

Human Resources Flexibilities and Authorities for Dealing with Quarantinable Communicable Diseases and Seasonal Influenza

The U.S. Office of Personnel Management (OPM) reminds agencies that a wide range of human resources (HR) policies and flexibilities are available to assist employees and agencies in dealing with exposure to quarantinable communicable diseases and seasonal influenza. This attachment provides information regarding the HR flexibilities and authorities available for these purposes. Agencies are expected to implement policies consistent with laws, regulations, collective bargaining responsibilities and OPM guidance. Agencies should remind employees to use good health habits like hand washing at all times and encourage sick employees to stay home. It should be noted that the best way to prevent influenza is to get vaccinated each year. Where necessary, agencies should consider implementing social distancing, including the use of ad hoc telework arrangements as described below. For specific quarantinable communicable diseases such as Ebola, agencies should follow the prevention guidelines outlined by the Centers for Disease Control and Prevention (CDC) and Occupational Safety and Health Administration (OSHA).

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I. Leave and Other Paid Time Off

The Federal Government offers numerous leave and workplace flexibilities to assist employees who are affected in emergency situations, including incidences of quarantinable communicable diseases (such as Ebola) or seasonal influenza. Under current law and regulations, employees may use sick leave, annual leave, advanced annual and/or sick leave, leave without pay, donated leave under the Voluntary Leave Transfer and Leave Bank Programs, and other paid time off such as compensatory time off and alternative work schedule (AWS) credit hours. Use of excused absence (sometimes called administrative leave) may be appropriate in exceptional circumstances. (See Section E of Attachment 2 and Attachment 3.) Agencies are reminded of an employee's right to request work schedule flexibilities without fear of retaliation. See Presidential Memorandum—Enhancing Workplace Flexibilities and Work-Life Program at: <http://www.whitehouse.gov/the-press-office/2014/06/23/presidential-memorandum-enhancing-workplace-flexibilities-and-work-life->.

Sick Leave. An employee is entitled to use an unlimited amount of accrued sick leave when he or she is unable to perform his or her duties due to physical or mental illness or is receiving medical examination or treatment.

The use of sick leave for exposure to a communicable disease could be appropriate even if the employee is not sick but would be limited to circumstances where exposure alone would

jeopardize the health of others and would only arise in cases of quarantinable communicable diseases. (See Attachment 3 for guidance regarding the use of excused absences instead of sick leave for certain quarantined employees in connection with the current Ebola outbreak in West Africa.) Agencies should refer to the list of quarantinable communicable diseases, which are defined by Executive Order. See <http://www.cdc.gov/quarantine/AboutLawsRegulationsQuarantineIsolation.html>, which provides a list of the types of quarantinable communicable diseases where exposure alone would jeopardize the health of others. Sick Leave for Personal Needs fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/personal-sick-leave/>)

Sick Leave for General Family Care and Bereavement. An employee is entitled to use a total of up to 104 hours (13 days) of sick leave each leave year to provide care for a family member who is ill or receiving medical examination or treatment or to make arrangements necessitated by the death of a family member or attend the funeral of a family member. The amount of sick leave permitted for family care and bereavement purposes is prorated for part-time employees and employees with uncommon tours of duty in proportion to the average number of hours of work in the employee's regularly scheduled administrative workweek. Sick Leave for Family Care or Bereavement Purposes fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/sick-leave-for-family-care-or-bereavement-purposes/>)

Sick Leave To Care for a Family Member with a Serious Health Condition. An employee is entitled to use up to 12 weeks (480 hours) of sick leave each leave year to care for a family member with a serious health condition. If an employee has already used 13 days of sick leave for general family care and bereavement purposes (discussed above), the 13 days must be subtracted from the 12 weeks. If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days in the same leave year for general family care purposes. An employee is entitled to no more than a combined total of 12 weeks of sick leave each leave year for all family care purposes. The amount of sick leave permitted for family care and bereavement purposes is prorated for part-time employees and employees with uncommon tours of duty in proportion to the average number of hours of work in the employee's regularly scheduled administrative workweek. Sick Leave to Care for a Family Member with a Serious Health Condition fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/sick-leave-to-care-for-a-family-member-with-a-serious-health-condition/>)

Sick Leave for a Family Member Exposed to a Quarantinable Communicable Disease. An employee is entitled to use a total of up to 104 hours (13 days) of sick leave each leave year to provide care for a family member if health authorities or a health care provider determine that the employee's family member's presence in the community would jeopardize the health of others because of exposure to a quarantinable communicable disease. The use of sick leave would be appropriate in these circumstances even if the family member is not sick but would be limited to circumstances where exposure alone would jeopardize the health of others and would only arise in cases of quarantinable communicable diseases. Agencies should refer to the list of quarantinable communicable diseases, which are defined by Executive Order. See <http://www.cdc.gov/quarantine/AboutLawsRegulationsQuarantineIsolation.html>, which provides a list of the types of quarantinable communicable diseases where exposure alone would jeopardize the health of others. The amount of sick leave permitted for family care and

bereavement purposes is prorated for part-time employees and employees with uncommon tours of duty in proportion to the average number of hours of work in the employee's regularly scheduled administrative workweek. Sick Leave for Family Care or Bereavement Purposes fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/sick-leave-for-family-care-or-bereavement-purposes/>)

Although the employee does not need to be the sole provider of care, the employee must be providing care actively to the family member in order to use sick leave to care for a family member exposed to a quarantinable communicable disease. Since the employee would not be providing care for a sick family member, but one who is asymptomatic, the employee may request sick leave only if the exposed family member could not otherwise care for himself or herself (e.g., a minor child or elderly relative). In contrast, it would not be appropriate for the employee to use sick leave to care for an able-bodied family member who has been exposed to a quarantinable communicable disease, but is not exhibiting any symptoms, since the employee would not need to provide care actively to the family member. If the employee's family member actually contracts the quarantinable communicable disease and becomes ill, sick leave for general family care or sick leave to care for a family member with a serious health condition, depending on the severity of the family member's illness, would be appropriate.

Annual Leave. An employee may use any or all accrued annual leave for personal needs, such as rest and relaxation, vacations, medical needs, personal business or emergencies, or to provide care for a healthy or sick family member, including providing child care when a child care center is closed due to a pandemic. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken. Annual Leave fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/annual-leave/>)

Advanced Annual and/or Sick Leave. If an employee has exhausted his or her accrued annual or sick leave, he or she may request advanced annual and/or sick leave. Advanced leave is granted at the discretion of the agency and is not an employee entitlement. An agency may advance annual leave in an amount not to exceed the amount the employee would accrue during the remainder of the leave year. An agency may advance a maximum of up to 30 days (240 hours) of sick leave, subject to limitations, to be used for the same reasons it grants sick leave. Advanced Annual Leave fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/advanced-annual-leave/>). Advanced Sick Leave fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/advanced-sick-leave/>)

Leave Without Pay. If an employee has exhausted his or her available annual or sick leave and other forms of paid time off, he or she may request leave without pay (LWOP). LWOP is a temporary nonpay status and absence from duty that, in most cases, is granted at the employee's request. In most instances, granting LWOP is a matter of supervisory discretion and may be limited by agency internal policy. Leave Without Pay fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/leave-without-pay>)

Family and Medical Leave. An employee may invoke his or her entitlement to **unpaid** leave under the Family and Medical Leave Act of 1993 (FMLA). Under the FMLA, an employee is entitled to a total of up to 12 workweeks of leave without pay for a serious health condition that

prevents an employee from performing his or her duties or to care for a spouse, son or daughter, or parent with a serious health condition. An employee may substitute his or her accrued annual and/or sick leave for unpaid leave in accordance with current laws and regulations governing the use of annual and sick leave. Family and Medical Leave fact sheet:

(<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/family-and-medical-leave/>)

Donated Leave. If an employee has a personal or family medical emergency or is adversely affected by a major disaster or emergency, he or she may qualify to receive donated annual leave under the Voluntary Leave Transfer Program (VLTP), Voluntary Leave Bank Program (VLBP), and/or Emergency Leave Transfer Program (ELTP).

- **Voluntary Leave Transfer Program** – The VLTP allows an employee to donate annual leave to assist another employee who has a personal or family medical emergency and who has **exhausted his or her own available paid leave**. All agencies must establish a VLTP. Voluntary Leave Transfer Program fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/voluntary-leave-transfer-program/>)
- **Voluntary Leave Bank Program** – The VLBP allows an employee who is a member of the agency's voluntary leave bank to receive donated annual leave from the leave bank if the employee experiences a personal or family medical emergency and has **exhausted his or her own available paid leave**. An agency is not required to establish a VLBP. Voluntary Leave Bank Program fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/voluntary-leave-bank-program/>)
- **Emergency Leave Transfer Program** – The ELTP, established by OPM when directed by the President, allows an employee to donate annual leave to employees who are adversely affected by a major disaster or emergency, such as a flood, earthquake, tornado, bombing, or a pandemic influenza. An employee is **not required to exhaust his or her available paid leave** before receiving donated annual leave. Emergency Leave Transfer Program fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/emergency-leave-transfer-program/>)

Other Paid Time Off. An employee may use earned compensatory time off, compensatory time off for travel, and/or credit hours if he or she is unable to report for work as a result of an outbreak of quarantinable communicable disease or seasonal influenza.

- **Compensatory Time Off** – Compensatory time off is earned time off with pay in lieu of overtime pay for overtime work. Compensatory Time Off fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/compensatory-time-off/>)
- **Compensatory Time Off for Travel** – Compensatory time off for travel is earned time off with pay for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. Compensatory Time Off for Travel fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/compensatory-time-off-for-travel/>)

- **Credit Hours** – Credit hours are hours an employee elects to work, with supervisory approval, in excess of the employee’s basic work requirement under a **flexible work schedule that provides for credit hours**. Credit Hours fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/work-schedules/fact-sheets/credit-hours-under-a-flexible-work-schedule/>)

Excused Absence. Excused absence (sometimes called administrative leave) is a paid absence without charge to an employee’s normal leave accounts. Providing excused absence is an inherent agency management authority based on the broad authority of an agency head to manage his/her workforce under 5 U.S.C. 301-302. It is generally used as a last resort when other personnel tools are not sufficient or appropriate. Use of excused absence in dealing with an epidemic of a quarantinable disease should be consistent with Governmentwide policy issued by OPM. (See Attachment 3 for guidance regarding the use of excused absences in connection with the current Ebola outbreak in West Africa.)

II. Work Schedule Flexibilities

Alternative Work Schedules. An agency may implement an alternative work schedule (AWS) for employees instead of a traditional fixed work schedule to help an employee balance work and personal responsibilities. Agencies may have to satisfy collective-bargaining obligations prior to implementing AWS for bargaining unit employees, if the applicable collective-bargaining agreement does not provide for flexible or compressed work schedules. Under many types of alternative work schedules, an employee is able to complete his or her biweekly work requirement in less than 10 workdays. Under other alternative work schedules, the employee may choose to adjust arrival and departure times to accommodate doctor appointments, childcare or eldercare issues, or other pressing issues surrounding the related emergency. Agencies should discuss options with their employees to help maximize productivity at work, while assisting them in meeting their family and personal needs. For additional information on alternative work schedules, please see Handbook on Alternative Work Schedules at: <http://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/handbooks/alternative-work-schedules/>. See, also, Negotiating Flexible and Compressed Work Schedules at: <http://www.opm.gov/policy-data-oversight/labor-management-relations/law-policy-resources/#url=Negotiating-Flexible-and-Compressed-Work-Schedules>.

Telework. The Federal Government uses telework as a means to allow Federal employees to complete their work at an approved alternative worksite. The Telework Enhancement Act of 2010 (the Act) defines “telework” or “teleworking” as a work flexibility arrangement under which an employee performs the duties and responsibilities of his or her position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. Over the past few years, telework has become a critical tool during emergency situations. Beginning with the passage of the Act, agencies have been migrating to increasing their usage of telework.

OPM has strongly encouraged agencies to maintain a viable telework-ready workforce. This requires encouraging employees to enter into written telework agreements, communicating expectations before an emergency situation occurs, and practicing and testing equipment and

procedures regularly throughout the year, not just teleworking during emergencies that may occur only infrequently over time. Telework arrangements may require collective bargaining obligations for employees represented by labor organizations. Agencies also need to implement and maintain a robust information technology system with the necessary infrastructure to accommodate a sudden spike in remote usage of agency systems as well as the accompanying technical support personnel to resolve remote connectivity issues that might occur during an outbreak of quarantinable communicable disease or seasonal influenza.

Ad hoc telework arrangements can be a particularly important tool to mitigate the spread of quarantinable communicable diseases or seasonal influenza by promoting social distancing. Generally, telework is a voluntary workplace flexibility that assists employees in balancing their ongoing work responsibilities with personal or family needs. The use of telework in the context of an absence from the workplace in connection with a quarantinable communicable disease or seasonal influenza poses special considerations that are discussed in Attachment 2, section G. Agencies should maximize their telework capacity by entering into telework agreements with as many telework-eligible employees as are willing and by conducting exercises to test employees' ability to access agency networks from home. Managers should ensure that there are effective processes in place for communicating efficiently with employees who are teleworking.

III. Pay Flexibilities and Authorities

Annual Premium Pay Cap. In certain emergency or mission-critical situations, an agency may apply an annual premium pay cap (see <http://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/#url=Biweekly-Pay-Caps>) instead of a biweekly premium pay cap without OPM approval, subject to the conditions provided in law and regulation. (See 5 U.S.C. 5547(b) and 5 CFR 550.106-550.107.) This has a financial benefit for employees whose premium pay earnings would cause them to exceed the biweekly limit during some pay periods. When the agency applies an annual premium pay cap, the affected employee's basic pay and premium pay in any calendar year is limited to the greater of (1) the annual rate of basic pay payable for GS-15, step 10 (including any applicable locality rate or special rate of pay), or (2) the annual rate payable for level V of the Executive Schedule. When the biweekly (or annual, if applicable) cap on premium pay is reached, employees may still be ordered to perform overtime work without receiving further compensation. (See Comptroller General Opinions: B-178117, May 1, 1973; B-229089, December 28, 1988; and B-240200, December 20, 1990.)

Hazard Pay Differential. General Schedule employees may receive additional pay for the performance of hazardous duty or duty involving physical hardship (5 U.S.C. 5545(d) and 5 CFR part 550, subpart I). Appendix A to subpart I of part 550 of title 5, Code of Federal Regulations contains a list of approved hazard pay differentials. For example, a 25 percent hazard pay differential is authorized for employee exposure to "virulent biologicals," which is defined as "work with or in close proximity to...[m]aterials of micro-organic nature which when introduced into the body are likely to cause serious disease or fatality and for which protective devices do not afford complete protection."

To be eligible for the hazard pay differential, the agency must determine that the employee is exposed to a qualifying hazard through the performance of his or her assigned duties and that the hazardous duty has not been taken into account in the classification of the employee's position.

A hazard pay differential is not payable if safety precautions have reduced the element of hazard to a less than significant level of risk, consistent with generally accepted standards that may be applicable. (See 5 CFR 550.904-550.906 for further information and exceptions.) OPM does not determine when hazard pay differentials must be paid; agencies have the responsibility and are in the best position to determine whether duties performed by employees meet the regulatory requirements for hazard pay. Thus, agency managers, in consultation with occupational safety and health experts, must determine whether an employee is entitled to hazard pay on a case-by-case basis.

Environmental Differential Pay. Prevailing rate (wage) employees may receive an environmental differential when exposed to a working condition, physical hardship, or hazard of an unusually severe nature. (See 5 U.S.C. 5343(c)(4) and 5 CFR 532.511.) A list of approved differentials is contained in Appendix A to subpart E of 5 CFR part 532. As with hazard pay differentials, determinations as to whether an employee qualifies for an approved environmental differential must be made by agencies on a case-by-case basis.

Evacuation Payments. In the context of a pandemic health crisis, evacuation payments are used to protect employees' pay. (See 5 CFR 550.409.) An agency may provide evacuation payments to an employee who is ordered to (1) evacuate his or her regular worksite and (2) work from home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis. Agencies may require employees to work at home or an alternative worksite whether or not they have a telework agreement.

An agency may order an evacuation upon an official announcement by Federal, State, or local officials, public health authorities, and/or tribal governments, of a pandemic health crisis affecting certain geographic areas. Consistent with 5 U.S.C. 5522 and 5523, and the Department of State's Standardized Regulations, responsibility for ordering an evacuation in overseas locations rests with the Department of State.

Evacuation payments should be paid on the employee's regular pay days, since these payments reflect the employee's regular pay. (Since most employees use electronic fund transfer to deposit pay checks to their accounts, this should not impose an additional burden on the agency.) After an order to evacuate is terminated, agencies must make adjustments in an employee's pay on the basis of the rates of pay, allowances, and differentials, if any, to which the employee otherwise would have been entitled during the period of evacuation under applicable statutes. (See 5 CFR 550.409.) Evacuation Payments fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/evacuation-payments/>)

Assignment of Work to Evacuated Employees. An employee who works at home or another safe haven during a pandemic health crisis may be assigned to perform any work considered necessary or required to be performed during the period of evacuation without regard to the employee's grade or title. However, an agency may not assign work to an employee unless the agency knows the employee has the necessary knowledge and skills to perform the assigned work. For example, a supervisor may assign different or lower-level duties than are normally performed by the employee. In addition, if a supervisor is sick and cannot perform his or her duties during the period of evacuation, an agency may assign the higher-level work to a subordinate employee who would, under normal circumstances, be designated as "acting" when

the supervisor is on leave. Additionally, the agency must provide reasonable accommodation under the Rehabilitation Act for qualified employees with disabilities.

Managers and supervisors are encouraged to communicate regularly with employees who are performing work from home during a pandemic health crisis. Regular communication with employees will ensure they understand their work assignments and management's expectations during the period of the evacuation. Failure or refusal to perform assigned work may be a basis for terminating evacuation payments, as well as disciplinary action under 5 CFR part 752 (Adverse Actions). However, an employee's inability to perform assigned work because of lack of knowledge or skills may **not** be a basis for terminating evacuation payments or taking disciplinary action.

Evacuation Payments During a Pandemic Health Crisis fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/evacuation-payments-during-a-pandemic-health-crisis/>)

Pay and Leave Flexibilities for Recruitment and Retention. Agencies have considerable discretionary authority to provide additional compensation and leave benefits to support their employee recruitment, relocation, and retention efforts, including those that may result from a pandemic health crisis or other emergency. See <http://www.opm.gov/policy-data-oversight/pay-leave/pay-and-leave-flexibilities-for-recruitment-and-retention/> for additional information.

Overseas Allowances and Differentials. Employees working in foreign areas may receive special allowances and differentials for various purposes as a result of such assignments. These allowances and differentials are administered by the Department of State—see <http://aoprals.state.gov/>.

IV. Healthcare Benefits

During natural or public health emergencies, OPM issues guidance to Federal Employees Health Benefit Program carriers to ensure that affected employees, families, and retirees receive appropriate support. This may include relaxing referral or pre-authorization requirements, guidance about care at specialized centers, transportation reimbursement, allowance for early refills of prescription medications, vaccine information, and coverage for certain experimental or investigational treatments. Guidance pertaining to Ebola will be posted at <http://www.opm.gov/healthcare-insurance/healthcare/carriers/#url=Carrier-Letters>.

V. Hiring Flexibilities

Emergency Critical Hiring. Under 5 CFR 213.3102(i)(2), an agency may make 30-day appointments in the excepted service to fill a critical hiring need. An agency may extend these appointments for an additional 30 days. This authority may be used to fill senior level positions as well as positions at lower grades. The agency determines what qualifications are required. Career Transition Assistance Plan (CTAP), Reemployment Priority List (RPL), and Interagency CTAP (ICTAP) requirements under 5 CFR part 330 do not apply to these appointments.

Direct-Hire Authority. Agencies are reminded of current OPM-authorized Governmentwide direct hire authorities. These authorities allow agencies to appoint candidates directly for:

- **Medical Officers** (General Schedule (GS)-0602), **Nurses** (GS-0610 and GS-0620), **Diagnostic Radiologic Technicians** (GS-0647), and **Pharmacists** (GS-0660) at all grade levels and all locations.
- **Information Technology Management (Information Security)** (GS-2210), GS-9 and above at all locations.
- **Veterinary Medical Officer positions** at the GS-11 through GS-15 grade levels (or equivalent) nationwide to include overseas territories and commonwealths (e.g., Puerto Rico, Guam, and the U.S. Virgin Islands) may be used indefinitely or until OPM terminates this authority.
- **Federal Acquisition positions** covered under title 41, U.S.C. 433(g)(1)(A) according to GW-004 (effective September 30, 2012), which has been extended by Sec. 1103 of P.L. 112-239, National Defense Authorization Act FY 2013. This authority is based on a severe shortage of candidates. Prior to using this authority, the department and agency heads (other than the Secretary of Defense) must determine whether a shortage of highly qualified individuals exists. When determining the existence of a shortage of highly qualified individuals, agencies are required to use the supporting evidence prescribed in 5 CFR 337.204(b). In accordance with 5 CFR 337.206(c), OPM may request information from agencies on their use and implementation of this direct-hire authority. **This authority expires on September 30, 2017.** The legal authority code for SF-50 item 5-E is “BAE.”

Agencies may give individuals in the occupational series listed above competitive service career, career-conditional, term, or temporary appointments, as appropriate. In all cases, an agency must adhere to the public notice requirements in 5 U.S.C. 3327 and 3330 and all ICTAP requirements. Additional information on these authorities is available at <http://www.opm.gov/policy-data-oversight/hiring-authorities/direct-hire-authority/>. An agency should contact OPM if it believes it has one or more occupations for which an agency-specific direct-hire authority may be appropriate.

Reemploying Annuitants. Under specified circumstances (which include responding to an emergency), agencies had authority to bring back retirees without applying the dual compensation salary offset and **without OPM approval** as provided at 5 U.S.C. 8344(l) and 8468(i), which required that:

- Appointments are limited to 1 year or less;
- Hours worked by any annuitant reemployed under these provisions are limited to 520 during the first 6 months of retirement, 1,040 during any 12-month period, and 3,120 total hours worked during any period; and

- Reemployment may not exceed 2.5 percent of the full-time workforce at any time, and if 1 percent is exceeded, the agency must provide an explanation and justification to the Congress and OPM.

This authority expired on October 27, 2014. Annuitants rehired under these provisions prior to the October 27, 2014, expiration date may finish out the rest of their appointment (with the waiver), beyond the expiration date. However, agencies cannot grant or extend waivers under these provisions after the October 27, 2014, expiration date.

Other Hiring Flexibilities

- **Senior Executive Service (SES) limited appointments** – Agencies have the authority to make SES Limited Term or Limited Emergency appointments for career employees, provided the appointment is within the space allocations limit previously authorized by OPM. Agencies may seek a temporary allocation from OPM if space is not currently available. Agencies may also seek authority from OPM to make Limited Term or Limited Emergency appointments of non-career employees using an automated form generated through the Executive and Schedule C System (ESCS).
- **Use of private-sector temporary employment firms** – An agency may contract with private-sector temporary employment firms for services to meet emergency staffing needs. These contracts may be for 120 days and may be extended for an additional 120 days, subject to displaced employee procedures.
- **Temporary appointments less than 120 days** – An agency may make competitive service appointments for 120 days or less without clearing CTAP or ICTAP. However, these programs may help identify one or more well-qualified displaced Federal employees who are available for immediate employment.
- **Reemployment priority lists** – Current and former employees on agency RPLs are another immediate source of qualified individuals available for temporary, term, or permanent competitive service appointments. Conversely, in some cases, an agency may apply an exception under 5 CFR 330.211 of the RPL provisions to appoint someone else.

VI. Special Solicitations for Charitable Contributions During Emergency Situations

The Director of OPM may grant permission for special solicitations of Federal employees, outside of the Combined Federal Campaign (CFC), in support of victims in emergency situations. Agency written requests should include the following: information on the agency(ies) and location(s) where the special solicitation will be conducted; dates on which the special solicitation will be conducted; and information on the charitable organization(s) that will be the recipient of special solicitation funds. For information on the CFC, please visit <http://www.opm.gov/combined-federal-campaign/>