

114TH CONGRESS
1ST SESSION

S. _____

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

Mr. TESTER (for himself and Mrs. MCCASKILL) introduced the following bill; which was read twice and referred to the Committee on

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 of 2015”.

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) IN GENERAL.—Notwithstanding chapter 33 or
4 any other provision of law relating to the examination, cer-
5 tification, and appointment of individuals in the competi-
6 tive service, an employee of a land management agency
7 serving under a time-limited appointment in the competi-
8 tive service shall be eligible to compete for a permanent
9 appointment in the competitive service at any land man-
10 agement agency or any other agency (as defined in section
11 101 of title 31) under the internal merit promotion proce-
12 dures of the applicable agency if—

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

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 throughout the period or periods (as
22 the case may be) referred to in paragraph (2).

23 “(b) ELIGIBILITY.—In determining the eligibility of
24 a time-limited employee under this section to be examined
25 for or appointed to a position in the competitive service,
26 the Office of Personnel Management or other examining

1 agency shall waive any requirement as to age, unless the
2 requirement is essential to the performance of the duties
3 of the position.

4 “(c) EFFECTS OF APPOINTMENT.—An individual,
5 upon appointment under this section, shall—

6 “(1) become a career-conditional employee, un-
7 less the employee has otherwise completed the serv-
8 ice requirements for career tenure; and

9 “(2) acquire competitive status.

10 “(d) FORMER EMPLOYEES.—A former employee of a
11 land management agency who served under a time-limited
12 appointment and otherwise meets the requirements under
13 this section shall be deemed to be an employee of a land
14 management agency serving under a time-limited appoint-
15 ment for purposes of this section if—

16 “(1) the former employee applies for a position
17 covered under this section not later than 2 years
18 after the date of the former employee’s most recent
19 separation from a land management agency at which
20 the former employee served under a time-limited ap-
21 pointment; and

22 “(2) the separation referred to in paragraph (1)
23 was for reasons other than misconduct or perform-
24 ance.

