

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213,1.1

Subchapter 1. Scope of Excepted Service.

1.1 Jurisdiction. The Office of the Assistant Secretary - Policy, Budget and Administration is responsible for establishing the type of excepted appointment system that is utilized within the Department and for establishing policies and procedures for the Department's Excepted Service. (See 370 DM 302 for the Department's Excepted Service Employment System.)

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213,2.1

Subchapter 2. Positions Excepted by Statute.

2.1 Responsibility. Requests to the Office of Personnel Management (OPM) relative to the applicability of a particular statutory exception to a particular position in the Department will be prepared for the signature of the Director of Personnel.

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213.3.1

Subchapter 3. Positions Excepted by Office of Personnel Management (OPM) Action.

3.1 Responsibility for Obtaining Exceptions From the Competitive Service.

A. The Office of the Assistant Secretary - Policy, Budget and Administration will be responsible for determining whether it is appropriate that the Office of Personnel Management (OPM) be requested to place Department positions in the excepted service. This applies to positions excepted under Rule VI in Schedules A, B and C, or excepted under Rule IX in the Noncareer Executive Assignment System.

(1) See 370 DM 213, Appendix B for instructions covering requests to OPM for positions to be excepted from the competitive service under Schedules A, B and C.

(2) See FPM 920 and Departmental Chapter 370 DM 920 for instructions and procedures covering positions in the Senior Executive Service (SES).

(3) See 370 DM 213, Appendices C, D, E, H and I for authorities to fill positions in the Department approved by OPM as excepted from the competitive service under Schedules A, B and C.

3.2 OPM Form 1019, Information on Schedule C Position and Incumbent, GS-15 and Below. This form, which is designed to provide a permanent record of a Schedule C position and its incumbency, will be prepared for each request or notification submitted to the Office of Personnel relative to a Schedule C position.

A. In addition to the OPM Form 1019 required by OPM, one copy of the SF 171, two copies of the position description, and an organizational chart will be submitted to the Office of Personnel.

(1) Bureaus will request that the Executive Assistant to the Secretary obtain White House clearance (see attached memorandum, Illustration 1) on the proposed candidate at the time the case is submitted to the Office of Personnel.

(2) If a Waiver of Qualifications or Waiver of Time-in-Grade (SF-59) is required, it will be prepared for the signature of the Assistant Secretary - Policy, Budget and Administration prior to submitting the request to the Office of Personnel.

B. The Office of Personnel will be responsible for maintaining the official copy of the form containing OPM's authorization for the establishment, change or revocation of a position.

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213,3.2C

C. The position number assigned a Schedule C position by OPM as contained in Item 5 of the OPM Form 1019, is the identifying reference to the position and will be used in all correspondence relative to the position.

D. ITC and NTC numbers are controlled and assigned by the Office of Personnel when it is determined that use of the Identical Temporary Schedule C or New Temporary Schedule C appointing authority is appropriate. Before a number is assigned, PPM will be provided with a copy of the SF-52 signed by the Executive Assistant to the Secretary.

3.3 Mentally Retarded Employment Agreements. The Director of Personnel is responsible for negotiating an agreement with OPM to authorize the employment of the mentally retarded in the Department under Schedule A, Section 213.3102(t). (See FPM 306 for OPM's program procedures.)

3.4 Employment of Noncitizens. The employment of aliens in the Department under the Schedule A authority, Section 213.3102(bb) is governed by the restrictions in appropriation acts. Information concerning the employment eligibility of nationals of countries indicated in the act will be obtained through the Division of Employment, Office of Personnel.

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213

Appendix A. Identifying Attorney Positions.

A.1 Legal Responsibilities in the Department. The Solicitor is the principal legal adviser to the Secretary and the chief law officer of the Department. He/she is responsible for and has supervision over all legal work of the Department, with the exception of that performed by the Office of Hearings and Appeals and the Office of Congressional and Legislative Affairs.

A. The prior approval of the Solicitor is required for the filling of any legal, para-legal, or other positions involving the providing of legal advice or services, by a law school graduate. The requirement for prior approval applies to all positions in the GS-900 (Legal and Kindred) group and to all positions classified in any other series which contain such legal duties.

B. Attorney positions will not be established or maintained in the bureaus or offices of the Department without the designation of the Solicitor.

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

370 DM 213
Appendix B

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213

Appendix B. Requests for Excepting Positions Under Schedule A, B and C.

B.1 Procedures for Requesting the Office of Personnel Management to Place Positions in the Excepted Service.

A. A letter of recommendation to place a position in the excepted service under Schedule A or Schedule B will be prepared for the signature of the Director of Personnel and submitted to the Director, Office of Personnel Management. Information and documentation will be provided in accordance with the instructions in FPM 213, Appendix B.

B. A letter of recommendation for the establishment of a position in the excepted service under Schedule C will be prepared for the signature of the Assistant Secretary - Policy, Budget and Administration. The recommendation will be addressed to the appropriate office in the Office of Personnel Management and documented and accompanied by the forms designated in FPM 213, subchapter 3 and Appendix B.

(1) The OPM Form 1019 will accompany letters of recommendation for positions in grades GS-15 and below. The Form will be prepared for the signature of the Director of Personnel in Item 8, and will contain the name and address of the Director of Personnel as the official to be informed of OPM's action. The Division of Employment, Office of Personnel, will be shown as the point of contact for information relative to a request in Item 11.

(a) The number assigned a position by OPM when it is placed in the excepted service under Schedule C (under Item 5 of the Form) will be used in all subsequent correspondence with OPM in connection with the position.

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213

Appendix C. Schedule A Exceptions Applicable to All AGENICES.

C.1 Schedule A Section 213.3112 Exceptions Applicable Only to the Department. The excepted Schedule A authorities applicable only to the Department are quoted below. Unless the provisions of the authority are self-explanatory, an interpretation of its intent and use is given in a parenthetical statement following the authority.

A. Section 213.3112(a) General.

(1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(Used primarily in connection with the operation and maintenance of National Park Service areas and Fish and Wildlife Service refuges, for such positions as laborer, maintenance man and fire control aid. Because of the isolated location of the areas, often as far as 50 miles or more from a labor market, the only persons who can be considered for such employment are persons who maintain their residence within or contiguous to the areas of employment. Both conditions, regarding residence and dependency, must exist and be made a matter of record when this authority is used.)

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(This authority recognizes the extreme difficulty of obtaining and retaining satisfactory crews for Department vessels due to the unusual type of work, the need for quick action in filling vacancies, and the high physical requirements.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings or other structures and prevent damage or theft of Government property. Such appointments will not extend beyond 130 working days a year without the prior approval of OPM. (See FPM 302 for interpretation of time limitations in excepted authorities.)

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Appendix C
370 DM 213
P 2

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213

(4) Temporary, intermittent, or seasonal field assistants at GS-7, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority will not exceed 180 working days a year for positions at GS-4 and below in survey parties in the Bureau of Land Management and Geological Survey and will not exceed 180 working days a year for other positions authorized under this paragraph.

(The duties of some of the field assistants covered in this authority may fall in the same general occupational areas as those included in certain student-trainee positions that are in the competitive service and to which career-conditional appointments are made. Therefore, this excepted authority is not to be used for bona fide student-trainee positions in which the duties consist of a combination of on-the-job training and regular scholastic training at a college or university. As used in this authority, "field assistant" covers positions the duties of which are to perform subordinate, technical work in one of the areas covered by the authority, including the area of geology, for example positions that could be properly classified as fishery aid, engineering aid, surveying aid, and cartographic aid, etc. It also covers drillers and samplers on mining projects of the Bureau of Mines and camp hands in Geological Survey, but it does not include positions such as laborer and truck driver or those in the trades, crafts or clerical fields. The authority is applicable only to positions in the "field" service, as distinguished from the "departmental" service, and is applicable to positions where the duties are performed primarily in the field (as opposed to duties in an office), or in a laboratory or an experimental station.)

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year: Provided, that an employee may work as many as 220 working days a year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property.

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213

(Use of this authority may be for employment of all types of fire control and blister rust control personnel who must be employed because of such conditions as fire danger, nature and size of going fires, and size of blister rust damage or potential damage.)

(6) Persons employed in field positions the work of which is financed jointly by the Interior Department and cooperating persons or organizations outside the Federal Service.

(Use of this authority implies that: (1) The cooperating party exercises some control in the selection process through either the qualifications to be required, interview or other selection factors; and (2) the cooperative work, which is of mutual interest, is based on an agreement concerning what will be contributed by each part in the way of money, equipment, facilities, etc. This authority has been used in such programs as the research and experimental work on the use of natural and synthetic gas carried on by the Bureau of Mines in cooperation with the American Gas Association and predatory animal control work carried on by the Fish and Wildlife Service in cooperation with States, individuals, and public and private agencies.)

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians with established Indian preference.

(8) Temporary, intermittent, or seasonal positions at GS-7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators, and samplers, and positions of field assistants engaged in fishery management work. Employment under this authority will not exceed 180 working days a year and will be appropriate only when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Temporary part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of OPM Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213

(Since this type of construction and outdoor repair work is limited by climatic conditions to relatively short periods of time, immediate advantage must be taken of the short working season by employment of available workers. Also, this work is done in isolated sections, where housing is at a premium. Construction, repair, and maintenance activities performed in larger Alaskan centers where conditions of open competition can be met without undue interruption to the work of the bureau are subject to competitive examining processes.)

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

B. Section 213.3112(b) Bureau of Indian Affairs.

(1) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS-4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of OPM, impracticable.

(The location of these isolated reservations and schools and the salary for the positions are such that the number of persons who would be interested would not justify the giving of examinations. Often this authority is used to appoint a spouse of a worker because of a shortage of quarters.)

(2) Subject to prior approval of OPM, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS-4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(Used to employ local natives, and in some cases spouses of professional teachers, as instructional aids, laborers (special assistants), school janitors, guards, cooks, kitchen helpers, dining room matrons and seamstresses because of the lack of housing and the need for knowledge of the local speech and custom.)

C. Section 213.3112(c) Indian Arts and Crafts Board.

(1) The Executive Director.

Appendix C
370 DM 213
Page 5

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213

D. 213.3112(e) Assistant Secretary - Territorial and International Affairs.

(1) The Clerk of the High Court of American Samoa.

(2) Not to exceed four positions of Territorial Management Interns, grades GS-5, GS-7, or GS-9, when filled by territorial residents who are U.S. citizens from the Virgin Islands or Guam; U.S. nationals from American Samoa; or in the case of the Northern Marianas, will become U.S. citizens upon termination of the U.S. Trusteeship. Employment under this authority may not exceed six months.

(3) Reserved.

E. Section 213.3112(f) National Park Service.

(1) Park Ranger positions (appropriate specializations) at salaries equivalent to GS-5 or GS-4 and those equivalent to grade GS-7 or GS-6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. (The total number of Park Ranger and Park Technician positions at salaries equivalent to GS-7 and GS-6 excepted under this subparagraph and subparagraph (2) of this paragraph will not exceed 200.) Employment under this subparagraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by OPM and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Ranger at a salary equivalent to the next lower grade:

- (i) For IGS-7: 2 seasons at IGS-6 level.
- (ii) For IGS-6: 2 seasons at IGS-5 level.
- (iii) For IGS-5: 1 season at IGS-4 level.

Employment under this subparagraph will be only for duty that is temporary, intermittent, or seasonal, and no person will be employed by the same appointing office in the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(2) Park Aid and Park Technician positions at salaries equivalent to GS-2 through GS-5 to perform technical and practical work supporting the management, conservation, interpretation, development, and use of park areas and resources; and positions at salaries equivalent to GS-7 and GS-6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career resources management, interpretive, or visitor service personnel of the National Park Service. (The total number of Park Technician and Park Ranger positions at salaries equivalent to GS-7 and GS-6

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213

excepted under this subparagraph and subparagraph (1) of this paragraph will not exceed 200.) Employment under this subparagraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by OPM and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as Park Aid or Park Technician equivalent to the next lower grade:

- (i) For IGS-7: 2 seasons at IGS-6 level.
- (ii) For IGS-6: 2 seasons at IGS-5 level.
- (iii) For IGS-5: 1 season at IGS-4 level.
- (iv) For IGS-4: 1 season at IGS-3 level or its equivalent in experience.
- (v) For IGS-3: 1 season at IGS-2 level or its equivalent in experience.

Employment under this subparagraph will be only for duty that is temporary, intermittent, or seasonal, and no person will be employed by the same appointing office in the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(3) Seven full-time permanent and 31 temporary, part-time, or intermittent positions in the Redwood National Park, California, which are needed for rehabilitation of the park, as provided by P.L. 95-250.

(4) One Special Representative of the Director.

F. Section 213.3112(g) Bureau of Reclamation

(1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision will not exceed 130 working days a year in any individual case: Provided, that such employment may, with prior approval of OPM, be extended for not to exceed an additional 50 working days in any single year.

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213

G. Section 213.3112(h) Assistant Secretary - Territorial and International Affairs.

(1) Positions of Territorial Management Interns, GS-5 when filled by persons selected by the Government of the Trust Territory of the Pacific Islands. No appointment may extend beyond one year.

H. Section 213.3112(i) Office of Hearings and Appeals.

(1) Positions of Chairman and members of the Alaska Native Claims Ad Hoc Appeals Board.

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Appendix D
370 DM 213

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213

Appendix D. Schedule B Exceptions Applicable to All Agencies.

D.1 Schedule B, Section 213,3312, Exception Applicable Only to the Department.

A. Schedule 213.3212(a). Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school when because of isolation or lack of quarters, the Office of Personnel Management deems appointment through competitive examination impracticable.

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

370 DM 213
Appendix E

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213

Appendix E. Filling Positions at GS-5 and GS-7 Under Schedule B Authority
213.3202(1).

E.1 General Information and Guidance. This appointment authority may be used to fill professional and administrative career (PAC) positions only after prior approval from the Office of Personnel Management (OPM). Detailed, specific guidance on authorization and use of the authority is in FPM Chapter 213, Appendix E.

E.2 Department Procedures. Irrespective of the geographic location of any position(s) to be filled under Schedule B, 213.3202(1), OPM requires that all requests for the authority be submitted through agency headquarters. In the Department, therefore, all requests for PAC authority will be submitted through bureau headquarters to the Director of Personnel for submission to OPM. When it is considered that there is a need and justification for PAC authority, the bureau headquarters should forward the following to the Office of Personnel:

A. A letter addressed to the Staffing Policy Analysis Division, Staffing Group, Office of Personnel Management, Washington, D.C. 20415 (for signature of the Director of Personnel), which includes information as indicated in FPM Chapter 213, Appendix E-2.

B. A copy of FPM Chapter 213, Appendix F, with page 1 appropriately completed, through "Agency Contact."

C. A memorandum from the bureau personnel officer to the Director of Personnel which certifies that the request is in order; that all priority placement and other requirements relating to consideration of status candidates and merit promotion have been met; and his/her willingness to accept the responsibilities and conditions which will apply if OPM grants the authority.

Date:

Memorandum

To: Executive Assistant to the Secretary

Through:

From:

Subject: White House Clearance

It is proposed to appoint _____ to the position of
Name
_____ in _____. It is
Title & Grade Organizational Location
requested that you obtain White House clearance on this individual.

Approved

Executive Assistant to the Secretary

Date

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Appendix H
370 DM 213

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213

Appendix H. Cooperative Work-Study Programs Under Schedule A, Section 213.3102(g) and 213.3102(q).

F.1 Department Work-Study Program. The head of the bureau or the head of the bureau's designated representative is responsible for developing the bureau's cooperative work-study programs with high schools and colleges. Standards of quality requirements will be established for use in the selection of quality students for appointment to positions under such programs.

A. Bureaus will negotiate with high schools and colleges in developing written agreements for work-study programs that will cover the particular needs of the bureaus.

B. A copy of each written agreement submitted to an OPM office will be furnished to the Office of Personnel, Division of Employment.

C. A report of cooperative education activities during the previous fiscal year will be furnished the Office of Personnel by September 1, of each year, for submission to OPM. (See instructions in FPM Letter 308-45 dated December 13, 1979, for specific information to be furnished in the report (1051-OPM-AN).)

D. The procedure for approval and reporting of waivers of the one year in ten training limitation of the Training Act, as provided by section 410.506(c) of the training regulations, will be approved by the heads of the bureaus.

DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANUAL

Appendix I
370 DM 213

Personnel

370 DM Addition to FPM

Chapter 213 Excepted Service

370 DM 213

Appendix L Schedule C Positions.

L1 Schedule C, Section 213.3312 Exceptions Applicable Only to the Department.

A. Section 213.3312(a) through (o). Authorities reserved for positions of a confidential or policy-determining character in the Department which are excepted from the competitive service and to which appointment may be made without examination.

(1) This authority covers specific positions in the Department which OPM has approved as excepted from the competitive service. A listing of the positions is not practical as they are subject to frequent change. (See 370 DM 213 and FPM 213 for instructions on the application of Schedule C authorities.)