

Office of Personnel Management

§ 310.102

as a career or career-conditional employee has during the first year of employment.

the Tort Claims Act. Service is not creditable for leave accrual or any other employee benefits.

PART 308—VOLUNTEER SERVICE

§ 308.103 Authority.

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308.101 Definitions.

308.102 Eligibility and status.

308.103 Authority.

AUTHORITY: 5 U.S.C. 3111.

SOURCE: 44 FR 51183, Aug. 31, 1979, unless otherwise noted.

Section 301 of the Civil Service Reform Act of 1978, Public Law 95-454, authorized Federal departments and agencies to establish programs designed to provide educationally related work assignments for students in non-pay status.

§ 308.101 Definitions.

PART 310—EMPLOYMENT OF RELATIVES

In this part: *Student* is an individual who is enrolled not less than half-time in a high school, trade school, technical or vocational institute, junior college, college, university or other accredited educational institution. An individual who is a student is deemed not to have ceased to be a student during an interim between school years if the interim is not more than 5 months and if such individual shows to the satisfaction of the agency that the individual has a bona fide intention of continuing to pursue a course of study or training in the same or different educational institution during the school semester (or other period into which the school year is divided) immediately after the interim.

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310.101 Legal restrictions on public officials in the employment of relatives.

310.102 Exceptions to the legal restrictions on the employment of relatives.

AUTHORITY: 5 U.S.C. 3110.

SOURCE: 70 FR 20457, Apr. 20, 2005, unless otherwise noted.

Volunteer Service under the Act is limited to services performed by a student, with the permission of the institution at which the student is enrolled, as part of an agency program established for the purpose of providing educational experience for the student. Such service is to be uncompensated and will not be used to displace any employee or to staff a position which is a normal part of the agency's work force.

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Section 3110 of title 5, United States Code, sets forth the legal restrictions on the employment of relatives.

§ 310.102 Exceptions to the legal restrictions on the employment of relatives.

(a) *Minimum Age*. The selection of students to participate under the program should be in conformance with either Federal, State, or local laws and standards governing the employment of minors.

(b) *Status*. A student participating under an agency volunteer program is not considered to be a Federal employee for any purposes other than injury compensation or laws related to

Subsection (d) of 5 U.S.C. 3110 authorizes the Office of Personnel Management to prescribe regulations authorizing the temporary employment of relatives, in certain conditions, notwithstanding the restrictions. This regulation sets forth exceptions to the restrictions. When necessary to meet urgent needs resulting from an emergency posing an immediate threat to life or property, or a national emergency as defined in § 230.402(a)(1) of this title, a public official may employ relatives to meet those needs without regard to the restrictions on the employment of relatives in 5 U.S.C. 3110. Such appointments are temporary and may not exceed 30 days, but the agency may extend such an appointment for one additional 30-day period if the emergency need still exists at the time of the extension.