

Calendar No. 192

114TH CONGRESS
1ST SESSION**H. R. 1531**

IN THE SENATE OF THE UNITED STATES

JULY 8, 2015

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AUGUST 4, 2015

Reported by Mr. JOHNSON, without amendment

AN ACT

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Land Management
5 Workforce Flexibility Act”.

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

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

6 **“CHAPTER 96—PERSONNEL FLEXIBILI-**
7 **TIES RELATING TO LAND MANAGE-**
8 **MENT AGENCIES**

“Sec.

“9601. Definitions.

“9602. Competitive service; time-limited appointments.

9 **“§ 9601. Definitions**

10 “For purposes of this chapter—

11 “(1) the term ‘land management agency’
12 means—

13 “(A) the Forest Service of the Department
14 of Agriculture;

15 “(B) the Bureau of Land Management of
16 the Department of the Interior;

17 “(C) the National Park Service of the De-
18 partment of the Interior;

19 “(D) the Fish and Wildlife Service of the
20 Department of the Interior;

21 “(E) the Bureau of Indian Affairs of the
22 Department of the Interior; and

23 “(F) the Bureau of Reclamation of the De-
24 partment of the Interior; and

1 “(2) the term ‘time-limited appointment’ in-
2 cludes a temporary appointment and a term appoint-
3 ment, as defined by the Office of Personnel Manage-
4 ment.

5 **“§ 9602. Competitive service; time-limited appoint-**
6 **ments**

7 “(a) Notwithstanding chapter 33 or any other provi-
8 sion of law relating to the examination, certification, and
9 appointment of individuals in the competitive service, an
10 employee of a land management agency serving under a
11 time-limited appointment in the competitive service is eli-
12 gible to compete for a permanent appointment in the com-
13 petitive service at any land management agency or any
14 other agency (as defined in section 101 of title 31) under
15 the internal merit promotion procedures of the applicable
16 agency if—

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

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

24 “(3) the employee’s performance has been at an
25 acceptable level of performance throughout the pe-

1 riod or periods (as the case may be) referred to in
2 paragraph (2).

3 “(b) In determining the eligibility of a time-limited
4 employee under this section to be examined for or ap-
5 pointed in the competitive service, the Office of Personnel
6 Management or other examining agency shall waive re-
7 quirements as to age, unless the requirement is essential
8 to the performance of the duties of the position.

9 “(c) An individual appointed under this section—

10 “(1) becomes a career-conditional employee, un-
11 less the employee has otherwise completed the serv-
12 ice requirements for career tenure; and

13 “(2) acquires competitive status upon appoint-
14 ment.

15 “(d) A former employee of a land management agen-
16 cy who served under a time-limited appointment and who
17 otherwise meets the requirements of this section shall be
18 deemed a time-limited employee for purposes of this sec-
19 tion if—

20 “(1) such employee applies for a position cov-
21 ered by this section within the period of 2 years
22 after the most recent date of separation; and

23 “(2) such employee’s most recent separation
24 was for reasons other than misconduct or perform-
25 ance.

1 “(e) The Office of Personnel Management shall pre-
2 scribe such regulations as may be necessary to carry out
3 this section.”.

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

**“96. Personnel flexibilities relating to land management
agencies 9601”.**

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