NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
WORKFORCE MANAGEMENT OFFICE (WFMO)

HUMAN RESOURCES (HR) GUIDANCE BULLETIN #FY13-003

SUBJECT: Appropriate Use of Temporary Limited Appointments

EFFECTIVE DATE: Upon release of this HR Guidance Bulletin

EXPIRATION DATE: Effective until canceled or superseded

SUPERSEDES: N/A

BACKGROUND: The Office of Personnel Management (OPM) allows the hiring of Temporary Limited appointments made for a specified period not to exceed one year. The appointment may be extended one additional year for a maximum of 24 months of total service. An appointment to a successor position, a position that replaces and absorbs the position to which an individual was originally appointed, is considered an extension, not a new appointment, in calculating the 24 month limitation. An appointment to a position involving the same basic duties in the same major subdivision of the activity and the same commuting area as the original appointment also is considered an extension rather than a new appointment.

The supervisor submitting the hiring action must certify that the employment need is truly temporary and that the proposed appointment meets the regulatory time limits. The reason for making a temporary limited appointment must be stated.

PURPOSE: The purpose of this HR Guidance Bulletin is to communicate the terms and conditions under which Temporary Limited positions can be made.

Advertising Temporary Appointments

A temporary limited appointment is a nonpermanent, nonstatus appointment to a position for a specified period of time not to exceed one calendar year. Temporary appointments are intended to meet legitimate nonpermanent staffing needs. Examples of appropriate use of temporary appointments include:

(1) Filling a position to address a temporary workload peak or to complete a project;
(2) Meeting a staffing need that is scheduled to be terminated within the one year timeframe for reasons such as abolishment, reorganization, or contracting out of the function, anticipated reduction in funding;

(3) Filling positions temporarily because the positions are expected to be needed for placement of permanent employees who would otherwise be displaced.

It is not appropriate to use a temporary appointment as an unofficial probationary period (unless specifically authorized as in the appointments of severely physically handicapped individuals) when such appointment is required to demonstrate qualifications for a nontemporary appointment under 5 CFR 213.3102(u) and when the appointee will be converted to the nontemporary appointment upon successful performance in the trial position

Upon submitting a hiring action for a Temporary Limited appointment position in the Recruitment Analysis Data System (RADS) a justification indicating the need for a nontemporary position is required.

The supervisor of each position filled by temporary appointment must certify that the employment need is truly temporary and that the proposed appointment meets the regulatory time limits. The reasons for making a temporary limited appointment must be stated on the form documenting each such appointment.

Making Temporary Appointments

Competitive Temporary appointments from competitive registers through delegated examining procedures, as provided in 5 CFR part 332.

Noncompetitive temporary appointments may be made to individuals who meet the eligibility criteria under specific appointment authorities listed in Title 5 of the Code of Federal Regulations (CFR). Among these authorities are:

(1) Reinstatement (5 CFR Section 315.401);

(2) Veterans Recruitment Appointment (VRA) (5 CFR Section 307.103);

Note that such appointments are competitive service appointments -- not excepted VRA appointments -- and do not lead to conversion to career-conditional appointment;

(3) Appointments of veterans with compensable service-connected disability of 30% or more;

(4) Appointment under 31 U.S.C. 732(g) for current and former employees of the General Accounting Office (GAO);

(6) Reappointment on the basis of being a former temporary employee of the agency who was originally appointed from a certificate of eligible or under the provisions of Title 5, CFR, Part 333. An agency may not reappoint a former temporary employee if the individual has already served the maximum time allowed or if the position has been filled under temporary appointment for the maximum time allowed. Reappointment must be to the same position appropriate for a temporary appointment with the same qualification requirements.

(7) Reappointment on the basis of being a former temporary employee of the agency who was originally appointed from a certificate of eligible or under the provisions of Title 5, CFR, Part 333 and who sustained a compensable injury while serving on the temporary appointment. Reappointment must be to the same position appropriate for a temporary appointment with the same qualification requirements. If the compensable injury disqualifies the former individual form performing such a position, reappointment may be to any position for which the individual is qualified. Reappointment must be for a minimum of 120 days.

Requests for Extensions Beyond the Initial First Year

Written requests for extensions beyond the initial first year must be initiated by the Line Office or Staff Office (LO/SO) and should be submitted at least two (2) months prior to the expiration of the initial first year. The justification must include the justification for extending the temporary appointment and the proposed length of the extension. LO/SOs must send the written justification through the Policy, Oversight and Accountability Division (POAD) for approval by the Workforce Management Office (WFMO) Director.

Permanent Employees Accepting Temporary Appointments

Should a permanent employee accept a temporary appointment upon expiration of the temporary appointment, the employee does not have rights to return to a permanent position, non-competitively.

Tenure of Temporary Employees

Temporary employees do not acquire a competitive status on the basis of their temporary appointment.

The employment of a temporary employee ends automatically on the expiration of his temporary appointment unless he/she has been separated earlier.

Trial Period

Temporary employees do not serve a trial or probationary period.

They may be terminated at any time upon written notice from the employing agency.
Benefits and Entitlements

Temporary employees whose appointment is for 12 months or less are not eligible for coverage under the Federal Employees Health Benefits Program (FEHB), the Federal Employees Group Life Insurance Program (FEGLI), and a Federal Employees Retirement System (FERS).

They are not competing employees under reduction in force and would therefore be released (unless they are provisional temporary employees see below).

Provisional Temporary Appointments

Generally, temporary appointments are appropriate only when the activity does not have a need for a permanent employee. Some temporary appointments, however, are used to fill positions that are known to be permanent with the expectation that the appointees will be converted to permanent status. (An example is the appointment of disabled veterans with a disability rating of 30% or more.) These appointments are designated as provisional temporary appointments and the appointees are treated as non-temporary appointees for purposes of life insurance, health benefits, retirement, and reduction in force.

REFERENCES: Title 5, CFR, Part 316; Federal Register Volume 63, No. 221, dated November 17, 1998

FOR ADDITIONAL INFORMATION: Contact the Policy, Oversight and Accountability Division, (301) 713-6302.