

Testimony

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Concerning

Temporary Employee Practices: How Long Does Temporary Last?

Mr. Chairman and members of the Committee, thank you for the opportunity to testify before you today on "Temporary Employee Practices: How Long Does Temporary Last?"

Introduction

I am Hank Kashdan, Associate Chief of the Forest Service.

The current workforce of the Forest Service is approximately 33,000 employees. Each year, our staff grows to almost 50,000 employees when we hire up to 15,000 temporary employees to assist in managing the various conservation and multiple use management programs. We hire temporary employees for forestry, wildlife, recreation, range, fire suppression, forestry research and other resource areas. A typical temporary employee may be a college student who is getting valuable hands-on experience related to his/her major; or it may be a teacher who is a fire fighter during the fire season, and may make up to \$30,000 during his/her temporary employment.

The Code of Federal Regulations (CFR 316.401) provides the Forest Service with the governing regulations for temporary employment authorities. This is where the temporary hiring authority is derived.

The Temporary Not to Exceed (NTE) one year appointments are utilized to fill short-term needs or to meet an employment need that is not expected to last more than one year. The NTE appointments may be extended up to a maximum of one additional year, for an aggregate of two years within the preceding three years. Within the NTE authority, an exception to the time limitation is provided when positions have been identified as temporary and seasonal in nature or that provide flexibility during an exigency of business such as a heavy fire season.

Employees may not exceed 1039 hours in a service year when utilizing this exception. Managers have the discretion based on the organizations' needs, to indefinitely rehire those employees who have not reached their 1039 hours in a service year. If an employee exceeds 1039 hours in a service year, he or she may only be extended up to a maximum of two years.

The NTE and the 1039 appointees:

- Do not acquire eligibility to be noncompetitively converted to a career conditional appointment
- Do not serve a probationary period
- Are **not** eligible for a promotion, reassignment, or transfer. However, they may be detailed to another position in the agency that is subject to the same time limits and documentation as details for permanent employees. For 1039 appointments, the hours in the detail count toward the 1039 hour limitation
- Are **not** eligible for Federal Employees Retirement System or the Federal Employees Group Life Insurance Program
- Will be eligible for coverage under the Federal Employee Health Benefits (FEHB) Program after the employee has completed at least one year of current, continuous service. However, the employee must pay the full

premium which includes both the employee and government shares of the premium

- Are **not** eligible for within-grade increases when serving in a General Schedule position
- Earn sick leave immediately
- Earn annual leave if the appointment is expected to last more than 90 days

The Forest Service conducts internal audits to ensure proper hiring processes are used in filling positions. These audits are conducted on an annual basis by an audit liaison team and serve as preparation for an external formal audit that is conducted by KPMG.

Employees who have served in a temporary capacity can and often do compete for permanent positions with the Forest Service, and other federal agencies. Our records show that as of December 2009, 12,817 of 28,756 permanent employees started as temporary and/or excepted employees, that's 44% of our permanent workforce. The Chief of the Forest Service, as well as myself each started our careers as temporary employees. Typically, if a temporary employee is asked to return, it is because the individual succeeded in the position. When similar permanent positions become available, these temporary employees compete well

and generally rank in the top group due to their proven track record. However, under current regulations, these candidates are not permanent federal employees, and cannot compete with other permanent federal employees. They must compete under the Forest Service permanent demonstration hiring authority (Demo Authority). It is under this authority that we are able to honor our qualified veterans for their military service by providing a higher priority ranking on our referral lists. Additionally, some of the permanent positions are filled non-competitively with eligible returning Peace Corps volunteers and through student programs such as the Student Career Educational Program (SCEP).

Forest Service appropriated funding fluctuates yearly. Having temporary workers provides needed flexibility to manage our workload and our employees – both temporary and permanent.

To my knowledge, there is currently no active legislation that allows current federal employees to receive retirement credit for their earlier temporary service. We look forward to working with the committee on this issue. Mr. Chairman and members of the committee this concludes my prepared statement. I would be happy to answer any questions that you or members of the committee may have.