



Aug 20, 2012

Approved for Release
William J. Fleming
Director for Human Resources Management and
Deputy Chief Human Capital Officer

Date

**DEPARTMENT OF COMMERCE
OFFICE OF HUMAN RESOURCES MANAGEMENT
HUMAN RESOURCES (HR) BULLETIN #160, FY12**

SUBJECT: Pathways Programs

EFFECTIVE DATE: Upon release of this HR Bulletin

EXPIRATION DATE: Effective until superseded or revoked

SUPERSEDES: Supersedes HR Bulletin #068, FY07, Student Career Experience Program

PURPOSE: This bulletin clarifies regulations and explains Department of Commerce (Department) policies and procedures related to the Pathways Programs. It is not a substitute for the Pathways regulations codified in Title 5, Code of Federal Regulations (CFR), Part 362. Where this HR Bulletin does not explicitly address a particular aspect of the Pathways Programs regulations, Servicing Human Resources Offices (SHROs) must follow the Pathways Programs regulations.

BACKGROUND: On December 27, 2010, President Obama signed Executive Order 13562, "Recruiting and Hiring Students and Recent Graduates." This Executive order established two new programs and modified the existing Presidential Management Fellows (PMF) Program. The Recent Graduates Program and the Internship Program were created to streamline current student programs and to give agencies more flexibility in meeting their workforce needs. The PMF Program, Recent Graduates Program, and the Internship Program are collectively known as the Pathways Programs.

COVERAGE: This HR Bulletin applies to all positions in the Pathways Programs (Internship Program, Recent Graduates Program, PMF Program) up to the GS-14 level or equivalent. It does not cover positions filled by Student Volunteers.

POLICY:

Overview: The SHROs will be responsible for:

- 1) Following the provisions of the Department's Memorandum of Understanding (MOU) with the Office of Personnel Management (OPM);
- 2) Following all Federal regulations and Department policies governing the Pathways Programs;

- 3) Developing internal policies as necessary, subject to the terms of the Pathways regulations, the MOU, and Department policies;
- 4) Meeting public notice requirements for the Recent Graduates Program and the Internship Program, by advertising all positions on USAJOBS;
- 5) Applying and adhering to veterans' preference regulations for all Pathways Programs positions;
- 6) Assessing, rating, and ranking applicants (if applicable), and appointing Pathways participants;
- 7) Ensuring that every participant in the Pathways Programs has an appropriate Participant Agreement;
- 8) Ensuring that training and development activity requirements of the Recent Graduates Program and the PMF are met prior to non-competitive conversion; and
- 9) Providing reports to the Office of Human Resources Management (OHRM) as requested.

OHRM will be responsible for:

- 1) Providing timely and accurate reports and other information to OPM;
- 2) Ensuring SHROs follow Pathways Programs regulations, supplemental guidance provided by OPM, as well as all Department policies and procedures, including the MOU with OPM;
- 3) Approving all 120-day extensions of a Recent Graduates Program or PMF appointment;
- 4) Recertifying or amending the Department's MOU with OPM as necessary, but no later than every two years; and
- 5) Designating a Pathways Program Officer.

Basic Requirements of the Pathways Programs

The following guidance applies to all Pathways Programs, unless specifically stated.

Appointments

Appointments for the Recent Graduates Program, Internship Program, and the PMF Program must be made using the excepted service appointing authority provided by Title 5, CFR § 213.3402.

Appointments are subject to all the requirements and conditions that govern Federal employment, including investigations to establish an appointee's qualifications and suitability.

Citizenship

SHROs must follow current Department guidance on hiring non-citizens. In addition, a participant in the Pathways Programs must be a U.S. citizen in order to be eligible for noncompetitive conversion to the competitive service.

Terminations

Pathways Programs' participants may be terminated from their position for reasons including misconduct, poor performance, or suitability.

Memorandum of Understanding

OHRM, in conjunction with SHROs, will develop a Department-wide MOU with OPM. The MOU will contain the following elements:

- 1) Delegations of authority for the Department's use of the Pathways Programs;
- 2) Criteria and procedures for Department-approved extensions for Recent Graduates and PMFs, not to exceed 120 days;
- 3) A description of the Department's training and development plans under Pathways; and
- 4) A commitment from the Department that it will abide by all OPM policies and procedures, including reporting requirements.

Every two years, from the start date of the initial MOU, OHRM will recertify its MOU with OPM.

Qualifications Determinations

SHROs must evaluate applicants for the Pathways Programs against the OPM Qualification Standard for the position being filled.

Note: Applicants for Internship Program positions with or without a not-to-exceed date must be evaluated against the OPM Qualification Standard for the position.

Participant Agreements

SHROs must execute a written participant agreement with each Pathways Programs appointee. SHROs may use the appropriate participant agreement (see attachment) template developed by OPM or it may develop its own. At a minimum, the following elements must be contained in the participant agreement:

- 1) A general description of duties;
- 2) Work schedules;
- 3) The length of the appointment and termination date;
- 4) Mentorship opportunities, as applicable;
- 5) Training requirements, as applicable;
- 6) Evaluation procedures that will be used for the participant;
- 7) Requirements for continuation and/or successful completion of the Program;
- 8) Minimum eligibility requirements for noncompetitive conversion to a term or permanent competitive service appointment, according to the requirements of the applicable Pathways Programs.

SHROs may include other elements as needed without approval from OHRM.

Reporting Requirements

SHROs must submit reports to OHRM, as requested.

For the coming year, SHROs must:

- 1) Provide information on the entry-level occupations targeted for filling positions for the coming year; and
- 2) Be prepared to provide the percentage of overall hiring expected in the coming year under the Pathways Programs.

For the previous year, SHROs must:

- 1) Provide the number of individuals initially appointed under each Pathways Program;
- 2) Provide the percentage of the operating unit's overall hires made from each Pathways Program;
- 3) The number of Pathways Participants, per Program, converted to the competitive service; and
- 4) The number of Pathways Participants, per Program, who were separated.

Rating, Ranking, and Selection

Recent Graduates and Internship Program – In accordance with Title 5, CFR § 302.302, SHROs have the flexibility, in conjunction with the hiring manager, to evaluate candidates and determine basic eligibility or ineligibility without assigning numerical scores, or rate and rank candidates using numerical scores; however, veterans' preference as described in Title 5, CFR § 302(d) (1) and § 302(d)(2) must be applied under each methodology, as appropriate.

PMF Program – SHROs will continue to follow the policies and procedure for selecting PMFs found in OHRM's most current policy on the PMF program.

Training and Development

Participants in the Recent Graduates Program and the PMF Program are required to have a formal training and development plan subject to the regulations found in Title 5, CFR § 302, and in accordance with the general guidelines for training and development found in the Department's MOU with OPM. Internship Program participants are not required to have a formal training and development plan; however, bureaus shall identify mentorship opportunities based on the duties of the position and the duration of the appointment.

Public Notice Requirement

All Recent Graduates Program and Internship Program positions must meet the Pathways Programs public notice requirement in one of the following ways:

- 1) Posting a Job Opportunity Announcement (JOA) and collecting applications through USAJOBS; OR
- 2) Posting a position advertisement on USAJOBS (as described in OPM's Pathways "Transition and Implementation Guidance") and collecting resumes at a job fair, or other event as stated in the actual advertisement.

Posting a JOA on USAJOBS

- 1) SHROs may develop their own JOA templates
- 2) Must designate either Intern or Recent Graduates in step 3, "Duration of Appointment" when building the JOA in the automated hiring system
- 3) JOAs must be open for at least five business days and must be open to the public

Posting an Advertisement on USAJOBS and Collecting Applications at a Job Fair or Other Event

SHROs may post a position advertisement on USAJOBS as described in OPM's Pathways "Transition and Implementation Guidance." SHROs must:

- 1) Advertise the position at least 5 business days in advance of the job fair/event on USAJOBS and indicate how applicants can apply at the job fair; and
- 2) Must designate either Intern or Recent Graduate in step 3, "Duration of Appointment" when building the advertisement in the automated hiring system
- 3) Send at least one HR Specialist to the job fair/event to ensure that all applicable policies and procedures are adhered to in the collection of the applications

Required Elements of a JOA or an Advertisement

At a minimum, the following elements are required:

Agency/Bureau; Position; Title; Series; Grade; Open Period; JOA/advertisement Number; Salary Range; Position Information; Promotion Potential; Who May Be Considered; Job Summary; Key Requirements; Duties; Evaluation Procedures; Benefits; Other Information (explanation of Pathways and other relevant information about the operating unit); Required Documents; SHRO Contact Information; What To Expect Next; specifics of the Appointment (student temp or conversion opportunity, 2yrs- Recent Grads); Geographic Location; How To Apply; Reasonable Accommodation Statement; Selective Service Requirement; Veterans' Preference Information; EEO Statement.

Specific Requirements of Each Program

Internship Program:

Eligibility

To be eligible for the Internship Program, the Intern must meet the definition of *student* in § 362.202 throughout the duration of their appointment.

Appointments

Interns may be appointed to any position for which the individual is qualified, up to the GS-13 level or equivalent. All Interns must be appointed to a position designated as a trainee position (with the last two digits of the occupational series being 99).

SHROs may:

- 1) Appoint an Intern for any initial period expected to last more than one year. Intern appointments are not required to have a not-to-exceed date. However, participant agreements must specify an end date of the program requirements (education and 640 hours of working).
- 2) Appoint an Intern on a temporary basis, not to exceed one year, to complete temporary projects, to perform labor-intensive intensive tasks not requiring subject matter expertise, or to fill traditional summer jobs. These appointments may be extended without the Director, OHRM approval as permissible by CFR, Title 5, Part 213, "Excepted Service."

Schedules

There is no limit to the number of hours an Intern may work per week; however, applicable laws and regulations governing pay must be followed.

An agreed upon formally arranged schedule of school and work must be documented in the participant agreement. The following items should be taken into consideration when agreeing on an Intern's schedule:

- 1) Work responsibilities do not interfere with academic schedules;
- 2) Completion of the educational program and the 640 hours of work requirement is accomplished in a reasonable and appropriate timeframe; and
- 3) The requirements for non-competitive conversion to a term or permanent position in the competitive service are understood by all parties.

Note: If an Intern's not-to-exceed date is extended, the participant agreement must be modified to reflect the new not-to-exceed date.

Breaks in Programs

Breaks in the program are permissible, as long as agreed upon by the hiring manager and the Intern. However, the hiring manager may deny an Intern's request for a break in the program.

Movement from a Not To Exceed (NTE) Appointment to a Non-Not to Exceed Appointment

Interns may move from an appointment with a NTE date to an appointment without a NTE date through a competitive process. The JOA can be limited to only current Interns within the Department.

Conversion to the Competitive Service

SHROs must follow the provisions for converting an Intern to the competitive service found in Title 5, CFR § 362.404. Interns under appointments with and without a NTE date may be converted to a career, conditional, or term appointment if (s)he meets the requirements for conversion.

SHROs are delegated the authority to:

- 1) Convert Interns to the competitive service subject to Title 5, CFR §362.04; and
- 2) Waive up to one-half of the 640-hour minimum service requirements based upon outstanding academic achievement or exceptional job performance

An Intern may be noncompetitively converted to a term of permanent position within the Department or any other agency within the Federal Government. If a Departmental Intern is converted to a permanent or term position by another agency, the SHRO must, for reporting purposes, keep a record of the name and address of the converting agency and subcomponent.

Recent Graduates Program:

Eligibility

In accordance with Title 5, CFR § 362.302, individuals must have:

Obtained a qualifying associates, bachelor's, master's, professional, doctorate, vocational or technical degree or certificate from a qualifying educational institution, within the previous two years.

An individual may apply for a position in the Recent Graduates Program only if the individual's application is received no later than two years after the date the individual completed all requirements of an academic course of study leading to a qualifying associates, bachelor's, master's, professional, doctorate, vocational or technical degree or certificate from a qualifying educational institution, not from the date of a commencement ceremony.

Time Limitation Exceptions for Certain Veterans (possible six years eligibility)

A veteran, as defined in Title 5, U.S.C. § 2108, who, due to a military service obligation, was precluded from applying to the Recent Graduates Program during any portion of the two year eligibility period shall have a full two year period of eligibility upon his or her release or discharge from active duty. However, in no event, may the individual's eligibility period extend beyond six years from the date on which the individual completed the requirements of an academic course of study.

Initial Appointment

SHROs must follow the grade-level guidance for initial appointments under the Recent Graduates Program found in Title 5, CFR § 362.303. A Recent Graduate may receive an initial appointment to a scientific and professional research position at the GS-12 level or equivalent for which the classification and qualifications criteria for research positions apply and the candidate possesses a Ph.D. or equivalent degree directly related to the position being filled. However, Recent Graduates being appointed to a non scientific and professional position is limited to an initial appointment at the GS-9 or equivalent.

Department operating units under an alternative pay system shall make appointments that are equivalent to the GS grade levels described in Title 5, CFR § 362.303.

Length of Appointment

The Department's Recent Graduates Program is a one-year program. However, bureaus may have two-year Recent Graduates Program for only those occupations specified in the Department's most current MOU with OPM. A Recent Graduate may not be converted to a permanent position unless he/she fully completes the designated one or two year program.

Recent Graduates Program appointments may not exceed more than two years unless the Director, OHRM, has granted approval to extend the appointment for an additional 120 days. SHROs must submit a request in writing to the Director, OHRM, with the justification for extending the appointment beyond one year. The justification must be based on the criteria described in the Department's MOU with OPM.

Note: No Recent Graduates Program appointment may exceed two years plus any 120 day extension.

Conversion to the Competitive Service

SHROs are delegated the authority to convert Recent Graduates Program individuals to the competitive service subject to Title 5, CFR 362 § 5.

Movement between Agencies

SHROs must follow the provisions for a Recent Graduate's movement between agencies found in Title 5, CFR § 362.304.

A Recent Graduate may apply for and accept a new Recent Graduates Program appointment with another agency as long as the agency meets all of the requirements for participating in the Recent Graduates Program. Time served as a Recent Graduate under the previous agency is credited toward the program requirements for non-competitive conversion eligibility, as long as there is no break in service.

For purposes of recordkeeping and reporting to OPM, SHROs must track the following information related to the departure of a Recent Graduate to another agency:

- 1) *Agency Name*
- 2) *Title, series and grade of new position*

Movement between Bureaus within the Department

A Recent Graduate may apply for and accept a new Recent Graduates Program appointment with another Department bureau. Time served as a Recent Graduate under the previous bureau is

credited toward the program requirements for non-competitive conversion eligibility, as long as there is no break in service.

Presidential Management Fellows Program:

SHROs may continue to appoint PMFs from the current list of Finalists until January 24, 2013. Finalists who are appointed by January 24, 2013, will continue to be subject to the rules that were in effect when they became PMF Finalists. Current PMFs appointed in previous classes (i.e., those appointed to the 2010 and the 2011 "class") will also continue their programs subject to the rules in effect when they were appointed. In the fall of 2012, OPM will make a new PMF vacancy announcement, for the 2013 program year, which will reflect changes to the regulations.

PMFs may be initially appointed up to the GS-12 level or equivalent. In addition, SHROs must follow the current Department HR Bulletin pertaining to the PMF program.

Transition Guidance

SHROs must follow current guidance provided by OHRM and the OPM on transitioning current SCEPs, STEPs and PMFs to the Pathways Programs. SHROs are delegated the authority to:

- 1) Convert SCEPs or STEPs to the Internship Program or convert current SCEPs to career, career-conditional, or term appointments, as applicable;
- 2) Transition PMFs to the Pathways Programs as appropriate. Class of 2013 will be subject to the provisions of the Pathways Programs regulations. Class of 2012 will be subject to the rules and regulations that governed the PMF Program prior to July 10, 2012; and
- 3) Execute the appropriate personnel actions to successfully meet OPM's transition requirements for SCEPs, STEPs and PMFs.

Current SCEP Transition

Not all current SCEPs will transition to the Pathways Internship Program. Only SCEPs who will not be able to meet the requirements (education and 640 hours of work) for conversion to career, career-conditional, or term appointments by January 6, 2013, will be converted to the Pathways Internship Program. **No employee may remain on a SCEP appointment after January 6, 2013.**

Below is specific guidance regarding transitioning current SCEPs to the Pathways Internship Program:

- If the current SCEP employee has completed the educational requirement and the 640-hour work requirement at some point on or before July 9, 2012, you must convert the employee to a career, career/conditional, or term appointment within 120 days of completion of the educational requirement, or terminate the appointment. Do not convert these employees to the Pathways Internship Program.
- If the current SCEP employee will complete the educational requirement and the 640-hour work requirement between July 9, 2012, and January 6, 2013, you must convert the employee to a career, career/conditional, or term appointment, within 120 days of

completion of the educational requirement, or terminate the appointment. Actions must be effective no later than January 6, 2013.

- If the current SCEP employee will not complete the educational requirement and the 640-hour work requirement by January 6, 2013, you must convert the employee to the Pathways Internship Program effective either on or before January 6, 2013, or terminate the appointment through reduction-in-force procedures.
- If the current SCEP employee will not complete the educational requirement by January 6, 2013, but will complete the 640-hour work requirement by that date, you must convert the employee to the Pathways Internship Program effective either on or before January 6, 2013, or terminate the appointment through reduction-in-force procedures.

When converting a SCEP to either the Pathways Internship Program, career, career-conditional, or term appointment the following guidance must be followed:

- 1) Complete a Pathways participant agreement for each student.
- 2) Process an SF-50, Notification of Personnel Action, with the same title, series, and grade if they are being converted to the Internship Program. If they are being converted to career, career-conditional, or term appointment, follow the SCEP conversion regulations in effect prior to July 10, 2012.
- 3) All conversions must be effective either on or before January 6, 2013, in accordance with the chart below:

Employee is	Action is	Nature of Action is	Nature of Action Code is	Authority Code is	Authority is
Current SCEP	Conversion to Internship Program	Conv to Excepted Appt	570	YEF	Sch. D, 213.3402(a)
	Conversion to career-conditional Appointment	Conv to career-cond Appt	501	LAS	Reg. 362.110
	Conversion to Career Appointment	Conv to Career Appt	500	LAS	Reg. 362.110
	Conversion to a Term Appointment	Conv to Term Appt NTE	508	MAG	Reg. 362.110

Note: Current SCEP employees converting to the Pathways Internship Program cannot be converted with a NTE date.

STEP Transition

Not all current STEPs must be converted to the Pathways Internship Program. Only those who continue to meet the definition of a student, and are going to remain on the rolls as a student, must be converted to the Pathways Internship Program either on or before January 6, 2013.

No employee may remain on a STEP appointment after January 6, 2013.

When converting a STEP to the Pathways Internship Program, the following guidance be followed:

- 1) Complete a Pathways participant agreement for each student; then
- 2) Process an SF-50, Notification of Personnel Action, with the same title, series, grade, and not-to-exceed (NTE) date as their current STEP appointment, for each employee either effective on or before January 6, 2013, in accordance with the following chart:

Employee is	Action is	Nature of Action is	Nature of Action Code is	Authority Code is	Authority is
Current STEP	Conversion to Internship NTE	Conv to Excepted Appt NTE	571	YEG	Sch. D, 213.3402(a)

Note: The NTE date can be change at any time after conversion to the Pathways Internship Program.

PMF Transition

All current PMFs will need to be converted to the new PMF Program Schedule D § 213.3402(c) authority by January 6, 2013.

SHROs may continue to appoint PMFs from the current list of Finalists, (using the Schedule D appointing authority) until January 24, 2013, under current Department policies and procedures for PMF appointments. The Class of 2013, who will be appointed after January 24, 2013, will be the first group of Finalists subject to the new Pathways PMF regulations.

Finalists who are appointed prior to or on January 24, 2013, will continue to be subject to the PMF regulations that were in effect when they became a PMF Finalist. Current PMFs appointed in previous classes will also continue their programs subject to the regulations that were in effect when they were appointed.

One of the following actions must be take for current PMFs:

- 1) Process a personnel action to convert appointments to the new PMF Program Schedule D appointing authority effective on or before January 6, 2013, if the PMF will not be able to complete the program by January 6, 2013; or

- 2) For PMFs eligible for conversion to the competitive service by January 6, 2013:
 - a. Identify conversion eligibility date;
 - b. Ensure PMF is scheduled for Executive Resources Board certification; and
 - c. Convert to a career/conditional or career appointment effective on or before January 6, 2013, in accordance with program requirements in effect prior to July 10, 2012

When converting a PMF to either the Pathways Internship Program, career, or career-conditional appointment the following guidance must be followed:

- 1) Complete a Pathways Participant Agreement for each PMF; then
- 2) Process an SF-50, Notification of Personnel Action, with the same title, series, grade, of their current PMF appointment, effective on or before January 6, 2013, if they are being converted to the Pathways Programs. If they are being converted to a career, or career-conditional appointment, follow the PMF conversion regulations.

Employee is	Action is	Nature of Action is	Nature of Action Code is	Authority Code is	Authority is
Current PMF	Conversion to Pathways PMF	Conv to Excepted Appt	570	YEH	Sch. D, 213.3402(c)
	Conversion to career conditional appointment	Conv to career-cond Appt	501	LAR	Reg. 362.110
	Conversion to Career Appointment	Conv to Career Appt	500	LAR	Reg. 362.110

End-to-End (E2E) Hiring Model and Reporting

All positions within the Recent Graduates Program and the Internship Program are subject to the requirements and standards of Department policy regarding the E2E 80-day hiring roadmap.

REFERENCES: Title 5, Code of Federal Regulations, Part 362; Office of Personnel Management’s “Transition and Implementation Guidance;” Memorandum of Understanding between the Department of Commerce and the Office of Personnel Management

OFFICE OF POLICY AND BENEFITS: OPBservices@doc.gov