



National Student Educational Employment Program (SEEP)

Program Policies and Guidelines

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Introduction

Since its inception, the Bureau of Land Management's (BLM or the Bureau) Student Educational Employment Program (SEEP) has served the BLM as a tool for workforce planning and diversity. The SEEP Policies and Guidelines, in three-parts, serve as a resource guide for State and Center SEEP Coordinators as they assist with the recruitment, employment, training, and, if applicable, conversion of SEEP participants.

Part One of the SEEP Policies and Guidelines includes the history of and regulations for the SEEP as well as the role and benefits of SEEP for the Bureau. Parts Two and Three outline the implementation of the two SEEP components: the Student Career Experience Program (SCEP) and the Student Temporary Employment Program (STEP). In addition, related policy, regulations, and forms appear in Appendices A, B, and C.

Specific topics of the SEEP Policies and Guidelines include:

- A brief narrative about the history and a description of Federal student employment programs, to include the benefits of the programs for the hiring agency, the student appointee, and the cooperating academic institution;
- A discussion of the relationship between the BLM's Special Initiatives Division of the Human Capital Management Directorate and the SEEP employment, to include the Department of the Interior's (DOI or the Department) and BLM's workforce planning and workforce diversity information;
- An overview of recruitment processes for projected SCEP and STEP vacancies;
- A list of eligibility requirements for potential SCEP and STEP participants, established by the Office of Personnel Management (OPM), the Department, and the BLM;
- An outline of the application and selection processes for the SCEP and STEP programs;
- An overview of specific employment issues--such as working agreements, compensation and benefits, and financial assistance—for the SCEP and STEP programs;
- An in-depth discussion of mentoring, orientation, and training for the SCEP and STEP appointee, to include the roles and responsibilities of the student, the supervisor, the mentor, and the State and Center SEEP Coordinators;
- An overview of performance management tools for the SCEP and STEP programs, to include the Individual Development Plan, Performance Appraisal, and Progress Reports; and,
- A discussion of the conversion process for SCEP appointees and employment opportunities for STEP students.

For additional instruction or questions, State and Center SEEP Coordinators may contact the National SEEP Coordinator.

Student Educational Employment Program (SEEP)

In December 1994, the OPM replaced four existing federal programs—the Cooperative Education Program, Federal Junior Fellowship Program, Stay-In-School Program, and Harry S. Truman School Program—with one, student education program: the SEEP.

The following section provides an overview of the SEEP, a discussion of the relationship between the BLM's Special Initiatives Division of the Human Capital Management Directorate and the SEEP, as well as a list of the benefits of the SEEP for the Bureau, the participating student employees, and the collaborating academic institutions.

Overview of the SEEP

The SEEP provides Federal agencies with a consistent, regulated structure for hiring student employees (See Appendix A-1, 5 CFR 213.3202). Under the SEEP, Federal agencies may hire students as permanent, career-track employees or as temporary employees.

Permanent, career-track student employees fall under the SCEP component of the SEEP umbrella. The SCEP provides *career and study-related employment* for a student enrolled or accepted for enrollment as a degree- (diploma, certificate, etc.) seeking student with at least a half-time academic / vocational or technical course load in an accredited high school, technical or vocational school, two or four year college or university, graduate or professional school. A student may be non-competitively converted from a SCEP appointment in the excepted service into the competitive service after satisfactory completion of educational and work requirements.

Temporary student employees fall under the STEP component of the SEEP umbrella. The STEP provides *flexible, temporary employment* for a student enrolled or accepted for enrollment as a degree- (diploma, certificate, etc.) seeking student with a half-time academic / vocational or technical course load in an accredited high school, technical or vocational school, two or four year college or university, graduate or professional school. Under the STEP, a student may work in a professional, administrative, technical, clerical, or trades / labor position with duties unrelated to the student's academic and career goals. A STEP participant may be converted to a SCEP appointment and receive credit for his or her work in the same professional and academic field.

Human Capital Management and the SEEP

Through the SEEP, the Special Initiatives Division, Washington Office (WO) 730, provides two services to the Bureau: (1) workforce planning through needed skills-replacement, and (2) workforce diversification.

Specifically, the WO 730 develops and implements national policies and procedures for the SEEP components. The WO 730 consists of the Division Manager of WO 730, the National SEEP Coordinator, and the Program Coordinators for the Asian American Pacific Islander (AAPI) Program, the Historically Black Colleges and Universities (HBCU) Program, the Hispanic Serving Institutions (HSI) Program, the Students with Disabilities Program (SWDP), and the Tribal Colleges and Universities (TCU) Program.

In the leadership role, the National SEEP Coordinator facilitates communication among the WO 730 and the State and Center SEEP Coordinators. The National SEEP Coordinator provides the State and Center SEEP Coordinators, managers, and students with Federal regulation and guidance as well as National BLM Program Policies and Guidelines for the SCEP and STEP. In addition, the National SEEP Coordinator provides criteria for mentorship, orientation, and training for SEEP participants. Finally, the National SEEP Coordinator evaluates program success, nationwide, as State or Center SEEP Coordinators provide information about local student progress and conversion.

The WO 730 encourages success for its diverse candidates and targeted recruitment efforts through funding assistance, listed below, for offices who appoint students from underrepresented groups and to employment positions in job series of critical need, as noted in annual workforce planning analyses.

- First year SCEP students are eligible to receive: up to twelve continuous weeks of regular salary, travel to and from the duty station (not to include PCS move, lodging, or per diem), tuition assistance (up to \$3,000 for out-of-state tuition and \$2,000 for in-state tuition), as well as orientation for the student and the student's mentor.
- Returning SCEP students are eligible to receive: tuition assistance (up to \$3,000 for out-of-state tuition and \$2,000 for in-state tuition) and travel to and from the duty station (not to include PCS move, lodging, or per diem).
- New and returning STEP students hired through an approved WO 730 Field-Based Partnership Initiative may receive up to twelve weeks of regular salary. Funding assistance for Field-Based Partnership Initiatives is dependent upon the availability of funds each fiscal year and the return on investment of each initiative.

Finally, the WO 730 creates or assists in the creation of partnerships that address workforce planning needs and support the Executive Orders (EO) related to HBCU, HSI, TCU, AAPI, and SWDP Programs (See Appendices A2-A6, EO 13125, 12876, 13270, 13163, and 13230). The partnership efforts fulfill the EO, complement the SEEP, as well as support targeted recruitment and employment efforts as established by the Department's diversity efforts.

Benefits of the Student Educational Employment Program

Both SEEP components benefit the BLM, the student employee, and the cooperating academic institution.

For the BLM, the SCEP and STEP provide:

- A tool for addressing workforce planning and skills replacement needs; and,
- A means by which the Department and the BLM achieve their shared diversity goals.

For the student, the SCEP provides:

- Financial stability as students receive a competitive salary, eligibility for Federal benefits, and opportunities for tuition assistance;
- Work experience and skill development directly related to academic and career goals; and,
- Eligibility for full-time employment upon successful completion of academic and work requirements.

For the student, the STEP provides:

- Financial stability as students receive a competitive salary;
- Real-world work experiences in a variety of professional disciplines; and,
- Potential for conversion to the SCEP.

For the cooperating academic institutions, SCEP and STEP provide:

- A well-rounded student body through the application of classroom theory;
- A more informed and marketable career placement and student services office; and,
- The potential for further partnership efforts between the BLM and the academic institutions.

In all, the BLM, the student employee, and the cooperating academic institution have an investment in the success of the SEEP.

Student Career Experience Program (SCEP)

The following section outlines one annual cycle of the SCEP. The discussion includes recruitment and selection, employment, training and performance management, and conversion processes for the SCEP cycle. In addition, the discussion includes the roles and responsibilities of SCEP student employees and related BLM employees (See Appendix B-1, List of Roles and Responsibilities).

Federal regulations and personnel requirements apply to all SCEP student employees, regardless of duty location and funding source. Additional requirements and processes vary by state or office.

Recruitment and Selection Processes

Individual BLM States and Centers develop and implement SCEP recruitment strategies as a part of the State or Center's overall recruitment plan and anticipated workforce planning needs. The WO 730 facilitates communication among the States and Centers about all planned recruitment events. In addition, the WO 730 attends several recruitment events throughout the fiscal year.

Recruitment Calendar

Throughout the fiscal year, the WO 730 distributes an updated recruitment calendar that provides the names, dates, and other pertinent information for recruitment events that the WO 730 will attend.

The WO 730 Program Coordinators select recruitment events for the calendar based, primarily, on the criteria listed below.

- Does the event attract a substantial number of students from under-represented groups or in BLM areas of critical need?
- What is the recruitment event's potential return on investment?

BLM Representatives at Recruitment Events

The WO 730 Program Coordinator assigned to a recruitment event will select attendees with the following factors in mind.

- Does the BLM employee have significant working knowledge of the SCEP, and can the BLM employee articulate his or her knowledge with potential SCEP candidates?
- Does the BLM employee have an existing relationship with the hosting organization? For example, is the employee a current or former member of the organization or an alumni of the academic institution?
- Can the BLM employee best reach or interact with the target audience? For example, the WO 730 Program Managers may select a Native American employee for the American Indian Science and Engineering Society (AISES) Conference.
- Does the BLM employee represent a State or Center with current SCEP vacancies?
- Is the BLM employee willing to recruit students on the national level, for BLM offices nationwide?
- Will the geographic location of the BLM employee's duty station prove financially responsible or beneficial?

As room and funding allow, the WO 730 Program Coordinators will request that State and Center SEEP Coordinators nominate BLM employees to attend the recruitment events.

Note: Submission of a nomination does not ensure that the BLM employee will be selected as an attendee of a recruitment event. If selected, the 730 will pay for the employee's travel, per diem, and conference registration fees.

Student Eligibility Requirements

Based on OPM regulations, a student must meet the following requirements to be appointed to a SCEP position (See Appendix A-1, 5 CFR 213.3202).

- A student enrolled or accepted for enrollment as a degree (diploma, certificate, etc.) seeking student with at least a half-time academic / vocational or technical course load in an accredited high school, technical or vocational school, two or four year college or university, graduate or professional school. The school in which the student is enrolled provides the definition of half-time course load.
- A U.S. citizen at the time of non-competitive conversion to a term or permanent career conditional appointment. The BLM may appoint non-citizens provided that the student is lawfully admitted to the U.S. as a permanent resident or otherwise authorized to be employed. The BLM's ability to appoint a non-citizen to a SCEP position is subject to change, as Federal agencies may be precluded from hiring non-citizens to an excepted service by a ban in their appropriations act. See Appendix A-7 for OPM's guidance on the Appropriations Act Ban on Paying Certain Non-Citizens.
- An individual of sixteen years of age or older. No maximum age restrictions exist for the overall SCEP program; however, age restrictions may apply to specific positions-such as Wildland Fire, Law Enforcement, and Land Surveying.
- A student with a cumulative 2.5 Grade Point Average or better and in good standing with his or her academic institution.

In addition, the 5 CFR 213.3202 authorizes agencies to develop qualifications standards for evaluating and promoting SCEP participants (See Appendix A-1, 5 CFR 213.3202).

DOI Personnel Bulletin No. 06-08 establishes the DOI's qualification standard for SCEP positions (See Appendix A-8, DOI PB 06-08). The Personnel Bulletin includes a list of SCEP occupational series covered by the Department, an explanation of frequently used terms-such as academic year or pre-professional study-and a discussion of the SCEP conversion process.

In addition, the BLM's Qualifications Standards for Student Trainees discusses the following criteria for initial appointment and promotion requirements (See Appendix A-9, Bureau of Land Management's Qualifications Standard for Student Trainees).

A student must have:

- The level of education needed to qualify for appointment at a specific grade; and,
- The level of education and experience needed to qualify for promotion at a specific grade .

For additional requirements, the State or Center SEEP Coordinator should consult the Qualifying Standards for the region. For example, a SCEP applicant who is pursuing a Master's degree and has related professional experience may qualify for a higher grade than a SCEP applicant who is pursuing a Master's degree with non-related professional experience. OPM standards allow for hiring flexibility in these cases.

Application and Selection Processes

A State or Center may announce its SCEP employment vacancies through the BLM JOBS On-line system where students compete for the posted vacancies. A State or Center may, also, recruit for students independently and hire student "on-the-spot" because the 5 CFR 213.3202 allows for appointment of a SCEP student without full and open competition (Appendix A-1).

Regarding full and open competition, OPM's Schedule B positions are exempt from standard competitive examining procedures (See Appendix A-10, 5 CFR 213.3201). Students appointed under the Schedule B Student Educational Employment Programs are exempt from the ranking requirements of the Excepted Services (See Appendix A-11, 5 CFR 302.101). However, veterans' preference does apply in the selection of student employees. Finally, 5 CFR 213.3202 explicitly states that written tests are waived for students hired through the SCEP (Appendix A-1).

Once the hiring official makes a selection, the student's supervisor contacts the State or Center SEEP Coordinator with the hiring decision and start date. The State or Center SEEP Coordinator sends the new SCEP student employee a welcome packet, which should include a welcome letter and information about the duty station (See Appendix B-2, Sample Student Appointee Welcome Letter).

Requests for Funding Assistance from the WO 730

Each fiscal year, the WO 730 invites State and Center SEEP Coordinators to submit requests for WO 730 funding assistance for newly-hired SCEP students and recently-converted STEP students. For consideration, students must be under-represented in the BLM's national workforce, when compared to the Civilian Labor Force (CLF).

Note: State and Center SEEP Coordinators may submit requests for WO 730 funding assistance for STEP students converted after May 1 of the prior fiscal year.

Requests should be submitted to the National SEEP Coordinator on the WO 730 Funding Assistance Request Sheet (See Appendix B-3, WO 730 SCEP Funding Assistance Request Form). The National SEEP Coordinator will accept funding requests from January 1 to May 15th of each fiscal year.

WO 730 funded students are eligible to receive the following funding assistance.

For the first year of employment:

- Up to twelve continuous weeks of regular salary (for May 1 to August 31 work months only);
- Travel to and from the duty station (one time per fiscal year and not to include PCS move, lodging, or per diem);

- Orientation travel and per diem for the SCEP appointee and mentor (not to include labor costs for the mentor); and,
- Tuition assistance (up to \$2,000 per fiscal year for in-state tuition, and up to \$3,000 per fiscal year for out-of-state tuition).

The second through the final year of employment in the program:

- Travel to and from the duty station (one time per fiscal year and not to include PCS move, lodging or per diem); and,
- Tuition assistance (up to \$2,000 per fiscal year for in-state tuition, and up to \$3,000 per fiscal year for out-of-state tuition).

As stated, the SCEP student employee is eligible to receive all of the listed assistance; however, hiring offices may not request all of the provided assistance. For example, the new SCEP student may live near the work station and, therefore, not need travel assistance. The State or Center SEEP Coordinator should state any such differences in funding need on the proposal sheet.

If the request for funding assistance is denied, the National SEEP Coordinator notifies the State or Center SEEP Coordinator in writing.

If the request for funding assistance is granted, the National SEEP Coordinator sends a SCEP Funding Confirmation Letter to the State or Center SEEP Coordinator (See Appendix B-4, Sample SCEP Funding Confirmation Letter). The State or Center SEEP Coordinator, then, has ten business days to complete and return the SCEP Funding Confirmation Letter to the National SEEP Coordinator with the following information, or the funding assistance is withdrawn:

- Student Name;
- New Position Title;
- Grade Level;
- Duty Station;
- Start and End of Initial 12 Weeks of Employment;
- Dollars Needed for Salary, Tuition, and Travel;
- Supervisor's Name and Contact Information;
- Mentor's Name and Contact Information; and,
- Designated Time Keeper's Name and Contact Information.

When the National SEEP Coordinator receives the information, a SCEP Funding Information Letter—with salary amount and cost codes—and WO 730 Funding Guidelines are sent to the State or Center SEEP Coordinator, SCEP supervisor, and designated time keeper. (Appendix B-5, Sample SCEP Funding Information Letter). See Appendix B-8 for the FY 2007 Funding Guidelines, which serve as a sample only. Funding Guidelines may vary by fiscal year.

Employment Issues

State and Center SEEP Coordinators, managers and supervisors, and other relevant Bureau employees should familiarize themselves with the employment regulations and policies before a new SCEP student employee's start date.

On the start date, the Human Resources Specialist will provide the new SCEP student employee with information about the Bureau's policies, and will conduct the employee's Enter-On-Duty (EOD) process. At that time, the new SCEP student employee will receive standard forms and instructions, such as W-2, election of health and life insurance, etc.

Appointments

5 CFR Section 213.3202 governs permanent student appointments for the Bureau and other Federal agencies. Under those regulations, a SCEP appointment combines a student's educational and career goals with career-related work in a Federal agency. The work experience must relate directly to his or her academic and career goals (See Appendix A-12, OMB Bulletin 93-08).

Note: A new SCEP student employee must produce official documentation of his or her current academic standing and course of study. A student who is entering or changing colleges must produce an acceptance letter from the academic institution. In this case, the student must also submit documentation that he or she has registered for classes.

The SCEP appointment begins on the initial date of duty and ends within 120 days after the completion of academic course requirements conferring a diploma, certificate, or degree. Executive Orders 12015 and 13024 permit this 120 day period; however, after the 120 days, the SCEP student employee must be separated if not converted into a position in the competitive service (See Appendix A-13, Executive Order 12014 and Appendix A-14, Executive Order 13024).

Note: Students converted from the STEP to the SCEP can receive credit towards the mandatory 640 hours for work hours accrued under the STEP hiring authority. However, the student must produce clear documentation that the hours accrued as a STEP match the duties of the SCEP appointment.

Finally, participation in the SCEP program does not preclude students from working other government appointments; however, an individual is not entitled to receive basic pay from more than one position for more than an aggregate of 40 hours of work in one calendar week, from Sunday through Saturday (See Appendix A-15, 5 USC 5333).

Security Requirements

In accordance with Homeland Security Presidential Directive (HSPD) 12, all SCEP students must have a completed a minimum of a National Agency Check with Inquiries (NACI), including a review of the fingerprint files of the Federal Bureau of Investigation (FBI), prior to the issuance of a credential (See Appendix A-16, HSPD 12). Each State Human Resources Office will determine risk/sensitivity designations for the program office they service and process the required paperwork.

Suitability/security investigations for employees should be initiated at the State Human Resources Office before appointment. Investigations for positions designated Special Sensitive must be completed before the individual is placed in the position with no exception.

Working Agreements

State and Centers are required to develop a SCEP Working Agreement for each SCEP student employee accepted into the program. The SCEP Working Agreement must be agreed upon and signed by the student employee, the supervisor and mentor, the State or Center SEEP Coordinator, and a representative from the student's academic institution (See Appendix B-7, Sample SCEP Working Agreement).

The SCEP Working Agreement should include a minimum of the following elements:

- The student's effective date of entry;
- The nature of work assignments;
- A schedule of work assignments and class attendance;
- The evaluation procedures;
- Additional requirements for continuation and successful completion of the program;
- The name and location of the academic institution that the student attends;
- The nature of tuition assistance and repayment obligations, if applicable; and,
- Signature lines with dates.

The State or Center SEEP Coordinator should review the SCEP Working Agreement each year and ensure that the SCEP student and supervisor are in compliance. In addition, the State or Center Coordinator should create a new SCEP Working Agreement (to be signed by all parties) when a SCEP student employee changes, schools, positions, or duty locations.

A successful SCEP Working Agreement requires careful planning and communication. The nature and schedule of work assignments should not interfere with the student's academic performance, and the completion of the educational program and SCEP requirements should be accomplished in a reasonable and appropriate time frame.

In the planning and communication processes, the Bureau assumes the following roles and responsibilities.

- The Bureau provides the SCEP student employee with meaningful work related to the student's academic field of study, training, an Individual Development Plan (IDP), and the potential for conversion upon successful completion of academic and work requirements.

Finally, the student employee assumes the following roles and responsibilities.

- The student must provide the State or Center SEEP Coordinator with copies of his or her transcripts each semester or quarter.
- The student must notify the State or Center SEEP Coordinator and SCEP supervisor of any changes to or interruption in the student's academic studies.

- The student must maintain a cumulative 2.5 GPA or higher and remain in good academic standing with his or her academic institution.
- The student must complete his or her assigned duties for the BLM and the mandatory 640 hours of work, required by OPM, before conversion to a career, career-conditional, or term appointment.
- The student must ensure that his or her academic institution provides the State or Center SEEP Coordinator with a letter of completion, which states that the student has completed the requirements for graduation and the requirements for the target degree. Or, the student may submit a final transcript and diploma, with the final degree posted on the transcript. The letter, transcript, and diploma are considered acceptable only if they bear the official school seal.

Note: The student must provide the State or Center SEEP Coordinator with copies of his or her transcripts each semester. In addition, the State or Center SEEP Coordinator may request a student's transcript or grades at any time that he or she is considered a SCEP student employee. Students may be terminated from the program for non-compliance.

Job Title and Grade Levels

A student employed under the SCEP authority is designated Tenure 2 (conditional) for the duration of the student trainee appointment; appointed to positions subject to the General Schedule (GS) or Wage Grade (WG); and, paid according to that classification (See Appendix A-17, 5 CFR 351.502).

The Student Trainee (99 Series) is used for classification of most occupational groups. For example, a future biologist becomes a Student Trainee (Biology), GS-499-4. A SCEP student employee covered by the Federal Wage System receives a Student Trainee (-01 Series) classification for the appropriate occupational group. For example, a future Maintenance Mechanic becomes a Student Trainee (Maintenance Mechanic), WG-4701-4.

Compensation and Benefits

A SCEP student employee receives a salary at the current rate authorized by the Classification Act and receives authorized payment for overtime. Human Resources bases the student pay rate on grade level and step of appointment (visit www.opm.gov for current pay rates).

In addition, a SCEP student employee receives the following benefits and considerations (See Appendix A-1, 5 CFR 213.3202).

Promotions and Awards

A SCEP student employee may receive promotions to a higher-grade position with continued satisfactory performance and upon meeting appropriate qualification standards (See Appendix A-9, BLM Qualifications Standard for Student Trainee). In addition, a SCEP student may receive within-grade increases when he or she achieves critical results level on performance plans.

Finally, a SCEP student employee is eligible to receive a performance-based award from his or her employing office.

Work Schedules

Generally, a SCEP student employee works full-time (40 hours per week) during the summer months, and then, the student and supervisor agree upon a mutually beneficial work schedule for the academic school year, if possible. The student and supervisor may arrange work schedules for a full or part-time basis at any time, as long as the work load does not interfere with the student's academic schedule. However, the supervisor must submit an SF-52 (Request for Personnel Action) when he or she changes the work schedule from full-time to part-time or from part-time to full-time for more than one pay period.

Note: SCEP student employees who receive WO 730 funding assistance are required to work a full-time schedule (40 hours per week) during the twelve-week time period in which the student receives WO 730 funding assistance for salary. Any exceptions to the 40 hour requirements must be submitted to the National SEEP Coordinator in writing before the State or Center decreases the WO 730-funded student employee's weekly hours.

During work periods, a student earns sick leave at the rate of four hours per pay period and annual leave at the rate commensurate with his or her total federal service, including military service. The student may use earned leave on the same basis and subject to the same rules and regulations as other federal employees.

However, the student is placed in leave-without-pay (LWOP) status when not in working status. For example, the student is placed in LWOP status when he or she returns to an academic institution without continued work assignment for the Bureau. However, the supervisor must submit an SF-52 with an employee's written reason for the period of LWOP (i.e., the student returns to school at the University of Arkansas and will return on or about May 24); the LWOP status continues only at the request and approval of the supervisor and submission of the SF-52.

Standard Benefits

Typically, the SCEP student employee is eligible to receive retirement, life insurance, and health insurance benefits through the hiring agency.

A SCEP student employee with no prior service or less than five years of prior civilian service receives retirement under the Federal Employee Retirement System (FERS) as noted on www.opm.gov/retire. The SCEP student may contribute to the Thrift Savings Plan (TSP) as soon as he or she is hired. The amount that a SCEP student can contribute changes annually. The annual dollar total cannot exceed the Internal Revenue Code limit. Contributions may begin within sixty days of being hired; however, the agency will not begin its contributions until the last month of the second open season after the SCEP student is hired. More information is available at the Thrift Savings Plan website at www.tsp.gov.

A SCEP student employee is eligible for life insurance from the date of entry into the program, if he or she plans to participate in the SCEP program for one year and plans to be in-pay status for one-third of the entire appointment time. If interested, the SCEP student must enroll within 31 days of entry into the program. For more information, visit www.opm.gov/insure/life.

A SCEP student employee is eligible for health insurance from date of entry into the program, if he or she plans to participate in the SCEP program for one year and plans to be in pay status for one-third

of the entire appointment time. As most other federal employees, the SCEP student pays the employee's share of health insurance; this health insurance payment may include months of pay and non-pay status (LWOP) for the SCEP student. If interested, the SCEP student must enroll within 60 days of entry into the program. Visit www.opm.gov/insure for more information about student health insurance options.

In addition, the SCEP student employee may continue coverage for up to one year of non-continuous pay status. During periods of non-pay status, the student may pay health premiums through one of three options. The student may make payments as they become due, pre-pay the payment, or pay the premium upon return to the duty station in incremental payments. The SCEP student may also elect to terminate the coverage and reinstate it upon return to the duty station. The SCEP student must re-enroll within 60 days.

If the SCEP student has no interest in enrolling in the above benefits, he or she must sign a waiver (SF 2809 available at www.opm.gov/forms) indicating 'decline to enroll.'

Financial Assistance

The WO 730 provides funding assistance to designated SCEP student employees as previously described. Individual hiring offices may provide financial assistance, such as tuition or lodging assistance, to the SCEP student employee as a training expense.

Specifically, offices may use their training authority in 5 U.S.C. Chapter 41 and 5 CFR Part 410—observing the prohibitions in 5 U.S.C. 4107—to pay all or part of the student's tuition expenses (See Appendix A-18, 5 U.S.C. Chapter 41 and Appendix A-19, 5 CFR Part 410). However, these tuition expenses must relate directly to the student's official work duties.

In addition, 5 CFR 213.3202 provides the hiring offices with the authority to pay for other expenses directly related to training. In this sense, training includes on-the-job training at the assigned duty station, so the hiring office may pay for travel and transportation to and from the duty station as well as lodging and other living-related expenses.

Note: States or Centers may set upward limits on annual financial assistance for SCEP students. Individual hiring offices must adhere to the State or Office policies.

State or Center SEEP Coordinators must ensure that SCEP students sign and understand the SCEP Student Withdrawal Form (See Appendix B-8, SCEP Student Withdrawal Form). The Withdrawal Form states that the SCEP student must repay the Bureau for financial assistance if he or she is voluntarily separated from the program. Individual offices may collect the outstanding monies through the following six-step procedure.

1. The Bureau office determines the dollar amount that the SCEP student owes according to the signed SCEP agreement. The Bureau office verifies that funds paid to or for the student are not considered a student loan.
2. The Bureau office contacts the National Business Center's Accounting Operations Division (BC-621) to establish a Bill of Collection with Notice of Actions in cases of delinquency to the debtor. The Bureau sends the Bill of Collection to the debtor.

3. BC-621 enters a billing document into the Bureau's accounting system which documents the initial accounting code charged with the financial assistance and ensure proper reimbursement of charge codes.
4. The student must pay the Bill of Collection within 30 days or sign a repayment agreement. The repayment agreement requires the payment of debt within three years or less. Upon default, the debt is due in full. Interest is assessed from the date of the bill, if not paid within 30 days. A 6% penalty is assessed from the date of the bill, if the bill is delinquent more than 90 days.
5. The Bureau issues at least one additional demand letter beyond the original bill. An administrative charge of \$15 is assessed for each demand letter.
6. If payment is not received, the Bureau refers the debt to Treasury for collection action, administrative offset. The Treasury may report the debt to the IRS and a 1099c may be issued that reports the unpaid debt as income.

Individual offices may implement the six-step procedure but should ensure due process by providing the student with the following information before he or she accepts the financial assistance:

- The basis for debt and rights that the debtor may have to seek review within the Bureau, such as right to review documents and request a waiver;
- The standards for imposing interest, penalties, or administrative costs;
- The name, address, and phone number of contact person(s) of office within the Bureau;
- The opportunities for alternative methods of payment, such as a repayment agreement (installment payments); and,
- The actions in event of delinquency, such as referral to Treasury, IRS, and credit reporting agencies

For further information, individual offices may reference Federal Claims Collections Standards 31 CFR parts 900 through 904 and 31 U.S.C. 3711 about Authority; 31 U.S.C. 3716(a) about Due Process; and, 31 U.S.C. 3720A and 31 CFR 285.2 about Tax Refund Offset.

Training and Performance Management

The following section discusses the employment tools available to and the roles and responsibilities of the SEEP Coordinator, SCEP Supervisor, and SCEP Mentor as they guide each SCEP student employee through the program.

Roles of the SEEP Coordinator, SCEP Supervisor, and SCEP Mentor

The **State or Center SEEP Coordinator** manages and administers the SEEP Program. The roles and responsibilities of a Coordinator include but are not limited to the following items:

- Monitors grades and work and school schedule changes;
- Tracks and monitors tuition submissions, requests, and payments;
- Ensures that each student has a signed SCEP Agreement;
- Ensures that each student has an Individual Development Plan (IDP);
- Ensures that each student is assigned a Mentor;
- Ensures that the student continues to meet all SEEP Program requirements; and,
- Conducts an exit interview with all students (resigning, terminated, converted, etc).

All SCEP participants must have a **SCEP Supervisor**. The roles and responsibilities of a SEEP Supervisor include but are not limited to:

- Ensures that students have meaningful assignments related to their field of study and position for which they were hired;
- Works with the students in developing the IDP;
- Maintains communication with the SEEP Coordinator, SCEP Mentor, and student employee regarding student's progress while in program;
- Notifies SEEP Coordinator immediately of any changes in work schedule, performance, and/or placement matters; and,
- Annually evaluates student performance.

All agency SEEP Program participants are required to have a **SEEP Mentor**. A Mentor is defined as "a coach or guide entrusted with the orientation and education of another; a tutor."

An employee interested in participating as a Mentor for the SEEP Program will be required to complete the BLM National Training Center's "Do You Want To Be A Student's Mentor" on-line course through DOI Learn at <https://doilearn.doi.gov> (See Appendix B-9, IB for Online Mentor Training Course).

Note: Former SCEP students are eligible to become mentors no less than two years after the conversion date from the SCEP program.

All **SCEP Student Participants** are required to contribute to their own success. Thus, the roles and responsibilities of the student participant include but are not limited to the following items:

- Performs the duties identified in the PD and performance plan;
- Works with Supervisor in development of the IDP;
- Provides SEEP Coordinator with copy of the IDP; and,
- Notifies the SEEP Coordinator and Supervisor immediately of any changes related to work and/or school and provides SEEP Coordinators with updated information regarding (grades, personal information, etc).

In sum, a successful employment experience requires effective communication as well as the collaboration and cooperation of all four parties: the Student, Supervisor, Mentor, and SEEP Coordinator.

Orientation and Training

New SCEP student employees should receive several types of work-related training: an initial, site-specific orientation from the Supervisor and / or Mentor, a more general orientation to the Bureau, and on-the-job training. The site-specific orientation may occur before the general orientation to the Bureau, or just the opposite may occur. The order of specific orientation and training opportunities depends largely upon the start date versus the general orientation dates.

The site-specific orientation provides the new SCEP student employee with information about the worksite, daily expectations, and office procedure. Suggested topics for the site-specific orientation include but are not limited to the following items:

- Work schedule and completion of time card;
- Requests for leave / vacation;
- Call-in procedures, if sick;
- Travel and per diem;
- Procurement/purchase authority with credit card;
- Telephone use and personal phone calls;
- Acquisition of office equipment and supplies;
- Security office equipment and supplies;
- Proper use of government property (i.e. vehicle, computer, office supplies/equipment, etc);
- Proper use of internet and websites;

- Driving regulations, vehicle safety, liability protection, and injury compensation coverage;
- Fire drill and emergency evacuation procedures;
- Employee Assistance Program (EAP); and,
- Equal Employment Opportunity (EEO) Program.

The general orientation to the Bureau provides the new SCEP student employee with information about the Bureau's mission, history, and role as well as information about the SCEP.

New SCEP student employees who receive funding assistance from the WO 730 must attend the National SCEP Orientation event at the National Training Center in Phoenix, Arizona. The WO 730-funded students must attend the SCEP Orientation event during their first year in the SCEP and be accompanied by an official mentor, unless the WO 730 grants a waiver for the orientation. See the current fiscal year's WO 730 SEEP Funding Guidelines for current requirements and procedures for a waiver.

New SCEP students who do not receive funding assistance from the WO 730 may obtain a copy of the SCEP Orientation workbook or may attend the annual SCEP Orientation event at the National Training Center at the expense of the hiring office.

In addition, new SCEP students may attend a general SCEP Orientation event provided by a State or Center. New SCEP student employees who receive WO 730 funding assistance may attend a State or Center's Orientation in addition to but not in place of the National SCEP Orientation in Phoenix. Individual State or Center SCEP Orientation events should include a minimum of the following information:

- An overview of the Bureau;
- An overview of the SCEP;
- The roles and responsibilities of the student, supervisor, mentor, and SEEP Coordinator;
- An overview of pay, benefits, leave, and administrative procedures;
- A discussion of career management and performance review;
- A discussion of diversity and EEO as well as sexual harassment; and,
- A discussion of ethics

In addition, each SCEP student employee completes work duties related to his or her academic field and career goals. These work duties and accompanying hours provide hands-on training for the employee. When necessary, a SCEP student employee may complete training courses when the Mentor, Supervisor, and student consider additional training necessary to job performance. In this case, the hiring office should finance all training expenses, including travel, lodging, and per diem.

Individual Development / Training Plan

Within thirty days of the SCEP student employee's employment start date, the student and his or her supervisor should develop an IDP that outlines the SCEP student appointee's learning objectives and specific work activities and expectations. These objectives and expectations reflect the student's career and academic interests as well as the Bureau's needs for the position.

Final Performance Review and Progress Review

SCEP student employees are eligible for noncompetitive conversion to a term, career-conditional, or career status and, therefore, must be appraised on their performance.

The SCEP employee must serve a minimum of ninety work days before undergoing a performance appraisal. This ninety day or more work period should fall between the standard appraisal period, from October 1 to September 31. If not, the student's appraisal period should be extended until he or she meets the 90 day requirement, and then, the Supervisor should complete a standard Performance Appraisal. If the final work date extends beyond the Performance Appraisal date, the Supervisor may conduct a Final Review in addition to the Performance Appraisal, but not in place of the Performance Appraisal (See Appendix B-10, Final Review Sheet).

If the work phase lasts less than ninety days, the Supervisor should complete a Progress Review Sheet and not a Performance Appraisal or Final Review Sheet (See Appendix B-11, Sample Progress Review Sheet). In addition, the Supervisor may complete Progress Reports / Review Sheets intermittently as he or she tracks the SCEP student employee's progress.

The SCEP student employee and Supervisor should discuss the completed evaluation(s), and both parties should sign and date the document(s). The Supervisor should, then, retain the original(s) and provide the SCEP student employee and State or Center SEEP Coordinator with a copy. All three parties should keep the document(s) and other notes in a work folder with the SCEP appointee's IDP, training, and other performance-related materials.

Changes in Employment

Termination Procedures

The Bureau invests valuable resources into the professional development of each SCEP student employee. However, unforeseen events, listed and discussed below, may end the working relationship between the Bureau and the SCEP student employee. For consistent policy and procedure, the student's supervisor should coordinate with the local Employee Relations Office before a SCEP student employee is involuntarily separated.

1. The student resigns, withdraws from the employment program.

Note: For employee resignation, ideally, the student provides written notification of his or her intent to the supervisor, and the supervisor forwards the notification to the local Human Resources Office along with an SF-52 requesting resignation with an effective date. If the employee resigns verbally, the supervisor must send the local Human Resources Office a memorandum for the record.

2. The educational institution suspends or expels the student.
3. The student withdraws from the educational institution.
4. The student does not maintain the academic standards of the school and the SCEP program.
5. The student changes his or her current academic curriculum to an academic curriculum that no longer matches the job position or duties, which disqualifies the student from the SCEP program.

Note: When academic status changes—due to suspension, expulsion, withdrawal, low academic standards, or a change in curriculum—the Supervisor contacts the local Human Resources Office, and that office handles the termination procedure.

6. The program office cannot employ the student due to administrative reasons, such as budget constraints or Reduction-In-Force (RIF).

Note: If the SCEP student has not completed his/her education requirements, students are covered by OPM's reduction in force regulations and are placed in excepted service, Tenure Group 2 (conditional). If, however, the student has completed his/her education requirements, and is within the 120- day conversion period for optional conversion, he or she has no vested right to remain employed and has no mandatory right to be non-competitively converted to a competitive service. Therefore, the agency may terminate the student without regard to reduction in force regulations.

7. The student does not perform his or her work duties successfully or conducts him or herself in an unsatisfactory manner.

Note: When the student's work performance or conduct warrants termination, the Supervisor contacts the local Human Resources office, and that office handles the termination procedure.

Withdrawal Procedures

A SCEP student employee may resign from his or her position and withdraw from the program at any time. The student should be encouraged to submit a formal resignation letter to the local Human Resources Office before departure. In addition, the student should be informed of any financial repercussions of voluntary withdrawal from the program, such as repayment of tuition assistance and other relevant retention incentives.

Within a reasonable time period, State and Center SEEP Coordinators should notify the National SEEP Coordinator, in writing, when WO 730-funded students withdraw from the program.

Transfer Procedures

A SCEP student employee may transfer from one duty station to another prior to conversion, but only if circumstances or opportunities become available. The student must sign a new SCEP Working Agreement that outlines the conditions of and requirements for his or her new employment position.

In addition, a SCEP student employee may transfer to another Bureau or Agency prior to conversion. State and Center Coordinators should facilitate the transfer process and ensure that students meet the requirements of the new organization.

Within a reasonable time period, State and Center SEEP Coordinators should notify the National SEEP Coordinator, in writing, when WO 730-funded students transfer between duty stations or to another Agency.

Conversion

The Bureau's goal is to convert SCEP student employees into career, career-conditional, or term appointments. The SCEP student employee and related Bureau employees must complete the necessary documentation for conversion no later than 120 days after the student meets the diploma or degree requirements, not the date of graduation (See Appendix A-12, OMB Bulletin 93-08; Appendix A-13, Executive Order 12015; and, Appendix A-14, Executive Order 13024).

Executive Order 12015 states that a student in a career-related work-study program, such as the SCEP, may be converted noncompetitively if the student meets the following criteria:

- The student has satisfied all course requirements leading to completion of related curriculum at an accredited school;
- The student has completed within the preceding 120 days an educational program that meets provisions established by OPM;
- The student has completed the mandatory 640 hours of work required by OPM;
- The student is recommended for appointment by the employing agency in which career-related work was performed; and,
- The student satisfies such other requirements and conditions as OPM may prescribe.

Note: Based on updates to the 5 CFR 213. 3202, a Federal agency may substitute related work and academic experience for up to 320 of the 640 hours of work required for conversion from a SCEP appointment to a career, career-conditional, or term appointment. The Department recently published its interpretation of the updates to the CFR and should be followed by the Bureau's States and Centers. See Appendix A-8 for DOI PB 06-08 (an Update to DOI PB 02-05) which includes the Department's Policy on SCEP 640 Hour Work Requirement.

The State or Center SEEP Coordinator must receive the following documentation before a SCEP student can be considered for conversion into a career, career-conditional, or term employee (See Appendix A-12, OMB Bulletin 93-08; Appendix A-13, Executive Order 12015; and, Appendix A-14, Executive Order 13024):

- Official transcript with the final degree posted;
- Written verification of 640 hours of career-related work experience;
- Written recommendation for conversion to include funding information and desired date of conversion;
- OF-8, Position Description (PD), and cover sheet for the target position;
- Position Classification Amendment (as required for GS levels leading to full performance); and,
- SF-52, Request for Personnel Action, initiated by Supervisor.

Law Enforcement SCEP must satisfy an additional four requirements prior to conversion, to include:

- Completion of Single Scope Background Investigation (SSBI);
- Completion of Pre-employment physical;
- Completion of drug test; and,
- Completion of Physical Efficiency Battery (PEB).

Note: The Single Scope Background Investigation should be initiated four to six months prior to the anticipated graduation date as this investigation may take up to six months to complete. The remaining three requirements can be accomplished one month prior to conversion.

A sample SCEP Checklist for Conversion is available for reference in Appendix B-12.

Finally, a successfully-converted SCEP student employee receives several benefits from the Federal service and the Bureau.

1. The converted SCEP student employee receives credit toward the one-year probationary period required for all new Federal employees, with a few conditions. The work experience must fall within the same line of work, with the same qualifications. The work experience contains or is followed by no more than a single break in service that does not exceed 30 calendar days. And, leave without pay in excess of 22 working days is not creditable and extends the probationary period by an equal amount.
2. The converted SCEP student employee is eligible to limited permanent change of duty station (PCS) benefits from the hiring office; transportation cost only for immediate family members; movement of household goods; and 90 days of storage of household goods, if needed.

The successfully-converted SCEP student employee receives information about these benefits and the converted status in a letter from the hiring office (See Appendix B-13, Sample Conversion Letters to SCEP Appointees).

Note: Upon conversion, the SCEP student employee may be assigned to the same duty station; however, the duty location is based upon the availability of position and at the discretion of management. If the region cannot convert a student based on lack of availability, the State or Center SCEP Coordinator will identify other placement opportunities within the Bureau for the SCEP student employee. In addition, the student may transfer their non-competitive eligibility for conversion to another Federal agency as long as the transfer occurs within the 120 day window.

Student Temporary Employment Program

The following section outlines one annual cycle of the Student Temporary Employment Program (STEP). The discussion includes recruitment and selection, employment, as well as training and performance management for the STEP cycle. In addition, the discussion includes the roles and responsibilities of the STEP student employee and related Bureau employees (See Appendix C-1, Comprehensive List of Roles and Responsibilities).

Federal regulations and personnel requirements apply to all STEP student employees, regardless of duty station and funding source. Additional requirements and processes vary by State or Center.

Recruitment and Selection Processes

Recruitment Strategy

For STEP recruitment, State or Center SEEP Coordinators work with hiring offices on local recruitment strategies. The WO 730 may assist with STEP recruitment, upon request.

Student Eligibility Requirements

Based on OPM regulations, a student must meet the following requirements to be appointed to a STEP position (See Appendix A-1, 5 CFR 213.3202).

- A student must be enrolled or accepted for enrollment as a degree (diploma, certificate, etc.) seeking student with at least a half-time academic / vocational or technical course load in an accredited high school, technical or vocational school, two or four year college or university, graduate or professional school. The school in which the student is enrolled provides the definition of half-time course load.
- A student must maintain a cumulative 2.0 Grade Point Average (GPA) or better and in good standing with his or her academic institution.
- The BLM may appoint non-citizens provided that the student is lawfully admitted to the U.S. as a permanent resident or otherwise authorized to be employed. The BLM's ability to appoint a non-citizen to a STEP position is subject to change, as Federal agencies may be precluded from hiring non-citizens to an excepted service by a ban in their appropriations act. See Appendix A-7 for OPM's guidance on the Appropriations Act Ban on Employing Non-Citizens.
- The student must be sixteen years of age or older. No maximum age restrictions exist for the overall SCEP program; however, age restrictions may apply to specific positions-such as Wildland Fire, Law Enforcement, and Land Surveying.

Note: Unlike the SCEP student, the STEP student employee's academic and career goals may differ from his or her work duties and responsibilities.

Application and Selection Processes

A State or Center may announce its STEP employment vacancies through the BLM JOBS On-line system where students compete for the posted vacancies. A State or Center may, also, recruit for students independently and hire student "on-the-spot" because the 5 CFR 213.3202 allows for appointment of a STEP student without full and open competition (Appendix A-1).

Regarding full and open competition, OPM's Schedule B positions are exempt from standard competitive examining procedures (See Appendix A-10, 5 CFR 213.3201). Students appointed under the Schedule B Student Educational Employment Programs are exempt from the ranking requirements of the Excepted Services (See Appendix A-11, 5 CFR 302.101). However, veterans' preference does apply in the selection of student employees. Finally, 5 CFR 213.3202 explicitly states that written tests are waived for students hired through the STEP (Appendix A-1).

Requests for Funding Assistance from the WO 730

The WO 730 provides funding assistance for STEP student employees through its Field-Based Partnership Initiatives only. State and Center SEEP Coordinators should follow the policies and procedures of the Field-Based Partnerships for funding consideration.

Employment Issues

State and Center SEEP Coordinators, managers and supervisors, and other relevant Bureau employees should familiarize themselves with the employment regulations and policies before a new student employee's start date.

On the start date, a personnel contact will provide the new STEP student employee with information about the Bureau's policies, and will conduct the employee's Enter-On-Duty (EOD) process. At that time, the new STEP student employee will receive standard forms and instructions, such as the W-2.

Appointments

Schedule B, 5 CFR 213.3202 governs STEP appointments to the Bureau and other Federal agencies (Appendix A-1, 5 CFR 213.3202). Under 5 CFR 213.3202, a STEP student fulfills the temporary employment needs of an agency for a one-year appointment or less. Agencies may extend the appointment in one year increments as long as the individual meets the definition of a student, fulfills minimum academic requirements of the agency, and meets on-the-job requirements for program continuation.

Note: A student hired under the STEP authority, 5 CFR 213.3202, is not considered a student once he or she completes the requirements for a diploma or certificate, and is no longer eligible for employment under the STEP authority. A student must be terminated under the STEP authority even if time remains on the current appointment.

Finally, participation in the STEP program does not preclude students from working other government appointments; however, an individual is not entitled to receive basic pay from more than one position for more than an aggregate of 40 hours of work in one calendar week, from Sunday through Saturday (See Appendix A-15, 5 USC 5333).

Security Requirements

In accordance with Homeland Security Presidential Directive (HSPD) 12, all STEP students must have a minimum of a completed National Agency Check with Inquiries (NACI), including a review of the fingerprint files of the Federal Bureau of Investigation (FBI), prior to the issuance of a credential (See Appendix A-16, HSPD 12). Each State Human Resources Office will determine risk/sensitivity designations for the program office they service and process the required paperwork. Suitability/security investigations for employees should be initiated at the State Human Resource office before appointment.

Working Agreements

OPM regulations do not require that Federal agencies create working agreements for STEP student employees. However, State and Center SEEP Coordinators are encouraged to work with supervisors on a working agreement for each STEP student.

Job Title and Grade Levels

Classification of STEP student employees is based on the occupational series for which they are hired. Grade level is set according to the criteria in the appropriate GS or WG classification standard. For example, a Maintenance Worker would become WG-4701-4. STEP student employees subject to both the General Schedule and Federal Wage System fall under Tenure Group 0 (none) until they complete a year of uninterrupted services, at which time they fall under Tenure Group 3 (indefinite) (Appendix A-17, 5 CFR 351.502).

Compensation and Benefits

A STEP student employee receives a salary at the current rate authorized for grade by the Classification Act and receives authorized payment for overtime. Visit www.opm.gov/oca for current pay rates.

In addition, a STEP student employee receives the following benefits and considerations (See Appendix A-1, 5 CFR 213.3202).

Promotions and Awards

A STEP student employee may receive a promotion when he or she meets the requirements of the Qualifications Standards. However, the Nature of Action Code (NOAC) for the STEP is a conversion to a new appointment at a higher grade, while maintaining the current not-to-exceed (NTE) date.

Wage-grade STEP student employees are eligible for within-grade increases, while STEP appointees in the General Schedules are not.

Finally, a STEP student employee may receive an award for exceptional work.

Work Schedules

The STEP student employee may work full or part-time during any time of year. The student and supervisor agree upon a mutually-beneficial work schedule in which the work load does not interfere with academic performance.

The STEP student employee accrues sick leave at the rate of a regular employee, and the STEP appointee who works more than 90 consecutive work days accrues annual leave at the same rate of a regular employee.

Standard Benefits

Generally, the STEP student employee receives no retirement coverage, as noted in 5 CFR 831.201 and 5 CFR 842.105 (See Appendix A-20, 5 CFR 831.201 and Appendix A-21, 5 CFR 842.105).

The STEP student employee who has been continuously employed for one year, without a break in service exceeding five days, may enroll in the Federal Employees Health Benefits (FEHB) Program, but he or she must pay the employee and government's share of the premium. 5 CFR 870.202, 890.102, and 890.502 outline the rules of health and life insurance coverage for the STEP appointee

(See Appendix A-22, 5 CFR 870.202 and Appendix A-23, 5 CFR 890.102 and Appendix A-24, 5 CFR 890.502).

Financial Assistance

5 CFR 213.2302 states that agencies may use their training authority in 5 U.S.C. Chapter 41 and 5 CFR Part 410 to pay all or part of training expenses directly related to students' official duties (See Appendix A-18, 5 USC 41 and Appendix A-19, 5 CFR 410). Therefore, individual hiring offices may provide financial assistance to STEP students for training-related activities, such as travel.

Training and Performance Management

The following section provides an overview of the training and performance management systems for the STEP appointee, recognizing variance throughout the agency.

Role of the SEEP Coordinator, STEP Supervisor, and STEP Mentor

The **State or Center SEEP Coordinator** manages and administers the SEEP Program. The roles and responsibilities of a Coordinator include but are not limited to the following items:

- Monitors grades and work and school schedule changes;
- Ensures that the student continues to meet all SEEP Program requirements; and,
- Conducts an exit interview with all students (resigning, terminated, converted, etc).

All STEP participants must have a **Supervisor**. The roles and responsibilities of a STEP Supervisor include but are not limited to:

- Ensures that students have meaningful assignments;
- Maintains communication with SEEP Coordinator and student regarding student's progress while in program;
- Notifies SEEP Coordinator immediately of any changes in work schedule, performance, and/or placement matters; and,
- Evaluates student performance, as appropriate.

It is recommended, but not required, that STEP participants have a **Mentor**. A Mentor is defined as "a coach or guide entrusted with the orientation and education of another; a tutor."

All **STEP Program Participants** are required to contribute to their own success. Thus, the roles and responsibilities of the student participant include but are not limited to the following items:

- Performs the duties identified in the position description and performance plan; and,
- Notifies the SEEP Coordinator and STEP Supervisor immediately of any changes related to work and/or school and provides the SEEP Coordinator with updated information regarding (grades, personal information, etc.)

In sum, a successful employment experience requires effective communication as well as the collaboration and cooperation of all four parties: the student, supervisor, mentor, and SEEP Coordinator.

Orientation and Training

STEP student employees should receive an initial, site-specific orientation from the Supervisor or SEEP Coordinator.

The site-specific orientation provides the STEP student employee with information about the worksite, daily expectations, and office procedure. Suggested topics for the site-specific orientation should include but are not limited to the following items.

- Work schedule and completion of time card
- Requests for leave / vacation
- Call-in procedures, if sick
- Travel and per diem
- Procurement/purchase authority with credit card
- Telephone use and personal phone calls
- Acquisition of office equipment and supplies
- Security office equipment and supplies
- Proper use of government property (i.e. vehicle, computer, office supplies/equipment, etc.)
- Proper use of internet and websites
- Driving rules and regulations, vehicle safety, liability protection, and injury compensation coverage
- Fire drill and emergency evacuation procedures
- Employee Assistance Program (EAP)
- Equal Employment Opportunity (EEO) Program

Individual Development Plan

Individual Development Plans (IDP) are not required, but encouraged, for STEP students.

Performance Review

STEP employees with appointments of more than ninety days should be appraised on their performance. They must serve a minimum of ninety work days before undergoing a performance appraisal. This 90 day or more work period should fall between the standard appraisal period between October 1 and September 31. If not, the student's appraisal period should be extended until he or she meets the ninety day requirement. Then, the Supervisor should complete a standard Performance Appraisal. If the final work date extends beyond the Performance Appraisal date, the Supervisor may conduct a Final Review in addition to the Performance Appraisal (See Appendix C-2, Sample Final Review Sheet). Students with appointments less than ninety days are excluded from the provisions of the performance appraisal system.

Termination

The Bureau values the STEP student employee as he or she provides necessary professional skills and considers positions in the SCEP. However, unforeseen events, listed and discussed below, may end the working relationship between the Bureau and the STEP student employee.

- 1 The student resigns, withdraws from the employment program.

Note: For employee resignation, ideally, the student provides written notification of his or her Intent to the supervisor, and the supervisor forwards the notification to the local Human Resources office along with an SF-52 requesting resignation with effective date. If the employee resigns verbally, the Supervisor must send the local Human Resources office a memorandum for the record.

- 2 The educational institution suspends or expels the student.

- 3 The student withdraws from the educational institution.

- 4 The student does not maintain the academic standards of the school and the STEP.

- 5 The program office cannot employ the student due to administrative reasons, such as budget constraints or Reduction-In-Force (RIF).

- 6 The student does not perform his or her work duties successfully or conducts him or herself in an unsatisfactory manner.

Note: When academic status changes—due to suspension, expulsion, withdrawal, or low academic standards—the Supervisor contacts the local Human Resources Office, and that office handles the termination procedure.

Employment Opportunities

A STEP student employee may be non-competitively converted from a STEP appointment to a SCEP appointment whenever he or she meets the requirements of the Bureau's SCEP and the Bureau has an appropriate position available. In addition, the work experience related to the student's academic program or career goals, completed as a STEP student employee, may be credited towards the 640 hours of work experience requirement of the SCEP (See Appendix A-1, 5 CFR 213.2302).

Conclusion

These SEEP Policies and Guidelines include information about the two SEEP program components—SCEP and STEP; a description of the recruitment, application, selection and employment processes; an overview of the training and evaluation of employees; and sections with student employment regulations, policies, and relevant forms.

The guidelines include only sample procedural information about funding assistance—such as instructions for tuition assistance, orientation, travel, etc—for students funded by the WO 730. Each year, the WO 730 updates and distributes WO 730 Funding Guidelines for the SCEP, STEP, and Students with Disabilities Program (SWDP).

In addition, the WO 730 distributes a Contact Directory each fiscal year, with updates throughout the fiscal year as appropriate. The Directory includes the names and contact information for all members of the WO 730 as well as the names and contact information for the State or Center SEEP Coordinators.

State or Center SEEP Coordinators may contact the National SEEP Coordinator with specific questions that these guidelines do not address.

Appendices

Appendix A
Federal Regulations and Policy

5 CFR 213.3202.....	A-1
Executive Orders 13125 and 13218.....	A-2
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U.S. Office of Personnel Management
Student Educational Employment Program

THIS DATA CURRENT AS OF THE FEDERAL REGISTER DATED JANUARY 29, 2004

5 CFR - CHAPTER I - PART 213

§ 213.3202 Entire executive civil service.

(a) *Student Educational Employment Program -- Student Temporary Employment Program.* (1) Students may be appointed to the Student Temporary Employment Program if they are pursuing any of the following educational programs:

- (i) High school diploma or General Equivalency Diploma (GED);
- (ii) Vocational/Technical certificate;
- (iii) Associate degree;
- (iv) Baccalaureate degree;
- (v) Graduate degree; or
- (vi) Professional degree.

(2) *Definition of student:* A student is an individual who has been accepted for enrollment, or who is enrolled, as a degree (diploma, certificate, etc.) seeking student in an accredited high school, technical or vocational school, 2-year or 4-year college or university, graduate or professional school. If the student is enrolled, the student must be taking at least a half-time academic/vocational/ or technical course load. The definition of *half-time* is the definition provided by the school in which the student is enrolled. Students need not be in actual physical attendance, so long as all the other requirements are met. An individual who needs to complete less than the equivalent of half an academic/vocational or technical courseload in the class enrollment period immediately prior to graduating is still considered a student for purposes of this program.

(3) *Schedules.* Students may work full-time or part-time schedules at any time during the year. There are no limitations on the number of hours a student can work per week, but the student's work schedule should not interfere with the student's academic schedule.

(4) *Breaks in program.* A *break in program* is defined as a period of time when a program participant is working but is unable to go to school, *or* neither attending classes nor working at the agency. Agencies may use their discretion in either approving or denying a break in program.

(5) *Employment of minors.* Participation in this program must be in conformance with Federal, State, or local laws and standards governing the employment of minors.

(6) *Citizenship.* Agencies may appoint non-citizens provided that:

(i) The student is lawfully admitted to the United States as a permanent resident or otherwise authorized to be employed; and

(ii) The agency is authorized to pay aliens under the annual appropriations act ban and any agency specific enabling and appropriation statutes.

(7) *Employment of relatives.* In accordance with part 310 of this chapter, a student may work in the same agency with a relative when there is no direct reporting relationship and the relative is not in a position to influence or control the student's appointment, employment, promotion or advancement within the agency.

(8) *Financial need.* There is no requirement for students to meet any specific economic/income criteria to be eligible. However, agencies have the option to establish and use financial need as a criteria to select students, if they wish. OPM does not develop or distribute annual economic guidelines for use in determining financial need. An agency wishing to use the Department of Health and Human Services' poverty guidelines may call the Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation.

(9) *Training expenses:* Observing the prohibitions in 5 U.S.C. 4107, agencies may use their training authority in 5 U.S.C. chapter 41 and 5 CFR part 410 to pay all or part of training expenses directly related to students' official duties.

(10) *Appointments.* (i) Students are appointed to positions not to exceed 1 year. Appointments under this authority may be extended in one-year increments as long as the individual meets the definition of a student. Agencies may establish minimum academic requirements and on the job performance requirements for continuation in the program. Students under this appointment authority are excepted from the limitations under § 213.104.

(ii) The nature of the duties does not have to be related to the student's academic/career goals.

(iii) Students are not eligible for noncompetitive conversion to term, career, or career-conditional appointments. They may be converted to the Student Career Experience Program (refer to paragraph (a)(15) of this section).

(11) *Classification.* Classification of students is based on the occupational series for which they are hired. Grade level is to be set according to the criteria in the appropriate General Schedule (GS) or wage grade (WG) classification standard.

(12) *Qualifications.* Students may be evaluated either by agency-developed standards or by the OPM qualification requirements for the position to which appointed. Students are eligible for promotions. Promotions should be documented as a conversion to another excepted appointment, citing the same authority used for the original appointment and maintaining the original not-to-exceed (NTE) date.

(13) *Benefits.* (i) Students under this program are eligible for annual and sick leave and are generally ineligible for retirement coverage. Refer to § 831.201 and § 842.105 of this chapter for specific information.

(ii) For rules on health and life insurance coverage refer to § 870.202, § 890.102, and § 890.502 of this chapter.

(14) *Reductions-in-Force (RIF).* Students are covered by § 351.502 of this chapter for purposes of RIF. Students, provided they have completed at least 1 year of current continuous service, are in excepted service Tenure Group III.

(15) *Conversion to Student Career Experience Program.* (i) Students may be noncompetitively converted to the Student Career Experience Program whenever they meet the requirements of that program and the agency has an appropriate position available.

(ii) Work experience related to the student's academic program and career goals, gained while under the Student Temporary Employment Program, may be credited towards the 640 hour work experience necessary for noncompetitive conversion to a term, career, or career-conditional appointment.

(iii) Conversions are not subject to requirements of subparts C and D of part 302 of this chapter.

(b) *Student Educational Employment Program -- Student Career Experience Program.*

(1)(i) Students may be appointed to the Student Career Experience Program if they are pursuing any of the following educational programs:

- (A) High school diploma or General Equivalency Diploma (GED);
- (B) Vocational/Technical certificate;
- (C) Associate degree;
- (D) Baccalaureate degree;
- (E) Graduate degree; or
- (F) Professional degree.

(ii) Student participants in the Harry S. Truman Foundation Scholarship Program under the provision of Public Law 93-842 are eligible for appointments under the Student Career Experience Program.

(2) *Definition of student:* A student is an individual who has been accepted for enrollment, or who is enrolled, as a degree (diploma, certificate, etc.) seeking student in an accredited high school, technical or vocational school, 2-year or 4-year college or university, graduate or professional school. If the student is enrolled, the student must be taking at least a half-time academic/vocational/ or technical course load. The definition of *half-time* is the definition provided by the school in which the student is enrolled. Students need not be in actual physical attendance, so long as all the other requirements are met. An individual who needs to complete less than the equivalent of half an academic/vocational or technical course load in the class enrollment period immediately prior to graduating is still considered a student for purposes of this program.

(3) *Schedules.* Students may work full-time or part-time schedules at any time during the year. There are no limitations on the number of hours a student can work per week, but the student's work schedule should not interfere with the student's academic schedule.

(4) *Breaks in program.* A *break in program* is defined as a period of time when a program participant is working but is unable to go to school, *or* neither attending classes nor working at the agency. Agencies may use their discretion in either approving or denying a break in program.

(5) *Employment of minors.* Participation in this program must be in conformance with Federal, State, or local laws and standards governing the employment of minors.

(6) *Citizenship.* (i) Agencies may appoint non-citizens provided that:

- (A) The student is lawfully admitted to the United States as a permanent resident or otherwise authorized to be employed; and

(B) The agency is authorized to pay aliens under the annual appropriations act ban and any agency specific enabling and appropriation statutes.

(ii) All students must be United States citizens at the time they are noncompetitively converted to a term, career, or career-conditional appointment.

(7) *Employment of relatives.* In accordance with part 310 of this chapter, a student may work in the same agency with a relative when there is no direct reporting relationship and the relative is not in a position to influence or control the student's appointment, employment, promotion or advancement within the agency.

(8) *Financial need.* There is no requirement for students to meet any specific economic/income criteria to be eligible. However, agencies have the option to establish and use financial need as a criteria to select students, if they wish. OPM does not develop or distribute annual economic guidelines for use in determining financial need. An agency wishing to use the Department of Health and Human Services' poverty guidelines may call the Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation.

(9) *Training expenses:* Observing the prohibitions in 5 U.S.C. 4107, agencies may use their training authority in 5 U.S.C. chapter 41 and 5 CFR part 410 to pay all or part of training expenses directly related to students' official duties.

(10) *Appointments.* (i) Appointments are subject to all the requirements and conditions governing term, career, or career-conditional employment, including investigation to establish an appointee's qualifications and suitability.

(ii) Appointments of participants who have met all the requirements of the program may be noncompetitively converted to term, career, or career-conditional appointments at any time within 120 days after satisfactory completion of the requirements for his/her diploma, certificate, or degree.

(11) *Program requirements for noncompetitive conversion.* (i) *Students,* who are U.S. citizens, may be noncompetitively converted from the Student Career Experience Program to a term, career or career-conditional appointment under Executive Order 12015 (as amended by Executive Order 13024) when students have:

(A) Completed within the preceding 120 days, at an accredited school, course requirements conferring a diploma, certificate, or degree;

(B) Completed at least 640 hours of career-related work (agencies have the option of increasing this requirement for some or all of its occupational fields), before completion of, or concurrently with, the course requirements;

(C) Been recommended by the employing agency in which the career-related work was performed; and

(D) Met the qualification standards for the targeted position to which the student will be appointed.

(ii) Conversions must be to an occupation related to the student's academic training and career related work experience.

(iii) The noncompetitive conversion may be to a position within the same agency or any other agency within the Federal Government.

(iv) Agencies who noncompetitively convert Student Career Experience Program participants to term appointments may also noncompetitively convert them to career or career-conditional appointments before the term appointments expire.

(12) *Agreement by all parties.* (i) The Student Career Experience Program is a formally structured program and requires a written agreement by all parties (agency, school, student) as to the:

(A) Nature of work assignments;

(B) Schedule of work assignments and class attendance;

(C) Evaluation procedures; and

(D) Requirements for continuation and successful completion of the program.

(ii) The work experience with the agency must be related to his/her academic/career goals.

(13) *Schedule.* Agencies, participating educational institutions, and students should agree on a formally-arranged schedule of school and work to ensure that:

(i) Work responsibilities do not interfere with academic performance;

(ii) Completion of the educational program (awarding of diploma/certificate/degree) and the Student Career Experience Program are accomplished in a reasonable and appropriate timeframe;

(iii) The agency is informed and prepared for the student's periods of employment; and

(iv) Requirements for non-competitive conversion to term, career, or career-conditional employment are understood by all parties.

(14) *Classification.* Students whose positions are covered by the General Schedule will be classified as student trainees, to the -99 series of the appropriate occupational group. Students whose positions are covered by the Federal Wage System will be classified as student trainees, to the -01 series of the appropriate occupational group.

(15) *Qualifications.* Students may be evaluated by either agency-developed standards or by the OPM qualifications requirements for the target position. Any OPM test requirements are waived. Students are eligible for promotion.

(16) *Benefits.* (i) Students appointed under this program earn annual and sick leave *and* with no prior service or with less than 5 years of prior civilian service, are generally covered by the Federal Employees Retirement System (FERS) (see part 842 of this chapter).

(ii) For life insurance and health benefits coverage refer to § 870.202 and § 890.102 of this chapter.

(17) *Tuition assistance.* Observing the prohibitions in 5 U.S.C. 4107, agencies may use their training authority in 5 U.S.C. chapter 41 and 5 CFR part 410 to pay all or part of training expenses directly related to students' official duties.

(18) *Travel and transportation.* Agencies may pay for other expenses directly related to training, such as travel and transportation between duty station and school, for participants.

(19) *Reduction-in-force (RIF).* (i) Students are in excepted service Tenure Group II for purposes of § 351.502. They are accorded the same retention rights as excepted service employees.

(ii) They may qualify for severance pay if involuntarily separated under part 550, subpart G of this chapter.

(c)-(i) [Reserved]

(j) Special executive development positions established in connection with Senior Executive Service candidate development programs which have been approved by OPM. A Federal agency may make new appointments under this authority for any period of employment not exceeding 3 years for one individual.

(k)-(l) [Reserved]

(m) Positions when filed under any of the following conditions:

(1) Appointment at grades GS-15 and above, or equivalent, in the same or a different agency without a break in service from a career appointment in the Senior Executive Service (SES) of an individual who:

(i) Has completed the SES probationary period;

(ii) Has been removed from the SES because of less than fully successful executive performance, failure to be recertified, or a reduction in force; and

(iii) Is entitled to be placed in another civil service position under 5 U.S.C. 3594(b).

(2) Appointment in a different agency without a break in service of an individual originally appointed under paragraph (m)(l).

(3) Reassignment, promotion, or demotion within the same agency of an individual appointed under this authority. U.S.C.

(n) Positions when filled by preference eligibles or veterans who have been separated from the armed forces under honorable conditions after 3 years or more of continuous active military service and who, in accordance with the provisions of Pub.L. 105-339, applied for these positions under merit promotion procedures when applications were being accepted from individuals outside its own workforce. These veterans may be promoted, demoted, or reassigned, as appropriate, to other positions within the agency but would remain employed under this excepted authority as long as there is no break in service. No new appointments may be made under this authority after November 30, 1999.

(o) *The Federal Career Intern Program -- (1) Appointments.* Appointments made under the Federal Career Intern Program may not exceed 2 years, except as described in paragraph (o)(2) of this section. Initial appointments shall be made to a position at the grades GS-5, 7, or 9 (and equivalent) or other trainee levels appropriate for the Program. Agencies must request OPM approval to cover additional grades to meet unique or specialized needs. Agencies will use part 302 of this chapter when making appointments under this Program.

(2) *Extensions.* (i) Agencies must request, in writing, OPM approval to extend internships for up to 1 additional year beyond the authorized 2 years for additional training and/or developmental activities.

(ii) Agencies are delegated the authority to extend, without prior OPM approval, 2-year internships for up to an additional 120 days to cover rare or unusual circumstances, and where agencies have established criteria for approving extensions.

(3) *Qualifications.* Candidates will be evaluated using OPM qualification requirements or OPM-approved, agency-specific qualification requirements.

(4) *Tenure Group.* Career interns are in the excepted service Tenure Group II for purposes of § 351.502 of this chapter. Expiration of the internship is not subject to part 351 of this chapter.

(5) *Promotions.* During the internship period, individuals participating in the program may receive promotions as determined by an agency's plan. This provision does not confer entitlement to promotion.

(6) *Conversion to Competitive Service.* Except as provided in paragraph (o)(6)(ii) of this section, service as an intern shall confer no rights to further Federal employment in either the competitive or excepted service upon the expiration of the internship period.

(i) Competitive civil service status may be granted to career interns who successfully complete their internships and meet all qualification, suitability, and performance requirements. These noncompetitive conversions will be effective on the date the 2-year service requirement is met, or at the end of the extended period.

(ii) An employee who held a career or career-conditional appointment in an agency immediately before entering the Career Intern Program in the same agency, and who fails to complete the Career Intern Program for reasons unrelated to misconduct or suitability, shall be placed in a career or career-conditional position in the current agency at no lower grade or pay than the one the employee left to accept the position in the Career Intern Program. For purposes of this paragraph, agency means an Executive Department, Government corporation, or independent establishment as defined in 5 U.S.C. 105. An Executive Department may treat each of its bureaus or components (first major subdivision that is separately organized and clearly distinguished from other bureaus or components in work function and operation) as a separate agency or as part of one agency, but must do so by agency directive in establishing the program.

(iii) Service under the Career Intern Program counts toward career tenure in the competitive service, if the Career Intern is converted to a career-conditional appointment under § 315.712 of this chapter.

(7) *Terminations.* The appointment of a career intern expires at the end of the 2-year internship period, plus any extensions. The employing agency may, with no break in service, convert the intern to a career or career-conditional appointment in accordance with § 315.712 of this chapter. If an employee is not converted to a career or career-conditional appointment, the career intern appointment terminates, unless specifically eligible for placement under paragraph (o)(6)(ii) of this section.

(8) *Career Development.* Agencies will provide the career interns with formal training and developmental opportunities to acquire the appropriate agency-identified competencies needed for conversion. These activities may include, but are not limited to, formal training classes, rotational or other job assignments, attendance at conferences and seminars, interagency assignments, or other activities approved by the agency.

(9) *Agency Responsibilities.* Each agency will determine the appropriate use of the Career Intern Program relating to recruitment needs in specific occupational series, grades, and geographical areas, ensuring that programs are developed and implemented in accordance with the merit system principles. Agencies may adapt the program to meet their individual requirements, including, but not limited to such aspects as:

(i) Deciding how to delegate the authority to develop Career Intern Programs (*e.g.*, department-wide versus bureaus and agency components);

(ii) Defining the roles and responsibilities of supervisors and other key officials in career intern program administration, such as human resources staff, budget and finance staff, career counselors, or mentors;

(iii) Designing, implementing, and documenting formal program(s) for the training and development of employees selected under the provisions of this Part, including the type and duration of assignments;

(iv) Deciding how to inform the career interns of what will be expected during the internship, including developmental assignments and performance requirements; and

(v) Planning, coordinating, implementing and monitoring program activities.

EXECUTIVE ORDER 13125

INCREASING PARTICIPATION OF ASIAN AMERICANS AND PACIFIC ISLANDERS IN FEDERAL PROGRAMS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and in order to improve the quality of life of Asian Americans and Pacific Islanders through increased participation in Federal programs where they may be underserved (e.g., health, human services, education, housing, labor, transportation, and economic and community development), it is hereby ordered as follows:

Section 1.

(a) There is established in the Department of Health and Human Services the President's Advisory Commission on Asian Americans and Pacific Islanders (Commission). The Commission shall consist of not more than 15 members appointed by the President, one of which shall be designated by the President as Chair. The Commission shall include members who:

- i. have a history of involvement with the Asian American and Pacific Islander communities;
- ii. are from the fields of health, human services, education, housing, labor, transportation, economic and community development, civil rights, and the business community;
- iii. are from civic associations representing one or more of the diverse Asian American and Pacific Islander communities; and
- iv. have such other experience as the President deems appropriate.

(b) The Secretary of the Department of Health and Human Services (Secretary) shall appoint an Executive Director for the Commission.

Section 2.

The Commission shall provide advice to the President, through the Secretary, on:

(a) the development, monitoring, and coordination of Federal efforts to improve the quality of life of Asian Americans and Pacific Islanders through increased participation in Federal programs where such persons may be underserved and the collection of data related to Asian American and Pacific Islander populations and sub-populations;

(b) ways to increase public-sector, private-sector, and community involvement in improving the health and well-being of Asian Americans and Pacific Islanders; and

(c) ways to foster research and data on Asian Americans and Pacific Islanders, including research and data on public health.

Section 3.

The Department of Health and Human Services shall establish the White House Initiative on Asian Americans and Pacific Islanders (Initiative), an interagency working group (working group) whose members shall be appointed by their respective agencies. The Executive Director of the Commission shall also serve as the Director of the Initiative, and shall report to the Secretary or the Secretary's designee. The working group shall include both career and noncareer civil service staff and commissioned officers of the Public Health Service with expertise in health, human services, education, housing, labor, transportation, economic and community development, and other relevant issues. The working group shall advise the Secretary on the implementation and coordination of Federal programs as they relate to Asian Americans and Pacific Islanders across executive departments and agencies.

Section 4.

The head of each executive department and each agency designated by the Secretary shall appoint a senior Federal official responsible for management or program administration to report directly to the agency head on activity under this Executive order, and to serve as a liaison to the Initiative. The Secretary also may designate additional Federal Government officials, with the agreement of the relevant agency head, to carry out the functions of the Initiative. To the extent permitted by law and to the extent practicable, each executive department and designated agency shall provide any appropriate information requested by the working group, including data relating to the eligibility for and participation of Asian Americans and Pacific Islanders in Federal programs. Where adequate data are not available, the Initiative shall suggest the means of collecting such data.

Section 5.

Each executive department and designated agency (collectively, the "agency") shall prepare a plan for, and shall document, its efforts to improve the quality of life of Asian Americans and Pacific Islanders through increased participation in Federal programs where Asian Americans and Pacific Islanders may be underserved. This plan shall address, among other things, Federal efforts to:

- (a) improve the quality of life for Asian Americans and Pacific Islanders through increased participation in Federal programs where they may be underserved and the collection of data related to Asian American and Pacific Islander populations and sub-populations;
- (b) increase public-sector, private-sector, and community involvement in improving the health and well-being of Asian Americans and Pacific Islanders; and
- (c) foster research and data on Asian Americans and Pacific Islanders, including research and data on public health. Each agency's plan shall provide appropriate measurable objectives and, after the first year, shall assess that agency's performance on the goals set in the previous year's plan. Each plan shall be submitted at a date to be established by the Secretary.

Section 6.

The Secretary shall review the agency plans and develop for submission to the President an integrated Federal plan (Federal Plan) to improve the quality of life of Asian American and Pacific Islanders through increased participation in Federal programs where such persons may be underserved. Actions described in the Federal Plan shall address improving access by Asian Americans and Pacific Islanders to Federal programs and fostering advances in relevant research

and data. The Secretary shall ensure that the working group is given the opportunity to comment on the proposed Federal Plan prior to its submission to the President. The Secretary shall disseminate the Federal Plan to appropriate members of the executive branch. The findings and recommendations in the Federal Plan shall be considered by the agencies in their policies and activities.

Section 7.

Notwithstanding any other Executive order, the responsibilities of the President that are applicable to the Commission under the Federal Advisory Committee Act, as amended, except that of reporting to the Congress, shall be performed by the Secretary in accordance with the guidelines and procedures established by the Administrator of General Services.

Section 8.

Members of the Commission shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707). To the extent permitted by law and appropriations, and where practicable, agencies shall, upon request by the Secretary, provide assistance to the Commission and to the Initiative. The Department of Health and Human Services shall provide administrative support and funding for the Commission.

Section 9.

The Commission shall terminate 2 years after the date of this Executive order unless the Commission is renewed by the President prior to the end of that 2-year period.

Section 10.

For the purposes of this order, the terms:

(a) "Asian American" includes persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent; and

(b) "Pacific Islander" includes the aboriginal, indigenous, native peoples of Hawaii and other Pacific Islands within the jurisdiction of the United States.



THE WHITE HOUSE, June 7, 1999.

Executive Order 13218

Amendment to Executive Order 13125, Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs

By the authority vested in me as President by the Constitution and the laws of the United States of America and in order to change the title of Executive Order 13125 of June 7, 1999, and to extend by 2 years the President's Advisory Commission on Asian Americans and Pacific Islanders that was created by Executive Order 13125, it is hereby ordered as follows:

Section 1. The title of Executive Order 13125 is deleted and the following title is inserted in lieu thereof: "Increasing Opportunity and Improving Quality of Life of Asian Americans and Pacific Islanders."

Sec. 2. Section 9 of Executive Order 13125 is amended by deleting "2 years after the date of this Executive order unless the Commission is renewed by the President prior to the end of that 2-year period" and inserting in lieu thereof "on June 7, 2003, unless renewed by the President prior to that date."

GEORGE W. BUSH
THE WHITE HOUSE,
June 6, 2001.

Advisors for Historically Black Colleges and Universities

Executive Order

President's Board of Advisors on Historically Black Colleges and Universities

By the authority vested in me as President by the Constitution and the laws of the United States of America, in order to advance the development of the Nation's full human potential and to advance equal opportunity in higher education, to strengthen the capacity of historically black colleges and universities to provide the highest quality education, and to increase opportunities for these institutions to participate in and benefit from Federal programs, as do other colleges and universities, it is hereby ordered as follows:

Section 1. There is established, in the Office of the Secretary of Education, a Presidential advisory committee entitled the "President's Board of Advisors on Historically Black Colleges and Universities" (Board). The Board shall prepare and issue an annual report to the President on the results of the participation of historically black colleges and universities in Federal programs. The Board also shall provide advice to the President and to the Secretary of Education (Secretary) regarding the needs of historically black colleges and universities in the areas of infrastructure, academic programs, and faculty and institutional development. In the annual report to the President, the Board shall make recommendations on how to increase the private sector role, including the role of private foundations, in strengthening historically black colleges and universities. Particular emphasis should also be given in the report to enhancing institutional planning and development, strengthening fiscal stability and financial management, and improving institutional infrastructure, including the use of technology, to ensure the long-term viability and enhancement of these institutions.

Sec. 2. The Board shall be appointed by the President. The Board membership shall include sitting presidents of historically black colleges and universities, representatives of other higher education institutions, business and financial leaders, representatives of private foundations, and secondary school administrators. The President shall designate a Chair or Co-Chairs from among the members.

Sec. 3. The White House Initiative on Historically Black Colleges and Universities (Initiative), located in the Office of the Secretary of Education, shall: (1) provide staff, resources, and assistance to the Board; (2) assist the Secretary in performing the liaison function between the executive branch and historically black colleges and universities; and (3) serve the Secretary in carrying out the responsibilities described in section 6 of this order.

Sec. 4. To carry out this order, each executive department and agency identified by the Secretary may, consistent with applicable law and regulations, enter into appropriate grants, contracts, or cooperative agreements with historically black colleges and universities. The head of each department or agency so identified shall establish an annual plan that will establish clear goals for how the department or agency intends to increase the capacity of historically black colleges and universities to compete effectively for grants, contracts, or cooperative agreements and to encourage historically black colleges and universities to participate in Federal programs. The department's or agency's annual goal should be clearly reflected in the department's or agency's annual budget submission to the Office of Management and Budget. To facilitate the attainment of these goals, the head of each department or agency identified by the Secretary shall provide, as appropriate, technical assistance and information to historically black colleges and universities regarding the program activities of the department or agency and the preparation of applications or proposals for grants, contracts, or cooperative agreements.

*Appendix A-3**Executive Order 12876*

Sec. 5. Each executive department and agency identified by the Secretary shall appoint a senior official, who is a full-time officer of the Federal Government, to report directly to the department or agency head with respect to department or agency activity under this order, and to serve as liaison to the Board and to the Initiative. To the extent permitted by law and regulations, each executive department and agency identified by the Secretary shall provide appropriate information requested by the Board and staff pursuant to the order.

Sec. 6. Each executive department and agency identified by the Secretary shall develop an annual plan for, and shall document the agency's effort in, increasing the capacity of historically black colleges and universities to participate in Federal programs. Each department's and agency's plan shall describe new or existing department and agency programs and measurable objectives for proposed department and agency actions, in connection with those programs, to achieve the purposes of this order. These plans shall be submitted at such time and in such form as the Secretary shall require. In consultation with the participating departments and agencies, the Secretary shall review the plans and develop, with the advice of the Board, an integrated Annual Federal Plan for Assistance to Historically Black Colleges and Universities for submission to the President. The Secretary shall provide the president of each historically black college and university with a copy of, and an opportunity to comment on, the proposed Annual Federal Plan prior to its submission to the President. Each participating department and agency shall submit to the Secretary an Annual Performance Report that shall measure each department's and agency's performance against the objectives set forth in the department's or agency's annual plan. The Secretary shall be responsible for monitoring compliance with the Annual Federal Plan after it is approved by the President.

Sec. 7. In developing its annual plan, each executive department and agency identified by the Secretary shall emphasize programs and activities that develop the capacity of historically black colleges and universities to contribute to the development of human capital and to strengthen America's economic and technological base through: (1) infrastructure development and acquisitions for instruction and research; (2) student and faculty doctoral fellowships and faculty development; (3) domestic and international faculty and student exchanges and study-abroad opportunities; (4) undergraduate and graduate student internships; and (5) summer, part-time, and permanent employment opportunities.

Sec. 8. Each year, the Board shall report to the President on the progress achieved in enhancing the capacity of historically black colleges and universities to serve their students, including findings and recommendations for individual departments and agencies in connection with their Annual Performance Reports, as described in section 6 of this order.

Sec. 9. The Board, in consultation with the Department of Education and other executive departments and agencies, shall develop a Private Sector Strategy to assist historically black colleges and universities in: (1) increasing voluntary private-sector contributions to support the enhancement of endowments and the overall financial stability of such institutions; (2) improving and enhancing the quality and number of private-sector partnerships focused on academic program development, student achievement and faculty development, cooperative research and development projects, and faculty exchanges; and (3) improving information management, and facilities, and strengthening academic course offerings.

Sec. 10. (a) The provisions in this Executive Order shall be implemented to the fullest extent permitted by law.

(b) The Department of Education shall provide funding and administrative support for the Board and the Initiative.

(c) Members of the Board shall serve without compensation, but shall be reimbursed for all travel expenses, including per diem in lieu of subsistence, as authorized by law;

(d) Insofar as the Federal Advisory Committee Act, as amended, may apply to the Board, any functions of the President under that Act, except for those in section 6 of that Act, shall be performed by the Department of Education, in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 11. Executive Order 12876 of November 1, 1993, as amended, is hereby revoked.

GEORGE W. BUSH
THE WHITE HOUSE,
February 12, 2002.

Educational Excellence for Hispanic Americans Commission

Executive Order 13230

President's Advisory Commission on Educational Excellence for Hispanic Americans

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to advance the development of human potential, strengthen the Nation's capacity to provide high-quality education, and increase opportunities for Hispanic Americans to participate in and benefit from Federal education programs, it is hereby ordered as follows:

Section 1. There is established, in the Department of Education, the President's Advisory Commission on Educational Excellence for Hispanic Americans (Commission). The Commission shall consist of not more than 25 members. Twenty-one of the members shall be appointed by the President. Those members shall be representatives of educational, business, professional, and community organizations who are committed to improving educational attainment within the Hispanic community, as well as other persons deemed appropriate by the President. The President shall designate two of the appointed members to serve as Co-Chairs of the Commission. The other four members of the Commission shall be ex officio members, one each from the Department of Education, the Department of Housing and Urban Development, the Department of the Treasury, and the Small Business Administration. The ex officio members shall be the respective Secretaries of those agencies and the Administrator of the Small Business Administration, or their designees.

Section 2. The Commission shall provide advice to the Secretary of Education ("Secretary") and shall issue reports to the President, as described in section 7 below, concerning:

- a. the progress of Hispanic Americans in closing the academic achievement gap and attaining the goals established by the President's "No Child Left Behind" educational blueprint;
- b. the development, monitoring, and coordination of Federal efforts to promote high-quality education for Hispanic Americans;
- c. ways to increase parental, State and local, private sector, and community involvement in improving education; and
- d. ways to maximize the effectiveness of Federal education initiatives within the Hispanic community.

Section 3. There is established, in the Department of Education, an office called the White House Initiative on Educational Excellence for Hispanic Americans (Initiative). The Initiative shall be located at, staffed, and supported by the Department of Education, and headed by a Director, who shall be a senior level executive branch official who reports to the Secretary. The Initiative shall provide the necessary staff, resources, and assistance to the Commission and shall assist and advise the Secretary in carrying out his

responsibilities under this order. The staff of the Initiative shall gather and disseminate information relating to the educational achievement gap of Hispanic Americans, using a variety of means, including conducting surveys, conferences, field hearings, and meetings, and other appropriate vehicles designed to encourage the participation of organizations and individuals interested in such issues, including parents, community leaders, academicians, business leaders, teachers, employers, employees and public officials at the local, State, and Federal levels. To the extent permitted by law, executive branch departments and agencies shall cooperate in providing resources, including personnel detailed to the Initiative, to meet the objectives of this order. The Initiative shall include both career civil service and appointed staff with expertise in the area of education.

Section 4. Executive branch departments and agencies, to the extent permitted by law and practicable, shall provide any appropriate information requested by the Commission or the staff of the Initiative, including data relating to the eligibility for and participation by Hispanic Americans in Federal education programs and the progress of Hispanic Americans in closing the academic achievement gap and in achieving the goals of the President's "No Child Left Behind" education blueprint. Where adequate data are not available, the Commission shall suggest the means for collecting the data. In accordance with the accountability goals established by the President, executive branch departments and agencies involved in relevant programs shall report to the President through the Initiative by September 30, 2002, on:

- a. efforts to increase participation of Hispanic Americans in Federal education programs and services;
- b. efforts to include Hispanic-serving school districts, Hispanic-serving institutions, and other educational institutions for Hispanic Americans in Federal education programs and services;
- c. levels of participation attained by Hispanic Americans in Federal education programs and services; and
- d. the measurable impact resulting from these efforts and levels of participation. The Department of Education's report also shall describe the overall condition of Hispanic American education and such other aspects of the educational status of Hispanic Americans, as the Secretary considers appropriate.

Section 5. Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App), may apply to the Commission, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Department of Education in accordance with the guidelines that have been issued by the Administrator of General Services.

Section 6. (a) Members of the Commission shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707).

(b) To the extent permitted by law, the Department of Education shall provide funding and administrative support for the Commission and the Initiative.

Section 7. The Commission shall prepare and submit an interim and final report to the President outlining its findings and recommendations as follows:

- a. The Commission shall submit an Interim Report no later than September 30, 2002. The Interim Report shall describe the Commission's examination of:
 - i. available research and information on the effectiveness of current practices at the local, State, and Federal levels in closing the educational achievement gap for Hispanic Americans and attaining the goals established by the President's "No Child Left Behind" educational blueprint;
 - ii. available research and information on the effectiveness of current practices involving Hispanic parents in the education of their children; and
 - iii. the appropriate role of Federal agencies' education programs in helping Hispanic parents successfully prepare their children to graduate from high school and attend post secondary institutions.
- b. The Commission shall issue a Final Report no later than March 31, 2003. The Final Report shall set forth the Commission's recommendations regarding:
 - i. a multi-year plan, based on the data collected concerning identification of barriers to and successful models for closing the educational achievement gap for Hispanic Americans, that provides for a coordinated effort among parents, community leaders, business leaders, educators, and public officials at the local, State, and Federal levels to close the educational achievement gap for Hispanic Americans and ensure attainment of the goals established by the President's "No Child Left Behind" educational blueprint.
 - ii. the development of a monitoring system that measures and holds executive branch departments and agencies accountable for the coordination of Federal efforts among the designated executive departments and agencies to ensure the participation of Hispanic Americans in Federal education programs and promote high-quality education for Hispanic Americans;
 - iii. the identification of successful methods employed throughout the Nation in increasing parental, State and local, private sector, and community involvement in improving education for Hispanic Americans;
 - iv. ways to improve on and measure the effectiveness of Federal agencies' education programs in ensuring that Hispanic Americans close the educational achievement gap and attain the goals established by the President's "No Child Left Behind" educational blueprint; and
 - v. how Federal Government education programs can best be applied to ensure Hispanic parents successfully prepare their children to attend post secondary institutions.

Section 8. The Commission shall terminate 30 days after submitting its final report, unless extended by the President.

Section 9. Executive Order 12900 of February 22, 1994, as amended, is revoked.

GEORGE W. BUSH
THE WHITE HOUSE
October 12, 2001

EXECUTIVE ORDER 13163

INCREASING THE OPPORTUNITY FOR INDIVIDUALS WITH
DISABILITIES TO BE EMPLOYED IN THE FEDERAL GOVERNMENT

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote an increase in the opportunities for individuals with disabilities to be employed at all levels and occupations of the Federal Government, and to support the goals articulated in section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), it is hereby ordered as follows:

Section 1. Increasing the Federal Employment Opportunities for Individuals with Disabilities. (a) Recent evidence demonstrates that, throughout the United States, qualified persons with disabilities have been refused employment despite their availability and qualifications, and many qualified persons with disabilities are never made aware of available employment opportunities. Evidence also suggests that increased efforts at outreach, and increased understanding of the reasonable accommodations available for persons with disabilities, will permit persons with disabilities to compete for employment on a more level playing field.

(b) Based on current hiring patterns and anticipated increases from expanded outreach efforts and appropriate accommodations, the Federal Government, over the next 5 years, will be able to hire 100,000 qualified individuals with disabilities. In furtherance of such efforts, Federal agencies shall:

- (1) Use available hiring authorities, consistent with statutes, regulations, and prior Executive orders and Presidential Memoranda;
- (2) Expand their outreach efforts, using both traditional and nontraditional methods; and
- (3) Increase their efforts to accommodate individuals with disabilities.

(c) As a model employer, the Federal Government will take the lead in educating the public about employment opportunities available for individuals with disabilities.

(d) This order does not require agencies to create new positions or to change existing qualification standards for any position.

Sec. 2. Implementation. Each Federal agency shall prepare a plan to increase the opportunities for individuals with disabilities to be employed in the agency. Each agency shall submit that plan to the Office of Personnel Management within 60 days from the date of this order.

Sec. 3. Authority to Develop Guidance. The Office of Personnel Management shall develop guidance on the provisions of this order to increase the opportunities for individuals with disabilities employed in the Federal Government.

Sec. 4. Judicial Review. This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, its employees, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
July 26, 2000.

Executive Order 13270 Tribal Colleges and Universities

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. There is a unique relationship between the United States and Indian tribes, and a special relationship between the United States and Alaska Native entities. It is the policy of the Federal Government that this Nation's commitment to educational excellence and opportunity must extend as well to the tribal colleges and universities (tribal colleges) that serve Indian tribes and Alaska Native entities. The President's Board of Advisors on Tribal Colleges and Universities (the "Board") and the White House Initiative on Tribal Colleges and Universities (WHITCU) established by this order shall ensure that this national policy regarding tribal colleges is carried out with direct accountability at the highest levels of the Federal Government.

Tribal colleges are both integral and essential to their communities. Often they are the only postsecondary institutions within some of our Nation's poorest rural areas. They fulfill a vital role: in maintaining and preserving irreplaceable languages and cultural traditions; in offering a high-quality college education to younger students; and in providing job training and other career-building programs to adults and senior citizens. Tribal colleges provide crucial services in communities that continue to suffer high rates of unemployment and the resulting social and economic distress.

The Federal Government's commitment to tribal colleges is reaffirmed and the private sector can and should contribute to the colleges' educational and cultural missions.

Finally, postsecondary institutions can play a vital role in promoting excellence in early childhood, elementary, and secondary education. The Federal Government will therefore work to implement the innovations and reforms of the No Child Left Behind Act of 2001 (Public Law 107-110) in partnership with tribal colleges and their American Indian and Alaska Native communities.

Sec. 2. Definition of Tribal Colleges and Universities. Tribal colleges are those institutions cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.), and Dine' College, authorized in the Navajo Community College Assistance Act of 1978, Public Law 95-471, title II (25 U.S.C. 640a note).

Sec. 3. Board of Advisors. (a) **Establishment.** There shall be established in the Department of Education a Presidential advisory committee entitled the President's Board of Advisors on Tribal Colleges and Universities (the "Board").

(b) **Membership.** The Board shall consist of not more than 15 members who shall be appointed by the President, one of whom shall be designated by the President as Chair. The Board shall include representatives of tribal colleges and may also include representatives of the higher, early childhood, elementary, and secondary education communities; tribal officials; health, business, and financial institutions; private foundations; and such other persons as the President deems appropriate.

(c) **Functions.** The Board shall provide advice regarding the progress made by Federal agencies toward fulfilling the purposes and objectives of this order. The Board also shall provide recommendations to the President, through the Secretary of Education (Secretary), on ways the Federal Government can help tribal colleges:

- (1) use long-term development, endowment building, and planning to strengthen institutional viability;
- (2) improve financial management and security, obtain private-sector funding support, and expand and complement Federal education initiatives;
- (3) develop institutional capacity through the use of new and emerging technologies offered by both the Federal and private sectors;
- (4) enhance physical infrastructure to facilitate more efficient operation and effective recruitment and retention of students and faculty; and
- (5) help implement the No Child Left Behind Act of 2001 and meet other high standards of educational achievement.

(d) **Meetings.** The Board shall meet at least annually, at the request of the Secretary, to provide advice and consultation on tribal colleges and relevant Federal and private-sector activities, and to transmit reports and present recommendations.

Sec. 4. White House Initiative on Tribal Colleges and Universities. There shall be established in the Department of Education, Office of the Secretary, the White House Initiative on Tribal Colleges and Universities (WHITCU). The WHITCU shall:

- (a) provide the staff support for the Board;
- (b) assist the Secretary in the role of liaison between the executive branch and tribal colleges; and
- (c) serve the Secretary in carrying out the Secretary's responsibilities under this order.

Sec. 5. Department and Agency Participation. Each participating executive department and agency (agency), as determined by the Secretary, shall appoint a senior official who is a full-time officer of the Federal Government and who is responsible for management or program administration. The official shall report directly to the agency head, or to the agency head's designee, on agency activity under this order and serve as liaison to the WHITCU. To the extent permitted by law and regulation, each agency shall provide appropriate information as requested by the WHITCU staff pursuant to this order.

Sec. 6. Three-Year Federal Plan.

(a) Content. Each agency identified by the Secretary shall develop and implement a Three-Year Plan of the agency's efforts to fulfill the purposes of this order. These Three-Year Plans shall include annual performance indicators and appropriate measurable objectives for the agency.

Among other relevant issues, the plans shall address how the agency intends to increase the capacity of tribal colleges to compete effectively for any available grants, contracts, cooperative agreements, and any other Federal resources, and to encourage tribal colleges to participate in Federal programs. The plans also may emphasize access to high-quality educational opportunities for economically disadvantaged Indian students, consistent with requirements of the No Child Left Behind Act of 2001; the preservation and revitalization of tribal languages and cultural traditions; and innovative approaches to better link tribal colleges with early childhood, elementary, and secondary education programs. The agency's performance indicators and objectives should be clearly reflected in the agency's annual budget submission to the Office of Management and Budget. To facilitate the attainment of these performance indicators and objectives, the head of each agency identified by the Secretary, shall provide, as appropriate, technical assistance and information to tribal colleges regarding the program activities of the agency and the preparation of applications or proposals for grants, contracts, or cooperative agreements.

(b) Submission. Each agency shall submit its Three-Year Plan to the WHITCU. In consultation with the Board, the WHITCU shall then review these Three-Year Plans and develop an integrated Three-Year Plan for Assistance to Tribal Colleges, which the Secretary shall review and submit to the President. Agencies may revise their Three-Year Plans within the three-year period.

(c) Annual Performance Reports. Each agency shall submit to the WHITCU an Annual Performance Report that measures the agency's performance against the objectives set forth in its Three-Year Plan. In consultation with the Board, the WHITCU shall review and combine Annual Performance Reports into one annual report, which shall be submitted to the Secretary for review, in consultation with the Office of Management and Budget.

Sec. 7. Private Sector. In cooperation with the Board, the WHITCU shall encourage the private sector to assist tribal colleges through increased use of such strategies as:

- (a) matching funds to support increased endowments;
- (b) developing expertise and more effective ways to manage finances, improve information systems, build facilities, and improve course offerings; and
- (c) increasing resources for and training of faculty.

Sec. 8. Termination. The Board shall terminate 2 years after the date of this order unless the Board is renewed by the President prior to the end of that 2-year period.

Sec. 9. Administration. (a) Compensation. Members of the Board shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701-5707).

(b) **Funding.** The Board and the WHITCU shall be funded by the Department of Education.

(c) **Administrative Support.** The Department of Education shall provide appropriate administrative services and staff support for the Board and the WHITCU. With the consent of the Department of Education, other agencies participating in the WHITCU shall provide administrative support (including detailees) to the WHITCU consistent with statutory authority. The Board and

the WHITCU each shall have a staff and shall be supported at appropriate levels commensurate with that of similar White House Initiative Offices.

(d) **General Provisions.** Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the "Act"), may apply to the administration of any portion of this order, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Secretary of Education in accordance with the guidelines issued by the Administrator of General Services.

Sec. 10. Revocation. Executive Order 13021 of October 19, 1996, as amended, is revoked.

GEORGE W. BUSH
THE WHITE HOUSE,
July 3, 2002.

Appropriations Act Ban on Paying Certain Non-Citizens

- For every year since 1939, the Congress has placed language in annual appropriations laws to prevent the use of appropriated funds in the continental United States to pay Federal employees unless they are United States citizens or meet one of several exceptions. It is the responsibility of each agency to apply the terms of this law. No authority is given to the Office of Personnel Management to regulate, enforce, or grant exceptions to the ban.
- Current appropriations law prohibits an agency from using appropriated funds to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person:
 1. is a [citizen](#) of the United States,
 2. is a person in the service of the United States on the date of enactment of the appropriations act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States,
 3. is a [person who owes allegiance](#) to the United States,
 4. is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence,
 5. is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975, or
 6. is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the [Chinese Student Protection Act](#) of 1992.

The ban does not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those [countries allied](#) with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

Notes on the Appropriations Act Ban

- Some agencies may have appropriations language that specifically exempts them from the ban on paying non-citizens. For example, the Department of Defense is granted such an exception in its Appropriations Act.
- The term "continental United States" includes all states except Hawaii. Note that Civil Service Rule VIII provides separate authority to appoint non-citizens in

overseas positions. "Overseas positions" are defined for this purpose as ". . . positions in foreign countries and in other areas beyond the continental limits of the United States, except as provided in section 8.4."

Excerpt from 5 CFR 8 Appointments to Overseas Positions.

Sec. 8.3 Appointment of persons not citizens of the United States.

Persons who are not citizens of the United States may be recruited overseas and appointed to overseas positions without regard to the Civil Service Act.

Sec. 8.4 Positions excepted from the application of this part.

This part shall not apply to positions in Hawaii, Puerto Rico, the Virgin Islands, and Alaska, and on the Isthmus of Panama.

- Citizens of the United States include those who were:
 - born in the United States (the fifty states, the District of Columbia, Puerto Rico, Guam [since 1950], or the U. S. Virgin Islands);
 - born outside the United States to parents who are citizens of the United States, one of which was physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of the person (in some situations only one parent has to be a citizen);
 - naturalized as a United States citizen; or
 - otherwise granted citizenship under authorities described in law, beginning at [8 U.S.C. 1401](#).
- Persons (nationals) who owe allegiance to the United States include those who were ". . . born in an outlying possession of the United States on or after the date of formal acquisition of such possession;" (including American Samoa, Swains Island, and the Northern Mariana Islands), or who are children of nationals under certain circumstances, or who meet other requirements described in law at [8 U.S.C. 1408](#).
- The Chinese Student Protection Act of 1992 allows certain nationals of the Peoples Republic of China (PRC) who were identified in [Executive Order 12711](#) to have their immigration status upgraded from "student" category or from some other designated category. The appropriations ban does not bar payments to PRC nationals who qualify under the terms of the Chinese Student Protection Act for a change in immigration status.
- Countries ". . . allied with the United States in a current defense effort. . ." are those with which the United States has certain treaties.

- For an authoritative list of allied countries, agencies should contact the Office of Treaty Affairs in the Office of the Legal Adviser, U.S. Department of State.
- According to the State Department, countries with qualifying treaties as of August 2005, include: Argentina, Australia, Bahamas, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cuba (as a signatory of the Rio Treaty in 1947), Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Italy, Japan, Korea (Republic of), Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Thailand, Trinidad and Tobago, Turkey, United Kingdom, Uruguay, and Venezuela.
*

*During 2004, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovak Republic, and Slovenia were added to the list and Mexico was removed.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



JUL 19 2006

Memorandum

To: Solicitor
Inspector General
Assistant Secretaries
Heads of Bureaus and Offices

From: Marilia A. Matos 
Director, Office of Human Resources

Subject: Departmental Policy on the Student Career Experience Program (SCEP)

The Office of the Assistant Secretary of the Interior for Policy, Management and Budget is issuing a new Personnel Bulletin to all Department Offices establishing policy on SCEP. This new guidance provides for systematic practices and procedures across the entire Department. The new guidance is intended to clarify program changes implemented by the U. S. Office of Personnel Management for Title 5 of the United States Code of Federal Regulations (CFR), Part 213, dated May 11, 2006.

The attached Personnel Bulletin offers bureaus and equivalent organizations an important human resource flexibility, to help recruit and retain highly qualified personnel. This guidance supersedes Personnel Bulletin No. 02-05 (338), dated November 6, 2001. All Department of the Interior Human Resource Office's will now use this guidance when determining eligibility for SCEP and conversion to subsequent appointment. If you have any questions please contact Michael Ballew on (202) 513-0755 or Michael_Ballew@ios.doi.gov.

Attachment

cc: Deputy Secretary
Chief of Staff
Bureau/Equivalent Office Human Resources Officers

Appendix A-8

DOI Personnel Bulletin 06-08



United States Department of the Interior
 OFFICE OF THE SECRETARY
 Washington, DC 20240



JUL 19 2006

PERSONNEL BULLETIN NO. 06-08

SUBJECT: Departmental Policy on the Student Career Experience Program (SCEP)

1. This bulletin establishes the Department of the Interior's (DOI) policy on the SCEP. It supersedes previous guidance issued under Personnel Management Bulletin No. 02-05 (338); Subject: Departmental Qualification Standard for Excepted Service Student Career Experience Program Positions, dated November 6, 2001.
2. **Authorities:** Title 5 of the United States Code of Federal Regulations (CFR), Part 213.
3. **Policy:** This bulletin establishes a DOI qualification standard for excepted service SCEP positions filled under rules described in 5 CFR, Part 213. Student trainee occupational series covered by this standard follow below:

GS-0099 -- General	GS-1399 -- Physical Science
GS-0199 -- Social Science	GS-1499 -- Library and Archive
GS-0299 -- Human Resources	GS-1599 -- Mathematics and Statistics
GS-0399 -- Administrative and Office Support	GS-1699 -- Equipment and Facilities Management
GS-0499 -- Biological Science	GS-1799 -- Education
GS-0599 -- Financial Management	GS-1899 -- Investigation
GS-0899 -- Engineering and Architecture	GS-1999 -- Quality Inspection
GS-0999 -- Legal Occupations	GS-2099 -- Supply
GS-1099 -- Information and Arts	GS-2199 -- Transportation
GS-1199 -- Business and Industry	GS-2299 -- Information Technology

a. Covered Employees.

Under 5 CFR, Part 213 authority is granted to the bureaus and equivalent offices to identify and credit a student's job-related work-study experience or active duty military service toward the minimum requirement for conversion to a permanent appointment under the provisions of the SCEP. This authority is applied to student trainee employees covered under the General Schedule (GS) pay system or to employees in a pay system approved by the United States Office of Personnel Management (OPM) for coverage at the request of the head of an Executive Agency.

Appendix A-8

DOI Personnel Bulletin 06-08

b. Approving Officials.

The Human Resources Office (HRO) of the bureau or equivalent office, in conjunction with a Subject Matter Expert, will make all determinations that the education, job-related experience in a structured work-study program or active duty military service is creditable toward meeting the requirements of SCEP. The employing office will certify that the SCEP covered employee has demonstrated high potential for continued Federal employment as evidenced by outstanding academic achievement and exceptional job performance. The employing office will submit an approved Request for Personnel Action (SF-52) to the servicing HRO to implement the conversion.

c. Definition of a Student.

A student is an individual who has been either accepted for enrollment or who is currently enrolled and seeking a degree, i.e., diploma, certificate, etc.: in a high school whose curriculum has been approved by a state or local governing body; in a technical or vocational school; two-year or four-year under-graduate program at a college or university; or in a graduate or professional school. The undergraduate and graduate level study must be in a college or university that has been accredited by an accrediting body recognized by the Secretary of the United States Department of Education. DOI will accept the definition of full-time, part-time and half-time enrollment as defined by the school in which the student is enrolled. Students are not required to be in actual physical attendance, so long as all other requirements are met.

d. Program Requirements for Noncompetitive Conversion Under SCEP.

A student who is a citizen of the United States may be noncompetitively converted from the SCEP to a term, career-conditional or career appointment in the competitive civil service under Executive Order 12015 (as amended by Executive Order 13024) within 120-days of completion of academic study from an accredited institution when the student has:

1. Completed at least 640-hours of career-related work experience, which includes student trainee and non-student trainee work and experience acquired through a Federal work-study program. To be creditable to meet the 640-hours requirement the work-study program must be in a field or functional area that is directly related to the student's target position or career field and must be acquired either under an Student Educational Employment Program appointment or any previous Federal appointment, e.g., fellowships and similar programs in accordance with 5 CFR 213.3102 (r). Work experience is creditable toward the SCEP requirement if the student worked in, but not for a Federal agency, in a position comparable to a formal work-study agreement between a Federal agency and an academic institution which includes experience as a student as defined in 5 CFR 308. Students may also acquire work experience toward meeting the

640-hours through a formal agreement or contract comparable to the SCEP agreement between a Federal agency and an academic institution and/or a non-Federal organization providing internship experience. The bureau or equivalent office may also credit service as an active duty member of the armed forces of the United States, to include the National Guard and reserves. The experience must be in a field or functional area that is related to the student's target position or career field. The student must be discharged or released from active duty under honorable conditions.

2. Bureaus and equivalent offices may waive up to one-half, i.e., 320-hours of the 640-hours minimum service requirement in paragraph 1 above if a student who is enrolled in an accredited college or university completes at least 320-hours of career-related work experience under a Student Educational Employment Program or SCEP appointment and has demonstrated high potential, as evidenced by outstanding academic achievement and exceptional job performance.
 - a. Outstanding academic achievement must be demonstrated by an overall grade point average of 3.5 or better on a 4.0 scale; standing in the top ten percent of the student's graduating class; and/or induction into a nationally recognized scholastic honor society.
 - b. Exceptional job performance must be demonstrated by a formal evaluation conducted by the student's work-study supervisor(s), in a manner consistent with performance standards similar to the appraisal program established by DOI. Although 370 DM 430 defines "minimum rating period" as 90 calendar days, the formal evaluation for the purposes of paragraph 2 may be accomplished after completion of at least 320 hours under SCEP.

Noncompetitive conversion may be to a position within the same bureau or equivalent office, any other DOI organization or Executive Agency within the Federal Government, but must be to an occupation related to the student's academic training and work study experience. A bureau or equivalent office that converts a SCEP graduate to a term appointment may also noncompetitively convert that individual to a career or career-conditional appointment before the term appointment expires.

e. Program Oversight and Evaluation. Bureaus and equivalent offices will include review of the use of the SCEP authority in their internal personnel management evaluation programs. This review shall be accomplished at least annually and the results made available upon request.

4. **Point-of-contact.** The Department point of contact on this policy is Michael Ballew, (202) 513-0755, or Michael_Ballew@ios.doi.gov.



Marilia A. Matos
Director, Office of Human Resources

**United States Department of the Interior
BUREAU OF LAND MANAGEMENT
National Human Resources Management Center
Denver Federal Center, Building 50
P.O. Box 25047
Denver, Colorado 80225-0047**

In Reply Refer To:
1400-213 (HR-210)

February 1, 1999

EMS Transmission
Instruction Memorandum No. HR-99-023
Expires: 9/30/00

To: Assistant Director-Human Resources Management
All Servicing Personnel Officers
All Equal Employment Opportunity Managers

From: Director, National Human Resources Management Center

Subject: Bureau of Land Management Qualification Standard for Student Trainees

The 5 CFR 213.3202 (d)(8), Qualifications under the Student Career Experience Program (SCEP), authorizes agencies to develop qualification standards for evaluating and promoting SCEP participants. In 1995, the Bureau of Land Management issued an internal Student Trainee Qualification Standard. The attached standard modifies the previous standard to enable promotion of graduate student participants who are attending school part-time while working for the Bureau. The National SCEP Coordinator has reviewed and concurred with this standard.

Appendix A-9

BLM Qualifications Standard for Student Trainees

Signed
Linda D. Sedbrook
Director

Authenticated
Darlene Robitaille
Secretary

1 Attachment
1 - BLM Qualification Standard for Student Trainee (4 pp)

Distribution
RS-150A, BLM Library
NI-110, Reading File
WO-107-D, Reading File
HR-210, Originator
HR-200, Reading File

**BUREAU OF LAND MANAGEMENT
QUALIFICATIONS STANDARD FOR STUDENT TRAINEE**

This standard describes the qualification requirements for student trainee positions in the Student Career Experience Program under 5 CFR 213.3202. Eligibility and selection requirements are described in the CFR and the Department of the Interior Student Educational Employment Handbook. Student trainee positions in the competitive service are covered by the Student Trainee Qualification Standard for Competitive Service Positions. This standard does not apply to students hired into the Student Temporary Employment Program.

This standard applied to all GS-XX99 occupational series in the excepted service.

REQUIREMENTS FOR INITIAL APPOINTMENT

Student trainees with no previous related education or experience may qualify as described below.

GRADE	LEVEL OF EDUCATION
GS-1	Enrollment in a high school diploma or equivalent program.
GS-2	High school diploma or equivalent.
GS-3	Completion of 1 academic year of post high school study.
GS-4	Completion of 2 academic years of post high school study or associate's degree.
GS-5	Completion of 4 academic years of post-high school study leading to a bachelor's degree or completion of 4 academic years of pre-professional study.
GS-7	Completion of 1 academic year of graduate level education or bachelor's degree with Superior Academic Achievement or 5 academic years of pre-professional study.
GS-9	Completion of 2 academic years of graduate level education or

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BLM Qualifications Standard for Student Trainees

	master's or equivalent graduate degree.
GS-11	For research positions, completion of all requirements for a master's or equivalent degree.

The required education must be (a) related to the field in which student trainees will received training on the job or (b) applicable under the qualification standard for the target occupational series.

Special Provisions for Student Trainees with Previous Related Education or Experience

For both initial appointment to and concurrent with conversion from a student trainee program, the applicant's previous education and/or experience (including non-student trainee experience) should be evaluated using the qualification for the target position to determine whether it is creditable. Non-student trainee experience does not count towards the 640 hours of career-related work experience.

If any portion of the education or experience meets the requirements in the qualification standard for the target position, then both the initial appointment and conversion may be made at the highest grade level for which the applicant is qualified and eligible.

PROMOTION REQUIREMENTS

Student trainees may be promoted to higher-graded trainee positions based on their Federal Government student trainee work experience, as follows:

To GS-2: Continued study in a high school education program and completion of 2 months of student trainee work experience.

To GS-3: Completion of one full semester or the equivalent of post-high school study and 2 months of student trainee work experience.

To GS-4: (a) Completion of 1 academic year of study and 4 months of student trainee work experience; or (b) completion of 1 ½ academic years of study and 2 months of student trainee work experience.

To GS-5: (a) Completion of 3 academic years of study leading to a bachelor's or higher degree and 2 months of GS-4 student trainee work experience; or (b) completion of 2 ½ academic years of study leading to a bachelor's or higher degree and 6 months of GS-4 student trainee work experience.

Student trainee positions where the target occupation follows a one-grade interval pattern:

To GS-6: Completion of 4 academic years of study (or all the requirements) for a bachelor's degree and completion of 2 months of GS-5 student trainee work experience.

Student trainee positions where the target occupation follows a two-grade interval pattern:

To GS-7: (a) Completion of 4 academic years of study (or all the requirements for a bachelor's degree and completion of 2 months of GS-5 student trainee work experience, or (b) completion of 4 academic years of pre-professional study and completion of 2 months of GS-5 student trainee work experience.

To GS-9: (a) Completion of 1 full year of graduate level study and completion of 2 months of GS-7 student trainee experience, or (b) completion of 5 academic years of pre-professional study and completion of 2 months of GS-7 student trainee experience, or © completion on one-half year of graduate level study and 6 months of GS-7 student trainee experience.

To GS-11: (a) Completion of 2 full years of graduate level study and completion of 2 months of GS-9 student trainee experience, or (b) completion of 1 full year of academic experience and 6 months of GS-9 student trainee experience.

EXPLANATION OF TERMS

An academic year of undergraduate education is defined as 30 semester hours, 45 quarter hours, or the equivalent in an accredited college or university, or approximately 36 weeks for at least 20 classroom hours per week in an accredited business, technical, or secretarial school.

Pre-professional study is study in fields that require a post-baccalaureate degree at the entry level, e.g., veterinary medicine, social worker.

An academic year of graduate education is considered to be the number of credit hours that the school attended has determined to represent 1 academic year of full-time study. This determination is made based on normal course loads for a full year of study in the graduate program. If that information cannot be obtained from the school, 18 semester hours or 27 quarter hours should be considered as satisfying the 1 year of full-time study requirement. Part-time graduate education is creditable in accordance with its relationship to a year of full-time study at the school attended.

Works months are calculated on a full-time basis.

CONVERSION

Students may be converted noncompetitively to a career or career-conditional appointment to the target position within 120 days following completion of their educational and work experience requirements. Personnel Offices may also promote students noncompetitively using this standard immediately prior to conversion.

When converting students, the following conditions must be met:

- Students must meet the qualification standard for the position, including any minimum educational, licensing, or certification requirements; however, students who are converted at the same grade as their final student trainee grade need not meet any length of experience requirements for that grade level;
- Students must meet all the program requirements defined in the CFR.

TEST REQUIREMENTS

A written test is not required for Schedule B student trainee positions at the time of initial appointment or upon conversion.

5 CFR 213.3201

(a) Upon specific authorization by OPM, agencies may make appointments under this section to positions which are not of a confidential or policy-determining character, and which are not in the Senior Executive Service, for which it is impracticable to hold open competition or to apply usual competitive examining procedures. Appointments under this authority are subject to the basic qualification standards established by the Office of Personnel Management for the occupation and grade level. Positions filled under this authority are excepted from the competitive service and constitute Schedule B. For each authorization under this section, OPM shall assign a number from 213.3202 through 213.3299 to be used by the appointing agency in recording appointments made under that authorization.

(b) [Reserved]

[46 FR 20147, Apr. 3, 1981, as amended at 47 FR 57655, Dec. 28, 1982; 53 FR 15353, Apr. 29, 1988]

TITLE 5--ADMINISTRATIVE PERSONNEL

CHAPTER I--OFFICE OF PERSONNEL MANAGEMENT

PART 302_EMPLOYMENT IN THE EXCEPTED SERVICE--Table of Contents

Subpart A_General Provisions

Sec. 302.101 Positions covered by regulations.

Subpart A_General Provisions

Sec.

302.101 Positions covered by regulations.

302.102 Method of filling positions and status of incumbents.

302.103 Definitions.

302.104 Applicability of regulations to applicants and employees.

302.105 Special agency plans.

302.106 Vacancy announcements.

Subpart B_Eligibility Standards

302.201 Persons entitled to veteran preference.

302.202 Qualification requirements.

302.203 Disqualifying factors.

Subpart C_Accepting, Rating and Arranging Applications

302.301 Receipt of applications.

302.302 Examination of applicants.

302.303 Maintenance of employment lists.

302.304 Order of consideration.

Subpart D_Selection and Appointment; Reappointment; and Qualifications
for Promotion

302.401 Selection and appointment.

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302.402 Reappointment.

302.403 Qualifications for promotion.

Subpart E_Appeals

302.501 Entitlement.

Authority: 5 U.S.C. 1302, 3301, 3302, 8151, E.O. 10577 (3 CFR 1954-1958 Comp., p. 218); Sec. 302.105 also issued under 5 U.S.C. 1104, Pub.

L. 95-454, sec. 3(5); Sec. 302.501 also issued under 5 U.S.C. 7701 et seq.

Source: 55 FR 9407, Mar. 14, 1990, unless otherwise noted.

(a) Positions covered. With respect to the application of veteran preference, this part applies to each position in the Executive Branch of the Federal Government that is not in the competitive service and that is subject to the provisions of title 5, United States Code, or subject to a statutory requirement to follow the veteran preference provisions of title 5. With respect to restoration rights that are due to compensable injury and appeals therefrom, this part applies to those positions covered by 5 U.S.C. 8101(1) that are not in the competitive service.

(b) Positions not covered. This part does not apply to a position or appointment that is required by the Congress to be confirmed by, or made with the advice and consent of, the Senate.

(c) Positions exempt from appointment procedures. In view of the circumstances and conditions surrounding employment in the following classes of positions, an agency is not required to apply the appointment procedures of this part to them, but each agency shall follow the principle of veteran preference as far as administratively feasible and, on the request of a qualified and available preference eligible, shall furnish him/her with the reasons for his/her nonselection. Also, the exemption from the appointment procedures of this part does not relieve agencies of their obligation to accord persons entitled to priority consideration (see Sec. 302.103) their rights under 5 U.S.C. 8151:

(1) Positions filled by persons appointed without pay or at pay of \$1 a year;

(2) Positions outside the continental United States and outside the State of Hawaii and the Commonwealth of Puerto Rico when filled by persons resident in the locality, and positions in the State of Hawaii and the Commonwealth of Puerto Rico when paid in accordance with prevailing wage rates;

(3) Positions which the exigencies of the national defense program demand be filled immediately before lists of qualified applicants can be established or used, but appointments to these positions shall be temporary appointments not to exceed 1 year which may be renewed for 1 additional year at the discretion of the agency;

(4) Positions filled by appointees serving on an irregular or occasional basis whose hours or days of work are not based on a prearranged schedule and who are paid only for the time when actually employed or for services actually performed;

(5) Positions paid on a fee basis;

(6) Positions included in Schedule A (see subpart C of part 213 of

this chapter) and similar types of positions when OPM agrees with the agency that the positions should be included hereunder;

(7) Positions included in Schedule C (see subpart C of part 213 of this chapter) and positions excepted by statute which are of a confidential, policy-making, or policy-advocating nature;

(8) Student Trainee positions when filled under Schedule B (see subpart C of part 213 of this chapter);

(9) Attorney positions; and

(10) Positions filled by reemployment of an individual in the same agency and commuting area, at the same or lower grade, and under the same appointing authority as the position last held; Provided That, there are no candidates eligible for the position on the agency's priority reemployment list established in accordance with Sec. 302.303.

(11) Positions for which a critical hiring need exists when filled under Sec. 213.3102(i)(2) of this chapter.

[55 FR 9407, Mar. 14, 1990, as amended at 58 FR 58260, Nov. 1, 1993; 60 FR 10006, Feb. 23, 1995]

OMB BULLETIN 93-08

SECTION 209 SPECIAL PLACEMENT PROGRAMS

1. Purpose. To provide information on special placement programs which may be utilized by Federal agencies in filling positions within their organization.

2. Placement Programs - see attached Exhibits 1 and 2

3. Responsibilities

a. Activities

(1) Ensure full support of special placement programs within existing resources.

(2) Identify positions within their organization that may be filled through the special placement programs.

(3) Give full and objective consideration to candidates who are referred through these programs.

b. HRO CNR

(1) Serves as the contact point for special placement program referrals. Special placement program coordinators will be assigned by separate correspondence.

(2) Assists activities in:

(a) Identifying suitable vacancies.

(b) Evaluating a person's capacities to perform the duties of the position.

(c) Matching the capacities of the person with the specific demands of the job, paying special attention to the degree to which the person has compensated for any limitations.

(d) Receiving and distributing program promotional material, publicizing the program, and maintaining effective liaison with the various placement agencies and public and private organizations concerning the training, rehabilitation, and/or employment of persons covered by such programs.

EXHIBIT 2

STUDENT EDUCATIONAL EMPLOYMENT PROGRAM

	STUDENT TEMPORARY EMPLOYMENT PROGRAM (STEP)	STUDENT CAREER EXPERIENCE PROGRAM (SCEP)
Purpose	Provides maximum flexibility to both students and managers because work does not have to relate to student's academic career goals.	Provides work experience directly related to the student's educational program and career goals.
Authority Appointment References	Schedule B 5 C.F.R. 213.3202(a) Agencies may appoint non-US citizens provided the student is lawfully admitted to the US as a permanent resident or otherwise authorized to be employed AND the agency is authorized to pay aliens under the annual appropriations act ban and any agency specific enabling and appropriation statutes. HOWEVER, only US citizens can be converted to Term, Career-Conditional, or Career appointments.	Schedule B 5 C.F.R. 213.3202(b)
Eligibility	Students must be enrolled or accepted for enrollment at least half time in an accredited High School, technical, vocational, 2- or 4-year college or university, graduate or professional school.	Students must be enrolled or accepted for enrollment at least half time in an accredited High School, technical, vocational, 2- or 4-year college or university, graduate or professional school.
Pay Level	<ul style="list-style-type: none"> ▪ Based on classification of position for which the student is hired. Grade level is set according to the criteria in the appropriate General Schedule (GS) or wage grade (WG) classification standard. 	<ul style="list-style-type: none"> ▪ Based on classification of position for which hired. Grade level is set according to the appropriate General Schedule (GS) or wage grade (WG) classification standard. ▪ Students in GS and WG positions will be classified as student trainees, to the -99 or to the -01 series, of the appropriate occupational group, respectively.

Executive Order 12015--Permitting students completing approved career-related work-study programs to be appointed to career or career conditional positions in the competitive service

Source: The provisions of Executive Order 12015 of Oct. 26, 1977, appear at 42 FR 56947, 3 CFR, 1977 Comp., p. 150, unless otherwise noted.

By virtue of the authority vested in me by Sections 3301 and 3302 of Title 5 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

Section 1. As used in this order "career-related work-study programs" are those programs established by the Office of Personnel Management which provide for a formally-arranged schedule of periods of attendance at an accredited school combined with periods of career-related work in a Federal agency under a Schedule B appointment.

[Sec. 1 amended by Executive Order 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Sec. 2. The appointment of a student to a position in a career-related work-study program may be converted noncompetitively to a career or career-conditional appointment if the student:

- (a) has completed within the preceding 120 days an educational program that meets the provisions established by the Office of Personnel Management;
- (b) has satisfied all course requirements leading to completion of the related curriculum at an accredited school;
- (c) is recommended for such an appointment by the employing agency in which the career-related work was performed; and,
- (d) satisfies such other requirements and conditions as the Office of Personnel Management may prescribe for career or career-conditional appointment of an individual in career-related work-study programs.

[Sec. 2 amended by Executive Order 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Sec. 3. The Office of Personnel Management shall prescribe such regulations as it deems necessary to carry out the provisions of this order and to provide for the continuation of planning, implementation and evaluation of employment programs for students throughout the Government. These regulations shall provide for the periodic evaluation of the work of each student and require that each student's continuation in the program shall be dependent upon a finding of satisfactory performance.

[Sec. 3 amended by Executive Order 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Sec. 4. Executive Order No. 11813 of October 7, 1974, is hereby revoked.

Executive Order 13024 of November 7, 1996

Amending Executive Order 12015, Relating to Competitive

Appointments of Students Who Have Completed Approved

Career-Related Work Study Programs

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Executive Order 12015 of October 26, 1977, is amended as follows:

(a) in section 2 by striking “career or career-conditional” both times it appears and inserting in lieu thereof “term, career, or career-conditional”;

(b) by redesignating section 4 as section 5; and

(c) by inserting after section 3 the following new section:

“Sec. 4. Students converted to term appointment under section 2 may subsequently be converted noncompetitively to a career or career-conditional appointment before the term appointment expires.”

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THE WHITE HOUSE,

November 7, 1996.

Sec. 5533. Dual pay from more than one position; limitations; exceptions

(a) Except as provided by subsections (b), (c), and (d) of this section, an individual is not entitled to receive basic pay from more than one position for more than an aggregate of 40 hours of work in one calendar week (Sunday through Saturday).

(b) Except as otherwise provided by subsection (c) of this section, the Office of Personnel Management, subject to the supervision and control of the President, may prescribe regulations under which exceptions may be made to the restrictions in subsection (a) of this section when appropriate authority determines that the exceptions are warranted because personal services otherwise cannot be readily obtained.

(c)(1) Unless otherwise authorized by law and except as otherwise provided by paragraph (2) or (4) of this subsection, appropriated funds are not available for payment to an individual of pay from more than one position if the pay of one of the positions is paid by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, or one of the positions is under the Office of the Architect of the Capitol, and if the aggregate gross pay from the positions exceeds \$7,724 a year (\$10,540, in the case of pay disbursed by the Secretary of the Senate).

(2) Notwithstanding paragraph (1) of this subsection, appropriated funds are not available for payment to an individual of pay from more than one position, for each of which the pay is disbursed by the Chief Administrative Officer of the House of Representatives, if the aggregate gross pay from those positions exceeds the maximum per annum gross rate of pay authorized to be paid to an employee out of the clerk hire allowance of a Member of the House.

(3) For the purposes of this subsection, 'gross pay' means the annual rate of pay (or equivalent thereof in the case of an individual paid on other than an annual basis) received by an individual.

(4) Paragraph (1) of this subsection does not apply to pay on a when-actually-employed basis received from more than one consultant or expert position if the pay is not received for the same day.

(d) Subsection (a) of this section does not apply to -

(1) pay on a when-actually-employed basis received from more than one consultant or expert position if the pay is not received for the same hours of the same day;

(2) pay consisting of fees paid on other than a time basis;

(3) pay received by a teacher of the public schools of the District of Columbia for employment in a position during the summer vacation period;

(4) pay paid by the Tennessee Valley Authority to an employee performing part-time or intermittent work in addition to his normal duties when the Authority considers it to be in the interest of efficiency and economy;

(5) pay received by an individual holding a position -

(A) the pay of which is paid by the Secretary of the Senate

or the Chief Administrative Officer of the House of Representatives; or

(B) under the Architect of the Capitol;

(6) pay paid by the United States Coast Guard to an employee occupying a part-time position of lamplighter; and

(7) pay within the purview of any of the following statutes:

(A) [section 162 of title 2](#);

(B) [section 23\(b\) of title 13](#);

(C) [section 327 of title 15](#);

(D) [section 907 of title 20](#);

(E) [section 873 of title 33](#); or

(F) [section 631 or 631a of title 31, District of Columbia Code](#).

((G) Repealed. Pub. L. 96-70, title III, Sec. 3302(e)(8), Sept. 27, 1979, 93 Stat. 498.)

(e)(1) This section does not apply to an individual employed under sections 174j-1 to 174j-7 or 174k of title 40.

(2) Subsection (c) of this section does not apply to pay received by a teacher of the public schools of the District of Columbia for employment in a position during the summer vacation period.

August 27, 2004 Homeland Security Presidential Directive/Hspd-12

Subject: Policy for a Common Identification Standard for Federal Employees and Contractors

(1) Wide variations in the quality and security of forms of identification used to gain access to secure Federal and other facilities where there is potential for terrorist attacks need to be eliminated. Therefore, it is the policy of the United States to enhance security, increase Government efficiency, reduce identity fraud, and protect personal privacy by establishing a mandatory, Government-wide standard for secure and reliable forms of identification issued by the Federal Government to its employees and contractors (including contractor employees).

(2) To implement the policy set forth in paragraph (1), the Secretary of Commerce shall promulgate in accordance with applicable law a Federal standard for secure and reliable forms of identification (the "Standard") not later than 6 months after the date of this directive in consultation with the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Director of the Office of Management and Budget (OMB), and the Director of the Office of Science and Technology Policy. The Secretary of Commerce shall periodically review the Standard and update the Standard as appropriate in consultation with the affected agencies.

(3) "Secure and reliable forms of identification" for purposes of this directive means identification that (a) is issued based on sound criteria for verifying an individual employee's identity; (b) is strongly resistant to identity fraud, tampering, counterfeiting, and terrorist exploitation; (c) can be rapidly authenticated electronically; and (d) is issued only by providers whose reliability has been established by an official accreditation process. The Standard will include graduated criteria, from least secure to most secure, to ensure flexibility in selecting the appropriate level of security for each application. The Standard shall not apply to identification associated with national security systems as defined by 44 U.S.C. 3542(b)(2).

(4) Not later than 4 months following promulgation of the Standard, the heads of executive departments and agencies shall have a program in place to ensure that identification issued by their departments and agencies to Federal employees and contractors meets the Standard. As promptly as possible, but in no case later than 8 months after the date of promulgation of the Standard, the heads of executive departments and agencies shall, to the maximum extent practicable, require the use of identification by Federal employees and contractors that meets the Standard in gaining physical access to Federally controlled facilities and logical access to Federally controlled information systems. Departments and agencies shall implement this directive in a manner consistent with ongoing Government-wide activities, policies and guidance issued by OMB, which shall ensure compliance.

(5) Not later than 6 months following promulgation of the Standard, the heads of executive departments and agencies shall identify to the Assistant to the President for Homeland Security and the Director of OMB those Federally controlled facilities, Federally controlled information systems, and other Federal applications that are important for security and for which use of the Standard in circumstances not covered by this directive should be considered. Not later than 7 months following the promulgation of the Standard, the Assistant to the President for Homeland Security and the Director of OMB shall make recommendations to the President concerning possible use of the Standard for such additional Federal applications.

(6) This directive shall be implemented in a manner consistent with the Constitution and applicable laws, including the Privacy Act (5 U.S.C. 552a) and other statutes protecting the rights of Americans.

(7) Nothing in this directive alters, or impedes the ability to carry out, the authorities of the Federal departments and agencies to perform their responsibilities under law and consistent with applicable legal authorities and presidential guidance. This directive is intended only to improve the internal management of the executive branch of the Federal Government, and it is not intended to, and does not, create any right or benefit enforceable at law or in equity by any party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.

(8) The Assistant to the President for Homeland Security shall report to me not later than 7 months after the promulgation of the Standard on progress made to implement this directive, and shall thereafter report to me on such progress or any recommended changes from time to time as appropriate.

GEORGE W. BUSH

Code of Federal Regulations

TITLE 5--ADMINISTRATIVE PERSONNEL

CHAPTER I--OFFICE OF PERSONNEL MANAGEMENT

PART 351--REDUCTION IN FORCE--Table of Contents

Subpart E--Retention Standing

Sec. 351.502 Order of retention--excepted service.

(a) Competing employees shall be classified on a retention register in tenure groups on the basis of their tenure of employment, veteran preference, length of service, and performance in descending order as set forth under Sec. 351.501(a) for competing employees in the competitive service.

(b) Groups are defined as follows:

(1) Group I includes each permanent employee whose appointment carries no restriction or condition such as conditional, indefinite, specific time limit, or trial period.

(2) Group II includes each employee:

(i) Serving a trial period; or

(ii) Whose tenure is equivalent to a career-conditional appointment in the competitive service in agencies having such excepted appointments.

(3) Group III includes each employee:

(i) Whose tenure is indefinite (i.e., without specific time limit), but not actually or potentially permanent;

(ii) Whose appointment has a specific time limitation of more than 1 year; or

(iii) Who is currently employed under a temporary appointment limited to 1 year or less, but who has completed 1 year of current continuous service under a temporary appointment with no break in service of 1 workday or more.

[60 FR 3063, Jan. 13, 1995]

-CITE-

5 USC CHAPTER 41 - TRAINING

01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
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.

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CHAPTER 41 - TRAINING

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- Sec.
- 4101. Definitions.
- 4102. Exceptions; Presidential authority.
- 4103. Establishment of training programs.
- 4104. Government facilities; use of.
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- (4106. Repealed.)
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- 4111. Acceptance of contributions, awards, and other payments.
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- (4113. Repealed.)
- (4114. Repealed.)
- 4115. Collection of training information.
- 4116. Training program assistance.
- 4117. Administration.
- 4118. Regulations.
- 4119. Training for employees under the Office of the Architect of the Capitol and the Botanic Garden.

AMENDMENTS

1995 - Pub. L. 104-66, title II, Sec. 2181(c)(2), Dec. 21, 1995, 109 Stat. 732, struck out item 4113 'Agency review of training needs; annual program reports'.

1994 - Pub. L. 103-226, Sec. 2(b)(2), Mar. 30, 1994, 108 Stat. 112, struck out item 4106 'Non-Government facilities; amount of training limited', substituted 'Restriction on degree training' for 'Non-Government facilities; restrictions' in item 4107, and struck out item 4114 'Non-Government facilities; review of training programs'.

1982 - Pub. L. 97-346, Sec. 1(b), Oct. 15, 1982, 96 Stat. 1647, added item 4119.

-SECFREF-

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3381 of this title; title 2 section 609; title 18 section 209; title 26 section 4941; title 38 section 3681.

-CITE-

5 USC Sec. 4101

01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

Sec. 4101. Definitions

-STATUTE-

For the purpose of this chapter -

- (1) 'agency', subject to section 4102 of this title, means -
 - (A) an Executive department;
 - (B) an independent establishment;
 - (C) a Government corporation subject to chapter 91 of title 31;
 - (D) the Library of Congress;
 - (E) the Government Printing Office; and
 - (F) the government of the District of Columbia;
- (2) 'employee', subject to section 4102 of this title, means -
 - (A) an individual employed in or under an agency; and
 - (B) a commissioned officer of the Environmental Science Services Administration;
- (3) 'Government' means the Government of the United States and the government of the District of Columbia;
- (4) 'training' means the process of providing for and making available to an employee, and placing or enrolling the employee in, a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative, or other fields which will improve individual and organizational performance and assist in achieving the agency's mission and performance goals;
- (5) 'Government facility' means property owned or substantially controlled by the Government and the services of any civilian and military personnel of the Government; and
- (6) 'non-Government facility' means -
 - (A) the government of a State or of a territory or possession of the United States including the Commonwealth of Puerto Rico, and an interstate governmental organization, or a unit, subdivision, or instrumentality of any of the foregoing;
 - (B) a foreign government or international organization, or instrumentality of either, which is designated by the President

- as eligible to provide training under this chapter;
- (C) a medical, scientific, technical, educational, research, or professional institution, foundation, or organization;
- (D) a business, commercial, or industrial firm, corporation, partnership, proprietorship, or other organization;
- (E) individuals other than civilian or military personnel of the Government; and
- (F) the services and property of any of the foregoing furnishing the training.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 432; Pub. L. 90-206, title II, Sec. 224(a), Dec. 16, 1967, 81 Stat. 642; Pub. L. 97-258, Sec. 3(a)(8), Sept. 13, 1982, 96 Stat. 1063; Pub. L. 103-226, Sec. 2(a)(1), Mar. 30, 1994, 108 Stat. 111.)

-MISC1-

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2302.	July 7, 1958, Pub. L. 85-507, Sec. 3, 72 Stat. 328.

In paragraph (1), the word 'agency' is substituted for 'department'. Reference to the 'General Accounting Office' is omitted as included in 'independent establishment' because of the definition in section 104.

In paragraph (2)(B), the words 'in the Department of Commerce' are omitted as unnecessary.

In paragraph (6)(C), the word 'agency' is omitted as unnecessary and to avoid confusion with the word 'agency' defined by paragraph (1).

In paragraph (6)(E), the words 'individuals other than civilian or military personnel of the Government' are substituted for 'an individual not a civilian or military officer or employee of the Government of the United States or of the municipal government of the District of Columbia' to conform to paragraph (5).

The definition of 'Commission' in former section 2302(4) is omitted as unnecessary as the title 'Civil Service Commission' is fully set out the first time it is used in each section of this chapter.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1994 - Par. (4). Pub. L. 103-226 substituted 'fields which will

improve individual and organizational performance and assist in achieving the agency's mission and performance goals;' for 'fields which are or will be directly related to the performance by the employee of official duties for the Government, in order to increase the knowledge, proficiency, ability, skill, and qualifications of the employee in the performance of official duties;'.

1982 - Par. (1)(C). Pub. L. 97-258 substituted 'chapter 91' for 'sections 846-852 or 856-859'.

1967 - Par. (2)(B). Pub. L. 90-206 substituted 'Environmental Science Services Administration' for 'Coast and Geodetic Survey'.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-206 effective Dec. 16, 1967, see section 220(a)(1) of Pub. L. 90-206, set out as an Effective Date note under section 3110 of this title.

-TRANS-

TRANSFER OF FUNCTIONS

For transfer of Environmental Science Services Administration to National Oceanic and Atmospheric Administration, see Transfer of Functions note set out under section 5541 of this title.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (6)(B) of this section delegated to head of each agency concerned, see section 402 of Ex. Ord. No. 11348, Apr. 20, 1967, 32 F.R. 6335, set out as a note under section 4103 of this title.

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5379 of this title.

-CITE-

5 USC Sec. 4102
01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

Sec. 4102. Exceptions; Presidential authority

-STATUTE-

- (a)(1) This chapter does not apply to -
(A) a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;
(B) the Tennessee Valley Authority; or
(C) an individual (except a commissioned officer of the

National Oceanic and Atmospheric Administration) who is a member of a uniformed service during a period in which he is entitled to pay under section 204 of title 37.

(2) This chapter (except sections 4110 and 4111) does not apply to -

- (A) the Foreign Service of the United States; or
- (B) an individual appointed by the President, unless the individual is specifically designated by the President for training under this chapter.

(b) The President, at any time in the public interest, may -

- (1) except an agency or part thereof, or an employee or group or class of employees therein, from this chapter or a provision thereof (except this section); and
- (2) withdraw an exception made under this subsection.

However, the President may not except the Office of Personnel Management from a provision of this chapter which vests in or imposes on the Office a function, duty, or responsibility concerning any matter except the establishment, operation, and maintenance, in the same capacity as other agencies, of training programs and plans for its employees.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 433; Pub. L. 90-83, Sec. 1(4), Sept. 11, 1967, 81 Stat. 196; Pub. L. 94-183, Sec. 2(11), Dec. 31, 1975, 89 Stat. 1057; Pub. L. 95-454, title IX, Sec. 906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 96-54, Sec. 2(a)(15), (19), Aug. 14, 1979, 93 Stat. 382.)

-MISC1-

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2303.	July 7, 1958, Pub. L. 85-507, Sec. 4, 72 Stat. 329. May 26, 1959, Pub. L. 86-33, 73 Stat. 62. Aug. 2, 1962, Pub. L. 87-566, 76 Stat. 264.

In subsection (a)(1), the exception for the President and Vice President is omitted as surplusage as these elected officers are not employed in or under an agency and thus are not included in the definition of 'employee' in section 4101(2).

In subsection (a)(1)(C), the words 'as defined by section 231(a) of Title 37' are omitted as unnecessary in view of the definition

of 'uniformed services' in section 2101(b). The words 'section 204 of title 37' are substituted for 'sections 232-234, 235, 236, 237, 238, and 239 of Title 37' on authority of section 12(b) of the Act of Sept. 7, 1962, Pub. L. 87-649, 76 Stat. 497.

In subsection (a)(2)(B), the words 'by the President' are coextensive with and substituted for 'by the President by and with the advice and consent of the Senate or by the President alone'.

In subsection (b)(1), reference to 'section 21, and section 22' is omitted as unnecessary since the sections are not carried into this title, but are scheduled for repeal, see Table II.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1979 - Subsec. (a)(1)(C). Pub. L. 96-54, Sec. 2(a)(19), substituted 'National Oceanic and Atmospheric' for 'Environmental Science Services'.

Subsec. (b). Pub. L. 96-54, Sec. 2(a)(15), substituted 'Office' for 'Commission'.

1978 - Subsec. (b). Pub. L. 95-454 substituted 'Office of Personnel Management' for 'Civil Service Commission'.

1975 - Subsec. (a)(2)(B). Pub. L. 94-183 struck out '(except a Postmaster)' after 'an individual appointed by the President'.

1967 - Subsec. (a)(1)(C). Pub. L. 90-83 substituted 'Environmental Science Services Administration' for 'Coast and Geodetic Survey.' See Historical and Revision Notes under section 2101 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendments by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

-TRANS-

DELEGATION OF FUNCTIONS

Functions of President under subsec. (b)(1) of this section delegated to Office of Personnel Management, see section 401(a) of Ex. Ord. No. 11348, Apr. 20, 1967, 32 F.R. 6335, set out as a note under section 4103 of this title.

-EXEC-

EX. ORD. NO. 10805. CENTRAL INTELLIGENCE AGENCY

Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, provided:

Section 1. The Central Intelligence Agency is hereby designated as excepted from the following-described provisions of the Government Employees Training Act (this chapter and section 1308 of this title):

(a) Section 2(4), 6, 9(b)(1), 11, 12, 15, 16, and 18 (sections 4117, 4118, 4105(b)(1), 4108, 4106, 4114, 4115, and

1308(a)(4)(A)-(C), (b) and 4113(b) respectively of this title).

(b) The last sentence of section 5 (section 4113(a) of this title).

(c) That part of section 7 (section 4103(1) of this title) which reads 'shall conform, on or after the effective date of the regulations prescribed by the Commission under section 6 of this Act (section 4118 of this title), to the principles, standards, and related requirements contained in such regulations then current,'.

(d) That part of section 10 (section 4109(a) of this title) which reads 'in accordance with regulations issued by the Commission under authority of section 6(a)(8) (section 4118(a)(8) of this title).'

Sec. 2. Section 2 of Executive Order No. 10800, of January 15, 1959, is hereby amended by deleting the reference to 'section 5' and the reference to 'section 5(b)' and by inserting in lieu thereof 'section 4' and 'section 4(b)', respectively.

EXECUTIVE ORDER NO. 11531

Ex. Ord. No. 11531, May 26, 1970, 35 F.R. 8337, which related to the delegation of Presidential authority to designate United States Marshals and United States Attorneys for training, was superseded by Ex. Ord. No. 11895, Jan. 6, 1976, 41 F.R. 1465, set out below.

EX. ORD. NO. 11895. DELEGATION OF PRESIDENTIAL AUTHORITY TO DESIGNATE INDIVIDUALS APPOINTED BY THE PRESIDENT TO RECEIVE TRAINING

Ex. Ord. No. 11895, Jan. 6, 1976, 41 F.R. 1465, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

Section 1. Except as provided in Section 2 of this Order, the Office of Personnel Management is hereby designated and empowered to exercise the authority vested in the President by Section 4102(a)(2)(B) of Title 5, United States Code, to designate individuals appointed by the President for training under Chapter 41 of Title 5, United States Code.

Sec. 2. The Attorney General is hereby designated and empowered to exercise the authority vested in the President by Section 4102(a)(2)(B) to designate individuals appointed by the President as United States Attorneys and United States Marshals for training under Chapter 41 of Title 5, United States Code.

Sec. 3. Executive Order No. 11531 of May 26, 1970, is hereby superseded.

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4101, 4108 of this title.

-CITE-

5 USC Sec. 4103

01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

Sec. 4103. Establishment of training programs

-STATUTE-

(a) In order to assist in achieving an agency's mission and performance goals by improving employee and organizational performance, the head of each agency, in conformity with this chapter, shall establish, operate, maintain, and evaluate a program or programs, and a plan or plans thereunder, for the training of employees in or under the agency by, in, and through Government facilities and non-Government facilities. Each program, and plan thereunder, shall -

(1) conform to the principles, standards, and related requirements contained in the regulations prescribed under section 4118 of this title;

(2) provide for adequate administrative control by appropriate authority;

(3) provide that information concerning the selection and assignment of employees for training and the applicable training limitations and restrictions be made available to employees of the agency; and

(4) provide for the encouragement of self-training by employees by means of appropriate recognition of resultant increases in proficiency, skill, and capacity.

Two or more agencies jointly may operate under a training program.

(b)(1) Notwithstanding any other provision of this chapter, an agency may train any employee of the agency to prepare the employee for placement in another agency if the head of the agency determines that such training would be in the interests of the Government.

(2) In selecting an employee for training under this subsection, the head of the agency shall consider -

(A) the extent to which the current skills, knowledge, and abilities of the employee may be utilized in the new position;

(B) the employee's capability to learn skills and acquire knowledge and abilities needed in the new position; and

(C) the benefits to the Government which would result from such training.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 433; Pub. L. 95-454, title III, Sec. 304, Oct. 13, 1978, 92 Stat. 1146; Pub. L. 103-226, Sec. 2(a)(2), Mar. 30, 1994, 108 Stat. 111.)

-MISC1-

Historical and Revision Notes

Appendix A-18

5 USC Chapter 41

--	Derivation	U.S. Code	Revised Statutes and Statutes at Large
--		5 U.S.C. 2306.	July 7, 1958, Pub. L. 85-507, Sec. 7, 72 Stat. 331.

The words ''Within two hundred and seventy days after the date of enactment of this Act (July 7, 1958)'' are omitted as obsolete.

In paragraph (1), reference to the effective date of the regulations is omitted as obsolete.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1994 - Subsec. (a). Pub. L. 103-226, Sec. 2(a)(2)(A)(i), in introductory provisions, substituted ''In order to assist in achieving an agency's mission and performance goals by improving employee and organizational performance, the head of each agency, in conformity with this chapter, shall establish, operate, maintain, and evaluate'' for ''In order to increase economy and efficiency in the operations of the agency and to raise the standards of performance by employees of their official duties to the maximum possible level of proficiency, the head of each agency, in conformity with this chapter, shall establish, operate, and maintain''.

Subsec. (a)(3), (4). Pub. L. 103-226, Sec. 2(a)(2)(A)(ii)-(iv), added par. (3) and redesignated former par. (3) as (4).

Subsec. (b)(1). Pub. L. 103-226, Sec. 2(a)(2)(B)(i), substituted ''determines that such training would be in the interests of the Government.'' for ''determines that the employee will otherwise be separated under conditions which would entitle the employee to severance pay under section 5595 of this title.''

Subsec. (b)(2). Pub. L. 103-226, Sec. 2(a)(2)(B)(ii), (iii), redesignated par. (3) as (2), in subpar. (C) substituted ''such training'' for ''retaining the employee in the Federal service'', and struck out former par. (2) which read as follows: ''Before undertaking any training under this subsection, the head of the agency shall obtain verification from the Office of Personnel Management that there exists a reasonable expectation of placement in another agency.''

Subsec. (b)(3). Pub. L. 103-226, Sec. 2(a)(2)(B)(ii), redesignated par. (3) as (2).

1978 - Pub. L. 95-454 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS

Pub. L. 104-146, Sec. 9, May 20, 1996, 110 Stat. 1373, provided that:

''(a) In General. - Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation, except for training necessary to protect the health and safety of the Federal employee and the individuals served by such employees. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

''(b) Definition. - As used in subsection (a), the term 'Federal employee' has the same meaning given the term 'employee' in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.''

EXPERIMENTAL PROGRAM RELATING TO ACCEPTANCE OF VOLUNTARY SERVICES FROM PARTICIPANTS IN EXECUTIVE EXCHANGE PROGRAM

Pub. L. 101-416, Sec. 1, Oct. 12, 1990, 104 Stat. 902, authorized a 90-day extension of programs established under Pub. L. 99-424 for individuals who were participating in the program on the expiration date.

Pub. L. 99-424, Sept. 30, 1986, 100 Stat. 964, as amended by Pub. L. 101-87, Aug. 16, 1989, 103 Stat. 595, authorized President to establish an experimental program, to be conducted during fiscal years 1987 through 1990, under which voluntary services could be accepted by the Government, without regard to 31 U.S.C. 1342.

CENTRAL INTELLIGENCE AGENCY

Exception of Central Intelligence Agency from provisions of cl. (1) of this section and certain other provisions of this chapter, and section 1308 of this title, see Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, set out as a note under section 4102 of this title.

-EXEC-

EX. ORD. NO. 11348. FURTHER TRAINING OF GOVERNMENT EMPLOYEES

Ex. Ord. No. 11348, Apr. 20, 1967, 32 F.R. 6335, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

By virtue of the authority vested in me by section 301 of Title 3 of the United States Code and by section 2 of the Act of July 7, 1958 (72 Stat. 327), it is ordered as follows:

PART I - GENERAL

Section 101. (a) As used in this order, the terms ''agency'', ''employee'', ''Government'', and ''training'', have meanings given to those terms, respectively, by section 4101 of Title 5, United States Code.

(b) ''Interagency training'' means training provided by one agency for other agencies or shared by two or more agencies.

Sec. 102. It is the policy of the Government of the United States to develop its employees through the establishment and operation of progressive and efficient training programs, thereby improving

public service, increasing efficiency and economy, building and retaining a force of skilled and efficient employees, and installing and using the best modern practices and techniques in the conduct of the Government's business.

Sec. 103. The Office of Personnel Management shall provide leadership and guidance to insure that the policy set forth in section 102 is carried out.

PART II - OFFICE OF PERSONNEL MANAGEMENT RESPONSIBILITIES

Sec. 201. The Office of Personnel Management shall plan and promote the development, improvement, coordination, and evaluation of training in accordance with chapter 41 of Title 5, United States Code, and with the policy set forth in section 102 of this order.

Sec. 202. In carrying out its responsibilities under chapter 41 of Title 5, United States Code, and section 201 of this order, the Office shall:

(a) Advise the President on means for furthering and strengthening programs of training;

(b) Counsel heads of agencies and other agency officials on the improvement of training;

(c) Assist agencies to develop sound programs and financial plans for training and provide advice, information, and assistance to agencies on planning, programming, budgeting, operating, and evaluating training programs;

(d) Identify functional areas in which new or expanded interagency training activity is needed and either conduct such training or arrange for agencies having the substantive competence to do so;

(e) Coordinate interagency training conducted by and for agencies (including agencies and portions of agencies excepted by section 4102(a) of Title 5, United States Code);

(f) Encourage agencies to make appropriate use of non-Government training resources;

(g) Develop, install, and maintain a system to provide the training data needed to carry out its own functions and to provide staff assistance to the President; and

(h) Provide for identification and dissemination of findings of research into training technology and undertake or assign to other agencies, such research projects as may be needed.

PART III - AGENCY RESPONSIBILITIES AND OPERATIONS

Sec. 301. The head of each agency shall plan, program, budget, operate, and evaluate training programs in accordance with chapter 41 of Title 5, United States Code, and with the policy set forth in section 102 of this order.

Sec. 302. The head of each agency shall:

(a) Foster employee self-development by creating a work environment in which self-development is encouraged, by assuring that opportunities for training and self-study materials are reasonably available, where the employee is stationed, and by recognizing self-initiated improvement in performance;

(b) Provide training for employees without regard to race, creed, color, national origin, sex, or other factors unrelated to the need for training;

(c) Establish and make full use of agency facilities for training employees;

(d) Extend agency training programs to employees of other agencies (including agencies and portions of agencies excepted by section 4102(a) of Title 5, United States Code) and assign his employees to interagency training whenever this will result in better training, improved service, or savings to the Government;

(e) Establish interagency training facilities in areas of substantive competence as arranged by the Office of Personnel Management; and

(f) Use non-Government training resources as appropriate.

Sec. 303. In carrying out his responsibilities, the head of each agency shall, consonant with chapter 41 of Title 5, United States Code, this order, and regulations of the Office of Personnel Management:

(a) Review periodically, but not less often than annually, the agency's program to identify training needed to bring about more effective performance at the least possible cost;

(b) Conduct periodic reviews of individual employee's training needs as related to program objectives;

(c) Conduct research related to training objectives and required for program improvement and effectiveness;

(d) Plan, program, and evaluate training for both short and longrange program needs by occupations, organizations, or other appropriate groups;

(e) Establish priorities for needed training, and provide for the use of funds and manhours in accordance with these priorities;

(f) Utilize the flexibility of work assignments to provide work experience which promotes growth leading to higher quality and greater quantity of work done;

(g) Establish training facilities and services as needed;

(h) Monitor the effectiveness with which self-development is encouraged and on-the-job training is provided at all levels; and

(i) Establish criteria for the selection of employees for training; and

(j) Approve the acceptance of any contributions, awards, or payments to employees authorized by section 401(b) of this order and regulations issued by the Office of Personnel Management.

PART IV - DELEGATIONS

Sec. 401. The following functions vested in the President are hereby delegated to the Office of Personnel Management:

(a) The authority under section 4102(b)(1) of Title 5, United States Code, to designate any agency or part thereof, or any employee or employees therein, as excepted from any provision of chapter 41, of Title 5, United States Code, other than sections 4102, 4111(b), and 4112; and to designate any such agency or part thereof, or any employee or employees therein previously excepted, as again subject to chapter 41 of Title 5, United States Code, or any provision of that chapter.

(b) The authority under section 4111(a) of Title 5, United States Code, to fix by regulation the extent to which the contributions, awards, and payments referred to in that section may be made to and

accepted by employees.

Sec. 402. The authority vested in the President by section 4101(6)(B) of Title 5, United States Code, to designate a foreign government or international organization or instrumentality of either as eligible to provide training, is hereby delegated to the head of each agency for his employees except that each such designation shall be made only after the agency head concerned has obtained and given due consideration to the advice of the Department of State thereon prior to the first use of such training facility and thereafter periodically but not less often than once every three years.

PART V - REVOCATION OF PRIOR ORDER

Sec. 501. Executive Order No. 10800 of January 15, 1959, is hereby revoked.

EXECUTIVE ORDER NO. 11451

Ex. Ord. No. 11451, Jan. 19, 1969, 34 F.R. 921, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, which established the President's Commission on Personnel Interchange, was superseded by Ex. Ord. No. 12136, May 15, 1979, 44 F.R. 28771, formerly set out below.

EXECUTIVE ORDER NO. 12136

Ex. Ord. No. 12136, May 15, 1979, 44 F.R. 28771, which continued the President's Commission on Personnel Interchange and renamed it the President's Commission on Executive Exchange, was revoked by Ex. Ord. No. 12493, Dec. 5, 1984, 49 F.R. 47819, formerly set out below.

EXECUTIVE ORDER NO. 12493

Ex. Ord. No. 12493, Dec. 5, 1984, 49 F.R. 47819, as amended by Ex. Ord. No. 12516, May 21, 1985, 50 F.R. 21417; Ex. Ord. No. 12602, July 15, 1987, 52 F.R. 27187, which continued the President's Commission on Executive Exchange, was revoked by Ex. Ord. No. 12760, Sec. 2, May 2, 1991, 56 F.R. 21062, set out below.

EX. ORD. NO. 12574. ESTABLISHING EXPERIMENTAL PROGRAM WITHIN
PRESIDENT'S COMMISSION ON EXECUTIVE EXCHANGE

Ex. Ord. No. 12574, Nov. 20, 1986, 51 F.R. 42199, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Executive Exchange Program Voluntary Services Act of 1986 (5 U.S.C. 4103 note, 100 Stat. 964), it is hereby ordered as follows:

Section 1. Establishment of the Program. Effective October 1, 1986, there is established, within the Executive Exchange Program of the President's Commission on Executive Exchange, an experimental program under which Executive agencies of the government may accept voluntary services for the United States from private sector participants in the Executive Exchange Program.

Sec. 2. Program Limits. The experimental program shall be conducted during the fiscal years 1987 through 1989, and not more than ten individuals may commence participation in the program during any fiscal year. Acceptance of voluntary services from such individuals may not result in the displacement of any employee of the government.

Sec. 3. Participant Restrictions. An individual participating in the experimental program shall be considered an employee of the agency to which assigned for purposes of any laws, rules, and regulations of the United States, except that such individual shall not be covered by chapters 51, 53, 63, 83, 87, or 89 of title 5, United States Code, or any comparable provisions relating to classification, pay, leave, retirement, life insurance, or health benefits for employees of the government. Ronald

Reagan.

EX. ORD. NO. 12760. PRESIDENT'S COMMISSION ON EXECUTIVE EXCHANGE
Ex. Ord. No. 12760, May 2, 1991, 56 F.R. 21062, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. The President's Commission on Executive Exchange is hereby abolished. The Director of the Office of Personnel Management shall be responsible for terminating the functions of the Commission, which shall be completed no later than September 30, 1991.

Sec. 2. Executive Order No. 12493 of December 5, 1984 is revoked. George

Bush.

EX. ORD. NO. 13111. USING TECHNOLOGY TO IMPROVE TRAINING
OPPORTUNITIES FOR FEDERAL GOVERNMENT EMPLOYEES

Ex. Ord. No. 13111, Jan. 12, 1999, 64 F.R. 2793, as amended by Ex. Ord. No. 13188, Jan. 12, 2001, 66 F.R. 5419; Ex. Ord. No. 13218, Sec. 3(a), June 20, 2001, 66 F.R. 33628, provided:

Advances in technology and increased skills needs are changing the workplace at an ever increasing rate. These advances can make Federal employees more productive and provide improved service to our customers, the American taxpayers. We need to ensure that we continue to train Federal employees to take full advantage of these technological advances and to acquire the skills and learning needed to succeed in a changing workplace. A coordinated Federal effort is needed to provide flexible training opportunities to employees and to explore how Federal training programs, initiatives, and policies can better support lifelong learning through the use of learning technology.

To help us meet these goals, I am creating a task force on Federal training technology, directing Federal agencies to take certain steps to enhance employees' training opportunities through the use of training technology, and an advisory committee on the use of training technology, which also will explore options for financing the training and post-secondary education needed to upgrade skills and gain new knowledge.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and in furtherance of the purposes of Chapter 41 of title 5, United States Code, the Government Employees Training Act of 1958 (Public Law 85-507 (see Tables for classification)), as amended, and Executive Order 11348, 'Providing for the Further Training of

Government Employees,' (set out above) and in order to make effective use of technology to improve training opportunities for Federal Government employees, it is ordered as follows:

Section 1. Establishment of the President's Task Force on Federal Training Technology. (a) The 'President's Task Force on Federal Training Technology' (Task Force) is established. The Task Force shall provide leadership regarding the effective use of technology in training and education; make training opportunities an integral part of continuing employment in the Federal Government; and facilitate the ongoing coordination of Federal activities concerning the use of technology in training. The Task Force shall consist of the heads of the following departments and agencies or their representatives: the Departments of State, the Treasury, Defense, Justice, Interior, Agriculture, Commerce, Labor, Health and Human Services, Housing and Urban Development, Transportation, Energy, and Education; the Office of Personnel Management, General Services Administration, Environmental Protection Agency, National Aeronautics and Space Administration, Small Business Administration, and Social Security Administration; a representative from the Small Agency Council; and representatives from other relevant agencies and related Federal councils, as determined by the Chair and Vice Chair of the Task Force.

(b) Within 30 days of the date of this order, the head of each agency or council shall designate a senior official to serve as a representative to the Task Force. The representative shall report directly to the agency head or the President's Management Council member on the agency's or council's activities under this order.

(c) The Director of the Office of Personnel Management (OPM) shall be the Chair and the representative from the Department of Labor shall be the Vice Chair of the Task Force.

(d) The Chair and Vice Chair shall appoint an Executive Director.

(e) The Task Force member agencies shall provide any required staffing and funding, as appropriate.

Sec. 2. Duties of the Task Force. (a) Within 18 months of the date of this order, the Task Force shall develop and recommend to the President, through the Assistant to the President for Economic Policy and the Assistant to the President for Science and Technology, a policy to make effective use of technology to improve training opportunities for Federal Government employees. The policy should promote and integrate the effective use of training technologies to create affordable and convenient training opportunities to improve Federal employee performance. The Task Force shall seek the views of experts from industry, academia, and State and local governments as the Task Force proceeds, as appropriate. Specifically, the Task Force shall:

(1) develop strategies to improve the efficiency and availability of training opportunities for Federal Government employees;

(2) form partnerships among key Federal agencies, State and local governments, businesses, universities, and other appropriate entities to promote the development and use of high-quality training opportunities;

(3) analyze the use of technology in existing training programs and policies of the Task Force member agencies to determine what changes, modifications, and innovations may be necessary to advance training opportunities;

(4) in consultation with the Department of Defense and the National Institute of Standards and Technology, recommend standards for training software and associated services purchased by Federal agencies and contractors. These standards should be consistent with voluntary industry consensus-based commercial standards. Agencies, where appropriate, should use these standards in procurements to promote reusable training component software and thereby reduce duplication in the development of courseware;

(5) evaluate and, where appropriate, coordinate and collaborate on, research and demonstration activities of Task Force member agencies related to Federal training technology;

(6) identify and support cross-agency training areas that would particularly benefit from new instructional technologies and facilitate multiagency procurement and use of training materials, where appropriate;

(7) in consultation with the General Services Administration, the Office of Personnel Management, and the Office of Federal Procurement Policy of the Office of Management and Budget (OFPP), promote existing and new procurement vehicles that allow agencies to provide innovative training opportunities for Federal employees;

(8) recommend changes that may be needed to existing procurement laws to further the objectives of this order and forward the recommendations to the Administrator of OFPP; and

(b) develop options and recommendations for establishing a Federal Individual Training Account for each Federal worker for training relevant to his or her Federal employment. To the extent permitted by law, such accounts may be established with the funds allocated to the agency for employee training. Approval for training would be within the discretion of the individual employee's manager. Options and recommendations shall be reported no later than 6 months from the date of this order.

Sec. 3. Duties of All Federal Agencies. (a) Each Federal agency shall, to the extent permitted by law:

(1) include as part of its annual budget process a set of goals to provide the highest quality and most efficient training opportunities possible to its employees, and a set of performance measures of the quality and availability of training opportunities possible to its employees. Such measures should be, where appropriate, based on outcomes related to performance rather than time allocation;

(2) identify the resources necessary to achieve the aforementioned goals and performance measures articulated in its annual performance plan;

(3) and, where practicable, use the standards recommended by the Task Force and published by the Office of Personnel Management for purchasing training software and associated

services; and

(4) subject to the availability of appropriations, post training courses, information, and other learning opportunities on the Department of Labor's America's Learning Exchange (ALX), or other appropriate information dissemination vehicles as determined by the Task Force, to make information about Federal training courses, information, and other learning opportunities widely available to Federal employees.

(b) Each Federal agency, to the extent permitted by law, is encouraged to consider how savings achieved through the efficient use of training technology can be reinvested in improved training for their employees.

Sec. 4. Duties of Specific Federal Agencies. (a) In light of the Office of Personnel Management's responsibility for developing Government-wide training policy, coordinating and managing training policy programs, and providing technical assistance to Federal agencies, the Office of Personnel Management or other appropriate agency as determined by the Task Force shall:

(1) in consultation with the Task Force, the Department of Defense, the National Institute of Standards and Technology, the Department of Labor, and other appropriate agencies as determined by OPM, publish the standards for training software and associated services recommended by the Task Force; and

(2) ensure that qualification standards for civil service positions, where appropriate, reflect standard industry certification practices.

(b) The Department of Labor or other appropriate agency as determined by the Task Force shall, subject to the availability of appropriations:

(1) establish a specialized database for Federal training within the framework of the Department of Labor's ALX, or other appropriate information dissemination vehicles determined by the Task Force, to make information about Federal training courses, information, and other learning opportunities widely available to Federal employees;

(2) establish and maintain a training technology website for agencies to post training needs and to foster communication among the agencies and between public and private sector organizations to identify and meet common needs; and

(3) establish a staffed help desk and technology resource center to support Federal agencies using training technology and to facilitate the development of online training courses.

(c) The Department of Defense or other appropriate agency as determined by the Task Force shall:

(1) in consultation with the National Institute of Standards and Technology, lead Federal participation in business and university organizations charged with developing consensus standards for training software and associated services and lead the Federal review of the standards; and

(2) provide guidance to Defense agencies and advise the

civilian agencies, as appropriate, on how best to use these standards for large-scale development and implementation of efficient and effective distributed learning technologies.

(d) Each Executive department shall designate at least one subject area of training that it will use to demonstrate opportunities in technology-based training and assign an agency leader in the designated area. Leaders in these training technology experiments shall work closely with other agencies with similar training interests. Each Executive department shall develop a plan for measuring and evaluating the effectiveness, cost-effectiveness, and benefits to employees and the agency for each designated subject area.

Sec. 5. Establishment of Advisory Committee on Expanding Training Opportunities.

The Advisory Committee on Expanding Training Opportunities (Committee) is established. The Committee shall consist of not more than 20 members appointed by the President from outside the Federal Government, including representatives of the research, education, labor, and training communities, information technology sector, and representatives from other critical sectors. The President shall designate Co-Chairs from among the members of the Committee.

Sec. 6. Functions of the Advisory Committee. The Committee shall provide the President, through the Secretary of Labor (who shall ensure the coordination of the activities of the Committee with the activities undertaken pursuant to sections 1 and 2 of the Executive Order on the 21st Century Workforce Initiative (Ex. Ord. No. 13218, 29 U.S.C. 2801 note)), an independent assessment of:

- (1) progress made by the Federal Government in its use and integration of technology in adult training programs, particularly in addressing the problems of adult illiteracy;
- (2) how Federal Government programs, initiatives, and policies can encourage or accelerate training technology to provide more accessible, more timely, and more cost-effective training opportunities for all Americans;
- (3) mechanisms for the Federal Government to widely deploy and utilize technology-mediated instruction so all Americans may take advantage of opportunities provided by learning technology;
- (4) the appropriate Federal Government role in research and development for learning technologies and their applications in order to develop high-quality training and education opportunities for all Americans; and
- (5) such other issues regarding emerging technologies in government training as specified by the Secretary of Labor.

Sec. 7. Administration of the Advisory Committee. (a) To the extent permitted by law and subject to the availability of appropriations, the Office of Personnel Management shall provide the financial and administrative support for the Committee.

(b) The heads of Executive agencies shall, to the extent permitted by law, provide to the Committee such information as it may require for the purpose of carrying out its functions.

(c) The Committee Co-Chairs may, from time to time, invite

experts to submit information to the Committee and may form subcommittees or working groups within the Committee to review specific issues.

(d) Members of the Committee shall serve without compensation but shall be allowed travel expenses, including per diem instead of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707).

(e) Notwithstanding any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended, that are applicable to the Committee, except that of reporting to the Congress, shall be performed by the Office of Personnel Management in accordance with guidelines that have been issued by the Administrator of General Services.

(f) The Committee shall terminate on January 11, 2003(,) unless extended by the President prior to such date.

Sec. 8. Definitions. (a) As used in this order, the terms 'agency,' 'employee,' 'Government,' and 'training' have the meaning given to those terms, respectively, by section 4101 of title 5, United States Code.

(b) The term 'technology,' means any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources. For purposes of the preceding sentence, equipment is used by an Executive agency if the equipment is used by the Executive agency directly or is used by a contractor under a contract with the Executive agency that requires the use of such equipment. The term 'technology' does not include any equipment that is acquired by a Federal contractor incidental to a Federal contract.

Sec. 9. Judicial Review. This order does not create any enforceable rights against the United States, its agencies, its officers, or any person.

-CITE-

5 USC Sec. 4104

01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

Sec. 4104. Government facilities; use of

-STATUTE-

An agency program for the training of employees by, in, and through Government facilities under this chapter shall -

(1) provide for training, insofar as practicable, by, in, and through Government facilities under the jurisdiction or control of the agency; and

(2) provide for the making by the agency, to the extent necessary and appropriate, of agreements with other agencies in any branch of the Government, on a reimbursable basis when requested by the other agencies, for -

(A) use of Government facilities under the jurisdiction or control of the other agencies in any branch of the Government; and

(B) extension to employees of the agency of training programs of other agencies.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 434.)

-MISC1-

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2307.	July 7, 1958, Pub. L. 85-507, Sec. 8, 72 Stat. 331.

In paragraph (2), the words "other agencies in any branch of the Government" and "the other agencies" are coextensive with and substituted for "other departments, and with other agencies in any branch of the Government" and "such other departments and agencies". This is so because "other agencies in any branch of the Government" is broader than "agency" as defined for the purpose of this chapter in section 4101(1).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 5922.

-CITE-

5 USC Sec. 4105
01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance

CHAPTER 41 - TRAINING

-HEAD-

Sec. 4105. Non-Government facilities; use of

-STATUTE-

The head of an agency, without regard to section 5 of title 41, may make agreements or other arrangements for the training of employees of the agency by, in, or through non-Government facilities under this chapter.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 434; Pub. L. 103-226, Sec. 2(a)(3), Mar. 30, 1994, 108 Stat. 111.)

-MISC1-

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2308.	July 7, 1958, Pub. L. 85-507, Sec. 9, 72 Stat. 331.

In subsection (a), the word 'appropriate' is omitted as unnecessary.

In subsection (b)(1), the words 'by, in, and through non-Government facilities' are omitted as unnecessary in view of the previous reference in the subsection.

In subsection (b)(2), the word 'appropriate' is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1994 - Pub. L. 103-226 struck out subsec. (a) designation and subsecs. (b) and (c), which read as follows:

''(b) An agency program for the training of employees by, in, and through non-Government facilities under this chapter shall -

''(1) provide that information concerning the selection and assignment of employees for training and the applicable training limitations and restrictions be made available to employees of the agency; and

''(2) give consideration to the needs and requirements of the agency in recruiting and retaining scientific, professional, technical, and administrative employees.

''(c) In order to protect the Government concerning payment and reimbursement of training expenses, each agency shall prescribe

such regulations as it considers necessary to implement the regulations prescribed under section 4118(a)(8) of this title.''

CENTRAL INTELLIGENCE AGENCY

Exception of Central Intelligence Agency from provisions of subsec. (b)(1) of this section and certain other provisions of this chapter, and section 1308 of this title, see Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, set out as a note under section 4102 of this title.

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3381 of this title.

-CITE-

5 USC Sec. 4106
01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

(Sec. 4106. Repealed. Pub. L. 103-226, Sec. 2(a)(4), Mar. 30, 1994, 108 Stat. 112)

-MISC1-

Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 434; Pub. L. 95-454, title IX, Sec. 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224, related to limitations on amount of training of employees through non-Government facilities.

-CITE-

5 USC Sec. 4107
01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

Sec. 4107. Restriction on degree training

-STATUTE-

(a) Except as provided in subsections (b) and (c) of this section, this chapter does not authorize the selection and assignment of an employee for training, or the payment or reimbursement of the costs of training, for -
(1) the purpose of providing an opportunity to an employee to

obtain an academic degree in order to qualify for appointment to a particular position for which the academic degree is a basic requirement; or

(2) the sole purpose of providing an opportunity to an employee to obtain one or more academic degrees.

(b)(1) The regulations prescribed under section 4118 of this title shall include provisions under which the head of an agency may provide training, or payment or reimbursement for the costs of any training, not otherwise allowable under subsection (a) or (c) of this section, if necessary to assist in the recruitment or retention of employees in occupations in which the Government has or anticipates a shortage of qualified personnel, especially in occupations involving critical skills (as defined under such regulations).

(2) In exercising any authority under this subsection, an agency shall, consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of this title, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

(3) No authority under this subsection may be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.

(c) With respect to an employee of the Department of Defense -

(1) this chapter does not authorize, except as provided in subsection (b) of this section, the selection and assignment of the employee for training, or the payment or reimbursement of the costs of training, for -

(A) the purpose of providing an opportunity to the employee to obtain an academic degree in order to qualify for appointment to a particular position for which the academic degree is a basic requirement; or

(B) the sole purpose of providing an opportunity to the employee to obtain one or more academic degrees, unless such opportunity is part of a planned, systematic, and coordinated program of professional development endorsed by the Department of Defense; and

(2) any course of post-secondary education delivered through classroom, electronic, or other means shall be administered or conducted by an institution recognized under standards implemented by a national or regional accrediting body, except in a case in which such standards do not exist or the use of such standards would not be appropriate.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 435; Pub. L. 101-510, div. A, title XII, Sec. 1206(a), Nov. 5, 1990, 104 Stat. 1659; Pub. L. 103-226, Sec. 2(a)(5), Mar. 30, 1994, 108 Stat. 112; Pub. L. 106-398, Sec. 1 ((div. A), title XI, Sec. 1121), Oct. 30, 2000, 114 Stat. 1654, 1654A-315.)

-MISC1-

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2313.	July 7, 1958, Pub. L. 85-507, Sec. 14, 72 Stat. 334.
(b)	5 U.S.C. 2318(d).	July 7, 1958, Pub. L. 85-507, Sec. 19(d), 72 Stat. 336.
(c)	5 U.S.C. 2312.	July 7, 1958, Pub. L. 85-507, Sec. 13, 72 Stat. 334.

The prohibitions are restated in positive form.
 In subsection (a)(2), the words 'Executive order' are substituted for 'Executive orders of the President'.
 In subsection (c), the words 'under authority of this chapter' and 'by the Government' are omitted as unnecessary.
 Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

2000 - Subsec. (a). Pub. L. 106-398, Sec. 1 ((div. A), title XI, Sec. 1121(1)), substituted 'subsections (b) and (c)' for 'subsection (b)' in introductory provisions.
 Subsec. (b)(1). Pub. L. 106-398, Sec. 1 ((div. A), title XI, Sec. 1121(2)), substituted 'subsection (a) or (c)' for 'subsection (a)'.
 Subsec. (c). Pub. L. 106-398, Sec. 1 ((div. A), title XI, Sec. 1121(3)), added subsec. (c).
 1994 - Pub. L. 103-226, Sec. 2(a)(5)(A), substituted 'Restriction on degree training' for 'Non-Government facilities; restrictions' in section catchline.
 Subsec. (a). Pub. L. 103-226, Sec. 2(a)(5)(B), (C), redesignated subsec. (c) as (a), in introductory provisions substituted 'subsection (b)' for 'subsection (d)' and struck out 'by, in, or through a non-Government facility' after 'employee for training', and struck out former subsec. (a) which read as follows: 'Appropriations or other funds available to an agency are not available for payment for training an employee -
 '(1) by, in or through a non-Government facility which teaches or advocates the overthrow of the Government of the United States by force or violence; or
 '(2) by or through an individual concerning whom determination

has been made by a proper Government administrative or investigatory authority that, on the basis of information or evidence developed in investigations and procedures authorized by law or Executive order, there exists a reasonable doubt of his loyalty to the United States.'

Subsec. (b). Pub. L. 103-226, Sec. 2(a)(5)(B), (D), redesignated subsec. (d) as (b), substituted 'subsection (a)' for 'subsection (c)' in par. (1), and struck out former subsec. (b) which read as follows: 'This chapter does not authorize training an employee by, in, or through a non-Government facility a substantial part of the activities of which is -

'(1) carrying on propaganda, or otherwise attempting, to influence legislation; or

'(2) participating or intervening, including publishing or distributing statements, in a political campaign on behalf of a candidate for public office.'

Subsecs. (c), (d). Pub. L. 103-226, Sec. 2(a)(5)(B), redesignated subsecs. (c) and (d) as (a) and (b), respectively.

1990 - Subsec. (c). Pub. L. 101-510, Sec. 1206(a)(1), substituted 'Except as provided in subsection (d) of this section, this' for 'This' in introductory provisions.

Subsec. (d). Pub. L. 101-510, Sec. 1206(a)(2), added subsec. (d).

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3381 of this title; title 10 section 1745; title 41 section 433.

-CITE-

5 USC Sec. 4108
01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

Sec. 4108. Employee agreements; service after training

-STATUTE-

(a) An employee selected for training for more than a minimum period prescribed by the head of the agency shall agree in writing with the Government before assignment to training that he will -

(1) continue in the service of his agency after the end of the training period for a period at least equal to three times the length of the training period unless he is involuntarily separated from the service of his agency; and

(2) pay to the Government the amount of the additional expenses incurred by the Government in connection with his training if he is voluntarily separated from the service of his agency before

the end of the period for which he has agreed to continue in the service of his agency.

(b) The payment agreed to under subsection (a)(2) of this section may not be required of an employee who leaves the service of his agency to enter into the service of another agency in any branch of the Government unless the head of the agency that authorized the training notifies the employee before the effective date of his entrance into the service of the other agency that payment will be required under this section.

(c) If an employee, except an employee relieved of liability under subsection (b) of this section or section 4102(b) of this title, fails to fulfill his agreement to pay to the Government the additional expenses incurred by the Government in connection with his training, a sum equal to the amount of the additional expenses of training is recoverable by the Government from the employee or his estate by -

(1) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and

(2) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned, under the regulations prescribed under section 4118 of this title, may waive in whole or in part a right of recovery under this subsection, if it is shown that the recovery would be against equity and good conscience or against the public interest.

(d) For purposes of this section, 'training' includes a private sector assignment of an employee participating in the Executive Exchange Program of the President's Commission on Executive Exchange.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 435; Pub. L. 98-224, Sec. 5(a), Mar. 2, 1984, 98 Stat. 48; Pub. L. 103-226, Sec. 2(a)(6), Mar. 30, 1994, 108 Stat. 112.)

-MISC1-

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2310.	July 7, 1958, Pub. L. 85-507, Sec. 11, 72 Stat. 332.

In subsection (a), the last sentence of former section 2310(a) is omitted as included in the first sentence of the revised subsection.

In subsection (b), the words, 'another agency in any branch of the Government' are coextensive with and substituted for 'another department or of any other agency in any branch of the Government'. This is so because 'agency in any branch of the Government' is broader than 'agency' as defined for the purpose of this chapter in section 4101(1).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1994 - Subsec. (a). Pub. L. 103-226 substituted 'for more than a minimum period prescribed by the head of the agency' for 'by, in, or through a non-Government facility under this chapter'.

1984 - Subsec. (d). Pub. L. 98-224 added subsec. (d).

CENTRAL INTELLIGENCE AGENCY

Exception of Central Intelligence Agency from provisions of this section and certain other provisions of this chapter, see Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, set out as a note under section 4102 of this title.

-CITE-

5 USC Sec. 4109

01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

Sec. 4109. Expenses of training

-STATUTE-

(a) The head of an agency, under the regulations prescribed under section 4118(a)(8) of this title and from appropriations or other funds available to the agency, may -

(1) pay all or a part of the pay (except overtime, holiday, or night differential pay) of an employee of the agency selected and assigned for training under this chapter, for the period of training; and

(2) pay, or reimburse the employee for, all or a part of the necessary expenses of the training, without regard to section 3324(a) and (b) of title 31, including among the expenses the necessary costs of -

(A) travel and per diem instead of subsistence under subchapter I of chapter 57 of this title or, in the case of commissioned officers of the National Oceanic and Atmospheric Administration, sections 404 and 405 of title 37, and the Joint Travel Regulations for the Uniformed Services;

(B) transportation of immediate family, household goods and personal effects, packing, crating, temporarily storing,

draying, and unpacking under section 5724 of this title or, in the case of commissioned officers of the National Oceanic and Atmospheric Administration, sections 406 and 409 of title 37, and the Joint Travel Regulations for the Uniformed Services, when the estimated costs of transportation and related services are less than the estimated aggregate per diem payments for the period of training;

- (C) tuition and matriculation fees;
(D) library and laboratory services;
(E) purchase or rental of books, materials, and supplies; and
(F) other services or facilities directly related to the training of the employee.

(b) The expenses of training do not include membership fees except to the extent that the fee is a necessary cost directly related to the training itself or that payment of the fee is a condition precedent to undergoing the training.

(c) Notwithstanding subsection (a)(1) of this section, the Administrator, Federal Aviation Administration, may pay an individual training to be an air traffic controller of such Administration, and the Secretary of Defense may pay an individual training to be an air traffic controller of the Department of Defense, during the period of such training, at the applicable rate of basic pay for the hours of training officially ordered or approved in excess of forty hours in an administrative workweek.

(d) Notwithstanding subsection (a)(1), a firefighter who is subject to section 5545b of this title shall be paid basic pay and overtime pay for the firefighter's regular tour of duty while attending agency sanctioned training.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 436; Pub. L. 90-83, Sec. 1(4), Sept. 11, 1967, 81 Stat. 196; Pub. L. 96-54, Sec. 2(a)(19), Aug. 14, 1979, 93 Stat. 382; Pub. L. 97-258, Sec. 3(a)(9), Sept. 13, 1982, 96 Stat. 1063; Pub. L. 97-276, Sec. 151(a), Oct. 2, 1982, 96 Stat. 1200; Pub. L. 98-224, Sec. 5(b)(2), Mar. 2, 1984, 98 Stat. 48; Pub. L. 98-525, title XV, Sec. 1537(a), Oct. 19, 1984, 98 Stat. 2635; Pub. L. 102-378, Sec. 2(17), Oct. 2, 1992, 106 Stat. 1347; Pub. L. 105-277, div. A, Sec. 101(h) (title VI, Sec. 628(c)), Oct. 21, 1998, 112 Stat. 2681-480, 2681-521.)

-MISC1-

Historical and Revision Notes

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: Derivation, 5 U.S.C. 2309, July 7, 1958, Pub. L. 85-507, Sec. 10, 72 Stat. 332.

In subsection (a)(1) and (2), the words "training under this chapter" and "the training" are substituted for "training by, in, or through Government facilities or non-Government facilities under authority of this chapter" and "such training", respectively.

In subsection (a)(2)(A), the words "and the Standardized Government Travel Regulations" are omitted as included by the reference to "subchapter I of chapter 57 of this title".

In subsection (a)(2)(A) and (B), the words "sections 404 and 405 of title 37" and "sections 406 and 409 of title 37" are substituted for the references to "section 253 of title 37" on authority of section 12(b) of the Act of Sept. 7, 1962, Pub. L. 87-649, 76 Stat. 497.

In subsection (a)(2)(B), the words "under section 5724 of this title" are substituted for "in accordance with section 73b-1 of this title, and Executive Order Numbered 9805, as amended" to reflect the codification of former section 73b-1 in this title and in view of the revocation of Executive Order No. 9805 by Executive Order No. 11012 of Mar. 27, 1962. The reference only to section 5724 is sufficient since that section contains the applicable substantive law, including the authority of the President to prescribe regulations.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1998 - Subsec. (d). Pub. L. 105-277 added subsec. (d).

1992 - Subsec. (d). Pub. L. 102-378 struck out subsec. (d) which made revolving fund referred to in section 1304(e)(1) of this title available for costs of education and related travel of participants in such program, for printing, and for entertainment expenses, and which required crediting of participation fees to revolving fund.

1984 - Subsec. (c). Pub. L. 98-525 inserted "and the Secretary of Defense may pay an individual training to be an air traffic controller of the Department of Defense,".

Subsec. (d). Pub. L. 98-224 added subsec. (d).

1982 - Subsec. (a)(2). Pub. L. 97-258 substituted "section 3324(a) and (b)" for "section 529".

Subsec. (c). Pub. L. 97-276 added subsec. (c).

1979 - Subsec. (a)(2). Pub. L. 96-54 substituted "National Oceanic and Atmospheric" for "Environmental Science Services" in cls. (A) and (B).

1967 - Subsec. (a)(2). Pub. L. 90-83 substituted "Environmental Science Services Administration" for "Coast and Geodetic Survey" in cls. (A) and (B). See Historical and Revision Notes under section 2101 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-277, div. A, Sec. 101(h) (title VI, Sec. 628(e)), Oct. 21, 1998, 112 Stat. 2681-480, 2681-521, provided that: "The amendments made by this section (enacting section 5545b of this title and amending this section and sections 5542 and 8331 of this

title) shall take effect on the first day of the first applicable pay period which begins on or after October 1, 1998.'

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-378 effective Oct. 1, 1991, see section 9(b)(3) of Pub. L. 102-378, set out as a note under section 6303 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 1537(f) of Pub. L. 98-525 provided that: 'The amendments made by this section (amending this section and sections 5532, 5546a, 5547, and 8344 of this title) shall take effect on October 1, 1984.'

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-276 effective on first day of first applicable pay period beginning after Oct. 2, 1982, see section 151(h)(2) of Pub. L. 97-276, set out as an Effective Date note under section 5546a of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

CENTRAL INTELLIGENCE AGENCY

Exception of Central Intelligence Agency from introductory provisions of subsec. (a) of this section and certain other provisions of this chapter, and section 1308 of this title, see Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, set out as a note under section 4102 of this title.

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4118, 5946 of this title.

-CITE-

5 USC Sec. 4110

01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

Sec. 4110. Expenses of attendance at meetings

-STATUTE-

Appropriations available to an agency for travel expenses are available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of the functions or activities.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 436.)

-MISC1-

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2318(b).	July 7, 1958, Pub. L. 85-507, Sec. 19(b), 72 Stat. 336.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

-SECRETF-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4102, 5946 of this title; title 33 section 540a.

-CITE-

5 USC Sec. 4111
01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

Sec. 4111. Acceptance of contributions, awards, and other payments

-STATUTE-

(a) To the extent authorized by regulation of the President, contributions and awards incident to training in non-Government facilities, and payment of travel, subsistence, and other expenses incident to attendance at meetings, may be made to and accepted by an employee, without regard to section 209 of title 18, if the contributions, awards, and payments are made by an organization determined by the Secretary of the Treasury to be an organization described by section 501(c)(3) of title 26 which is exempt from taxation under section 501(a) of title 26.

(b) When a contribution, award, or payment, in cash or in kind, is made to an employee for travel, subsistence, or other expenses under subsection (a) of this section, an appropriate reduction,

under regulations of the President, shall be made from payment by the Government to the employee for travel, subsistence, or other expenses incident to training in a non-Government facility or to attendance at a meeting.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 437; Pub. L. 96-54, Sec. 2(a)(2), Aug. 14, 1979, 93 Stat. 381.)

-MISC1-

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2318(a).	July 7, 1958, Pub. L. 85-507, Sec. 19(a), 72 Stat. 336.
(b)	5 U.S.C. 2318(c).	July 7, 1958, Pub. L. 85-507, Sec. 19(c), 72 Stat. 336.

In subsection (a), the words "section 209 of title 18" are substituted for "section 1914 of title 18" on authority of the Act of Oct. 23, 1962, Pub. L. 87-849, Sec. 2, 76 Stat. 1126.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1979 - Subsec. (b). Pub. L. 96-54 substituted "President" for "Director of the Bureau of the Budget".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

-TRANS-

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to this title. Section 102 of 1970 Reorg. Plan No. 2, redesignated Bureau of the Budget as Office of Management and Budget.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) of this section delegated to Office of Personnel Management, see section 401(b) of

Ex. Ord. No. 11348, Apr. 20, 1967, 32 F.R. 6335, set out as a note under section 4103 of this title.

Functions of President under subsec. (b) of this section delegated to Director of Office of Management and Budget, see Ex. Ord. No. 12152, Aug. 14, 1979, 44 F.R. 48143, set out as a note under section 301 of Title 3, The President.

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3381, 4102 of this title; title 31 section 1353; title 38 section 7423.

-CITE-

5 USC Sec. 4112
01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

Sec. 4112. Absorption of costs within funds available

-STATUTE-

(a) The President, to the extent he considers practicable, shall provide by regulation for the absorption of the costs of the training programs and plans under this chapter by the respective agencies from applicable appropriations or funds available for each fiscal year.

(b) Subsection (a) of this section may not be held or considered to require -

- (1) the separation of an individual from the service by reduction in force or other personnel action; or
- (2) the placement of an individual in a leave-without-pay status.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 437; Pub. L. 96-54, Sec. 2(a)(2), Aug. 14, 1979, 93 Stat. 381.)

-MISC1-

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2319.	July 7, 1958, Pub.

L. 85-507, Sec. 23,
72 Stat. 338.

In subsection (a), the words 'for each fiscal year' are substituted for 'for the fiscal year in which this chapter is enacted and for each succeeding fiscal year'.

In subsection (b), the prohibition is restated in positive form. Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1979 - Subsec. (a). Pub. L. 96-54 substituted 'President' for 'Director of the Bureau of the Budget'.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

-TRANS-

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) of this section delegated to Director of Office of Management and Budget, see Ex. Ord. No. 12152, Aug. 14, 1979, 44 F.R. 48143, set out as a note under section 301 of Title 3, The President.

-CITE-

5 USC Sec. 4113
01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

(Sec. 4113. Repealed. Pub. L. 104-66, title II, Sec. 2181(c)(1), Dec. 21, 1995, 109 Stat. 732)

-MISC1-

Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 437; Pub. L. 95-454, title IX, Sec. 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 103-226, Sec. 2(a)(7), Mar. 30, 1994, 108 Stat. 112, related to agency review of training needs and annual program reports.

-CITE-

5 USC Sec. 4114
01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES

PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

(Sec. 4114. Repealed. Pub. L. 103-226, Sec. 2(a)(8), Mar. 30, 1994, 108 Stat. 112)

-MISC1-

Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 438; Pub. L. 95-454, title IX, Sec. 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224, related to review of employee training programs at non-Government facilities.

-CITE-

5 USC Sec. 4115
01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

Sec. 4115. Collection of training information

-STATUTE-

The Office of Personnel Management, to the extent it considers appropriate in the public interest, may collect information concerning training programs, plans, and the methods inside and outside the Government. The Office, on request, may make the information available to an agency and to Congress.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 438; Pub. L. 95-454, title IX, Sec. 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224.)

-MISC1-

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2315.	July 7, 1958, Pub. L. 85-507, Sec. 16, 72 Stat. 335.

In the first sentence, the words 'from time to time' are omitted as unnecessary. In the second sentence, the word 'appropriate' is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1978 - Pub. L. 95-454 substituted 'Office of Personnel Management' and 'Office' for 'Civil Service Commission' and 'Commission', respectively.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

CENTRAL INTELLIGENCE AGENCY

Exception of Central Intelligence Agency from provisions of this section and certain other provisions of this chapter and section 1308 of this title, see Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, set out as a note under section 4102 of this title.

-CITE-

5 USC Sec. 4116
01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

Sec. 4116. Training program assistance

-STATUTE-

The Office of Personnel Management, on request of an agency, shall advise and assist in the establishment, operation, and maintenance of the training programs and plans of the agency under this chapter, to the extent of its facilities and personnel available for that purpose.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 438; Pub. L. 95-454, title IX, Sec. 906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

-MISC1-

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large

5 U.S.C. 2316. July 7, 1958, Pub. L. 85-507, Sec. 17, 72 Stat. 335.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1978 - Pub. L. 95-454 substituted 'Office of Personnel Management' for 'Civil Service Commission'.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

-CITE-

5 USC Sec. 4117
01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

Sec. 4117. Administration

-STATUTE-

The Office of Personnel Management has the responsibility and authority for effective promotion and coordination of the training programs under this chapter and training operations thereunder. The functions, duties, and responsibilities of the Office under this chapter are subject to supervision and control by the President and review by Congress.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 438; Pub. L. 95-454, title IX, Sec. 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224.)

-MISC1-

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2301(4).	July 7, 1958, Pub. L. 85-507, Sec. 2(4), 72 Stat. 328.

5 U.S.C. 2318(e). July 7, 1958, Pub.
 L. 85-507, Sec.
 19(e), 72 Stat.
 336.

 Former sections 2301(4) and 2318(e) are combined and restated for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1978 - Pub. L. 95-454 substituted 'Office of Personnel Management' and 'Office' for 'Civil Service Commission' and 'Commission', respectively.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

CENTRAL INTELLIGENCE AGENCY

Exception of Central Intelligence Agency from provisions of subd.

(4) of this section and certain other provisions of this chapter and section 1308 of this title, see Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, set out as a note under section 4102 of this title.

-CITE-

5 USC Sec. 4118
 01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
 PART III - EMPLOYEES
 Subpart C - Employee Performance
 CHAPTER 41 - TRAINING

-HEAD-

Sec. 4118. Regulations

-STATUTE-

(a) The Office of Personnel Management, after considering the needs and requirements of each agency for training its employees and after consulting with the agencies principally concerned, shall prescribe regulations containing the principles, standards, and related requirements for the programs, and plans thereunder, for the training of employees under this chapter, including requirements for coordination of and reasonable uniformity in the agency training programs and plans. The regulations shall provide for the maintenance of necessary information concerning the general conduct of the training activities of each agency, and such other information as is necessary to enable the President and Congress to discharge effectively their respective duties and responsibilities

for supervision, control, and review of these training programs. The regulations also shall cover -

- (1) requirements concerning the determination and continuing review by each agency of its training needs and requirements;
- (2) the scope and conduct of the agency training programs and plans;
- (3) the selection and assignment of employees of each agency for training;
- (4) the use in each agency of the services of employees who have undergone training;
- (5) the evaluation of the results and effects of the training programs and plans;
- (6) the interchange of training information among the agencies;
- (7) the submission of reports by the agencies on results and effects of training programs and plans and economies resulting therefrom, including estimates of costs of training;
- (8) requirements and limitations necessary with respect to payments and reimbursements in accordance with section 4109 of this title; and
- (9) other matters considered appropriate or necessary by the Office to carry out the provisions of this chapter.

(b) The Office, in accordance with this chapter, may revise, supplement, or abolish regulations prescribed under this section, and prescribe additional regulations.

(c) This section does not authorize the Office to prescribe the types and methods of intra-agency training or to regulate the details of intra-agency training programs.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 438; Pub. L. 95-454, title IX, Sec. 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 103-226, Sec. 2(a)(9), Mar. 30, 1994, 108 Stat. 112.)

-MISC1-

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2305.	July 7, 1958, Pub. L. 85-507, Sec. 6, 72 Stat. 329.

In subsection (a), the word 'appropriate' is omitted as unnecessary. The words 'with respect to training by, in, and through Government facilities and non-Government facilities' are omitted as unnecessary.

In subsection (b)(2) and (3), the words 'by, in, or through a

non-Government facility'' are omitted as unnecessary in view of the previous reference in the subsection.

In subsection (c), the words ''From time to time'' are omitted as unnecessary.

In subsection (d), the prohibition is restated in positive form.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1994 - Subsec. (a)(7). Pub. L. 103-226, Sec. 2(a)(9)(A), struck out before semicolon at end ''by, in, and through non-Government facilities''.

Subsecs. (b) to (d). Pub. L. 103-226, Sec. 2(a)(9)(B), (C), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which read as follows: ''In addition to the matters set forth by subsection (a) of this section, the regulations, concerning training of employees by, in, or through non-Government facilities, shall -

''(1) prescribe general policies governing the selection of a non-Government facility to provide training;

''(2) authorize training of employees only after the head of the agency concerned determines that adequate training for employees by, in, or through a Government facility is not reasonably available, and that consideration has been given to the existing or reasonably foreseeable availability and use of fully trained employees; and

''(3) prohibit training an employee for the purpose of filling a position by promotion if there is in the agency concerned another employee, of equal ability and suitability, fully qualified to fill the position and available at, or within a reasonable distance from, the place where the duties of the position are to be performed.''

1978 - Subsecs. (a), (c), (d). Pub. L. 95-454 substituted ''Office of Personnel Management'' and ''Office'' for ''Civil Service Commission'' and ''Commission'', respectively, wherever appearing.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

CENTRAL INTELLIGENCE AGENCY

Exception of Central Intelligence Agency from provisions of this section and certain other provisions of this chapter and section 1308 of this title, see Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, set out as a note under section 4102 of this title.

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4103, 4107, 4108, 4109 of this title.

-CITE-

5 USC Sec. 4119
01/22/02

-EXPCITE-

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart C - Employee Performance
CHAPTER 41 - TRAINING

-HEAD-

Sec. 4119. Training for employees under the Office of the Architect
of the Capitol and the Botanic Garden

-STATUTE-

(a) The Architect of the Capitol may, by regulation, make applicable such provisions of this chapter as the Architect determines necessary to provide for training of (1) individuals employed under the Office of the Architect of the Capitol and the Botanic Garden and (2) other congressional employees who are subject to the administrative control of the Architect. The regulations shall provide for training which, in the determination of the Architect, is consistent with the training provided by agencies under the preceding sections of this chapter.

(b) The Office of Personnel Management shall provide the Architect of the Capitol with such advice and assistance as the Architect may request in order to enable the Architect to carry out the purposes of this section.

-SOURCE-

(Added Pub. L. 97-346, Sec. 1(a), Oct. 15, 1982, 96 Stat. 1647.)

-CITE-

5 CFR
Administrative Personnel
CHAPTER I
OFFICE OF PERSONNEL MANAGEMENT
SUBCHAPTER B -- CIVIL SERVICE REGULATIONS

PART 410 -- TRAINING

Subpart A -- General Provisions

§410.101 Definitions.

In this part:

(a) *Agency, employee, Government, Government facility, and non-Government facility* have the meanings given these terms in section 4101 of title 5, United States Code.

(b) Exceptions to organizations and employees covered by this subpart include:

(1) Those named in section 4102 of title 5, United States Code, and

(2) The U.S. Postal Service and Postal Rate Commission and their employees, as provided in Pub. L. 91-375, enacted August 12, 1970.

(c) *Training* has the meaning given to the term in section 4101 of title 5, United States Code.

(d) *Mission-related training* is training that supports agency goals by improving organizational performance at any appropriate level in the agency, as determined by the head of the agency. This includes training that:

(1) Supports the agency's strategic plan and performance objectives;

(2) Improves an employee's current job performance;

(3) Allows for expansion or enhancement of an employee's current job;

- (4) Enables an employee to perform needed or potentially needed duties outside the current job at the same level of responsibility; or
- (5) Meets organizational needs in response to human resource plans and re-engineering, downsizing, restructuring, and/or program changes.
- (e) *Retraining* means training and development provided to address an individual's skills obsolescence in the current position and/or training and development to prepare an individual for a different occupation, in the same agency, in another Government agency, or in the private sector.
- (f) *Continued service agreement* has the meaning given to service agreements in section 4108 of title 5, United States Code.
- (g) *Interagency training* means training provided by one agency for other agencies or shared by two or more agencies.
- (h) *State and local government* have the meanings given to these terms by section 4762 of title 42, United States Code.

Subpart B -- Planning for Training

§410.201 Responsibilities of the head of an agency.

As stated in section 4103 of title 5, United States Code, and in Executive Order 11348, the head of each agency shall:

- (a) Establish, budget for, operate, maintain, and evaluate a program or programs, and a plan or plans thereunder, for training agency employees by, in, and through Government and non-Government facilities;
- (b) Determine policies governing employee training, including a statement of broad purposes for agency training, the assignment of responsibility for seeing that these purposes are achieved, and the delegation of training approval authority to the lowest possible level; and
- (c) Establish priorities for training employees and provide for funds and staff according to these priorities.

§410.202 Integrating employee training and development with agency strategic plans.

(a) Agencies shall include mission-related training and development in agency strategic planning to ensure that:

- (1) Agency training strategies and activities contribute to mission accomplishment; and
- (2) Organizational performance goals are met.

(b) Agency human resource development programs and plans should:

- (1) Improve employee and organizational performance; and
- (2) Build and support an agency workforce capable of achieving agency mission and performance goals.

§410.203 Assessing organizational, occupational, and individual needs.

(a) *Assessment.* Section 303 of Executive Order 11348 specifies the responsibility of heads of agencies to assess agency training needs annually.

(b) *Method.* The method an agency uses to conduct training needs assessment shall meet the requirements of chapter 41 of title 5, United States Code, Executive Order 11348, and this subpart.

§410.204 Options for developing employees.

Agencies may use a full range of options to meet their mission-related organizational and employee development needs, such as classroom training, on-the-job training, technology-based training, satellite training, employees' self-development activities, coaching, mentoring, career development counseling, details, rotational assignments, cross training, and developmental activities at retreats and conferences.

Subpart C -- Establishing and Implementing Training Programs

§410.301 Scope and general conduct of training programs.

(a) Authority. The requirements for establishing training programs and plans are found in section 4103(a) of title 5, United States Code, and Executive Order 11348.

(b) Alignment with other human resource functions. Training programs established by agencies under chapter 41 of title 5, United States Code, should be integrated with other personnel management and operating activities, under administrative agreements as appropriate, to the maximum possible extent.

§410.302 Responsibilities of the head of an agency.

(a) Specific responsibilities. (1) The head of each agency shall prescribe procedures as are necessary to ensure that the selection of employees for training is made without regard to political preference, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights as provided by merit system principles set forth in 5 U.S.C. 2301(b)(2).

(2) The head of each agency shall prescribe procedures as are necessary to ensure that the training facility and curriculum are accessible to employees with disabilities.

(3) The head of each agency shall not allow training in a facility that discriminates in the admission or treatment of students.

(b)(1) Training of Presidential appointees. The Office of Personnel Management delegates to the head of each agency authority to authorize training for officials appointed by the President. In exercising this authority, the head of an agency must ensure that the training is in compliance with chapter 41 of title 5, United States Code, and with this part. This authority may not be delegated to a subordinate.

(2) Records. When exercising this delegation of authority, the head of an agency must maintain records that include:

(i) The name and position title of the official;

(ii) A description of the training, its location, vendor, cost, and duration; and

(iii) A statement justifying the training and describing how the official will apply it during his or her term of office.

(3) Review of delegation. Exercise of this authority is subject to U.S. Office of Personnel Management review.

(c) Training for the head of an agency. Since self-review constitutes a conflict of interest, heads of agencies must submit their own requests for training to the U.S. Office of Personnel Management for approval.

(d) The head of the agency shall establish the form and manner of maintaining agency records related to training plans, expenditures, and activities.

(e) The head of the agency shall establish written procedures which cover the minimum requirements for continued service agreements. (See also 5 CFR 410.310.)

(f) The head of each agency shall prescribe procedures, as authorized by section 402 of Executive Order No. 11348, for obtaining U.S. Department of State advice before assigning an employee who is stationed within the continental limits of the United States to training outside the continental United States that is provided by a foreign government, international organization, or instrumentality of either.

[61 FR 66193, Dec. 17, 1996, as amended at 63 FR 43867, Aug. 17, 1998]

§410.303 Employee responsibilities.

Employees are responsible for self-development, for successfully completing and applying authorized training, and for fulfilling continued service agreements. In addition, they share with their agencies the responsibility to identify training needed to improve individual and organizational performance and identify methods to meet those needs, effectively and efficiently.

§410.304 Funding training programs.

Section 4112 of title 5, United States Code, provides for agencies paying the costs of their training programs and plans from applicable appropriations or from other funds available. Training costs associated with program accomplishment may be funded by appropriations applicable to that program area. In addition, section 4109(a)(2) of title 5,

United States Code, provides authority for agencies and employees to share the expenses of training.

§410.305 Establishing and using interagency training.

Executive departments, independent establishments, Government corporations subject to chapter 91 of title 31, the Library of Congress, and the Government Printing office may provide or share training programs developed for its employees of other agencies under section 4120 of title 5, United States Code, when this would result in better training, improved service, or savings to the Government. Section 302(d) of Executive Order 11348 allows agencies excluded from section 4102 of title 5, United States Code, to also receive interagency training when this would result in better training, improved service, or savings to the Government. Section 201(e) of Executive Order 11348 provides for the Office of Personnel Management to coordinate interagency training conducted by and for agencies (including agencies and portions of agencies excepted by section 4102(a) of Title 5, United States Code).

§410.306 Selecting and assigning employees to training.

(a) Each agency shall establish criteria for the fair and equitable selection and assignment of employees to training consistent with merit system principles specified in 5 U.S.C. 2301(b)(1) and (2).

(b) Persons on Intergovernmental Personnel Act mobility assignments may be assigned to training if that training is in the interest of the Government.

(1) A State or local government employee given an appointment in a Federal agency under the authority of section 3374(b) of title 5 of the United States Code, is deemed an employee of the Federal agency. The agency may provide training for the State or local government employee as it does for other agency employees.

(2) A State or local government employee on detail to a Federal agency under the authority of section 3374(c) of title 5 of the United States Code, is not deemed an employee of the Federal agency. However, the detailed State or local government employee may be admitted to training programs the agency has established for Federal personnel and may be trained in the rules, practices, procedures and/or systems pertaining to the Federal government.

(c) Subject to the prohibitions of §410.308(a) of this part, an agency may pay all or part of the training expenses of students hired under the Student Career Experience Program (see 5 CFR 213.3202(d)(10)).

[61 FR 66193, Dec. 17, 1996; 61 FR 68119, Dec. 27, 1996]

§410.307 Training for promotion or placement in other positions.

(a) *General.* In determining whether to provide training under this section, agencies should take into account:

(1) Agency authority to modify qualification requirements in certain situations as provided in the OPM Operating Manual for Qualification Standards for General Schedule Positions;

(2) Agency authority to establish training programs that provide intensive and directly job-related training to substitute for all or part of the experience (but not education, licensing, certification, or other specific credentials), required by OPM qualification standards. Such training programs may be established to provide employees with the opportunity to acquire the experience and knowledge, skills, and abilities necessary to qualify for another position (including at a higher grade) at an accelerated rate; and

(3) Time-in-grade restrictions on advancement (see 5 CFR 300.603(b)(6)).

(b) *Training for promotion.* Under the authority of 5 U.S.C. 4103, and consistent with merit system principles set forth in 5 U.S.C. 2301(b)(1) and (2), an agency may provide training to non-temporary employees that in certain instances may lead to promotion. An agency must follow its competitive procedures under part 335 of this chapter when selecting a non-temporary employee for training that permits noncompetitive promotion after successful completion of the training.

(c) *Training for placement in other agency positions, in other agencies, or outside Government -- (1) Grade or pay retention.* Under the authority of 5 U.S.C. 4103 and 5 U.S.C. 5364, an agency may train an employee to meet the qualification requirements of another position in the agency if the new position is at or below the retained grade or the grade of the position the employee held before pay retention.

(2) *Training for placement in another agency.* Under the authority of 5 U.S.C. 4103(b), and consistent with merit system principles set forth in 5 U.S.C. 2301, an agency may train an employee to meet the qualification requirements of a position in another agency

if the head of the agency determines that such training would be in the interest of the Government.

(i) Before undertaking any training under this section, the head of the agency shall determine that there exists a reasonable expectation of placement in another agency.

(ii) When selecting an employee for training under this section, the head of the agency shall consider:

(A) The extent to which the employee's current skills, knowledge, and abilities may be utilized in the new position;

(B) The employee's capability to learn skills and acquire knowledge and abilities needed in the new position; and

(C) The benefits to the Government which would result from retaining the employee in the Federal service.

(3) *Training displaced or surplus employees.* Displaced or surplus employees as defined in 5 CFR 330.604(b) and (f) may be eligible for training or retraining for positions outside Government through programs provided under 29 U.S.C. 1651, or similar authorities. An agency may use its appropriated funds for training displaced or surplus employees for positions outside Government only when specifically authorized by legislation to do so.

(4) *Career transition assistance plans.* Under 5 CFR 330.602, agencies are required to establish career transition assistance plans (CTAP) to provide career transition services to displaced and surplus employees.

(i) Under the authority of 5 U.S.C. 4109, an agency may:

(A) Train employees in the use of the CTAP services;

(B) Provide vocational and career assessment and counseling services;

(C) Train employees in job search skills, techniques, and strategies; and

(D) Pay for training related expenses as provided in 5 U.S.C. 4109(a)(2).

(ii) Agency CTAP's will include plans for retraining displaced or surplus employees covered by this part.

§410.308 Training to obtain an academic degree.

- (a) An agency may authorize training for an employee to obtain an academic degree under conditions as prescribed at 5 U.S.C. 4107(a).
- (b) Colleges and universities used in an academic degree training program must be accredited by a nationally recognized body. A "nationally recognized body" is a regional, national, or international accrediting organization recognized by the U.S. Department of Education. The listing of accrediting bodies is available at the Department.
- (c) The selection of employees for an academic degree training program must follow the requirements of §335.103(b) (3) and part 300, subpart A of this chapter. Subject to the additional requirement that the purpose of the selection and assignment is to accomplish an identified goal consistent with the agency's human capital management strategic plan, an agency may competitively select and assign an employee to an academic degree training program that qualifies the employee for promotion to a higher graded position or to a position that requires an academic degree.
- (d) Agency heads must assess and maintain records on the effectiveness of training assignments under this section.
- (e) On a periodic basis, OPM may request agency information on the use and effectiveness of training assignments under this section.
- (f) The authority to authorize training for an employee to obtain an academic degree terminates June 14, 2004.

[68 FR 35269, June 13, 2003]

§410.309 Agreements to continue in service.

- (a) *Authority.* Continued service agreements are provided for in section 4108 of title 5, United States Code. Agencies have the authority to determine when such agreements will be required.
- (b) *Requirements.* (1) The head of the agency shall establish written procedures which include the minimum requirements for continued service agreements. These requirements shall include procedures the agency considers necessary to protect the Government's interest should the employee fail to successfully complete training.

(2) An employee selected for training subject to an agency continued service agreement must sign an agreement to continue in service after training prior to starting the training. The period of service will equal at least three times the length of the training.

(c) *Failure to fulfill agreements.* With a signed agreement, the agency has a right to recover training costs, except pay or other compensation, if the employee voluntarily separates from Government service. The agency shall provide procedures to enable the employee to obtain a reconsideration of the recovery amount or to appeal for a waiver of the agency's right to recover.

[61 FR 66193, Dec. 17, 1996; 63 FR 72097, Dec. 31, 1998]

§410.310 Computing time in training.

For the purpose of computing time in training for continued service agreements under section 4108 of title 5, United States Code:

(a) An employee on an 8-hour day work schedule assigned to training is counted as being in training for the same number of hours he or she is in pay status during the training assignment. If the employee is not in pay status during the training, the employee is counted as being in training for the number of hours he or she is granted leave without pay for the purpose of the training.

(b) For an employee on an alternative work schedule, the agency is responsible for determining the number of hours the employee is in pay status during the training assignment. If the employee is not in pay status during the training, the employee is counted as being in training for the number of hours he or she is granted leave without pay for the purpose of the training.

(c) An employee on an 8-hour or an alternative work schedule assigned to training on less than a full-time basis is counted as being in training for the number of hours he or she spends in class, in formal computer-based training, in satellite training, in formal self-study programs, or with the training instructor, unless a different method is determined by the agency.

§410.311 Records.

Agencies shall retain, in such form and manner as the agency head considers appropriate, a record of training events authorized under this subpart for a reasonable period of time.

Subpart D -- Paying for Training Expenses

§410.401 Determining necessary training expenses.

(a) The head of an agency determines which expenses constitute necessary training expenses under section 4109 of title 5, United States Code.

(b) An agency may pay, or reimburse an employee, for necessary expenses incurred in connection with approved training as provided in section 4109(a)(2) of title 5, United States Code. Necessary training expenses do not include an employee's pay or other compensation.

§410.402 Paying premium pay.

(a) *Prohibitions.* Except as provided by paragraph (b) of this section, an agency may not use its funds, appropriated or otherwise available, to pay premium pay to an employee engaged in training by, in, or through Government or non-government facilities.

(b) *Exceptions.* The following are excepted from the provision in paragraph (a) of this section prohibiting the payment of premium pay:

(1) *Continuation of premium pay.* An employee given training during a period of duty for which he or she is already receiving premium pay for overtime, night, holiday, or Sunday work shall continue to receive that premium pay. This exception does not apply to an employee assigned to full-time training at institutions of higher learning.

(2) *Training at night.* An employee given training at night because situations that he or she must learn to handle occur only at night shall be paid by the applicable premium pay.

(3) *Cost savings.* An employee given training on overtime, on a holiday, or on a Sunday because the costs of the training, premium pay included, are less than the costs of the same training confined to regular work hours shall be paid the applicable premium pay.

(4) *Availability pay.* An agency shall continue to pay availability pay during agency-sanctioned training to a criminal investigator who is eligible for it under 5 U.S.C. 5545a and implementing regulations. Agencies may, at their discretion, provide availability pay to investigators during periods of initial, basic training. (See 5 CFR 550.185 (b) and (c).)

(5) *Standby and administratively uncontrollable duty.* An agency may continue to pay annual premium pay for regularly scheduled standby duty or administratively

uncontrollable overtime work, during periods of temporary assignment for training as provided by 5 CFR 550.162(c).

(6) *Firefighter overtime pay.* (i) A firefighter compensated under part 550, subpart M, of this chapter shall receive basic pay and overtime pay for the firefighter's regular tour of duty (as defined in §550.1302 of this chapter) in any week in which attendance at agency-sanctioned training reduces the hours in the firefighter's regular tour of duty.

(ii) The special pay protection provided by paragraph (b)(6)(i) of this section does not apply to firefighters who voluntarily participate in training during non-duty hours, leave hours, or periods of excused absence. It also does not apply if the firefighter is entitled to a greater amount of pay based on actual work hours during the week in which training occurs.

(7) *Agency exemption.* An employee given training during a period not otherwise covered by a provision of this paragraph may be paid premium pay when the employing agency has been granted an exception to paragraph (a) of this section by the U.S. Office of Personnel Management.

(c) An employee who is excepted under paragraph (b) of this section is eligible to receive premium pay in accordance with the applicable pay authorities.

(d) Regulations governing overtime pay for employees covered by Fair Labor Standards Act (FLSA) during training, education, lectures, or conferences are found in §551.423 of this chapter. The prohibitions on paying premium pay found in paragraph (a) of this section are not applicable for the purpose of paying FLSA overtime pay.

(e) Compensation for time spent traveling to and from training. (1) Compensation provisions are contained in 5 CFR 550.112(g) for time spent traveling for employees subject to title 5 of the United States Code.

(2) Compensation provisions are contained in 5 CFR 551.422 for time spent traveling for employees covered by the Fair Labor Standards Act. (See also 29 CFR 785.33 through §785.41.)

[61 FR 66193, Dec. 17, 1996, as amended at 63 FR 64592, Nov. 23, 1998; 64 FR 69172, Dec. 10, 1999; 67 FR 15466, Apr. 2, 2002]

§410.403 Payments for temporary duty training assignments.

Section 4109(a)(2) of title 5, United States Code, provides that an agency may pay, or reimburse an employee for, all or a part of the necessary expenses of training, including the necessary costs of travel; per diem expenses; or limited relocation expenses including transportation of the immediate family, household goods and personal effects:

(a) If an agency chooses to pay per diem, or in unusual circumstances the actual subsistence, expenses for an employee on a temporary duty training assignment, payment must be in accordance with 41 CFR part 301-7 or 41 CFR part 301-8 (or, for commissioned officers of the National Oceanic and Atmospheric Administration, in accordance with sections 404 and 405 of title 37, United States Code, and the Joint Federal travel Regulations for the Uniformed Services).

(b) An agency may pay a reduced per diem rate, such as a standardized payment less than the maximum per diem rate for a geographical area. If a reduced or standardized per diem rate was not authorized in advance of the travel and the fees paid to a training institution include lodging or meal costs, an appropriate deduction shall be made from the total per diem rate payable on the travel voucher (see 41 CFR 301-7.12).

(c) An agency may pay limited relocation expenses for the transportation of the employee's immediate family, household goods and personal effects, including packing, crating, temporarily storing, draying, and unpacking the household goods in accordance with section 5724 of title 5, United States Code (or, for commissioned officers of the National Oceanic and Atmospheric Administration, in accordance with sections 406 and 409 of title 37, United States Code, and the Joint federal travel Regulations for the uniformed Services). Limited relocation expenses are payable only when the estimated costs of transportation and related services are less than the estimated aggregate per diem or actual subsistence expense payments for the period of training. An employee selected for temporary duty training may receive travel and per diem (or actual subsistence expenses) for the period of the assignment or payment of limited relocation expenses, but not both.

[61 FR 66193, Dec. 17, 1996; 61 FR 66821, Dec. 30, 1996]

§410.404 Determining if a conference is a training activity.

Agencies may sponsor an employee's attendance at a conference as a developmental assignment under section 4110 of title 5, United States Code, when --

(a) The announced purpose of the conference is educational or instructional;

(b) More than half of the time is scheduled for a planned, organized exchange of information between presenters and audience which meets the definition of training in section 4101 of title 5, United States Code;

(c) The content of the conference is germane to improving individual and/or organizational performance, and

(d) Development benefits will be derived through the employee's attendance.

§410.405 Protection of Government interest.

The head of an agency shall establish such procedures as he or she considers necessary to protect the Government's interest when employees fail to complete, or to successfully complete, training for which the agency pays the expenses.

§410.406 Records of training expenses.

Agencies shall retain, in such form and manner as the agency head considers appropriate, a record of payments made for travel, tuition, fees and other necessary training expenses for a reasonable period of time.

Subpart E -- Accepting Contributions, Awards, and Payments From Non-Government Organizations

§410.501 Scope.

(a) Section 4111 of title 5, United States Code, describes conditions for employee acceptance of contributions, awards, and payments made in connection with non-Government sponsored training or meetings which an employee attends while on duty or when the agency pays the training or meeting attendance expenses, in whole or in part.

(b) This subpart does not limit the authority of an agency head to establish procedures on the acceptance of contributions, awards, and payments in connection with any training and meetings that are outside the scope of this subpart in accordance with laws and regulations governing Government ethics and governing acceptance of travel reimbursements from non-Federal sources.

[61 FR 66193, Dec. 17, 1996, as amended at 63 FR 16877, Apr. 7, 1998]

§410.502 Authority of the head of an agency.

(a) In writing, the head of an agency may authorize an agency employee to accept a contribution or award (in cash or in kind) incident to training or to accept payment (in cash or in kind) of travel, subsistence, and other expenses incident to attendance at meetings if

(1) The conditions specified in section 4111 of title 5, United States Code, are met; and

(2) In the judgment of the agency head, the following two conditions are met:

(i) The contribution, award, or payment is not a reward for services to the organization prior to the training or meeting; and

(ii) Acceptance of the contribution, award, or payment:

(A) Would not reflect unfavorably on the employee's ability to carry out official duties in a fair and objective manner;

(B) Would not compromise the honesty and integrity of Government programs or of Government employees and their official actions or decisions;

(C) Would be compatible with the Ethics in Government Act of 1978, as amended; and

(D) Would otherwise be proper and ethical for the employee concerned given the circumstances of the particular case.

(b) Delegation of authority. An agency head may delegate authority to authorize the acceptance of contributions, awards, and payments under this section. The designated official must ensure that --

(1) The policies of the agency head are reflected in each decision; and

(2) The circumstances of each case are fully evaluated under conditions set forth in §410.502(a).

(c) Acceptance of contributions, awards, and payments. An employee may accept a contribution, award, or payment (whether made in cash or in kind) that falls within the scope of this section only when he or she has specific written authorization.

(d) When more than one non-Government organization participates in making a single contribution, award, or payment, the "organization" referred to in this subsection is the one that:

- (1) Selects the recipient; and
- (2) Administers the funds from which the contribution, award, or payment is made.

§410.503 Records.

An agency shall maintain, in such form and manner as the agency head considers appropriate, the following records in connection with each contribution, awards, or payment made and accepted under authority of this section: The recipient's name; the organization's name; the amount and nature of the contribution, award, or payment and the purpose for which it is to be used; and a copy of the written authorization required by §410.502(a).

Subpart F -- Evaluating Training

§410.601 Responsibility of the head of an agency.

Under provisions of chapter 41 of title 5, United States Code, and Executive Order 11348, the agency head shall evaluate training to determine how well it meets short and long-range program needs by occupations, organizations, or other appropriate groups. The agency head may conduct the evaluation in the manner and frequency he or she considers appropriate.

§410.602 Records.

An agency head shall retain records of these evaluations in such form and manner as he or she considers appropriate.

Subpart G -- Reports

§410.701 Reports.

Each agency shall maintain records of its training plans, expenditures and activities as required in §410.302(d), §410.311, §410.406, §410.503, and §410.602 and report its

plans, expenditures and activities to the Office of Personnel Management at such times and in such form as the Office prescribes.

[61 FR 66193, Dec. 17, 1996; 62 FR 63630, Dec. 2, 1997]



Code of Federal Regulations

TITLE 5--ADMINISTRATIVE PERSONNEL

CHAPTER I--OFFICE OF PERSONNEL MANAGEMENT

PART 831--RETIREMENT--Table of Contents

Subpart B--Coverage

Sec. 831.201 Exclusions from retirement coverage.

(a) The following groups of employees in the executive branch of the Government are excluded from subchapter III of chapter 83 of title 5, United States Code:

- (1) Employees serving under appointments limited to one year or less, except annuitants appointed by the President to fill unexpired terms of office on or after January 1, 1976.
- (2) Intermittent employees--non-full-time employees without a prearranged regular tour of duty.
- (3) Employees whose salary, pay, or compensation on an annual basis is \$12 a year or less.
- (4) Member or patient employees in Government hospitals or homes.
- (5) Employees paid on a piecework basis, except those whose work schedule provides for regular or full-time service.
- (6) Intermittent alien employees engaged on work outside the continental limits of the United States.
- (7) Employees serving under temporary appointments pending establishment of registers, or pending final determination of eligibility for permanent appointment.
- (8) Officers in Charge, clerks in fourth-class post offices, substitute rural carriers, and special-delivery messengers at second-, third-, and fourth-class post offices.
- (9) Consular agents appointed under authority of section 551 of the Foreign Service Act of 1946 (22 U.S.C. 951).
- (10) Employees serving under emergency-indefinite appointments not exceeding 5 years.
- (11) United States citizens given "overseas limited appointments."
- (12) Employees serving under nonpermanent appointments made pursuant to section 1 of Executive Order 10180 of November 13, 1950.
- (13) Employees serving under nonpermanent appointments, designated as indefinite, made after January 23, 1955, the effective date of the

repeal of Executive Order 10180.

(14) Employees serving under term appointments.

(15) Temporary employees of the Census Bureau employed under temporary limited appointments exceeding 1 year.

(16) Employees serving under limited term, limited emergency and noncareer (designated as indefinite) appointments in the Senior Executive Service.

(17) Health care employees of the National Health Service Corps serving under appointments limited to four years or less in health manpower shortage areas.

(b) Paragraph (a) of this section does not deny retirement coverage when:

(1) Employment in an excluded category follows employment subject to subchapter III of chapter 83 of title 5, United States Code, without a break in service or after a separation from service of 3 days or less, except in the case of:

(i) An alien employee whose duty station is located in a foreign country; or

(ii) An employee hired by the Census Bureau under a temporary, intermittent appointment to perform decennial census duties.

(2) The employee receives a career or career-conditional appointment under part 315 of this chapter;

(3) The employee is granted competitive status under legislation, Executive order, or civil service rules and regulations, while he or she is serving in a position in the competitive service; or

(4) The employee is granted merit status under 35 CFR chapter I, subchapter E;

(5) The appointment meets the definition of a provisional appointment contained in Secs. 316.401 and 316.403 of this chapter;

(6) The employee receives an interim appointment under Sec. 772.102 of this chapter and was covered by CSRS at the time of the separation for which interim relief is required.

(c) Members of the following boards and commissions of the government of the District of Columbia appointed on or after August 13, 1960, are excluded from subchapter III of chapter 83 of title 5, United States Code, except that this exclusion does not operate in the case of a member serving on August 13, 1960, who is reappointed on expiration of term without a break in service or after a separation from service of 3 days or less:

Board of Accountancy.

Board of Examiners and Registrars of Architects.

Board of Barber Examiners.
Boxing Commission.
Board of Cosmetology.
Board of Dental Examiners.
Electrical Board.
Commission on Licensure to Practice the Healing Arts.
Board of Examiners in the Basic Sciences.
Board of Examiners in Medicine and Osteopathy.
Motion Picture Operators' Board.
Nurses' Examining Board.
Board of Optometry.
Board of Pharmacy.
Plumbing Board.
Board of Podiatry Examiners.
Board of Registration for Professional Engineers.
Real Estate Commission.
Refrigeration and Air Conditioning Board.
Steam and Other Operating Engineers' Board.
Undertakers' Committee.
Board of Examiners of Veterinarian Medicine.

(d) The following groups of employees of the government of the District of Columbia, appointed on or after October 1, 1965, are excluded from subchapter III of chapter 83 of title 5, United States Code:

(1) Employees serving under appointments limited to one year or less, except temporary teachers of the District of Columbia public school system.

(2) Intermittent employees--non-full-time employees without a prearranged regular tour of duty.

(3) Employees whose pay on an annual basis is \$12.00 per year or less.

(4) Patient or inmate employees in District Government hospitals, homes or penal institutions.

(5) Employees paid on a contract or fee basis.

(6) Employees paid on a piecework basis, except those whose work schedule provides for regular or full-time service.

(7) Employees serving under temporary appointments pending establishment of registers, or pending final determination of eligibility for permanent appointment.

(e) Paragraph (d) of this section does not deny retirement coverage when (1) employment in an excluded category follows employment subject

to subchapter III of chapter 83 of title 5, United States Code, without a break in service or after a separation from service of 3 days or less, or (2) the employee is granted competitive status under legislation, Executive order, or the Civil Service rules and regulations, while he is serving in a position in the competitive service.

(f) Also excluded are any temporary employees, appointed for one year or less, by the government of the District of Columbia under any program or project established pursuant to the Economic Opportunity Act of 1964 (42 U.S.C. 2701 et seq.), and summer trainees employed by the Government of the District of Columbia in furtherance of the President's Youth Opportunity Campaign.

(g) Individuals first employed by the government of the District of Columbia on or after October 1, 1987, in a position subject to subchapter III of chapter 83 of title 5, United States Code, are excluded from such subchapter, except:

(1) Employees of St. Elizabeths Hospital who were covered under subchapter III of chapter 83 of title 5, United States Code, before October 1, 1987, appointed by the District of Columbia government on October 1, 1987, as provided in section 6 of Pub. L. 98-621, and deemed employed by the District of Columbia government before October 1, 1987, under section 109 of Pub. L. 100-238;

(2) Effective on and after October 1, 1997, the effective date of section 11246 of Pub. L. 105-33, 111 Stat. 251, nonjudicial employees of the District of Columbia Courts employed in a position which is not excluded from CSRS under the provisions of this section;

(3) Effective on and after April 1, 1999, the effective date of section 7(e) of Pub. L. 105-274, 112 Stat. 2419, employees of the Public Defender Service of the District of Columbia employed in a position which is not excluded from CSRS under the provisions of this section;

(4) The District of Columbia Department of Corrections Trustee, authorized by section 11202 of Pub. L. 105-33, 111 Stat. 251, and an employee of the Trustee if the Trustee or employee is a former Federal employee appointed with a break in service of 3 days or less, and in the case of an employee of the Trustee is employed in a position which is not excluded from CSRS under the provisions of this section;

(5) The District of Columbia Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee, authorized by section 11232 of Pub. L. 105-33, 111 Stat. 251, as amended by section 7(b) of Pub. L. 105-274, 112 Stat. 2419, and an employee of the Trustee, if the Trustee or employee is a former Federal employee appointed with a break in service of 3 days or less, and, in the case of an employee of the Trustee, is employed in a position which is not excluded from CSRS under

the provisions of this section, and;

(6) Subject to an election under Sec. 831.204, employees of the District of Columbia Financial Responsibility and Management Assistance Authority.

(h) Employees who have elected coverage under another retirement system in accordance with part 847 of this chapter are excluded from subchapter III of chapter 83 of title 5, United States Code, during that and all subsequent periods of service (including service as a reemployed annuitant).

(i)(1) A former employee of the District of Columbia who is appointed in a Federal position by the Department of Justice, or by the Court Services and Offender Supervision Agency established by section 11233(a) of Pub. L. 105-33, 111 Stat. 251, as amended by section 7(c) of Pub. L. 105-274, 112 Stat. 2419, is excluded from CSRS beginning on the date of the Federal appointment, if the employee elects to continue coverage under a retirement system for employees of the District of Columbia under section 3 of Pub. L. 105-274, 112 Stat. 2419, and if the following conditions are met:

(i) The employee is hired by the Department of Justice or by the Court Services and Offender Supervision Agency during the period beginning August 5, 1997, and ending 1 year after the date on which the Lorton Correctional Complex is closed, or 1 year after the date on which the Court Services and Offender Supervision Agency assumes its duties, whichever is later; and

(ii) The employee elects to continue coverage under a retirement system for employees of the District of Columbia no later than June 1, 1999 or 60 days after the date of the Federal appointment, whichever is later.

(2) An individual's election to continue coverage under a retirement system for employees of the District of Columbia remains in effect until the individual separates from service with the Department of Justice or the Court Services and Offender Supervision Agency.

[33 FR 12498, Sept. 4, 1968, as amended at 45 FR 24856, Apr. 11, 1980; 45 FR 46782, July 11, 1980; 47 FR 2285, Jan. 15, 1982; 48 FR 38784, Aug. 26, 1983; 51 FR 23037, June 25, 1986; 52 FR 38220, Oct. 15, 1987; 53 FR 42936, Oct. 25, 1988; 56 FR 4930, Feb. 7, 1991; 56 FR 10142, Mar. 11, 1991; 57 FR 3713, Jan. 31, 1992; 61 FR 41720, Aug. 9, 1996; 62 FR 50996, Sept. 30, 1997; 63 FR 9402, Feb. 25, 1998; 64 FR 15288, Mar. 31, 1999]

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TITLE 5--ADMINISTRATIVE PERSONNEL

CHAPTER I--OFFICE OF PERSONNEL MANAGEMENT (CONTINUED)

PART 842--FEDERAL EMPLOYEES RETIREMENT SYSTEM--BASIC ANNUITY-- Table of Contents

Subpart A--Coverage

Sec. 842.105 Regulatory exclusions.

(a) OPM is authorized in 5 U.S.C. 8402(c)(1) to "exclude from the operation of this chapter an employee or group of employees in or under an Executive agency, the United States Postal Service, or the Postal Rate Commission, whose employment is temporary or intermittent, except an employee whose employment is part-time career employment (as defined in section 3401(2))." Therefore, under this authority, OPM is excluding the following:

(1) Employees serving under appointments limited to 1 year or less, unless such appointments meet the definition of provisional appointments contained in Secs. 316.401 and 316.403 of this chapter; and

(2) Intermittent employees serving under other than career or career conditional appointments.

(b) When an employee who is covered by FERS moves to a position listed in paragraph (a) of this section without a break in service or after a separation of 3 days or less, his or her FERS coverage will continue, except in the case of an employee hired by the Census Bureau under a temporary, intermittent appointment to perform decennial census duties.

(c) Paragraph (a) of this section does not deny FERS coverage to an employee who receives an interim appointment under Sec. 772.102 of this chapter and was covered by FERS at the time of the separation for which interim relief is required.

[51 FR 47197, Dec. 31, 1986, as amended at 56 FR 10143, Mar. 11, 1991; 57 FR 3714, Jan. 31, 1992; 63 FR 9402, Feb. 25, 1998]

Code of Federal Regulations

TITLE 5--ADMINISTRATIVE PERSONNEL

CHAPTER I--OFFICE OF PERSONNEL MANAGEMENT (CONTINUED)

PART 870--FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM--Table of Contents

Subpart B--Types and Amount of Insurance

Sec. 870.202 Basic insurance amount (BIA).

- (a)(1) An employee's Basic insurance amount (BIA) is either:
 - (i) His/her annual rate of basic pay, rounded to the next higher thousand, plus \$2,000; or
 - (ii) \$10,000; whichever is higher, unless an employee has elected a Living Benefit under subpart K of this part. Effective for pay periods beginning on or after October 30, 1998, there is no maximum BIA.
- (2) The BIA of an individual who is eligible to continue Basic Life insurance coverage as an annuitant or compensationner is the BIA in effect at the time his/her insurance as an employee would stop under Sec. 870.601.
- (b) An employee's BIA automatically changes whenever annual pay is increased or decreased by an amount sufficient to raise or lower pay to a different \$1,000 bracket, unless the employee has elected a Living Benefit under subpart K of this part.
- (c) The amount of an employee's Basic Life insurance coverage is equal to his/her BIA multiplied by the appropriate factor based on the employee's age, as follows:

Age	Factor
35 or under.....	2.0
36.....	1.9
37.....	1.8
38.....	1.7
39.....	1.6
40.....	1.5
41.....	1.4
42.....	1.3

43.....	1.2
44.....	1.1
45 or over.....	1.0

[62 FR 48731, Sept. 17, 1997, as amended at 64 FR 72461, Dec. 28, 1999]

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TITLE 5--ADMINISTRATIVE PERSONNEL

CHAPTER I--OFFICE OF PERSONNEL MANAGEMENT (CONTINUED)

PART 890--FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM--Table of Contents

Subpart A--Administration and General Provisions

Sec. 890.102 Coverage.

(a) Each employee, other than those excluded by paragraph (c) of this section, is eligible to be enrolled in a health benefits plan at the time and under the conditions prescribed in this part.

(b) An employee who serves in cooperation with non-Federal agencies and is paid in whole or in part from non-Federal funds may register to be enrolled within the period prescribed by OPM for the group of which the employee is a member following approval by OPM of arrangements providing that (1) the required withholdings and contributions will be made from Federally-controlled funds and timely deposited into the Employees Health Benefits Fund, or (2) the cooperating non-Federal agency will, by written agreement with the Federal agency, make the required withholdings and contributions from non-Federal funds and transmit them for timely deposit into the Employees Health Benefits Fund.

(c) The following employees are not eligible:

(1) An employee (other than an acting postmaster, a Presidential appointee appointed to fill an unexpired term, and an appointee whose appointment meets the definition of provisional appointment set out in Secs. 316.401 and 316.403 of this chapter) who is serving under an appointment limited to 1 year or less and who has not completed 1 year of current continuous employment, excluding any break in service of 5 days or less.

(2) An employee who is expected to work less than 6 months in each year, except for an employee who is employed under an OPM approved career-related work-study program under Schedule B of at least 1 year's duration and who is expected to be in a pay status for at least one-third of the total period of time from the date of the first appointment to the completion of the work-study program.

(3) An intermittent employee--a non-full-time employee without a prearranged regular tour of duty.

(4) A beneficiary or patient employee in a Government hospital or home.

(5) An employee paid on a contract or fee basis, except an employee who is a citizen of the United States who is appointed by a contract between the employee and the Federal employing authority which requires his personal service and is paid on the basis of units of time.

(6) An employee paid on a piecework basis, except one whose work schedule provides for full-time service or part-time service with a regular tour of duty.

(7) An individual first employed by the government of the District of Columbia on or after October 1, 1987. However, this exclusion does not apply to:

(i) Employees of St. Elizabeths Hospital who accept offers of employment with the District of Columbia government without a break in service, as provided in section 6 of Pub. L. 98-621 (98 Stat. 3379);

(ii) The Corrections Trustee and the Pretrial Services, Defense Services, Parole, Adult Probation and Offender Supervision Trustee and employees of these Trustees who accept employment with the District of Columbia government within 3 days after separating from the Federal Government; and

(iii) Effective October 1, 1997, judges and nonjudicial employees of the District of Columbia Courts, as provided by Pub. L. 105-33 (111 Stat. 251).

(8) An individual first employed by the government of the District of Columbia on or after October 1, 1987. However, this exclusion does not apply to:

(i) Employees of St. Elizabeths Hospital who accept offers of employment with the District of Columbia government without a break in service, as provided in section 6 of Pub. L. 98-621 (98 Stat. 3379);

(ii) The Corrections Trustee and the Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee and employees of these Trustees who accept employment with the District of Columbia government within 3 days after separating from the Federal Government;

(iii) Effective October 1, 1997, judges and nonjudicial employees of the District of Columbia Courts, as provided by Pub. L. 105-33 (111 Stat. 251); and

(iv) Effective April 1, 1999, employees of the Public Defender Service of the District of Columbia, as provided by Pub. L. 105-274 (112 Stat. 2419).

(d) Paragraph (c) of this section does not deny coverage to:

(1) An employee appointed to perform "part-time career employment," as defined in section 3401(2) of title 5, United States Code, and 5 CFR part 340, subpart B; or

(2) An employee serving under an interim appointment established under Sec. 772.102 of this chapter.

(e) The Office of Personnel Management makes the final determination of the applicability of this section to specific employees or groups of employees.

(f) An employee of the District of Columbia Financial Responsibility and Management Assistance Authority (the Authority) who makes an election under the Technical Corrections to Financial Responsibility and Management Assistance Act (section 153 of Pub. L. 104-134, 110 Stat. 1321) to be considered a Federal employee for health benefits and other benefit purposes is subject to this part. If the employee is eligible to make an election to enroll under Sec. 890.301, such election must be made within 60 days after the later of either the date the employment with the Authority begins or the date the Authority receives his or her election to be considered a Federal employee. Employees of the Authority who are former Federal employees are subject to the provisions of Sec. 890.303(a), except that a former Federal employee employed by the Authority before October 26, 1996, and within 3 days following the termination of the Federal employment may make an election to enroll under Sec. 890.301(c). Annuitants who have continued their coverage under this part as annuitants are not eligible to enroll under this paragraph. An election to enroll under this part is effective under the provisions of Sec. 890.306(a) unless the employee requests the Authority to make the enrollment effective on the first day of the first pay period following the date the employee entered on duty in a pay status with the Authority.

(g) Notwithstanding any other provision in this part, the hiring of a Federal employee, whether in pay status or nonpay status, for a temporary, intermittent position with the decennial census has no effect on the withholding or Government contribution for his/her coverage or the determination of when 365 days in nonpay status ends.

[33 FR 12510, Sept. 4, 1968, as amended at 33 FR 20002, Dec. 31, 1968; 35 FR 753, Jan. 20, 1970; 44 FR 57382, Oct. 5, 1979; 46 FR 25595, May 8, 1981; 52 FR 38220, Oct. 15, 1987; 54 FR 7755, Feb. 23, 1989; 56 FR 10143, Mar. 11, 1991; 57 FR 3715, Jan. 31, 1992; 61 FR 58460, Nov. 15, 1996; 62 FR 50997, Sept. 30, 1997; 63 FR 9402, Feb. 25, 1998; 63 FR 28891, May 27, 1998; 64 FR 15289, Mar. 31, 1999]

Editorial Note: At 64 FR 15289, Mar. 31, 1999, paragraph (c)(8) of Sec. 890.102 was revised; however paragraph (c)(8) did not exist in the 1999 edition of this volume.

Code of Federal Regulations

TITLE 5--ADMINISTRATIVE PERSONNEL

CHAPTER I--OFFICE OF PERSONNEL MANAGEMENT (CONTINUED)

PART 890--FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM--Table of Contents

Subpart E--Contributions and Withholdings

Sec. 890.502 Employee withholdings and contributions.

(a) Employee and annuitant withholdings and contributions. (1) Except as provided in paragraphs (a)(2) and (g) of this section, an employee or annuitant is responsible for payment of the employee or annuitant share of the cost of enrollment for every pay period during which the enrollment continues. An employee or annuitant incurs an indebtedness due the United States in the amount of the proper employee or annuitant withholding required for each pay period that health benefits withholdings or direct premium payments are not made but during which the enrollment continues.

(2) An individual is not required to pay withholdings for the period between the end of the pay period in which he or she separates from service and the commencing date of an immediate annuity, if later.

(3) Temporary employees who are eligible to enroll under 5 U.S.C. 8906a must pay the full subscription charges including both the employee share and the Government contribution. Employees with provisional appointments under Sec. 316.403 are not considered eligible for coverage under 5 U.S.C. 8906a for the purpose of this paragraph (a)(3).

(4) The employing office must determine the withholding for employees whose annual pay is paid during a period shorter than 52 workweeks on an annual basis and prorate the withholding over the number of installments of pay regularly paid during the year.

(5) The employing office must make the withholding required from enrolled survivor annuitants in the following order. First, withhold from the annuity of a surviving spouse, if any. If that annuity is less than the withholding required, the employing office must make the withholding to the extent necessary from the annuity of the children, if any, in the following order. First, withhold from the annuity of the youngest child, and if necessary, then from the annuity of the next older child, in succession, until the withholding is satisfied.

(6) Surviving spouses in receipt of a basic employee death benefit under 5 U.S.C. 8442(b)(1)(A) and annuitants whose health benefits premiums exceed the amount of their annuities may pay their portion of the health benefits premium directly to the retirement system acting as their employing office in accordance with procedures set out in paragraph (d) of this section.

(b) Procedures when employee enters LWOP status or pay is insufficient to cover premium. As soon as the employing office is aware of an employee whose premium payments cannot be made because the employee will be entering or has entered leave without pay status, (or any other type of nonpay status, except periods of nonpay resulting from a lapse of appropriations), or the employee's pay is insufficient to cover the premiums, the employing office must inform the employee of the available health benefits options.

(1) The employing office must provide the employee written notice of the options and consequences as described in paragraphs (b)(2) (i) and (ii) of this section. If the employing office cannot give the notice required by this paragraph (b)(1) to the employee directly, it must send the notice by first class mail. A notice that is mailed is deemed to be received 5 days after the date of the notice.

(2) The employee must elect in writing either to continue health benefits coverage or terminate it. The employee may continue his or her health benefits coverage by choosing one of the options listed in this paragraph (b)(2) and returning the signed form to the employing office within 31 days from the day he or she receives the notice (45 days for an employee residing overseas). When an employee mails the signed form, the date of the postmark is deemed to be the date the notice is returned to the employing office. If an employee elects to continue coverage, he or she must elect in writing either to--

(i) Agree to pay the premium directly to the agency on a current basis. The employee must agree that if he or she does not pay the premiums, upon returning to employment or upon pay becoming sufficient to cover the premiums, the employing office will deduct, in addition to the current pay period's premiums, an amount equal to the premiums for a pay period during which the employee was in LWOP status. The employing office will continue using this method to deduct the accrued unpaid premiums from salary until the debt is recovered in full. The employee must also agree that if he or she does not return to work or the employing office cannot recover the debt in full from salary, the employing office may recover the debt from whatever other sources it normally has available for recovery of a debt to the United States, or

(ii) Agree upon returning to employment or upon pay becoming

sufficient to cover the premiums, the employing office will deduct, in addition to the current pay period's premiums, an amount equal to the premiums for a pay period during which the employee was in LWOP status.

The employing office will continue using this method to deduct the accrued unpaid premiums from salary until the debt is recovered in full. The employee must also agree that if he or she does not return to work or the employing office cannot recover the debt in full from salary, the employing office may recover the debt from whatever other sources it normally has available for recovery of a debt to the United States.

(3) Except as provided under paragraph (b)(4) of this section, if the employee does not return the signed form within 31 days after the day he or she receives the notice (45 days for employees residing overseas) the employing office terminates the enrollment according to paragraph (b)(5) of this section. The employing office must give the employee written notification of the termination.

(4) If the employee is prevented by circumstances beyond his or her control from returning a signed form to the employing office within the time frame under paragraph (b)(2) of this section, he or she may request reinstatement of coverage by writing to the employing office. The employee must describe the circumstances that prevented timely notice and file the request within 30 calendar days from the date the employing office gives the employee notification of the termination. The employing office determines if the employee is eligible for reinstatement of coverage. If the determination is affirmative, the employing office reinstates the coverage of the employee retroactive to the date of termination. If the determination is negative, the employee may request a review of the decision from the employing agency as provided under Sec. 890.104.

(5) Terminations of enrollment under paragraphs (b)(2) and (3) of this section are retroactive to the end of the last pay period in which the premium was withheld from pay. The employee and covered family members, if any, are entitled to the temporary extension of coverage for conversion and may convert to an individual contract for health benefits. An employee whose coverage is terminated may enroll upon his or her return to duty in a pay status in a position in which the employee is eligible for coverage under this part.

(c) Procedures when an agency underwithholds. (1) An agency that withholds less than the proper health benefits contributions from an individual's pay, annuity, or compensation must submit an amount equal to the sum of the uncollected contributions and any applicable agency contributions required under section 8906 of title 5, United States Code, to OPM for deposit in the Employees Health Benefits Fund.

(2) The agency must make the deposit to OPM described in paragraph (c)(1) of this section as soon as possible, but no later than 60 calendar days after the date the employing office determines the amount of the underdeduction that has occurred, regardless of whether or when the agency recovers the underdeduction. A subsequent agency determination whether to waive collection of the overpayment of pay caused by failure to properly withhold employee health benefits contributions shall be made in accordance with 5 U.S.C. 5584 as implemented by 4 CFR chapter I, subchapter G, unless the agency involved is excluded from application of 5 U.S.C. 5584, in which case any applicable authority to waive the collection may be used.

(d) Direct premium payments for annuitants. (1) If an annuity, excluding an annuity under Subchapter III of Chapter 84 (Thrift Savings Plan), is too low to cover the health benefits premium due or if a surviving spouse receives a basic employee death benefit, the retirement system must provide information to the annuitant or surviving spouse regarding the available plans and notify him or her in writing of the opportunity to either: enroll in any plan in which the enrollee's share of the premium is not in excess of the annuity; or make payment of the premium directly to the retirement system.

(2) The retirement system must establish a method for accepting direct payment for health benefits premiums from surviving spouses who have received or are currently receiving basic employee death benefits as well as from annuitants whose annuities are too low to cover their health premiums. The annuitant or surviving spouse must continue to make direct payment of the health benefits premium even if the annuity increases to the extent that it covers the premium.

(3) The annuitant or surviving spouse must pay to the retirement system his or her share of the premium for the enrollment for every pay period during which the enrollment continues, exclusive of the 31-day temporary extension of coverage for conversion provided in Sec. 890.401. The annuitant or surviving spouse must pay after each pay period in which he or she is covered in accordance with a schedule established by the retirement system. If the retirement system does not receive payment by the date due, the retirement system must notify the annuitant or surviving spouse in writing that continuation of coverage depends upon payment being made within 15 days (45 days for annuitants or surviving spouses residing overseas) after receipt of the notice. If no subsequent payments are made, the retirement system terminates the enrollment 60 days (90 days for annuitants or surviving spouses residing overseas) after the date of the notice. An annuitant or surviving spouse whose enrollment terminates because of nonpayment of premium may not reenroll

or reinstate coverage, except as provided in paragraph (d)(4) of this section.

(4) If the annuitant or surviving spouse is prevented by circumstances beyond his or her control from paying within 15 days after receipt of the notice, he or she may request reinstatement of coverage by writing to the retirement system. The annuitant or surviving spouse must describe the circumstances that prevented timely notice and file the request within 30 calendar days from the date of termination. The retirement system determines whether the surviving spouse or annuitant is eligible for reinstatement of coverage. If the determination is affirmative, the retirement system reinstates the coverage of the surviving spouse or annuitant retroactive to the date of termination. If the determination is negative, the surviving spouse or annuitant may request a review of the decision from the retirement system as provided under Sec. 890.104.

(5) Termination of enrollment for failure to pay premiums within the time frame established in accordance with paragraph (d)(3) of this section is retroactive to the end of the last pay period for which payment has been timely received.

(6) The retirement system will submit all direct premium payments along with its regular health benefits premiums to OPM in accordance with procedures established by that office.

(e) Direct payment of premiums during periods of LWOP status in excess of 365 days. (1) An employee who is granted leave without pay under subpart L of part 630 of this chapter which exceeds the 365 of continued coverage under section 890.303(e) must pay the employee contributions directly to the employing office on a current basis.

(2) Payment must be made after the pay period in which the employee is covered in accordance with a schedule established by the employing office. If the employing office does not receive the payment by the date due, the employing office must notify the employee in writing that continuation of coverage depends upon payment being made within 15 days (45 days for employees residing overseas) after receipt of the notice. If no subsequent payments are made, the employing office terminates the enrollment 60 days (90 days for enrollees residing overseas) after the date of the notice.

(3) If the enrollee was prevented by circumstances beyond his or her control from making payment within the timeframe specified in paragraph (e)(2) of this section he or she may request reinstatement of the coverage by writing to the employing office. The employee must file the request within 30 calendar days from the date of termination and must include supporting documentation.

(4) The employing office determines whether the employee is eligible for reinstatement of coverage. If the determination is affirmative, the employing office reinstates the coverage of the employee retroactive to the date of termination. If the determination is negative, the employee may request a review of the decision from the employing agency as provided under Sec. 890.104.

(5) An employee whose coverage is terminated under paragraph (e)(2) of this section may register to enroll upon his or her return to duty in a pay status in a position in which the employee is eligible for coverage under this part.

(f) Uniformed services. (1) Except as provided in paragraph (f)(2) of this section, an employee whose coverage continues under Sec. 890.303(i) is responsible for payment of the employee share of the cost of enrollment for every pay period for which the enrollment continues for the first 365 days of continued coverage as set forth under paragraph (b) of this section. For coverage that continues after 365 days in nonpay status, the employee must pay, on a current basis, the full subscription charge, including both the employee and Government shares, plus an additional 2 percent of the full subscription charge.

(2) Payment of the employee's share of the cost of enrollment is waived for the first 365 days of continued coverage in the case of an employee whose coverage continues under Sec. 890.303(e) following furlough or placement on leave of absence under the provisions of part 353 of this chapter, or similar authority, or under Sec. 890.303(i) if the employee was ordered to active duty before September 1, 1995, under section 12301, 12304, 12306, 12307, or 688 of title 10, United States Code, in support of Operation Desert Storm.

[33 FR 12510, Sept. 4, 1968, as amended at 47 FR 30963, July 16, 1982; 49 FR 1047, Jan. 9, 1984; 52 FR 3399, Feb. 4, 1987; 52 FR 39497, Oct. 22, 1987, and 53 FR 32368, Aug. 25, 1988; 54 FR 7756, Feb. 23, 1989; 55 FR 39131, Sept. 25, 1990; 56 FR 10143, Mar. 11, 1991; 56 FR 25997, June 6, 1991; 57 FR 10611, Mar. 27, 1992; 58 FR 39607, July 23, 1993; 60 FR 45658, Sept. 1, 1995; 61 FR 37808, July 22, 1996; 61 FR 64454, Dec. 5, 1996; 64 FR 31488, June 11, 1999.

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**SCEP Roles and Responsibilities:
SEEP Coordinator, SCEP Supervisor, SCEP Mentor, SCEP Participant**

The **State or Center SEEP Coordinator** manages and administers the SEEP Program. The roles and responsibilities of a Coordinator include but are not limited to the following items:

- Monitors grades and work and school schedule changes;
- Tracks and monitors tuition submissions, requests, and payments;
- Ensures that each student has a signed SCEP agreement;
- Ensures that each student has an IDP;
- Ensures that each student is assigned a mentor;
- Ensures that the student continues to meet all SEEP requirements; and,
- Conducts an exit interview with all students (resigning, terminated, converted, etc.).

All SCEP participants must have a **Supervisor**. The roles and responsibilities of a SCEP Supervisor include but are not limited to:

- Ensures that students have meaningful assignments related to their field of study and position for which they were hired;
- Works with the students in developing the IDP;
- Maintains communication with SEEP Coordinator and student regarding the student's progress while in program;
- Notifies SEEP Coordinator immediately of any changes in work schedule, performance, and/or placement matters; and,
- Annually evaluates student performance.

All agency SCEP Program participants have a **Mentor**. A SCEP Mentor is defined as "a coach or guide entrusted with the orientation and education of another; a tutor."

A non-student employee interested in participating as a mentor for the SEEP Program will be required to complete the "Do You Want To Be A Mentor" online course at the following BLM National Training Center website: www.ntc.blm.gov/courses/1400-19.html (See Appendix B-10, IB for Online Mentor Training Course).

Note: Former SCEP students are eligible to become mentors after at least two years after the conversion date from the SCEP program.

All **SCEP Program Participants** are required to contribute to their own success. Thus, the roles and responsibilities of the student participant include but are not limited to the following items:

- Performs the duties identified in the position description and performance plan;
- Works with supervisor in development of the IDP;
- Provides SEEP Coordinator with copy of the IDP; and,
- Notifies the SEEP Coordinator and supervisor immediately of any changes related to work and/or school and provides SEEP Coordinators with updated information regarding (grades, personal information, etc.).

Appendix B-1

List of Roles and Responsibilities

Student Appointee Welcome Letter

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Oregon State Office
P.O. Box 2965
Portland, Oregon 97208**

In Reply Refer to:

1400-213 (OR953)

May 8, 2002

Dear _____,

This is to confirm your selection in the Student Career Experience Program (SCEP) to the position of Student Trainee (XXXXX) at GS-X, Step 1, with a salary rate of \$XXXXXXXX per annum (which includes the applicable locality increase established by Federal pay regulations), in our XXXX District, Spokane, Washington. This appointment is effective on XXXXXXXX. A copy of your position description is enclosed.

Enclosed are several forms for your completion. XXXXXXXX will assist you in completion of your in-processing.

The Student Career Experience Program allows for your noncompetitive conversion to a term or career-conditional appointment upon meeting the educational and work experience requirements of the program. The specific work experience requirements provide for completion of a minimum of 640 work hours prior to meeting the graduation requirements for your degree. Your conversion to a term or career-conditional position following completion of the educational and study-related work requirements is not guaranteed and is subject to a position being available to which you may be appointed within 120 days of completing your educational requirements. During your employment in the SCEP, you must be enrolled as a degree seeking resident student in an appropriate educational program, be taking at least a half time academic course load, and maintain a 2.5 grade point average.

Appendix B-2

Student Appointee Welcome Letter

Students whose employment is scheduled to continue for more than one year and who are expected to be in a pay status for at least one-third of the total time from date of appointment to completion of the program are eligible to elect federal life insurance and health benefits plans. Students are responsible for paying the employee's share for their continuing enrollment in the health benefits program during both pay and non-pay periods. You have sixty (60) days from the effective date of your appointment to decide on your health insurance benefits and thirty-one (31) days to decide on your life insurance benefits. Your enrollment forms must be received in the Oregon State Office, Branch of Personnel Management, by the end of the 60 days and 31 days respectively, or you lose your eligibility for coverage.

As a new federal employee, you will earn four hours of annual (vacation) leave and four hours of sick leave for each biweekly pay period. Other benefits that you will receive under your SCEP appointment include coverage under the Federal Employees Retirement System (FERS), payment for federal holidays and tuition assistance up to \$3,000 per academic year.

As a result of your appointment to a position covered by the Federal Employees Retirement System (FERS), you are eligible to participate in the Thrift Savings Plan (TSP). The TSP is a retirement savings and investment plan for Federal employees and is one of the three parts of FERS. (The Basic Annuity and Social Security are the other two parts). Your TSP contributions are deducted from the pay you earn each pay period and are tax-deferred for purposes of Federal and, in most cases, state income tax.

You have 60 days from the effective date of your appointment to make an election to begin contributing to your TSP account. To make a contribution election, complete the enclosed Form TSP-1 (Election Form) and return it to OR-953 (Branch of Personnel) by 4 July 02. You may specify a whole percentage of basic pay that you want to contribute each pay period up to 13%, or you may specify a whole dollar amount. If you specify a dollar amount, however, this amount cannot exceed 13% of your basic pay each pay period.

If you do not make a contribution election within this 60-day time period, you must wait until a TSP open season to make a contribution election. There are two TSP open seasons each year: May 15 through July 31 and November 15 through January 31.

You will receive additional information regarding the TSP in a separate letter.

As a condition of employment, federal employees are paid via direct deposit to a financial institution. You will be required to maintain either a checking or savings account in order to receive your pay.

We wish you success in your new position. If you have any questions or if we can be of any assistance, please contact me at (503) 808-6060 .

Sincerely,

Enclosure(s)

cc: xxxxxx

Appendix B-2

Student Appointee Welcome Letter



**United States Department of the Interior
Bureau of Land Management**

**Student Career Experience Program
Request for WO 730 Funding Assistance**

<i>Name of New SCEP Employee</i>	<i>School Name and Location</i>
<i>Academic Major / Degree</i>	<i>Academic Status (Junior, Senior, Graduate Program, Etc)</i>
<i>SCEP Gender</i>	<i>SCEP RNO</i>
<i>SCEP Position Title</i>	<i>SCEP Duty Station</i>
<i>SCEP GS Level</i>	<i>Estimated Salary Costs (with benefits) for 12 Weeks</i>
<i>Is the SCEP position targeted for conversion? (Yes or No)</i>	

<i>Additional Comments</i>

United States Department of the Interior
Bureau of Land Management
Washington, DC 20240

DATE

Memorandum

To: NAME, STATE SEEP Coordinator
From: Norma Frazier-Yates, SEEP Program Coordinator
Subject: Confirmation of WO 730 Funding for New SCEP Hire

The purpose of this memorandum is to inform you that the Washington Office (WO) 730, Special Initiatives Group, will provide funding support for NAME, POSITION SCEP hire in DUTY STATION.

The WO 730 funding for NAME will include a one-time salary of \$DOLLAR AMOUNT. The \$DOLLAR AMOUNT covers twelve consecutive weeks of full-time regular pay only, beginning on or after May 1, 2006 and ending on or before September 1, 2006. The WO 730 funding does not cover overtime pay, comp time, or awards. Enter the new SCEP hire's start and end dates for the WO 730 salary assistance into Table 1 below.

Table 1

Start Date	End Date

As stated in the SEEP Funding Guidelines, the WO 730 will monitor the salary and expenditures of each SCEP student who receives WO 730 funding support. For salary tracking purposes, enter the name and contact information for the SCEP student's supervisor and designated time keeper into Table 2. In addition, I must be listed as the **alternate time keeper** for each SCEP student, from May 1, 2006 to September 1, 2006. I will monitor and review timesheets for accuracy. I will notify the SCEP student's designated time keeper, in writing, of any errors or concerns regarding coding. You will receive a written copy of the correspondence, and will be asked to work directly with the designated time keeper if errors continue.

Table 2

	Supervisor	Designated Time Keeper
Name		
Phone		
Fax		
Email		

The WO 730 funding support for the SCEP hire also includes the cost of one trip to and from the duty station each year (**not to include PCS moves, lodging, or per diem**). SCEP students receive funding for tuition assistance each year (up to \$2,000 for in-state tuition and up to \$3,000 for out-of-state tuition) as well as the one-time cost of SCEP orientation in Phoenix, AZ. See the FY 2006 SEEP Funding Guidelines for the definitions of and rules for each type of funding assistance.

For tracking expenses, enter the estimated dollar amounts for the SCEP student's travel and tuition during FY 2006 into Table 3. As you enter the tuition cost, note that the amount covers summer and fall semesters or equivalent quarters only as the new fiscal year begins on October 1, 2006. Please adjust the requested tuition amount accordingly.

Table 3

Tuition Cost (Summer & Fall Semesters, FY 2006)	Travel Cost (Round-Trip)

Finally, each student who receives WO 730 funding assistance must have a designated mentor. In Table 4 below, enter the name and contact information for the new SCEP hire's mentor. Please note that a cost code for salary will not be released until this information is provided.

Table 4

Name	
Phone	
Fax	
Email	

Please return this letter with the completed tables to me no later than seven (7) business days after receipt of this memorandum. You will, then, receive an authorized cost code for salary expenses, which you should forward to the SCEP student's supervisor and designated time keeper. The process for submitting tuition and travel requests is outlined in the FY 2006 SEEP Funding Guidelines. It is the responsibility of the State or Center SEEP Coordinator to ensure that the SCEP student, supervisor, and designated time keeper have copies of and understand the funding memorandum from our office and the FY 2006 SEEP Funding Guidelines. It is, finally, the responsibility of the State and Center SEEP Coordinator to inform the WO 730 of any changes in the information listed in this memorandum.

Please contact me at 202-208-6875 or norma_frazier@blm.gov if you have any questions.

United States Department of the Interior
Bureau of Land Management
Washington, DC 20240

DATE

Memorandum

To: NAME, STATE SEEP Coordinator
Cc: NAME, SCEP Supervisor
NAME, SCEP Designated Time Keeper
From: Norma Frazier-Yates, National SEEP Coordinator
Subject: Information about WO 730 Salary Assistance for New SCEP Hire, NAME

The purpose of this memorandum is to inform you that the Washington Office (WO) 730, Special Initiatives Group, has allocated **\$DOLLAR AMOUNT in cost code XXXXX for NAME'S salary costs.**

Please note that **the one-time salary assistance covers twelve consecutive weeks of full-time regular pay only, beginning on May 1, 2006 and ending on July 23, 2006. The WO 730 funding does not cover overtime pay, comp time, or awards.**

As stated in the SEEP Funding Guidelines, I must be listed as the **alternate time keeper** for NAME, from May 1 to September 1, 2006 so that I can monitor and review timesheets for accuracy. I will notify the designated time keeper, in writing, of any errors or concerns regarding coding. You will receive a written copy of the correspondence, and will be asked to work directly with the designated time keeper if errors continue.

It is the responsibility of the State or Center SEEP Coordinator to ensure that the SCEP student, supervisor, and designated time keeper have copies of and understand the funding memorandum from our office and the FY 2006 SEEP Funding Guidelines. It is, finally, the responsibility of the State and Center SEEP Coordinator to inform the WO 730 of any changes in the SCEP student's status or salary needs.

Please contact me at 202-208-6875 or norma_frazier@blm.gov if you have any questions.

Appendix B-5

Sample SCEP Budget Information Letter

FY 2007 Funding Guidelines for WO 730-Funded Students

All Student Career Experience Program participants, Student Temporary Employment Program participants, and Students with Disabilities Program participants referred to in this memorandum are the Bureau of Land Management's (BLM or the Bureau) **Washington Office (WO) 730-funded students only.**

Student Career Experience Program (SCEP)

SCEP Orientation

The WO 730 will provide funding for travel, lodging, and per diem for new SCEP hires funded by the WO 730 and their mentors for the **mandatory SCEP Orientation** held at the BLM's National Training Center (NTC) in Phoenix, AZ. SCEP students and mentors who receive WO 730 funding support may attend an individual State or Center SEEP Orientation **in addition to but not instead of** the mandatory SCEP Orientation at the BLM National Training Center in Phoenix, Arizona.

Funding Procedures for Orientation

The WO 730 will provide funding for the travel, lodging, and per diem for the new SCEP students and mentors under the following procedures:

1. The State or Center SEEP Coordinator will provide the National SEEP Coordinator with the names of each new WO 730-funded SCEP student and mentor who will attend orientation **during the funding request process**. A State or Center that requests WO 730 funding support for a SCEP student should do so with the understanding that the SCEP student and mentor will attend the mandatory SCEP Orientation in Phoenix, unless the State or Center receives a waiver from the National SEEP Coordinator (see waiver requirements below).
2. The State or Center SEEP Coordinator will enroll the SCEP student and mentor in the National SCEP Orientation course electronically through the NTC's intranet site.
3. Once the SCEP student and mentor are registered for the orientation, the National SEEP Coordinator will provide the State or Center SEEP Coordinator with travel information and charge code via electronic memorandum. The State or Center SEEP Coordinator will distribute the information to the appropriate SCEP student and mentor as well as the student's supervisor.

Appendix B-6

Sample SEEP Funding Guidelines

4. The hiring office is then responsible for making travel arrangements for the SCEP student and mentor, using only the cost code provided by the WO 730 for orientation expenses.
5. The State or Center SEEP Coordinator will collect copies of the student and mentor's travel vouchers and provide the National SEEP Coordinator with the copies **no later than 10 working days after the SCEP orientation.**

SCEP Waiver for Orientation: The WO 730 will waive the National SCEP Orientation requirement during the student's first year if a new SCEP who receives funding assistance from the WO 730 is unable to attend the orientation due to extenuating circumstances. **With the initial request for funding**, the State or Center SEEP Coordinator should submit a written request for a waiver—with an explanation of the circumstances—to the National SEEP Coordinator. Any WO 730-funded SCEP student who receives a waiver must attend the National SCEP Orientation during the next fiscal year.

Salary

The WO 730 will fund regular salary for new SCEP students for a period of **12 consecutive weeks**, starting May 1 through August 31 of each fiscal year. During the 12 week period, WO 730-funded SCEP students are required to work 40 hours per week. The hiring office is responsible for salary beyond the twelve weeks, awards, over time, and compensatory time.

Funding Procedures for Salary

State and Center SEEP Coordinators will provide the National SEEP Coordinator with the name, position and grade, duty station, start and end dates for the new WO 730-funded SCEP student as well as the names of and contact information for the supervisor, designated time keeper, and mentor. Once the information is received, the National SEEP Coordinator will provide the State or Center SEEP Coordinator with an authorized funding code via electronic memorandum. The National SEEP Coordinator will provide the SCEP supervisor and designated time keeper with the same electronic memorandum along with the WO 730 FY 2007 Funding Guidelines. (This process will occur for each new WO 730-funded SCEP student.)

From May 1 to August 31, the National SEEP Coordinator will act as the alternate timekeeper for new WO 730-funded SCEP students. The State and Center Coordinators will ensure that the National SEEP Coordinator is listed as the alternate timekeeper for the new SCEP students. The National SEEP Coordinator must be listed as each student's alternate timekeeper for the entire 12 week work period. As the

alternate timekeeper, the National SEEP Coordinator will review timesheets for accuracy, and will contact the State or Center SEEP Coordinator with any errors or discrepancies.

During the 12 week work period, the payroll process will include the following steps:

1. The SCEP student will enter his or her hours into the timesheet located in the Quicktime system and forward the information to the designated timekeeper.*
2. The designated timekeeper will approve the SCEP student's timesheet and forward the time sheet to the SCEP student's supervisor for certification.
3. The supervisor will certify and submit the timesheet according to regulations.
4. The National SEEP Coordinator will contact the State or Center SEEP Coordinator with any errors or discrepancies, and the State or SEEP Coordinator will ensure that errors or discrepancies are corrected in a timely manner.

Note: The State or Center SEEP Coordinator should contact the National SEEP Coordinator with any changes to a SCEP student's start and end dates or program status. **The State or Center may not use or "switch" salary dollars allocated for one SCEP student to cover other expenses.**

Tuition Assistance

Under the SCEP guidelines, new and returning WO 730-funded SCEP students are eligible to receive tuition assistance based on need. The WO 730 does not provide the tuition assistance as a stipend. Tuition assistance pays for each SCEP student's tuition costs **after** all scholarship monies or financial aid have been deducted from the tuition balance.

SCEP students who are in-state will be eligible to receive up to \$2,000 per fiscal year, and SCEP students who are out-of-state are eligible to receive up to \$3,000 per fiscal year. SCEP students who are enrolled in on-line degree programs will be considered in-state. All other SCEP students will be considered in-state or out-of-state based on the academic institution's definition (typically based on state residency).

Tuition assistance from WO 730 pays for tuition costs, general university fees, and required lab fees. Tuition assistance from WO 730 does not pay for books, supplies, parking fees, health fees, and other academic fees or benefits.

State and Center SEEP Coordinators may submit requests for tuition assistance from October 1 to August 31 of the fiscal year. WO 730 will not accept requests for tuition assistance after August 31 of the fiscal year.

Tuition assistance will be disbursed by semester or on a quarterly basis. For SCEP students on a semester schedule, tuition assistance will cover Spring, Summer, and Fall expenses. For SCEP students on a quarterly basis, tuition assistance will cover expenses during the same time frame within the fiscal year.

SCEP students will not receive additional WO 730 funding until the next fiscal year once the allocated funds have been depleted. The hiring office may, however, provide additional tuition assistance from its funds.

Note: When the State or Center SEEP Coordinator submits an invoice or bill for tuition reimbursement, **any processing fees / credit card fees should be included in the requested amount.** The processing fees / credit card fees will be deducted from the SCEP student's tuition assistance balance. The WO 730 will not provide reimbursement for processing fees / credit card fees submitted after the fact.

Funding Procedures for Tuition Assistance

1. The SCEP student will provide the State or Center Coordinator with a bill or invoice from the academic institution.
2. The State or Center SEEP Coordinator will fax the invoice or bill to the National SEEP Coordinator **and** email the total dollar amount of the request to the National SEEP Coordinator.
4. The National SEEP Coordinator will send the State or Center SEEP Coordinator an electronic memorandum with a charge code and dollar amount for tuition assistance.
5. The State or Center SEEP Coordinator will provide the hiring office with the electronic memorandum. The State or Center SEEP Coordinator should **ensure that the paid tuition amounts match the requested tuition amounts**, for efficient tracking of expenditures nationwide. In addition, each tuition bill paid through a government charge card should reference the SCEP student's name.

Single tuition reimbursement amounts of \$2,500 and above should be processed through the National Business Center. Tuition assistance should follow the funding procedures listed above, with one exception. Rather than provide the hiring office with the charge code via electronic memorandum, the State or Center SEEP Coordinator

must complete and submit the SF-1164, a copy of the tuition invoice or bill, and the student's SCEP agreement to the National Business Center.

Instruction Memorandum No. BC-2004-032 outlines procedures for and appropriate use of the SF-1164. It does state that tuition reimbursement can include compensation for books purchased. This statement does apply to WO-730 funded students if the request exceeds \$2,500.

Note: State and Center SEEP Coordinators must ensure that a miscellaneous obligation form is completed for tuition bills paid after August 19th. In addition, all credit card bills for tuition payments must be reconciled before the Bureau's cut-off date in September, which varies by fiscal year.

Travel

New and returning WO 730-funded SCEP students are eligible to receive round-trip travel assistance to and from their assigned duty stations if they travel more than 50 miles. WO 730 will fund round-trip travel no more than once each fiscal year during the time period of May 1 to August 31 only.

The travel assistance from the WO 730 does not include the PCS move for converted SCEP students. The PCS move is the responsibility of the hiring office. In addition, the travel assistance from the WO 730 does not include emergency travel (due to illness or death in the family) for SCEP students, if the student travels during the 12 week period.

State and Center SEEP Coordinators must contact the Bureau's travel agency for quotes when submitting travel assistance for airfare for their students, to ensure that quotes are based on current, standard Federal rates.

In addition, State and Center SEEP Coordinators must contact the Bureau's travel agency for a price quote on round-trip airfare when requesting travel assistance for a student traveling by privately-owned vehicle (POV) or rental car. The State and Center Coordinators must provide the National SEEP Coordinator with written documentation that the student's travel by POV or rental car is advantageous to the government. State and Center Coordinators must advise the student and his or her supervisor that the WO 730 provides funding for mileage only when a student elects to travel by POV or rental car. Additional travel costs, such as gasoline, tolls, and lodging, will not be reimbursed by the WO 730 but may be covered at the hiring office's discretion.

Funding Procedures for Travel Assistance

1. The hiring office will coordinate the SCEP student's travel according to BLM standard procedure.

2. The hiring office will provide a copy of the approved travel authorization to the State or Center SEEP Coordinator.
3. The State or Center SEEP Coordinator will fax the travel authorization AND email the requested amount to the National SEEP Coordinator.
3. The National SEEP Coordinator will provide the State or Center SEEP Coordinator with a charge code via electronic memorandum.
4. The State or Center SEEP Coordinator will provide the hiring office with the charge code.
5. The SCEP student will complete a travel voucher with receipts **within 5 business days after reporting to the assigned duty station.**
6. The hiring office will provide a copy of the signed travel voucher and receipts to the State or Center SEEP Coordinator **no later than 7 business days after the student reports to the duty station.**
7. The State or Center SEEP Coordinator will provide the National SEEP Coordinator with a copy of the signed travel voucher and receipts **no later than 10 business days after the student reports to the duty station.**

Note: State and Center SEEP Coordinators must ensure that a miscellaneous obligation form is completed for travel bills paid after August 19th. In addition, all credit card bills for travel payments must be reconciled before the Bureau's cut-off date in September, which varies by fiscal year.

**Student Temporary Employment Program (STEP)
and
Students with Disabilities Program (SWDP)**

The WO 730 will fund regular salary for STEP / SDWP students for a period of **12 consecutive weeks**, starting May 1 through August 31 of each fiscal year. During the 12 week period, WO 730-funded students are required to work 40 hours per week. The hiring office is responsible for salary beyond the twelve weeks, awards, over time, and compensatory time.

Funding Procedures for Salary

State and Center SEEP Coordinators will provide the National SEEP Coordinator with the name, position and grade, duty station, start and end dates for the new WO 730-funded STEP student as well as the names of and contact information for the supervisor, designated time keeper, and mentor. Once the information is received, the National SEEP Coordinator will provide the State or Center SEEP Coordinator with an authorized funding code via electronic memorandum. The National SEEP Coordinator will provide the STEP / SWDP supervisor and designated time keeper with the same electronic memorandum along with the WO 730 FY 2007 Funding Guidelines. (This process will occur for each new WO 730-funded SCEP student.)

From May 1 to August 31, the National SEEP Coordinator will act as the alternate timekeeper for new WO 730-funded STEP / SWDP students. The State and Center Coordinators will ensure that the National SEEP Coordinator is listed as the alternate timekeeper for the new STEP / SWDP students. The National SEEP Coordinator must be listed as each student's alternate timekeeper for the entire 12 week work period. As the alternate timekeeper, the National SEEP Coordinator will review timesheets for accuracy, and will contact the State or Center SEEP Coordinator with any errors or discrepancies.

During the 12 week work period, the payroll process will include the following steps:

1. The STEP / SWDP student will enter his or her hours into the timesheet located in the Quicktime system and forward the information to the designated timekeeper.
2. The designated timekeeper will approve the student's timesheet and forward the time sheet to the STEP / SWDP student's supervisor for certification.
3. The supervisor will certify and submit the timesheet according to regulations.

4. The National SEEP Coordinator will contact the State or Center SEEP Coordinator with any errors or discrepancies, and the State or SEEP Coordinator will ensure that errors or discrepancies are corrected in a timely manner.

Note: The State or Center SEEP Coordinator should contact the National SEEP Coordinator with any changes to a STEP / SWDP student's start and end dates or program status. **The State or Center may not use or "switch" salary dollars allocated for one student to cover other expenses.**



United States Department of Interior
BUREAU OF LAND MANAGEMENT

Nevada State Office
P. O. Box 12000
Reno, Nevada 89520-0006
<http://www.nv.blm.gov>

SAMPLE

Student Career Experience Program Agreement

Student Name: Joe Smith

Agreement Created: June 4, 2002

***SCEP-Initial Position:** Natural Resources Specialist (Student Trainee), GS-0499-03

****SCEP-Target Position:** Natural Resources Specialist (Student Trainee), GS-0499-05

*****Permanent-Full Performance Level:** Natural Resources Specialist, GS-0401-09

Supervisor: Robert Johnson, Associate Field Manager of Fantastic Field Office

Mentor: Nancy Pines, Natural Resources Specialist

School: University of Nevada at Reno Reno, NV 89801

Program: Bachelor of Arts and Science **Major:** Environmental Sciences

Nature of Work Assignments:

Performs and carries out training assignments in the occupation and career field of **Natural Resources Specialist**.

Assignments are designed to meet the requirements of the **Target Level**, which may lead to a career appointment at a **Full Performance Level** determined by the organization.

Schedule of Work Assignments and Class Attendance:

Work assignments will support the Bureau's mission, goals and objectives.

The work schedule may be modified to accommodate school schedules.

Appendix B-7

Sample Working Agreement

The agency supervisor will provide the student a written schedule of tasks for periods of employment.

The student and supervisor will assure that work responsibilities do not interfere with academic performance.

Requirements for Continuation in Program:

The student must maintain at least half-time (or part-time) status as defined by the academic institution to continue in the Student Career Experience Program (SCEP). The BLM in Nevada considers this to be at least 9.0 credit hours per semester for **undergraduate** students and 6.0 credit hours per semester for **graduate** students. The student must provide a written class schedule at the beginning and a grade report at the end of each semester to the supervisor and the Student Educational Employment Program (SEEP) Coordinator. The student must receive an overall average of “C” (2.5 GPA) or better to continue in the SCEP Program. Students not receiving a “C” will be placed on probation and given a semester to return the GPA to a 2.5 or better. If the student still fails to meet the GPA requirement, he/she will be terminated from the SCEP.

The student must complete a minimum of 640.0 hours of work experience prior to graduation. Please note that a student participant must always either be working and/or enrolled in school/courses.

Tuition Assistance and Repayment:

The Bureau of Land Management (BLM - Nevada) may provide tuition assistance for students participating in the agency’s SCEP Program in accordance with the following:

- All grade levels are eligible for assistance, but the assistance is not guaranteed. funded by BLM Nevada (Field Office, Field Station, Division, Branch), tuition assistance may not exceed \$1,500 per fiscal year. For students who are Washington Office funded, tuition assistance may not exceed \$2,000 per year for in-state students and \$3,000 per year for-out-of-state students.
- Tuition assistance will be granted for paid expenses only and directly related to agency employment over and above grants, scholarships, and any other private or public assistance. **Note:** *These expenses must be certified to as the student's 'out-of-pocket' expenses by the educational institution. An original receipt must substantiate any expenses claimed. The assistance covers only the following (any unspecified expenses are excluded):*

- | | |
|------------------------------------|---------------------------------|
| 1) Tuition and matriculation fees | 3) Materials and supplies |
| 2) Library and laboratory services | 4) Purchase and rental of books |

Deleted: '

Note: *Travel and transportation are handled outside of the above policy statements.*

In return for tuition assistance, the student participant agrees to continue employment with the agency for one month for every month of tuition assistance received (1:1 ratio). If a student fails to continue his/her education, refuses an offer of permanent employment upon graduation, or voluntarily leaves the agency before completing the period of obligated service, the student may be asked to reimburse the Federal government for the tuition fees paid for educational expenses.

Any amount due to the agency as a result of failure on the student's part to complete the entered into **Student Career Experience Program Agreement** may be withheld from any monies owed the student by the Federal government or may be recovered by such other methods approved by law.

The Student Career Experience Program Agreement does not in any way commit the agency to continue the student's employment. If for any reason (other than misconduct or performance) the agency terminates the appointment, it will waive the student's obligation for re-payment of monies expended under the Agreement.

Break-In-Program:

A break-in-program is allowed and defined as a period of time when a SCEP Program participant is working but is unable to go to school, or neither attending classes nor working at the agency. Agencies may use their discretion in either approving or denying a break-in-program.

Program Separation:

Students, in the excepted service program, regardless of how long they have worked for the agency, generally have no procedural or appeal rights if separated for poor performance, failure to meet program requirements, or conduct. There are however, two exceptions to this general rule. (1) Students who are preference eligible employees who have completed one year of current continuous service in the same or similar position(s) are entitled to the procedural rights required by Title 5, CFR Part 432 (unacceptable performance/failure to meet program requirements) or Title 5, CFR Part 752 (misconduct). In addition, the student has the right to appeal to the Merit Systems Protection Board. (2) Students who are non-preference eligible students who have completed one year of current continuous employment in the same or similar position(s) are entitled to the procedural rights, but not to the appeal rights of Title 5, CFR Part 432.

Evaluation Procedure:

The students' work performance will be evaluated during regular performance monitoring sessions and evaluation procedures required by the Department of the Interior's Performance Management System, as well as at the end of new assignments. The

student must be rated "Results Achieved" or "Satisfactory" for continuation in the SCEP Program.

Requirements for Conversion:

Conversion to competitive status is not guaranteed. Though the agency will make every effort to convert the student, the ability to convert will be based on a number of factors, including funding, work-months, mission needs at that particular time, and successful completion of the **Bachelor of Arts and Science degree in Natural Resources Specialist by Fall 2007**. If converted, the Student Trainee will be converted to the position of **Natural Resources Specialist with a full performance potential of GS-0401-09**. Full performance level is determined and recommended by the supervisor, and is based on job performance and accomplishments.

Upon conversion, the Student Trainee may be placed in any geographical area within the Bureau of Land Management, though all efforts will be made to keep the student in the Nevada jurisdiction.

Signatures of Agreement: All signatures are required for this to be a valid student-agency agreement. If possible, original signatures are preferred.

Student _____
Date

BLM Supervisor _____
Date

BLM Mentor _____
Date

University of Nevada at Reno Academic Advisor _____
Date

NVSO SEEP Program Coordinator/Recruitment Specialist _____
Date

Note: ***Initial Position:** The student trainee position and grade at which the student was hired.
** **Target Position:** The highest student trainee position and grade a student can achieve prior to conversion.
*****Full Performance Level:** The highest grade a converted student trainee (upon completion of the Student Career Employment Program) can non-competitively achieve within the assigned permanent position to which they are converted.

Appendix B-7

Sample Working Agreement

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON D.C. 20240
<http://www.blm.gov>
STUDENT WITHDRAWAL FORM

I (_____) am voluntarily withdrawing from the Bureau
PRINTED NAME

of Land Management's Student Career Experience Program (SCEP) for the following
reason(s):

In withdrawing, I understand that the Bureau of Land Management may require
the repayment of financial assistance provided to me, in accordance with the SCEP
agreement that I signed on _____.
DATE

I have not been intimidated or coerced to withdraw from the program.

SCEP Student Signature

Date

SCEP Supervisor Signature

Date

SCEP Mentor Signature

Date

SEEP Coordinator Signature

Date

October 30, 2002

EMS Transmission Date (10/30/02)
Information Bulletin No. TC 2003-07

To: All BLM Offices

From: Director, NTC

Subject: New Online Course 1400-19SS “Do You Want To Be A Student’s Mentor?”

Based on needs identified in BLM’s Student Career Experience Program (SCEP), the National Training Center is announcing a new online course designed to help recruit qualified BLM mentors for SCEP students. This course is a result of WO, State, and Field subject matter experts working with NTC to design the course.

Besides learning about SCEP, this online course will help participants learn what it takes to be a good mentor and decide if they are interested in becoming a mentor to a SCEP student. This distance learning course uses video, audio, graphics, assessments, and text to inform participants about mentors in SCEP. We think you’ll find this one-hour training course an interesting way to learn.

At the end of this online training, participants will be able to:

1. Understand the need for mentors in BLM and SCEP.
2. Identify how to benefit from being a mentor.
3. Describe the role, tasks involved, and qualities of a SCEP mentor.
4. Decide whether they want to participate in the SCEP program as a mentor or in another capacity.

The target group for this course is all BLM employees who want to learn more about mentors in the SCEP and are considering the possibility of becoming a mentor to a SCEP student.

To register for Course 1400-19SS, “Do You Want to Be a Student’s Mentor?” go online to the NTC internet page at www.ntc.blm.gov and click on the course in the center of the page. This will take you to a registration form. Shortly after completing the registration, you will receive an email that confirms your enrollment in the course and provides you the information to get started.

We hope that you will share this opportunity with those on your staff who may benefit from this course.

Appendix B-9

IB for Online Mentor Training Course

Signed by:
Marilyn H. Johnson
Director

Authenticated by:
Jan C. West
Staff Assistant

Appendix B-9

IB for Online Mentor Training Course

Final Review Sheet

Section A

Category	Outstanding	Effective	Below
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I	Communication			
II	Teamwork			
III	Attendance			
IV	Disposition			
V	Dependability			
VI	Competence			
VII	Initiative			

Section B

1. What factors contributed to the below standard rating?
2. What specific actions should be taken by the student to improve performance?
3. Identify developmental needs that would enhance the student's performance rating.

Supervisor's Name / Title Signature Date (Month/Date/Year)

Student's Name / Title Signature Date (Month/Date/Year)

Section C

4. Do you recommend this student for employment with the bureau based on performance under your supervision?

If not, please state why.

Progress Report / Review Sheet

Section A

Category	Outstanding	Effective	Below
----------	-------------	-----------	-------

I	Communication			
II	Teamwork			
III	Attendance			
IV	Disposition			
V	Dependability			
VI	Competence			
VII	Initiative			

Section B

1. What factors contributed to the below standard rating?
2. What specific actions should be taken by the student to improve performance?
3. Identify developmental needs that would enhance the student's performance rating.

Supervisor's Name / Title Signature Date (Month/Date/Year)

Student's Name / Title Signature Date (Month/Date/Year)

Section C

4. Do you recommend this student for employment with the bureau based on performance under your supervision?

If not, please state why.

U. S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Student Career Experience Program (SCEP)**CHECKLIST FOR CONVERSION TO FULL-TIME EMPLOYMENT**

The following items are needed to convert a Student Career Experience Program (SCEP) participant to a full-time employment position (term, conditional, or career-conditional) with the Bureau of Land Management in Nevada. **The Branch of Human Resources (NV-953) needs a minimum of two weeks to initiate, process, and finalize a SCEP conversion appointment.** So be sure that you provide sufficient time when determining the proposed effective start date for a conversion and consult with the SEEP Coordinator to confirm your proposed start date.

Student Name: _____ Field Office: _____

Tentative Effective Start Date: _____ SF-52#: _____

Supervisor Name and Phone #: _____

Mentor Name and Phone #: _____

Social Security No.: _____ DOB: _____

Work Schedule (circle one): Full-Time Part-Time No. of Work Hours Per Pay Period: _____

Student - paperwork required:

- _____ Final official transcript (**must include** degree acquired and final cumulative academic GPA of 2.5 or better)
- _____ Proof of at least 640 hours of work experience completed (letter signed by office timekeeper and supervisor)
- _____ Complete and provide a Student Educational Employment Program Exit Evaluation

Supervisor/Administrative Support Assistant (ASA) - paperwork required:

- _____ All of the above information, plus the following . . .
- _____ Written recommendation for conversion to full-time employment, must include TO and funding information
- _____ Justification for Recruitment Form (State Director, State Program Lead, and Budget Officer approval needed to hire)
- _____ OF-8, Position Description (full performance) and Cover Sheet
- _____ DI-625, Position Classification Amendment (if necessary, at the varying GS levels leading to full performance)
- _____ SF-52, Request for Personnel Action (initiated/finalized by supervisor and Administrative Support Assistant)
- _____ Complete and provide a copy of the Student Trainees' closeout EPPRR
- _____ Please **CHECK only** if a need for a Permanent Change of Duty Station (all expenses will be the responsibility of the gaining Field Office)

Appendix B-12

Sample SCEP Checklist for Conversion to Full-time Employment

All of the above paperwork must be submitted before the student can be considered for conversion. Please note that the agency has 120 days from the date of the student trainee's graduation or course work completion to convert them. In the meantime, the student remains a SCEP until all of the paperwork has been finalized for conversion, but no longer than the allowed 120 days. Failure to convert within the 120 day period must be justified and well documented. A lack of conversion may mean removal from the SCEP Program and Federal service.

NSO Personnel - paperwork processing:

- ___ Conversion packet reviewed and approved by Recruitment Specialist and SEEP Coordinator
- ___ Position description reviewed and classified by Human Resources Specialist (Classifier), if necessary
- ___ Paperwork proceeds to the SEEP Program Assistant for processing and finalization
- ___ OF-50B, Notification of Personnel Action (forwarded to Administrative Support Assistant)
- ___ Physical examination/random drug test (law enforcement, surveying positions, fire, other arduous positions)

NSO Personnel - create appointment/information packet and forward to student:

- ___ Conversion and New Appointment Letter
- ___ Copy of Position Description and Qualification Standards for Position / Occupational Series
- ___ Notification letter to supervisor/mentor that the conversion action is complete; 'cc' copies of the student's conversion letter, position description, etc.
- ___ Notification letter to the PCS Coordinator – if PCS is requested
- ___ Permanent Change of Duty Station Packet and Forms (packet will be sent to the converted student only if requested)

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Oregon State Office
P.O. Box 2965
Portland, Oregon 97208**

In Reply Refer to:

1400-315 (953)

May 7, 2007

XXXXXX
XXXXXX
XXXXXX

Dear XX XXXX,

Congratulations on your conversion to a career-conditional appointment as a XXXXXXXX, GS-XXXX-XX, with the XXXX District, XXXXX, Oregon. The effective date of this appointment has been established as XXXXXXXX. Your salary has been set at GS-XX step XX, \$XXXXXXX per year (which includes the applicable locality adjustment). The full performance level of this position is GS-XX. A copy of your position description is attached.

After three (3) years of service, your appointment will be converted to career. Service from XXXXXX, the date of your appointment in the Student Career Experience Program (SCEP), is creditable towards meeting the service requirement for career tenure.

Appendix B-13

Sample Conversion Letters to SCEP Appointees

Please complete and return the enclosed OF 306 to XXXXXXXXX
as soon as possible.

We wish you success in your new position. If you have any
questions or if I can be of any assistance, please contact
me at (503XXXXXXX).

Sincerely,

XXXXXXXXXX
Human Resources Specialist
Branch of Human Resources

Enclosures (as stated)

cc: XXXXXX

UNITED STATES DEPARTMENT OF THE INTERIOR

Appendix B-13

Sample Conversion Letters to SCEP Appointees

**BUREAU OF LAND MANAGEMENT
Oregon State Office
P.O. Box 2965
Portland, Oregon 97208**

In Reply Refer to:

1400-315 (953)

May 7, 2007

XXXXXX
XXXXXX
XXXXXX

Dear XX XXXXXX,

Congratulations on your conversion to a career-conditional appointment as a XXXXX, GS-XXXX-XX with the XXXX District, XXXXX, Oregon. The effective date of this appointment has been established as XXXX. Your salary has been set at GS-XX, step XX, \$XXXXXX per year (which includes the applicable locality adjustment). The full performance level of this position is GS-XX. A copy of your position description is attached.

After your entrance on duty, you must serve a probationary period of one (1) year. After three (3) years of service, your appointment will be converted to career. Service from XXXXX, the date of your appointment in the Student Career Experience Program (SCEP), is creditable towards meeting the service requirement for career tenure.

The Bureau will pay limited travel expenses for you and your immediate family to Baker, Oregon, in accordance with the Federal Travel Regulations for new appointees reporting to first duty station. Please review the enclosed BLM Manual Handbook 1382-1 which includes information on payment of travel and transportation expenses. Also please complete the following forms and return them as soon as

Appendix B-13

Sample Conversion Letters to SCEP Appointees

possible to the Bureau of Land Management, Attention: Cyndi McClelland, OR915, P.O. Box 2965, Portland, Oregon 97208.

1. Form 1380-1 Personnel Transfer Travel Data Sheet
2. Form 1380-9 Employment Agreement (2 copies with original signature)
3. SF-1038 Application and Account for Advance of Funds

The travel regulations for new appointees reporting to first duty station allow for the following expenses to be reimbursed:

1. En route per diem for employee (student) only.
2. Mileage for employee and family.
3. Shipment of household goods.
4. Ninety days storage of household goods.

If you have household goods to ship, the government bill of lading (GBL) method will be used. Do not move your goods or obtain a commercial carrier on your own without first contacting Cyndi McClelland, Budget Assistant, Oregon State Office (503) 808-6199. Cyndi will be your contact for your travel and XXXX (XXX) XXX-XXX, XXXXX, will be your contact for personnel matters.

Please complete and return the enclosed OF 306 to XXXX as soon as possible.

Please provide me an official transcript documenting your degree as soon as they are available.

We wish you success in your new position. If you have any questions or if I can be of any assistance, please contact me at XXXXX.

Sincerely,

XXXXX

Enclosures (as stated)

cc: C. McClelland (OR915)
XXX District

Appendix C
Student Temporary Employment Program Forms

List of Roles and Responsibilities	C-1
Final Review Sheet	C-2

**STEP Roles and Responsibilities:
SEEP Coordinator, STEP Supervisor, STEP Mentor, STEP Participant**

The **State or Center SEEP Coordinator** manages and administers the SEEP Program. The roles and responsibilities of a Coordinator include but are not limited to the following items:

- Monitors grades and work and school schedule changes;
- Ensures that the student continues to meet all SEEP Program requirements; and,
- Conducts an exit interview with all students (resigning, terminated, converted, etc.).

All STEP participants must have a **Supervisor**. The roles and responsibilities of a STEP Supervisor include but are not limited to:

- Ensures that students have meaningful assignments;
- Maintains communication with the SEEP Coordinator and student regarding the student's progress while in program;
- Notifies SEEP Coordinator immediately of any changes in work schedule, performance, and/or placement matters; and,
- Evaluates student performance, as appropriate.

It is recommended, but not required, that STEP participants have a **Mentor**. A Mentor is defined as "a coach or guide entrusted with the orientation and education of another; a tutor."

All **STEP Program Participants** are required to contribute to their own success. Thus, the roles and responsibilities of the student participant include but are not limited to the following items:

- Performs the duties identified in the position description; and,

Appendix C-1

List of Roles and Responsibilities

- Notifies the SEEP Coordinator and STEP Supervisor immediately of any changes related to work and/or school and provides SEEP Coordinators with updated information regarding (grades, personal information, etc.).

Appendix C-1

List of Roles and Responsibilities

Final Review Sheet

Section A

Category	Outstanding	Effective	Below
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I	Communication			
II	Teamwork			
III	Attendance			
IV	Disposition			
V	Dependability			
VI	Competence			
VII	Initiative			

Section B

1. What factors contributed to the below standard rating?
2. What specific actions should be taken by the student to improve performance?
3. Identify developmental needs that would enhance the student's performance rating.

Supervisor's Name / Title Signature Date (Month/Date/Year)

Student's Name / Title Signature Date (Month/Date/Year)

Section C

4. Do you recommend this student for employment with the Bureau based on performance under your supervision?

If not, please state why.