

# Excepted Service EJ and EK Desk Reference

2012

## **Executive Summary**

The Excepted Service EJ and EK Desk Reference is designed to provide the framework, in conjunction, with the DOE O 329.1 (Excepted Service Authorities for EJ and EK Pay Plans). Specifically, the desk reference addresses the requirements for the Excepted Service EJ and EK positions, to include:

- Description of the EJ and EK authorities;
- Policy of utilizing merit system principles and the Department’s commitment to diversity;
- The use of collective bargaining agreements applying to some EJ and EK positions;
- The types of positions that the EJ and EK authorities apply and prohibited types of positions;
- The intent of the EJ and EK authorities and the types of appointments that apply;
- Outlines the role of the Senior Management Review Board (SMRB) and the applicable approval procedures required prior to effecting any action of an EJ and EK;
- Indicates the merit staffing procedures (internal and external) used for EJ and EK positions;
- Pay Setting procedures for EJ and EK appointments and conversions;
- Detail requirements and procedures and reassignment procedures to include if and how a pay increase would apply;
- Defines the supervisory role of an EJ and EK and to whom the EJ and EK can report;
- Lists the duration of an appointment for an EJ and EK employee and the conversion rights back to other pay systems;
- The probationary period upon conversion to an EJ or EK appointment and the initial supervisory probation period; etc.

I support this document that is designed with the intent to promote consistency and uniformity relative to the Excepted Service EJ and EK authorities.

Signature \_\_\_\_\_

Sarah Bonilla  
Acting Chief Human Capital Officer  
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Date \_\_\_\_\_

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## **I. Objective**

To establish a desk reference for use when applying employment and compensation of individuals appointed under the Department of Energy (DOE) Excepted Service EJ/EK Authorities and in accordance with DOE Order 329.1, Excepted Service Authorities for EJ and EK Pay Plans.

## **II. Applicability**

The requirements herein apply to DOE employees appointed under the following Excepted Service authorities:

- a. Section 621(d) of the DOE Organization Act (42 United States Code (U.S.C.), section 7231(d), hereafter referred to as pay plan EJ.
- b. Section 3161(a) of the National Defense Authorization Act for Fiscal Year 1995 (Pub.L. 103-337, October 5, 1994) and renewals, hereafter referred to as pay plan EK.

Requests for exemption(s) to DOE Order 329.1 and, in accordance with the EJ and EK desk reference, must be submitted to the Senior Management Review Board (SMRB) through the Office of the Chief Human Capital Officer (HC). The request must include the basis for the exemption, identify the requirement for which the exemption is sought, and request a timeframe, as applicable.

## **III. References**

Section 621(d) of the DOE Organization Act (42 United States Code (U.S.C.), section 7231(d), hereafter referred to as pay plan EJ

Section 3161(a) of the National Defense Authorization Act for Fiscal Year 1995 (Pub.L. 103-337, October 5, 1994) and renewals, hereafter referred to as pay plan EK.

Executive Resources Board Charter, dated March 31, 2011

DOE O 329.1, Excepted Service Authorities for EJ and EK Pay Plans dated March 30, 2012

DOE N 314.1, DOE FLEX: DOE's Telework Program

DOE O 320.1 Chg 1, Acquiring and Positioning Human Resources

DOE M 321.1-1, Intergovernmental Personnel Act Assignments

DOE O 322.1C, Pay and Leave Administration and Hours of Duty and Admin Chg to DOE Pay and Leave Administration and Hours of Duty

DOE O 331.1C, Employee Performance Management and Recognition Program

DOE O 342.1, Grievance Policy and Procedures

DOE Handbook on Recruitment and Retention Incentives dated March 2010

5 U.S.C. Chapter 43, Performance Appraisal

5 U.S.C. Chapter 45, Incentive Awards

5 U.S.C. Chapter 75, Adverse Actions

5 CFR Part 302, Employment in the Excepted Service

5 CFR Part 351, Reduction in Force

5 CFR Part 430, Performance Management

5 CFR Part 451, Awards

5 CFR Part 575, Recruitment and Relocation Bonuses, Retention Allowances

5 U.S.C. Section 2108 Veteran; disabled veteran; preference eligible

5 U.S.C. Section 2301, Merit Systems Principles

Office of Personnel Management Handbook of Occupational Groups and Families

Office of Personnel Management Introduction to the Position Classification Standards

Office of Personnel Management the Classifier's Handbook

#### **IV. Requirements**

##### **A. Authority**

The **EJ** authority is used to enhance the Department's recruitment and retention of highly qualified scientific, engineering, and professional and administrative personnel. Appointments made, and compensation fixed, under this authority may be made "without regard to the civil service laws" and are excepted from the provisions of Title V, United States Code.

The **EK** authority is used to enhance the Department's recruitment and retention of highly qualified scientific, engineering, and technical personnel whose duties will relate to safety at defense nuclear facilities of the Department. Appointments made, and compensation fixed, under this authority may be made "without regard to the civil service laws" and are excepted from the provisions of Title V, United States Code. The EK authority is time-limited by law; and must be renewed. Current EK employees are not affected; however, a freeze on hiring is implemented if the time period expires prior to extension.

As described in this desk reference, the Secretary or his designee has exercised his discretionary authority to adopt some regulations and procedures similar to those governing the competitive service for both EJ and EK authorities.

##### **B. Policy**

Underlying the implementation of this desk reference shall be the commitment to apply merit system principles and to achieve the Department's vision for diversity to fully utilize the talents and capabilities of a diverse workforce, the inclusion of races, ethnic groups, religions, and ages; the able-bodied and persons with disabilities, and men and women- a workplace where everyone has equal employment opportunity. In the implementation of these authorities, qualified individuals shall be recruited from appropriate sources in an endeavor to achieve a Departmental workforce representative of all segments of society according to 5 CFR 302, Subpart B.

##### **C. Covered Positions**

The excepted service authorities may be used to appoint individuals:

EJ Authority- scientific, engineering, administrative and professional positions

EK Authority – scientific, engineering, and technical positions whose duties will relate to safety at defense nuclear facilities of the Department.

These authorities shall not be used to make political appointments or appointments to positions properly classified in the Senior Executive Service (SES). The Office of Personnel Management (OPM) regulations and authorities govern the establishment, appointment process, and other matters for SES positions.

**D. Use of Authorities**

EJ and EK permanent positions must be filled by competitive placement procedures, while temporary positions with time-limited appointments may be filled by either competitive or noncompetitive placement procedures. All placement procedures must be consistent with merit principles and result in excepted service appointments.

In keeping with the intent of the statutes authorizing EJ and EK positions, these authorities are used to enhance the Department's recruitment and retention of highly qualified individuals, where difficulties in recruitment have been fully documented and where other available recruitment and retention tools have failed to attract desirable talent. Actions to promote employees in place from a GS position to an EJ or EK will not be approved. A recruitment request shall be submitted to the Senior Management Review Board (SMRB) for approval to advertise. Conversions from an SES/SL/ST position to an EJ or EK position will not be approved as a mechanism to resolve a conduct or performance issue.

**Requests for an EJ or EK non-competitive appointment will be for an initial not-to-exceed period of two years, AND must meet one of the three following conditions:**

**1) Key position; urgent need; recruitment difficulties:** On a case-by-case basis, (1) when requesting officials demonstrate difficulties experienced in recent recruitment efforts to locate and/or attract highly qualified candidates for the key position or similar positions (e.g., position offer/acceptance rates, proportion of similar positions filled, length of time required to fill similar positions, number of highly qualified candidates applying for vacancies, etc.); (2) when potential recruitment difficulties have been or are expected to delay significantly the timely filling of positions when there is a demonstrated mission-driven need to fill a key position in a timely manner with a highly qualified candidate; or, (3) when an urgent, mission driven need necessitates the quick hiring of a highly qualified candidate.

**2) Designated position categories:** Upon recommendation of a Head of Departmental Element or equivalent, the Director, Office of Human Resources Services, may designate positions for use of these authorities. Categories of positions (e.g., Facilities Representatives) may be designated when appointment and pay flexibilities of this authority should be used to attract or retain individuals for specific mission-critical positions or occupations or when such positions or occupations demand scarce or unique combinations of skills and experience. Managers requesting such designations should demonstrate the need for this designation as well as the effect of such a designation on the relevant segment of the workforce, e.g., to what extent may this designation create pay or employment status differences with non-designated positions requiring similar skills and responsibility.

**3) Entry-level hiring:** These authorities may be used to recruit individuals for entry-level scientific, technical, and engineering, administrative and professional positions (to include intern programs) in order to provide a competitive tool in a competitive labor market.

**E. Allocation and Approval**

In accordance with the Department of Energy's Executive Resources Board Charter, the Chair of the Executive Resources Board (ERB), has delegated **ALL** EJ and EK functions to the SMRB. These functions include:

- a) Management and assignment of all EJ and EK allocations throughout the Department, including NNSA;
- b) Establishment of new positions, abolishments, reassignments, and selection into EJ and EK positions;
- c) Approves pay setting (e.g., initial, as a result of a reassignment to a position of higher responsibilities, promotions, etc.);
- d) Approves performance based pay adjustments;
- e) Approves recruitment/relocation/retention allowances and dual compensation waivers;
- f) Approves all proposals to grant nonperformance based incentive awards, unless the Head of the Departmental Element has written delegation from the SMRB to approve;
- g) Approves details of Departmental and Non-Departmental career employees into EJ and EK positions;
- h) Priority consideration for surplus employees affected by a Reduction-in-Force (RIF);
- i) Assigns (detail, transfer to International Organizations, etc.) any EJ or EK employee outside of the Department;
- j) Approves all Intergovernmental Personnel Assignments;
- k) Approves request from heads of DOE elements (and other field organizations with personnel authority) to request national interest determinations from the Secretary of State when details and transfers to public international organizations will last more than five years;
- l) Refers any EJ or EK action it deems necessary to the ERB for review and/or approval.

The SMRB may only delegate the above authorities after approval by the Chair, ERB.

**F. Appointment/Internal Placement**

Positions may be filled under these authorities from sources within and outside the Department using competitive or noncompetitive appointment procedures. The noncompetitive appointments are time-limited, for an initial period not-to-exceed two

years. Qualification standards, established by the Office of Personnel Management (OPM) for scientific, engineering, administrative and professional positions will be applied to positions covered by these appointment authorities. Alternate qualification standards for a group of positions or a specific position may be developed, consistent with law and regulation, in consultation with the Director, Office of Human Resources Services.

### **Noncompetitive Selections of Administrative Personnel**

All noncompetitive selections in the administrative field (e.g., GS-301 series equivalent) must have the prior concurrence of the Assistant General Counsel for General Law, Office of the General Counsel (GC) or for NNSA coordination with Headquarters GC.

### **Veterans Preference**

EJ or EK positions filled through the competitive appointment process shall grant veterans preference. DOE utilizes Category Rating; therefore, numerical scores are not assigned. Eligible candidates are referred without ranking; however, the applicable preference is noted as:

- 10- Point 30 Percent Compensable CPS – Disability rating of 30% or more (10 points)
- 10-Point Compensable Disability Preference (CP) – Disability rating of at least 10% but less than 30%
- 10-Point Disability Preference (XP)- Disability rating less than 10%
- 5-Point Preference (TP) - Preference eligibles with no disability rating

### **External Recruitment Process**

Acceptance and evaluation of applications for the selection and appointment of candidates for positions covered by these authorities shall be in accordance with the policies and procedures outlined in 5 CFR, Part 302, Employment in the Excepted Service, DOE O 329.1, Excepted Service Authorities for EJ and EK Pay Plans, and 5 U.S.C. 2108, Veteran, disabled veteran, preference eligible. DOE applies Category Rating to rate and rank applicants.

1. Program Offices are required to submit through CHRIS Workflow a Request for Personnel Action (SF-52), position description, job analysis, crediting plan, and the job-related Hiring Manager assessment questions. Servicing Human Resource (HR) Specialists are to work closely with Managers and/or Subject Matter Experts (SME) to determine the critical job related criteria which will be used to evaluate applicants.
2. All EJ and EK vacancies will be announced in Hiring Manager using a public notice template addressing the basic qualification requirements, completely defining the specialized experience needed and if applicable any selective placement factor(s). Standard Hiring Manager application procedures will be included on each vacancy announcement. No deviations from the standard

templates will be accepted, as a general rule. Applicants will be notified of their status within Hiring Manager.

3. Vacancy announcements will be opened to consider “all qualified” applicants. Typically, the minimum period for vacancy announcements is 30 days; however, with written justification and approval by the SMRB, it can be a minimum of 5 business days. However, to request to limit area of consideration to an internal Excepted Service placement e.g., DOE Headquarters employees, DOE employees nation-wide, or Federal employees only, justification is required and must be supported by a legitimate reason, and approved by the SMRB. Documentation of approvals must be included in the vacancy case file.

#### Acceptance of Applications

1. Applications will be accepted online via Hiring Manager by the closing date of the vacancy announcement. If applying online poses a hardship for any applicant, the applicant must contact the human resources contact person named in the announcement before the closing date of the announcement. Applications from persons who are entitled to file late should be accepted and processed up until the time a selection certificate is issued. An application is considered incomplete if an applicant: (1) does not submit a resume in the system, or fails to submit required forms or other materials as specified in the vacancy announcement; (2) fails to respond to questions that must be answered before any action can be taken; or (3) submits insufficient information concerning education or experience. Proof of veterans’ preference status is required at the time of filing. Veterans are not assigned additional preference points under category rating; however, their veteran status does determine the order of placement on the Certificate of Eligible.

#### Vacancy Announcement

1. Each vacancy (and each pay band level within that vacancy) must consist of at least two (2) defined quality categories. If more than two quality categories are used, each category must be defined in advance.
2. Quality categories must be defined in the vacancy announcement (e.g. qualified or good, well qualified or better, best qualified or best) along with a description of the criteria determining how applicants will be classified into an appropriate category (e.g. “to be considered best qualified applicants must have experience developing policy specifically related to nuclear proliferation...”). Quality category definitions should not be confused with specialized experience requirements.
3. The vacancy announcement will also include language defining referral procedures. In most instances, only the applicants in the highest quality category will be referred. However, if there are fewer than three applicants in the highest category, the top two categories may be merged to refer additional candidates.
4. Each vacancy announcement will also include the following language:  
*This is an Excepted Service position. This appointment will not confer Competitive Service career-conditional or career tenure status. This means that if you are selected, you would have to compete with other applicants in open competition to meet requirements for another federal position, unless you meet*

*the requirements for reinstatement. DOE employees who voluntarily convert from the competitive service, Senior Executive Service, or other pay systems to a non-time limited appointment under this excepted service authority are not afforded “fallback rights” to the pay system previously assigned prior to conversion.*

#### Quality Category Definitions

1. Quality categories will be defined based on a complete job analysis while working in conjunction with the selecting official.
2. To determine categories a numerical score will be assigned to each applicant based on their responses to competency-related questions. The resulting scores will then be used to group applicants into appropriate categories based on the predetermined definitions in the vacancy announcement. For vacancy announcements using category rating the cut-off scores for categories will be:

Best Qualified (BQ) = 95 to 100

Well Qualified (WQ) = 85 to 95

Qualified (Q) = 70 to 85

3. Vacancies advertised under category rating will include an explanation of the quality categories, but will exclude the actual score ranges. Below is language that should be used in the “Evaluations” section of the vacancy announcements to define categories and describe how candidates will be evaluated:

*“When the announcement closes, your application will be automatically evaluated and rated by the system using category based rating. A quality review of your on-line application and supporting documents will be conducted by the HR Office before your rating becomes final; this quality review will be based on the extent and quality of your experience, education and training as it relates to the duties of this position. The quality categories are defined as “Best Qualified”, “Well Qualified” and “Qualified”. Within each category, veteran preference eligibles will be listed at the top of the category.*

*NOTE: If during a quality review of your answers it is determined that you have rated yourself higher than what is supportable in your resume, or if your resume is incomplete, you may be rated ineligible, not qualified, or your score may be lowered.”*

#### Certificates and Veterans Preference

1. Under category rating the order of certification is the same as with traditional rating and ranking:
  - a. Career Transition Assistance Plan (CTAP) eligibles
  - b. Interagency Career Transition Plan (ICTAP) eligibles
  - c. Eligibles who lost consideration due to erroneous certification
  - d. All other eligibles based on their category and veterans preference

2. After CTAP eligibles, ICTAP eligibles and those with lost consideration, certificates will be issued containing candidates who fall into the highest quality category (or two highest quality categories if the top category has fewer than three candidates).
  - a. As with traditional numerical rating, for positions other than professional and scientific at the Pay Band II level and above, qualified CP/CPS veterans are placed at the top of the highest quality category and will be listed above all other applicants (i.e., they “float” to the top of the highest quality category). Veterans preference points are not added. **Note:** For professional and scientific positions at the Pay Band II level and above, qualified CP/CPS veterans do not “float” to the top of the highest quality category, but are placed at the top of the quality category only in which they fall.
  - b. TP and XP veterans are placed at the top of the quality category only in which they are found qualified. Veterans are NOT given additional points to supplement their scores. They are ranked in their appropriate categories without preference points and are then placed at the top of that category group.
  - c. When issuing certificates, any veteran with preference, whether it is TP, CP, or XP will be listed above non-veterans in the top category. As a reminder, a selecting official may not pass over a preference eligible to select a non-preference eligible unless there are grounds for passing over the preference eligible and the agency has complied with the pass over procedures at 5 U.S.C. § 3318.
  - d. If a Quickhire numerical score is being used to determine categories, the score is not displayed on the final job certificate. Managers should only see a name, address, phone number, and veterans’ preference status on the certificate.
  - e. You must list the names of eligible candidates in alphabetical order on the Certificate of Eligibles, and you must be sure all preference eligibles are listed ahead of non-preference eligibles. The “rule of three” procedures do not apply under category rating.
  - f. When issuing the Certificate of Eligibles to the selecting official the servicing HR Specialist must:
    - i. Certify all eligible candidates rated in the highest quality category; or
    - ii. If there are fewer than three eligible candidates in the highest quality category the Servicing HR Specialist may decide to merge the BQ and the WQ categories.

#### Merging Categories

If there are fewer than three candidates in the highest quality category, the servicing HR Specialist may combine (merging) the top two quality categories and making selections from the newly merged category. The newly merged category becomes the new BQ

quality category. Preference eligibles must be listed ahead of non-preference eligibles in the newly merged category.

As long as a preference eligible remains in the merged category, the selecting official may not select a non-preference eligible unless the selecting official obtains approval to pass over the preference eligible in accordance with 5 U.S.C. § 3318.

There is no limit to the number of times the servicing HR Specialist can merge categories; however, only if there are fewer than three candidates from the highest quality category. The number of times the categories are merged is restricted only by the number of categories you establish.

The servicing HR Specialist should consult with the selecting official to before merging the top two quality categories. Merging is an option available to the servicing HR specialist and the selecting official at two phases of the hiring process. Merging quality categories is an option **before**:

- **Certifying/Issuing a Certificate of Eligibles** – the servicing HR Specialist, in consultation with the selecting official, has the option to merge the highest quality category with the next lower quality category **before issuing a certificate**, if there are fewer than three eligible candidates in the highest quality category; AND/OR
- **Selecting an Eligible** – a selecting official, in consultation with the servicing HR Specialist, may merge the highest quality category with the next lower quality category, if there are fewer than three available eligible candidates in the highest quality category from which to make a selection.

The servicing HR Specialist must document any selection made prior to merging categories, to include the date selection(s) made, and the date the categories were merged.

#### Selection Procedures

1. Selecting Officials may select any applicant within the highest category (or two highest categories, if merged) but may not select a non-veteran over any veteran in the same or higher category without submitting a request to pass over the preference eligible and obtaining approval. If there are **only** preference eligibles or **only** non-preference eligibles in the highest quality category, the selecting official may select any eligible candidate in the highest quality category regardless of the number of eligible candidates.
2. Selecting Officials have the option to request that the top category be merged if there are fewer than three (3) candidates in the top quality category.
3. Any selection made by the selecting official prior to merging the highest quality category with the next lower quality category is a valid and legal appointment. The name of the selectee is removed from the highest quality category and the individual's name does not appear in the newly merged highest quality category. For

reconstruction purposes, it is important that the selecting official or the servicing HR Specialist document any selections made prior to the merge, including the date, and document the date the categories were merged.

4. The “three consideration” rule embodied in 5 CFR 332.405 does not apply in category rating. The reference to “three considerations” in 5 U.S.C. § 3317(b) is associated with the traditional process for the discontinuance of certification of preference eligibles from a register, and only applies to category rating in that limited context.

#### **Internal Excepted Service Placement Recruitment Process:**

Typically, the minimum period for vacancy announcements is 30 days; however, with written justification and approval by the SMRB, it can be a minimum of 5 business days. A request to limit area of consideration to an internal Excepted Service placement e.g., DOE Headquarters federal employees, DOE federal employees nation-wide, or Government-wide federal employees only, justification is required and must be supported by a legitimate reason, and approved by the SMRB. Documentation of approvals must be included in the vacancy case file.

1. Program Offices are required to submit through CHRIS Workflow a Request for Personnel Action (SF-52), position description, job analysis, crediting plan, and the job-related Hiring Manager assessment questions. Servicing Human Resource (HR) Specialists are to work closely with Managers and/or Subject Matter Experts (SME) to determine the critical job related criteria which will be used to evaluate applicants.
2. All EJ and EK vacancies will be announced in Hiring Manager using an internal excepted service placement template addressing the basic qualification requirements, completely defining the specialized experience needed and if applicable any selective placement factor(s). Standard Hiring Manager application procedures will be included on each vacancy announcement. No deviations from the standard templates will be accepted, as a general rule. Applicants will be notified of their status within Hiring Manager.

#### Identifying Selective Placement Factor

Selective placement factors are comprised of the knowledge, skills, and abilities (KSA) that are essential to satisfactorily perform in a particular position.

Examples of appropriate selective factors are: ability to speak, read, or write a language other than English; and knowledge or ability in a functional area (for example, knowledge of reactor safety principles for a nuclear engineering position concerned specifically with the construction of reactors.)

- a. Selective factors must be: job related; reflected in the position description and job analysis, or in the position classification standards; and knowledge, skills, or abilities that a candidate would not obtain through customary on-the-job training or orientation.

- b. Use of multiple selective factors is not recommended and should not constitute an unreasonably high standard for the position, and such factors will not be honored when it is unreasonable to expect candidates to possess them all.
- c. Once approved for a position, the same selective factors are used each time that position is filled in the future. If changes in the position or in job emphasis occur which dictate revision of the factors, the position description should be revised, if appropriate, or the changes in emphasis documented and made a part of the internal excepted service placement file.
- d. Selective placement factors must not include requirements that would eliminate otherwise qualified candidates who need only a brief period (approximately 90 days) of orientation and training in order to perform the job successfully.
- e. Selective placement factors must be different than the regular knowledge, skills, and abilities identified for the position.
- f. The need for and wording of any selective placement factor must be approved by the servicing HR Specialist.

#### Vacancy Announcements

Vacancy announcements will be prepared by the servicing HR Specialist using the classified position description, pre-established/approved job analysis and rating criteria, and appropriate OPM requirements and regulations.

Announcements must contain all information pertinent to the requirements of staffing the position, including promotion potential, general and specialized experience requirements, selective placement factors (as applicable), duties of the position, the area of consideration, rating/ranking criteria, evaluation procedures, Excepted Service probationary period and/or supervisory probation period (if applicable), an equal opportunity statement, etc. Each vacancy announcement will also include the following language:

*This is an Excepted Service position. This appointment will not confer Competitive Service career-conditional or career tenure status. This means that if you are selected, you would have to compete with other applicants in open competition to meet requirements for another federal position, unless you meet the requirements for reinstatement. DOE employees who voluntarily convert from the competitive service, Senior Executive Service, or other pay systems to a non-time limited appointment under this excepted service authority are not afforded "fallback rights" to the pay system previously assigned prior to conversion.*

### Evaluating Candidates

1. Candidates must meet all eligibility and minimum qualifications as prescribed by OPM by the closing date of the vacancy announcement. Qualifications will be based on qualification standards defined in OPM *Qualification Standards for General Schedule Positions*.
2. Evaluation of applications will be conducted in the following order and includes the following factors.
  - a. Basic Eligibility will be determined by the servicing HR Specialist, i.e., within the Area of Consideration.
  - b. Minimum qualification requirements, as identified in the vacancy announcement and OPM Qualifications Standards will be determined by the servicing HR Specialist.
  - c. Selective placement factor(s) as validated and documented in the job analysis may be validated by Subject Matter Expert (SME) or evaluation panel, with final determination made by the servicing HR Specialist.
  - d. Rating criteria (applicant assessment questionnaire and/or crediting plan), may be reviewed by servicing HR Specialist and/or SME or evaluation panel.
  - e. SME review or evaluation panel may be used upon request from the hiring office and will validate applicants' responses to assessment questionnaires. The servicing HR Specialist will provide written instructions and oversight to the panel or SME to ensure that correct procedures and merit system principles are followed. All SME's and/or evaluation panels are required to certify their evaluations by signing and dating the evaluation forms. All information regarding SME case review is to be kept confidential and must not be discussed with anyone other than the servicing HR Specialist. SME's and/or evaluation panels will use applicants' online resumes and any supplemental documentation provided by the servicing HR Office to validate experience related to assessment questions only. SME's/panels will provide the servicing HR Office on their evaluation forms recommended answer choices for those applicant answers that are not adequately reflected in the applicant's descriptions of their experience. Servicing HR Specialists will verify that all SME/panel recommendations for applicant answer changes are solely related to the duties, knowledge, skills, ability, and specialized experience outlined in the vacancy announcement and then make the recommended changes to the specific applicants' answers provided by the SME/panel. HR Specialists must be sure to include a note to the case file (i.e., Job Tracking Item) to explain that the applicants' answer was changed as a result of a quality review by SME or evaluation panel.

*NOTE: A supervisor in the chain of command for a position being filled cannot serve on a rating pane/nor serve as a subject matter expert.*

Candidate Referral:

1. A selection (promotion) certificate, listing alphabetically the best qualified candidates is issued to the selecting official only. The certificate and applications will be issued electronically and should contain NO SCORES.
2. All noncompetitive candidates (i.e., candidates eligible for reassignment, etc.) who are deemed qualified will be referred only to the selecting official on a separate noncompetitive certificate.
3. Referral certificates will expire after 30 calendar days from issuance. With written request from the selecting official, one 30 day extension may be granted by the HR Specialist. A second 30 day extension may only be granted by a supervisor in the servicing HR office. All requests for extensions must be properly documented in the case file.
5. A candidate who missed consideration due to an error attributed to HR oversight will receive priority referral for the next vacancy that is identical in tenure, pay plan, series, and grade.

*NOTE: A candidate eligible for priority referral will be referred for the next identical position on a certificate issued prior to the internal excepted service placement certificate. The Selecting official will be advised to consider the priority referral candidate. Priority referral does not constitute guaranteed selection for the position.*

Priority Consideration

Employees are entitled to priority consideration whenever reconstruction of a promotion action shows that, except for some error, (i.e. wrong qualification determination, failure to consider, improper rating, failure to follow internal placement recruitment process, etc.); the employee would have appeared on a promotion certificate. The employee shall be entitled to one bonafide consideration for the type (same series, grade, up to the same promotion potential, and geographic area) of position previously applied for under internal placement recruitment process. A priority consideration certificate will be forwarded to the selecting official prior to issuing an internal placement recruitment process certificate. If no priority consideration candidate is selected, the selecting official must provide job-related justification for the non-selection.

Selection Procedures:

1. Selections for positions advertised under internal recruitment process may be filled by promotion, reassignment, conversion or change to lower pay band.
2. After a selection is made, the selecting official must print a hardcopy of the selection certificate and document it by indicating selection with "S" and non-selection with "NS" next to the candidates' names. When the certificate is returned without action, the selecting official must document the reason for not making a selection. Examples of reasons for non-selection include, but are not limited to, the following:
  - a. There were an insufficient number of candidates.
  - b. Candidate review and/or interviews did not yield an acceptable selection.
  - c. Selection was made from another source (source must be identified).
  - d. The vacancy will not be filled at that time (reason must be provided).
3. All printed selection certificates must properly documented in writing and signed/dated by the selecting official, and returned to the servicing HR Specialist.
4. Selecting officials should maintain written records of the interview and selection process for a minimum of 90 days after selection has been made and may be asked to produce documentation if a complaint or grievance is filed.

**G. Compensation**

Initial basic pay (base pay and locality) may be set at any point in the pay bands based on consideration of such factors as market conditions, salary history, high cost of living area, unique skills, comparable competitive service position, or consistency with other recent pay setting actions.

**Total Annual Compensation**

An employee's aggregate compensation (basic pay, incentives, differentials, and awards, etc.) per calendar year may not exceed the annual rate payable for Executive Level I. The total basic pay (base pay and locality) compensation may not exceed Executive Level III.

**Locality Pay Increases**

Employees appointed under these authorities shall receive locality pay increases applicable to other federal employees in comparable positions.

### **Comparability Increases**

Employees appointed to positions under this authority shall receive comparability increases applicable to other federal employees in comparable positions.

### **Promotion**

Promotion is defined as movement to a higher pay band resulting from substantial increase in higher level duties and responsibilities (i.e., accretion of duties), or permanent assignment to another position of greater complexity. Generally, a promotion will result in a pay increase up to 6%, not to exceed the top of the pay band. In each instance, a revised or new position description must accompany the promotion request. As a general rule, employees may not receive more than one promotion in a 12-month period, except as provided under a career development program. The adjusted salary may not be less than the minimum salary established for the band to which the individual is promoted.

### **Reassignment**

A reassignment to a position of substantially greater responsibility may result in an increase up to 6%, not to exceed the top of the pay band. This will generally apply to an employee being reassigned from a nonsupervisory position to a supervisory position. A noncompetitive reassignment into a supervisory position is allowed with prior SMRB approval if the employee meets one of the criteria listed below in addition to any other eligibility and/or qualifications requirement:

- Currently occupies a supervisory position; OR
- Previously held a supervisory position in the Federal Civil Service

### **Movement into the EJ or EK Pay Band**

An employee who moves into an excepted service position (e.g., GS to EJ) covered under this authority may result in a pay increase up to 6%, not to exceed the top of the range of the higher pay band, or the minimum of the higher pay band, whichever is greater.

### **Movement from the EJ or EK to a Different Pay Plan**

Employees moving out of the excepted service pay band into the General Schedule (GS) or other pay plan are only entitled to highest previous rate and not the GS two step promotion rule.

### **Movement from the EJ or EK Pay Band to an EJ or EK Pay Band with a Change in Duty Station**

Employees whose official worksite is changed to a new duty location upon a pay – setting action e.g. promotion etc., must be converted to the applicable pay schedule and the rate of basic pay for the new official worksite prior to processing the new pay-setting action.

## Pay Setting

A broad-banding pay system of 5 levels has been established and basic pay ranges for the 5 levels are as follows:

<u>Pay Band</u>	<u>Level of Duties</u>	<u>Pay Ranges</u>
I	GS-5 -7	GS-5/1 – 9/5
II	GS-9 - 11	GS-9/1 - 12/5
III	GS-12-13	GS-12/1– 14/5
IV	GS-14 -15	GS-14/1–103% of GS-15/10
V	Above GS-15	EX-V – EX-III

Initial basic pay may be set at any point in the pay bands described above.

Once a Selecting Official requests a salary and the SMRB has approved a total salary amount, the basic pay is calculated as follows:

- a. Total Salary is divided by the amount of the Locality Rate Percentage;  
**Example:** An employee is selected for an EJ/EK position in the Washington, D.C. Metropolitan Area which has a locality payment rate of 24.22% (locality rate for 2011)

Step One: Convert locality payment percent to a decimal – 1.2422;

Step Two: Divide total salary by 1.2422;

**Example:** \$123,758 divided by 1.2422

Basic pay = \$99,628 p.a.

Step Three: Subtract Basic Pay from Total Salary to determine Locality Adjustment

**Example:** \$123,758–\$99,628 = \$24,130 Locality Adjustment.

**Example:** An employee is selected from a current EJ or EK position in Aiken South Carolina, which has a locality payment rate of 14.16% to another EJ or EK position with a promotion and a change in official work site to the Washington DC area which has a locality payment rate of 24.22%.

Current Total salary is divided by amount of Locality Rate Percentage to determine basic pay

Step One: Convert current locality payment percent to decimal – 1.1416;

Step Two: Divide the total salary by 1.1416

**Example:** \$123,758 divided by 1.1416

Basic pay = \$108,407 p.a.

Step Three: Multiply current Basic Pay by 6% (promotion adjustment rate)

**Example:** \$108,407 x 6% = \$114,911 (new base pay)

Step Four: Multiply new Basic Pay by new locality payment rate

**Example:** \$114,911 x 1.2422 = \$142,742

## H. Details

Details of excepted service employees under these authorities are permissible, and are subject to the provisions governing comparable GS positions at Pay Bands I through IV. Employees under this authority may be reassigned to other excepted service positions for which they qualify in accordance with requirements established for comparable GS positions at Pay Bands I through IV.

All Details to EJ and EK positions require SMRB approval prior to effecting the action, regardless of the length.

**I. Supervisory Role and Supervisory Reporting Relationships**

An EJ or EK Pay Band V is prohibited from supervising. An EJ or EK Pay Band V position may include some supervisory and related managerial duties, provided that these duties occupy less than 25 percent of the incumbent's time. Positions in which supervisory and managerial work constitutes 25 percent shall not be classified as an EJ or EK Pay Band V.

An EJ or EK Pay Band V employee should report to an equivalent Pay Band V or SES/SL/ST.

An EJ or EK Pay Band IV employee and below can report to an equivalent or higher grade level, as illustrated in the pay ranges on pay.

**J. Duration of Appointments**

Appointments made under this authority, unless otherwise stated, are indefinite. Time-limited appointments may be made for a period of up to 4 years, unless the appointment is made non-competitively, in which the initial not-to-exceed appointment would be two years.

**K. Reinstatement Eligibility**

DOE employee, who (1) holds a non-time-limited appointment in DOE in the excepted service or a career or career-conditional appointment in the competitive service or a career SES appointment or an appointment of equivalent tenure, and (2) receives a time-limited appointment under this authority without a break in service, and whose limited appointment is terminated for reasons other than misconduct, neglect of duty, or malfeasance, shall be entitled to be placed in his/her former position or a position of like status, tenure, and grade.

Employees who voluntarily convert from the competitive service, Senior Executive Service, or other pay systems to a non-time limited appointment under this excepted service authority are not afforded “fallback rights” to the pay system previously assigned prior to the conversion.

**L. Employee Status**

The EJ and EK is an excepted service appointment; therefore, this appointment will not confer career-conditional or career tenure status. An employee would have to compete with other applicants in open competition to meet requirements for another federal position, unless they meet the requirements for reinstatement. Reinstatement eligibility refers to the ability for those individuals who previously held a career or career-conditional appointment to apply for jobs in the competitive Federal service open to status applicants. There is no time limit on reinstatement eligibility for those

who either have veterans' preference, or acquired career tenure by completing 3 years of substantially continuous creditable service.

**M. Probationary Period**

A probationary period of 1-year for the purpose of assessing the ability of an individual to adequately perform in his or her assigned position will be established for appointments under these authorities, even if converted from an appointment with career status. Employees separated within their probationary periods will be provided the same rights as competitive service employees who are involuntarily separated during a probationary period.

**N. Supervisory Probationary Period**

All employees selected for an initial supervisory position must also complete a 1-year probationary period.

**O. Employment Processes**

Positions may be filled under these authorities by competitive or noncompetitive appointment procedures, or by competitive or noncompetitive internal placement procedures. Appointments filled through noncompetitive procedures are temporary not-to-exceed two years' appointment. Applicable qualification standards, established by the OPM for scientific, engineering, and technical positions will be referenced as guides for positions covered by these appointment authorities, utilizing the Handbook of Occupational Groups and Families, Introduction to the Position Classification Standards and the Classifier's Handbook. Alternate qualification standards for a group of positions or a specific position may be developed, consistent with law and regulation. Such qualification standards must be approved by the Director, Human Resources Services.

**Classification**

**Position Description**

The duties and responsibilities of positions established under these authorities shall be recorded on formal position descriptions using, as a minimum, the following format:

- 1) Introduction;
- 2) Major Duties and Responsibilities;
- 3) Technical Knowledge Required in the Position;
- 4) Supervision and Guidance Received.

**Position Evaluation**

Classification materials applicable to other comparable Federal positions, e.g., classification standards and guides applicable to General Schedule positions, shall be used as guidelines for application to positions requested under this authority. Positions under the EJ authority shall be coded with the prefix "EJ" followed by the appropriate occupational series and corresponding difficulty level, e.g., "EJ-840-IV"

for positions which meet the series definition for Nuclear Engineers at a level comparable to GS-15.

Positions under the EK authority shall be coded with the prefix "EK" followed by the appropriate occupational series and corresponding difficulty level, e.g., "EK-840-IV" for positions which meet the series definition for Nuclear Engineers at a level comparable to GS-15.

**The grade-evaluation guidelines described below may be used as guidance to evaluate scientific, engineering, or technical positions under this authority, and in determining the appropriate pay band:**

**Pay Band I:** The level of duties may be equivalent to grade levels GS-5 through GS-7 of the General Schedule. Pay Range GS-5, step 1 through GS-9, step 5.

**Pay Band II:** The level of duties may be equivalent to grade levels GS-9 through GS-11 of the General Schedule. Pay Range GS-9, step 1 through GS-12, step 5.

**Pay Band III:** This level of duties is equivalent to the GS-12 and GS-13 grade levels of the General Schedule. Pay Range GS-12, step 1 through GS-14, step 5

**Pay Band IV:** This level of duties is equivalent to the GS-14 and GS-15 grade levels of the General Schedule. Pay Range GS-14, step 1 through 103 % of GS-15, step 10.

**Pay Band V:** This level of duties is above the GS-15 grade level of the General Schedule. Pay Range is EX-V through EX-III

### **Collective Bargaining Agreements**

When provisions of a local collective bargaining agreement with the employees' exclusive representative are in conflict with the provisions of this policy with regard to bargaining unit positions, the provisions of the local agreement will govern.

### **P. Leave Administration**

EJ or EK V employees have been approved by OPM to receive 8 hours of **annual** leave automatically upon entrance on duty or conversion regardless of the years of federal service. The maximum annual leave carry-over remains at 240 hours, as applicable to other employees in comparable positions.

EJ and EK employees in Pay Band I through IV will receive the annual leave accrual that is applicable to other federal employees in comparable positions.

EJ and EK employees in Pay Band I through V will receive the sick leave accrual that is applicable to other federal employees in comparable positions.

**Credit Hours/Compensatory Time:** Employees under these authorities on a Flexible Work Schedule (FWS) can earn credit hours if available under an FWS and

compensatory time for irregularly scheduled overtime in lieu of being paid for the overtime.

**Q. Employment Benefits**

Employees appointed under this authority for a period exceeding one year and a day are entitled to the same basic benefits, e.g., health benefits, life insurance, retirement, and leave accrual as applicable to other employees of the Department.

**R. Performance Management Program**

EJ and EK employees follow guidelines applicable to other Federal employees in comparable positions e.g. General Schedule (GS).

**Performance Appraisal**

Covered employees will have written performance plans against which a performance rating will be issued on an annual basis.

Performance Plan – A plan must only contain critical elements that are specific, measurable, achievable, relevant to the work performed, linked to organizational mission and goals, and time-bound; contributing factors; and may include dates, or milestones for specific deliverables or projects.

Performance Rating Levels – Employees will be rated against a five-level rating system as follows:

- Significantly Exceeds Expectations (SE). The highest level attainable as a summary rating level and is regarded as the "Outstanding" level. To attain this level, all critical elements must be rated at the EE level.
- Exceeds Expectations (EE). Performance at this level is dramatically higher than that described at the ME level in terms of work products and/or results achieved, high cost-savings or cost avoidances, and/or extremely high levels of efficiency, effectiveness, and timeliness.
- Meets Expectations (ME). This is the "Fully Successful" level that is described for each critical element and is intended to describe the level that is reasonably expected to be achieved in terms of quality, quantity, effectiveness, and timeliness.
- Needs Improvement (NI). A critical element rated at this level indicates that an employee has not met the expectations for that critical element and that performance at this level is clearly lower than what was reasonably expected at ME, but is not considered unacceptable. Supervisory intervention and assistance, counseling, formal training, and/or developmental assignments are needed to improve performance to raise it to the ME level.
- Fails to Meet Expectations (FME). This is the lowest level at which a critical element can be evaluated. It indicates that the employee's performance is

“Unacceptable”. When one critical element is rated FME, the overall summary level rating is FME.

### **Performance Appraisal Cycle**

The Performance Appraisal cycle shall be from October 1st through September 30th of each year. This cycle will facilitate linkage of performance pay to the timing of the annual comparability pay adjustment.

### **Performance-Based Pay Adjustment**

A performance-based pay adjustment may result in an approximate 3% to 6% salary increase within the assigned pay band, unless DOE is restricted in providing such adjustments. An EJ or EK employee may be considered for one pay adjustment annually based on clearly documented performance achievements reflected in the performance appraisal and written justification. Eligibility is applicable during the performance cycle only which is October 1st through September 30<sup>th</sup>.

### **Awards**

Employees appointed under this authority are eligible to receive Departmental awards intended to motivate and reward or recognize excellence. Awards for consideration include Special Act or Service, On-the-Spot Monetary Award, Time Off, Certificate of Appreciation, Equal Employment Opportunity Award, and Departmental Honorary Awards.

All awards must be approved by the SMRB prior to granting the proposed award.

### **Annual Performance Awards**

Based on their annual performance achievements, EJ or EK employees may receive lump sum cash awards (“bonuses”). Time Off awards comparable to other pay systems in recognition of annual performance may also be granted. All performance awards for employees must be submitted to the Executive Resources Division (ERD) for SMRB approval prior to granting the proposed award.

## **S. Recruitment/Relocation/Retention Incentives**

### **All Incentives must be approved by the SMRB.**

Rate of “basic pay” for incentives means: “the rate of pay fixed by law or administrative action for the position to which an employee is or will be appointed before deductions and including any special rate, or similar payment, and any locality-based comparability payment, but excluding additional pay of any other kind. For example, a rate of basic pay does not include additional pay such as night shift differentials or environmental differentials”

**Recruitment Incentive:** A recruitment incentive of up to 25% of basic pay may be made to a newly appointed employee when it has been determined that, in the absence of such a bonus, difficulty would be encountered in filling the position.

**Relocation Incentive:** A relocation incentive of up to 25% of basic pay may be authorized to a current employee who must relocate to accept a position with the Department in a different commuting area when it has been determined that, absent such an incentive, difficulty would be encountered in filling the position.

**Retention Incentive:** An annual retention incentive of up to 25% of the annual rate of basic pay may be paid to a current employee if the unusually high or unique qualifications of the employee or a special need of the agency for the employee's services makes it essential to retain the employee, and it has been determined that, absent the retention allowance, the employee would be likely to leave the Federal Government. Retention incentives may not be paid concurrently if the employee is receiving a recruitment/relocation incentive and may be renewed annually upon review if criteria continue to exist.

## **T. Involuntary Separations**

### **Probationary Period**

Employees separated within their probationary periods will be provided the same rights as competitive service employees who are involuntarily separated during a probationary period.

### **Non-Probationary Period**

The procedures and appeal rights contained in 5 United States Code, Chapters 43 and 75 are applicable to employees serving on appointments without time limitation who have completed a trial period.

### **Time-Limited Appointments**

Termination of a time-limited appointment at the expiration of the appointment is not grievable/appealable.

Termination of a time-limited appointment prior to the expiration of the appointment is subject to limited appeal rights.

Refer to the Headquarters Employee Labor Management Division for specific guidance.

### **Reduction-In-Force**

Procedures governing reduction-in-force applicable to excepted service employees contained in 5 C.F.R. Part 351, are applicable to appointments made under this authority.

### **Appeal Rights-Adverse Actions**

Departmental procedures for taking adverse actions, e.g., suspension of 15 days or more, applicable to competitive service employees will apply to employees appointed under this authority. Employees also have appeal rights in these cases to the Merit Systems Protection Board and will be advised of these rights in accordance with 5 United States Code, Chapter 75.

### **Grievance Rights**

Employees in these positions will be covered by the locally applicable Administrative or Negotiated Grievance Procedures DOE O 342. 1.

#### **U. Applicability of Other Departmental Policies**

Unless otherwise described above or in supplemental policy guidance, Departmental policies and procedures will apply to appointments and positions under these authorities.

#### **V. Political Appointments**

These authorities shall not be used to make political appointments. Political appointments are made through established Schedule C, non-career SES appointment and Presidential authorities and processes. This authority shall not be used to convert non-competitively current or former political appointees to excepted service appointments.

### **IV. RESPONSIBILITIES:**

#### **A. Senior Management Review Board (SMRB)**

##### **As delegated by the Chair, Executive Resources Board (ERB)**

- Management and assigns all EJ and EK allocations throughout the Department, including NNSA;
- Establishment of new positions, abolishments, reassignments, and selection into EJ and EK, positions;
- Approves pay setting (e.g., initial, as a result of a reassignment to a position of higher responsibilities, promotions, etc.);
- Approves performance based pay adjustments;
- Approves recruitment/relocation/ retention allowances and dual compensation waivers;
- Approves all proposals to grant nonperformance based incentive awards, unless the Head of the Departmental Element has written delegation from the SMRB to approve;
- Approves details of Departmental and Non-Departmental career employees into EJ and EK positions;
- Priority consideration for surplus employees affected by a Reduction-in-Force (RIF);
- Assigns (detail, transfer to International Organizations, etc.) of any EJ or EK employee outside of the Department;
- Approves all Intergovernmental Personnel Assignments consistent with attached criteria;
- Approves request from heads of DOE elements (and other field organizations with personnel authority) to request national interest determinations from the Secretary of State when details and transfers to public international organizations will last more than five years;
- Refer any EJ, or EK action it deems necessary to the ERB for review and/or approval.

**B. Heads of Departmental Elements or Equivalent**

- Approves all EJ and EK requests prior to submission to the SMRB

**C. Selecting Officials**

- Comply with approved guidance
- Collaborate with the Executive Resources Division in relation to establishing EJ or EK positions, pay, recruitment, hiring, etc.

**D. Human Resources Liaisons and/or Resource Managers**

- Ensure that EJ/EK actions are submitted and authorized in accordance with approved guidance e.g. DOE Order 329.1, ERB Charter, etc.
- Collaborate with Executive Resources Division in relation to establishing EJ or EK positions, pay, recruitment, hiring, etc.

**E. Executive Resources Division**

- Provides technical support to organizations
- Monitors use of EJ and EK authorities
- Provides advice and technical assistance to program offices prior to final approval of all personnel actions that are forwarded to the ERB and SMRB for consideration
- Develops Departmental Instructions/Guidance

**F. Office of General Counsel**

- Provides legal support to extend EK authority, as applicable
- Concurs in use of noncompetitive procedures to select personnel classified under GS-301-series equivalent utilizing the EJ authority

## **Appendix A:**

### **FREQUENTLY ASKED QUESTIONS (FAQs)**

#### **Who can serve as a Subject Matter Expert for an EJ/ or EK position?**

The Subject Matter Expert(s) should be equivalent to or above the grade level of the applicable EJ or EK position to determine either the job-related criteria or to serve as the panel Subject-matter expert. This option offers a wide range as EJ or EK pay band levels can encompass more than one GS-grade equivalent. **A Pay Band V position would require a Pay Band V equivalent or an SES/SL/ST subject-matter expert.**

#### **Who can serve on the panel for EJ or EK position?**

The panel can consist of employees who are equivalent to or higher than the requested EJ or EK position. This option offers a wide range of eligible employees as EJ/EK pay band levels can encompass more than one GS-grade equivalent. **A Pay Band V position would require a Pay Band V equivalent or SES/SL/ST members.**

#### **Can an EJ or EK Pay Band V supervise?**

No. Only Pay Band IV and below can supervise. However, an EJ or EK Pay Band V position may include some supervisory and related managerial duties, provided that these duties occupy less than 25 percent of the incumbent's time. Positions in which supervisory and managerial work constitutes 25 percent cannot be classified as an EJ or EK Pay Band V.

#### **Who can supervise EJ or EK employees?**

The EJ or EK employee can be supervised by an employee who is equivalent to or higher than the EJ or EK employee. A Pay Band V is supervised by a Pay Band V equivalent or SES/SL/ST.

#### **Do you have to advertise EJ or EK permanent positions?**

All EJ or EK permanent positions must be advertised. Noncompetitive EJ or EK positions can only be used for temporary appointments not-to-exceed two years.

#### **How long should an EJ or EK position be advertised?**

Typically, the minimum period for vacancy announcements is 30 days; however, with written justification and approval by the SMRB, it can be a minimum of 5 business days.

#### **Can you detail an EJ or EK employee to any position?**

Yes. Pay Band V follows procedures applicable for SES members unless detailed to an equivalent Pay Band V position. All details regardless of length require SMRB approval prior to effecting the action.

#### **Can you reassign an EJ or EK employee?**

Yes. A reassignment may be filled non-competitively within the same pay band. All reassignments require SMRB approval. A reassignment to a position with higher level duties and responsibilities, e.g. from a non supervisory position to a supervisory position can result in a salary increase up to 6%.

**Can you convert a GS/SES/SL/ST employee to an EJ or EK position?**

Yes. You can non-competitively convert a GS/SES/SL/ST employee to a temporary EJ or EK position, not-to-exceed two years. The employee would also have to serve a one-year probationary period. The conversion for an SES/SL/ST must not be used as a tool to resolve a conduct or performance issue. SMRB approval is required.

**Do you have to interview all referred candidates on the certificate of eligibles?**

No. If there are more than 10 candidates the Selecting Official has the option to utilize pre-determined criteria to identify those candidates to interview. The criteria should be attached to the SMRB selection package. However, veterans preference is still applicable, and all veterans must be interviewed.

**Can a GS employee who is converted to an equivalent EJ or EK position receive an increase in pay?**

Yes. A conversion to an equivalent EJ/EK position is considered a “promotion” and the employee would be eligible for a pay increase up to 6% subject to the maximum limit of the applicable pay band.

**Can an EJ or EK employee earn credit hours or compensatory time?**

Employees under these authorities on a Flexible Work Schedule can earn credit hours if available under an FWS and compensatory time for irregularly scheduled overtime in lieu of being paid for the overtime.

**Appendix B:**

**Sample Letters**

- B1. Pre-Conversion from SES to Excepted Service Pay Band V**
- B2. Pre-Conversion from SES to Excepted Service Pay Band IV and below**
- B3. Pre-Conversion from SL/ST to Excepted Service Pay Band V**
- B4. Pre-Conversion from SL/ST to Excepted Service Pay Band IV and below**
- B5. Post-Conversion Offer Letter from SES to Excepted Service Pay Band V**
- B6. Post-Conversion Offer Letter from SES to Excepted Service Pay Band IV and below**
- B7. Post-Conversion Offer Letter from SL/ST to Excepted Service Pay Band V**
- B8. Post-Conversion Offer from SL/ST to Excepted Service Pay Band IV and below**
- B9. Tentative Offer Letter to Excepted Service**
- B10. Appointment Offer Letter to Excepted Service**
- B11. Tentative Offer Letter from GS to Excepted Service within DOE**
- B12. Appointment Offer Letter from GS to Excepted Service within DOE**
- B13. Change from Indefinite Excepted Service Appointment to a Limited Term Appointment**

## **B1. Pre-Conversion from SES to Excepted Service Pay Band V**

### **MEMORANDUM FOR**

**FROM:** Servicing Human Resources Specialist

**SUBJECT:** (Tentative Offer) Conversion from the Senior Executive Service (SES) to the Excepted Service

This is to confirm that you are being considered for a position in the Excepted Service as an, EJ-301-V position at a salary of \$ per annum. This action may not be effected until it is authorized by the Senior Management Review Board (SMRB). By signing this memorandum you that you voluntarily accept for this conversion from your SES position of \_\_\_\_\_ to this excepted service position. The following information concerns your rights and benefits upon converting to the excepted service.

You will be required to serve a one-year trial period. Employees who voluntarily convert from the SES to a non-time limited appointment under this excepted appointment authority are not afforded "fallback rights" to the pay system previously assigned prior to the conversion. As an excepted service employee, you will be eligible for performance awards; however, you are no longer eligible for SES bonuses or Rank awards. Excepted Service employees receive the same general pay comparability and locality pay increases applicable to other Federal employees in comparable positions. You will retain your current benefits, i.e., retirement, life insurance, health insurance, etc.

You are eligible for reinstatement to an SES position and this eligibility has no time limit. However, you must have successfully completed the SES probationary period, did not separate from the SES for reasons of performance, disciplinary reasons, or a resignation in lieu of removal for these reasons, meet the qualification requirements and be selected for such a position; no new certification will be required from the OPM Qualifications Review Board (QRB).

The SES end-of-year annual leave ceiling is limited to 720 hours. The end-of-year annual leave ceiling for all other employees is limited to 240 hours. In moving from the SES to the excepted service, the amount of annual leave accumulated at the time of conversion will remain to your credit and you may continue to carry that amount as your maximum leave year carry-over up to the limit of 720 hours. However, that ceiling will be subject to reduction should you subsequently use more annual leave than you earn a in a leave year.

Please return the signed copy to my attention at \_\_\_\_\_, or fax it to me at \_\_\_\_ as soon as possible. If you have any questions regarding the procedures involved in effecting this conversion to the excepted service, please call me on \_\_\_\_\_.

I acknowledge receipt of this memorandum and I understand the issues covered. If approved by the SMRB, I voluntarily resign my appointment in the Senior Executive Service and accept an excepted service, (EJ-301-V) position, at the salary level of \$ per annum in the Office of with a duty station of \_\_\_\_\_.

\_\_\_\_\_  
**Employee's Name**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Concur**

\_\_\_\_\_  
**Non-Concur**

## B2. Pre-Conversion from SES to Excepted Service Pay Band IV and below

### MEMORANDUM FOR

**FROM:** Servicing Human Resources Specialist

**SUBJECT:** (Tentative) Conversion from the Senior Executive Service (SES) to the Excepted Service

This is to confirm that you are being considered for a position in the Excepted Service as an, EJ-301-IV or below position at a salary of \$ per annum. This action may not be effected until it is authorized by the Senior Management Review Board (SMRB). By signing this memorandum you are indicating that you voluntarily accept to be considered for this conversion from your SES position of \_\_\_\_\_ to this excepted service position. The following information concerns your rights and benefits upon changing to the excepted service.

You will be required to serve a one-year trial period. Employees who voluntarily convert from the SES to a non-time limited appointment under this excepted appointment authority are not afforded "fallback rights" to the pay system previously assigned prior to the conversion. As an excepted service employee, you will be eligible for performance awards; however, you are no longer eligible for SES bonuses or Rank awards. Excepted Service employees receive the same general pay comparability and locality pay increases applicable to other Federal employees in comparable positions. You will retain your current benefits, i.e., retirement, life insurance, health insurance, etc.

You are eligible for reinstatement to an SES position and this eligibility has no time limit. However, you must have successfully completed the SES probationary period, did not separate from the SES for reasons of performance, disciplinary reasons, or a resignation in lieu of removal for these reasons, meet the qualification requirements and be selected for such a position; no new certification will be required from the OPM Qualifications Review Board (QRB).

The SES end-of-year annual leave ceiling is limited to 720 hours. The end-of-year annual leave ceiling for all other employees is limited to 240 hours. In moving from the SES to the excepted service, the amount of annual leave accumulated at the time of conversion will remain to your credit and you may continue to carry that amount as your maximum leave year carry-over up to the limit of 720 hours. However, that ceiling will be subject to reduction should you subsequently use more annual leave than you earn in a leave year. An employee who moves from a covered pay system to a noncovered pay system is no longer entitled to the higher annual leave accrual rate. Upon movement to a noncovered pay system, an employee's annual leave accrual rate must be re-determined based on the employee's years of creditable service. Any annual leave accrued or accumulated by the employee under the covered position remains to the employee's credit

Please return the signed copy to my attention at \_\_\_\_\_, or fax it to me at \_\_\_ as soon as possible. If you have any questions regarding the procedures involved in effecting this conversion to the excepted service, please call me on \_\_\_\_\_.

I acknowledge receipt of this memorandum and I understand the issues covered. If approved by the SMRB, I voluntarily resign my appointment in the Senior Executive Service and accept an excepted service, (EJ-301-IV or below) position, at the salary level of \$ per annum in the Office of with a duty station of \_\_\_\_\_.

\_\_\_\_\_  
**Employee's Name**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Concur**

\_\_\_\_\_  
**Non-Concur**

**B3. Pre-Conversion from SL/ST to Excepted Service Pay Band V**

**MEMORANDUM FOR**

**FROM:** Servicing Human Resources Specialist

**SUBJECT:** (Tentative) Conversion from the Senior Level (SL) or Scientific or Professional (ST) Employees position to an Excepted Service EJ/EK position

This is to confirm that you are being considered for a position in the Excepted Service as an, EJ-(series)-V position at a salary of \$ per annum. This action may not be effected until it is authorized by the Senior Management Review Board (SMRB). By signing this memorandum you are indicating that you voluntarily accept to be considered for this conversion from your SL or ST position of \_\_\_\_\_ to this excepted service position. The following information concerns your rights and benefits upon changing to the excepted service.

You will be required to serve a one-year trial period. Employees who voluntarily convert from other pay systems to a non-time limited appointment under this excepted appointment authority are not afforded "fallback rights" to the pay system previously assigned prior to the conversion. As an excepted service employee, you will be eligible for performance awards; however, you are no longer eligible for SL or ST pay adjustments, awards, or Rank awards. Excepted Service employees receive the same general pay comparability and locality pay increases applicable to other Federal employees in comparable positions. You will retain your current benefits, i.e., retirement, life insurance, health insurance, etc.

You are eligible for reinstatement to an SL or ST position and this eligibility has no time limit. However, you must meet the qualification requirements and be selected for such a position.

The SL/ST end-of-year annual leave ceiling is limited to 720 hours. The end-of-year annual leave ceiling for all other employees is limited to 240 hours. In moving from the SL or ST to the excepted service, the amount of annual leave accumulated at the time of conversion will remain to your credit and you may continue to carry that amount as your maximum leave year carry-over up to the limit of 720 hours. However, that ceiling will be subject to reduction should you subsequently use more annual leave than you earn in a leave year.

Please return the signed copy to my attention at \_\_\_\_\_, or fax it to me at \_\_\_\_\_ as soon as possible. If you have any questions regarding the procedures involved in effecting this conversion to the excepted service, please call me on \_\_\_\_\_.

I acknowledge receipt of this memorandum and I understand the issues covered. If approved by the SMRB, I voluntarily accept an excepted service, (EJ-301-V) position, at the salary level of \$ per annum in the Office of \_\_\_\_\_ with a duty station of \_\_\_\_\_.

<b>Employee's Name</b>	<b>Date</b>	<b>Concur</b>	<b>Non-Concur</b>

**B4. Pre-Conversion from SL/ST to Excepted Service Pay Band IV and below**

**MEMORANDUM FOR**

**FROM:** Servicing Human Resources Specialist

**SUBJECT:** (Tentative Offer) Conversion from the Senior Level (SL) or Scientific or Professional (ST) Employees to the Excepted Service

This is to confirm that you are being considered for a position in the Excepted Service as), EJ-(series)-IV or below position at your current salary of \$ per annum. This action may not be effected until it is authorized by the Senior Management Review Board (SMRB). By signing this memorandum you are indicating that you voluntarily accept to be considered for this conversion from your SL or ST position of \_\_\_\_\_ to this excepted service position. The following information concerns your rights and benefits upon changing to the excepted service.

You will be required to serve a one-year trial period. Employees who voluntarily convert from other pay systems to a non-time limited appointment under this excepted appointment authority are not afforded "fallback rights" to the pay system previously assigned prior to the conversion. As an excepted service employee, you will be eligible for performance awards; however, you are no longer eligible for SL or ST pay adjustments, awards, or Rank awards. Excepted Service employees receive the same general pay comparability and locality pay increases applicable to other Federal employees in comparable positions. You will retain your current benefits, i.e., retirement, life insurance, health insurance, etc.

You are eligible for reinstatement to an SL or ST position and this eligibility has no time limit. However, you must meet the qualification requirements and be selected for such a position.

The SL/ST end-of-year annual leave ceiling is limited to 720 hours. The end-of-year annual leave ceiling for all other employees is limited to 240 hours. In moving from the SL or ST to the excepted service, the amount of annual leave accumulated at the time of conversion will remain to your credit and you may continue to carry that amount as your maximum leave year carry-over up to the limit of 720 hours. However, that ceiling will be subject to reduction should you subsequently use more annual leave than you earn a in a leave year. An employee who moves from a covered pay system to a noncovered pay system is no longer entitled to the higher annual leave accrual rate. Upon movement to a noncovered pay system, an employee's annual leave accrual rate must be re-determined based on the employee's years of creditable service. Any annual leave accrued or accumulated by the employee under the covered position remains to the employee's credit

Please return the signed copy to my at \_\_\_\_\_, or fax it to me at \_\_\_\_\_ as soon as possible. If you have any questions regarding the procedures involved in effecting this conversion to the excepted service, please call me on \_\_\_\_\_.

I acknowledge receipt of this memorandum and I understand the issues covered. If approved by the SMRB/, I voluntarily accept an excepted service, (EJ-301-V) position, at the salary level of \$ per annum in the Office of \_\_\_\_\_ with a duty station of \_\_\_\_\_.

\_\_\_\_\_  
**Employee's Name**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Concur**

\_\_\_\_\_  
**Non-concur**

**B5. Post-Conversion Offer Letter from SES to Excepted Service Pay Band V**

Mr./Mrs./Ms/. XXXXXXXX  
1000 Independence Ave., SW  
Washington, DC 20585

Dear Mr. /Mrs./Ms. XXXXXXXX:

The purpose of this letter is to advise you of your conversion from your current SES position to the Excepted Service position of XXXXXXXX with the Office of XXXXXXXXX, EJ-xxxx-V, at \$\_\_\_\_\_ per annum. The effective date of your conversion is XXXXXX xx. You will be required to serve a one year trial period. Employees who voluntarily convert from the SES to a non-time limited appointment under this excepted appointment authority are not afforded “fallback rights” to the pay system previously assigned prior to the conversion.

As an excepted service employee, you will be eligible for performance awards under the DOE Headquarters Performance Management Program; however, you will no longer be eligible for SES bonuses or Rank awards. Excepted Service employees receive the same general pay comparability and locality pay increases applicable to other Federal employees in comparable positions. You will retain your current benefits, i.e., retirement, life insurance, health insurance, etc.

You have SES reinstatement rights, which have no time limit, provided you have successfully completed the SES probationary period, did not separate from the SES for reasons of performance, disciplinary reasons, or a resignation in lieu of removal for these reasons, and require that you meet the qualification requirements of the position to which applying; no new QRB recertification is required.

In moving from the SES to the Excepted Service, you will carry over your annual leave ceiling at the time of conversion and may continue to carry that as your maximum, provided that, you do not subsequently use more annual leave than you earn in a leave year. The SES end-of-the-year annual leave ceiling is limited to 720 hours. The end-of-the year annual leave ceiling for all other employees is limited to 240 hours.

Please sign below, acknowledging receipt of this information and that you understand the conditions of employment, and return it to the attention of \_\_\_\_\_ of my staff by faxing it to her/him at \_\_\_\_\_.

If you have any questions concerning your conversion, please contact \_\_\_\_\_ on \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
XXXXXXXX

\_\_\_\_\_  
Date

**B6. Post-Conversion Offer Letter from SES to Excepted Service Pay Band IV and below**

Mr./Mrs./Ms/. XXXXXXXX  
1000 Independence Ave., SW  
Washington, DC 20585

Dear Mr./Mrs./Ms. XXXXXXXX:

The purpose of this letter is to advise you of your conversion from your current SES position to the Excepted Service position of XXXXXXXX with the Office of XXXXXXXXX, EJ-xxxx-V, at \$\_\_\_\_\_ per annum. The effective date of your conversion is XXXXXX xx. You will be required to serve a one year trial period. Employees who voluntarily convert from the SES to a non-time limited appointment under this excepted appointment authority are not afforded “fallback rights” to the pay system previously assigned prior to the conversion.

As an excepted service employee, you will be eligible for performance awards under the DOE Headquarters Performance Management Program; however, you will no longer be eligible for SES bonuses or Rank awards. Excepted Service employees receive the same general pay comparability and locality pay increases applicable to other Federal employees in comparable positions. You will retain your current benefits, i.e., retirement, life insurance, health insurance, etc.

You have SES reinstatement rights, which have no time limit, provided you have successfully completed the SES probationary period, did not separate from the SES for reasons of performance, disciplinary reasons, or a resignation in lieu of removal for these reasons, and require that you meet the qualification requirements of the position to which applying; no new QRB recertification is required.

In moving from the SES to the Excepted Service, you will carry over your annual leave ceiling at the time of conversion and may continue to carry that, as your maximum, provided that, you do not subsequently use more annual leave than you earn in a leave year. The SES end-of-the-year annual leave ceiling is limited to 720 hours. The end-of-the year annual leave ceiling for all other employees is limited to 240 hours. An employee who moves from a covered pay system to a noncovered pay system is no longer entitled to the higher annual leave accrual rate. Upon movement to a noncovered pay system, an employee's annual leave accrual rate must be re-determined based on the employee's years of creditable service. Any annual leave accrued or accumulated by the employee under the covered position remains to the employee's credit.

Please sign below, acknowledging receipt of this information and that you understand the conditions of employment, and return it to the attention of \_\_\_\_\_ of my staff by faxing it to her/him at \_\_\_\_\_.

If you have any questions concerning your conversion, please contact \_\_\_\_\_ on \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
XXXXXXXX

\_\_\_\_\_  
Date

**B7. Post-Conversion Offer Letter from SL/ST to Excepted Service Pay Band V**

Mr./Mrs./Ms. XXXXXXXX  
1000 Independence Ave., SW  
Washington, DC 20585

Dear Mr./Mrs./Ms. XXXXXXXX:

The purpose of this letter is to advise you of your conversion from your current SL or ST position to the Excepted Service position of XXXXXXXX with the Office of XXXXXXXXX, EJ-xxxx-V, at \$\_\_\_\_\_ per annum. The effective date of your conversion is XXXXXX xx. You will be required to serve a one year trial period. Employees who voluntarily convert from other pay systems to a non-time limited appointment under this excepted appointment authority are not afforded "fallback rights" to the pay system previously assigned prior to the conversion.

As an excepted service employee, you will be eligible for performance awards under the DOE Headquarters Performance Management Program; however, you will no longer be eligible for SL or ST pay adjustments, SL or ST awards, or Rank awards. Excepted Service employees receive the same general pay comparability and locality pay increases applicable to other Federal employees in comparable positions. You are eligible for reinstatement to an SL/ST position and this eligibility has no time limit. However, you must meet the qualification requirements and be selected for such a position. You will retain your current benefits, i.e., retirement, life insurance, health insurance, etc.

In moving from the SL or ST to the Excepted Service, you will carry over your annual leave ceiling at the time of conversion and may continue to carry that, as your maximum, provided that, you do not subsequently use more annual leave than you earn in a leave year. The SL or ST end of-the-year annual leave ceiling is limited to 720 hours. The end-of-the year annual leave ceiling for all other employees is limited to 240 hours.

Please sign below, acknowledging receipt of this information and that you understand the conditions of employment, and return it to the attention of \_\_\_\_\_ of my staff by faxing it to her/him at \_\_\_\_\_.

If you have any questions concerning your conversion, please contact \_\_\_\_\_ on \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
XXXXXXXX

\_\_\_\_\_  
Date

**B8. Post-Conversion Offer from SL/ST to Excepted Service Pay Band IV and below**

Mr./Mrs./Ms. XXXXXXXX  
1000 Independence Ave., SW  
Washington, DC 20585

Dear Mr./Mrs./Ms. XXXXXXXX:

The purpose of this letter is to advise you of your conversion from your current SL or/ST position to the Excepted Service position of XXXXXXXX with the Office of XXXXXXXXX, EJ-xxxx-IV and below, at \$\_\_\_\_\_ per annum. The effective date of your conversion is XXXXXX xx. You will be required to serve a one year trial period. Employees who voluntarily convert from other pay systems to a non-time limited appointment under this excepted appointment authority are not afforded "fallback rights" to the pay system previously assigned prior to the conversion. As an excepted service employee, you will be eligible for performance awards under the DOE Headquarters Performance Management Program; however, you will no longer be eligible for SL or ST pay adjustments, SL or ST awards, or Rank awards. Excepted Service employees receive the same general pay comparability and locality pay increases applicable to other Federal employees in comparable positions. You are eligible for reinstatement to an SL or ST position and this eligibility has no time limit. However, you must meet the qualification requirements and be selected for such a position. You will retain your current benefits, i.e., retirement, life insurance, health insurance, etc.

In moving from the SL or ST to the Excepted Service, you will carry over your annual leave ceiling at the time of conversion and may continue to carry that as your maximum, provided that, you do not subsequently use more annual leave than you earn in a leave year. The SL or ST end of-the-year annual leave ceiling is limited to 720 hours. The end-of-the year annual leave ceiling for all other employees is limited to 240 hours. An employee who moves from a covered pay system to a noncovered pay system is no longer entitled to the higher annual leave accrual rate. Upon movement to a noncovered pay system, an employee's annual leave accrual rate must be re-determined based on the employee's years of creditable service. Any annual leave accrued or accumulated by the employee under the covered position remains to the employee's credit.

Please sign below, acknowledging receipt of this information and that you understand the conditions of employment, and return it to the attention of \_\_\_\_\_ of my staff by faxing it to her/him at\_\_\_\_\_.

If you have any questions concerning your conversion, please contact \_\_\_\_\_ on \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
XXXXXXXX

\_\_\_\_\_  
Date

## B9. Tentative Offer Letter to Excepted Service

Dear Mr./Mrs./Ms.

This is a tentative offer letter for the Excepted Service position of \_\_\_\_\_, EJ/EK-series-Pay Band\_\_\_\_\_, with a salary \$\_\_\_\_\_ per annum contingent upon receipt of required approvals. The position is located in the \_\_\_\_\_, U.S. Department of Energy (DOE), Washington, D.C. This tentative job offer letter contains important information about your appointment.

This is an excepted service appointment. This means you would have to compete with other applicants in open competition to meet requirements for another federal position, unless you meet the requirements for reinstatement. This appointment will not confer career-conditional or career tenure status. There is a one-year trial period for this position. Excepted service employees receive the same general pay comparability and locality pay increases applicable to other Federal employees in comparable positions. **While the Department has every intention of honoring this offer, we will contact you should any unforeseen budgetary ceiling or other hiring impediment make it necessary to withdraw our offer. Although this is very unlikely to occur, it is only fair to inform you that this offer is revocable up until the effective date of your appointment.**

United States citizenship is a requirement for Federal employment. You must provide proof of citizenship in order to be appointed to this position. **Upon reporting for duty, you must provide documentation of your proof of citizenship which can consist of: a US passport, or a birth certificate, and citizenship naturalization papers.** Failure to provide one of these forms will result in a delay in your appointment. **Please also include a voided check.** Your appointment may also be subject to one or more of the following requirements: the satisfactory completion of a conflict-of-interest clearance and/or National Agency Check and Inquiries (NACI); obtaining and maintaining a security clearance; successfully passing a counterintelligence-scope polygraph examination. Note that if you are a former member of the uniformed service (military), either retired or non-retired, your type and date of service will determine the credit you will receive for various civilian issues, e.g., service credit, leave earning category. You must provide a copy of your DD-214 to ensure appropriate credit.

This appointment confers eligibility for the following fringe benefits: Health Insurance (FEHB), Life Insurance (FEGLI), Federal Employees Retirement System (FERS), Thrift Savings Plan (TSP), Flexible Spending Account (FSA), Long-Term Care Insurance, sick leave, and annual (vacation) leave, etc.

If you have any questions, please contact me on \_\_\_\_\_.

Please sign below, acknowledging receipt of this information and that you understand the conditions of employment, and return it to my attention at \_\_\_\_\_.

Sincerely,

Servicing Human Resources Specialist

---

Xxxxxxxx

---

Date

## B10. Appointment Offer Letter to Excepted Service

Dear Mr./Mrs./Ms.

Congratulations! This letter confirms the offer for the Excepted Service position of \_\_\_\_\_, EJ/EK-series-Pay Band\_\_\_\_\_, with a salary \$\_\_\_\_\_ per annum. The position is located in the \_\_\_\_\_, U.S. Department of Energy (DOE), Washington, D.C. The effective date of this appointment is \_\_\_\_\_. This job offer letter contains important information about your appointment and employee orientation.

This is an excepted service appointment. This means you would have to compete with other applicants in open competition to meet requirements for another federal position, unless you meet the requirements for reinstatement. This appointment will not confer career-conditional or career tenure status. There is a one-year trial period for this position. Excepted service employees receive the same general pay comparability and locality pay increases applicable to other Federal employees in comparable positions. **While the Department has every intention of honoring this offer, we will contact you should any unforeseen budgetary ceiling or other hiring impediment make it necessary to withdraw our offer. Although this is very unlikely to occur, it is only fair to inform you that this offer is revocable up until the effective date of your appointment.**

United States citizenship is a requirement for Federal employment. You must provide proof of citizenship in order to be appointed to this position. **Upon reporting for duty, you must provide documentation of your proof of citizenship which can consist of: a US passport, or a birth certificate, and citizenship naturalization papers.** Failure to provide one of these forms will result in a delay in your appointment. **Please also bring a voided check.** Your appointment may also be subject to one or more of the following requirements: the satisfactory completion of a conflict-of-interest clearance and/or National Agency Check and Inquiries (NACI); obtaining and maintaining a security clearance; successfully passing a counterintelligence-scope polygraph examination. Note that if you are a former member of the uniformed service (military), either retired or non-retired, your type and date of service will determine the credit you will receive for various civilian issues, e.g., service credit, leave earning category. You must bring a copy of your DD-214 to your orientation to ensure appropriate credit. Further information on credit for military service can be found on the website noted below.

This appointment confers eligibility for the following fringe benefits: Health Insurance (FEHB), Life Insurance (FEGLI), Federal Employees Retirement System (FERS), Thrift Savings Plan (TSP), Flexible Spending Account (FSA), Long-Term Care Insurance, sick leave, and annual (vacation) leave, etc.

As a new member of the DOE staff, you are encouraged to begin the New Employee Orientation Program at your earliest convenience. To begin the orientation:

1. **Go online to** <http://humancapital.doe.gov/orientation.htm>
2. **Click on** 'New Employee Orientation' in the Menu at the left of the screen to begin the program.
3. **Review** the information in the website thoroughly.
4. **Complete** all of the applicable employment and benefits related forms prior to your first day of work.
5. **Click** 'Save Forms' to maintain a copy for your records and/or work offline.
6. **Click** 'Print Forms' to print and sign a copy of the forms and **bring them with you on your first day of work.**

United States citizenship is a requirement for Federal employment. You must provide proof of citizenship in order to be appointed to this position. **Upon reporting for duty, please bring: a U. S. passport (expired OK), a birth certificate, or citizenship naturalization papers.**

Please report to the \_\_\_\_\_, on \_\_\_\_\_, and proceed to the **Visitors' desk**. The security staff will contact me to continue the New Employee Orientation process.

If you have any questions, please contact me on \_\_\_\_\_.

Sincerely,

Human Resources Specialist

## **B11. Tentative Offer Letter from GS to Excepted Service within DOE**

Dear Mr./Mrs./Ms.

This is a tentative offer letter for the Excepted Service position of \_\_\_\_\_, EJ/EK-series-Pay Band\_\_\_\_\_, with a salary \$\_\_\_\_\_ per annum contingent upon receipt of required approvals. The position is located in the \_\_\_\_\_, U.S. Department of Energy (DOE Washington, D.C. The effective date of this appointment is \_\_\_\_\_. This job offer letter contains important information about your appointment.

This is an excepted service appointment. This means you would have to compete with other applicants in open competition to meet requirements for another federal position, unless you meet the requirements for reinstatement. This appointment will not confer career-conditional or career tenure status. Employees who voluntarily convert from the competitive service, Senior Executive Service, or other pay systems to a non-time limited appointment under this excepted service authority are not afforded “fallback rights” to the pay system previously assigned prior to conversion. There is a one-year trial period for this position. Excepted service employees receive the same general pay comparability and locality pay increases applicable to other Federal employees in comparable positions. You will retain your current benefits, i.e., retirement, life insurance, health insurance, etc.

You will retain your current annual leave accrual rate unless you are converted to a Pay Band V and are not currently accruing 8 hours of annual leave each pay period. In this instance, your annual leave accrual rate will change to 8 hours each pay period; however, your end-of-year annual leave ceiling will remain limited to 240 hours. Your sick leave accrual rate will remain the same.

If you have any questions, please contact me on \_\_\_\_\_.

Sincerely,  
Human Resources Specialist

## **B12. Appointment Offer Letter from GS to Excepted Service within DOE**

Dear Mr./Mrs./Ms.

Congratulations! This letter confirms the offer for the Excepted Service position of \_\_\_\_\_, EJ/EK-series-Pay Band\_\_\_\_\_, with a salary \$\_\_\_\_\_ per annum. The position is located in the \_\_\_\_\_, U.S. Department of Energy (DOE), Washington, D.C. The effective date of this appointment is \_\_\_\_\_. This job offer letter contains important information about your appointment.

This is an excepted service appointment. This means you would have to compete with other applicants in open competition to meet requirements for another federal position, unless you meet the requirements for reinstatement. This appointment will not confer career-conditional or career tenure status. Employees who voluntarily convert from the competitive service, Senior Executive Service, or other pay systems to a non-time limited appointment under this excepted service authority are not afforded “fallback rights” to the pay system previously assigned prior to conversion. There is a one-year trial period for this position. Excepted service employees receive the same general pay comparability and locality pay increases applicable to other Federal employees in comparable positions. You will retain your current benefits, i.e., retirement, life insurance, health insurance, etc.

You will retain your current annual leave accrual rate unless you are converted to a Pay Band V and are not currently accruing 8 hours of annual leave each pay period. In this instance, your annual leave accrual rate will change to 8 hours each pay period; however, your end-of-year annual leave ceiling will remain limited to 240 hours. Your sick leave accrual rate will remain the same.

If you have any questions, please contact me on \_\_\_\_\_.

Sincerely,  
Human Resources Specialist

**B13. Change from Indefinite Excepted Service Appointment to a Limited Term Appointment**

**MEMORANDUM FOR**

**FROM:** Servicing Human Resources Specialist

**SUBJECT:** (Tentative Offer) Conversion from an Indefinite Appointment to a Time-Limited Appointment

This is to confirm that you are being considered for the temporary Excepted Service EJ/EK position of \_\_\_\_\_ at a salary of \$ per annum. This action may not be effected until it is authorized by the Senior Management Review Board (SMRB). By signing this memorandum you are indicating that you voluntarily accept to be considered for a temporary appointment not-to-exceed position of EJ/EK from your indefinite EJ/EK of \_\_\_\_\_. The following information concerns your rights and benefits upon changing the type of excepted service appointment.

DOE employees who (1) hold a non-time-limited appointment in DOE in the excepted service or a career or career-conditional appointment in the competitive service or a career SES appointment or an appointment of equivalent tenure, and (2) receive a time-limited appointment under this authority without a break in service, and whose limited appointment is terminated for reasons other than misconduct, neglect of duty, or malfeasance, shall be entitled to be placed in his/her former position or a position of like status, tenure, and grade. You receive the same general pay comparability and locality pay increases applicable. You will also retain your current benefits, i.e., retirement, life insurance, health insurance, etc.

You will retain your current annual leave accrual rate unless you are converted to a Pay Band V and are not currently accruing 8 hours of annual leave each pay period. In this instance, your annual leave accrual rate will change to 8 hours each pay period; however, your end-of-year annual leave ceiling will remain limited to 240 hours. If you convert from a Pay Band V to a Pay Band IV or below your annual leave accrual rate may be re-determined based on the years of creditable service; and therefore could be changed. Your sick leave accrual rate will remain the same.

Please return the signed copy to my attention at \_\_\_\_\_, or fax it to me at \_\_\_\_\_ as soon as possible. If you have any questions regarding the procedures involved in effecting this conversion to the excepted service, please call me on \_\_\_\_\_.

I acknowledge receipt of this memorandum and I understand the issues covered. If approved by the SMRB, I voluntarily accept the temporary excepted service of, (EJ-301-V) position, at the salary level of \$ per annum in the Office of \_\_\_\_\_ with a duty station of \_\_\_\_\_.

\_\_\_\_\_  
**Employee's Name**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Concur**

\_\_\_\_\_  
**Non-Concur**

## Appendix C: Sample Vacancy Announcement Template (Public Notice)

<b>Announcement Number</b>	2012_EJ/EK Template	<b>Promotion Potential</b>	EJ/EK
<b>Position Title</b>	ENTER Position Title, Series, Level HERE	<b>Hiring Agency</b>	Department of Energy
<b>Open Period</b>	08/22/2012 - 08/23/2012	<b>Duty Locations</b>	FEW Vacancies in Washington DC Metro Area, DC, US
<b>Series/Grade</b>	EJ/EK - 0000 01	<b>For More Info</b>	Servicing HR Specialist 202-555-1212 Servicing HRSpecialist@.doe.gov
<b>Salary</b>	\$20607 - \$25779		



### Who May Apply

OPEN TO ALL U.S. CITIZENS.

### Duration Appointment

Permanent or Temporary or Term

### Marketing Statement

The Department of Energy's (DOE's) overarching mission is to advance the national, economic, and energy security of the U.S. through scientific and technological innovation and the environmental cleanup of the national nuclear weapons complex. With DOE you'll have the flexibility and freedom to explore a world of possibilities through a wealth of exciting and challenging career opportunities. By joining DOE, you can hone your career skills while helping to secure the U.S. future and make a real difference in the lives of Americans and people around the world. To learn more about the DOE, please visit our website the following link [DOE](#)

### Summary

(INSERT LANGUAGE ABOUT THE OFFICE HERE) The Office of the .....is seeking a motivated and highly-qualified candidate for an exciting full-time excepted service permanent position located in the Office of ..... in Washington D.C. OR Germantown, MD. (DELETE LOCATION NOT NEEDED) (INSERT LANGUAGE ABOUT THE OFFICE/DIVISION HERE)The Office of

.....conducts..... The Office provides..... (INSERT A BRIEF EXPLANATION OF THE POSITION) The position provides .....

**This is an Excepted Service position. This appointment will not confer Competitive Service career-conditional or career tenure status. This means that if you are selected, you would have to compete with other applicants in open competition to meet requirements for another federal position, unless you meet the requirements for reinstatement. DOE employees who voluntarily convert from the competitive service, Senior Executive Service, or other pay systems to a non-time limited appointment under this excepted service authority are not afforded "fallback rights" to the pay system previously assigned prior to conversion.**

## Key Requirements

U.S. Citizenship is required. Background and/or Security Investigation and DOE 'Q' clearance is required. THIS POSITION ( IS OR IS NOT) IN THE BARGAINING UNIT COVERED UNDER NTEU Relocation expenses (may OR will not OR will) be paid. Designated and/or Random Drug Testing, Polygraph Exam is required. All employees will be required to complete a new one-year probationary period even if converted from an appointment with career status. May be subject to completion of one year supervisory probationary period.

## Major Duties

THIS SECTION IS MANDATORY AND MUST CONTAIN AT LEAST 350 CHARACTERS. TO OBTAIN 350 CHARACTERS, YOU MUST TYPE OR CUT AND PASTE A DOCUMENT OF THIS SIZE OR LARGER. Your plain text document should not contain all caps; that was only used in the first sentence for emphasis. Prepare your document in MS Word and check the document size, then save it as plain text. To check your document size in MS Word, go to File, properties, statistics. You will not have a problem with your document size; if it is at least 5 or 6 lines long. For example, this short paragraph describing major duties is way over 350 characters long!

## Education

SELECT FROM THE OPTIONS BELOW; THE STATEMENT THAT COINCIDES WITH THE POSITION YOU ARE ADVERTISING AND DELETE THE STATEMENT THAT DOES NOT APPLY. Although a degree is not required, your educational background will be strongly considered in the evaluation of your overall qualifications for this position. Supporting documentation of your education and training is appreciated, even though not required for this position. Please fax all supporting documents in accordance with the instructions provided under Required Documents in the "How to Apply" section. OR (If there is an educational requirement, please select one of the list of professional series definitions in the template options above) EDUCATION FROM FOREIGN INSTITUTIONS: Education completed in foreign colleges or universities may be used to meet the above requirements if you can show that the foreign education is comparable to that received in an accredited educational institution in the United States (PROVIDING SUCH EVIDENCE WHEN APPLYING IS YOUR RESPONSIBILITY).

## Requirements

CONDITIONS OF EMPLOYMENT FOR THIS VACANCY: A preliminary background check must be completed before a new employee can begin work. Current Federal employees or other individuals with and existing completed background investigation may not be required to undergo another background check. If selected for this vacancy, you may be required to file the OGE Form 450 (Financial Disclosure Statement). IF POSITION REQUIRES A Q CLEARANCE----- INSERT FROM TEMPLATE OPTIONS THE Q CLEARANCE/DRUG TESTING STATEMENT HERE. IF THE POSITION DOES NOT REQUIRE A Q.... DELETE THIS STATEMENT. Status and Non-Status applicants from outside DOE selected for this position are required to serve a mandatory one (1)

year probationary period. A DOE career status employee selected for this position may be required to serve a new one (1) year probationary period, pursuant to 5 CFR 315.802.

## Evaluations

Your application will be rated by the system using Category Rating. A quality review will be conducted by the HR Office and/or Subject Matter Expert (SME) based on the extent and quality of your experience, education, and training described in your online resume/questionnaire as related to the duties of this position. The quality categories are defined as "Best Qualified", "Well Qualified" and "Qualified". Within each category, veteran preference eligibles will be listed at the top of the category. If your resume is incomplete, or does not support the responses in your online questionnaire you may be rated ineligible, not qualified, or your score may be adjusted.

## Qualifications

You must meet all qualifications and eligibility requirements by the closing date or within 30 days of the closing date of the announcement. Online resumes of qualified candidates must describe at least one year of experience in..... (LIST EXAMPLE OF EXPERIENCE HERE)

**ADDITIONAL QUALIFICATIONS REQUIREMENTS:** Your online resume must demonstrate that you possess the following knowledge, skills, and abilities (KSAs/Competencies) (NOTE: Applicants need not prepare a written responses to these KSAs/competencies, unless asked in the online application): 1. Ability to..... 2. Skill in..... 3. Knowledge of.....

## How to Apply

- 1.) Submit an online resume using the USAJOBS RESUME BUILDER and respond to the job specific questions. The Department of Energy Headquarters ONLY accepts resumes that were submitted via the system from the USAJOBS Resume Builder. Applicants who do not use the USAJOBS RESUME BUILDER will not be able to successfully complete the application process and submit their application. To begin the application process click the "Apply Online" button within the announcement to create a USAJOBS account or log in to your existing USAJOBS account and follow the on screen instructions to build your resume using the USAJOBS Resume BUILDER and respond to the job specific questions.
- 2.) If you are unable to apply online, call the Human Resources Specialist listed in the announcement between the hours of 8:00 a.m. to 5:00 p.m. Eastern Standard Time (EST) or you can also contact USAJOBS by clicking the "CONTACT US" link found on the USAJOBS website. Emailed or Faxed copies sent by any form other than stated in this announcement will not be accepted.
- 3.) Submit all required documents by 11:59p.m. EST on the closing date of the announcement in order to receive consideration.

## Required Documents

Required Documents

1. SUBMIT YOUR COMPLETED APPLICATION WHICH INCLUDES YOUR RESUME, YOUR RESPONSES TO ALL ONLINE ASSESSMENT QUESTIONS, and all required supplemental documents in order to be considered. (See "How To Submit ALL Supplemental Documents" section for more info).
2. Veterans: If you are eligible for veteran's preference, you must indicate the type of preference you are claiming. All veterans MUST submit a DD-214, member 4 copy. If claiming 10-point preference you must also submit a SF-15 and any other proof that you are eligible for 10-point preference. If you are currently on active duty, you must submit an official statement of service from your command or other official documentation that proves your military service was performed under honorable conditions. You can find additional information on veteran's preference at [VET GUIDE](#)
3. Education: You must submit a copy of your transcript(s), a separate course listing, or a course listing in the appropriate job specific question showing the type of information that appears on

transcript(s) such as course title, department, hours earned (semester or quarter), and grade.

4. If you have completed any part of your education outside of the U.S., you must submit the evaluation of your foreign education that has been prepared by an accredited organization. The National Association of Credential Evaluation Services (NACES) can provide a list of who can evaluate your foreign education. For additional information, visit [DEPARTMENT OF EDUCATION](#)

5. If you believe that you are Interagency Career Transition Assistance Program (ICTAP) eligible, please visit [ICTAP/CTAP](#) for additional information. To be considered well qualified, you must have a score of 85.

6. If you are eligible for any Special Appointing Authority, you must submit the documentation supporting your eligibility. For additional information, visit [DISABILITY RESOURCES](#)

7. Optional Form (OF-306) Declaration of Federal Employment: The information collected on this form is used to determine your acceptability for Federal employment and your enrollment status in the Government's Life Insurance program. If you are selected, before you are appointed you will be asked to update your responses on this form and on other materials submitted during the application process and then to recertify that your answers are true. Click the link below and select the fillable PDF Version of the OF-306 (Declaration of Federal Employment). Complete the form, print, sign and follow the instructions at the "Vacancy Documents" section of the application to submit this form with your other required documents. [OPTIONAL FORMS](#)

#### HOW TO SUBMIT ALL SUPPLEMENTAL DOCUMENTS:

The documentation identified above must be attached to your application using one of the following actions:

- 1) "Upload" to upload documents directly from your computer
- 2) "USAJOBS" to upload documents stored in your "USAJOBS" accounts
- 3) "Fax" to generate a fax cover sheet and fax the documents (system generated cover sheet must be used) Applicants will be prompted at the "Vacancy Documents" section of the application to add their required documents. Please review and follow the instructions listed to successfully submit your documents. Even if you have uploaded required documents to USAJOBS for previous announcements you must separately attach your documents for this announcement per the on-screen instructions in order for them to successfully be submitted for this announcement.

### What to Expect Next

You may check your application status any time after the announcement closes. USAJOBS has added an alert setting to the system to drive status updates notification for applicants. We recommend that you update your USAJOBS profile to receive these status updates via email after the announcement closes. We will continue to update your status on-line as changes are made.

### Benefits

The Department of Energy has broad range of benefits and work life programs that you may be eligible for depending on your type of appointment. For more information on benefits DOE has to offer please visit: [DOE BENEFITS](#)

### Other Information

Male applicants born after 12/31/1959, who are required to register with the Selective Service under section 3 of the Military Selective Service Act, must be registered (or must have registered at the time they were required to do so) in order to be eligible for appointment. For more information, visit the [SELECTIVE SERVICE SYSTEM](#) web site.

The U.S. Department of Energy is an EQUAL OPPORTUNITY EMPLOYER.

## Appendix C: Sample Vacancy Announcement Template (Internal Excepted Service Placement)

<b>Announcement Number</b>	HQ-12-IP-###	<b>Promotion Potential</b>	GS-02
<b>Position Title</b>	ENTER Position Title, Series, Grade HERE	<b>Hiring Agency</b>	Department of Energy
<b>Open Period</b>	02/27/2012 - 02/28/2012	<b>Duty Locations</b>	FEW Vacancies in Washington DC Metro Area, DC, US
<b>Series/Grade</b>	EJ/EK - 0000 01	<b>For More Info</b>	Servicing Human Resources Specialist 202-586-1212 ServicingHumanResourcesSpecialist@hq.doe.gov
<b>Salary</b>	\$20607 - \$25779		



### Who May Apply

OPEN TO.....PLEASE INSERT FROM THE TEMPLATE OPTIONS ABOVE THE Internal Excepted Service Placement AREA OF CONSIDERATION THAT COINCIDES WITH THE POSITION YOU ARE ANNOUNCING.

### Duration Appointment

Permanent or Temporary or Term

### Marketing Statement

DOE's overarching mission is to advance the national, economic, and energy security of the U.S. through scientific and technological innovation and the environmental cleanup of the national nuclear weapons complex. With DOE you'll have the flexibility and freedom to explore a world of possibilities through a wealth of exciting and challenging career opportunities. By joining DOE, you can hone your career skills while helping to secure the U.S. future and make a real difference in the lives of Americans and people around the world. To learn more about the DOE, please visit our website the following link [DOE](#)

### Summary

(INSERT LANGUAGE ABOUT THE OFFICE HERE) The Office of the .....is seeking a motivated and highly-qualified candidate for an exciting full-time permanent position located in the Office of ..... in Washington D.C. OR Germantown, MD. (DELETE LOCATION NOT NEEDED) (INSERT LANGUAGE ABOUT THE OFFICE/DIVISION HERE)The Office of .....conducts..... The Office provides..... (INSERT A BRIEF EXPLANATION OF THE POSITION) The position provides ..... IF YOU ARE ANNOUNCING BOTH Internal Excepted Service Placement AND PN, INCLUDE THE FOLLOWING STATEMENT. IF NOT DELETE THIS STATEMENT

AND THE STATEMENT BELOW. **This vacancy is being concurrently advertised with 10HQ???????. You must apply to the vacancy for which you wish to receive consideration. Applicants who wish to be considered for both must apply to both.**

**This is an Excepted Service position. This appointment will not confer Competitive Service career-conditional or career tenure status. This means that if you are selected, you would have to compete with other applicants in open competition to meet requirements for another federal position, unless you meet the requirements for reinstatement. DOE employees who voluntarily convert from the competitive service, Senior Executive Service, or other pay systems to a non-time limited appointment under this excepted service authority are not afforded "fallback rights" to the pay system previously assigned prior to conversion.**

## Key Requirements

U.S. Citizenship is required. Background and/or Security Investigation is required THIS POSITION ( IS OR IS NOT) IN THE BARGAINING UNIT COVERED UNDER NTEU Relocation expenses (may OR will not OR will) be paid.

## Major Duties

THIS SECTION IS MANDATORY AND MUST CONTAIN AT LEAST 350 CHARACTERS. TO OBTAIN 350 CHARACTERS, YOU MUST TYPE OR CUT AND PASTE A DOCUMENT OF THIS SIZE OR LARGER.

Your plain text document should not contain all caps; that was only used in the first sentence for emphasis. Prepare your document in MS Word and check the document size, then save it as plain text. To check your document size in MS Word, go to File, properties, statistics. You will not have a problem with your document size; if it is at least 5 or 6 lines long. For example, this short paragraph describing major duties is way over 350 characters long!

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## Evaluations

Your application will be rated based on the extent and quality of your experience, education, and training described in your online resume/questionnaire as related to the duties of this position. If your resume is incomplete, or does not support the responses in your online questionnaire you may be rated ineligible, not qualified, or your score may be adjusted.

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## Required Documents

Required Documents 1. SUBMIT YOUR COMPLETED APPLICATION WHICH INCLUDES YOUR RESUME, YOUR RESPONSES TO ALL ONLINE ASSESSMENT QUESTIONS, and all required supplemental documents in order to be considered. (See "How To Submit ALL Supplemental Documents" section for more info). 2. CURRENT FEDERAL EMPLOYEES/REINSTATEMENT ELIGIBLE APPLICANTS: YOU MUST SUBMIT AN SF-50, NOTIFICATION OF PERSONNEL ACTION, DOCUMENTING PROOF OF COMPETITIVE STATUS, TENURE, GRADE LEVEL AND STEP. ALL NON-COMPETITIVE ELIGIBLE APPLICANTS MUST SUBMIT PROOF OF ELIGIBILITY (I.E., SF-50 DOCUMENTING THE FULL PERFORMANCE LEVEL OF A POSITION HELD ON A PERMANENT BASIS).

3. Veterans: If you are eligible for veteran's preference, you must indicate the type of preference you are claiming. All veterans MUST submit a DD-214, member 4 copy. If claiming 10-point preference you must also submit a SF-15 and any other proof that you are eligible for 10-point preference. If you are currently on active duty, you must submit an official statement of service from your command or other official documentation that proves your military service was performed under honorable conditions. You can find additional information on veteran's preference at [VET GUIDE](#)

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