

INTRODUCTION

On December 27, 2010, President Obama signed Executive Order 13562, “Recruiting and Hiring Students and Recent Graduates,” which established the Internship and Recent Graduates Programs, and enhanced the Presidential Management Fellowship Program. These programs, collectively referred to as the Pathways Programs, were designed to help agencies recruit and hire well-qualified students and recent graduates by streamlining processes and providing applicants with clear paths to internships and full-time employment, as well as meaningful training, mentoring, and career-development opportunities.

This reference guide specifically provides guidance on the Internship and Recent Graduates Programs.

ELIGIBILITY

Internship Program: Offers current students in high schools, colleges, trade schools, and other qualifying educational institutions paid opportunities to work and explore Federal careers while completing their education.

Recent Graduates Program: Provides developmental experiences in the Federal Government to promote possible careers in the civil service to individuals who, within the previous two years, graduated from qualifying educational institutions with an associates, bachelors, masters, professional, doctorate, vocational or technical degree or certificate from qualifying educational institutions. To be eligible, applicants must apply within the previous two years of degree or certificate completion, except for veterans precluded from doing so due to their military service obligation, who will have up to six years after degree or certificate completion to apply.

NONCOMPETITIVE CONVERSION INTO THE COMPETITIVE SERVICE

Participants who successfully complete their respective Pathways program may be noncompetitively converted into the competitive service. The eligibility for noncompetitive conversion is neither guaranteed nor automatic. Also, the time period for noncompetitive conversion is established in regulation and may or may not be extended. Managers who have Pathways participants in their organization and would like to recommend them for noncompetitive conversion (assuming all other program requirements have been met), must initiate the necessary actions to do so. HR Specialists must input Pathways Program conversion eligibility dates in participants' electronic personnel record and ensure that appropriate mechanisms are in place to facilitate timely submission of the necessary conversion paperwork.

Internship Program: In accordance with 5 Code of Federal Regulations (CFR) 362.204(b)(2), Interns are eligible for noncompetitive conversion within 120 days upon completion of the course of academic study at a qualifying educational institution that confers a diploma, certificate, or degree. The date of course completion may or may not be the same date as graduation (i.e., conference of a diploma, certificate, or degree) so it is important the actual course completion date is appropriately documented to identify the start of the 120-day eligibility window. There is no authority to extend this time period beyond the 120 days. Employment of Interns who are not converted into the competitive service will expire at the completion of the 120-day time period.

Recent Graduates Program: In accordance with 5 CFR 362.305(b), Recent Graduates are eligible for non-competitive conversion once they have met the requirements of 5 CFR 362.305(a). In general, Recent Graduate appointments are for a one year period, unless position requirements warrant a longer structured training program. Exceptions to the one year appointment are listed in the OPM-DoD Pathways Memorandum of Understanding (MOU). Noncompetitive conversion actions must be effective on the date the service requirement is met, or at the end of any agency-approved extension, if applicable. In accordance with the OPM-DoD Pathways MOU, a program extension may be approved for up to 120 days in specific circumstances. In the absence of those circumstances, there is no authority to extend the noncompetitive conversion eligibility time period. Employment of Recent Graduates who are not converted into the competitive service will expire at the end of the Recent Graduate program or, if applicable, at the end of the agency approved extension.

FREQUENTLY ASKED QUESTIONS AND ANSWERS

1. Who has primary responsibility for ensuring that noncompetitive conversions are effected within the appropriate time limits – human resources or management?

This is a shared responsibility among human resources (both at the local level and the operations level), the manager, and the Pathways participant. Clear communication between all parties throughout the duration of the Pathways appointment is crucial towards ensuring that program expectations are fully addressed and established timelines are met. Managers and human resources should have mechanisms in place to track when participants are eligible for conversion. Additionally, clear timelines should be established regarding when and what conversion paperwork is necessary to effect the personnel action.

2. If a manager has the intent to convert a Pathways participant but fails to submit the necessary action(s) to effect the conversion within the time limits, what steps should be taken to correct this error?

If a manager identifies an employee who is on an expired Pathways appointment, the manager should confer with the labor and/or employment relations office, as the employee must be notified he or she is on a de facto appointment. In this situation, because the manager intended to noncompetitively convert the Pathways participant, but did not submit the request for personnel action timely, the manager may work through the servicing human resources office to attempt to regularize the period of de facto employment to give the employee a proper appointment, which could result in an appointment under a different hiring authority.

3. What happens to the time spent under the period of de facto employment once an appointment has been regularized?

In general, the time spent in a de facto status is not creditable toward time-in-grade (TIG) or career tenure. However, if the de facto employment can be regularized under a different hiring authority to place the individual in the competitive service, then that time may be credited, but only from the effective date of the regularized appointment. If the effective date of the regularized appointment does not cover the entire period of de facto employment, then OPM has the authority to grant a staffing variation to allow the de facto time to be credited towards pay, qualifications, leave accrual, and retirement. However, OPM must review each case individually to determine what time, if any, is creditable and for what purpose.

4. If a Pathways appointment is expired and the entire de facto time has been regularized using a different hiring authority to place the participant in the competitive service, is the time spent under the Pathways appointment creditable towards career tenure?

No. The Pathways Program regulations allow for time spent serving as a Pathways Participant to count towards career tenure only when the individual is converted into a permanent position in the competitive service under the Pathways authority. See 5 CFR 362.107 (e). However, time spent on the Pathways appointment may be creditable towards experience or TIG for promotion purposes in the competitive service.

5. What happens if a Pathways appointment is expired and the manager failed to timely submit the action for noncompetitive conversion, but the organization is unable to regularize the period of de facto employment?

If all attempts to regularize the employment have been exhausted, then the employee should be left on the expired Pathways appointment and a request for staffing variation should be submitted. In general, if the organization is unable to regularize the de facto employment and the initial Pathways appointment is valid, a staffing variation is a means of last resort to alleviate hardship to the employee due to the agency error in effecting the conversion action timely.

6. What happens when an organization identifies an eligibility error in the Pathways appointment?

All efforts must be made to regularize the erroneous Pathways appointment and place the employee on a legal appointment. The time spent on the erroneous appointment is not creditable toward TIG or career tenure. A staffing variation is the remedy of last resort and may be granted to avoid unnecessary hardship to the employee, i.e., loss of employment, pay, grade or significant service credit.

If the erroneous Pathways appointment has been regularized with a legal appointment (either under the Pathways authority or a different authority), then a staffing variation may be requested for service credit for the period of de facto employment. If the organization is unable to regularize the erroneous appointment, a staffing variation must be submitted to OPM, through DCPAS via Component Headquarters, in order to retain the employee and grant service credit for the period of de facto employment. In either situation, OPM must review all cases on an individual basis to determine what time, if any, is creditable toward TIG and career tenure, as well as annual leave accrual, pay, qualifications, and retirement.

7. What documentation needs to be included in a staffing variation request? Is there a checklist available?

Packages should include a summary of the error based on the specifics of the individual case, to include an explanation of why the error occurred (i.e., failure to timely convert or erroneous appointment). The requests should also include the employee's SF-50 of initial Pathways appointment and the regularized SF-50 (if applicable). If the variation request is a result of an appointment eligibility error, packages should include the vacancy announcement, employment application, and selection certificate for both the Pathways appointment and regularized legal appointment (if applicable).

8. Where should a request for Pathways staffing variation be submitted? What is the expected timeframe to receive a response from OPM?

Please send staffing variation requests to the DCPAS Pathways Program team, dodhra.mc-alex.dcpas.list.ec-policy@mail.mil. Once DCPAS has reviewed the package to ensure all necessary documentation is included, the package will be submitted to OPM. The OPM timeframe for a response to a Pathways variation request may vary depending on the complexity of the case.

SCENARIOS

1. Erica was appointed as a Recent Graduate into a GS-09 position in February 2018. Erica was eligible for noncompetitive conversion to a GS-11, target 12 position in February 2019. However, her employer failed to process the conversion in a timely manner. In May 2019, Erica's period of de facto employment was regularized using another hiring authority that placed her in the competitive service at the GS-11. Is her de facto employment creditable?

Generally, service credit for TIG and career tenure can only be credited from the date of the regularized appointment, in this case, May 2019. However, OPM may grant service credit towards pay, qualifications, leave accrual, and retirement for the period of de facto employment. A staffing variation request must be sent to OPM as they will determine which service is creditable for what purpose.

2. Using the same example as above, when is Erica eligible for a promotion to the full performance level GS-12? Does Erica's employer need to wait for a final OPM decision before promoting her?

As her appointment was regularized to the GS-11 in May 2019, Erica is eligible for promotion to the GS-12 in the competitive service no earlier than May 2020. The employer need not wait for a final determination from OPM to promote Erica in May 2020 since the period of de facto employment as a GS-09 is not creditable experience for a promotion to a GS-12 position.

3. Julia graduated from college with a degree in December 2017. She recently applied for a position as a Recent Graduate in October 2019. Julia was selected for the position in November; however, based on the backlog in security clearance requests the employer is unable to appoint her until March 2020. Is Julia eligible for appointment as a Recent Graduate as the effective date is more than two years since she received her degree?

Yes, Julia may still be appointed as a Recent Graduate. To be eligible for the Recent Graduates Program, an applicant must apply within the previous two years of degree or certificate completion. Julia has until December 2019 to submit her application. Since she applied in October 2019, she meets the eligibility requirements, even if the consideration and appointment occur after December 2019.

REFERENCES

- Executive Order 13562
- 5 Code of Federal Regulation, Part 362
- OPM Guidance on Student and Recent Graduates
<https://www.opm.gov/policy-data-oversight/hiring-information/students-recent-graduates/>

- DOD Memorandum Of Understanding
https://www.dcpas.osd.mil/Content/documents/EC/2018DoDPathwaysProgramsMOU_DoDImpGuidance.pdf

POINTS OF CONTACT

For additional information: dodhra.mc-alex.dcpas.list.ec-field-advisory-support@mail.mil