

U.S. Geological Survey (USGS)

Guidance on Term Appointments

(updated 06/07/2016)

Supersedes USGS Human Resources Management Letter 98-1.

The current work environment of continuing funding uncertainties and shifting project priorities presents managers with multiple program and financial challenges as we strive to accomplish mission objectives while managing the workforce. With this in mind, it is necessary that management be aware of the staffing alternatives available to them and how to appropriately utilize them. One such alternative available is that of the term appointment.

Time Limits

Term appointments can be made for work expected to last more than 1-year but not more than 4 years. When a term appointment must be terminated prior to the established not-to-exceed date for reasons such as lack of funds, reduction-in-force procedures must be used; therefore, hiring managers are encouraged to limit the duration of the initial term appointment to the period of time for which funding has been secured. If additional funding later becomes available, the term appointment can be extended incrementally up to the maximum time allowed.

When a term appointment is initially made for less than the maximum period allowed, in order to extend the appointment without requiring further competition, the original vacancy announcement must have included a statement allowing such extensions. If the original vacancy did not include this required statement, a vacancy announcement must be posted on USAJOBS allowing for the application and consideration of displaced and surplus employees eligible under the Career Transition Assistance Plan (CTAP) and the Interagency Career Transition Assistance Plan (ICTAP). If no CTAP or ICTAP eligibles apply to the posted vacancy then the term appointment may be extended.

There is no authority to extend a term appointment beyond the 4 year limit; however, in certain circumstances when it can be demonstrated that an individual's services are needed for an additional period of time (generally 1-year or less) for valid reasons such as to complete a project, we can request approval from OPM for a variation allowing for an extension beyond the 4-year limit. Requests for such extensions must be reviewed by your servicing Human Resources (HR) Specialist who will coordinate with the appropriate USGS HR approving official for submission to the Department. If the Department concurs with the request, they will forward it to OPM for consideration. The Department requires that any such request be submitted at least 60 days prior to the expiration date of the term appointment. **In order to ensure this time line is met, please submit requests to your Servicing Human Resources Office at least 90 days prior to the expiration date.** The Department's policy is outlined in Personnel Bulletin No. 14-06 accessible at <http://elips.doi.gov/elips/0/doc/4036/Page1.aspx>.

Appropriate Uses

Use of the term appointing authority is appropriate when there is project work to be conducted; an extraordinary workload due to reorganization; scheduled abolishment, or contracting out of a function; uncertainty of future funding; or the need to maintain permanent positions for placement of employees who would otherwise be displaced from other parts of the organization.

Inappropriate Uses

It is inappropriate to use the term appointing authority when it's known that the same or similar work will continually be performed. Once a position has been filled by term appointment for a period of 4 years and it appears that the same work will continue, management should utilize a permanent appointment or other non-temporary means to accomplish the continuing work. To do otherwise, violates the spirit and intent of the appointing authority, likely negatively impacting the morale of the individual encumbering the position, and raises possible concerns in our use of this authority.

Other Limitations on Term Appointments

Serving on a term appointment does not confer competitive status. There is no legal means to noncompetitively convert an individual from a term appointment to a permanent appointment unless he/she is eligible through some other noncompetitive mechanism (e.g., based on reinstatement eligibility, or eligible for the Veterans Recruitment Authority, 30% disabled veteran authority, schedule A disability authority, etc.). Eligibility requirements for these and other noncompetitive hiring authorities may be accessed at http://www.usgs.gov/ohr/oars/non_competitive.html.

Unless an individual has applied through open competition and is within reach for selection or is eligible for noncompetitive appointment such as those identified above, a term appointee may only be reassigned, promoted, or demoted to another position **within the existing term project** that has been authorized to fill by term appointment. If one of these actions is taken, the 4-year period begins on the effective date of the initial term appointment and does not start over.

Special Guidance on Research and Development Positions

The [USGS Research and Equipment Development Grade Evaluation Process Handbook \(October 2014\)](#) provides an avenue for promotion of individuals who were competitively appointed to research and development positions filled using term appointments. Promotions will be based on the grade level of the work being performed as evaluated through the panel process outlined in the Handbook referenced above. Requests for promotion consideration must be submitted through the individual's Science Center Director or National Capability Manager. As such, the full-performance of research and development positions filled using term appointments will be set at the GS-15 level, the same as those filled using permanent appointments. (Note: This does not apply to the USGS Mendenhall Research Fellowship Program, the USGS Postdoctoral Research Fellowship Program, or any other research or development position filled using an excepted service appointment.)

Selection of Term Appointees

Term appointments are generally filled through open competition with selections made from a certificate of eligibles issued in accordance with veterans' preference rules; however, individuals may be appointed noncompetitively when the eligibility requirements are met for a noncompetitive hiring authority such as those previously mentioned.

Benefits and Rights

Term appointees are eligible to elect health benefits, dental, vision, and life insurance coverage; participate in a flexible spending account program; apply for long term care insurance; earn sick and annual leave when working a full- or part-time work schedule; and are covered under a Federal retirement system.

Term appointees serve a 1-year trial period. Individuals may be separated for performance, conduct, and suitability issues during the first year and upon expiration of the appointment without having to apply adverse action procedures. After 1-year of continuous service, term appointees are entitled to adverse action procedures should conduct or performance issues arise.

Term appointees are tenure group III employees, and as such, have first round competition rights in a reduction-in-force (RIF) situation. This means that during a RIF, employees serving on term appointments compete with other competitive service tenure group III employees within their competitive area who occupy essentially identical positions (i.e., same series, grade, and competitive level). Term appointees separated through RIF are typically not eligible to receive severance pay.

Certification Procedures

Hiring managers are responsible for certifying that the use of the term appointing authority is appropriate and meets all requirements stipulated in the regulations. The certification statement found in Attachment 1 is required for all initial term appointments. As long as this certification statement is submitted for the initial term appointment, no further justification is necessary for subsequent extensions.

When extending a term appointment and a different version of the certification statement was used for the initial appointment, the requesting office must include the following statement in the "notepad" when initiating the personnel action request in the Federal Personnel/Payroll System (FPPS):

"I have read the rules in 5 CFR 316 relating to term appointments and certify that the proposed appointment meets the regulatory requirements. This term appointment is being extended based upon the original justification dated _____. (NOTE: If the date of the original justification is unknown use the effective date of the initial term appointment.)"

The same rule applies to those situations where the Human Resources Office staff has the responsibility for initiating actions on behalf of the requesting office, e.g., Director's Office, immediate offices of the Associate and Regional Directors, etc.

Any questions regarding this process may be directed to your [Servicing Human Resources Office](#).