

# **Land Management Workforce Flexibility Act Forest Service Applicant Questions and Answers**

## **1. What is the Land Management Workforce Flexibility Act (LMWFA)?**

The Land Management Workforce Flexibility Act allows eligible current or former time-limited (temporary and term) employees of certain Federal land management agencies to compete for vacant permanent positions under merit promotion procedures. **See eligibility requirements under question 4.**

## **2. What does the term "land management agency" mean?**

For this Act, land management agencies include: Department of Agriculture, Forest Service; and Department of Interior (Bureau of Land Management, National Park Service, Fish and Wildlife Service, Bureau of Indian Affairs, and Bureau of Reclamation).

## **3. What is a time-limited appointment?**

For this Act, a time-limited appointment is either a temporary or term appointment:

- Temporary Appointment is a non-permanent appointment for a period not to exceed one-year (may be extended up to a maximum of one additional year for a total of 24 months of service) - includes 1039 appointments.
- Term Appointment is a non-permanent appointment for a period of more than one-year but not more than four years.

## **4. Am I eligible to apply for permanent positions using this authority?**

To be eligible for the LMWFA, you must meet all of the following conditions:

- Must have been appointed to the initial time-limited appointment under open, competitive examination (e.g., OPM competitive list of eligibles, Demonstration Project Authority, Delegated Examining, etc.); and
- Must have served in the land management agency/agencies under one or more time-limited appointment(s) for a period/periods that total more than 24 months (without a break in service of two or more years). The service does not need to be one continuous period as long as there is not a single break of two or more years during the (more than) 24 month period. Hours coded as training time on 1039 appointments is creditable service toward the (more than) 24 months; and
- Performance was at an acceptable level throughout your (more than) 24 months of employment; and
- Your most recent separation was for reasons other than misconduct or performance.
- Apply under merit vacancy announcement(s) within two years from the

date of your most recent separation.

**5. How do I know if my initial time-limited appointment was under open, competitive examination?**

The appointment was under open, competitive examination if the Standard Form (SF) 50, Notification of Personnel Action, for appointment shows:

- Block 5-A. Code is "115" and 5-B. Nature of Action is "Appt NTE"; or
- Block 5-A. Code is "108" and 5-B. Nature of Action is "Term Appt NTE"
  - And blocks 5-E and 5-F (respectively) are not "LCM" and "Reg 316.402(b)(3)"
- Block 34, Position Occupied, is "1" – Competitive Service

Standard Form 50  
Rev. 7/91  
U.S. Office of Personnel Management  
FPM Supp. 296-33, Subch. 4

**NOTIFICATION OF PERSONNEL ACTION**

|   |  |  |                                |                                 |
|---|--|--|--------------------------------|---------------------------------|
| 1. Name (Last, First, Middle)<br>Bear, Smokey |  | 2. Social Security Number<br>XXX-XX-XXXX | 3. Date of Birth<br>XX/XX/XXXX | 4. Effective Date<br>XX/XX/XXXX |
| <b>FIRST ACTION</b>                           |  |  |                                |                                 |
| 5-A. Code<br>115                              | 5-B. Nature of Action<br>Appt NTE XX/XX/XXXX |  | 6-A. Code                      | 6-B. Nature of Action           |

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| <b>FIRST ACTION</b>                           |   |  |                                |                                 |
| 5-A. Code<br>108                              | 5-B. Nature of Action<br>Term Appt NTE XX/XX/XXXX |  | 6-A. Code                      | 6-B. Nature of Action           |

**POSITION DATA**

|                       |                         |                 |  |
|-----------------------|-------------------------|-----------------|--|
| 34. Position Occupied |                         |                 |  |
| 1                     | 1 - Competitive Service | 3 - SES General |  |
|                       | 2 - Excepted Service    | 4 - SES Career  |  |

**6. What documents do I need to provide with my application?**

**SF-50s.** You must provide copies of your Notification of Personnel Actions(s) (SF-50s) showing you have served in appropriate appointment(s) for a period/periods that total more than 24 months without a break in service of two or more years. You must include the initial hire actions, extensions, conversions and termination/separation SF50s for each period of work.

**Performance Rating(s) or Equivalent.** You must provide the following documentation to verify your acceptable level of performance:

- 1) Performance rating(s) showing an acceptable level of performance for period(s) of employment counted towards your eligibility, signed by your supervisor(s); or
- 2) If documentation of a rating does not exist for one or more periods, a statement from your supervisor(s) or other individual in the chain of

command indicating an acceptable level of performance for the period(s) of employment counted towards your eligibility; or

- 3) If you do not have a performance appraisal (outlined in 1 or 2 above) for any period that you are using to qualify for eligibility under the LMWFA, you must provide:
  - a. A stated reason as to why the appraisal/documentation is not available, and
  - b. A statement that your performance for all periods was at an acceptable level, your most recent separation was for reasons other than misconduct or performance, and you were never notified that you were not eligible for rehire based on performance. (This shall be accepted in lieu of providing copies of the performance appraisals).

## **7. How do I obtain my SF-50s - Notifications of Personnel Action?**

If you are a current temporary or term employee, you may access SF-50s for your Forest Service employment, as follows:

1. Log in to [ConnectHR](#)
2. Select eOPF
3. Select My eOPF, scroll through to select the required documents and print individual documents – retain for your records

If you are unable to access or retrieve the information from your eOPF, you should contact the HRM Contact Center at 877-372-7248. Once the Contact Center receives your request, they will provide a response and any requested documents within 10 business days. If more time is needed you will be provided any requested documents within 30 business days of your request. You are encouraged to make these requests as soon as possible.

Employees will be provided duty time to obtain official documents in accordance with Master Agreement Article 4.17.

**Former Forest Service Employees** must request copies of SF-50s for past periods of employment by contacting the HRM Contact Center at 877-372-7248. The Contact Center agent will verify security information before releasing documents.

Note: If you have periods of service with other land management agencies, you must contact those agencies directly to obtain documentation of performance and copies of SF50s documenting temporary service.

## **8. What does more than 24 months equate to in days?**

The requirement of more than 24 months of service shall be met when an

employee has been on one or more time limited appointments of more than 730 days without a break in service of more than two or more years.

### **Calculating Creditable Service**

For each period of service, subtract the appointment date from the separation date

Example:

|                   |            |
|-------------------|------------|
| Separation Date   | 2015 09 30 |
| Appointment Date  | 2015 04 01 |
| Total this Period | 00 05 29   |

Once calculations are done for each period of work claimed, add the totals of those calculation to determine total service in years, months, days

### **Calculating Creditable Service**

|                      |                  |
|----------------------|------------------|
| <b>Work Period 1</b> | <b>00 05 29</b>  |
| <b>Work Period 2</b> | <b>00 05 30</b>  |
| <b>Work Period 3</b> | <b>00 05 27</b>  |
| <b>Work Period 4</b> | <b>00 05 23</b>  |
| <b>Work Period 5</b> | <b>00 03 05</b>  |
| <b>Total</b>         | <b>00 23 114</b> |

The total time of the work periods 1-5 equals 23 months and 114 days. The 114 days is converted to months and days (3 months and 24 days). The 3 months and 24 days are added to the 23 months, totaling 26 months and 24 days. This applicant would meet eligibility for the more than 24 months service requirement.

### **9. What type of appointment do I receive under this authority?**

If you have served at least three years under a career-conditional appointment you will be hired under a career appointment; otherwise, you will be hired as career-conditional and be required to fulfill the three-year career conditional period to attain career tenure.

## **10. Where can I find vacancy announcements?**

Vacancy announcements are posted on the USAJOBS [website](#). You may also access the Forest Service Jobs webpage at <http://www.fs.fed.us/working-with-us/jobs> which will direct you to the USAJOBS website.

## **11. How do I apply for a vacancy?**

The application process is the same, the responses below will identify you as an applicant eligible under the LMWFA.

Application *Question 33*: "Please select the statement below which best reflects your Federal employment status (if applicable). Refer to the OPM website for more information on hiring authorities and Interchange Agreement information.

Select this response: I am a current County Employee with FSA ***or I am a current/former temporary or Term employee under the Land Management Workforce Flexibility Act***

Application *Question 36*: Are you eligible for appointment under an interchange agreement, Public Law or other similar authority? (Permanent County Employees with FSA ***and applicants claiming eligibility under the Land Management Workforce Flexibility Act***

Response: "YES"

## **12. Are there any limitations on the types of positions (occupational series or grade) I may apply to?**

There are no limitations on the types of positions you may apply to under the LMWFA. You may apply to any permanent position with any Federal agency under merit promotion procedures. You must meet OPM qualification standards for competitive service positions and any other qualification requirement(s) stated in the vacancy announcement for the position for which you are applying (including any selective placement factors, positive education requirements, physical requirements, etc.).

## **13. Do I have a hiring preference under the LMWFA?**

No, you do not have a hiring preference. This Act gives you the opportunity to apply and compete for permanent positions under merit promotion procedures, and you must be determined best qualified to be considered.

## **14. Do I have to serve a one-year probationary period?**

Under this Act, you will not be required to serve a probationary period.

**15. What can I do to make my resume better?**

Specify dates of service during temporary employments (i.e. 3/5/2012 to 8/4/2012 – not 3/2012 to 8/2012 or 2015 season). Refer to the [Tips for Applicants](#) for instructions on how to apply and resume tips.

**16. Where can I find additional information on the LMWFA?**

You should refer to the [HRM LMWFA website](#) for additional information. The [Forest Service Jobs website](#) also contains a link to Frequently Asked Question (FAQ).

**17. Who do I contact if I have questions regarding my LMWFA eligibility?**

Please refer to the resources provided in question 16 above. If you still have questions, please contact the HRM Contact Center at 877-372-7248.

**18. How does Part-time & Intermittent work apply to meeting the more than 24 months of service requirement?**

Part-time and intermittent service will be credited on a pro-rated basis, based on the number of hours served. LWOP will be credited for up to six months; anything beyond six months will not be.

**19. Can a long-term seasonal employee use their annual leave accrual category (i.e., 4 hours, 6 hours, or 8 hours per pay period) to verify the more than 24 months of service eligibility requirements versus submitting SF-50s?**

No, the employee must submit appointment, extension, conversion, and termination/separation Notification of Personnel Action(s) (SF-50s) showing the employee has served in appropriate appointment(s) for a period/periods that total more than 24 months without a break in service of two or more years.

**20. Do I need to submit SF-50s for extension actions for each period of service and performance appraisals?**

Yes, see Q&A #6 for types of SF-50s required. You also need to provide documentation to show acceptable performance for the period(s) of employment counting towards your eligibility as follows:

- 1) performance rating(s) signed by your supervisor(s); or
- 2) if documentation of a rating does not exist for one or more periods, a

- statement from your supervisor(s) or other individual in the chain of command indicating an acceptable level of performance; or
- 3) if you cannot provide (1) or (2) above, you shall provide (a) a stated reason as to why the appraisal/documentation is not available and (b) a statement that your performance for all periods was at an acceptable level, your most recent separation was for reasons other than misconduct or performance, and you were never notified that you were not eligible for rehire based on performance. This shall be accepted in lieu of providing copies of the performance appraisals.

**21. If a vacancy announcement includes payment of Transfer of Station costs, is a LMWFA eligible entitled to TOS?**

Yes, as long as the vacancy announcement indicated TOS will be paid and to the extent allowed by the Federal Travel Regulations for a new hire.

**22. Does veterans' preference apply when making selections under this authority?**

No, veterans' preference does not apply. A veteran can apply for consideration but they do not receive preference in hiring under merit promotion procedures.

**23. If I was a seasonal employee for 3 years at the GS-05 level, and had a break in service of more than 2 years, but was hired as a GS-04, and have been on Forest Service rolls for 3 years, would I qualify for a GS-05 position?**

You may; however, eligibility is separate from qualifications. In order to meet the eligibility requirements, you must have worked in a land management agency; must have initially been hired under competitive examining procedures to the time-limited appointment; must have served under 1 or more time-limited appointments in a land management agency for a period totaling more than 24 months without a break in service of 2 or more years, and; must have performed at an acceptable level during each period of service; must apply for positions covered by these provisions within 2 years after your most recent date of separation, and; must have been separated, with respect to your most recent separation, for reasons other than misconduct or performance.

**24. Will my temporary or term service count toward retirement?**

Only temporary service prior to 01/01/1989 is creditable towards retirement (if repayment is made for that period of service).

**25. On USAJOBS the document capacity will not allow me to upload all my SF-**

**50s.**

We know there is a limitation on how much can be uploaded. We recommend that instead of loading all the documents separately, scan as one document & then upload.

**26. Can I apply for a detail using this authority?**

No, this authority provides for a career or career-conditional appointment, permanent employment.

**27. Would I meet the eligibility requirements if I worked under multiple occupational series during different hiring seasons?**

The occupational series or grade served is not a factor in determining eligibility.

**28. Can I use this authority to apply to permanent positions announced under merit promotion procedures in BLM or NPS?**

Yes, you may use your eligibility to apply to permanent positions under merit promotion procedures at any Federal agency when the vacancy is open Government-wide. This is a change from original implementation procedures, changed as a result of the National Defense Authorization Act FY17 (NDAA FY17).

**29. Will a hiring official know the difference from a merit candidate & LMWFA eligible on a referral certificate?**

No, there is no indication on the referral certificate that one is a current permanent employee and the other is a LMWFA eligible.

**30. Isn't a Career-Conditional appointment a type of probationary period?**

No, Career-Conditional is a status of an employees' tenure.

**31. Has there been any thought to allowing LMWFA hires to buy back their temporary time?**

The Act made no provisions to allow for buy back of temporary time. When we inquired about this possibility we learned this requires a change in regulations and would have to go through Congress and the President for approval.

**32. Where can I find the LMWFA Employee webinar slides?**

You can find these slides on the HRM intranet under the tabs Hiring and



Employment/ Land Management Workforce Flexibility Act, and also on the Forest Service Jobs website.

**33. Will this Act allow eligibles to apply to temporary promotions and details?**

No, you must be a current permanent career or career-conditional employee of the agency to apply for a temporary promotion or detail.

**34. Are there limitations on how the vacancy announcement is advertised in order for LMWFA eligibles to be considered?**

Yes, eligible applicants may apply to any Federal agency when that agency announces a position Government-wide.

Additionally, current Forest Service employees and individuals whose most recent qualifying service was with the Forest Service may also apply to Forest Service-wide vacancy announcements.

The vacancy announcements a LMWFA applicant is eligible to apply to has changed since implementation. The original guidance from OPM and USDA was that eligibles could only apply under this authority when the vacancy is announced less than government-wide, i.e., agency-wide, Forest Service-wide, National Park Service-wide, etc. This changed with the National Defense Authorization Act FY17 which allows eligibles to apply to Government-wide vacancies.

Examples:

- If the Forest Service is advertising a position Forest Service-wide current and former temporary Forest Service employees will be able to apply
- If the National Park Service announces a position National Park Service-wide a Forest Service LMWFA eligible is no longer eligible to apply
- If the National Park Service announces a position Government-wide a Forest Service LMWFA is now eligible to apply
- 

**35. If I have a combination of Forest Service & Department of Interior service, can I apply under the LMWFA authority?**

Yes, as long as you meet the eligibility requirements and have not had a break in service of 2 years or more.

**36. What if an applicant cannot obtain their SF-50s? Can they still apply and be considered under the LMWFA authority?**

No, they must be able to provide their SF-50s to verify the more than 24 months of service. If they cannot obtain these documents from their eOPFs, contact the Help Desk and open a ticket.

**37.If an employee was hired on a temporary excepted service appointment as a VRA eligible, would they be eligible for this authority?**

No, they must have been selected from a competitive list of eligibles.

**38.An individual serving on their first 1039 appointment, would they be eligible to apply under this authority?**

No, if they do not have any other temporary service time that would amount to more than 24 months of qualifying service.

**39.Does this authority only apply to merit announcements or can it be used when recruiting under the Demonstration Project Authority (Demo)?**

This authority only applies when recruiting under merit procedures. It is not applicable when recruiting under Demo.

**40.Where do Pathways Interns fall within this authority?**

The Pathways and LMWFA authority are totally different hiring authorities.

**41.Will this authority change how we hire personnel in eTracker?**

No, eTracker does not need to be changed in any way. There were some required changes made to eRecruit.

**42.Can a LMWFA eligible apply to a Government-wide vacancy announcement?**

Yes, based on changes resulting from NDAA FY17, applicants may now apply to Government-wide vacancy announcements.

**43.Is this authority and ANILCA the same?**

No, they are different authorities. ANILCA is a noncompetitive hiring authority and the LMWFA is a competitive hiring authority.

**44.Will the fire apprenticeship program be able to utilize this authority?**

Yes, typically vacancies for the fire apprenticeship program are advertised Government-wide and/or Demo. Applicants are eligible to apply to Government-wide vacancies using their LMWFA eligibility. Selecting officials, in pre-consultation with Human Resources, can discuss the best strategies in

order to fill their positions.

**45. Do training hours count toward the LMWFA eligibility?**

Yes, training hours count toward the LMWFA eligibility.

**46. Does time as a 30 day emergency hire count under this Act?**

No, that time does not count.

**47. Do internships fall into temporary & term appointments?**

If the internship was not made under competitive procedures (e.g., Demonstration Project Authority (Demo)), then it does not meet the LMWFA requirements.

**48. What SF-50s do I need to provide with my application package?**

You should provide every SF-50 that you would like to obtain credit for meeting the more than 24 month eligibility requirement

**49. Is the break a "single" break in service?**

Yes, to be eligible you cannot have a single break in service of 2 or more years.

**50. Is a long-term seasonal temporary employee who returned noncompetitively, eligible for this authority?**

Yes, if they were *initially* appointed under competitive procedures, and noncompetitively rehired under the rehire process.