



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

January 5, 2024

Memorandum

To: Bureau Human Capital Officers
Bureau Human Resources Directors

From: Jennifer A. Ackerman
Director, Office of Human Capital
Deputy Chief Human Capital Officer

Subject: Updated Interim Guidance for the Land Management Workforce Flexibility Act

This memorandum updates Departmental policy regarding the Land Management Workforce Flexibility Act (LMWFA), [PB 17-02](#). This update is to ensure alignment of Departmental guidance with OPM's Final Rule on LMWFA, which was published in the Federal Register ([2023-26723](#)) on December 6, 2023, with an effective date of January 5, 2024.

Changes in implementation of PB 17-02 include one update and one clarification for the section titled "Consideration and Appointments in PB 17-02:

1. Land Management Eligible Employees (LMEs) are subject to time-in-grade (TIG) regulations in 5 CFR 300, subpart F. The Land Management Workforce Flexibility Act cannot be used to circumvent TIG, in accordance with [5 CFR 300.603](#). In accordance with [5 U.S.C. 9602](#), eligibility under these regulations applies to certain individuals serving, or who served, under a time-limited appointment and have not received a permanent position in the Federal government.
2. Temporary appointment time is not credited toward the probationary or trial period. However, the governing statute at 5 U.S.C. 9602(c)(2) states that individuals appointed under this authority acquire competitive status upon appointment. Therefore, competitive status is acquired by a LME selected via the provisions of the Land Management Workforce Flexibility Act, the selectee is placed on a career appointment, and no further probationary or trial period is imposed upon the selectee.

SHROs should confer with their bureau or office human capital policy offices for clarity on this update. Bureau or office human capital policy offices may contact the Department's [Office of Human Capital](#) (DOI_Office_of_Human_Resources@ios.doi.gov) with questions related to this memorandum.

Jennifer A. Ackerman
Director, Office of Human Capital
Deputy Chief Human Capital Officer