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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 213 and 338

RIN 3206-AG21

Summer Employment

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations to eliminate language in title 5, Code of Federal Regulations, that places certain restrictions on agency hiring during traditional summer months. The proposed change is part of OPM's efforts to streamline hiring processes and eliminate unnecessary appointing authorities. Agencies would continue to use temporary limited appointments or student temporary appointments, as appropriate, to appoint individuals during the summer.

EFFECTIVE DATE: April 24, 1997.

FOR FURTHER INFORMATION CONTACT: Karen Jacobs or Mike Mahoney on (202) 606-0830, TDD (202) 606-0023, or FAX (202) 606-2329.

SUPPLEMENTARY INFORMATION: On January 13, 1997, the Office of Personnel Management (OPM) published proposed rules (62 FR 1695) to eliminate the language found in title 5, Code of Federal Regulations, that places certain restrictions on agency hiring during traditional summer months. In an effort to reduce unnecessary appointing authorities, we have been advising agencies to appoint individuals during the summer months using the appropriate competitive temporary or excepted appointment. Therefore, the need for a separate summer employment appointment no longer exists.

OPM received written comments from 12 agencies. We received very few

comments on the regulatory language itself. Rather, the comments focused on the procedural information that was in the supplementary information. Most agencies agreed that the need for a separate appointing authority no longer existed and that they could use competitive temporary appointments or excepted student temporary appointments to fill their summer jobs. However, several agencies objected to our requiring written tests for competitive appointments made during the traditional summer months.

Appointments

OPM had previously revised its regulations on temporary employment and streamlined the student employment programs to give agencies more flexibility in the hiring process. Therefore, agencies may fill time-limited appointments that occur during the summer months by using either the temporary appointing authority in parts 316 and 333 or the student temporary appointment in parts 213 and 302, as appropriate. Agencies are reminded that the rules on nepotism, veterans' preference, and career transition assistance are applicable.

Agencies should process these appointments using the instructions in chapter 10 and chapter 11 of OPM's Guide to Processing Personnel Actions, as appropriate. However, agencies must not use table 10-A (Summer Appointment) of chapter 10 to document competitive temporary appointments. Also agencies must not use nature of action codes of chapter 11 associated with excepted service, summer appointments NTE.

Agencies must conduct open recruitment for all competitive appointments. Agencies planning to fill one or more summer vacancies competitively, must enter the vacancies (job summaries), as well as full text vacancy announcements, into OPM's Federal Jobs Database. The procedures for advertising summer jobs are the same as for all other jobs.

Also, agencies planning to fill jobs through the student temporary employment program are encouraged to enter the vacancies and announcements into OPM's database.

Written Test Waivers

In the past, agencies were authorized to waive written tests required by OPM's qualification standards for

competitive appointments that began after May 12 and ended prior to October 1 of each year. Since our intent is to move away from appointments restricted to that time period and toward regular temporary appointments, we eliminated written test waivers in our proposal. Our proposal required applicants to pass any written test required by the competitive service qualification standards.

Several agencies had strong objections to this provision. A few agencies stated that requiring the written tests for these short periods would pose a tremendous administrative burden on agencies, especially on those located in remote locations. Several agencies felt the process was costly and time consuming. Two commenters found that the number of available applicants is often limited because many applicants do not perform well on the test.

In order to be responsive to agency needs, OPM has authorized agencies to waive written test requirements for competitive temporary appointments (including extensions) not-to-exceed 120 days. However, agencies are still required to conduct competitive examining, as appropriate, in accordance with part 333 of this chapter. This test waiver applies to appointments made at any time during the year as long as the appointment (including extensions) does not exceed 120 days. This information will be incorporated into OPM's Operating Manual, Qualification Standards for General Schedule Positions.

Summer Rehires

Individuals appointed, including those appointed during the summer months, under § 316.402 of this chapter may be reappointed under the conditions set forth in § 316.402(b)(3)—noncompetitive temporary limited appointments, and § 316.401(d)—exceptions to the general time limits on making temporary appointments. However, they must be reappointed to the same type of position for which they originally competed under the procedures of part 333 of this chapter.

Students appointed under the student temporary employment program are not subject to the time limits in parts 316 or 213, or the reappointment procedures in part 316. Agencies may reappoint these students at any time, as appropriate.

Waiver of Delay in Effective Date

Pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists to waive the delay in effective date and make these regulations effective in less than 30 days. The delay in effective date is being waived because agencies have begun their recruitment efforts and a delay would result in the postponement of job offers for positions that are made during the traditional summer season.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities (including small businesses, small organizational units, and small governmental jurisdictions) because the regulations apply only to appointment procedures for certain employees in Federal agencies.

List of Subjects in 5 CFR Parts 213 and 338

Government employees, Reporting and recordkeeping requirements.

U.S. Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM proposes to amend 5 CFR parts 213 and 338 as follows:

PART 213—EXCEPTED SERVICE

1. The authority citation for part 213 is revised to read as follows:

Authority: 5 U.S.C. 3301 and 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218; § 213.101 also issued under 5 U.S.C. 2103; § 213.3102 also issued under 5 U.S.C. 3301, 3302, 3307, 8337(h), 8456; E.O. 12364, 47 FR 22931, 3 CFR 1982 Comp., p.185; and 38 U.S.C. 4301 et seq.

§ 213.3101 [Amended]

2. In § 213.3101, paragraphs (b) [reserved] through (f) are removed; the paragraph designation in paragraph (a) is removed.

PART 338—QUALIFICATION REQUIREMENTS (GENERAL)

3. The authority citation for part 338 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218.

Subpart B—[Reserved]

4. In part 338, subpart B consisting of § 338.202, is removed and reserved.

[FR Doc. 97–10642 Filed 4–23–97; 8:45 am]

BILLING CODE 6325–01–P

DEPARTMENT OF AGRICULTURE**Office of the Secretary****7 CFR Part 2****Revision of Delegations of Authority**

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and general officers of the Department to reflect the establishment of the Risk Management Agency.

EFFECTIVE DATES: Effective April 24, 1997.

FOR FURTHER INFORMATION CONTACT: Robert L. Siegler, Deputy Assistant General Counsel, General Law Division, Office of the General Counsel, Department of Agriculture, Room 2321–S, Washington, D.C. 20250, telephone 202–720–6035.

SUPPLEMENTARY INFORMATION: Section 194 of the Federal Agriculture Improvement and Reform Act of 1996, Public Law No. 104–127 (the Act), amended the Department of Agriculture Reorganization Act of 1994, to require the Secretary of Agriculture to establish an Office of Risk Management. The act provides that the functions of the Office of Risk Management are to supervise the Federal Crop Insurance Corporation; administer all programs authorized under the Federal Crop Insurance Act; administer any program that involves revenue sharing, risk management savings accounts, or the use of the futures market to manage risk and support farm income; and such other functions as the Secretary considers appropriate. On May 3, 1996, the Secretary established the Risk Management Agency.

The Federal Crop Insurance Corporation formerly was under the supervision of the Under Secretary for Farm and Foreign Agricultural Services, and the Administrator, Farm Service Agency. This document makes delegations to the Administrator, Risk Management Agency, and revises the delegations of authority to the Under Secretary for Farm and Foreign Agricultural Services, and the Administrator, Farm Service Agency, to reflect the establishment of the Risk Management Agency.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rule making and opportunity for comment are not required and good cause is found that this rule may be made

effective upon publication in the **Federal Register**.

Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order Nos. 12866 and 12988. In addition, this action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 605), and thus is exempt from the provisions of that Act. Finally, this action is not a rule as defined in 5 U.S.C. 804, and thus does not require review by Congress.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, 7 CFR part 2 is amended as follows:

1. The authority citation for part 2 continues to read as follows:

Authority: Sec. 212(a), Pub. L. 103–354, 108 Stat. 3210, 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR, 1949–1953 Comp., p. 1024.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretaries and Assistant Secretaries

2. Section 2.16 is amended by revising paragraphs (a)(4) and (b)(3) to read as follows:

§ 2.16 Under Secretary for Farm and Foreign Agricultural Services.

(a) * * *

(4) *Related to risk management.* (i) Exercise general supervision of the Federal Crop Insurance Corporation.

(ii) Appoint such officers and employees as may be necessary for the transaction of the business of the Federal Crop Insurance Corporation and the Risk Management Agency.

(iii) Conduct pilot programs involving revenue insurance, risk management savings accounts, or the use of futures markets to manage risk and support farm income.

(iv) Provide education in management of the financial risks inherent in the production and marketing of agricultural commodities.

* * * * *

(b) * * *

(3) *Related to risk management.* (i) Appointment of those members of the Board of Directors of the Federal Crop Insurance Corporation who are not already otherwise employed by the Department of Agriculture, and as authorized in 7 U.S.C. 1505(a) designating an Under Secretary of