




United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 29 2018

Memorandum

To: DOI Human Resources Officers

From: Raymond A. Limon 
Director, Office of Human Resources

SUBJECT: Excepted Service Policy Amendment (Personnel Bulletin 17-13)

The following change to Personnel Bulletin (PB) 17-13, paragraph 13 provides additional clarity. Change paragraph 13, **TRIAL PERIODS** to read:

- a. Employees in excepted service appointments must serve a trial period upon employment in the excepted service when the appointment duration exceeds 12 months. The trial period for any excepted service appointment will be for a period of two (2) years, except when a specific appointing authority, regulation, or law requires a longer or shorter trial period. Persons who are eligible for veterans' preference for Federal employment will serve a one (1) year trial period. The trial period has the same purpose as a probationary period in the competitive service; it gives management a period of time to evaluate a new employee's performance and conduct, and determine whether his/her continued employment is in the best interest of the Department.

The above change is effective immediately and this memorandum will be placed as a cover to PB 17-13. Any questions may be addressed to Terri Reeves at terri_reeves@ios.doi.gov.

Attachment: Personnel Bulletin 17-13



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NOV 15 2017

PERSONNEL BULLETIN NO. 17-13

SUBJECT: Excepted Service Policy

1. PURPOSE.

This Personnel Bulletin (PB) establishes the Department of the Interior (DOI) policy, procedures, and guidance governing employment in the excepted service. This policy replaces 370 DM 213, Excepted Service; 370 DM 302, Employment in the Excepted Service; and PB 03-2, Reemployment Lists in the Excepted Service. This policy authorizes DOI to make appointments under Title 5, Code of Federal Regulations (CFR) Parts 213 and 302, and establishes the plan for filling excepted service positions in accordance with Title 5, United States Code (USC), Section 3320.

2. BACKGROUND.

It is the policy of DOI to provide equal opportunity in employment for all persons, without discrimination because of race, color, religion, sex (including sexual orientation), age, national origin, genetic information, marital status, political affiliation, disability, or any other non-merit factor (with limited authorized exceptions, e.g., maximum entry age and Indian Preference provisions, when filling positions in the excepted service). Advocacy for appointment, employment, promotion, and advancement of relatives is prohibited. Recruitment must be made through a variety of sources, in an effort to achieve a diverse candidate pool, fairness and objectivity in employment processes, and hire the best talent.

The excepted service includes all positions in the Executive Branch excluded from competitive service by statute, executive order, or the U.S. Office of Personnel Management (OPM) action. OPM exclusions are divided into Schedules A, B, C and D. Requests to establish, modify, extend, and/or abolish excepted service appointing authorities must be made to OPM through the Office of Human Resources (OHR).

3. SCOPE AND APPLICABILITY.

This policy applies to all appointments to positions in the excepted service under Schedules A, B, C, or D, as identified by OPM in 5 CFR Part 213 and Schedule A, 213.3112, the OPM Consolidated Notice of Agency Specific Excepted Authorities. This policy does not apply to positions exempted from the 5 CFR 302 appointment procedures by 5 CFR 302.101(c)(1) – (10). Appointments requiring confirmation by, or to be made with the advice and consent of, the Senate in accordance with 5 CFR 302.101(b) are not covered. However, appointments made

under 5 CFR 302.101(c) must follow the principles of veterans' preference to the extent it is administratively feasible to do so, and must accord persons with priority consideration their rights under 5 USC 8151. "Administratively feasible" means that veteran status must, at a minimum, be considered as a positive factor in reviewing applications. Where topics are not specifically addressed, the provisions of 5 CFR 302 govern appointments to the excepted service at DOI.

4. AUTHORITY.

This policy supplements and should be read in conjunction with the following references: 5 USC 2103, 5 CFR 213 and 302, PB 13-04 Pathways Program, and PB 06-13 Senior Executive Service (SES) Program.

5. DEFINITIONS.

Excepted Position. A position in the excepted service.

Excepted Service. Excepted service is defined by 5 USC 2103 as including all positions in the executive branch of the Federal Government that are specifically excepted from the competitive service by or pursuant to statute, by the President, or by OPM, and are not in the SES. OPM provides excepted service hiring authorities to fill special jobs or to fill any job in unusual or special circumstances under Schedules A, B, C, and D.

Non-competitive Conversion. Conversion to career or career-conditional employment in accordance with 5 CFR Part 315. Non-competitive conversion results in placement in a position in the competitive service without an open competitive examination.

Priority Consideration. A person who was furloughed or separated without misconduct, from a position without a time limit, because of compensable injury and whose recovery takes longer than one (1) year from the date compensation began.

Trial Period. An introductory period of employment for employees in the excepted service, or term appointment in the competitive service, which allows management to evaluate a new employee's performance and conduct and determine whether his/her continued employment is in the best interest of the agency.

6. RESPONSIBILITIES.

a. DOI, Office of Human Resources (OHR). OHR is responsible for overall administration and management of DOI's excepted service policy. OHR will:

- Develop policy governing the implementation and administration of excepted service employment within DOI; and
- Ensure compliance and accountability through HR evaluations/audits.

b. Bureau Human Resources Offices (HRO). Bureau HROs are responsible for administering excepted service employment programs within bureaus and supported offices. HROs will:

- Provide program direction to Servicing Human Resources Offices (SHRO);
- Provide program oversight and ensure that all managers and supervisors are aware of program's requirements;
- Carry out their responsibilities related to the program and participants within their organizations;
- Monitor and assess utilization of excepted service authorities;
- Advise and assist hiring officials/managers and supervisors in utilization of excepted service authorities and employing candidates to positions in the excepted service in accordance with this policy and relevant regulations;
- Ensure SHROs establish and maintain recruitment case files in accordance with this policy;
- Evaluate and provide decisions to pass over a preference eligible for all categories of veterans, excluding those with authority retained at higher authority levels, i.e., 10-point 30% Compensable Disability Preference (CPS);
- Ensure proper review and placement of individuals on the priority re-employment list, as appropriate; and
- Ensure that a written statement acknowledging that he/she is voluntarily leaving the competitive service is obtained from candidates in the competitive service who are accepting an appointment in the excepted service.

c. Management/Hiring Officials. Management is responsible for working with SHRO/HRO to identify positions and their required skill sets, and the appointment types necessary to accomplish mission and goals within their organizations that may be filled with positions in the excepted service.

7. GENERAL PROVISIONS.

Appointment to each vacancy in the excepted service will be based solely on job-related criteria and qualifications for the position, without regard to race, color, religion, sex (including sexual orientation), age, national origin, genetic information, marital status, political affiliation, disability or any other non-merit factor (with limited authorized exceptions, e.g. maximum entry age and Indian preference provisions), and will be made in accordance with sections 3308 - 3318 of Title 5 of United States Code, regarding minimum educational requirements and consideration and selection of preference eligibles.

8. PREFERENCE PRIORITY CONSIDERATION.

DOI HRO will allow Bureaus having positions covered under 5 CFR 302 to establish a system that grants eligible persons the preference or priority considerations enumerated in 5 USC 1302(c) and 5 USC 8151. The Bureaus establishing such a system must ensure that all eligible applicants entitled to veterans' preference or priority consideration receive at least as much of an

advantage in the referral part of the job application process, as they would receive under the procedures set forth in 5 CFR 302.201. (See 5 CFR 302.105). Bureaus will apply veterans' preference to positions unless the positions are exempt from appointment procedures listed in 5 CFR part 302 (e.g., attorneys and student trainee positions when filled under Schedule B). In these cases the principles of veterans' preference will be followed to the extent it is administratively feasible to do so, and must accord persons with priority consideration their rights under 5 USC 8151.

9. IDENTIFYING APPLICANTS and ACCEPTING APPLICATIONS.

a. Generally, statutory "public notice" requirements under 5 U.S.C. 3327 and 5 U.S.C. 3330 do not apply when filling positions using excepted appointment authorities. However, OPM may identify hiring authorities that are subject to public notice requirements or posting on USAJOBS. Refer to applicable regulations and other DOI policies for guidance on publicizing employment opportunities under specific hiring authorities.

(1) Notice of employment opportunities for positions in the excepted service at DOI may be advertised through various means, including job opportunity announcements (JOA) on USAJOBS, through DOI/bureau media (such as websites), newspaper and periodical publications distributed to applicant-rich population centers, career fairs, and other means consistent with merit system principles. When public notice is required or the HROs choose to announce vacancies in the excepted service, the job opportunity announcement will contain, at a minimum, the following:

- Announcement Number
- Position title, series and grade, salary, duty location
- Full performance level of the position
- Employing office name
- Number of vacancies
- Opening and closing dates
- Area of consideration
- Description of duties
- How to apply and what to file
- Point of contact
- Basis for rating, i.e., type of rating procedure to be used
- Other pertinent information such as how veterans' preference will be applied
- Reasonable accommodation and Equal Opportunity Employer statements

(2) Appropriate candidate sourcing will be determined by the hiring official in conjunction with the SHRO, considering the organizational priorities and objectives; workforce goals; and labor market trends. When the specific excepted service hiring authority does not require an announcement to be posted, applications may be accepted from any source and considered (e.g., Workforce Recruitment Program or USAJOBS resume mining efforts). Recruitment should ensure equal opportunity and reach a diverse, high quality applicant pool from which to select.

- b. The principle and administration of veterans' preference will be used to ensure that any individual prospectively appointed using veterans' appointing authorities meet all of the legal and regulatory requirements.
- c. All criteria used to assess applicants must be linked to position requirements. A job analysis clearly identifying the link between the major tasks of the position and any competencies required to perform those tasks, as well as any associated assessments, must be completed as elements of the recruitment plan prior to publishing notice of the opportunity and/or executing other sourcing practices.
- d. All candidates must meet minimum qualifications, eligibility requirements, positive education requirements, and selective factors identified for the position.
- e. Candidates must submit documentation identified as required substantiating eligibility for the hiring authority under which they are applying (e.g. DD214; SF-15; certification from State Office of Vocational Rehabilitation).
- f. Provisions of the Interagency Career Transition Assistance Plan and the Career Transition Assistance Program do not apply.

10. ELIGIBILITY AND QUALIFICATION REQUIREMENTS.

a. Citizenship.

Under most circumstances, applicants must be U.S. citizens or nationals to be eligible for employment in the excepted service within DOI organizations. Employment of non-citizens is subject to current appropriations act employment restrictions. However, in limited circumstances, applicants may be non-citizens. When permitted, employment of non-citizens may be considered only when there are no qualified U.S. citizens available, provided the non-citizen is lawfully admitted to the United States as a permanent resident or is otherwise authorized to be employed. Justification for such appointment must be fully documented, including: a description of the impact of the position on mission goals of the organization; results of recent recruitment and outreach efforts; data showing the availability and quality of candidates; and expected results of successful employment. Approvals, justifications and supporting documents must be maintained in the case file.

b. Qualifications.

Applicants must meet all eligibility and qualification requirements for the position being filled, including: citizenship requirements (as outlined in paragraph 10 (a)); general and/or specialized experience as defined by OPM or by the agency (or bureau) for positions not covered in OPM's qualification standards; any positive education requirements; selective placement factors identified for the position; suitability; and any special conditions of employment associated with the position. Additionally, applicants must submit appropriate documents to substantiate

eligibility for appointment.

c. Test and Assessments.

Bureaus may utilize an appropriate job-related assessment tool, such as a rating schedule. Any assessment should comply with 5 CFR 300.103 and technical standards in the Uniformed Guidelines on Employee Selection Procedures.

11. EVALUATION AND CONSIDERATION OF APPLICANTS.

a. Servicing HR Offices (SHRO) will evaluate applicants to determine basic eligibility and qualifications for the position, as required by 5 CFR 302.302(a). Evaluations may be conducted at any time before an appointment is made. The SHRO will document the evaluation method used for each action, the reason for using that method, the rating criteria, the results of the evaluation, and the outcome of each applicant (e.g. referred or not referred; selected or not selected). This information shall be made available to an applicant upon his/her request.

b. Applications for positions not exempted from the appointment procedures of 5 CFR 302 will be accepted, rated, and arranged as outlined in 5 CFR 302, Subpart C.

c. In all instances for positions not exempted under 5 CFR 302.101(c), where more than one (1) candidate is identified, selections will be made following procedures in 5 CFR 302.401, and in accordance with all guidelines governing veterans' preference, including the guidelines for passing over a preference eligible.

d. Veterans' preference will be followed as far as administratively feasible for all positions exempted (under 5 CFR 302.101(c)) from appointment procedures. Bureaus shall provide qualified and available preference eligibles reasons for non-selection upon request.

12. POSITION CHANGES.

a. Promotion, Demotion and Reassignment.

Excepted service employees may be promoted, demoted, or reassigned to another excepted position in the Department, subject to any applicable regulations or requirements of law. Execution of such actions will follow a process, requirements, and criteria that are consistent with to the processes within the competitive service, when not otherwise identified or exempted in the specific authority.

b. Movement between Competitive and Excepted Service.

An employee serving under a non-temporary appointment in the competitive service may not be moved to the excepted service unless the following conditions are met: the employee has been informed in writing how his/her rights, tenure, and benefits are affected by the change; and the employee submits a written statement indicating an understanding of the foregoing and that

he/she is leaving the competitive service voluntarily. The notice to the employee and his/her response may be on the same document (see Appendix C).

c. Details.

1. Employees in the excepted service may be detailed to a position in the excepted service and excepted service employees under Schedule A, Schedule B, or a Veterans Recruitment Appointment may be detailed to a position in the competitive service. Competition is not required for the following details:

- a. Details to higher-graded positions or time-limited promotions not to exceed 120 days.
- b. Details made in 120-day increments up to 1 year to unclassified duties.
- c. Details made in 120-day increments to the same grade or lower-graded positions.

2. Any other employee in the excepted service detailed to a position in the competitive service may be made only with prior approval from OPM, or under delegated agreement between DOI and OPM (reference 5 CFR 300.301).

d. Noncompetitive conversion to competitive service.

A person appointed to an excepted service position does not acquire competitive status by reason of the appointment. However, successful completion of the requirements under certain appointing authorities (e.g., Schedule A-Individuals with Disabilities, Schedule D-Pathways Interns, etc.) allows an agency to convert the employee to the competitive service. Bureaus must refer to the appropriate regulatory guidance on specific programs and appointment authorities for additional information.

e. Time-in-Grade.

It is DOI policy that time-in-grade requirements of the competitive service apply to employment in the excepted service. However, a bureau may, at their discretion, offer a new excepted service appointment to an eligible employee who qualifies for an excepted service position at a higher grade without regard to the time-in-grade requirement.

13. TRIAL PERIODS.

Employees in excepted service appointments must serve a trial period upon employment in the excepted service when the appointment duration exceeds 12 months. Except when a specific appointing authority requires a longer trial period, the trial period for any excepted service appointment will be for a period of two (2) years. The trial period has the same purpose as a probationary period in the competitive service; it gives management a period of time to evaluate

a new employee's qualifications, performance, and conduct, and determine whether his/her continued employment is in the best interest of the Department.

b. Priority Reemployment List (PRL)

Employees who meet the requirements established in 5 CFR 302.303(b) may be placed on the PRL. Registrants will be considered for positions in the local commuting area where they were separated. The registration period will be limited to two (2) years from the date entered on the PRL. Employees may be entered on the reemployment list only for positions in which the tenure and/or work schedule is no greater than that of the position previously held. If an employee wishes to be considered for a lesser work schedule, he/she must do so in writing.

1. Registration. Bureau HROs will assist employees in completing the Priority Reemployment List Registration Worksheet (see Appendix B) and by submitting requests to the DOI OHR for posting on the appropriate website accessible by all Bureau HROs. Employees must be registered for the last permanent position held immediately prior to separation. Eligible employees can register for positions for which they qualify up to the highest grade held. A resume must be submitted to support the qualification evaluation. Registrants must keep the Bureau HRO informed of their current address/phone number or risk suspension of their consideration for employment. The registration must be forwarded to the DOI OHR within 15 days following the employee's separation date. The DOI OHR will post the registration to the PRL within 30 days following the date of separation.

2. Order of consideration will be in accordance with 5 CFR 302.304.

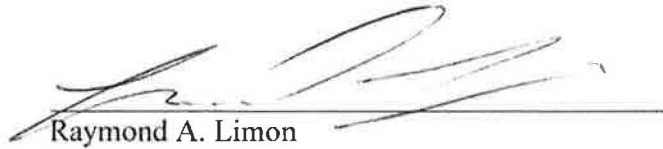
3. Registrants will be removed from the PRL no later than the end of the 2-year registration period. Registrants will be removed earlier upon:

- a. Reappointment to a permanent excepted service position;
- b. Declination of a job offer or an interview. If the registrant fails to respond to an inquiry for a job or fails to show for an interview, written evidence must be presented to be removed from the PRL. The written offer or inquiry must state that failure to respond will result in a loss of consideration for employment.
- c. Requests removal.

14. DOCUMENTATION AND ACCOUNTABILITY.

- a. Bureau HROs will establish and maintain vacancy case records when applying 5 CFR 302 procedures for three years following the appointment date of the selection.
- b. DOI or Bureau HROs will conduct periodic evaluations to assess compliance with the administration of veterans' preference and priority consideration requirements governing

excepted appointments and conduct case reviews to ensure that all appointments adhere to regulations.

A handwritten signature in black ink, appearing to read "Raymond A. Limon", is written over a horizontal line. The signature is fluid and cursive.

Raymond A. Limon
Director, Office of Human Resources

APPENDIX A. Identifying Attorney Positions.

A.1 Legal Responsibilities in the Department. The Solicitor is the principal legal advisor to the Secretary of the Interior and serves as the Chief Law Officer of the Department. He/she is responsible for, and has supervision over, all legal work of the Department, with the exception of that performed by the Office of Hearings and Appeals, the Office of Congressional and Legislative Affairs, and the Office of the Inspector General.

A. The prior approval of the Solicitor is required to fill any legal, paralegal, or other positions responsible for providing legal advice or services. The requirement for prior approval also applies to all positions in the GS-0900 Legal and Kindred group and to all positions classified in any other occupational series that contains such legal duties.

B. Attorney positions will not be established or maintained in the Bureaus or offices of the Department without designation of the Solicitor except those Offices and Bureaus identified in A1.

C. New employees serving in attorney positions are subject to a two (2) year trial period.

APPENDIX B. Priority Reemployment List Registration Worksheet.

**Department of the Interior
Priority Reemployment List
Registration Worksheet**

Instructions: This worksheet is to be completed by the servicing Human Resources Office (HRO) with input from the employee. It is to be used for the Priority Reemployment List (PRL) registration. The HRO will keep one copy. A copy will be provided to the registrant. The HRO will submit another copy to the Department's Office of Human Resources for posting on the Department-wide PRL. More details on registration and processing are contained in the NOTICE TO APPLICANTS below. The employee must complete and sign all applicable items on the worksheet.

Employee is registering for: PRL

Applicant Data: Part I

1. Registrant's Name (Last, First, MI) 2. SSN (Last 4)

3. Home Address

4. Home/Office Phone Number

5. Employee's Current Status (5 CFR 302.303 (b)(1-3):

Preference Eligible Former Employee Furloughed or Separated without delinquency or misconduct

Preference Eligible Former Employee determined by MSPB to be unjustifiably dismissed

Former Employee Furloughed or Separated due to Compensable Injury

Non-Preference Eligible Former Employee Furloughed or Involuntarily Separated without delinquency or misconduct

6. Date of Specific Notice of Separation

7. Effective Date of /Furlough or Certification of Notice of Separation

8. Tenure Group 1 2 3
Subgroup AD A B
Indian Preference Yes No

Employment/Availability Data: Part II

9. Last Permanent Job Title/Pay Plan/Series/Grade
Plan/Series/Grade

10. Requested Job Title Pay

11. Former Duty Station

12. Current Work Schedule

13. Last Annual Performance Rating of Record

FT PT Seasonal
 Intermittent Other (specify) _____

14. Veterans' Preference: 1 (None)
 2 (5 pt)
 3 (10 pt/Disability (XP))
 4 (10 pt/Compensable (CP))
 5 (10 pt/other (XP))
 6 (10 pt Compensable 30% (CPS))
 7 (No pts/Sole Survivorship Preference (SSP))

Applicant Signature: Part III

15. Applicant's Signature _____ Date _____

16. Bureau or Equivalent Office _____

17. Name, Office Phone Number, and Email Address of HRO Contact

18. Title, Series and Grades of positions shown in Block 9 for which registrant is qualified and eligible

Note: HROs are expected to assist employees in identifying those positions for which the employee qualifies and is interested.

EMPLOYEE: I certify that I am available for the positions, grades and types of employment I have selected above. I understand that if I am offered a position for which I am registered and subsequently decline or I decline an interview, I will be removed from further PRL consideration for all positions, regardless of location, at or below the grade level of the position I decline. I further understand that any or all of the information contained herein can be made available to prospective employers both within and outside the Department. This information is requested pursuant to 5 CFR 302. I understand that if I fail to permit release of this information, I will not be given consideration for the program.

(Employee signature)

(Date)

EMPLOYEE'S SERVICING HUMAN RESOURCE OFFICE: I certify that the employee is qualified for the types of positions, series, and grades for which registered. I further certify that the information supplied as to employee's last appointment and tour of duty is correct.

(Human Resources Officer)

(Date)

APPENDIX C. Sample Notification and Acknowledgement. Movement of a Federal Employee from an Appointment in the Competitive Service to an Appointment in the Excepted Service

Notification to employee:

This serves as notification that you are accepting an appointment to the position of (position title, pay plan, series, grade) _____ in the excepted service. In accordance with 5 CFR 302.102 you are advised that (a) this position is in the excepted service and cannot be filled by competitive appointment, and (b) that your acceptance of this excepted service appointment will result in you leaving the competitive service. In relinquishing your competitive service position to accept a position in the excepted service, you may be subject to new requirements including serving a trial period as well as changes to your tenure group and Reduction-in-Force (RIF) retention standing. Additionally, you must submit written evidence clearly indicating that you voluntarily relinquish your competitive service position.

Acknowledgement from employee:

I have been advised in writing of the provision of 5 CFR 302.102. This statement acknowledges that I voluntarily relinquish the position I currently hold in the competitive service and accept the position of (position title, pay plan, series, grade) _____ in the excepted service with DOI.

Signature (Employee/Selectee) _____

Date: _____