

To: Hallie Locklear, Chair IBPWT

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From: Task Group Members, Interagency Incident Hiring Alternatives
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Subject: Report of findings on Alternative Hiring Authorities

The Interagency Incident Hiring Alternatives Task Group was chartered to research hiring authorities to assist in meeting the increasing needs and maintain the level of expertise for wildland firefighting. The task group has done the research, exploring other agencies authorities, as well as researching the current authorities within the DOI and USDA Forest Service agencies. We have developed a “cookbook” of authorities that are currently available to the DOI and USDA Forest Service and listed them with a description of each and taking ease of use and timely and effective staffing into consideration.

The report has been categorized as follows:

- I. Currently delegated Federal appointment authorities
- II. Federal appointment authorities requiring delegation from Office of Personnel Management (OPM)
- III. FEMA Disaster Assistance Employee (DAE) Program Authority

Acknowledging the interest in the FEMA DAE program, we have included a discussion on the FEMA DAE authority and compared it to the “emergency indefinite” authority that exists.

Based on the Federal appointment authorities that require approval from OPM, we have made a recommendation on hiring authorities that would be advantageous to the agencies to jointly pursue.

If you have any questions regarding the report or recommendations, please feel free to contact any of the task group members.

/s/ Liz Kinney
Liz Kinney, Task Group Leader

Attachment

Report of Findings

Interagency Incident Hiring Alternatives

I. CURRENTLY DELEGATED FEDERAL APPOINTMENT AUTHORITIES

These authorities are currently delegated to all Federal agencies. The authorities are listed in order of ease of use taking into consideration how the criteria would meet the incident staffing need. These authorities are best suited for backfilling and for filling shortage category positions. Rehired annuitants salary would be offset by their annuity under these authorities. This may affect their willingness to accept employment offers.

The table contains the appointment type, authority reference, a description and key requirements, pros/cons and suggested uses for the appointment type. The task group worked individually and as a group exploring the pros and cons to come up with ease of use and the applicability of use for incident hiring. In all cases, there is an impact on Human Resources Specialists to prepare and process employment action requests. With the use of these authorities, pre-planning is key to effective and timely hiring.

A point to bring out is that current position descriptions are written on series (i.e. 462, 401) qualifications and do not always crosswalk to incident positions which are fire qualifications

CURRENTLY DELEGATED FEDERAL APPOINTMENT AUTHORITIES

Authorities are listed in order of preference, taking ease of use and timely and effective staffing into consideration.

APPOINTMENT TYPE	AUTHORITY REFERENCE	DESCRIPTION AND KEY REQUIREMENTS	PROS/ CONS	SUGGESTED USES
30-Day Critical Need	5CFR 213.3102(I)(2)	<p>Appointment that does not exceed 30 days, for which a critical hiring need exists.</p> <ul style="list-style-type: none"> • Appointment may be extended for up to an additional 30 days if continued employment is essential to the agency's operation. • Appointment is specific to a particular incident occurrence • No requirement for competition • Agencies may not employ the same individual under this authority for more than 60 days in any 12 month period. • Requires classified position description in order to set grade and pay • Incumbents must meet position requirements • Incumbents must meet citizenship and suitability requirements • Incumbents earn sick leave • Incumbents are not entitled to annual leave • Incumbent is not entitled to benefits (life, health, retirement, TSP, etc.) • Incumbents may be terminated when determination is made that critical need no longer exists. 	<p>CONS:</p> <ul style="list-style-type: none"> • Impacts HR workload • Intermittent work schedule is not appropriate • FTE affected <p>PROS:</p> <ul style="list-style-type: none"> • Employees can be hired quickly • Minimal costs to government above salary 	<p>Backfill</p> <ul style="list-style-type: none"> • FMO • Staff • Receptionist • Existing Positions <p>Direct Incident Support</p> <ul style="list-style-type: none"> • THSP • Biologists • Arch • BAER • MAFFS • Prevention Teams
Temporary NTE - Noncompetitive Reinstatement Eligibles	5CFR 316.402(B)(1)	<p>Appointment expected to last for a specified period not to exceed 1 year.</p> <ul style="list-style-type: none"> • Former federal career employees may be non-competitively appointed to positions like those they previously occupied in federal service • Requires classified position description in order to set grade and pay • Incumbents must meet position qualification requirements • Incumbents must meet citizenship and suitability requirements. • Incumbents earn sick leave • Incumbents are entitled to annual leave only if appointment is over 	<p>CONS:</p> <ul style="list-style-type: none"> • Impacts HR workload • FTE affected <p>PROS:</p> <ul style="list-style-type: none"> • Employees can be hired quickly 	<p>Backfill</p> <ul style="list-style-type: none"> • FMO • Staff • Receptionist • Existing Positions <p>Direct Incident Support</p> <ul style="list-style-type: none"> • THSP • Biologists • Arch

		<p>90 days and work schedule is full-time or part-time</p> <ul style="list-style-type: none"> • Incumbents are not entitled to benefits (life, health, retirement, TSP, etc.) • Incumbents may be detailed to another position which is temporary in nature • Incumbents may be placed in intermittent status • Incumbents may be terminated when determination is made that emergency need no longer exists. 		<ul style="list-style-type: none"> • BAER • MAFFS • Prevention Teams
Temporary Promotion	Agency Merit Promotion Plan	<p>Time limited promotion of an employee to a higher graded position for a specific period of time.</p> <ul style="list-style-type: none"> • Assignment may be non-competitive if duration is 120 days or less in a 12 month period. • Employee is normally temporarily re-assigned to the unit offering the temporary promotion • Temporary promotion unit normally covers the various costs associated with the temporary promotion assignment. • Requires classified position description in order to set grade and pay • Employee must meet qualification and time in grade requirements for the higher graded position. • Gaining unit normally pays benefit costs during assignment 	<p>CONS:</p> <ul style="list-style-type: none"> • Impact to HR's workload • FTE affected 	<p>Agency support positions</p> <p>Indirect incident support positions</p>
Detail	Agency Merit Promotion Plan	<p>Temporary assignment of an employee to a different position within an agency, at the same grade and pay, for a specific period.</p> <ul style="list-style-type: none"> • No requirement for competition • An employee need not be qualified for the detail assignment, though they must possess the minimum education required for any professional positions. • Usually requires only a brief description of duties to be accomplished • Home unit normally pays benefit costs • Employee is returned to regular duties at home unit at the end of the assignment. • Detailing and home unit establish an agreement as to who covers the various costs associated with the detail assignment. 	<p>PROS:</p> <p>No paperwork required for details under 30 days</p>	<p>Agency support positions</p> <p>Indirect incident support positions</p>

Temporary NTE – Competitive	5CFR 316.402(B)(1)	Appointment expected to last for a specified period not to exceed 1 year. <ul style="list-style-type: none"> • Requires classified position description in order to set grade and pay • Incumbents must meet position qualification requirements • Incumbents earn sick leave • Incumbents are entitled to annual leave only if appointment is over 90 days and work schedule is full-time or part-time • Incumbents are not entitled to benefits (life, health, retirement, TSP, etc.) • Incumbents may be detailed to another position which is temporary in nature • Incumbents may be terminated when determination is made that emergency need no longer exists. 	CONS: <ul style="list-style-type: none"> • Impacts HR workload • Competition is time consuming • Cost of government may include payment of leave benefits • FTE affected 	Backfill <ul style="list-style-type: none"> • FMO • Staff • Receptionist • Existing Positions Direct Incident Support <ul style="list-style-type: none"> • THSP • Biologists • Arch • BAER • MAFFS • Prevention Teams
Dual Appointment	Applicable temporary hiring authority	Agency career, career conditional, or term employees, in non-pay status under there permanent/term appointment in one agency, may be employed in a temporary appointment with another agency, during the period of non-pay. <ul style="list-style-type: none"> • There are no restrictions on the number of appointments (positions) an employee may hold so long as the employee is not paid basic pay for the same hours or for more than 40 hours in the aggregate for the same calendar week. • Requires classified position description in order to set grade and pay • Incumbent must meet position requirements • Costs of benefits covered by home unit. 	CONS: <ul style="list-style-type: none"> • Impact to HR's workload 	All Positions

II. FEDERAL APPOINTMENT AUTHORITIES REQUIRING DELEGATION FROM OFFICE OF PERSONNEL MANAGEMENT (OPM)

The following table contains hiring authorities that exist. However, the DOI and USDA Forest Service do not have the delegated authority for use. As in the previous table we have outlined the authority and developed pros and cons and suggested uses. Along with the Currently Delegated Appointment Authorities, these authorities could be utilized backfilling and shortage categories. Two of these authorities would provide an exemption to the annuity off-set, thus allowing the agencies to have a larger pool of experienced retired federal employees to hire.

Again, there is an impact on Human Resources as the paperwork processing would fall to that department. With the use of these authorities, pre-planning is the key to effective and timely hiring.

FEDERAL APPOINTMENT AUTHORITIES REQUIRING DELEGATION FROM OPM

Authorities are listed in order of preference, taking ease of use and timely and effective staffing into consideration

APPOINTMENT TYPE	AUTHORITY REFERENCE	DESCRIPTION AND KEY REQUIREMENTS	PROS/ CONS	SUGGESTED USES
Temporary NTE - Reemployed annuitant with waiver of dual compensation reduction	5CFR 316.402(b)(1); 5USC 8344 and 8468; 5CFR 553	<p>Appointment expected to last for a specified period not to exceed 1 year; under which an annuitant is reemployed, and OPM has granted an agency authority to non-competitively rehire annuitants waiving dual compensation reduction, allowing annuitants to retain their annuity and receive regular pay.</p> <ul style="list-style-type: none"> • Agencies must request this authority describing the event or circumstance that has created the critical emergency hiring need and the shortage of qualified personnel. • Annuitants must be reemployed in a position actively engaged in or immediately supporting emergency incident operations during periods of national preparedness levels (pl) 4 or 5, or at any time to train other employees in aspects of critical emergency efforts • Agencies must first have exhausted all other staffing options. • Annuitant must have the certain essential qualifications skills or abilities required for the position of hire. • Annuitants are reemployed at the same grade and pay they held at retirement. • Annuitants are terminated when the national PL level returns to 3 or the need for their particular skills and abilities no longer exist. 	CONS: <ul style="list-style-type: none"> • Agency requirements must be meet • Termination when PL drops to 3 • FTE affected 	Backfill <ul style="list-style-type: none"> • FMO • Staff • Receptionist • Existing Positions Direct Incident Support <ul style="list-style-type: none"> • THSP • Biologists • Arch • BAER • MAFFS • Prevention Teams
Action Needed: To request the authority to waive Dual Compensation Reduction for DOI and USDA Forest Service.				
*Temporary Emergency Need	5CFR 213.3102(i)(3)	<p>Appointment up to 1 year for which OPM determines that an emergency hiring need exists and examining is impracticable. Example: OPM granted this authority to certain agencies who responded to the 9/11 emergency incident.</p> <ul style="list-style-type: none"> • No requirement for competition • Agencies must request this authority describing the event or circumstance that has created the critical emergency hiring need and specifying the duration for which the critical need is expected to exist. • Requires classified position description in order to set grade and 	CONS: <ul style="list-style-type: none"> • Request for delegation is time consuming. • Impacts HR workload • Cost of government may include 	Backfill <ul style="list-style-type: none"> • FMO • Staff • Receptionist • Existing Positions Direct Incident Support <ul style="list-style-type: none"> • THSP

		<ul style="list-style-type: none"> pay Incumbents must meet position qualification requirements Incumbents must meet citizenship and suitability requirements. Incumbents earn sick leave Incumbents are entitled to annual leave only if appointment is over 90 days and work schedule is full-time or part-time Incumbents are not entitled to benefits (life, health, retirement, TSP, etc.) Incumbents may be terminated when determination is made that emergency need no longer exists. 	<ul style="list-style-type: none"> payment of leave benefits FTE affected 	<ul style="list-style-type: none"> Biologists Arch BAER MAFFS Prevention Teams
*Action Needed: To request authority to appoint personnel in support of Incidents of National Significance which are triggered by PL4 or 5 or the mobilization of military.				
**Emergency Indefinite	5CFR 230.402	<p>Appointment that may be authorized when the President or Congress has declared the existence of a national emergency. The head of a defense-related agency may also request OPM's approval to make this appointment without a declared national emergency when the President or Congress has authorized the call-up of some portion of the military reserves for some military purpose. Example: FEMA Disaster Assistance (Reservist) Program.</p> <ul style="list-style-type: none"> The national program mission must be specifically intended to combat the threat to national safety, security, or stability Agencies' request must demonstrate that normal hiring procedures cannot meet surge employment requirements and the use of this type of appointment is necessary for economy and efficiency Requires classified position description in order to set grade and pay Former federal employees may be reinstated to this type of appointment Incumbent must meet position requirements Employees may be placed in standby status 	<p>CONS:</p> <ul style="list-style-type: none"> Currently appointment authority can only be authorized when the President or Congress has declared the existence of a national emergency. Impact to HR's workload FTE affected Benefits and cost of government unknown 	<p>Backfill</p> <ul style="list-style-type: none"> FMO Staff Receptionist Existing Positions <p>Direct Incident Support</p> <ul style="list-style-type: none"> THSP Biologists Arch BAER MAFFS Prevention Teams
**Action Needed: To request authority to appoint personnel in support of Incidents of National Significance without a Presidential Declaration, triggered by PL4 or above or mobilization of military. Would also include a request for annuitant dual compensation waiver.				

<p>***Direct Hire</p>	<p>5CFR 337, Subpart B</p>	<p>Under OPM government-wide or agency specific direct-hire authorities, agencies may appoint candidates to jobs without regard to competitive service or preference eligible procedures.</p> <ul style="list-style-type: none"> • OPM must determine there is a critical hiring need for particular occupations, grades and/or geographic location. • Incumbents may earn leave and be entitled to other benefits depending on type appointment • Agencies must request this authority describing the event or circumstance that has created the critical emergency hiring need and specifying the duration for which the critical need is expected to exist • Incumbents may be appointed to temporary appointments • Requires competition • Applicable established PD must be located or a new one developed and classified 	<p>CONS:</p> <ul style="list-style-type: none"> • Requesting delegated authority is time consuming • Impacts HR workload • FTE affected • Cost of government may include payment of leave and other benefits 	<p>Backfill</p> <ul style="list-style-type: none"> • FMO • Staff • Receptionist • Existing Positions <p>Direct Incident Support</p> <ul style="list-style-type: none"> • THSP • Biologists • Arch • BAER • MAFFS • Prevention Teams
<p>***Action Needed: Request authority to hire personnel in support of Incidents of National Significance. Requested for a specific category such as aviation support. Request would focus on fire qualifications (IQCS quals) as opposed to series qualifications (i.e. 462, 401).</p>				

III. FEMA DISASTER ASSISTANCE EMPLOYEE (DAE) PROGRAM AUTHORITY

Under the Stafford Act, FEMA has developed a Disaster Assistance Employee Program. This program was originally developed in May 1984, with revisions since then. Federal department and agencies required to perform services under the Stafford Act frequently do not have adequate permanent full time staff to respond to disaster, emergency, or fire suppression declarations. Congress recognized the requirement for Federal Departments and agencies to rapidly expand their staffs in order to respond effectively to major disasters and emergencies by adding a special disaster hiring authority in the Stafford Act. Certain limitations apply regarding the use of the DAE's. DAE's are used only to perform disaster field activities directly related to specific disasters, emergencies, projects, or activities of a non-continuous nature. DAE's are not an alternative to using PFT staff; rather, DAE's are an augmentation of PFT staffing.

The FEMA DAE authority as it compares to the "emergency indefinite" authority is essentially the same authority. The "emergency indefinite" authority may be invoked without a declared national emergency (Incident of National Significance), but only at the request of a defense-related agency and includes military call-out.

The following table describes more in-depth the DAE authority.

APPOINTMENT TYPE	AUTHORITY REFERENCE	DESCRIPTION AND KEY REQUIREMENTS	PROS AND CONS
<p>FEMA Disaster Assistance Employee (DAE) Program</p>	<p>Stafford Act PL 93-288 5149. Performance of Services (b)</p>	<p>Hiring authority delegated to regions and headquarters.</p> <p>DAE's are used ONLY to perform DAP-related work. The work is defined as specific disasters, emergencies, projects, or activities of a noncontinuous nature. The DAE program includes five levels of compensation. Compensation levels are administratively determined and are not related to the general pay schedule. A DAE is given an intermittent appointment in the Excepted Service; the appointment does NOT confer competitive status on the appointee.</p> <p>A SF-52 and supporting documentation is submitted for hiring and termination. Individual must meet qualifications for the recommended positions and compensation levels.</p> <p>Local hire DAE's are hired on a 120 day appointment and may be renewed for an additional 120 days. Salaries for Local hire DAE's are set at prevailing local rates.</p> <p>Reservists DAE's is carried on FEMA personnel rolls for a 24-month period expiring September 30 of every even-numbered year. Reservists are hired to be activated when the need arises. The DAE is automatically reappointed at the end of each appointment period unless otherwise terminated. Reservist's activation may not exceed 18 months in the 24-month period. Reservists must be in non-pay status for a cumulative total of 26 weeks (6 months). Salary level is based on the specific duties of the job. All reservists are paid on a when-actually-employee (WAE) basis and receive pay only for the hours they work.</p> <p>All DAE's earn overtime, but are not eligible for holiday pay or night differential.</p> <p>Reservist DAE's: are reimbursed for travel when on approved duty more than 50 miles from their residence.</p> <p>Local hire DAE's are not eligible for travel pay or per diem.</p> <p>Eligibility for Benefits: DAE's are not eligible for Federal Health benefits, Life Insurance, Annual and Sick Leave. DAE's are covered by Workmen's Compensation and may be eligible for Unemployment Compensation.</p> <p>Annuity offset waived under the Dual Compensation Act for the first 120 days following disaster declaration.</p>	<p>It has to be a Presidential Declared Emergency</p> <p>Position descriptions may need to be developed for ICS management positions.</p>

RECOMMENDATIONS:

1. Encourage managers to utilize the currently delegated authorities described in the “cookbook”. Develop helpful tools, such as a Position Description website and forms packages for Human Resources to facilitate the hiring process.
2. Task an interagency committee to prepare a request to OPM for delegation of authority for; A) Temporary NTE – Re-employed annuitant with waiver of dual compensation reduction; B) Temporary Emergency Need; and C) Emergency Indefinite authorities.

Because of the overall impact to wildland fire and incident response, and also with the emphasis on interagency cooperation, pursuing these additional authorities as a joint effort is highly recommended.

The Direct Hire authority would only be pursued if the other efforts were not successful.