



Tuesday, February 21, 2019

DCPAS Message 2019010

DEPARTMENT OF DEFENSE
DEFENSE CIVILIAN PERSONNEL ADVISORY SERVICE
4800 MARK CENTER DRIVE
ALEXANDRIA, VA 22350-1100

FOR: CIVILIAN PERSONNEL POLICY COUNCIL MEMBERS

FROM: Defense Civilian Personnel Advisory Service Director, Ms. Ronna Rowe Garrett

SUBJECT: Eligibility of Land Management Employees in a Time-Limited Appointment into the Competitive Service

SUSPENSE: N/A

ACTION: Disseminate Information to all Human Resources Practitioners

REFERENCES:

- a. Office of Personnel Management Memorandum, "Eligibility of Land Management Employees in a Time-Limited Appointment into the Competitive Service", dated February 6, 2019 (attached)
- b. Section 1135 of the National Defense Authorization (NDAA) Act for Fiscal Year 2017 (attached)
- c. (c) Title 5, United States Code, Section 9602 (attached)

BACKGROUND/INTENT: Reference (a) provides clarification on the eligibility of current and former land management employees to be considered for permanent appointment in the competitive service, as provided in the Land Management Workforce Flexibility Act, and amended by reference (b).

POINT OF CONTACT: Ms. Melissa Lalonde, Associate Director, Employment and Compensation, (571) 372-1557, or by email at melissa.a.lalonde.civ@mail.mil.

Attachment(s):
As stated

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Eligibility of Land Management Employees in a Time-Limited Appointment into the Competitive Service

Wednesday, February 6, 2019



The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

MEMORANDUM FOR: CHIEF HUMAN CAPITAL OFFICERS

From: MARGARET M. WEICHERT, ACTING DIRECTOR

Subject:

Eligibility of Land Management Employees in a Time-Limited Appointment into the Competitive Service

This memorandum provides clarification on the eligibility of current and former land management employees to be considered for permanent appointment in the competitive service, as provided in the Land Management Workforce Flexibility Act (the "Act"), and amended by section 1135 of Pub. L. 114-328.

As amended, the Act allows a current or former employee at a land management agency who was initially hired under competitive procedures in a time-limited appointment (for the purposes of this memo, "a land management eligible"), to compete for a permanent appointment in the competitive service under certain circumstances where promotion and internal placement procedures are used (i.e., merit promotion procedures). A current or former employee of a land management agency who is considered a land management eligible under the provisions of the statute may apply and be considered for a permanent appointment at such land management agency when the agency is accepting applications from individuals within the agency's workforce. A current or former employee of a land management agency who is considered a land management eligible may apply and be considered for a permanent position at any hiring agency when such an agency is accepting applications from individuals outside its own workforce under merit promotion procedures.

Agencies must apply these provisions when advertising vacancies. A copy of the amendments to the Act is available at: <https://www.congress.gov/bill/114th-congress/senate-bill/2943/text>.

Note that previous guidance provided by the U.S. Office of Personnel Management (OPM) on December 29, 2015, is superseded and no longer applies.

If you have any questions or need additional information, please contact Michelle T. Glynn at michelle.glynn@opm.gov or on (202) 606-1571.

cc: Deputy Chief Human Capital Officers and Human Resources Directors

SEC. 1133. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and as most recently amended by section 1102 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1022), is further amended by striking “2017” and inserting “2018”.

SEC. 1134. ADVANCE PAYMENTS FOR EMPLOYEES RELOCATING WITHIN THE UNITED STATES AND ITS TERRITORIES.

(a) **IN GENERAL.**—Subsection (a) of section 5524a of title 5, United States Code, is amended—

(1) by striking “(a) The head” and inserting “(a)(1) The head”; and

(2) by adding at the end the following:

“(2) The head of each agency may provide for the advance payment of basic pay, covering not more than 4 pay periods, to an employee who is assigned to a position in the agency that is located—

“(A) outside of the employee’s commuting area; and

“(B) in the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States.”.

(b) **CONFORMING AMENDMENTS.**—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting “or assigned” after “appointed”; and

(2) in paragraph (2)(B)—

(A) by inserting “or assignment” after “appointment”;

and

(B) by inserting “or assigned” after “appointed”.

(c) **CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading of such section is amended by inserting “**and employees relocating within the United States and its territories**” after “**appointees**”.

(2) **TABLE OF SECTIONS.**—The item relating to such section in the table of sections of chapter 55 of such title is amended to read as follows:

5 USC 5501 prec.

“5524a. Advance payments for new appointees and employees relocating within the United States and its territories.”.

SEC. 1135. ELIGIBILITY OF EMPLOYEES IN A TIME-LIMITED APPOINTMENT TO COMPETE FOR A PERMANENT APPOINTMENT AT ANY FEDERAL AGENCY.

Section 9602 of title 5, United States Code, is amended—

(1) in subsection (a) by striking “any land management agency or any other agency (as defined in section 101 of title 31) under the internal merit promotion procedures of the applicable agency” and inserting “such land management agency when such agency is accepting applications from individuals within the agency’s workforce under merit promotion

procedures, or any agency, including a land management agency, when the agency is accepting applications from individuals outside its own workforce under the merit promotion procedures of the applicable agency”; and

(2) in subsection (d) by inserting “of the agency from which the former employee was most recently separated” after “deemed a time-limited employee”.

SEC. 1136. REVIEW OF OFFICIAL PERSONNEL FILE OF FORMER FEDERAL EMPLOYEES BEFORE REHIRING.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

5 USC 3330e.

“§ 3330e. Review of official personnel file of former Federal employees before rehiring

“(a) If a former Government employee is a candidate for a position within the competitive service or the excepted service, prior to making any determination with respect to the appointment or reinstatement of such employee to such position, the appointing authority shall review and consider merit-based information relating to such employee’s former period or periods of service such as official personnel actions, employee performance ratings, and disciplinary actions, if any, in such employee’s official personnel record file.

“(b) In subsection (a), the term ‘former Government employee’ means an individual whose most recent position with the Government prior to becoming a candidate as described under subsection (a) was within the competitive service or the excepted service.

“(c) The Office of Personnel Management shall prescribe regulations to carry out the purpose of this section. Such regulations may not contain provisions that would increase the time required for agency hiring actions.”.

5 USC 3330e note.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any former Government employee (as described in section 3330e of title 5, United States Code, as added by such subsection) appointed or reinstated on or after the date that is 180 days after the date of enactment of this Act.

5 USC 3301 prec.

(c) CLERICAL AMENDMENT.—The table of sections of subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

“3330e. Review of official personnel file of former Federal employees before rehiring.”.

SEC. 1137. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1108 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1027), is further amended by striking “through 2016” and inserting “through 2017”.

Administrative Leave Act of 2016.
5 USC 101 note.
5 USC 6329a note.

SEC. 1138. ADMINISTRATIVE LEAVE.

(a) SHORT TITLE.—This section may be cited as the “Administrative Leave Act of 2016”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—