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Union Calendar No. 134

114TH CONGRESS
1ST SESSION

H. R. 1531

[Report No. 114–182]

To amend title 5, United States Code, to provide a pathway for temporary seasonal employees in Federal land management agencies to compete for vacant permanent positions under internal merit promotion procedures, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2015

Mr. CONNOLLY (for himself, Mr. YOUNG of Alaska, and Mr. BISHOP of Utah) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

JUNE 25, 2015

Additional sponsors: Mr. HUFFMAN, Mr. WELCH, Ms. KELLY of Illinois, Ms. NORTON, Mr. POCAN, Mr. LOWENTHAL, Mr. JOYCE, Mr. GRIJALVA, Mr. TIPTON, Mr. JONES, Mr. COLE, Mr. SIMPSON, Mr. AUSTIN SCOTT of Georgia, and Mr. KILDEE

JUNE 25, 2015

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend title 5, United States Code, to provide a pathway for temporary seasonal employees in Federal land management agencies to compete for vacant permanent positions under internal merit promotion procedures, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Land Management Workforce Flexibility Act''.

SEC. 2. PERSONNEL FLEXIBILITIES RELATING TO LAND MANAGEMENT AGENCIES.

(a) IN GENERAL.—Subpart I of part III of title 5, United States Code, is amended by inserting after chapter 95 the following:

"CHAPTER 96—PERSONNEL FLEXIBILITIES RELATING TO LAND MANAGEMENT AGENCIES

''Sec.
''9601. Definitions.
''9602. Competitive service; time-limited appointments.

"§ 9601. Definitions

''For purposes of this chapter—

''(1) the term 'land management agency' means—

''(A) the Forest Service of the Department of Agriculture;

''(B) the Bureau of Land Management of the Department of the Interior;

''(C) the National Park Service of the Department of the Interior;

"(D) the Fish and Wildlife Service of the Department of the Interior;

"(E) the Bureau of Indian Affairs of the Department of the Interior; and

"(F) the Bureau of Reclamation of the Department of the Interior; and

"(2) the term 'time-limited appointment' includes a temporary appointment and a term appointment, as defined by the Office of Personnel Management.

"§ 9602. Competitive service; time-limited appointments

"(a) Notwithstanding chapter 33 or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, an employee of a land management agency serving under a time-limited appointment in the competitive service is eligible to compete for a permanent appointment in the competitive service at any land management agency or any other agency (as defined in section 101 of title 31) under the internal merit promotion procedures of the applicable agency if—

"(1) the employee was appointed initially under open, competitive examination under subchapter I of chapter 33 to the time-limited appointment;

"(2) the employee has served under 1 or more time-limited appointments by a land management agency for a period or periods totaling more than 24 months without a break of 2 or more years; and

"(3) the employee's performance has been at an acceptable level of performance throughout the period or periods (as the case may be) referred to in paragraph (2).

"(b) In determining the eligibility of a time-limited employee under this section to be examined for or appointed in the competitive service, the Office of Personnel Management or other examining agency shall waive requirements as to age, unless the requirement is essential to the performance of the duties of the position.

"(c) An individual appointed under this section—

"(1) becomes a career-conditional employee, unless the employee has otherwise completed the service requirements for career tenure; and

"(2) acquires competitive status upon appointment.

"(d) A former employee of a land management agency who served under a time-limited appointment and who otherwise meets the requirements of this section shall be deemed a time-limited employee for purposes of this section if—

"(1) such employee applies for a position covered by this section within the period of 2 years after the most recent date of separation; and

"(2) such employee's most recent separation was for reasons other than misconduct or performance.

"(e) The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this section.".

(b) CLERICAL AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by inserting after the item for chapter 95 the following:

"96. Personnel flexibilities relating to land management agencies ..... 9601".

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June 25, 2015

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