

OCHR FactSheet

Temporary and Term Employees

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STAFFING: TEMPORARY AND TERM EMPLOYEES

This Fact Sheet provides:

- Information on temporary employees
- Options to consider when deciding whether to continue or reduce temporary appointments
- Processes applicable to different categories of employees

Background

Federal agencies may make temporary appointments when they don't need an employee's services on a permanent basis. Temporary and term/time limited appointments may be made to any pay plan, occupational series, grade or equivalent. This fact sheet provides information on temporary appointments, outlines options to consider when deciding whether to continue or reduce temporary appointments, and provides a table for the basic processes.

Options available for reducing costs of temporary appointments could include reducing scheduled work hours (e.g. full-time to part-time); changing work schedule to intermittent (irregular); terminating the appointment, or approving leave without pay, if requested by the employee.

Temporary employees

Temporary appointments are non-status appointments typically not-to-exceed (NTE) one year, made to a competitive or excepted service position. Appointments may be extended for up to one additional year. Work schedules may be full-time, part-time or intermittent.

Temporary employees are:

- Terminated at anytime without advance written notification or application of reduction in force (RIF) procedures
- Entitled to advance notification of release if covered by a collective bargaining agreement and may have grievance rights
- Not able to acquire competitive status or eligibility to be converted to a career or career-conditional appointment
- Not entitled to appeal rights to the Merit Systems Protection Board (MSPB)
- Placed in tenure group "0" and do not serve a trial or probationary period

Term employees

Term appointments are non-status appointments made for more than one year (typically not more than four years) to a competitive or excepted service position and are used for positions where the need for an employee's services is not permanent. Work schedules may be full-time, part-time, or intermittent.

Term employees:

- **Are not** subject to RIF procedures if terminated at the expiration of the appointment
- **Are** subject to RIF procedures and require 60-day advance notice if involuntarily terminated or separated prior to the expiration of the appointment when the release is required because of lack of work, shortage of funds, etc.
- May be entitled to advance notification of release if covered by a collective bargaining agreement and may have grievance rights
- Are entitled to appeal rights to the MSPB upon completion of the trial period
- Are placed in tenure group "3" and serve a trial or probationary period

Reemployed annuitants

Reemployed annuitants are typically hired as temporary or term employees but serve at the will of the appointing authority and are subject to termination at any time regardless of appointment type, do not require advance written notification, and are not afforded appeal rights to the Merit Systems Protection Board.

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Appointment/ Position Descriptions	Eligible for Voluntary Separation Incentive Pay?	Covered by Reduction in Force (RIF) Procedures?	Entitled to Assignment Rights?	Employee Notification Requirement?	Appeal Rights to MSPB?	Notification To Congress Required?	Subject to Furlough?
Temporary Appointment (Competitive Service)	N	N (see Note 1 below)	N	N (Note 4 below for exceptions)	N	N	Y
Temporary Appointment (Excepted Service)	N	N (see Notes 1 & 2 below)	N	N (Note 4 below for exceptions)	N	N	Y
Temporary Appointment (Reemployed Annuitant)	N	N (see Note 3 below)	N	N	N	N	Y
Term Appointments (Competitive Service)	N	Y	N (compete only in round 1)	Y (60 days minimum)	Y	Y	Y
Time Limited Appointments (Excepted Service)	N	Y	N (compete only in round 1)	Y (60 days minimum)	Y	Y	Y
Term Appointments (Reemployed Annuitant)	N	N (see Note 3 below)	N	N	N	N	Y
Permanent Appointments (Reemployed Annuitants)	N	N (see Note 3 below)	N (see Note 3 below)	N	N	N	Y
Noncareer/Limited SES Appointees	N	N	N	Y (1 – 3 days minimum)	N	N	Y
Political Appointees	N	N	N	N	N	N	N
Highly Qualified Experts	N	N	N	Y (1 – 3 days minimum)	N	N	Y

NOTES:

1. An employee who is placed in a temporary position as a RIF offer of assignment (as permitted in 5 CFR 351.704(b)(4)), retains his same status and tenure (e.g. IB), and if the temporary appointment expires or the command abolishes the position, the employee is entitled to compete under RIF based on his retained status and tenure.
2. An excepted service employee under a temporary appointment limited to 1 year or less, but who has completed 1 year of current continuous service under a temporary appointment with no break in service of 1 day or more is covered by RIF procedures.
3. Subject to RIF if not terminated at the will of the employer prior to the command running a RIF for permanent civilian in the command.
4. Notification to employees on temporary appointment may be required if covered by an applicable collective bargaining agreement.

Governing Laws and Regulations

- Title 5 United States Code (USC) 2301 and Chapter 75
- Title 5 USC 3595, 359a, and Title 5 Code of Federal Regulations (CFR) 359, Subpart H
- Title 5 CFR Part 213.104, 316.401 and Part 351.501, 351.502

Visit www.donhr.navy.mil for additional information; consult your local HR office.

Questions may be sent to DONhrFAQ@navy.mil.



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