Employing units may need to develop a working agreement with local State Employment Offices outlining each other's expectations and roles. State Employment Offices are accustomed to the work of matching people to jobs, but not necessarily to the regulatory requirements of the Forest Service, such as qualifications and veterans' preference eligibility. As a minimum, the working agreement should address the following items:

1. Recruitment responsibilities;
2. Work registration, if applicable;
3. Procedures for handling out-of-area/State applicants;
4. Referral of applicants;
5. Application of veterans' preference; and
6. Documentation by the State Employment Office of all job orders.

Regions may wish to establish a single working agreement covering an entire State when more than one employing unit is involved.

61.5 - Publicity

61.51 - Recruitment Periods

There is no national recruitment period for temporary and term positions filled through individual recruitment notices, State Employment Offices, or student employment programs. Recruitment dates are set locally to coincide with staffing needs.

61.52 - Level of Publicity

Competitive temporary recruitment notices for bargaining unit positions shall be publicized on the local unit where the vacancy exists for a minimum of 7 working days prior to closing date.

Field units within the Regions and Stations determine the level of publicity commensurate with their need for applicants.

Positions with a duration of 90 days or longer:

1. Must be posted on the Federal Job Opportunity Board. This fulfills the requirement to notify the State Employment Office of the vacancy; and

2. Must follow Career Transition Assistance Program and Intergovernmental Career Transition Assistance Program procedures.

For public notice requirements refer to 5 CFR 333.102.

61.6 - Restrictions on Employment of Relatives

(For requirements related to employment and supervision of relatives, see sec. 21.1 of this Handbook; 5 CFR 310, subpart A; and 5 U.S.C.3110. The terms "public official" and "relative" are defined in sec. 60.5.) Restrictions on the employment of relatives apply to appointment, employment, promotion, or advancement in the competitive and excepted services. The following requirements are excerpted from 5 CFR 310, subpart A:

A public official shall not advocate one of their relatives for appointment, employment, promotion, or advancement to a position in their agency or in an agency over which he or she exercises jurisdiction or control. A public official shall not appoint, employ, promote, or advance to a position in their agency (or in an agency over which he or she exercises jurisdiction or control) one of their relatives or the relative of a public official of their agency (or of a public official who exercises jurisdiction or control over their agency) if the public official has advocated the appointment, employment, promotion, or advancement of that relative.

61.7 - Citizenship Requirements

61.71 - Competitive Service

A person may be admitted to the competitive service only if the person is a citizen of the United States (5 CFR 338, subpart A).

61.72 - Excepted Service

1. The Forest Service can hire citizens of a country that is a member of a defense treaty of which the U.S. is a member and citizens of a country which the Congress has specifically exempted from restricting legislation (listed in ex. 03, sec. 66) for the following appointments:

a. Schedule A. (5 CFR 213.3102(b)). This schedule allows positions to be filled by aliens in the absence of qualified citizens.

b. Schedule B. (5 CFR 213.3202(b)(5)). This schedule allows for appointment of non-citizens in the Student Temporary Employment Program (STEP) and Student Career Employment Program (SCEP) provided:

(1) The student was lawfully admitted to the U.S. as a permanent resident or was otherwise authorized to be employed; and

(2) The student was a U.S. citizen at the time of conversion to a career-conditional appointment.

2. Schedule C contains no specific provision for employment of non-citizens.

61.8 - Medical Examinations and Payments

The employing unit pays for agency-ordered medical examinations required for positions with specific medical standards or physical requirements (5 CFR 339.301, 339.303, 339.304).

Failure to meet the medical standard or physical requirement for the position means that the individual is not qualified for the position unless a waiver or reasonable accommodation is indicated (5 CFR 339.102; FSM 6133).

62 - Application Process and Selection

62.1 - Application Process

The servicing personnel office determines which one or a combination of the following offices will accept and process applications for term and/or temporary positions: State Employment Office; Regional Office; National Forest; Research Station; or Washington Office.

1. Inform applicants of the materials to submit for an applications, such as Form OF-612, a resume, or any other written documentation. College transcripts should be included, where appropriate and/or required.

2. Inform applicants who may qualify for veterans' preference to submit, in addition to the materials required by paragraph 1, a copy of their Form DD-214 to claim 5-point preference, or a copy of Form SF-15, Application for 10-point Veterans' Preference (SF-15) and proof of disability and or injury to claim 10-point preference.

62.2 - Qualifications

For temporary and term appointments, the applicable qualification requirements for General Schedule and Wage Grade positions focus on the applicant's ability to demonstrate they can successfully perform the duties of the position. The qualification requirements for General Schedule positions are found in the Office of Personnel Management (OPM) Qualification Standards Handbook for General Schedule Positions, and the qualification requirements for Wage Grade positions are found in the OPM X-118C Handbook.

62.3 - Initial Appointment

Each unit servicing personnel office verifies veterans' preference and determines citizenship for applications accepted by the unit.

The servicing personnel office may refer to the selecting officer all qualified candidates for temporary positions. For term positions, the servicing personnel office separates the candidates to establish quality and eligible groups for each grade level for which candidates are being considered. Refer all candidates in the quality group to management, unless there is an inadequate number of quality candidates, in which case refer the candidates in the eligible group as well.

62.4 - Passing Over Preference Eligibles

1. Temporary Appointments. The servicing personnel office has the authority to pass over a preference eligible, except for preference eligibles with compensable service-connected disabilities of 30 percent or more.

2. Term Appointments. The Director of Human Resources Management, Washington Office, retains the authority to approve passing over a preference eligible who applied for a term position.

62.41 - Notification When Passing Over Preference Eligibles

1. Preference Eligibles with Compensable Service-Connected Disabilities of 30 percent or More. To pass over such preference eligibles, the servicing personnel office must:

- a. Submit the reasons for doing so to OPM;
- b. Notify the preference eligible of the proposed passover, the reasons for it, and the applicant's right to respond to OPM within 15 days of notification; and

- c. Obtain OPM's approval for the proposed passover before selecting the nonpreference eligible.

2. Other Preference Eligibles. If a nonpreference eligible is selected over a preference eligible (except as described in para.1) the servicing personnel office must record the reasons for doing so and furnish a copy of those reasons to the preference eligible and to the applicant's representative on request.

62.42 - Documentation When Veterans Decline Offers

Maintain written documentation or written documentation of telephone conversations concerning the veteran's explanation for the reason(s) for declining the offer. Maintain this documentation in the case file in the unit servicing personnel office.

62.5 - Rehire Eligibility for Temporary Positions

62.51 - Time Limitations

1. Employees may be rehired for up to 3 years following the date of separation to any position with the same series, grade, and qualification requirements as the original appointment and on the same major subdivision (Forest, Regional Office, Station, Area Office, or Washington Office).

2. The same 3-year time limit applicable to employees in paragraph 1 also applies when considering whether a position may be refilled or not. The time limit applies to the same or successor positions in the same major subdivision and in the same commuting area. (These terms are defined in sec. 60.5.)

3. To determine if a position can be refilled or if an employee can be rehired, apply the following criteria on time limitations (5 CFR 316.401 (c) and (d)):

a. Position. A temporary position is an appointment for work not expected to exceed 1 year in duration. Such appointments may be extended for a maximum of one additional year for an aggregate of 2 years or 24 months within the preceding 36 months. In addition, if a position is filled for a total of 24 months in any 36-month period, the position may no longer be filled through temporary employment.

b. Employee.

(1) When filling a position lasting less than 6 months, the employee's time is limited to less than 1,040 hours in a service year, excluding overtime and training. If the employee's time is 1,040 hours or greater, the direction in the following paragraph (2) applies.

(2) When filling a position lasting more than 6 months, but less than 1 year, the employee's time should not exceed the 1-year limit. However, should the position be

extended for an additional year, the employee's time may also be extended for an additional year, not to exceed 24 months of total service.

62.52 - Performance

Performance may be used as a basis not to rehire an applicant only if there is a performance appraisal form from the applicant's previous position as supporting documentation for the decision.

62.53 - Veterans' Preference on Rehires

There is no veterans' preference for rehires; preference applies only to initial appointment.

62.6 - Suitability and Security Clearances

(5 CFR 731, part B; FSM 6174).

62.61 - Non-Sensitive Positions

The National Agency Check and Inquiry (NACI) applies to temporary, not-to-exceed one-year appointments to non-sensitive positions that exceed one year or are extended beyond one year.

62.62 - Prior to Appointment

Make the following inquiries:

1. Pre-Placement Security Investigation Index. For appointments not to exceed one year, conduct a pre-placement Security Investigation Index with the Office of Personnel Management (OPM). This check determines prior NACI activity. For appointments greater than one year, conduct a NACI.

2. Adjudicating Suitability. Adverse information contained in the application, which is discovered during inquiries or arises during employment, must be reviewed by or under the guidance of an NACI Officer, based upon the standards in 5 CFR 731.202. In the case of nonselected applicants, information arising from inquiries is but one factor in the overall judgment that leads to a selection, and no formal adjudication of suitability has to be made. Issues that arise after appointment require adjudication by the servicing personnel office.

3. Sensitive Positions. Temporary appointments are subject to the clearance requirements for positions of public trust or positions with access to classified information/installations.

62.63 - Habitual Use or Abuse of Intoxicating Beverages, Narcotics, Drugs, or Other Controlled Substances

Habitual use or abuse of intoxicating beverages, narcotics, drugs, or controlled substances may be grounds for rejecting a job applicant or terminating an employee.

62.64 - Drug and Alcohol Testing

Executive Order 12564 of 1986 established the goal of a drug-free Federal workplace and makes it a condition of employment for all Federal employees to refrain from using illegal drugs on or off-duty. This Executive Order also contains the criteria for identifying testing designated positions.

Under the Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143), employees whose work requires them to have a commercial drivers license (CDL) must be included in a drug and alcohol program. Additional Departmental requirements are in the Department Personnel Manual Supplement 792-3, Drug-free Workplace Program (FSH 6109.41 - DPM 792.3).

In compliance with the Federal and Department requirements, Forest Service employees who are paid by the National Finance Center and who either are in a testing designated position or have a job-related commercial drivers license are subject to random drug and/or alcohol requirements of each program. Any prospective employee meeting these requirements must also be drug tested, and the test must produce negative results before the applicant may be hired.

62.7 - Physical Fitness Requirements

Tentative job offers may be made contingent upon an individual's passing the physical fitness test established for the position. Failure to meet the physical requirements for the position means that the individual is not qualified for the position unless a waiver or reasonable accommodation is indicated (5 CFR 339.102; FSM 6133; and sec. 21.3 of this Handbook).

63 - Employment Process

63.1 - Service Year Date

(A definition for this term is in sec. 60.5.) Service year dates (SYD's) are used for temporary positions which have an appointment limitation (days or hours). This "anniversary date" refers to the date of the employee's initial appointment in the agency and is not to be confused with the service computation date, effective date, or not-to-exceed date (defined in sec. 60.5).

A SYD is first established when an employee is initially hired under an authority with an appointment limitation.

1. The SYD does not change when:
 - a. An employee is separated and rehired several times.
 - b. The employee's appointment is to a position that replaces and absorbs the position to which an individual was originally appointed. This is considered an extension of the original appointment.

c. The employee's appointment is to a position with the same basic duties in the same major subdivision and commuting area as the original appointment. This is also considered to be an extension of the original appointment.

2. The SYD changes when:

- a. An employee has a break in service of more than one year.
- b. An employee competes and is selected for a position under a different position description with different basic duties.
- c. An employee competes and is selected for a position in a different major subdivision.

63.2 - Promotions and Details

1. Temporary Not To Exceed (NTE) One Year. Employees holding temporary appointments of less than one year may not be promoted noncompetitively, reassigned, or transferred to another position. They may be detailed to another position which is temporary in nature.

If a manager wishes to change an occupied position to a higher grade, it is considered a new appointment and must go through the competitive process.

Time an employee spends on details counts towards the employee's service limit for temporary employment. Time counts against both the detail position and the position of record.

2. Term Appointments. Agencies may promote, demote, detail, or reassign term employees within the time limit of their appointments to other positions which the agency determines as appropriate.

63.3 - Examples of Successor Positions and Time Computations

A successor position is any position which replaces and absorbs the work of the preceding position in the same major subdivision and commuting area (sec. 60.5). This includes positions classified in different series or grades which absorb the work of the original position.

Following are examples of successor positions and service year date (SYD) computations:

1. Example 1.

- Effective date is May 1 for initial appointment to a GS-3 Timber Marker.
- Employee competes and is selected for GS-462-4, Timber Marker, effective July 1.

Result

- GS-462-4, timber marker, is defined as a "successor" position.
- Employee's SYD remains May 1.
- Employee's time limitation remains the same.

2. Example 2.

- Employee A: Effective date is April 1 for initial appointment to GS-462-4, recreation trail maintenance crew.
- Employee B: Separated earlier than anticipated from assignment to Timber Marking Crew Technician as GS-462-4.
- Because of proximity of work and near completion of trail maintenance, employee A was assigned work that employee B had been performing.
- Employee A: Now performs duties of both positions.

Result

- Because employee A "absorbed" the timber duties, this would be defined as a successor position.
- Employee A's time limitation and SYD remain the same.

3. Example 3. Following is an example of a "non-successor" position:

- Effective date is April 1 for initial appointment to a GS-462-4, Recreation Technician (trail maintenance crew).
- Employee competes and is selected for GS-462-5, Timber Marker, effective July 1.
- GS-462-4 recreation position to be refilled.

Result

- Because the employee is promoted to a new position and the employee's previous position is to be refilled, employee receives a new SYD.
- Employee's time limitation starts on July 1.

63.4 - Performance Appraisals

All Forest Service employees under a competitive service time-limited authority are covered by the agency's performance appraisal system (FSM 6140; FSH 6109.13, ch. 10).

63.41 - General Provisions

1. Employees in temporary and term appointments are covered by the Forest Service performance appraisal system in FSH 6109.13, chapter 10, and supervisors are required to rate them.
2. The performance appraisal process for those working less than a year consists of an initial review of job performance elements and standards when the employee begins the job and a formal appraisal prior to the employee's leaving.
3. Mid-term evaluations are optional but are strongly recommended if performance is unacceptable.

63.42 - Unsatisfactory Performance Level

Temporary employees may be removed or given letters of warning for unsatisfactory performance. Bargaining unit employees are subject to applicable provisions of their negotiated collective bargaining agreements.

63.43 - Denial of Within-Grade-Increase for Term and Wage Grade Positions

(5 CFR 531, subpart D; FSH 6109.13, ch. 10). Within-grade increases can be denied when an employee fails to meet the acceptable level of competence by successful performance of the duties and responsibilities of the employee's assigned position which otherwise warrant the advancement of the basic pay to the next higher step of the grade of the employee's position.

63.5 - Conduct and Discipline

(For further direction see FSM 6170.)

1. Removal for Misconduct. Removal for misconduct generally follows a documented counseling session during which an employee is advised of the offense. Separation may or may not take place at the end of the notice period, depending on the employee's response and actions. The notice period for these situations shall be no less than 7 days. Bargaining unit employees may be subject to different procedure, depending on the contents of their collective bargaining agreement.

a. Serious and disruptive conduct may be the basis for preventing the employee from returning to the job and for immediate removal from the agency. The minimum notice period is 24 hours to inform an employee of this action. Supervisors may give the employee the options of taking annual leave or being placed on administrative leave during the notice period to keep them out of the work site.

b. The work supervisor recommends separation of the employee to the appropriate higher level supervisor in writing, stating the facts justifying this action. If necessary, supervisors may obtain guidance from the servicing personnel office.

2. Denial of Rehire Eligibility. If termination will also result in denial of rehire eligibility, include a statement to that effect in the employee's termination notice.

64 - General Requirements And Benefits

64.1 - Term Employees

The following requirements regarding employment and benefits apply to term employees; these employees are:

1. Subject to a 1-year trial period. During this period they are entitled to the same limited due process protection accorded permanent probationary employees (5 CFR 316.304).

2. Covered by reduction-in-force (RIF) procedures for the established duration of employment. They are placed in tenure group III in the event a RIF action is taken prior to the expiration of their appointment.

3. Protected under 5 CFR part 752 adverse action procedures, upon completion of their trial periods, for the established duration of employment. Adverse action procedures do not apply when term appointments expire and employees are separated.

4. Not eligible to compete for positions advertised under internal merit promotion procedures, for transfer to other agencies, or for reinstatement.

5. Eligible for promotion, demotion, detail, or reassignment within the time limit of their appointments to other positions which the agency determines as appropriate.

6. Eligible for within-grade pay increases when they perform at fully successful levels or above. The waiting periods are the same as for permanent GS and WG employees (5 CFR 316.305).

7. Eligible for coverage under the Federal Employees Health Benefits (FEHB) and Federal Employee's Group Life Insurance (FEGLI) programs with regular schedules of 6 months or more per year. Intermittent employees are not covered by FEHB or FEGLI.

8. Eligible to earn leave when appointed to positions with regularly scheduled full- or part-time tours of duty. The amount of annual leave earned is the same as for permanent employees.

9. Covered under the Federal Employees Retirement System (FERS) and eligible to participate in the Thrift Savings Plan (TSP).

64.11 - Part-Time Work Schedules

For term employees, if the tour of duty is 16-32 hours per week, the part-time status affects the rate in which annual and sick leave is earned, the amount of life insurance coverage, the cost of health insurance, and the annuity computation, if eligible, for retirement under CSRS or FERS. The amount of annual and sick leave is the same as for permanent part-time employees.

64.12 - Intermittent Work Schedules

Placing term employees in intermittent status can have dramatic impacts on their benefits. Term intermittent employees earn service credit toward probation, within-grade increases, and retirement only for time actually worked while on intermittent. Intermittent employees are not covered by FEHB or FEGLI.

Term or temporary employees cannot earn or use leave while in intermittent status.

64.13 - Separations

Term employees may be separated only on their NTE dates, except for performance or conduct reasons or through RIF procedures.

64.2 - Temporary Employees

Employees whose appointments are limited to 1 year or whose appointments are for recurring seasonal work which lasts less than 6 months (less than 1,040 hours) each year:

1. Do not serve probationary periods.
2. Are not covered under RIF procedures.
3. Are not protected under 5 CFR part 752 adverse action procedures.
4. Do not have competitive status. Temporary employees are not eligible to compete for positions advertised under internal merit promotion procedures, for transfer to other agencies, or for reinstatement.
5. Are not eligible for promotion, reassignment, or transfer to other jobs. They may be detailed to other positions in the agency which are appropriate for temporary employment.
6. Are not eligible for within-grade increases when serving in General Schedule (GS) positions, even when the employees' appointments are extended beyond 1 year, because each extension or reappointment is for a period of not-to-exceed (NTE) 1 year. An employee serving under a temporary appointment in a Federal Wage System (Wage Grade (WG)) position is eligible for within-grade increases.
7. Are not eligible for coverage under FERS or FEGLI. Temporary service performed after 1988 is not creditable under FERS, even for an employee who later becomes covered by FERS. Temporary employees are eligible for coverage under the FEHB only:
 - a. After they have completed at least 1 year of current, continuous service, and
 - b. When they are expected to work more than 6 months each year.

This coverage is subject to special conditions; for example, there are no Government contributions. Temporary service is creditable for Social Security, Medicare, and leave accrual rates. It is creditable for RIF if the employee later becomes covered by RIF procedures.

8. Earn leave when appointed to positions with regularly scheduled tours of duty, either full- or part-time. All regularly scheduled temporary employees earn sick leave, and those whose appointments are made for more than 90 days also earn annual leave. The amount of annual leave earned is the same as for permanent employees.

9. Who are receiving Worker's Compensation must count those hours against the appointment limitation. An employee who reaches the NTE date must be terminated even if the employee is still receiving Worker's Compensation.

64.21 - Non-Pay Status

In rare cases, when an employee on a temporary NTE one-year appointment is placed in non-pay status, the following applies:

1. Service credit for leave accrual and retirement is granted for up to 6 months in each calendar year.

2. Employees with FEHB coverage are responsible for their share of the FEHB premiums while in nonpay status or while on intermittent tour when pay is insufficient to cover FEHB premiums. Employees with less than 6 month tours each year are not eligible for FEHB and FEGLI.

64.22 - Part-Time Work Schedules

Temporary employees with part-time work schedules who are appointed for more than 90 days earn annual and sick leave at the rates described for permanent employees.

64.23 - Intermittent Work Schedules

(5 CFR 340.403). This work schedule is appropriate only when the nature of the work is so sporadic and unpredictable that a tour of duty cannot be regularly scheduled in advance. A lump sum payment for unused annual leave may be processed only when an employee is separated or placed in intermittent status.

64.24 - Separations

Temporary employees working on tours of less than 1,040 hours should be terminated at the end of their time limitation. In rare cases, however, some employees may be placed in non-pay status.

Temporary employees may be separated for lack of work or funds at any time.

64.25 - Resignations

If a temporary employee leaves a position before the time limitation expires and when funds and work are still available, consider the action a resignation, not a termination. The servicing personnel office must note this fact and document the reason(s) for the resignation in the employee's official personnel folder.

64.3 - Additional Information and Benefits

Note that benefits may change when term and temporary employees are in different tours of duty, such as seasonal employment with nonpay status, part-time tours, or intermittent tours. Employees should consult the unit servicing personnel office for more detailed case-by-case on requirements and benefits.

65 - Records

65.1 - Required Records

The Personnel Officer at the servicing personnel office shall ensure that records for each employment action are maintained, as follows:

1. Certification by supervisors (sec. 61.24).
2. Documentation of procedures performed the State Employment Office.
 - a. Documentation for position request (Form SF-52, Recruitment Plan, and so on). File in recruitment folder for position(s).
 - b. Copy of job order. File in recruitment folder for position(s).
 - c. Copy of State Employment Office applicant referral list/certificate. File in recruitment folder for position(s).
 - d. Copies of written job offers, if applicable. File in selectee's official personnel folder.
 - e. Copy of the confirmation letter. File in selectee's official personnel folder.
3. Forest Service recruitment notice procedures.
 - a. Recruitment notice.
 - b. Rating system used.
 - c. Applications for all candidates.
 - d. Copy of job offer(s) in recruitment folder and a copy in selectee's official personnel folder.
 - e. Copies of letters to applicants not qualified (optional).
 - f. Copies of letter to applicants not selected (optional).
 - g. Copy of confirmation letter(s) in recruitment folder and a copy in selectee's official personnel folder.
 - h. Documentation of veterans' nonselection, if applicable.

65.2 - Disposition

Retain Forest Service recruitment notice records such as: applications, veterans' documentation, alphabetical listings, rosters, related correspondence and notes, and so on for the current calendar year.

66 - Exhibits

66 - Exhibit 01

**COMPARISON OF EMPLOYMENT AUTHORITY FOR
APPOINTMENTS TO NON-PERMANENT POSITIONS**

(Note: For definitions of terms and acronyms, see sec. 60.5).

TEMPORARY: 1,040 HOURS OR MORE

**TEMPORARY: NOT TO
EXCEED 1,040 HOURS**

VS

- | | |
|---|---|
| 1. Competitive appointment. | Same. |
| 2. Expected to last 1,040 hours or more in a year. | Expected to last less than 1,040 hours in a year |
| 3. Under CTAP must list job on OPM electronic bulletin board if filling position for 120 days or more. | Same. |
| 4. Limited to 24-months maximum, including rehire in same or successor position in same major subdivision, series, grade, and basic duties as original appointment. May serve only remaining time permitted under original appointment. | No limit if rehired annually (NTE (1,040 hours) to same or successor position in same major subdivision, series, grade, and basic duties as original appointment. May serve only remaining time permitted under original appointment. |
| 5. Not eligible for within-grade increase. (Wage Grade excepted.) | Same. |
| 6. Rehire eligibility for 3 years following date of separation. | Same. |
| 7. Cannot be noncompetitively promoted, reassigned, or transferred to another position. | Same. |

66 - Exhibit 01—Continued

TEMPORARY: 1,040 HOURS OR MORE

**TEMPORARY: NOT TO EXCEED
1,040 HOURS**

VS

8. Can be detailed to other positions. Time in detailed position counts against employee's position of record.

Same.

9. No probationary period.

Same.

10. Earns leave for appointments longer than 90 days, including holidays.

Same.

11. Performance appraisal required for work lasting 90 days or longer. Performance data not submitted to NFC.

Same.

12. Eligible for health benefits after 1 year of continuous work.

Not eligible for health benefits.

13. Establishes service-year date (SYD) of initial appointment. SYD not changed even if employee is terminated and rehired several times, unless break-in-service is for more than one year.

Same.

14. Requires supervisory certification that job is not expected to last longer than 1 year, and that job has not been filled more than 24 out of 36 months.

Requires supervisory certification that job is not expected to last longer than 1 year.

15. All training time counts against NTE days.

Initial Appointment: 120 calendar days (685 hours) of training does not count against NTE 1,040-hour time limitation. This exception applies only to the employee's first year.

Subsequent Appointments: 2 weeks (80-hours) training does not count against NTE 1,040-hour time limitation.

Forest Service Handbook 6109.12 – Employment and Benefits Handbook
Chapter 60 - Temporary and Term Employment
Amendment: 6109.12-1997-4
Effective date: October 22, 1997
66 - Exhibit 01—Continued

TEMPORARY: 1,040 HOURS OR MORE

**TEMPORARY: NOT TO EXCEED
1,040 HOURS**

VS

16. Count calendar days for appointment limitation.

Count hours in pay status, excluding overtime and eligible training, for appointment limitation.

17. Must be a U.S. citizen.

Same.

30-CALENDAR DAY SPECIAL NEED

1. Excepted appointment.
2. Critical hiring limited to 30 calendar days initially with one 30-day extension in any 12-month period.
3. May not use this authority to extend an appointment made under another hiring authority.
4. Earns sick leave; does not earn annual leave. Receives holiday pay if holiday falls within 30-day period. No rehire eligibility.
5. May be U.S. citizen; citizen of a country which is a member of a defense treaty; or citizen of countries which the U.S. Congress has specifically exempted (ex. 03 of this section).

TERM APPOINTMENTS

1. Competitive appointment.
2. Expected to last longer than 1 year, but not longer than 4 years.
3. May not compete for permanent merit promotion announcements.
4. Eligible to transfer to another term position.
5. Eligible for promotions in certain positions (except as provided in para. 3), details, and reassignments.
6. Eligible for WGI.
7. Serves one-year trial period.
8. Must be U.S. citizen.

66 - Exhibit 01—Continued

9. May be terminated earlier than NTE date under RIF procedures.
10. Earns leave.
11. Eligible for health and life insurance.
12. May not compete for competitive status under merit promotion announcements.
13. Under CTAP, must post on the FJOB if position is filled 120 days or more.

STUDENT TEMPORARY EMPLOYMENT PROGRAM (STEP)	STUDENT CAREER EXPERIENCE PROGRAM (SCEP)	POST-DOCTORAL
1. Excepted appointment.	Same.	Same.
2. Must be accepted for enrollment as degree-seeking student, taking at least 1/2-time course load as defined by school.	Same.	Limited to Research Scientist, GS-15 and below. Limited to appointment of persons having a doctoral degree.
3. Appointment in 1-year increments while meeting the definition of student.	Appointment without specific time limitation.	May be appointed initially for NTE 2 years, and up 2 additional years.
4. Duties do not have to relate to academic goals.	Duties must relate to academic goals.	Degree in appropriate field of study for research activities of mutual interest to appointee and agency.
5. Eligible for promotions, details, and reassignments; WG-eligible for WGI; GS-not eligible for WGI.	Eligible for promotions, details, and reassignments; eligible for WGI.	Eligible for promotions, details, and reassignments; eligible for WGI.
6. No probationary period.	Same.	Serves a 1-year probationary period.
7. May employ non-citizens in accordance with 5 CFR 213.3202(b) (5)	Same.	Same.
8. May terminate under RIF procedures after 1 year of current continuous service (excepted service).	May terminate under RIF procedures.	May terminate earlier than NTE date under RIF procedures.

66 - Exhibit 01—Continued

STUDENT TEMPORARY EMPLOYMENT PROGRAM (STEP)	STUDENT CAREER EXPERIENCE PROGRAM (SCEP)	POST-DOCTORAL
9. Earns leave.	Same	Same.
10. Not eligible for health or life insurance.	Eligible for health and life insurance in accordance with 5 CFR 870.202 and 890.102.	Same as SCEP.
11. Not covered by retirement system.	Covered by retirement system.	Same as SCEP.
12. Does not confer competitive status.	Eligible for non-competitive conversion when requirements of 5 CFR 213.3202(d)(3) have been met.	Same as STEP. (Does not confer competitive status.)
13. Cannot be rehired to 1,040-hour position once graduated.	N/A	N/A

66 - Exhibit 02

EXAMPLE OF SUPERVISOR CERTIFICATION OF APPROPRIATE USE OF
TEMPORARY LIMITED EMPLOYMENT
(5 CFR 316.401(b))

I certify that the ____ (Position Title/Number) ____ position, which is being filled by a temporary appointment, is truly a temporary appointment and meets the regulatory time limits. I have also reviewed the need for this position and have concluded that it is not reasonable to combine duties with other temporary jobs in order to create a permanent position in this organization. The time limitation on this appointment is (Time Limits). The reason(s) for making this temporary limited appointment is as follows:

I hereby certify that the above statement is true and correct.

Supervisor's Signature

Date

66 - Exhibit 03

CITIZENSHIP REQUIREMENTS FOR FEDERAL POSITIONS

1. Competitive service appointments may be made only to citizens or nationals of the United States (5 CFR 7.4 and 338.101).
2. Excepted positions in the Forest Service may be filled by:
 - a. Citizens of the United States;
 - b. Citizens of countries allied with the United States in their current defense effort, which include: Argentina, Australia, Bahamas, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Greece, Guatemala, Haiti, Honduras, Iceland, Italy, Japan, Korea (Republic of), Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Portugal, Spain, Thailand, Tobago, Trinidad, Turkey, United Kingdom (the United Kingdom includes Great Britain (England, Scotland, and Wales), and Northern Ireland), Uruguay, and Venezuela;
 - c. Citizens of countries which the U.S. Congress has specifically exempted from legislation in the annual Treasury, Postal Service and General Government Appropriations Act which otherwise restricts Federal positions in the continental United States to citizens. The exemption applies to:
 - (1) Citizens of Ireland and Israel;
 - (2) South Vietnamese, Cambodian, and Laotian refugees paroled into the United States after January 1, 1975;
 - (3) Aliens from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic Countries (the Baltic countries include Estonia, Latvia, Lithuania) lawfully admitted to the United States for permanent residence;
 - (4) Natives of American Samoa and Swains Island;
 - (5) Persons born in the U.S. Virgin Islands (St. Thomas, St. Croix, St. John) after February 27, 1927, since they are U.S. citizens on and after that date;
 - (6) Natives of Guam, Puerto Rico, and the Northern Mariana Islands (Saipan, Rota, and Tinian) since they are considered U.S. citizens; and
 - (7) Nationals of the Peoples Republic of China who were in the U.S. on or before June 5, 1989, to April 11, 1990, and qualify under the Chinese Student Protection Act of 1992.