

level and in the series of the position to which the employee was downgraded.

(5 U.S.C. 5364)

[45 FR 18365, Mar. 21, 1980]

**PART 338—QUALIFICATION REQUIREMENTS (GENERAL)**

**Subpart A—Citizenship Requirements**

Sec.

338.101 Citizenship.

**Subpart B [Reserved]**

**Subpart C—Consideration for Appointment**

338.301 Competitive service appointment.

**Subparts D–E [Reserved]**

**Subpart F—Age Requirements**

338.601 Prohibition of maximum-age requirements.

AUTHORITY: 5 U.S.C. 3301, 3302, 3304; E.O. 10577, 3 CFR, 1954–1958 comp., p. 218.

**Subpart A—Citizenship Requirements**

**§ 338.101 Citizenship.**

(a) A person may be admitted to competitive examination only if he is a citizen of or owes permanent allegiance to the United States.

(b) A person may be given an appointment in the competitive service only if he or she is a citizen of or owes permanent allegiance to the United States. However, a noncitizen may be given an appointment in rare cases under §316.601 of this chapter, unless the appointment is prohibited by statute.

(c) Paragraph (b) of this section applies to reinstatement and transfer as well as to other noncompetitive appointments, and to conversion to career or career-conditional employment.

[33 FR 12429, Sept. 4, 1968, as amended at 57 FR 10124, Mar. 24, 1992]

**Subpart B [Reserved]**

**Subpart C—Consideration for Appointment**

**§ 338.301 Competitive service appointment.**

Agencies must ensure that employees who are given competitive service appointments meet the requirements included in the Office of Personnel Management’s Operating Manual: Qualification Standards for General Schedule Positions. The Operating Manual is available to the public for review at agency personnel offices and Federal depository libraries, and for purchase from the Government Printing Office.

[62 FR 44535, Aug. 22, 1997]

**Subparts D–E [Reserved]**

**Subpart F—Age Requirements**

**§ 338.601 Prohibition of maximum-age requirements.**

A maximum-age requirement may not be applied in either competitive or noncompetitive examinations for positions in the competitive service except as provided by:

(a) Section 3307 of title 5, United States Code; or

(b) Public Law 93–259 which authorizes OPM to establish a maximum-age requirement after determining that age is an occupational qualification necessary to the performance of the duties of the position.

[40 FR 42734, Sept. 16, 1975]

**PART 339—MEDICAL QUALIFICATION DETERMINATIONS**

**Subpart A—General**

Sec.

339.101 Coverage.

339.102 Purpose and effect.

339.103 Compliance with EEOC regulations.

339.104 Definitions.

**Subpart B—Physical and Medical Qualifications**

339.201 Disqualification by OPM.

339.202 Medical standards.

339.203 Physical requirements.

339.204 Waiver of standards and requirements.

339.205 Medical evaluation programs.