



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

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PERSONNEL BULLETIN NO. 23-05

SUBJECT: Ten-Year Term Appointments (STEM-Related Positions)

1. **Purpose.** This policy provides guidance and procedures to make term appointments in certain Science, Technology, Engineering, and Mathematics-related (“STEM-related”) occupations for up to 10 years.
2. **Scope.** This policy applies to all Bureaus and Program Offices and is intended to implement newly prescribed regulations by the U.S. Office of Personnel Management (OPM), allowing the U.S. Department of the Interior (DOI) flexibility and discretion to hire individuals with knowledge, skills, and abilities tailored to specific project work that may not be required on a permanent basis (or transferable to other functions within DOI), and to assist DOI in recruiting individuals with certain specialized knowledge, who may be interested in acquiring further skills and experience working on a project basis and would be less likely to pursue or accept a career position.
3. **Authority.** 5 U.S.C. 3301, 3302; 5 CFR Part 316 Subpart C
4. **Definitions.**
 - a. **Term Employment.** In accordance with 5 CFR § 316.301(a), an agency may make a term appointment for a period of more than 1 year but not more than 4 years to positions where the need for an employee's services is not permanent. Reasons for making a term appointment include, but are not limited to: project work, extraordinary workload, scheduled abolishment, reorganization, contracting out of the function, uncertainty of future funding, or the need to maintain permanent positions for placement of employees who would otherwise be displaced from other parts of the organization.
 - b. **Ten-Year Term Employment.** In accordance with 5 CFR § 316.301(c), an agency may make a term appointment for a period of more than 1 year but not more than 10 years to STEM-related occupations/positions (see “c.” below) when the need for an employee's services is not permanent.
 - c. **STEM-Related Positions.** DOI may make an appointment under this authority to the following positions (as described in OPM's Handbook of Occupational Groups and Series):

- i. Social Science Series, 0101;
- ii. Economist Series, 0110;
- iii. Psychology Series, 0180;
- iv. Natural Resources Management and Biological Sciences Group (i.e., 0400 group);
- v. Medical, Hospital, Dental, and Public Health Group (i.e., 0600 group);
- vi. Engineering and Architecture Group (i.e., 0800 group);
- vii. Physical Science Group (i.e., 1300 group);
- viii. Mathematical Sciences Group (i.e., 1500 group); and
- ix. Information Technology Group (i.e., 2200 group).

d. Competitive Service. Positions in the executive branch of the Federal Government not specifically excepted from the civil service laws by or pursuant to statute, by the President, or by the Office of Personnel Management, and not in the Senior Executive Service.

e. Competitive Position. A position in the competitive service.

5. Policy. In response to government-wide interest, OPM has delegated existing authority to authorize DOI to make term appointments of greater than 1 year and up to 10 years for certain STEM-related occupations, which can be long-running but not permanent. This new authority provides DOI with flexibility to staff foreseeably long-term project work of a STEM-related nature, when the need for the work is not permanent but is expected to last beyond the general time limits of a traditional term appointment (i.e., greater than 4 years). This authority was designed to recruit and retain individuals with certain specialized STEM-related knowledge and experience. For example, the work may be cyclical and often project based (e.g., developing a research concept, initial research to prove feasibility, and testing/evaluation) and must continue until the goal or purpose of the work has been accomplished. Such work may include, but is not limited to:

- The need to collect data or conduct research (including medical research) regarding a certain trend or phenomenon, sometimes over time;
- Perform technical or professional analysis of this data or research; and
- Prepare reports of findings and recommendations, based on the data and analysis; or
- Develop and implement new Information Technology (IT) projects or programs.

In some instances, the work performed by these individuals may be affected by environmental factors or other external circumstances beyond the agency's control, which may result in the need for a lengthier appointment beyond traditional, 4-year term limits.

6. Responsibility.

a. Chief Human Capital Officer. The Department's Chief Human Capital Officer

is responsible for the overall administration, management, and oversight pertaining to this authority.

- b. Bureau/Program Office.** Appointments will be made in accordance with Merit Systems Principles. Bureaus must establish written procedures for and maintaining oversight of this authority (e.g., requirements for initial appointment length, process for extension to the initial appointment length within the 10-year maximum); ensuring appointments are made within the guidelines of this personnel bulletin and in compliance with human resources law and regulations. Term appointments must be appropriately documented and maintained.
- c. Managers/Supervisors.** Managers/Supervisors are expected to comply with the rules governing the use of time-limited appointments needed to address project requirements and work demands. Availability of funds, as a primary factor does not constitute the necessity for term employment. Managers/Supervisors are responsible for hiring, must estimate the continuing need for the term position when determining appropriate time frames for extending term appointments. The purpose for estimation precludes the potential for adverse impact via reduction-in-force (RIF) procedures should the need for term appointment conclude prior to meeting the limit of the existing appointment (i.e., expiration of appointment). Note: RIF procedures are not required to separate term employees when term appointments expire.
- d. Employees.** Employees appointed to term employment are responsible for understanding conditions of employment. Uncertainties or matters for clarification should be addressed by appointing office (Bureau) prior to entrance on duty.

7. Appointments.

- a. Regulatory Distinction.** Although similar rules and regulations exist for the purpose for general term appointments, use of the authority under 5 CFR § 316.301(a) (i.e., up to 4-years) cannot be applied to 10-year term appointments made under 5 CFR § 316.301(c), (i.e., up to 10-years). Each authority was developed and delegated for agency use (separate and apart) with distinction provided for use within each section of 5 CFR Part 316, Subpart C. For example, employment conditions and limitations associated with a traditional (up to 4-years) term at the time of appointment, must not be amended/changed to include employment conditions and limitations of a 10-year term for STEM-related positions after the time of appointment. Combined use is strictly prohibited, without a new, eligible appointment made.
- b. Public Notice.** DOI must uphold a legal requirement to notify OPM of all job opportunity announcements. This requirement is met when posting on USAJOBS, when accepting applications from outside the Federal workforce for competitive service positions lasting more than 120 days (5 U.S.C. § 3327 and

3330).

i. Mandatory Language. When the appointment type applied is “term”, the job opportunity announcement must state:

1. the expected duration of the term appointment upon appointment greater than 1 year (e.g., not to exceed 13 months); and
2. the agency has the option of extending the term appointment, up to a maximum of 10 years from the date of appointment. Such extensions are not guaranteed nor an employee entitlement.

c. Selection. DOI is authorized to make a competitive term appointment under 5 C.F.R Part 332, by using competitive procedures, or under 5 CFR Part 337, by using direct-hire procedures, as appropriate. DOI is authorized to make a noncompetitive term appointment, without regard to the requirements of 5 CFR Part 332 and 333, to an individual who is qualified for the position and who is eligible under 5 CFR § 316.302(b).

d. General Time Limits. DOI may make a term appointment for a period of more than 1 year but not more than 10 years to a covered position defined in 4(c) when the need for an employee's services is not permanent. DOI may extend an appointment made for more than 1 year but fewer than 10 years up to the 10-year limit in increments determined by the agency. The vacancy announcement must state that the agency has the option of extending a term appointment under this section up to the 10-year limit. No appointment made under this section may last longer than 10 years from the date of the initial appointment. Appointments made under this authority cannot be extended beyond the 10-year limit.

e. Promotion. General Provisions (Subpart A) of 5 CFR Part 335 - Promotion and Internal Placement provide regulatory guidelines and the Agency's authority to promote, demote or reassign (§ 335.102). This section of regulation (section-e) offers explicit guidance, limiting the authority to "promote, demote, or reassign a term employee serving on a given project to another position within the project which the agency has been authorized to fill by term appointment". In this case, "filling by a term appointment" does not constitute merit-based, career-ladder progression. Therefore, positions filled under this authority are limited to the full-performance level.

f. Tenure. Due to the nature of the duration (general time limits), term employees are placed in tenure group “3”, and do not acquire competitive status or eligibility to be converted to a career or career-conditional appointment based on term appointment.

g. Trial Period. The first year of employment is a trial period. All newly appointed term employees must serve a 1-year trial period. During this period, employment may be terminated at any time, and they are entitled to the same limited protection and procedures provided to probationers by 5 CFR 315.804, 5 CFR 315.805 and 5 CFR 315.806.

- 8. Oversight.** Bureaus/Program Offices using this authority must establish written procedures to ensure proper use. Records must be retained in accordance with competitive examining procedures, outlined in OPM’s Delegated Examining Operations Handbook, Retention and Disposition Schedule, and reasonably accessible for evaluation at any time. All term appointments covered by this policy are subject to review under DOI’s Human Capital Accountability and Program Evaluation.
- 9. Inquiries.** Any employee or employee representative seeking further information concerning this policy may contact their respective servicing human resources office (SHRO). SHROs should confer with their human capital policy offices for clarity on this policy. The Office of Human Capital serves as principal liaison to the U.S. Office of Personnel Management. Bureau human capital offices may contact the Office of Human Capital at DOI_Office_of_Human_Resources@ios.doi.gov.

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