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Instructional Memorandum BIA-NIFC-62

September 29, 2006

Memorandum

To: Regional Director, All Regions
Attention: Regional Fire Management Officers
Agency Fire Management Officers

From: Chief, Branch of Wildland Fire Management

Subject: Alternative Hiring Authorities

During the National Incident Business meeting in February 2004, seven breakout groups were established to address incident business issues the groups felt needed to be changed or improved upon. One of the issues raised was the need for emergency personnel hiring authorities in addition to the Administratively Determined (AD) Pay Plan. A group of subject matter experts were chartered to accomplish this task. From their findings they have developed a "cookbook" to include a number of hiring authorities currently available to meet the needs of fire managers.

The AD Pay Plan is typically the quickest and easiest method of hiring emergency personnel. However, we are finding that managers are utilizing the pay plan authority to hire personnel in positions that are not appropriate under the AD Pay Plan (e.g. fire management officers, assistant fire management officers, dispatch center managers, etc.). Vacant government positions should not be hired utilizing the AD Pay Plan but instead should be hired using one of the attached hiring authorities. We understand this process may be a bit more cumbersome but it meets federal regulations, policy requirements, and meets the intent of the AD Pay Plan.

Please share the attached "cookbook" with your respective agencies and encourage fire managers to work with your servicing Human Resource Office to utilize the most appropriate hiring tool to meet the staffing needs of the fire community.

If you have any questions, please contact Rosie Morin, Administrative Officer at 208-387-5696.

Attachment (1) Cookbook of Current Delegated Federal Appointment Authorities

CURRENTLY DELEGATED FEDERAL APPOINTMENT AUTHORITIES

The table below contains hiring authorities currently delegated to all Federal agencies by appointment type. Included are the authority reference, a description, key requirements, and suggested uses for the appointment type. This table was developed as a tool to assist fire managers in working with their servicing Human Resource Specialists to utilize the most appropriate hiring authority to meet the staffing needs of the fire community.

APPOINTMENT TYPE	AUTHORITY REFERENCE	DESCRIPTION AND KEY REQUIREMENTS	SUGGESTED USES
30-Day Critical Need	5CFR 213.3102(I)(2)	<p>Appointment that does not exceed 30 days, for which a critical hiring need exists.</p> <ul style="list-style-type: none"> • Appointment may be extended for up to an additional 30 days if continued employment is essential to the agency's operation. • Appointment is specific to a particular incident occurrence • No requirement for competition • Agencies may not employ the same individual under this authority for more than 60 days in any 12 month period. • Requires classified position description in order to set grade and pay • Incumbents must meet position requirements • Incumbents must meet citizenship and suitability requirements • Incumbents earn sick leave • Incumbents are not entitled to annual leave • Incumbent is not entitled to benefits (life, health, retirement, TSP, etc.) • Incumbents may be terminated when determination is made that critical need no longer exists. 	<p>Backfill</p> <ul style="list-style-type: none"> • FMO • Staff • Receptionist • Existing Positions <p>Direct Incident Support</p>
Temporary NTE Noncompetitive Reinstatement Eligible	5CFR 316.402(B)(1)	<p>Appointment expected to last for a specified period not to exceed 1 year.</p> <ul style="list-style-type: none"> • Former federal career employees may be non-competitively appointed to positions like those they previously occupied in federal service • Requires classified position description in order to set grade and pay • Incumbents must meet position qualification requirements • Incumbents must meet citizenship and suitability requirements. • Incumbents earn sick leave • Incumbents are entitled to annual leave only if appointment is over 90 days and work schedule is full-time or part-time • Incumbents are not entitled to benefits (life, health, retirement, TSP, etc.) • Incumbents may be detailed to another position which is temporary in nature • Incumbents may be placed in intermittent status • Incumbents may be terminated when determination is made that emergency need no longer exists. 	<p>Backfill</p> <ul style="list-style-type: none"> • FMO • Staff • Receptionist • Existing Positions <p>Direct Incident Support</p>

Temporary Promotion	Agency Merit Promotion Plan	<p>Time limited promotion of an employee to a higher graded position for a specific period of time.</p> <ul style="list-style-type: none"> • Assignment may be non-competitive if duration is 120 days or less in a 12 month period. • Employee is normally temporarily re-assigned to the unit offering the temporary promotion • Temporary promotion unit normally covers the various costs associated with the temporary promotion assignment. • Requires classified position description in order to set grade and pay • Employee must meet qualification and time in grade requirements for the higher graded position. • Gaining unit normally pays benefit costs during assignment 	<p>Agency support positions</p> <p>Indirect incident support positions</p>
Detail	Agency Merit Promotion Plan	<p>Temporary assignment of an employee to a different position within an agency, at the same grade and pay, for a specific period.</p> <ul style="list-style-type: none"> • No requirement for competition • An employee need not be qualified for the detail assignment, though they must possess the minimum education required for any professional positions. • Usually requires only a brief description of duties to be accomplished • Home unit normally pays benefit costs • Employee is returned to regular duties at home unit at the end of the assignment. • Detailing and home unit establish an agreement as to who covers the various costs associated with the detail assignment. 	<p>Agency support positions</p> <p>Indirect incident support positions</p>
Temporary NTE Competitive	5CFR 316.402(B)(1)	<p>Appointment expected to last for a specified period not to exceed 1 year.</p> <ul style="list-style-type: none"> • Requires classified position description in order to set grade and pay • Incumbents must meet position qualification requirements • Incumbents earn sick leave • Incumbents are entitled to annual leave only if appointment is over 90 days and work schedule is full-time or part-time • Incumbents are not entitled to benefits (life, health, retirement, TSP, etc.) • Incumbents may be detailed to another position which is temporary in nature • Incumbents may be terminated when determination is made that emergency need no longer exists. 	<p>Backfill</p> <ul style="list-style-type: none"> • FMO • Staff • Receptionist • Existing Positions <p>Direct Incident Support</p>
Dual Appointment	Applicable temporary hiring authority	<p>Agency career, career conditional, or term employees, in non-pay status under there permanent/term appointment in one agency, may be employed in a temporary appointment with another agency, during the period of non-pay.</p> <ul style="list-style-type: none"> • There are no restrictions on the number of appointments (positions) an employee may hold so long as the employee is not paid basic pay for the same hours or for more than 40 hours in 	All Positions

Dual Appointment (cont.)		<p>the aggregate for the same calendar week.</p> <ul style="list-style-type: none"> • Requires classified position description in order to set grade and pay • Incumbent must meet position requirements • Costs of benefits covered by home unit. 	
Administratively Determined (AD) Pay Plan for Emergency Workers	5 U.S.C. 5102 (19), & U.S.C. 225 and 2226, 16 U.S.C. 554e and 43 U.S.C. 1469	<p>The pay plan applies only to those individuals (casual hires) that are recruited for the sole purpose of dealing with an immediate fire emergency, extreme fire potential, or other emergency. Casual hires shall be terminated when other employment methods can be initiated. <i>This authority cannot be used to circumvent other hiring authorities.</i></p> <p>The following are required situations for hire:</p> <ul style="list-style-type: none"> • To fight an ongoing fire. • To hire personnel during unusually dry periods or when fire danger is very high to extreme (local Planning Level 4 or 5), or when fuel or weather conditions are such that fire can readily ignite, spread rapidly, and do substantial damage, and when risks of fire occurrence are high (for example, severity authority, prevention team activation). • To provide support to an ongoing incident, including post-incident administration (for example, dispatch, warehouse/cache workers, payment team members, administrative support and reviews). Post-incident administration normally should not exceed 90 days. • To place additional firefighters on standby for expected dispatch somewhere in the area. • To temporarily replace members of fire suppression crews or fire management personnel who are currently on fires. • To allow personnel to attend emergency incident training in preparation for emergency incident situations. • To allow personnel to instruct emergency training when all other methods of hiring and contracting have been exhausted. • To cope with floods, storms, or any other emergency that threatens damage to federally protected property unless brought under immediate control. • To carry out emergency stabilization work where there is an immediate danger of loss of life or property or when prompt remedial action is essential before potentially damaging climatic events occur (the "emergency" phase occurs during the incident, and for a period of time directly after). • During a transition period, following a natural emergency to develop plans and manage an emergency stabilization effort until regular employees can handle the situation or until other employment methods can be initiated. • To meet mission assignments issued by the Federal Emergency Management Agency (FEMA). • To hire personnel for prescribed fire projects per the terms of the pay plan. This applies to DOI agencies only. 	Direct incident support in the positions listed in the Pay Plan Matrix.