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113TH CONGRESS
1ST SESSION

H. R. 533

To provide authorities for the appropriate conversion of temporary seasonal wildland firefighters and other temporary seasonal employees in Federal land management agencies who perform regularly recurring seasonal work to permanent seasonal positions.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2013

Mr. CONNOLLY (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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A BILL

To provide authorities for the appropriate conversion of temporary seasonal wildland firefighters and other temporary seasonal employees in Federal land management agencies who perform regularly recurring seasonal work to permanent seasonal positions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Land Management Workforce Flexibility Act''.

SEC. 2. PERSONNEL FLEXIBILITIES RELATING TO LAND MANAGEMENT AGENCIES.

(a) IN GENERAL.—Subpart I of part III of title 5, United States Code, is amended by inserting after chapter 95 the following:

"CHAPTER 96—PERSONNEL FLEXIBILITIES RELATING TO LAND MANAGEMENT AGENCIES

"Sec.
"9601. Definition.
"9602. Competitive service; time-limited appointments.

"§ 9601. Definition

"For purposes of this chapter, the term 'land management agency' means—

"(1) the Forest Service of the Department of Agriculture;

"(2) the Bureau of Land Management of the Department of the Interior;

"(3) the National Park Service of the Department of the Interior;

"(4) the Fish and Wildlife Service of the Department of the Interior;

"(5) the Bureau of Indian Affairs of the Department of the Interior; and

"(6) the Bureau of Reclamation of the Department of the Interior.

"§ 9602. Competitive service; time-limited appointments

''(a) Notwithstanding chapter 33 or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, an employee of a land management agency serving under a time-limited appointment in the competitive service is eligible to compete for a permanent appointment in the competitive service under that agency's merit promotion procedures if—

''(1) such individual was appointed initially under open, competitive examination under subchapter I of chapter 33 to the time-limited appointment;

''(2) the employee has served under 1 or more time-limited appointments by such agency for a period or periods totaling not less than 24 months without an intervening break of 2 or more years; and

''(3) the employee's performance has been at an acceptable level of performance throughout the period or periods (as the case may be) referred to in paragraph (2).

''(b)(1) For purposes of this subsection, the term 'successor permanent position' means, with respect to a time-limited position, a permanent position in the competi-

tive service with the same or substantially similar major duties and qualification requirements in the same major subdivision of the same agency as the time-limited position.

"(2) Notwithstanding chapter 33 or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, an employee of a land management agency serving under a time-limited appointment in the competitive service shall be offered any successor permanent position that the agency decides to fill and, upon his or her concurrence, be appointed to such position if—

"(A) such individual was appointed initially under open, competitive examination under subchapter I of chapter 33 to the time-limited appointment;

"(B)(i) the job announcement for the time-limited position stated that there was potential for the position to become permanent; or

"(ii) the employee's first time-limited appointment by such agency occurred before the date of enactment of this chapter;

"(C) the employee has served under a time-limited appointment or appointments in a position or positions in such agency with the same or substan-

tially similar major duties and qualification requirements as the successor permanent position for a period or periods totaling not less than 24 months without an intervening break of 2 or more years; and

"(D) the employee's performance has been at an acceptable level of performance throughout the period or periods (as the case may be) referred to in subparagraph (C).

"(3) If 2 or more employees are eligible for conversion under this subsection, then any preference eligible veterans shall be given priority.

"(4) If 2 or more employees have equal priority for conversion under this subsection, then placement shall be determined by competitive procedures consistent with merit system principles.

"(c) An employee selected or converted under this section becomes a career-conditional employee, unless the employee has otherwise completed the service requirements for career tenure.

"(d) An employee appointed under this section acquires competitive status upon appointment.

"(e) The provisions of this section shall apply with respect to time-limited employees who have been separated for reasons other than misconduct or unacceptable per-

formance. For such a separated employee, the provisions of this chapter shall apply as if such separated employee occupied the time-limited position from which such employee was most recently separated. An agency shall be deemed to have met its obligation under this section if notice is sent to the last known address of such individual 21 or more days before a successor permanent position for which he or she is eligible is filled.

''(f) For purposes of this section, time-limited appointments include temporary appointments and term appointments, as defined by the Office of Personnel Management.

''(g) The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this section.''.

(b) CLERICAL AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by inserting after the item for chapter 95 the following:

"96. Personnel flexibilities relating to land management agencies ..... 9601".

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