

CHAPTER 4

EMPLOYMENT IN THE FEDERAL GOVERNMENT

4-1. GENERAL.

As a Federal supervisor, staffing decisions are among the most important you will make. How well the government functions depends largely on its employees, and efficient staffing planning will help you achieve your agency's goals. Contrary to some beliefs, the Federal personnel system gives you a wide choice of methods to fill your positions. You can: Promote or reassign employees already working in your agency; transfer employees from other Federal agencies; reinstate former Federal employees; convert persons currently employed under excepted appointment authorities; or hire new employees from outside the Government. Tapping a mixture of recruiting sources will help you get the right person for your positions. Depending on your needs, you may be able to use more than one source at the same time, e.g., can internal merit promotion, expanded merit promotion, external recruiting bulletin, etc. Recruitment and placement policy and procedures are set forth in the Fort Bragg Internal Merit Promotion Plan.

4-2. MERIT SYSTEM PRINCIPLES.

The merit system principles are the public's expectations of a system that is efficient, effective, fair, open to all, free from political interference, and staffed by honest, competent, and dedicated employees. As the federal government experiences continued change in the management of human resources (centralization, deregulation, delegation, etc.), it becomes increasingly important that line supervisors and managers incorporate the merit system principles into every decision process they use.

The Merit System Principles Are:

- a. Recruit qualified individuals from all segments of society and select and advance employees on the basis of merit after fair and open competition.
- b. Treat employees and applicants fairly and equitably, without regard to political affiliation, race, color religion, national origin, sex, marital status, age, or handicapping condition.
- c. Provide equal pay for equal work and reward excellent performance.

- d. Maintain high standards of integrity, conduct, and concern for the public interest.
- e. Manage employees efficiently and effectively.
- f. Retain and separate employees on the basis of their performance.
- g. Educate and train employees when it will result in better organizational or individual performance.
- h. Protect employees from improper political influence.
- i. Protect employees against reprisal for the lawful disclosure of information in whistleblower situations (i.e., protecting people who report things like illegal and/or wasteful activities).

4-3. ELIGIBILITY.

Any U.S. citizen is eligible for Federal employment any may compete for appointment. (Non-Appropriated Fund positions do not require that applicants be U.S. Citizens) There are age and health requirements, and there may be educational requirements for certain positions. In addition, the following restrictions apply:

a. Retired military personnel are eligible for Federal employment but must be considered for a position in Department of Defense (DOD) in a way that avoids both the practice and appearance of preferential treatment. The National defense Authorization Act of Fiscal Year 2000 (Public Law 106-65) repealed the reductions in retired or retainer pay previously required of retired members of a uniformed service who are employed in a civilian office or position of the U. S. Government. This repeal was effective retroactively to October 1, 1999.

The repeal ended two former reductions in military retired pay that applied to some federal employees:

(1) the pay cap that limited the combined total of Federal civilian basic salary plus military retired pay to \$110,700 (Executive level V) for all Federal employees who are retirees of a uniformed service, and

(2) The partial reduction in retired pay required of retired officers of a regular component of a uniformed service.

As a consequence of the repeal, prior exceptions and waivers to these reductions approved by OPM, or by agencies under delegated

authority, are no longer needed effective October 1, 1999. The uniformed services finance centers are responsible for making all adjustments in military retired or retainer pay for current Federal employees.

b. A public official (which includes any supervisor, military or civilian) may not influence the appointment, employment, promotion or advancement of any relative by blood or marriage. In addition, a public official may not recommend or refer any relative for consideration by any other public official who is lower in the supervisory chain. If a public official recommends an action (e.g., hiring of a relative) either orally or in writing, the official has effectively advocated that action. Within the Department of Army (DA), employment and assignment of close blood relatives or husband and wife in the same organizational unit will be avoided to the maximum extent consistent with established merit system principles. Supervisory relationships will not exist between relatives.

4-4. MANAGEMENT CONSIDERATIONS.

After a position has been approved and a title, series and grade has been established, a variety of decisions will have to be made by management. These include but are not limited to: (1) filling the position on a temporary or permanent basis; (2) filling the position under competitive procedures or an authorized exception to them; (3) considering only internal employees; other sources of applicants, or a combination. A competitive action is one in which an individual must compete with other qualified and interested applicants for a job or promotion and, in order to be considered, must be equal to the best of the individuals available. Noncompetitive actions include: Repromotion of a person eligible because of being downgraded through no fault of his own, promotion of an incumbent in a trainee position or one filled at a grade below the established or anticipated grade, temporary promotion for 120 days or less, detail or reassignment to duties of equal grade, and detail to higher grade duties for 120 days or less.

4-5. SOURCES OF APPLICANTS.

a. The sources of applicants for filling a position will be controlled by the nature of the position (temporary or permanent), the grade of the position and the specialized skills required for the position. The most common source for filling a vacancy is the present work force. Other sources of candidates include interested DA employees presently working at other installations, employees who have reinstatement eligibility, Office of Personnel Management eligibles; or any other source which is necessary, practical and would be likely to produce

applicants with the required qualifications. The sources used are not the same for all levels of positions. For lower graded or semiskilled positions the sources used will normally be within the commuting area. For skilled and professional positions, sources outside the commuting area may also be considered.

b. An example of a source used to fill professional positions includes interested DA employees who are eligible and are registered in Department of Army Career Management programs. They include programs in various professional, managerial and technical occupations established for the intake and career development of employees for the purpose of providing a trained labor pool used in filling positions in designated occupations. This source is used to fill positions normally at grade levels GS-11/GS-12 and above in the following occupations: Procurement, Automated Data Processing, Material Maintenance Management, Supply Management, Civilian Personnel Administration, Education and Training, Librarian, Information and Editorial, Comptroller/Financial Management, Manpower and Force Management, Engineers and Scientists, Ammunition Inspection, Safety Management, Housing Management, and Equal Employment Opportunity. The primary objectives of the program are to anticipate and meet continuing and future needs with the highest quality personnel and to provide career opportunities that will attract, develop and retain qualified employees in key occupations. A position in one of these categories will normally be filled from a list of candidates furnished by a major command or higher level.

4-6. HIRING METHODS.

Supervisors and managers should be aware of the different hiring methods available to them. These include the variety of alternatives listed below.

a. Name Requests: These permit you to identify outstanding candidates who come to your personal attention and ask that they be referred to you for consideration. Individuals requested by name must meet qualification requirements for the job and must compete with all other qualified and available candidates. A name request may be made only if the examination is currently open or the candidate is already on the appropriate list of eligibility. Persons who are name requested are more likely to be within reach for referral on a certificate of eligible for high level professional, technical, or administrative positions (where special knowledge and skills are required) than on a certificate for entry-level positions.

b. Temporary Limited Appointments: These are used to fill

jobs that will last for 1 year or less. They may be made from competitive registers or under authorities delegated to Department of Army by OPM. Temporary appointments can be converted to career or career-conditional permanent appointments in the same agency if the employees' names are on a register and are within reach. However, OPM will determine if employees management wishes to convert can be reached for conversion. Temporary employees should be encouraged to file for competitive examinations if they want permanent employment. Temporary appointments can also be converted to career or career-conditional permanent appointments if the individual qualifies under other delegated authorities such as the Veteran Readjustment Appointment authority, reinstatement authority or handicapped individuals program.

(1) Effective 14 November 1994, temporary appointments became limited to a maximum of two years or 24 months (one year, plus a one-year extension). Installations are prohibited from making a new temporary appointment to a position (or its successor) if that position has previously been filled by temporary appointment(s) for an aggregate of two years within the preceding three-year period.

(2) Each temporary appointment made requires supervisory certification that the employment need is truly temporary with the reasons specified, and that the proposed appointment meets the regulatory time limits.

c. Term Appointments: OPM has expanded the use of term appointments making them appropriate for any non-permanent employment need that lasts beyond one year. Term appointments are no longer limited to project work, but are now appropriate in any situation (e.g., scheduled closing or reorganization of an activity) in which the work is not actually or potentially permanent. Term appointments may be made for any period of more than one year, but no more than four years. The following will apply to term appointees:

(1) Term appointees must complete a one-year trial period.

(2) Term appointees are eligible for Federal Employees Retirement System (FERS), the Federal Health Benefits Program, and the Federal Employees Group Life Insurance Program. The cost to the activity will be approximately 25% of the benefits package per employee.

(3) Term appointees are eligible to receive within grade increases.

(4) Term appointees accrue sick and annual leave, as long as the position has a regularly scheduled tour of duty.

(5) Term appointees have Reduction-in-Force (RIF) entitlements. In the event a RIF action is taken against the term employee prior to the expiration date of the term appointment, they will compete in RIF as Tenure Group III employees. However, when their term appointment simply expires on their not-to-exceed date, agencies are not required to use RIF procedures.

(6) During adverse actions, employees are entitled to procedural rights found in 5 USC 4303 and 5 USC 7511, except: (a) while serving a trial period, and (b) upon expiration of the term appointment.

d. Part-time Employment: A part-time position is one which does not exceed 32 hours per week. Use of part-time employees can help you meet increased productivity, reduce overtime and help you meet affirmative action objectives. Appointment can be made from competitive registers, conversion from full-time employment, reinstatement, or other means. For more information, refer to the pamphlet, Supervisor's Guide to Part-time Career Employment.

e. Employment in the Excepted Service: A position may be excepted from competitive service in one of three ways: By law, by Executive Order, or by OPM action. Positions excepted by OPM action are placed in one of three schedules:

(1) Schedule A is for positions for which it is impractical to hold examinations and which are not confidential or policy determining. Schedule A includes such positions as intelligence research specialists, foreign language training instructors, teachers in overseas dependent school systems, faculty members of the military service academies, drug enforcement agents for undercover work, attorneys and certain part-time jobs at isolated localities.

(2) Schedule B is for positions for which it is not practical to hold open competitive examinations, and the positions are not of a confidential or policy determining nature. The persons appointed to Schedule B positions do have to meet the OPM qualifications standards for the position. Students in cooperative education programs are Schedule B eligibles.

(3) Schedule C positions are either key policy determining positions or positions which involve a close personal relationship between the incumbent and key officials. Examinations are not required and the agency may appoint persons they determine to be qualified. Political appointees at the sub cabinet level are often Schedule C.

f. Student Educational Employment Program: The Office of Personnel Management has consolidated student employment programs into one streamlined, flexible program that serves as a critical tool to assist agencies in attracting and recruiting students to meet employment needs. The new program consists of two components:

(1) The Student Career Experience Program provides for periods of attendance at accredited schools combined with periods of career-related work. This is a formally structured Program and requires a written agreement by all parties (agency, school, and student) as to the nature of work, continuation in, and successful completion of the Program. There is no requirement for students to meet any economic or income criteria for eligibility. Activities may establish their own criteria. Students who have met all the requirements of this Program may be non-competitively converted to a career or career-conditional appointment in an occupation related to their academic training and work study experiences.

(2) The Student Temporary Employment Program provides flexibility to appoint students on a temporary basis to jobs that may or may not be related to their academic field of study. Employment can range from summer jobs to positions that can last for as long as the individual is a student. Appointments are not to exceed one year; extensions are permissible in one-year increments. There is no financial need requirement for eligibility. Individual activities may set their own criteria or use the Department of Health and Human Services poverty guidelines. Students may not be retained beyond graduation (May or December). Necessary steps must be taken too make a NEW appointment, if the student is to be retained. Students may be converted to the Student Career Experience Program when requirements of that program are met and an appropriate position is available.

(a) Students may be appointed to these Programs if they are pursuing any of the following education programs: (1) High School Diploma or General Equivalency Diploma (GED); (2) Vocational/Technical Certificate; (3) Associate Degree; (4) Baccalaureate Degree; (5) Graduate Degree; and (6) Professional Degree. Students participating in the Harry S. Truman Foundation Scholarship Program under the provision of Public Law 93-842 are eligible for appointments under the Student Career Experience Program.

(b) The Programs are year-round programs and appointments may be made at any time during the year, including summer. Students may work full-time or part-time schedules.

There are no limitations on the number of hours a student can work per week, but it should not interfere with the academic schedule.

(c) Students participating in the Student Education Program are expected to be either working, enrolled in classes or both. A break in the program may be approved or disapproved at the discretion of the agency.

(3) Student Volunteer Service: Federal agencies are authorized to establish programs designed to provide educationally related work assignments to student volunteers without pay. Volunteer programs must be conducted through written agreements with educational institutions (e.g., high schools, trade schools, junior colleges, and colleges or nonprofit organizations officially designated by schools or boards of education) to coordinate the placement of students in non-paid work assignments. In order to qualify, a student must be enrolled at least half-time under his school's academic program. Although student volunteers are not Federal employees, their service is creditable for competitive examination purposes and must be documented. Official personnel folders are maintained on each student volunteer.

g. Reinstatement: Former Federal employees can be reemployed either at the same or lower grade, or in a higher graded position. Unless the new position is at a higher grade than the last one held, merit promotion requirements do not apply. Only persons who previously served in a permanent position in the competitive service are eligible for reinstatement. There is no time limit on reinstatement eligibility for veterans and for persons who have completed at least 3 years of substantially continuous service. Others may be reinstated only within 3 years of their separation. Certain types of intervening service may extend this 3-year limit.

h. Veteran's Readjustment Appointments (VRA): By law, Federal agencies may hire qualified veterans of the Armed Forces directly under the VRA program. VRA appointees initially are hired for a 2-year period in the excepted service. Successful completion of the VRA leads to a permanent civil service appointment in the competitive service. Agencies can use the VRA authority to fill jobs up through GS-11 and equivalent jobs in other pay systems.

(1) Eligibility for a VRA appointment is as follows:

(a) Persons who served for a period of more than 180 days of active duty, all or part of which occurred after August 4, 1964, who separated with an other than dishonorable discharge.

(b) Veterans separated from active duty after one or more days because of a service-connected disability.

(c) Armed Forces Reserve and National Guard members who served one or more days on active duty (under 10 USC 672 a, d, or g; 673 b) during a period of war, such as the Persian Gulf War, or in a military operation for which a campaign or expeditionary medal is authorized.

(2) Eligibility time frames are as follows:

(a) For veterans with a 30% or greater service-connected disability, there is no time unit.

(b) For persons entering active duty on or before May 7, 1975, eligibility continues for 10 years from the date of their last separation or until December 31, 1995, whichever is later.

(3) If a veteran has less than 15 years of formal education, agencies are required to provide a training program. If a veteran has 15 years or more, he/she may participate in a training program on the same basis as other employees. A training program could include on-the-job assignments or classroom training.

i. Veterans Employment Opportunities Act (VEOA) of 1998 as amended by Section 511 of the Veterans Millennium Health Care Act (Pub. Law 106-117) of November 30, 1999, provides that agencies must allow eligible veterans to apply for positions announced under merit promotion procedures when the agency is recruiting from outside its own workforce. (Agency, in this context, means the parent agency, i.e., Treasury, not the Internal Revenue Service and the Department of Defense, not Department of the Army.) A VEOA eligible that competes under merit promotion procedures and is selected will be given a career or career conditional appointment. Veterans' preference is not a factor in these appointments.

(1) Eligibility Requirements: To be eligible for a VEOA appointment, a veteran must be a preference eligible OR veteran separated after 3 or more years of continuous active service performed under honorable conditions. Veterans who were released shortly before completing a 3-year tour are considered to be eligible. (Active service defined in title 37, United States Code, means active duty in the uniformed services and includes full-time training duty, annual training duty, full-time National Guard duty, and attendance, while in the active service, at a school designated as a service school by law or by the Secretary concerned.)

(2) All employees appointed under the VEOA are subject to a probationary period and to the requirements of the agency's merit promotion plan.

j. Handicapped Individuals Program: Affirmative action for handicapped individuals and disabled veterans is required by law. Emphasis is on eliminating artificial barriers to employing the handicapped, and job restructuring. For example, you may employ a reader or interpreter to assist a blind or deaf individual. The selective placement coordinator at the CPAC can assist you in recruiting and employing handicapped individuals. For a discussion on program responsibilities and the different hiring authorities available for disabled persons, in addition to criteria that must be met for each type of appointment, refer to the pamphlets, Federal Equal Opportunity Recruitment Program for Handicapped Individuals/Disabled Veterans and Handicapped Individuals Program.

k. Family Members: Spouses and other family members who work a total of 12 months in overseas positions after January 1, 1980 and meet certain other requirements can qualify for direct appointments to competitive service positions when they return to the United States. In addition, family members who work under the Berlin Tariff Agreement can qualify for civil service employment on the same basis as employees who serve in other overseas duty locations. Current DA employees who are family members and are accompanying their DA civilian or military spouses on a permanent change of station move from one Continental United States (CONUS) DA activity to another one, may be eligible for registration and referral in the DOD Priority Placement Program (PPP) for DA Family Members. Eligible employees will be registered for a maximum of 1 year on a priority basis.

l. Military spouse Preference Program: Spouse preference candidates immediately appointable to federal competitive service positions shall be referred to positions for which available and qualified through automated referral procedures of the DOD Priority Placement Program. This program is identified as Program S. (Spouses who are not eligible for Program S must apply for Federal employment through OPM announcements or Fort Bragg Recruiting Bulletins and request preference in writing.) In order to be eligible a person must be the spouse of an active duty member of the U.S. Armed Forces. The spouse must meet all pre-employment criteria and have reassignment or transfer eligibility, reinstatement eligibility or eligibility under E.O. 12721. Spouse preference eligibility begins 30 days before the military sponsor's report date to the new duty locations and ends upon first job placement into a permanent continuing position or

a temporary position with a duration of 1 year or longer (with or without exercise of preference) or upon declination of a position for which preference was requested. Spouse preference eligibility is without time restrictions, except that spouses seeking preference with less than 6 months time remaining in the area may be nonselected for permanent continuing positions. Spouse employment preference may be exercised once for each permanent relocation of the military sponsor. Spouse preference is applied only when a vacant position is filled through open competition resulting in a list of best-qualified candidates. When competitive procedures are used, only those spouse preferences eligible, who are in the best-qualified group, will be referred. When a military spouse preference eligible is referred as best qualified, he/she must be selected if selection is made from that source. Noncompetitive selection placements do not require application of spouse preference (e.g., reassignments, transfers, placements under Reemployment Priority List procedures, and placements under Veterans' Readjustment Appointment Authority).

m. Transfer: Current Federal employees may transfer from one agency to another without going through the competitive examining process again.

n. Certification: OPM is responsible for administering the system under which initial appointments to positions in the competitive service are made. As required by statute, OPM must provide for open, competitive examinations for testing applicants for appointment in the competitive service. A civil service examination does not necessarily imply a written test (assembled examination). An unassembled examination consists only of a review and evaluation of information submitted on the application forms.

(1) Recruitment from registers: OPM uses announcements, recruiting bulletins, consolidated job listings, or similar notices to invite interested and qualified persons to apply. Within the Department of Army various Civilian Personnel Operations Centers (CPOC) have delegated examining authority from OPM to administer the competitive examining program for a variety of positions under which initial appointments to positions in civil service are made at Fort Bragg. Position vacancies are announced in the form of Recruiting Bulletins, which contain sufficient information about job requirements to allow potential candidates to submit appropriate information about their qualifications. Recruiting Bulletins are issued to various Employment Security Commission Offices and other designated locations targeted to reach sources of applicants in all segments of society.

(2) Examining applications: Applications are rated against OPM Qualification Standards and/or developed rating criteria. The names of those who have earned ratings of 70 or more are entered on registers of eligibles. The earned ratings of those qualified candidates entitled to veteran preference are augmented by 10 points (disabled veterans, Purple Heart recipients, certain veterans' widows or widowers, and certain mothers and spouses of disabled veterans), or 5 points (other veterans as defined by OPM). The names of the candidates are arranged on the register in rank order, except for the names of compensably disabled veterans, who are placed at the top of the register for most types of positions.

(3) Rule of Three: The selecting official must select from among the three highest ranked available candidates. An available veteran, however, may not be passed over in favor of a lower-ranking non-veteran, unless objections to appointing the veteran are submitted and sustained by OPM or the appropriate Examining Office.

(4) Fort Bragg Civilian Personnel Advisory Center (CPAC): The CPAC serves as the central source for public contact for employment information, applicant procedures, and required forms for appropriated fund positions. A recording of current recruiting Bulletins for which applications are being accepted for appropriated fund positions may be heard by calling the 24-hour recording (910) 396-JOBS. The CPAC is located in Building 2T-1414, on Jackson Street.

m. Intergovernmental Personnel Act Mobility Assignments: The Intergovernmental Personnel Act provides for temporary assignment of personnel between the Federal government and State or local governments, institutions of higher education, Indian Tribal governments and other eligible organizations. Assignments are intended to facilitate Federal-State-Local cooperation through the temporary assignment of skilled personnel. Assignments may be full-time, part-time, or intermittent and may be made by detail or temporary excepted appointment. They can be made for up to 2 years, and extended by DA for 2 additional years. A single assignment may not exceed 4 years. Employees should return to their previous employer at the completion of a mobility assignment.

4-7. PROBATIONARY PERIOD.

New Federal employees normally serve a 1-year probationary period, which is considered an extension of the examining process. An employee who receives a career-conditional or career appointment by selection from a certificate of eligible is required to serve a probationary period of 1 year. This applies

not only to the first appointment of this kind, but to any subsequent career or career-conditional appointment by selection from a certificate of eligibles, regardless of whether the appointee had previously completed a probationary period. This applies unless the appointee had service prior to the personnel action involving the new probationary period that was rendered immediately preceding the appointment or conversion, in the same agency, (except for conversion of 30% or more compensable disabled veterans) and was in the same line of work as the position for which the action is taken, and no more than one break in service of less than 30 days has occurred. This gives the supervisor the opportunity to evaluate on-the-job performance and permits an employee who fails to demonstrate fully successful performance to be separated. Supervisors should seek assistance from the CPAC, Labor Office as soon as they become aware of a lack of competence of their employees. Supervisors must also complete a 1-year supervisory probationary period.

4-8. INTERNAL PLACEMENTS.

The variety of ways to internally place current employees in vacant positions includes details, temporary promotions, reassignments, changes to lower grade (both voluntary and involuntary) and permanent promotions. Such actions are controlled by the Fort Bragg Internal Placement Plan. Some general provisions are outlined in this handbook. However, supervisors should become familiar with and conform to the entire Fort Bragg Internal Placement.

4-9. FEDERAL EQUAL OPPORTUNITY RECRUITMENT PROGRAM.

The Federal Equal Opportunity Recruitment program (FEORP) is a staffing program designed to eliminate under representation of minorities and women in the Federal workforce. OPM requires Federal agencies to implement targeted recruitment programs that address under representation. The Fort Bragg CPAC and Equal Employment Opportunity Office work together to identify under represented series and to forecast recruiting and affirmative employment needs. The CPAC counsel's managers and supervisors on recruitment sources that would provide qualified minority and women candidates for a vacancy in which under representation exists.

4-10. NEW EMPLOYEE ORIENTATION.

An orientation for all employees located on Fort Bragg who are new to the Federal government is provided.