



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

The Director

Wednesday, August 23, 2000  
MSG-074

**MEMORANDUM FOR: Human Resources Directors**

FROM: AROL J. OKIN (...signed August 25, 2000...) ASSOCIATE DIRECTOR  
FOR EMPLOYMENT

Subject: Federal Employment Priority Consideration Program for Displaced  
Employees of the District of Columbia Department of Corrections

On August 4, 1998, OPM issued interim regulations in 5 CFR Part 330 Subpart K implementing Section 11203 of the Balanced Budget Act of 1997 (Public Law 105-33). This law established a priority consideration program for employees of the District of Columbia (DC) Department of Corrections (DOC) displaced by the closing of the Lorton Correctional Complex. Up until now, this program has operated much like the Interagency Career Transition Assistance Plan (ICTAP), in that candidates received selection priority for most vacancies as long as they applied and were well-qualified. The implementing regulations also required that selectees receive excepted appointments because the law did not provide appointment authority for a competitive service appointment.

Several significant changes have occurred since that time. A second statute, the District of Columbia Courts and Justice Technical Corrections Act of 1998 (Public Law 105-274), was enacted on October 21, 1998 (after we published the interim regulations). This new law contained two new and very significant provisions: (1) DC DOC employees no longer must be *well-qualified* to receive priority for Federal jobs; and (2) selectees are entitled to *competitive service appointments* when hired.

Because of these statutory changes, we are eliminating the original excepted appointment authority. Agencies who select DC DOC employees for positions under this program will now use the following competitive service appointing authority:

Appointment Type: Career, Career-Conditional, Appt. NTE, or Term Appt.

Nature of Action Code: 100, 101, 115, or 108

Authority Code: ZLM

Authority: Public Law 105-274

If you appointed any former DC DOC employees to excepted appointments under Public Law 105-33, you should retroactively convert them to competitive service appointments within the

next 30 days. If you appointed the employee *before October 21, 1998*, you should process a conversion to competitive service appointment effective on October 21, 1998. If you appointed the employee *on or after October 21, 1998*, you must correct their records to reflect competitive service appointment as of the original appointment date.

Please remember that DC DOC employees in receipt of a reduction in force (RIF) separation notice due to the Lorton closure, if not already appointed to a Federal Bureau of Prisons position, are entitled to nationwide selection priority for competitive service vacancies for which they apply as long as they meet minimum qualification standards for the position. If both a DC DOC priority candidate and an ICTAP candidate apply and are eligible, you may select either. This priority consideration program will terminate one year after the closure of the Lorton Correctional Complex.

We are currently drafting new interim regulations on this program. They will contain these important statutory changes, as well as changes and clarifications resulting from the comments we received on the original regulations.

If you have questions regarding this program, please contact Jacqueline Yeatman of the Workforce Restructuring Office at (202) 606-2786/0960 or by email at [jryeatma@opm.gov](mailto:jryeatma@opm.gov).