

(c) *Excepted position* shall have the same meaning as “unclassified position”, or “position excepted by law”, or “position excepted by executive order”, or “position excepted by Civil Service Rule”, or “position outside the competitive service” as used in existing statutes and Executive orders.

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM (RULE II)

Sec.

- 2.1 Competitive examinations and eligible registers.
- 2.2 Appointments.
- 2.3 Apportionment.
- 2.4 Probationary period.

AUTHORITY: 5 U.S.C. 3301, 3302.

SOURCE: 28 FR 10023, Sept. 14, 1963, unless otherwise noted.

§ 2.1 Competitive examinations and eligible registers.

(a) OPM shall be responsible for open competitive examinations for admission to the competitive service which will fairly test the relative capacity and fitness of the persons examined for the position to be filled. OPM is authorized to establish standards with respect to citizenship, age, education, training and experience, suitability, and physical and mental fitness, and for residence or other requirements which applicants must meet to be admitted to or rated in examinations.

(b) In addition to the names of persons who qualify in competitive examinations, the names of persons who have lost eligibility on a career or career-conditional register because of service in the armed forces, and the names of persons who lost opportunity for certification or who have served under career or career-conditional appointment when OPM determines that they should be given certification, may also be entered at such places on appropriate registers and under such conditions as OPM may prescribe.

(c) Whenever the Office of Personnel Management (1) is unable to certify a sufficient number of names to permit the appointing officer to consider three eligibles for appointment to a fourth-class postmaster position in accordance with the regular procedure, or (2) finds that a particular rate of com-

penetration for fourth-class postmaster positions is too low to warrant regular competitive examinations for such positions, it may authorize appointment to any such position or positions in accordance with such procedure as may be prescribed by OPM. Persons appointed under this paragraph may acquire competitive status subject to satisfactory completion of a probationary period prescribed by OPM.

§ 2.2 Appointments.

(a) OPM shall establish and administer a career-conditional appointment system for positions subject to competitive examinations which will permit adjustment of the career service to necessary fluctuations in Federal employment, and provide an equitable and orderly system for stabilizing the Federal work force. A competitive status shall be acquired by a career-conditional appointee upon satisfactory completion of a probationary period, but the appointee shall have career-conditional tenure for a period of service to be prescribed by regulation of OPM. When an employee has completed the required period of service his appointment shall be converted to a career appointment without time limitation: *Provided*, That his career-conditional appointment shall not be converted to a career appointment if the limitation on the number of permanent employees in the Federal civil service established under paragraph (b) of this section would be exceeded thereby. Persons selected from competitive civil service registers for other than temporary appointment shall be given career-conditional appointments: *Provided*, That career appointments shall be given to the following classes of eligibles:

(1) Persons whose appointments are required by statute to be made on a permanent basis;

(2) Employees serving under career appointments at the time of selection from such registers;

(3) Former employees who have eligibility for career appointments upon reinstatement; and

(4) To the extent permitted by law, persons appointed to positions in the field service of the U.S. Postal Service for which salary rates are fixed by the

Office of Personnel Management

§ 3.1

act of July 6, 1945, 59 Stat. 435, as here-
tofore or hereafter amended and sup-
plemented.

(b) Under the career-conditional ap-
pointment system there shall be a
limit on the number of permanent em-
ployees in the Federal civil service
which shall be the ceiling established
by section 1310 of the Supplemental Ap-
propriation Act, 1952 (65 Stat. 757), as
amended. In the event section 1310,
supra, is repealed, OPM is authorized
to fix such limitation on the number of
permanent employees in the Federal
civil service as it finds necessary to
meet the needs of the service.

(c) OPM may determine the types,
duration, and conditions of indefinite
and temporary appointments, and may
prescribe the method for replacing per-
sons holding such appointments.

§ 2.3 Apportionment.

Subject to such modifications as
OPM finds to be necessary in the inter-
est of good administration, appoint-
ments to positions in agencies' head-
quarters offices which are located with-
in the metropolitan area of Wash-
ington, DC, shall be made so as to
maintain the apportionment of ap-
pointments among the several States,
Territories, and the District of Colum-
bia upon the basis of population.

§ 2.4 Probationary period.

Persons selected from registers of eli-
gibles for career or career-conditional
appointment and employees promoted,
transferred, or otherwise assigned, for
the first time, to supervisory or mana-
gerial positions shall be required to
serve a probationary period under
terms and conditions prescribed by the
Office.

[45 FR 4337, Jan. 22, 1980]

PART 3—NONCOMPETITIVE ACQUISITION OF STATUS (RULE III)

Sec.

3.1 Classes of persons who may noncompeti-
tively acquire status.

3.2 Appointments without competitive ex-
amination in rare cases.

3.3 Conversion of appointments.

AUTHORITY: 5 U.S.C. 3301, 3302.

SOURCE: 28 FR 10023, Sept. 14, 1963, unless
otherwise noted.

§ 3.1 Classes of persons who may non- competitively acquire status.

(a) Upon recommendation by the
agency concerned, and subject to such
noncompetitive examination, time lim-
its, or other requirements as OPM may
prescribe the following classes of per-
sons may acquire a competitive status
without competitive examination:

(1) A person holding a permanent po-
sition when it is placed in the competi-
tive service by statute or executive
order or is otherwise made subject to
competitive examination.

(2) A disabled veteran who, in a man-
ner satisfactory to OPM, has completed
a course of training in the executive
branch of the Government prescribed
by the Administrator of Veterans' Af-
fairs in accordance with the act of
March 24, 1943 (57 Stat. 43).

(3) An employee who has served at
least two years in the immediate office
of the President or on the White House
Staff and who is transferred to a com-
petitive position at the request of an
agency.

(4) An employee who was serving
when his name was reached for certifi-
cation on a civil service register appro-
priate for the position in which he was
serving: *Provided*, That the recom-
mendation for competitive status is
made prior to expiration of the register
on which his name appears or is made
during a period of continuous service
since his name was reached: *Provided
further*, That the register was being
used for appointments conferring com-
petitive status at the time his name
was reached.

(b) Upon recommendation by the em-
ploying agency, and subject to such re-
quirements as the Office of Personnel
Management may prescribe, the fol-
lowing classes of handicapped employ-
ees may acquire competitive status
without competitive examination:

(1) A severely physically handicapped
employee who completes at least two
years of satisfactory service in a posi-
tion excepted from the competitive
service.

(2) A mentally retarded employee
who completes at least two years of