GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

HRM 9316.1A
February 5, 2024

GSA ORDER

SUBJECT: Temporary and Term Employment and Appointments

1. Purpose. This Order establishes the General Services Administration (GSA) policy governing the use of temporary and term appointments to meet employment needs of the agency that are not of a permanent nature.

2. Background. The Code of Federal Regulations, 5 CFR §316, Subpart C, Term Employment, and Subpart D, Temporary Limited Employment, provide the framework within which Federal agencies can make Temporary and Term appointments. For example, agencies may make time-limited appointments in order to accomplish project work, to accommodate extraordinary workload, or to continue functions when future funding is not certain. This Order explains the proper use of temporary and term appointments and the procedures to be followed in making such appointments. Term and temporary employees are used to supplement the permanent civil service workforce.

3. Scope and Applicability.

a. In filling temporary and term vacancies to fill short term positions.

(1) GSA may make a temporary time-limited appointment to fill a short-term position to meet an employment need that is scheduled to be terminated (*i.e.,* one that is not expected to last for a specified period not to exceed 1 year). The appointment may be extended up to a maximum of 1 additional year (24 months of total service). GSA may not fill a position by temporary appointment if that position has previously been filled by temporary appointment(s) for an aggregate of 2 years, or 24 months, within the preceding 3-year period.

(2) GSA may make a term appointment for a period of more than 1 year but not more than 4 years to positions where the need for an employee's services is not permanent. GSA may also make a term appointment for certain Science, Technology, Engineering, and Mathematics-related (STEM-related) occupations for a period of more than 1 year but not more than 10 years when the need for work is not permanent. For all term appointments, the first year of service of a term employee is a trial period regardless of the method of appointment. Prior Federal civilian service is credited

toward completion of the required trial period in the same manner as prescribed by 5 CFR 315.802, and a term employee may be terminated at any time during the trial period.

b. The Office of Inspector General (OIG) has independent personnel authority. The Inspector General Act of 1978, as amended, 5 U.S.C. App. 3, § 6(a)(7) (Inspector General is authorized to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of the Inspector General); GSA Order, ADM 5450.39D CHGE 1, GSA Delegations of Authority Manual (Delegations Manual), Chapter 2, Part 1 ("the Inspector General has independent authority to formulate policies and make determinations concerning human capital issues within the Office of Inspector General;" determinations in the Delegations Manual do not limit that authority). Similarly, the agency recognizes that the Inspector General has independent authority to formulate policies and make determinations concerning training, employee development, and career management.

4. Cancellation. This directive cancels and supersedes HRM 9316.1 CHGE 1, Temporary and Term Employment and Appointments, dated March 15, 2021.

5. Explanation of Changes.

a. Amended section 3(a)(2) to reference the 10-year STEM-related appointing authority.

b. Added section 4(a)(3) which describes the 10-year STEM-related appointment authority.

c. Added section 4(a)(6), Categories of Term Appointments.

d. Amended section 4(a)(7) to add "Prior Federal civilian service is credited toward completion of the required trial period in the same manner as prescribed by 5 CFR 315.802."

e. Amended section 4(a)(11) to add "... or the 10-year limit allowed under 5 CFR 316.301(c)."

f. Amended section 4(b)(2) to distinguish vacancy announcement language for 4-year and 10-year STEM-related term appointments.

g. Added information to Appendix A,Term Appointments column, Duration of Appointment section to address the time limits for 10-year STEM-related term appointments.

h. Added information to Appendix A,Term Appointments column, Other Information section to address timeframes for 4-year and 10-year term appointments.

i. Other minor formatting and grammatical changes and edits.

6. Implementation Action. This Order applies to all appointments made under the appointing authority in Title 5, CFR 316, Subparts C and D. The provisions of this Order apply to all organizational elements of the Central Office and regional offices where temporary and term appointments are made.

7. Labor Organizations. Implementation of this Order as it affects employees represented by a labor organization is contingent upon meeting and completion of related labor relations obligations.

8. Signature.

__/s_____
JEFFREY LAU
Acting Chief Human Capital Officer
Office of Human Resources Management

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TEMPORARY AND TERM EMPLOYMENT AND APPOINTMENTS

1. Introduction. GSA's Temporary and Term appointments are used in recruitment strategic planning as a strategy when the need for an employee's services is not permanent. Reasons for making such appointments include, but are not limited to:

a. Project work; extraordinary workload, scheduled abolishment, reorganization, contracting out of the function; uncertainty of future funding, or the need to maintain permanent positions for placement of employees who would otherwise be displaced from other parts of the organization; and temporary limited appointments to fill a short-term position (*i.e.,* one that is not expected to last longer than 1 year);

b. Meet an employment need that is scheduled to be terminated within a specific timeframe for such reasons as abolishment, reorganization, or contracting of the function; anticipated reduction in funding; or completion of a specific project or peak workload; or

c. Fill positions on a temporary basis when the positions are expected to be needed for placement of permanent employees who would otherwise be displaced from other parts of the organization.

2. References.

- Title 5, CFR Part 316, Subpart C, Term Employment
- Title 5, CFR Part 316, Subpart D, Temporary Limited Employment
- Delegated Examining Handbook, June 2019

3. Responsibilities.

a. Employees. Employees are responsible for their own careers and must submit applications for vacancies to be considered for temporary and term employment opportunities.

b. Managers/Supervisors. Managers and supervisors are expected to comply with the rules governing the use of temporary and term appointments for short-term positions needed to meet mission requirements.

c. Human Resources Service Centers (HRSCs). HRSCs will ensure all temporary and term appointments meet the eligibility criteria stipulated in Title 5, CFR Part 316, Subparts C and D, and provide consultation, as needed, to managers and supervisors.

d. Office of Human Resources Management (OHRM). OHRM is responsible for the overall administration and management of GSA's Temporary and Term Employment.

4. Term Employment.

a. Program Information.

(1) Definition. A **Term** appointment is a non-status appointment to a position in the competitive service, made for a specified period of time exceeding 1 year and lasting not more than 4 years. Term appointments are used to fill positions that are expected to last longer than 1 year, but which are clearly not continuing in nature and will terminate upon completion of the work.

(2) Four-Year Term Appointments. Four-year term appointments under 5 CFR 316.301(a) are used to fill positions that are expected to last longer than 1 year, but not more than 4 years.

(a) Individuals selected for a 4-year term employment with GSA will be given an initial appointment of up to 2 years. The initial appointment may be extended, in increments of time up to 1 year in length, up to the 4-year limit.

(b) Exception: The Office of Personnel Management (OPM) may authorize exceptions to make and/or extend the 4-year limit. The employing office will initiate requests to extend appointments beyond the 4-year limit and forward the requests to the appropriate OPM service center. 5 CFR 316.301(b)

(3) Ten-Year STEM-related Term Appointments. Ten-year term appointments under 5 CFR 316.301(c) are used to fill covered positions that are expected to last longer than 1 year, but not more than 10 years. Covered positions as described in OPM's Handbook of Occupational Groups and Series include:

- Social Science Series, 0101;
- Economist Series, 0110;
- Psychology Series, 0180;
- Natural Resources Management and Biological Sciences Group (i.e., 0400 group);
- Medical, Hospital, Dental, and Public Health Group (i.e., 0600 group);
- Engineering and Architecture Group (i.e., 0800 group);
- Physical Science Group (i.e.,1300 group);
- Mathematical Sciences Group (i.e., 1500 group); and
- Information Technology Group (i.e., 2200 group).

(a) Individuals selected for a 10-year term employment with GSA will be given an initial appointment of up to 4 years. The initial appointment may be extended, in increments of time up to 2 years in length, up to the 10-year limit.

(b) Appointments to a 10-year term may not last longer than 10 years from the date of the initial appointment.

(c) Proposed selections of current or former political appointees for

STEM-related term appointments up to 10 years are subject to OPM pre-appointment review and approval.

(4) Appropriate Uses of Term Appointment. Examples of appropriate uses of term appointments include:

(a) To carry out special project work;

(b) To staff programs of limited duration; or

(c) To fill positions in activities undergoing a commercial activity review.

(5) Reduction-in-Force. Managers/supervisors responsible for hiring should estimate, as closely as possible, the continuing need for the term position when determining the time frames for extending term appointments to preclude the potential for reduction in force (RIF) procedures should the term appointment end prior to the expiration date of the appointment. RIF procedures are not required to separate term employees when their appointments expire. (See (8) below).

(6) Categories of Term Appointments. Appointments to a 4-year term and a 10-year term are two separate categories of term employment. For example, a 4-year term appointment may not be extended under the 10-year term employment appointment authority. Extensions for a 4-year term appointment must be approved by OPM as described in 4.a.(2)(b) above.

(7) Trial Period. The first year of employment of a term employee is a trial period and all term employees must serve a 1-year trial period. Prior Federal civilian service is credited toward completion of the required trial period in the same manner as prescribed by 5 CFR 315.802. During this period, their employment can be terminated at any time, and they are entitled to the same limited protection and procedures provided to probationers by 5 CFR 315.804, 5 CFR 315.805 and 5 CFR 315.806.

(8) Tenure. Term employees are placed in Tenure group III and are covered by RIF procedures in the event RIF action is necessary if the appointment is terminated prior to the expiration of their term appointments. *RIF procedures are not used to separate term employees when their appointments expire.*

(9) Eligibility for Benefits. Term employees earn leave and are eligible to participate in the Federal Employees Health Benefits (FEHB) program, Federal Employees Group Life Insurance (FEGLI) Program, Federal Employee Retirement System (FERS) (under certain circumstances), the Thrift Savings Plan, and earn leave. Eligibility for the FEHB conveys eligibility to participate in Flexible Spending Accounts (FSA), Long-Term Care (LTC) insurance, and Federal Vision and Dental Programs (FEDVIP), whether or not the employee is enrolled in the FEHB. Comprehensive information on individual programs and eligibility requirements and restrictions can be

found on OPM's Insurance Programs website at https://www.opm.gov/healthcare-insurance/

(10) Compensation. Term employees are eligible for within-grade increases in accordance with the provisions of 5 CFR 531, Subpart D and 5 CFR 532, Subpart D, and can be promoted, changed to lower grade, detailed,or reassigned to other positions within the time limits of their term appointments which management has determined appropriate for filling by term appointment.

(11) Status. Term employees do not acquire competitive status or reinstatement eligibility as a result of the term appointment. They may, however, be reappointed under their original term appointment. Combined service under the original appointment and the reappointment must not exceed the 4-year limit under 5 CFR §316.301(a), the maximum time allowed under 5 CFR §316.301(b), or the 10-year limit allowed under 5 CFR §316.301(c).

b. Recruitment and Selection for Term Positions.

(1) Request for Personnel Action, Standard Form 52 (RPA/SF-52). When preparing the RPA/SF-52 action to recruit using a term appointment, the requesting office will provide the reason for using a term appointment, and the reason will be stated on the appointment Notification of Personnel Action, Standard Form 50.

(2) Vacancy Announcement. The vacancy announcement must clearly identify the time-limited nature of term employment and explain that the initial appointment may be extended up to the 4-year limit or 10-year limit (STEM-related), whichever applies. The following statement can be inserted into the vacancy announcement template as "Additional Information" concerning the position:

> 4-Year Term Appointments
> "This is a term appointment, made for an initial period of up to 2 years. The appointment may be extended up to a total of 4 years, in increments of up to 1 year or less. Permanent competitive career or career-conditional employment cannot be acquired through a term appointment. Term employees are eligible to participate in most of the benefit programs available to permanent federal employees, e.g., the FEHB, FEGLI, Federal Employees Retirement System (FERS) and the Thrift Savings Plan (TSP)."
>
> 10-Year STEM-related Term Appointments
> "This is a term appointment, made for an initial period of up to 4 years. The appointment may be extended up to a total of 10 years, in increments of up to 2 years or less. Permanent competitive career or career-conditional employment cannot be acquired through a term appointment. Term employees are eligible to participate in most of the benefit programs available to permanent federal employees, *e.g.*, the FEHB, FEGLI, Federal Employees Retirement System (FERS) and the Thrift Savings Plan (TSP)."

(3) Competitive Term Appointment. Competitive term appointments are made using procedures outlined in 5 CFR, Part 332, and in accordance with the Delegated Examining Handbook, June 2019.

(4) Non-Competitive Term Appointment. Non-competitive term appointments can be made in accordance with the provisions of 5 CFR 316.302(b)(1) – (8), to individuals eligible for appointment through, for example, reinstatement, Veterans Recruitment Appointment (formerly known as the Veterans Readjustment Appointment (VRA)), career or career-conditional appointment, and appointment of a veteran with a compensable service-connected disability of 30% or more.

(5) Restrictions.

(a) Filling positions by term appointment is subject to the restriction that an outside applicant may not be hired for a term appointment in lieu of a qualified eligible on the agency's Reemployment Priority List (RPL).

(b) Filing positions by term appointment is also subject to the provisions of 5 CFR 330, Subpart F (Agency Career Transition Assistance Plans (CTAP) for Local Surplus and Displaced Employees), and 5 CFR 330, Subpart G (Interagency Career Transition Assistance Plan (ICTAP) for Displaced Employees).

5. Temporary Employment.

a. Program Information.

(1) Definition. A **Temporary** appointment is a non-status appointment to a competitive service position for a specified period of time not to exceed 1 year.

(2) Appropriate Uses of Temporary Appointment. Examples of the appropriate use of a temporary appointment include:

(a) To fill a short-term position that is not expected to last longer than 1 year;

(b) To meet an employment need that is scheduled to be terminated within a specified timeframe that is not longer than 1 year; or

(c) To fill positions on a temporary basis when the positions are expected to be needed for placement of permanent employees who may otherwise be displaced from other parts of the organization when future staffing and funding levels have not yet been determined.

(3) Time Frames. Temporary appointments are made for a specified period of time not to exceed 1 year. However, the appointment may be extended for an additional

1 year, for a total of 24 months of total service in accordance with 5 CFR 316.401(c)(1) and (2).

(a) Agencies may, subject to meeting the requirements of 5 CFR 316.401(d)(1), make and extend temporary appointments to positions involving intermittent or seasonal work without regard to the time limits requirements described in paragraph 3 above.

(b) In addition, as provided by 5 CFR 316.401(d)(2), OPM may authorize exceptions to the time limit in paragraph 3 above "only when necessitated by major reorganizations or base closings or other unusual circumstances." OHRM's Chief Human Capital Officer will initiate requests to extend appointments based on agency-wide circumstances (*e.g.*, agency-wide reorganization or reduction in staffing levels), while the employing office will submit to OPM requests to extend temporary appointments to specific position or projects based on other unusual circumstances.

(4) Trial/Probationary Period. Temporary employees do *not* serve a trial or probationary period and their employment can be terminated at any time upon notice from the agency. Such a termination action is not subject to RIF regulations.

(5) Tenure. Temporary employees are placed in Tenure Group "0", and do not acquire competitive status or eligibility to be converted to a career or career-conditional appointment on the basis of the temporary appointment.

(6) Eligibility for Benefits.

(a) Temporary employees are *not* eligible to participate in the FEGLI Program, FERS, or TSP. However, they may be eligible to continue coverage under such benefit programs when the temporary appointment follows, without a break in service of more than 3 days, employment in a position that confers eligibility to participate in these programs and when certain other conditions are met.

(b) Temporary employees are eligible to participate in the FEHB program if they are expected to work 130 hours per month or more for at least 90 days, and with full Government contribution and are not covered otherwise under the Part-time Career Act. GSA will determine whether or not the temporary employee is expected to meet the requirements for coverage and will offer coverage if they are in fact eligible to enroll. The total hours in pay status (including overtime hours) plus qualifying leave without pay hours must be expected to total at least 130 hours per month for the upcoming 90 days.

(c) If the hours expected to work are 130 hours, but less than 90 days, then there is no eligibility for coverage. However, if the agency expectation changes and the temporary employee works 90 days or more, GSA will send notification and extend the opportunity to enroll in FEHB before the 91st day of employment.

(d) If the temporary employee declines the first offer of coverage, they must meet the requirement to be expected to work 130 hours per month or more for at least 90 days to be eligible to enroll midyear under a Qualifying Life Event or during Open Season.

(e) Temporary employees who are not expected to work 130 hours a month, will become eligible for FEHB coverage upon completion of one full year of current, continuous employment in the temporary position, with no break in service of 5 days or less. The FEHB coverage may be carried over when they move from covered positions to temporary appointments. However, temporary employees must pay both the employee and Government share of the premiums.

(f) Temporary employees are covered by Social Security.

(g) Temporary employees earn leave (except military leave) when appointed to a position with a regularly-scheduled tour of duty, either part time or full time. All regularly scheduled temporary employees earn sick leave and those whose appointments are made for more than 90 days also earn annual leave.

(7) Compensation. Temporary employees serving in General Schedule positions are not eligible for within-grade increases. Temporary employees serving in Federal Wage System positions are eligible for within-grade increases in accordance with 5 CFR 532, Subpart D.

(8) Status. Temporary employees do not acquire competitive status or reinstatement eligibility as a result of the temporary appointment and are not eligible for promotion, reassignment, or transfer to other positions based on the temporary service. Such changes would be effected by a "Conversion to Appt, NTE ___" (NOA 515), if employees meet all qualifications and eligibility requirements of the new position and competitive procedures are used, as appropriate.

b. Recruitment and Selection for Temporary Positions.

(1) Request for Personnel Action, Standard Form 52 (RPA/SF-52). When preparing the RPA/SF-52 to recruit using a temporary appointment, the requesting office will provide the reason for using a temporary appointment. The reason for the temporary appointment will be stated on the appointment Notification of Personnel Action, Standard Form 50, using remarks from the Guide to Processing Personnel Actions M06 ("Reason for temporary appointment") and A21 ("Temporary employees serve under appointments limited to 1 year or less and are subject to termination at any time without use of adverse action or reduction-in-force procedures. A temporary appointment does not confer eligibility to be promoted or reassigned to other positions, or the ability to be non-competitively converted to career-conditional appointment.").

(2) Vacancy Announcement. The vacancy announcement must clearly identify the time limits of the temporary appointment and explain that the initial appointment may be extended for up to one additional year for a total of 24 months.

(3) Competitive Temporary Appointment. Competitive temporary appointments are made using procedures outlined in 5 CFR, Part 332, and in accordance with the Delegated Examining Handbook, June 2019.

(4) Non-Competitive Temporary Appointment. Non-competitive temporary appointments can be made in accordance with the provisions of 5 CFR 316.402(b)(1) – (8) to individuals eligible for appointment through, for example, reinstatement, Veterans Recruitment Appointment, career or career-conditional appointment, and appointment of a veteran with a compensable service-connected disability of 30% or more.

(5) Restrictions. Temporary positions of more than 120 days must be cleared for CTAP and ICTAP eligibles.

Appendix A: Temporary and Term Employment and Appointments At-A-Glance

Temporary Appointments **Regulatory Reference: 5 CFR 316 Subpart D**	**Term Appointments** **Regulatory Reference: 5 CFR 316 Subpart C**
Duration of Appointment • Appointments are made for up to 1-year and may be extended for up to 1 additional year (24 months of total service). • Position cannot be filled for more than 24 months within the preceding 3-year period. • Cannot be filled with a successor position (i.e., a position that replaces and absorbs the original position that has the same basic duties). The selecting official must certify in writing to this condition prior to the position being staffed. • OPM can approve an extension beyond the 2-year period with appropriate justification but this occurs very rarely.	**Duration of Appointment** • 4-year term appointments are made for up to 2 years and can be extended up to 4 years total. • 10-year STEM-related term appointments are made for up to 4 years and can be extended up to 10 years total. • Only OPM can approve an extension of a term appointment beyond the 4-year limit. • 10-year term appointments cannot be extended beyond the maximum allowed.
Other Information • Does not confer competitive status, i.e., there is no authority to noncompetitively convert an individual to a permanent appointment. • Does not give an individual reinstatement rights. • Ineligible for transfer to other agencies. • May not be promoted or reassigned to another position. • Ineligible for within-grade increase (except for wage grade positions).	**Other Information** • Does not confer competitive status, i.e., there is no authority to noncompetitively convert an individual to a permanent appointment. • Ineligible for transfer to other agencies. • Does not give an individual reinstatement rights. • May be promoted, demoted, or reassigned to another position within the existing term project that has been authorized to fill by term appointment (the 4-year/10-year count does not start over). • Eligible for within-grade increases.
Appropriate Uses • Fill a short-term position that is not expected to last more than a year. • Meet an employment need that is scheduled to be terminated within 1 or 2 years for reasons such as reorganization, abolishment, or the completion of a specific project. • Workload peak. • Fill positions that involve intermittent or seasonal (recurring annually) work schedules. **Inappropriate Uses** • Hiring temporary employees to avoid the costs of employee benefits. • Using temporary employment as a “tryout” period.	**Appropriate Uses** • Project work. • Extraordinary workload. • Scheduled abolishment of a position. • Reorganization. • Uncertainty of future funding. • Contracting out of the function. **Inappropriate Uses** • Using term employment as a “tryout” period prior to permanent appointment. • Circumventing the competitive examining process by appointing an individual on a term

• Circumventing the competitive examining process by appointing an individual on a temporary basis because that individual is not within reach for permanent appointment.	basis because that individual is not within reach for permanent appointment.
Temporary Appointments **Regulatory Reference: 5 CFR 316 Subpart D**	**Term Appointments** **Regulatory Reference: 5 CFR 316 Subpart C**
Competition Requirements • Temporary and term appointments are filled using competitive procedures, i.e., a vacancy announcement is posted on USAJOBS and individuals must apply in order to receive consideration. Veterans' preference rules apply in the referral and selection process. • Noncompetitive temporary and term appointments may be made when an individual meets the eligibility requirements of an appropriate appointing authority, e.g., reinstatement, Veterans Recruitment Appointment, 30% or more compensable disabled veteran, former ACTION volunteers, certain former oversees employees, certain military spouses, etc. In some situations, a vacancy announcement will still be required in order to ensure there are no displaced or surplus employees with special selection priority under the Career Transition Assistance Plan or the Interagency Career Transition Assistance Plan.	
Eligibility Requirements • Must meet the OPM established qualification standards for the position. • Medical standards apply when required by the position being filled. • Suitability standards must be met.	
Trial Period None.	**Trial Period** Term appointees serve a 1-year trial period.
Tenure Placed in tenure group 0 – individuals have no reduction-in-force rights; appointment may be terminated at any time.	**Tenure** Placed in tenure group III. Individuals may be separated for performance, conduct, and suitability issues during the first year and at the expiration of the appointment without adverse action procedures. If separating for lack of funds, lack of work, etc., reduction-in-force procedures apply and employees are afforded their appropriate rights.
Benefits • Ineligible for life insurance and retirement but covered under social security (FICA). • Eligible for health benefits if employees are anticipated to work at least 130 hours per month for three consecutive months. • Earns annual and sick leave when working a full- or part-time work schedule and the appointment is for at least 90 days or more.	**Benefits** • Eligible for health benefits and life insurance coverage if working a full- or part-time work schedule. • Eligible for retirement. • Earns annual and sick leave when working a full- or part-time work schedule.