

114TH CONGRESS
1ST SESSION

S. 1522

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 SENATE OF THE UNITED STATES

JUNE 8, 2015

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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.

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;

14 “(B) the Bureau of Land Management;

15 “(C) the National Park Service;

16 “(D) the United States Fish and Wildlife
 17 Service;

18 “(E) the Bureau of Indian Affairs; and

19 “(F) the Bureau of Reclamation; and

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

1 **“§ 9602. Competitive service; time-limited appoint-**
2 **ments**

3 “(a) Notwithstanding chapter 33 or any other provi-
4 sion of law relating to the examination, certification, and
5 appointment of individuals in the competitive service, an
6 employee of a land management agency serving under a
7 time-limited appointment in the competitive service shall
8 be eligible to compete for a permanent appointment in the
9 competitive service at any land management agency or any
10 other agency (as defined in section 101 of title 31) under
11 the internal merit promotion procedures of the applicable
12 agency if—

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

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

20 “(3) the employee’s performance has been at an
21 acceptable level of performance throughout the pe-
22 riod or periods (as the case may be) referred to in
23 paragraph (2).

24 “(b) In determining the eligibility of a time-limited
25 employee under this section to be examined for or ap-
26 pointed in the competitive service, the Office of Personnel

1 Management or other examining agency shall waive re-
2 quirements as to age, unless the requirement is essential
3 to the performance of the duties of the position.

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

5 “(1) shall become a career-conditional em-
6 ployee, unless the employee has otherwise completed
7 the service requirements for career tenure; and

8 “(2) shall acquire competitive status upon ap-
9 pointment.

10 “(d) A former employee of a land management agen-
11 cy who served under a time-limited appointment and who
12 otherwise meets the requirements of this section shall be
13 deemed a time-limited employee for purposes of this sec-
14 tion if—

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

18 “(2) such employee’s most recent separation
19 was for reasons other than misconduct or perform-
20 ance.

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

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

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

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