



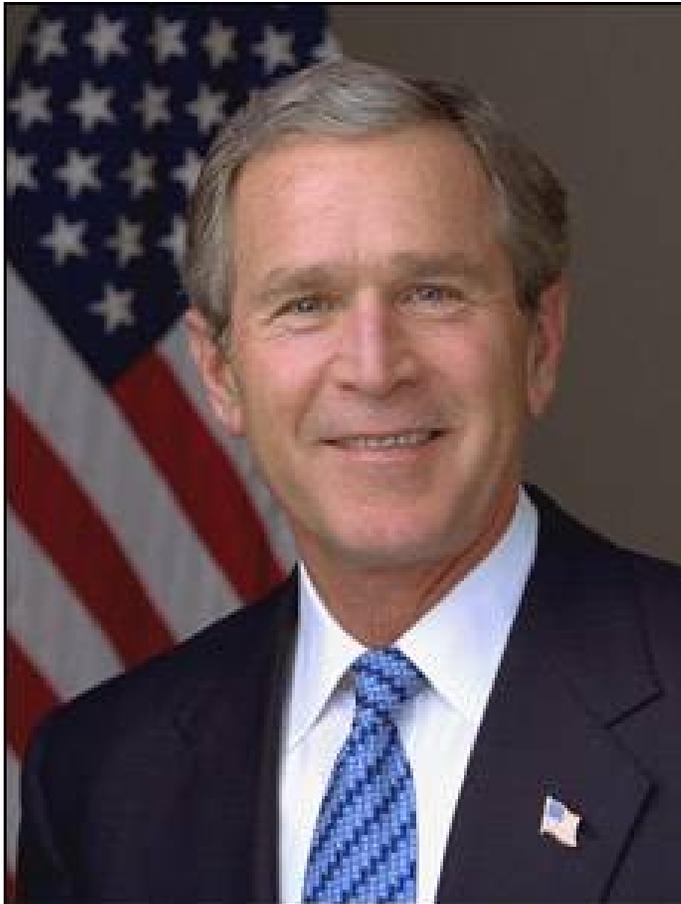
HIRING FLEXIBILITIES

Working for America

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT



The President of the United States



“We must have a government that thinks differently. So we need to recruit talented and imaginative people to public service.”

President George W. Bush

Message from the Director

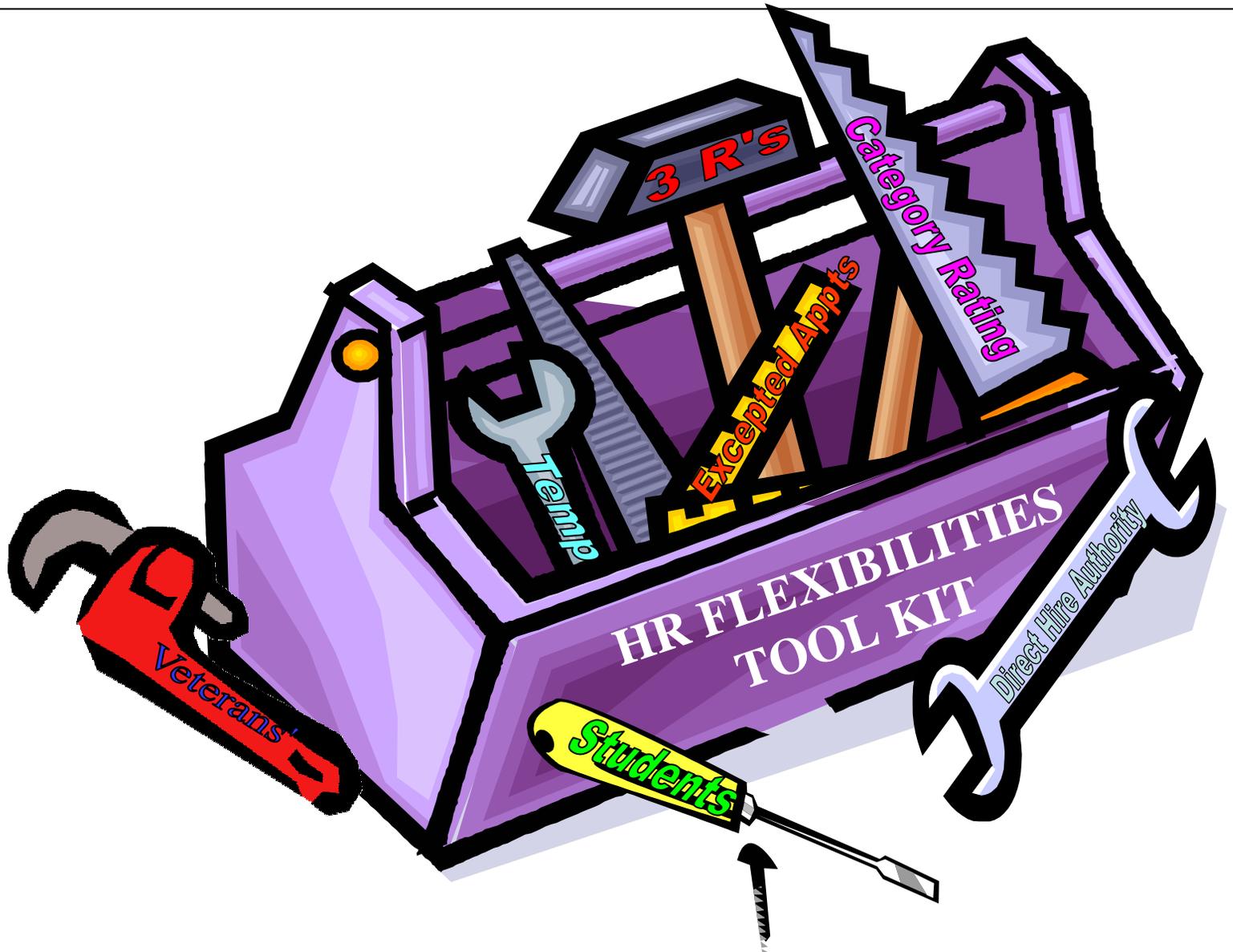


“As we continue streamlining the federal hiring process, while both adhering to Merit System Principles and meeting legal requirements, it is imperative that OPM honor its responsibility to do everything we can to educate human resources professionals on all the hiring flexibilities that are available.”

Kay Coles James
Director

U.S. Office of Personnel Management

HR FLEXIBILITIES





United States of America

Reemployment Rights for Veterans





Uniformed Services Employment and Reemployment Rights Act (USERRA)

- Reemployment Rights:
 - 38 U.S.C. chapter 43
 - 5 CFR part 353
- Purpose (from Public Law 103-353):
 - Encourage noncareer service in the uniformed services
 - Prohibit discrimination against persons because of their service
 - Minimize disruption to the lives of persons performing service

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USERRA - Agency Responsibilities

- Notification of rights, benefits, obligations, and appeal rights related to reemployment
- Consideration for promotion while on active duty
- Restoration to a position for which qualified that would have been attained but for military service
- Provide service credit for seniority-related benefits (e.g., career tenure, within-grade/pay band increases, leave accrual)
- Ensure restoration rights protected during a reduction in force

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USERRA - Employee Responsibilities

- Provide advance notice of active duty (except when prevented by military circumstances)
- Be released from the military under honorable conditions
- Serve no more than a cumulative total of 5 years
- Apply for restoration within the appropriate time limits



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**APPOINTING
AUTHORITIES FOR
VETERANS**





Appointing Authorities for Veterans

- Veterans' Recruitment Appointment (VRA)
Formerly, Veterans' Readjustment Appointment

- Initial appointment up to GS-11. After 2 years of satisfactory service under excepted appointment; eligible for noncompetitive conversion to permanent position.

- Appointment of 30% or more disabled veterans

- Initial appointment lasts more than 60 days. Eligible for noncompetitive conversion to permanent position at any time after initial appointment.

- Veterans Employment Opportunities Act (VEOA)
Appointment

- Preference eligibles and veterans separated after 3 years of active service may compete for jobs filled under merit promotion procedures when agencies accept applications from individuals outside of their workforce.



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DIRECT HIRE





Direct Hire Appointing Authority

Allows agencies to hire individuals without regard to sections 3309 – 3318 of title 5 to positions for which:

- Public notice has been given, and
- OPM has determined there is a severe shortage of candidates or a critical hiring need.



Direct Hire, continued

OPM approves Direct Hire for...

- **Severe Shortage**

- Agencies expect to hire all available qualified candidates.

- **Critical Need**

- Agencies need to fill positions quicker based on an emergency or a new initiative or mandate.



Direct Hire, continued

Evidence of Severe Shortage of Candidates

- Show that candidates with the required competencies for the job cannot be found despite:
 - Extensive recruitment;
 - Extended announcement periods; and
 - Use of hiring flexibilities (if applicable); and
- Provide information on:
 - Employment trends;
 - Labor market data; and
 - Workforce planning analyses.



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EXCEPTED SERVICE EMPLOYMENT





Excepted Service Employment

- Excepted by Statute, Executive Order, or OPM action
- OPM's Governmentwide excepted authorities listed under Schedules A, B, and C
 - Schedule A – Cannot use traditional examining methods; not subject to OPM quals, e.g., **Attorneys; Presidential Management Fellows**
 - Schedule B – Cannot hold open competition; must meet OPM quals, e.g., **Students**
 - Schedule C – Political appointees
- No Public Notice
- No Time in Grade
- OPM also grants agency-specific Schedule A & B authorities



Excepted Service Appointments – Time-Limited

- Fellowships, Scholarships, and Similar Programs – (5 CFR 213.3102 (r))
 - Positions are filled from a limited applicant pool and operate under requirements established between a Federal agency and a non-Federal entity
 - Appointments may not exceed 4 years
- 30-day special needs appointment
 - May be extended up to an additional 30 days
 - May not be used to extend other appointments

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Physical, Mental and Psychiatric Disabilities

- Appointment of individuals with mental, severely physical, or psychiatric disabilities
 - Temporary appointments or non-temporary appointments
 - Eligibility for non-competitive appointment to permanent jobs after completing 2 years of service
 - Requires certification by VA or State Voc/Rehab Agency



Student Career Experience Program -SCEP

**Formerly known as the Co-operative Education Program
(Co-op)**

- Formal written agreement between the agency, the school, and the student
- Work is directly related to the student's academic pursuits
- Successful students are eligible for permanent jobs upon completing academic requirements

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Federal Career Intern Program - FCIP

- 2-year internship with formal training and developmental opportunities to meet specific agency needs
- Use to help with succession planning
- GS-5/7/9 (or other trainee) appointment levels
- Eligibility for permanent appointment to the competitive service



Presidential Management Fellows Program

New Executive Order:

- Renames PMI program to the Presidential Management Fellows Program
- Eliminates PMF ceiling (formerly 400)
 - CHCO Council makes recommendations
 - OPM Director establishes ceiling each year, based on needs

Proposed Regulations would:

- Create Senior Presidential Management Fellow (SPMF) program
- Modify the Presidential Management Fellows Program (PMF)
- Provide Greater Flexibility in Entry Level
 - PMFs may enter at GS – 9, 11, or 12 ;
 - SPMFs may enter at GS – 13, 14, or 15



PMF Proposed Regulations, continued

- Establish Rigorous Training Requirements
 - Individual Development Plans (IDPs)
 - 80 hours of classroom training
 - Development assignments
 - Each SPMF assigned an SES level mentor
 - Formal annual evaluation of training progress
- Expand to Excepted Service
 - Includes excepted service agencies
 - Graduates earn competitive status “ticket”



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CATEGORY RATING



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Category Rating

An alternative competitive examining process – placing candidates into *quality categories* rather than assigning individual numeric scores.

Requires:

- Assess candidates
- Place candidates in 2+ quality categories based on assessment
- Preference eligibles are listed ahead of non- preference eligibles within each category
- Absolute veterans' preference within the category
- Annual report to congress

Category Rating: Example

Create quality categories based on the specific level of proficiency in each of the KSA/Competencies. (Applicants have to demonstrate a specific level of the KSA/Competency.) **Oral Communication** [There are 3 other KSAs]

Category	Benchmark	Benchmark Definition
Best	5	Communicates or explains <i>complex</i> ideas or information clearly (e.g., Explains new regulations; Presents technical information at conferences).
Better	3	Communicates or explains <i>moderately complex</i> ideas or information clearly (e.g., Explains changes in regulations; Describes available services to individuals).
Good	1	Communicates or explains <i>basic ideas</i> or information clearly (e.g., Explains non-technical procedures or routine information).

After all the KSA/competency levels have been defined, the "BEST" category could consist of applicants with all "5s" in all four KSA/competencies.



Category Rating

Luevano Covered Positions

- Category rating may be used for positions covered by the *Luevano* Consent Decree
 - ACWA assessment instrument
 - Agency determines quality categories
- With DOJ notification, an alternative assessment tool may be substituted for ACWA
- ACWA scores **or** approved alternative assessment scores determine placement into categories



Contact Information

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Thank You

