

Confidential



MANAGER'S GUIDE to HIRING A LESS THAN FULL-TIME WORKFORCE



**INTERNAL REVENUE SERVICE
FISCAL YEAR 2007**

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PREFACE

In the Service, working with a less than full-time workforce has typically meant the use of Career Conditional appointments with seasonal work schedules. Less than full-time employment encompasses work schedules that are Seasonal, Part-time, Intermittent, and the use of Mixed Tours. While the use of seasonal recruitment may be a viable solution to meeting your seasonal work demands, management is encouraged to consider other options that are available.

The intent of this document is twofold. First, it is to serve as a point of reference to assist managers/management officials with making decisions with regard to their current less than full-time workforce. Second, to educate managers/management officials regarding the various recruitment options available.

The use of Seasonal employment allows an organization to develop an experienced cadre of employees, who work under various appointment types, to perform work that occurs periodically from year to year. As a result, seasonal employment is appropriate when the work is expected to last at least six months during a calendar year. Employees who work a seasonal work schedule can be placed in non-duty/non-pay status and recalled to duty in accordance with pre-established conditions of employment outlined in the employee's Seasonal Employment Agreement. If management has non-recurring work that must be accomplished within a specific timeframe, another type of appointment may be more appropriate. For example, special projects that are time-limited in nature and have an established beginning and end may be more appropriate for Term or Temporary appointments.

Recruitment options should be tailored to meet the needs of the operation. Factors to consider include the location, economic climate, and demographics of a particular city. Sites that are undergoing reorganizations are encouraged to consider key dates that have been established when developing hiring plans. For example, sites scheduled to ramp down within the next few years should consider using Temporary or Term appointments with not-to-exceed (NTE) dates that precede the ramp down dates.

In this document you will find references to the Code of Federal Regulations (CFR), Office of Personnel Management (OPM), the Internal Revenue Manual (IRM), and the National Agreement. The CFR and OPM regulations are the regulatory laws to which we must adhere. The IRM provides the Service's policy for implementing the regulatory law contained in the CFR. The National Agreement was negotiated between IRS and NTEU.

Finally, this document provides information on topics such as various appointment types, work schedules, seasonal agreements, benefits, probationary periods, etc. Useful web links are provided throughout that can further assist you with many of the employment-related questions that may impact your less than full-time employees.

INTRODUCTION TO APPOINTMENT TYPES AND WORK SCHEDULES

Appointment types are Career, Career-Conditional, Temporary, Term, and Excepted. Work schedules are Full-time, Part-time, Intermittent, Seasonal Full-Time, Seasonal Part-Time, Seasonal Intermittent, and Mixed Tours. Within the Service, there are various tours of duty. Every employee must have an Appointment Type, Work Schedule, and a Tour of Duty. The exception is for those employees who work an Intermittent work schedule. While employees on an Intermittent work schedule must have an appropriate appointment type and tour of duty, the work schedule is sporadic based on the needs of the operation.

Example 1: An Accounts Management employee may have a Career-Conditional appointment, Full-Time Seasonal Work Schedule (October through March) with a Tour of Duty of 7:30 a.m. to 4:00 p.m. Monday through Friday.

Example 2: A Submission Processing employee in Receipt and Control may have a Temporary appointment NTE 1 year, Part-Time Work Schedule with a Tour of Duty of 5:30 a.m. to 4:30 p.m. Saturday and Sunday.

Example 3: A Compliance employee may have a Career appointment, Full-time Work Schedule with a Tour of Duty of 3:00 p.m. to 11:30 p.m. Monday through Friday

Example 4: A Submission Processing site scheduled to ramp down in 2008 may have employees on Term appointments not-to-exceed (NTE) 13 months with Seasonal Intermittent Work Schedules (i.e., January through April). A Tour of Duty is not applicable to an Intermittent Work Schedule.

The lists on the following page differentiate between Appointment Types and Work Schedules.

**APPOINTMENT
TYPES**

- **Career** – Confers permanent status with the Federal Government and results from three years of creditable and satisfactory service resulting from a status appointment such as a Career Conditional appointment.
- **Career-Conditional** – Three years of continuous, creditable and satisfactory service on a permanent appointment leading to career tenure.
- **Term** – An appointment made for a limited period of time lasting for more than one year, but not exceeding four years for work on a project of nonpermanent nature.
- **Temporary** – Covers a designated period of time necessary to complete a particular job which may be terminated at any time. In general, appointments may be made for a specified period not to exceed one year and may be extended up to a maximum of one additional year; however, appointments involved with seasonal or intermittent work may be extended indefinitely if extensions are made in increments of one year or less and the employment totals less than six months (1,040 hours) in a service year.
- **Excepted** – Used for positions exempt from the competitive service (e.g., attorneys, severely physically disabled, students, veterans, etc.); appointment may be made on a permanent or non-permanent basis unless otherwise specified in a particular appointing authority.

**WORK
SCHEDULES**

- **Full-time (F)** – Works a pre-scheduled tour of duty of 80 hours every two weeks.
- **Part-time (P)** – Works a pre-scheduled tour of duty of 16 to 32 hours per week. **Part-time employment should not exceed 64 hours per pay period.**
- **Intermittent (I)** – Works on an as needed basis without a pre-scheduled tour of duty.
- **Seasonal Full-time (G)** – Works a pre-scheduled tour of duty of 80 hours every two weeks during specific periods of the year.
- **Seasonal Part-time (Q)** – Works a pre-scheduled tour of duty of 16 to 32 hours per week during specific periods of the year.
- **Seasonal Intermittent (J)** – Works on an as needed basis without a pre-scheduled tour of duty during specific periods of the year.
- **Mixed Tour** – Works a combination of Full-Time, Part-Time, or Intermittent Workschedules for a limited period of time.

See **Appendixes A-1 thru A-4** on pages 16-19 of this document for additional information on appointment types.

**BENEFITS
AND
VARIATIONS
OF
TEMPORARY
APPOINTMENTS**

There are variations of temporary appointments. Each has a distinct advantage based on the needs of the operation/project. These variations are compared in the chart below.

See **Appendix B-1** on page 20 for Temporary Appointment scenarios.

TEMP APPOINTMENTS (EMERGENCY)	TEMP APPOINTMENTS (continued extensions no time limit)	TEMPORARY NTE	TERM APPOINTMENTS
Made on a non-competitive basis	Must be competitive	Must be competitive	Must be competitive
May not exceed 30 days, but may be extended for an additional 30 days (Max. 60 days)	Initial appointments must be made for a specified period NTE one year	Can be extended one year for a total of two years	Initial appointments must be more than one year; can be up to four years with OPM approval
Probationary/trial periods do not apply; can be terminated at anytime	Trial periods do not apply; can be terminated at anytime	Trial periods do not apply; can be terminated at anytime	Trial periods apply
Not eligible for annual or sick leave	Eligible for annual & sick leave (except Intermittent WS)	Eligible for annual & sick leave (except Intermittent WS)	Eligible for annual & sick leave (except Intermittent WS)
Not eligible for health or life insurance*	Not entitled to health & life insurance benefits*	Not entitled to health & life insurance*	Entitled to health insurance if certified to work six months
Must have complete fingerprint results	Background investigations if >180 days	Must complete background investigation	Must complete background investigation
Not eligible for retirement benefits	Generally not eligible for retirement & TSP benefits	Not eligible for retirement benefits (social security only)	Eligible for retirement benefits
Appointment is terminated no later than 60 days	Combined w/a seasonal work schedule can be placed in non-duty status & returned to duty per employee's seasonal agreement	Combined w/a seasonal work schedule can be placed in non-duty status & returned to duty per employee's seasonal agreement	Combined w/a seasonal work schedule can be placed in non-duty status & returned to duty per employee's seasonal agreement
Within grade increases do not apply	Can be extended indefinitely (NTE six months) or (1040 hrs) excluding overtime in a calendar year	Cannot be used if position previously filled by a temp appt for two years w/in preceding three years	Adverse action & RIF procedures apply if terminated prior to expiration of appointment
	Within grade increases do not apply	Within grade increases do not apply	Within grade increases apply

* Eligibility requirements for Temporary Appointments may vary depending on an employee's specific circumstances, managers should contact the Employee Resource Center for advice/referral.

EXCEPTED APPOINTMENTS

Excepted appointments do not require competition. These appointments allow flexibility for expedited hiring when there is an immediate need.

There are several types of excepted appointments. The appointments most commonly used by the Campuses are as follows:

- 1) Schedule A – Applies to hiring persons with disabilities
- 2) Schedule B – Applies to hiring students, interns
- 3) Schedule C – Applies to positions of a confidential or policy-determining nature.
- 4) Veteran Recruitment Appointment (5 CFR 307)
- 5) Volunteer Service (Students) (5 CFR 308)

Generally, campuses use excepted appointments to hire employees under both Schedule A and B authority. The information noted above is not all inclusive; you should consult with your servicing Employment Office for more information.

DETERMINING THE APPROPRIATE APPOINTMENT TYPE AND WORK SCHEDULE FOR YOUR ORGANIZATION

Now that the differences between appointment types and work schedules have been identified, the next step is to determine the appropriate workforce for your hiring initiative.

STEP	ACTIVITY
1	Examine your historical work plans. This includes reviewing the retention rates of employees returning for duty.
2	Develop a forecast of future organizational changes (i.e., ramp down or growth).
3	Determine the length of time work is likely to be performed.
4	Determine the number of employees needed to perform the work based on volume.
5	Identify peak periods of work.
6	Identify the number of employees needed to perform the work during peak periods.
7	Coordinate and share data with your servicing Employment Office to determine appropriate Appointment Types and Work Schedules.

The chart below provides a simplified example of a work plan and the workforce needed to support it.

Unit A Work Plan Data: January 2000 – December 2000

Month	Volume	# of Employees
January	5000	6
February	5500	6
March	50000	60
April	50000	60
May	50000	60
June	30000	40
July - December	5000	6

Projections: No growth

In this example, peak season occurs between March and June, the minimum number of employees needed is 6 and the maximum needed is 60.

Therefore, the following appointment types and work schedules may be appropriate: **6** Career/Career Conditional Full-Time; **34** Career/Career Conditional Seasonal; and **20** Temp Not-to-Exceed (NTE) Days.

Determine the number of vacancies and commence hiring.

Note: Modification to the number recalled may result in a new seasonal agreement.

INTRODUCTION TO HIRING

Strategic planning is critical to ensure successful hiring. Managers must obtain prior budgetary approval for the hiring initiative and coordinate workspace and equipment needs as appropriate. The Agency Wide Shared Services (AWSS) website contains an excellent hiring checklist designed to assist managers with planning their hiring initiatives. This checklist can be obtained by accessing the following URL:
<http://erc.web.irs.gov/Displayanswers/AnswerType.asp?QuestionID=1774&SubCategoryID=0&CategoryID=126&FolderID=3>

DEVELOP A RECRUITMENT PLAN

The internal and external hiring process is extensive. As such, it is important to understand the timeframes involved in selecting an applicant through both the internal and external processes. The hiring process should begin at least four months prior to the projected effective date. These hiring timeframes are based upon positions to be filled, the number of vacancies, and the recruitment method.

An action plan which includes both the internal and external hiring processes should be jointly developed with your servicing Employment Office early in the planning stage that specifies timeframes, tasks, and responsibilities. It is especially important that space needs for the various hiring steps (fingerprinting, assessments, orientation, etc.) be taken into consideration when developing the action plan. The earlier space can be secured, the more likely the timelines outlined in the action plan can be met.

RECRUITMENT OPTIONS

A variety of recruitment options are available to use in meeting your hiring goals. Listed below are several of the recruitment options available.

- Student Educational Employment Program –
 - Student Temporary Employment Program (STEP)
 - Student Career Employment Program (SCEP)
- Student Volunteer Service
- Employment of Persons with Disabilities
- Veterans Recruitment Appointment (VRA)
- Disabled Veteran Program
- Reinstatement Program
- Transfers from Other Federal Agencies
- Transfer
- Federal Career Intern Program (FCIP)
- Worker Trainee Program
- Outstanding Scholar Program
- 30% compensable disabled veteran.

For more details, contact your servicing Employment Office.

INITIATING A PERSONNEL ACTION REQUEST (PAR)

Once the authority (budgetary) to hire is obtained, managers may initiate the hiring process by inputting a PAR recruit in HRConnect at <https://www.hrconnect.treas.gov/servlets/iclientservlet/prod/?cmd=login> .

The PAR should include the following information:

- Location
- Organization
- Post-of-duty
- Number vacancies
- Series
- Grade
- Position description number
- Appointment type
- Work schedule
- Tour of duty
- Length of season (if applicable)
- Effective date (projected)

The approved recruit request (PAR) is routed to the business unit's servicing Employment Office for processing through HR Connect.

FIRST CONSIDERATION

The servicing Employment Office will announce the vacancies internally through the Career Opportunities Listing (COL) at <http://col.web.irs.gov/> for a two week announcement period (10 business days). Employment has 45 days from the closing date of the announcement to forward the promotion certificate to either ranking or selection. The internal hiring process must be worked completely before any external candidate is referred to the selecting official for consideration. Guidance contained in IRM 6.335, Promotion and Internal Placement and the National Agreement, Article 13 Section 1B must be followed to ensure the requirements for first consideration are met. After management makes their selection decisions from the internal package, then the candidates must be notified. The effective date must be coordinated with the servicing Employment office so that the PAR actions can be worked timely.

Note: Referral of internal candidates before external candidates applies to bargaining unit (BU) positions.

ADVERTISING OPTIONS AND RECRUITMENT STRATEGIES

Advertising and marketing are critical activities that support management's ability to meet current and future labor demands. A varied recruitment campaign may be the first step to achieving the goal of hiring well-qualified applicants. There are a number of advertising options and strategies to consider when planning recruitment. Listed below are a few advertising options that are available.

- Newspaper
- Radio
- Television
- Recruitment Flyers, Brochures, and Calling Cards
- Internet
- Post Cards
- Billboards
- Job Fairs
- Mail Stuffers
- Community Outreach
- Servicewide Recruiters

External Employment will normally identify the recruiting methods (i.e. flyers, newspapers, job fairs, radio, television, etc.) to fill vacancies. However, in remote areas managers will play a significant role in determining the advertising strategy. There must be coordination between management and the servicing Employment Office for all advertisements.

Advertising is funded by the Business Divisions. The servicing Employment Offices /Delegated Examining Units serve as the Contract Administrators for the selected advertising vendors.

ANNOUNCEMENTS

All external vacancies must be posted on <http://www.usajobs.opm.gov> to meet the Office of Personnel Management's (OPM) public notice requirements. In order to meet the business unit's needs externally, Employment will announce the vacancy(s) through CareerConnector and/or OPM's USAJOBS.

ASSESSMENT PROCESS

The assessment process is utilized to evaluate the knowledge, skills and abilities of applicants applying for positions with specific requirements.

Assessments include, but are not limited to:

- Ranking/CareerConnector online vacancy questions
- Typing proficiency
- Accounting
- Telephone Assessment Program (TAP)
- Bilingual
- Interview
- Walk-in testing.

Depending on the type of assessment, either the manager or External Employment staff will schedule and conduct any assessments required for the hiring process.

PRE-SCREENING PROCESS

Homeland Security Presidential Directive-12 (HSPD-12) requires that applicants undergo Personal Identity Verification (PIV) at the time they are fingerprinted. This function must be conducted in person with an IRS official trained as a "Registrar". This is normally conducted by Employment; however, in situations where applicants are hired at remote sites or live in remote areas where an Employment Office is not nearby, managers may be called upon to perform this role. Before a manager can serve in this role, he/she must complete the online training module and be listed as a "certified" Registrar on the Mission Assurance National list, located at:
<http://mass.web.irs.gov/1pivhspd.htm> .

PRE-PROCESSING

Prior to entrance-on-duty (EOD), Employment will schedule and conduct a pre-processing session for potential new hires. During these sessions, applicant's paperwork (investigations, payroll, benefits, etc.) may be reviewed, jobs may be offered, and the Oath of Office may be administered. If jobs are not offered during these sessions, Employment will mail the letter of commitment to the applicant. If there are five or less applicants, the business unit will conduct the processing and/or orientation session and submit the applicant's paperwork to Employment.

ORIENTATION

The orientation process can be accomplished in a number of ways. It can be conducted by Employment, before or after EOD, or by management when the employees report for duty.

Orientation topics may include:

- Leave
- Performance expectations (Critical Job Elements or Performance Plan)
<http://hco.web.irs.gov/1RC/CJE/Index.htm>
- Standard Position Description (SPD)
<http://apps2.dss.swro.swr.irs.gov/spds/spds.pl?cmd=searchSpd>
- Ethics
- Benefits
- Unauthorized Access (UNAX)
- Disclosure
- Emergency Information
- Seasonal employment agreements, if applicable (Form 8506)
<http://publish.no.irs.gov/FORMS/INTERNAL/PDF/63259E86.PDF>

See Document 12129, *New Employee Orientation Handbook*, for detailed guidance. Orientation schedules should also be coordinated with the local NTEU chapter.

SELECTIONS

Candidates are selected by the business unit. All selections must be coordinated through your servicing Employment Office before a job offer is made.

ON BOARD

When new hires report to work, their identity will be verified a second time by a "certified" issuer. Depending upon the numbers being brought onboard at any given date, additional managers may need to be scheduled to assist facilitating in the issuer portion of the PIV process. Managers must notify their servicing Employment Office of the applicants who reported to work so that the PAR action can be input and/or released in HRConnect. This notification is done through a confirmed EOD List originally provided by Employment before the candidates were scheduled to report to work. Delays in providing Employment with the confirmed EOD list may result in employees not being paid.

Please see the Hiring Process Checklist at the Employee Resource Center website, <http://awss.web.irs.gov/HiringChecklist.html> for further information. To open a "GETTICKET" and request online access using the online 5081 system located, go to: <https://ol5081.enterprise.irs.gov/>.

Note: Some business units centralize submission of online 5081's for new hires when mass hiring is done. Please check your business unit's procedures.

**MANAGING
AND
MAINTAINING
YOUR
WORKFORCE**

Once you have brought your less than full time work force on board, it is important to understand the requirements for effectively managing in accordance with regulatory requirements. Keep in mind that you may be using a variety of appointment types and work schedules, each of which has unique requirements.

**SEASONAL
EMPLOYMENT**

Seasonal Employment is appropriate when recurring work is expected to last at least six months during a calendar year. Recurring work that lasts less than six months each year is normally best performed by temporary employees. Employees who work seasonal work schedules are most often Career/Career Conditional employees; however, when circumstances warrant these employees may be hired under Temporary or Term appointments. Seasonal employees may work Full-time, Part-time, Intermittent, or Mixed tours of duty and are placed in non-duty/non-pay status and recalled to duty in accordance with the length of season specified in the employee's Seasonal Employment Agreement (Form 8506) and the National Agreement.

**SEASONAL
EMPLOYMENT
AGREEMENTS**

A Seasonal Employment Agreement (Form 8506) must be executed between management and employees who are on a seasonal work schedule (i.e., seasonal employees). The agreement must:

- Clearly identify the position description
- Define the length of season which includes the minimum and maximum periods the employee can expect to work:
 - ✚ Identify the months in which work opportunities are most likely to occur
 - ✚ Not less than four months
 - ✚ No more than nine months (this type work is more appropriate for full-time employment)
 - ✚ Includes no more than a two month spread (i.e., 7-9 month is appropriate; 4-9 months season is not appropriate).
- Basis of release/recall
- Benefits entitlements.

A blank sample Form 8606 is provided in **Appendix C-1**.

**SEASONAL
EMPLOYMENT
AGREEMENT
ADDENDUMS**

Seasonal employees may be assigned to other work in lieu of being released during the projected release period. However, an addendum to the original agreement must be executed. See **Appendix D-1**, Sample Seasonal Addendum. Under these circumstances it is appropriate for an employee to work more than one season, which may result in 12 continuous months of employment. Changes in the scheduled tour (Full-Time, Part-Time or Intermittent) for more than two pay periods must be documented with a SF-50, Notification of Personnel Action. In addition, offices are encouraged to review annually and amend the Seasonal Employment Agreements (SEAs) annually, if necessary.

BENEFITS

An employee on a Career, Career-conditional, or Term appointment with a seasonal work schedule may be eligible for full benefits such as life and health insurance coverage, annual and sick leave, and an opportunity to invest in the Thrift Savings Plan (TSP).

See **Appendixes A-1 through A-4** for benefits information.

**CERTIFICATION
FOR
HEALTH
AND LIFE
BENEFITS**

Employees on a seasonal work schedule must be certified by management to work at least six months within a year to be eligible for health and life benefits. In order to maintain health insurance coverage, employees must be in pay status for four consecutive months. For specific information regarding health and life insurance coverage, employees should be advised to contact the Employee Resource Center (ERC) at 866-743-5748 or by e-mail at <http://erc.web.irs.gov>.

Certification forms are available online at the web address:

<http://publish.no.irs.gov/FORMS/INTERNAL/PDF/23516B06.PDF>

**INTERMITTENT
WORK
SCHEDULES**

An Intermittent work schedule is appropriate when the nature of the work is sporadic and unpredictable so that a tour of duty cannot be regularly scheduled in advance. Intermittent employees are most often Career/Career Conditional employees; however, when circumstances warrant these employees may be hired under Temporary or Term Appointments. Employees on this work schedule are considered to be "on call" and may be called to report for duty at any time. Refer to the National Agreement, Article 22, Section 4.

Example: An equipment failure on Monday results in an unusual backlog in opening mail. On Monday evening, management contacts Intermittent staff to report on Wednesday to assist with the backlog.

**MIXED
TOURS**

Mixed tours can be used for annually recurring periods of full-time, part-time, or intermittent service as long as the employee does not work part-time for more than six pay periods per calendar year.

Example: Intermittent employees contacted to assist with the mail backlog continues to work the same tour of duty for more than two consecutive pay periods would be placed on either a full-time or part-time work schedule. These employees are on mixed tours and would revert to original work schedules upon completion of the work.

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PROBATIONARY PERIODS

A Career/Career Conditional employee selected from an external competitive list of eligibles must serve a one year probationary period that cannot be extended (See 5CFR315.801, Probationary period; when required).

Periods of non-duty/non-pay status do not extend the probationary period (See **Appendix E-1, MSPB Decision Gutierrez vs Department of Treasury**).

TRIAL PERIODS

Employees serving under Temporary, Term, and Excepted appointments must serve a trial period of one year to two years.

RELEASE/RECALL

Release/recall must be accomplished in accordance with the National Agreement, Article 14. See **Appendix F-1, Seasonal Q&A's**, for specific information on release/recall.

Appendix A-1

Career/Career Conditional Appointments

Benefits	Work Schedules					
	Full-time	Part-time	Intermittent	Seasonal Full-time	Seasonal Part-time	Seasonal Intermittent
Annual leave	Yes	Yes - Prorated	No	Yes	Yes - Prorated	No
Sick Leave	Yes	Yes - Prorated	No	Yes	Yes - Prorated	No
Health & Life Insurance	Yes	Yes	No	Yes, if manager identifies employment will last at least six months annually	Yes, if manager identifies employment will last at least six months annually	No
CSRS/FERS Coverage	Yes	Yes	Yes	Yes	Yes	Yes
TSP	Yes	Yes	Yes	Yes	Yes	Yes
Overtime (Authorized by management in advance)	Yes	Yes, when hours exceed 8 per day or 40 per week	Yes, when hours exceed 8 per day or 40 per week	Yes	Yes, when hours exceed 8 per day or 40 per week	Yes, when hours exceed 8 per day or 40 per week
Holiday Pay	Yes	Yes, if holiday falls on regularly scheduled work day	No	Yes	Yes, if holiday falls on regularly scheduled work day	No
Sunday Premium Pay	Yes	No	No	Yes	No	No
Night Differential	Yes	Yes, when assigned to regularly scheduled night work	No, unless work was scheduled in advance of the administrative workweek.	Yes	Yes, when assigned to regularly scheduled night work	No, unless work was scheduled in advance of the administrative workweek.

Full-time – work a pre-scheduled tour of duty of 80 hours every two weeks

Part-time – work a pre-scheduled tour of duty of 16 to 32 hours per week

Intermittent – work on an as-needed basis without a pre-scheduled tour of duty

Seasonal – may be full-time, part-time, or intermittent working during specific periods of the year

Appendix A-2

Excepted Appointments

Benefits	Work Schedules					
	Full-time	Part-time	Intermittent	Seasonal Full-time	Seasonal Part-time	Seasonal Intermittent
Annual leave	Yes Can only be used if appt exceeds 90 days	Yes – Prorated Can only be used if appt exceeds 90 days	No	Yes – Prorated Can only be used if appt exceeds 90 days	Yes – Prorated Can only be used if appt exceeds 90 days	No
Sick Leave	Yes	Yes - Prorated	No	Yes	Yes - Prorated	No
Holiday Leave						
Health & Life Insurance	Yes Only if appt exceeds 1 year and employee must pay full premium	Yes Only if appt exceeds 1 year and employee must pay full premium	No	Yes, if appt exceeds 1 year and manager identifies employment will last at least six months annually; employee must pay full premium	Yes, if appt exceeds 1 year and manager identifies employment will last at least six months annually; employee must pay full premium	No
CSRS/FERS Coverage	Covered by FICA Unless appt exceeds 1 year	Covered by FICA Unless appt exceeds 1 year	Covered by FICA Unless appt exceeds 1 year	Covered by FICA Unless appt exceeds 1 year	Covered by FICA Unless appt exceeds 1 year	Covered by FICA Unless appt exceeds 1 year
TSP	No Unless appt exceeds 1 year	No Unless appt exceeds 1 year	No Unless appt exceeds 1 year	No Unless appt exceeds 1 year	No Unless appt exceeds 1 year	No Unless appt exceeds 1 year
Overtime (Authorized by management in advance)	Yes	Yes, when hours exceed 8 per day or 40 per week	Yes, when hours exceed 8 per day or 40 per week	Yes	Yes, when hours exceed 8 per day or 40 per week	Yes, when hours exceed 8 per day or 40 per week
Holiday Pay	Yes	Yes, if holiday falls on regularly scheduled work day	No	Yes	Yes, if holiday falls on regularly scheduled work day	No
Sunday Premium Pay	Yes	No	No	Yes	No	No
Night Differential	Yes	Yes, when assigned to regularly scheduled night work	No, unless work was scheduled in advance of the administrative workweek.	Yes	Yes, when assigned to regularly scheduled night work	No, unless work was scheduled in advance of the administrative workweek.

Full-time – work a pre-scheduled tour of duty of 80 hours every two weeks

Part-time – work a prescheduled tour of duty of 16 to 32 hours per week

Intermittent – work on an as-needed basis without a pre-scheduled tour of duty

Seasonal – may be full-time, part-time, or intermittent working during specific periods of the year

Appendix A-3

Temporary Appointments

Benefits	Work Schedules					
	Full-time	Part-time	Intermittent	Seasonal Full-time	Seasonal Part-time	Seasonal Intermittent
Annual leave	Yes Can only be used if appt exceeds 90 days	Yes Can only be used if appt exceeds 90 days	No	Yes Can only be used if appt exceeds 90 days	Yes Can only be used if appt exceeds 90 days	No
Sick Leave	Yes	Yes - Prorated	No	Yes	Yes - Prorated	No
Holiday Leave						
Health & Life Insurance	Yes Only if appt exceeds 1 year and employee must pay full premium	Yes Only if appt exceeds 1 year and employee must pay full premium	No	Yes, if appt exceeds 1 year and manager identifies employment will last at least six months annually, employee must pay full premium	Yes, if appt exceeds 1 year and manager identifies employment will last at least six months annually, employee must pay full premium	No
CSRS/FERS Coverage	Covered by FICA	Covered by FICA	Covered by FICA	Covered by FICA	Covered by FICA	Covered by FICA
TSP	No	No	No	No	No	No
Overtime (Authorized by management in advance)	Yes	Yes, when hours exceed 8 per day or 40 per week	Yes, when hours exceed 8 per day or 40 per week	Yes	Yes, when hours exceed 8 per day or 40 per week	Yes, when hours exceed 8 per day or 40 per week
Holiday Pay	Yes	Yes, if holiday falls on regularly scheduled work day	No	Yes	Yes, if holiday falls on regularly scheduled work day	No
Sunday Premium Pay	Yes	No	No	Yes	No	No
Night Differential	Yes	Yes, when assigned to regularly scheduled night work	No, unless work was scheduled in advance of the administrative workweek	Yes	Yes, when assigned to regularly scheduled night work	No, unless work was scheduled in advance of the administrative workweek

Full-time – work a pre-scheduled tour of duty of 80 hours every two weeks

Part-time – work a prescheduled tour of duty of 16 to 32 hours per week

Intermittent – work on an as-needed basis without a pre-scheduled tour of duty

Seasonal- may be full-time, part-time, or intermittent working during a specific period of the year.

Appendix A-4

Term Appointments

Benefits	Work Schedules					
	Full-time	Part-time	Intermittent	Seasonal Full-time	Seasonal Part-time	Seasonal Intermittent
Annual leave	Yes	Yes - Prorated	No	Yes	Yes - Prorated	No
Sick Leave	Yes	Yes - Prorated	No	Yes	Yes - Prorated	No
Holiday Leave						
Health & Life Insurance	Yes	Yes	No	Yes, if manager identifies employment will last at least six months annually	Yes, if manager identifies employment will last at least six months annually	No
CSRS/FERS Coverage	Yes, FERS only; appointment is excluded from CSRS coverage	Yes, FERS only; appointment is excluded from CSRS coverage	Covered by FICA	Yes, FERS only; appointment is excluded from CSRS coverage	Yes, FERS only; appointment is excluded from CSRS coverage	Covered by FICA
TSP	Yes	Yes	No	Yes	Yes	No
Overtime (Authorized by management in advance)	Yes	Yes, when hours exceed 8 per day or 40 per week	Yes, when hours exceed 8 per day or 40 per week	Yes	Yes, when hours exceed 8 per day or 40 per week	Yes, when hours exceed 8 per day or 40 per week
Holiday Pay	Yes	Yes, if holiday falls on regularly scheduled work day	No	Yes	Yes, if holiday falls on regularly scheduled work day	No
Sunday Premium Pay	Yes	No	No	Yes	No	No
Night Differential	Yes	Yes, when assigned to regularly scheduled night work	No, unless work was scheduled in advance of the administrative workweek	Yes	Yes, when assigned to regularly scheduled night work	No, unless work was scheduled in advance of the administrative workweek

Full-time – work a pre-scheduled tour of duty of 80 hours every two weeks

Part-time – work a prescheduled tour of duty of 16 to 32 hours per week

Intermittent – work on an as-needed basis without a pre-scheduled tour of duty

Seasonal – may be full-time, part-time, or intermittent during specific periods of the year.

Appendix B-1

Scenarios for Temporary Appointments

Scenario #1: The Mailroom

Management finds there is an unexpected shipment of mail that has just come into the mail room. This mail must be opened and distributed within the next 30 days. Since it is peak season, all the seasonal employees are working full-time in accordance with their Seasonal Agreements. Part-time employees have been provided opportunities to work full-time. The organization still can't get the mail opened and distributed fast enough.

What alternatives are available to management?

Management has already looked to the current workforce for solutions, e.g., utilizing part-timers by increasing their hours, overtime, borrowing employees from other office, etc. **If funds are available, an alternative is the use of 30 Day Temporary Emergency Appointments.** This type appointment is used for emergencies only and can not be extended beyond 60 days. It should not be used in lieu of work that could be given to employees who would otherwise be placed in non-work status.

Scenario #2: Clerks Needed

Submission Processing is recruiting for clerks for the upcoming Filing Season. They have received a new project that will require approximately 100+ more clerks over last year. Last year they hired clerks under career conditional appointments with seasonal work schedules. All these employees have been returned to duty. The Director has determined there will be work for the additional 100+ clerks possibly for the next several years.

What type of appointment may be appropriate for the additional clerks?

Since there is uncertainty regarding the duration of the project, why not use an appointment that allows for maximum flexibility? **A Temporary Appointment with continued extensions and a Seasonal Part-time, Seasonal Intermittent, or Intermittent work schedule may be appropriate. A Temporary Appointment with a work schedule of (I,J,G or Q) can be extended in one year increments indefinitely if the time limit criteria is met (cannot work more than six months or 1040 hours each year, excluding overtime and training).** This gives management the staff they need to support the work for the next several years. However, if the work does not materialize or continue, these employees may be terminated under this type of temporary appointment.

Scenario #3: Ramp Down

An SP ramp down site has completed an analysis that suggests they have work that may last until the door closes in approximately 16 months. The work is primarily done by GS-4/5 clerks.

What type temporary appointment would work best?

A temporary NTE 1 year, with one extension for a total of two years would be appropriate. Based on the analysis provided by the P&A staff, we know the work is going to last at least one more year. The NTE version of the temporary appointment will allow for flexibility in either case. Temporaries can be terminated if necessary, or if the work lasts longer than anticipated, extensions could be made up to 2 years.

Appendix C-1

Sample Form 8506, Seasonal Employment Agreement

Seasonal Employment Agreement			<i>(Please read the general information on the reversed side.)</i>		
Employee's Name John Smith		Social Security Number 999-99-9999		Position Title Tax Examiner	
Work Schedule <input checked="" type="checkbox"/> 1 - Full Time <input type="checkbox"/> 2 - Part-time <input type="checkbox"/> 3 - Intermittent		Pay Plan GS	Series 592	Grade 5	PD Number 94397
Description of Season(s) - Continue on separate sheet if necessary Season is expected to last 7 to 9 months (beginning January through September)					

CONDITIONS OF EMPLOYMENT

This is to certify that I understand and accept the following conditions of employment for the position identified above.

1. I will work during annually recurring periods of employment for my position and unit, described under season(s) above, which will total less than twelve (12) months per calendar year. I may be periodically placed in nonduty/nonpay status for short periods during my season(s), usually for such reason as a lack of work.

2. I am expected to be available for assignments of work outside my identified season(s) and for assignments to other positions consistent with the provisions of law, regulation and, for bargaining unit employees, the collective bargaining agreement provisions governing such assignments.

3. I will be subject to periodic release to nonduty/nonpay status and recall to duty/pay status at various times throughout the year as determined by the availability of work and my standing on the release and recall list (established under Article 14 of the collective bargaining agreements for unit employees; established under Internal Revenue Service procedures for non-bargaining unit employees). While the periods of time I can reasonably expect to work are outlined under season(s) above, the sole determinants of the length of time I am actually in a duty/pay status are the availability of work and my standing on the applicable release/recall list. My actual work time each year will depend on my individual work history (the work actually assigned and my performance) which may vary from the season(s) stated above.

4. Service credit for retirement, retention, and leave accrual will continue for up to a maximum of six (6) months in nonduty/nonpay status per calendar year if I am assigned to a full-time or part-time work schedule.

5. While assigned to a full-time or part-time work schedule, I may be eligible for life and health insurance coverage in accordance with the applicable regulations for life and health insurances. I will be separately advised of my eligibility for coverage under these programs by my employer. Once I become covered, I will continue coverage for up to 365 days in a nonduty/nonpay status. While in a nonduty/nonpay status, I will continue to be liable for my share of my health insurance premiums.

6. While in nonduty/nonpay status, I may be eligible for unemployment compensation depending on state law.

(Additional conditions-continue on separate sheet if necessary.)

Signature

Date



Click <C:\Documents and Settings\0CRFB\Desktop> to view a sample completed form.

Appendix D-1

Sample Seasonal Addendum



ADDENDUM – SEASONAL EMPLOYMENT AGREEMENT

Instructions: This addendum should be completed only when the original season stated in the seasonal agreement is changed due to a change in work assignments. Employees are expected to return to their original seasonal agreement after the expiration of this addendum. The addendum should be maintained the employee's drop file for two years from the date of expiration.

Part One: Employee Information

Employee's Name: John Smith	Organization: W&I	Title: Tax Examiner	Series: 0592	Grade: 05
SSN: 999-99-9999	Work Schedule: Place an "X" in the appropriate box) <input type="checkbox"/> Full-time <input type="checkbox"/> Part-Time <input type="checkbox"/> Intermittent <input checked="" type="checkbox"/> Seasonal <input type="checkbox"/> Mixed Tour	Position Description #: 94397	Extended Season: Oct.-Dec.	Expiration Date: December 2006

Part Two: Reason for Addendum:

EXAMPLES ONLY:

- 1.) Due to work load shifts related to restructuring.
- 1.) To meet the needs in _____ operation.
- 3.) Increase of work due to filing season deadlines.

Part Three: Signatures

A. Employee

05/20/2006

Employee

Date

B. Manager

05/20/2006

Manager

Date

Appendix E-1

MSPB Decision Gutierrez vs Department of Treasury

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

November 3, 2005

MEMORANDUM FOR LABOR/EMPLOYEE RELATIONS COMMUNITY

FROM: Michele Nelson
Acting Associate Director
LR/ER Strategic Policy Office OS:HC:R

SUBJECT: Information Notice: Impact of Gutierrez Decision and Seasonal Employees

A recent Merit Systems Protection Board decision, *Gutierrez v. Department of the Treasury DA-315H-04-0209-I-1 (July 12, 2005)*, determined that a seasonal employee serving under a competitive service appointment who has completed more than one year of service, regardless of the time spent in non-duty, non-pay status, is considered to have "completed one year of current continuous service" thereby rendering the individual an "employee" with Board appeal rights under 5 U.S.C. § 7511 (a)(1) (A) (ii).

This decision changes the computation of one year of current continuous service for seasonal employees. In the past, periods in non-duty/non-pay status were excluded from the calculation and the period was extended by the period the employee spent in non-duty/non-pay status. Thus, the determination of whether or not an employee is entitled to due process under 5 CFR 752 has changed and impacts the Service's ability to terminate employees for deficiencies in performance or conduct with minimal procedural requirements. Employees who have completed one (1) year of continuous service must be afforded all due process rights as required by 5 USC 752 and Part 5 CFR 752 (i.e., prior notice, an opportunity to respond and appeal rights).

For cases involving a seasonal employee who was separated under part 315 procedures, after the date of decision (July 12, 2005), and have now determined that the employee meets the definition of an "employee" and employee appealed the decision, we should strongly recommend to management that settlement options be considered. Settlement alternatives should be decided on a case-by-case basis, based on the facts and circumstances of the case.

Appendix E-1

MSPB Decision Gutierrez vs Department of Treasury (Continued)

However, if management chooses to not settle the case and based on the merits of the case they determine removal is warranted, the termination letter needs to be withdrawn and a proposed adverse action, under 5 CFR 752, should be issued.

If a supervisor has a seasonal employee who is currently in a non-duty/non-pay status and that employee has not yet completed one year of continuous service, (i.e. one year of continuous service, including time in a non-pay/non-duty status) the supervisor should evaluate that employee for continued employment. If, in that review, the manager determines the employee's conduct and/or performance is not satisfactory of Fully Successful, management should decide whether the employee should be terminated. In that case, the action would be initiated using the procedures outlined under part 315. It is in the agency's best interest to separate those employees whose conduct or performance does not meet the standard as early as possible during the probationary period, and their first year of service.

As stated earlier, this decision represents a significant change in how we determine if an employee has one year of continuous service, entitling them to appeal rights. As discussed in the decision, a determination must be made of whether or not the employee had served one (1) year of continuous service. To process cases within the definitions of "employee" the service time should be calculated from the employee's entrance on duty date (EOD) to the current date.

Careful review of existing/new cases should be completed to ensure that actions are in compliance with the decision and that employees are provided appropriate due process rights.

For additional information, please contact Renee Harden (312) 655-4208.

Appendix F-1 Seasonal Q&As

Following are hyperlinks to the questions & answers contained in this document.
(Control + click to view the answers)

A. General Information

1. [What is a seasonal employee?](#)
2. [Must an employee who works a seasonal work schedule sign a seasonal agreement prior to starting work?](#)
3. [Can an employee who works a seasonal work schedule work all year long if they are still needed at the end of his/her season?](#)
4. [When an employee on a seasonal work schedule temporarily changes to a different position, is there a requirement to issue a new seasonal agreement?](#)

B. Appropriate Use of Seasonal Employment

1. [Is it appropriate for a manager to use employees on a seasonal work schedule as a buffer or substitutes for the full-time workforce?](#)
2. [Can employees on a seasonal work schedule work other than full time?](#)
3. [How does a manager know when a position should be full-time or full-time seasonal?](#)

C. Performance and Conduct

1. [How are employees who work a season work schedule evaluated?](#)
2. [Are the performance standards of employees who work seasonal work schedules the same as full-time employees in the same jobs?](#)
3. [How does a manager deal with conduct or performance issues with employees who work seasonal work schedules?](#)

D. Work Schedules

1. [Who defines the length of a season and what is the "typical" season for a W&I employee on a seasonal work schedule?](#)
2. [Can an employee on a seasonal work schedule work two different seasons back-to-back?](#)
3. [Can an employee on a seasonal work schedule be detailed or reassigned to another seasonal position in another office?](#)
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E. Benefits

1. [What benefits are employees who work a seasonal work schedule entitled to while employed?](#)
2. [How is an employee who works a seasonal work schedule benefits and other employment conditions impacted when they are in a non-duty, non-pay status?](#)
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1. [What if an employee refuses to sign a seasonal agreement?](#)
2. [What is the "appropriate action" that will be taken for an employee who refuses to a seasonal agreement?](#)
3. [What happens after a "Direct Order" memorandum is issued and the employee still does not sign a seasonal agreement?](#)
4. [What is the period of time after the notice of proposed removal from the Service is issued to the employee that a manager can expect the employee will actually be removed from the Service?](#)
5. [What will be required of the manager during the removal process?](#)
6. [How does a manager get to the point of reducing the hours of an employee?](#)
7. [Is it true that "release/recall procedures" may be used to reduce hours?](#)

G. Additional Employment

1. [Can an employee who works a seasonal work schedule work another job in private industry while employed in the Federal government?](#)
2. [Can an employee who works a seasonal work schedule work two Federal jobs?](#)
3. [When an employee who works a seasonal work schedule is in a non-duty, non-pay status, must they get approval from their manager to work another job?](#)

A. General Information

Q1: What is a seasonal employee?

A1: A seasonal employee is one who works a seasonal work schedule and performs duties on an annual recurring basis in accordance with the conditions of employment specified in the Seasonal Employment Agreement.

Ref: 5 CFR 340.401(a)

Q2: Must an employee who works a seasonal work schedule sign a seasonal agreement prior to starting work?

A2: Yes. A Seasonal Employment Agreement must be executed between the agency and the employee prior to the employee's entering on duty.

Ref: 5 CFR 340.402(c); National Agreement, Article 22, Section 2E

Q3: Can an employee who works a seasonal work schedule work all year long if they are still needed at the end of his/her season?

A3: Yes, but only under certain conditions to which both the manager and the employee must agree. An addendum to the original agreement must outline the new position, organization, and nature of work. However, managers may not retain an employee in the same position for a full year. Managers may not randomly pick employees for assignment to different work. Reassignments or details must be made in accordance with procedures in the National Agreement, Article 14, Section 3.

Q4: When an employee on a seasonal work schedule temporarily changes to a different position, is there a requirement to issue a new seasonal agreement?

A4: No. However, an addendum to the existing seasonal agreement is required when the employee temporarily changes positions beyond their original season.

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B. Appropriate Use of Seasonal Employment

Q1: Is it appropriate for a manager to use employees on a seasonal work schedule as a buffer or substitutes for the full-time workforce?

A1: No. Employees on a seasonal work schedule may not be used to buffer the full-time workforce. If a manager has full-time continuous work, then he/she must appropriately hire full-time, permanent employees.

Ref: 5 CFR 340.402(a)

Q2: Can employees on a seasonal work schedule work other than full time?

A2: Yes. Employees on seasonal work schedule may be hired to work full-time, part-time, intermittent or mixed tour work schedules during their season depending upon the need of the organization. A mixed tour may require the individual to work a combination of full time, part-time, and intermittent work schedules.

Ref: 5 CFR 340.402(a)

Q3. How does a manager know when a position should be full-time or full-time seasonal?

A3. When an employee on a seasonal work schedule is needed to work continuously in the same position for a full year, management should conduct a formal review in connection with annual workforce planning. This review will include an assessment of continuing workload needs. Based on the results, a determination should be made regarding the proper work schedule. If a determination is made that the position should be full-time, see Article 13, Section 2 or consult with your servicing Employment Office for guidance on this matter after determining any business unit guidelines have been met.

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C. Performance and Conduct

Q1. How are employees who work a season work schedule evaluated?

A1. Employees are evaluated in the same manner as other employees using established performance standards. Performance ratings are used in the release/recall process. Performance ratings will be based on an employee's most recent performance appraisal. In the absence of an annual appraisal, an employee who meets the minimum appraisal period requirements will receive an ad hoc evaluation for release and recall purposes only.

Ref: National Agreement, Article 14, Section 2A

Q2: Are the performance standards of employees who work seasonal work schedules the same as full-time employees in the same jobs?

A2: Yes. Performance standards are established based on the critical job elements of the position and not the work schedule or type of appointment held.

Q3: How does a manager deal with conduct or performance issues with employees who work seasonal work schedules?

A3: Conduct or performance issues are to be dealt with in the same manner as other employees. Managers should call their local Labor and Employee Relations point of contact for advice and assistance.

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D. Work Schedules

Q1. Who defines the length of a season and what is the "typical" season for a W&I employee on a seasonal work schedule?

A1. Seasons vary according to the type of work duties performed by the employee. Organizations determine the length of the season, ensuring that it is clearly tied to the nature of the work. The season must be defined as closely as practicable on the seasonal agreement that the employee signs prior to beginning work so that an employee will have a reasonably clear idea of how much work he or she can expect during the year. In some functions, a season may run from January to June. In other functions, the season may be different.

Ref: 5 CFR 340.402(b)

- Q2. Can an employee on a seasonal work schedule work two different seasons back-to-back?**
A2. Yes. An employee on a seasonal work schedule who completes one season of work may be assigned to work a second season in an effort to reduce the amount of time in a non-work, non-pay status. If the new seasonal position is a higher grade, then appropriate merit promotion procedures must be used.
Ref: 5 CFR 340.402(b)
- Q3. Can an employee on a seasonal work schedule be *detailed* or *reassigned* to another seasonal position in another office?**
A3. Yes. Employees who are on a seasonal work schedule in an organizational area in which some employees are being placed in a non-work status may be detailed or reassigned to another position if he/she possesses the skills needed in another organizational area, and that area is in the process of recalling or hiring seasonal employees. Details; however, must be made in accordance with appropriate regulations and the National Agreement, Article 14, Section 5.
Ref: National Agreement, Article 14, Section 5
- Q4. Do employees who work a seasonal work schedule have to compete for conversion to a full-time work schedule?**
A4. Yes. In accordance with the National Agreement, Article 13, Section 2A, for bargaining unit employees, competition is required when moving an employee from a permanent or temporary conversion of more than 120 days from one work schedule to another. However, see the response for **Q5** below for additional information regarding non competitive conversions.
Ref: National Agreement, Article 13, Section 2A
- Q5. How do you convert an employee who is on a seasonal work schedule to a full-time work schedule?**
A5. You have two options. The first option is to follow the competitive procedures outlined under the National Agreement, Article 13, Section 3. Or, you can contact your local Labor Relations office for the appropriate procedures used to request a waiver from the competitive process.
- Q6. Is there an increase in pay when converting from a seasonal work schedule to a full-time work schedule?**
A6. If the employee changes from a part-time seasonal (**Q**) work schedule to a full-time (**F**) work schedule there will be an increase in pay due to an increase in hours. However, if converting from a seasonal full-time (**G**) work schedule to a full-time (**F**) work schedule there will not be an increase in pay. The employees in both of these situations will work a full-time (**F**) work schedule (80 hours per pay period) 12 months a year, but must remain in the same series, grade and tenure. There will no longer be a need for a Seasonal Agreement.

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E. Benefits

- Q1. What benefits are employees who work a seasonal work schedule entitled to while employed?**
A1. Full-time or part-time (career or career-conditional employees) employees who work seasonal work schedules are eligible for full benefits as long as they work the minimum season required to qualify for health insurance and all other benefits offered other Federal employees such as life insurance coverage, annual and sick leave, and the opportunity to invest in the Thrift Savings Plan (TSP).
Ref: 5 CFR 340.402(a)
- Q2. How is an employee who works a seasonal work schedule benefits and other employment conditions impacted when they are in a non-duty, non-pay status?**
A2. When an employee is eligible for or subject to the regulations and requirements of the following benefits, placement in a non-duty, non-pay status is affected as described below.
Career Tenure: Any non-pay time in excess of 30 calendar days for each period of absence extends the service date for career tenure by that number of days.
Leave Earnings: If an employee is in a non-pay status for an entire pay period, no annual or sick leave is earned for that pay period. If non-pay time occurs during part or one or more of a full-time employee's pay periods, the employee continues to earn leave until the non-pay time totals 80 hours. Then leave is reduced by the amount the employee earns during a pay period.
(Note: Employees on Intermittent work schedules do not accrue leave.)

Health Insurance: Once an employee is covered under a health insurance program the coverage will continue for up to 365 days while the employee is in a non-duty, non-work status. However, while the employee is in a non-duty, non-work status, he/she is still liable for his/her share of the health insurance premium.

Service Computation Dates: Six months of non-pay time are creditable. The employee's service computation date must be adjusted by the amount of non-pay time in excess of 6 months in one calendar year.

Allowable Periods of Non-Pay for Within-grade Increases for General Schedule Employees: The amount of non-pay time allowed depends on the step and waiting period.

- Two (2) workweeks (80 hours for full-time employees) of non-pay time are allowed for waiting periods for steps 2-3-4.
- Four (4) workweeks (160 hours for full-time employees) of non-pay time are allowed for waiting periods for steps 5-6-7.
- Six (6) workweeks (240) hours for fulltime employees) of non-pay time are allowed for waiting periods for steps 8-9-10.

Credit for Experience Gained in Seasonal Positions

Employees in seasonal positions receive credit for experience based on a 40-hour week and a 12-month work year. Seasonal and part-time work is prorated based on the time the employee is in a pay status. For example, a seasonal employee who works a full-time schedule and is in a duty status for 8 months during the 12-month period receives credit for 8 months of experience; however, a seasonal employee working the same 8 months who works part-time 20 hours per week only receives 4 months credit for experience.

Ref: Office of Personnel Management Guide to Processing Personnel Actions, Chapter 15, Placement in Non-pay or Non-duty Status; Office of Personnel Management Operating Manual Qualifications Standards for General Schedule Positions, General Policies and Instructions

- Q3. Are employees who work a seasonal work schedule entitled to unemployment compensation while in a non-duty, non-pay status?**
- A3.** Employees who work a seasonal work schedule may be entitled to unemployment compensation depending upon state law. Released employees should contact their State Labor or Employment Office for more detailed information.

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F. Release and Recall Procedures

Q1: What if an employee refuses to sign a seasonal agreement?

A1: Returning employees on seasonal work schedules and newly hired employees must have a signed seasonal agreement prior to the start of the work season. If an employee refuses to sign a seasonal agreement they should not be allowed to begin work. The manager should contact their servicing Labor Relations (LR) office for assistance in taking the appropriate action.

Q2: What is the "appropriate action" that will be taken for an employee who refuses to sign a seasonal agreement?

A2: LR will assist management in preparing a "Direct Order" memorandum to the employee which will clearly explain to the employee the consequences of their refusal to sign a seasonal agreement.

Q3: What happens after a "Direct Order" memorandum is issued and the employee still does not sign a seasonal agreement?

A3: If the employee fails to respond or sign a seasonal agreement after the "Direct Order" memorandum has been issued, the employee will be issued a notice of proposed removal from the Service.

- Q4: What is the period of time after the notice of proposed removal from the Service is issued to the employee that a manager can expect the employee will actually be removed from the Service?**
- A4:** A probationary employee can normally be removed within several weeks. Non-probationary employees normally take several months to complete a removal action.
Ref: 5 CFR 752 and National Agreement Article 39
- Q5: What will be required of the manager during the removal process?**
- A5:** The manager's servicing LR office will work closely with the manager to secure all the needed information to process the removal action.
- Q6: How does a manager get to the point of reducing the hours of an employee?**
- A6:** A new seasonal work agreement should be issued to the employee if reducing the hours is likely to continue beyond this season. If the reduction of hours is not expected to continue beyond this season and is only for this season an addendum to the seasonal work agreement is most appropriate. In this situation, the next season the employee would be recalled in accordance with their initial agreement - the addendum would no longer apply.
- Q7: Is it true that "release/recall procedures" may be used to reduce hours?**
- A7:** Yes, it **may be** appropriate to use release/recall procedures to reduce hours. However, we suggest you contact your servicing Labor Relations office for any established practices.

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G. Additional Employment

- Q1. Can an employee who works a seasonal work schedule work another job in private industry while employed in the Federal government?**
- A1.** Yes. The employee may engage in outside employment in accordance with the Interim Rules of Conduct and IRS requirements for obtaining written permission prior to accepting outside employment.
Ref: 5 CFR 340.402(b)
- Q2. Can an employee who works a seasonal work schedule work two Federal jobs?**
- A2.** Yes. While in a non-pay status, an employee may accept other employment, Federal or non-Federal, subject to the regulations on political activity (Part 733 of Title 5) and on employee responsibilities and conduct (Part 735), as well as applicable agency policies. Subject to the limitations on pay from more than one position (5 U.S.C. 5533), an employee may hold more than one appointment.
Ref: 5 CFR 340.402(b)
- Q3. When an employee who works a seasonal work schedule is in a non-duty, non-pay status, must they get approval from their manager to work another job?**
- A3.** While in a non-duty status, employees who work a seasonal work schedule may engage in outside employment without obtaining prior written permission that is otherwise required. Upon return to duty status, employees must submit a written request to engage in outside employment if the other employment continues. Employees may not at any time engage in any activity prohibited by the applicable Interim Rules of Conduct.

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