



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Friday, September 14, 2001
MSG 2001-072a

MEMORANDUM FOR: Human Resources Directors

FROM: Kay Coles James, Director

Subject: Emergency Situation Hiring Flexibilities and Information

To deal with the aftermath of the tragic attacks against the United States, you may have an immediate need to hire additional staff. Attached is a list of hiring flexibilities agencies should consider when responding to emergency situations.

In addition, this memorandum authorizes you to make excepted appointments under 5 CFR 213.3102(i)(3) to fill, on a temporary basis for up to 1 year, positions affected by or needed to deal with the aftermath of the recent attacks. You may determine the qualifications required.

OPM's Offices of Employment Policy and Executive Resources Management are available to assist you and answer any questions you may have on these or other staffing matters. Contact the Office of Employment Policy at (202) 606-0960 or by fax at (202) 606-2329. Contact the Office of Executive Resources Management at (202) 606-2246 or by fax (202) 606-0557 for assistance with questions involving Senior Level and SES staffing flexibilities.

Attachment

Emergency Situation Hiring Flexibilities and Information

The following information, not normally used in day-to-day staffing operations, is for your use in dealing with your agency's situation.

Excepted Appointments

Temporary Emergency Need (Up To 1 Year): Under 5 CFR 213.3102(i)(3), OPM has granted authority for agencies to fill, on a temporary basis, positions affected by or needed to deal with the September 11, 2001, attacks. You may appoint individuals for up to 1 year.

30-Day Critical Need: Under 5 CFR 213.3102(i)(2), you may make 30-day appointments and may extend them for an additional 30 days.

You determine what qualifications are required for these excepted appointments. The Career Transition Assistance Plan (CTAP), Reemployment Priority List (RPL) and Interagency CTAP (ICTAP) under 5 CFR Part 330 do not apply to excepted appointments.

The above flexibilities are available in filling Senior Level positions, as well as positions at lower levels. On a one for one basis, OPM is also authorizing agencies to use a Senior Level space allocation as required to effect immediate appointment of an individual using these flexibilities. Each senior level space allocation must be reported to OPM within 10 days of the appointment.

SES Limited Emergency Appointments

Under 5CFR 317.601 agencies have the authority to make SES Limited Emergency appointments of career employees. We will immediately process your requests to appoint individuals who are not current career employees, and will consider temporary space allocations for agencies who identify the need as essential to deal with the September 11, 2001, attacks.

Reemploying Annuitants.

You may wish to consider bringing retirees back to work to deal with emergency situations or to supplement your workforce. Upon request, OPM is prepared to give agency heads authority to waive the dual compensation reduction (salary offset) otherwise required of reemployed Federal civilian annuitants. We cannot approve waivers retroactively.

Reemploying Buyout Recipients

You may also wish to rehire retirees or others who left the Federal Government with buyouts. Depending upon the specific statute under which they received the buyout, you may request a repayment waiver from us in truly unusual circumstances. Persons being considered for waivers must be the only qualified applicants available for the positions

and possess expertise and special qualifications to replace persons lost in the tragedies or to provide direct support in the rescue, recovery, investigatory, and other phases related to the tragedies.

Other Resources

You may contract with private sector temporary firms for services to meet your emergency needs. These contracts may be for 120 days and may be extended for an additional 120 days subject to displaced employee procedures.

You may make competitive service appointments of 120 days or less without clearing your CTAP or the ICTAP. Clearing these programs for longer appointments may help you identify one or more previously unknown, well-qualified, displaced Federal employees available for immediate employment. (5 CFR 330 Subparts F and G).

Current/former employees on your agency RPL are another immediate source of qualified individuals available for temporary, term or permanent competitive service appointments. Conversely, in some cases, you may wish to make an exception to the RPL provisions to appoint someone else under 5 CFR 330.207(d).