

**MEMORANDUM OF UNDERSTANDING  
PUBLIC LANDS CORPS AUTHORITY POLICY**

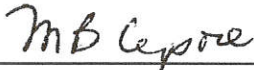
This memorandum of understanding (MOU) is between USDA Forest Service (Management) and the National Federation of Federal Employees-Forest Service Council (Union), hereafter referred to as the "Parties".


The parties have resolved concerns related to the FSH 6109.12 Employment and Benefits Handbook, Chapter 10-External Recruitment, Section 13-Public Lands Corps Hiring Authority. A copy of this chapter is attached.

This MOU becomes effective upon the signature of the last Party below and will remain in effect until Chapter 10 requires changes due to statute, policy, or negotiated agreement.

A copy of this MOU with attachments will be posted to the FSWeb.

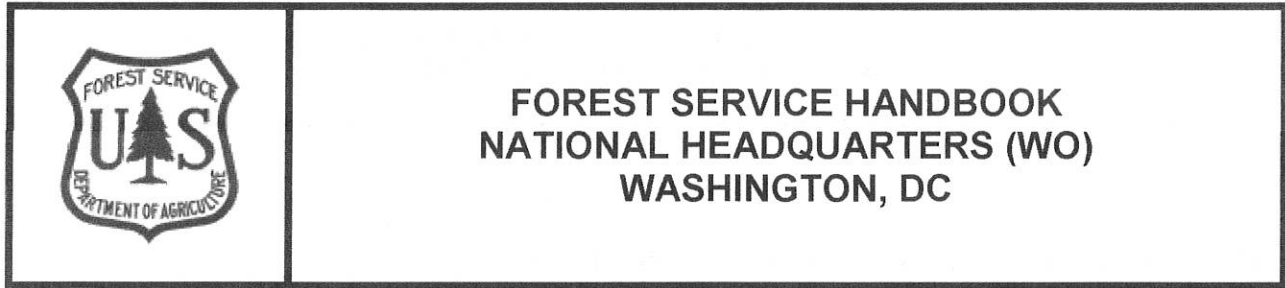
Agreed to on March 8, 2013 by:

  
\_\_\_\_\_  
Mary Beth Lepore  
Director, Human Resource Management

 3/15/13  
\_\_\_\_\_  
Melissa Baumann  
NFFE-FSC Secretary-Treasurer

Enclosure  
Chapter 10-Public Lands Corps Hiring Authority





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**CHAPTER 10 – EXTERNAL RECRUITMENT**

**Interim Directive No.:** The Directive Manager completes this field.

**Effective Date:** The Directive Manager completes this field.

**Duration:** This interim directive expires on mm/dd/yyyy.

**Approved:** J. LENISE LAGO  
Deputy Chief, Business Operations

**Date Approved:** mm/dd/yyyy

**Posting Instructions:** Interim directives are numbered consecutively by Handbook number and calendar year. Post by document at the end of the chapter. Retain this transmittal as the first page(s) of this document. The last interim directive was xxxx.xx-xx-x to chapter xx.

<b>New Document</b>		12 Pages
<b>Superseded Document(s) (Interim Directive Number and Effective Date)</b>	None	

**Digest:**

13 - Establishes new code and caption and sets forth direction that provides the framework for implementing the hiring provisions under the Public Lands Corps Act.

MB

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## **13 - PUBLIC LANDS CORPS HIRING AUTHORITY**

### **13.01 - Authority**

Section 1726 of Title 16 of the United States Code (USC) authorizes the Secretary of Agriculture (Secretary) to grant members of the Public Lands Corps (PLC) credit for time served with the PLC, which may be used toward future Federal hiring; and provide former members of the PLC non-competitive hiring status for a period of not more than 120 days after completion of PLC service.

16 USC §§ 1721-1726; Public Law 109-154, Public Lands Corps Healthy Forests Restoration Act of 2005 (amends the Public Lands Corps Act of 1993)

FSM 1820 – Hosted Programs establishes the policies and procedures related to work performed by Public Lands Corps and documentation of such work.

### **13.02 - Objectives**

1. To provide for flexibility and opportunities for the Forest Service to hire former members of the PLC.
2. To meet the employment needs of the Forest Service and former members of the PLC.
3. To assist the Forest Service in its progress towards a workforce representative of the nation's diversity.

### **13.03 - Policy**

1. Comply with applicable Office of Personnel Management (OPM) regulations, collective bargaining agreement and other requirements regarding competitive service employment.
2. Ensure the equitable treatment of employees hired under this authority.
3. Ensure that this hiring authority is used appropriately.
4. Ensure that the employment applicant pool reflects the nation's diversity.

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### **13.04 - Responsibility**

#### **13.04a - Director of Human Resources Management, Washington Office**

The Director of Human Resources Management, Washington Office has the responsibility to:

1. Maintain an up-to-date PLC hiring policy to ensure the proper implementation of this authority in the Forest Service; and
2. Ensure that the review, revision, clearance, and operation of the Forest Service's PLC hiring policy involves a joint effort between managers and Human Resources Practitioners.

#### **13.04b - Managers and Supervisors**

Managers and supervisors have the responsibility to ensure that appointments of individuals under this authority comply with the provisions of this policy and applicable personnel policies and procedures.

#### **13.04c - Human Resources Practitioners**

Human Resources Practitioners have the responsibility to serve as advisors and consultants to managers in the implementation of the Forest Service Public Lands Corps hiring authority. These practitioners will provide guidance to manager's regarding the processes for the advertisement, identification and selection of applicants as outlined in the Forest Service Internal Merit Promotion Plan, OPM regulations, and applicable collective bargaining agreements. These practitioners will also assist managers in developing employee awareness and understanding of this authority.

### **13.05 - Definitions**

Appropriate Conservation Project. Any project for the conservation, restoration, construction or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources or appropriate conservation projects which the Secretary is authorized to carry out under other authority of law on public lands. For the purposes of this policy, for an appropriate conservation project to be creditable, it should have been accomplished by the participant while serving as a member of a qualified youth or conservation corps.

Public Lands Corps (PLC). Qualified youth and conservation Corps and other partners and programs that provide opportunities for eligible participants between the

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ages of 16 and 25 to carry out appropriate conservation project are deemed the Public Lands Corps and established within USDA under 16 USC § 1723.

Eligible Service Lands. Public lands, Indian lands, and Hawaiian home lands.

Hawaiian Home Lands. All lands given the status of Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920 (42 Stat.110), or under the corresponding provision of the constitution of the State of Hawaii adopted under section 4 of the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 19, 1959 (Public Law 86-3; 73 Stat.5).

Indian. A person who is a member of an Indian tribe or is a “Native”, as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (b)).

Indian Lands.

- a. Any Indian reservation;
- b. Any public domain Indian allotments;
- c. Any former Indian reservation in the State of Oklahoma;
- d. Any land held by incorporated Native groups, regional corporations, and village corporations under the Alaska Native Claims Settlement Act [43 USC § 1601 et seq.]; and
- e. Any land held by dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State.

Indian Tribe. An Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska native claims Settlement Act (43 USC § 1602 (d), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.

Priority Project. An appropriate conservation project conducted on eligible service lands to further one or more of the purposes of the Healthy Forests Restoration Act of 2003 (16 USC § 6501 et seq.), as follows:

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- a. To reduce wildfire risk to a community, municipal water supply, or other at-risk Federal land.
- b. To protect a watershed or address a threat to forest and rangeland health, including catastrophic wildfire.
- c. To address the impact of insect or disease infestations or other damaging agents on forest and rangeland health.
- d. To protect, restore, or enhance forest ecosystem components to promote the recovery of threatened or endangered species; improve biological diversity; or enhance productivity and carbon sequestration.

Public Lands. Any lands or waters (or interest therein) owned or administered by the United States, except that such term does not include any Indian lands.

Qualified Youth or Conservation Corps. Any program established by a State or local Government, by the governing body of any Indian tribe, Forest Service operated Job Corps Civilian Conservation Center (JCCCC), or by a nonprofit organization that –

- a. Is capable of offering meaningful, full-time, productive work for individuals between the ages of 16 and 25, inclusive, in a natural or cultural resource setting;
- b. Gives participants a mix of work experience, basic and life skills, education, training, and support services; and
- c. Provides participants with the opportunity to develop citizenship values and skills through service to their community and the United States.

State. Any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.

### **13.1 - PLC Membership Eligibility**

An individual is eligible for membership in the PLC, if the individual –

- a. Is between the ages of 16 and 25, at the time the individual begins the term of service or any individual that is at least 17 years of age when enrolled and is affiliated with a youth, conservation or job corps and other federal, state, local, or non-profit organization who supports the mission of a public lands agency in a wide variety of roles within the confines of program operations in FSM 1820.



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- b. Meets the eligibility requirements directly related to the tasks to be accomplished by the PLC, as may be established by the USDA;
- c. Has received a high school diploma or equivalent, agrees to obtain a high school diploma or equivalent (unless this requirement is waived based on an individual education assessment conducted by the USDA) and the individual did not drop out of elementary or secondary school to enroll in the program (program of study to be related to the requirements of the position and PLC), or is enrolled in an institution of higher education on an ability benefit basis and is considered eligible to receive financial assistance under the Higher Education Act of 1965, as amended (20 U.S.C. § 1091); and
- d. Is a citizen of the United States or lawful permanent resident alien of the United States.

Individuals may be sponsored for membership by either an agency of the USDA or a program established by a State or local Government, by the governing body of any Indian tribe, or by a nonprofit organization – that meets the statutory definition of a “Qualified Youth or Conservation Corps” and is performing work on an appropriate conservation project.

As a student of a Forest Service operated JCCCC:

- a. Was or currently is enrolled as a student for a JCCCC.
- b. Worked a minimum of 640 hours on an appropriate conservation project (directly or indirectly), that included at least 120 hours through PLC, approved by the National Director of JCCCC with a certificate of eligibility of PLC service.
- c. Eligibility for non-competitive hiring status under this authority continues for 120 days after completion of PLC service. The 120-day timeframe cannot be extended.

### **13.2 - Enrollment**

The Secretary may enroll members of the PLC without regard for the civil service and classification laws, rules, and regulations of the United States.

Qualified Youth or Conservation Corps Sponsored Individuals (including members of the JCCCC) must meet eligibility requirements of PLC. Individuals must be vetted and enrolled in PLC under procedures to be established collectively by Federal Land

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Managers that are members of a Public Land Corps interagency working group, codified in the FSM 1820 and approved by the Secretary or his designee.

Membership in PLC may be terminated at any time for any of the following reasons, but not limited to:

- a. Resignation;
- b. Unsatisfactory work performance or failure to maintain academic standards;
- c. Physical unfitness for duty; or
- d. Inability of the Agency to maintain employment of student for administrative reasons.

### **13.3 - Crediting Time Served**

Members of the PLC, including Forest Service JCCCC students, who are enrolled PLC members, may use time satisfactorily served under an appropriate conservation project to count towards meeting qualifications requirements for Federal employment in related occupations. PLC members who use time served to meet job qualifications requirements need to clearly state the duties performed under the PLC in their application(s) for Federal employment, so that they may be afforded credit at the appropriate grade level. Time satisfactorily served must be documented and placed in the individual's Official Personnel Folder.

Documentation of service must include all information stated on the Verification of Participant Work Hours for Conservation Projects (Exhibit01) approved equivalent, including satisfactory service, dates of projects and verification signatures.

Although time served in the PLC is creditable experience for qualification purposes, it is not creditable for purposes of computations for retirement, time-in-grade, leave or Thrift Savings Plan; does not count towards probationary period or career tenure; and does not accrue adverse appeal rights.

### **13.4 - Non-Competitive Hiring of former PLC members**

Under the Public Land Corps Act, 16 U.S.C. § 1726(b), at the discretion of the Secretary, the USDA may grant eligible former members of the PLC noncompetitive hiring status.

#### **1. Eligibility**

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- a. To be eligible for the non-competitive hiring status, the candidate must meet the following criteria as applicable:
  - (1) Served as a qualified youth on an appropriate conservation project completing a minimum of 640 hours of satisfactory service that included at least 120 hours through PLC, and
  - (2) Meet OPM Qualification Standards and any other qualification requirement(s) stated in the vacancy announcement for the position for which they are applying.
- b. Eligibility for non-competitive hiring status under this authority continues for 120 days after completion of PLC service. The 120-day timeframe cannot be extended.

2. Application and Completion

Eligible candidates, in order to be non-competitively considered for a competitive service position, must apply to vacancy announcements posted by the Agency. When constructing non-competitive referral lists, the provisions of veteran's preference will be followed.

Applicants who wish to be considered under the non-competitive authority must provide the *Certificate of Eligibility for Noncompetitive Hiring Status Based on Public Lands Corps Service* (Exhibit 02) or approved equivalent with their application in order to be considered under this hiring authority.

All JCCCC students shall provide the *Certificate of Eligibility for Noncompetitive Hiring Status Based on Public Lands Corps Service* (Exhibit 02) or approved equivalent signed by the National Director of Job Corps.

3. Consideration and Placement

All appointments are subject to USDA Reemployment Priority List, Interagency Career Transition Assistance Plan, Career Transition Assistance Plan and Workforce Restructuring and Placement System provisions.

The order of consideration when filling a vacancy described in Forest Service Handbook 6109.12 Chapter 20 must be followed when considering filling a position using this authority.

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**13.4.2 – Exhibit 01**

**Verification of Participant Work hours for Conservation Projects**

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**Verification of Participant Work Hours for Conservation Projects**

Participant Name: Smockey Bear II Last Four SSN: 9899  
 Primary Organization: Region 3, Lincoln National Forest Address: 1111 Bear Way  
 Phone Number: (555) 867-5309 Lincoln National Forest, NM

Start and End Dates of Project	Organization	Organization Phone Number	PLC? Yes/No	Location of Project	Project Type	Project Duties	Performance Satisfactory? Yes/No (notes)	Total Hours	Supervisor's Signature
4/01/2013 - 11/15/2013	U.S. Forest Service	(208) 677-8304	Yes	Sawtooth National Forest, Minidoka Ranger District, ID	Trail Construction and Maintenance	Digging trail in rocky soils, lifting, breaking, and maneuvering rock using various hand tools such as picks, pulaskis, sledgehammers, rock-bars, etc.	Yes	50 hrs	Smockey Bear

I certify that these hours accurately represent the work I conducted on the listed projects.  
 Smockey Bear II 11/18/2013  
 Participant Signature Date

I certify that these hours accurately represent the work the participant conducted on the listed projects.  
 Smockey Bear 11/20/2013  
 Certifier Signature Date

13.4.2 – Exhibit 02

Certificate of Eligibility for Noncompetitive Hiring Status

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**Based on Public Lands Corps Service**

*(Use Agency Letterhead)*

**Certificate of Eligibility for Noncompetitive Hiring Based on  
Public Lands Corps Service**

Smokey Bear II  
Name of Individual

has satisfactorily served a minimum of 640 hours on an appropriate  
conservation project that included at least 120 hours through the  
Public Lands Corps as of

February 29, 2016  
Date

He/she is eligible for noncompetitive hiring until 120 days  
after the date shown above as provided by the Public Lands Corps  
Healthy Forests Restoration Act of 2005, Public Law 109-154.

Certified by:

*Smokey Bear*

---

Name: Smokey Bear

Title: Forester

Phone Number: (555) 555-5555

Organization (Region, Station, Area): Region3, Lincoln National Forest,  
U.S. Department of Agriculture/Forest Service

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4. Appointment

For former members of PLC, appointments under this authority must be effective within 120 days of the candidates' completion of PLC service.

Positions to which candidates may be appointed are General Schedule and Federal Wage Schedule positions.

Selectees will be subject to a probationary period consistent with other competitive service positions.

Appointments can be made for temporary, term or permanent positions in the competitive service.

Appointments under this authority are documented by using "ZLM" as the legal authority code and citing P.L. 109-54 as the legal authority on the appointment action.

All appointments are subject to USDA Reemployment Priority List, Career Transition Assistance Plan, Workforce Restructuring and Placement System and Interagency Career Transition Assistance Plan provisions and applicable collective bargaining agreements.

**13.5 - Outreach**

Civil Rights Officers shall assist supervisors and managers with outreach activities.

Outreach activities shall be conducted in accordance with the policy direction set forth in Forest Service Manual 1720, Public Notification.

