

(iii) Service under the FCIP counts toward career tenure in the competitive service, if the career intern is converted to a career-conditional appointment under § 315.712 of this chapter.

(7) *Terminations.* As a condition of employment, the appointment of a career intern expires at the end of the 2-year internship period, plus any extension. The employing agency may, with no break in service, convert the intern to a career or career-conditional appointment in accordance with § 315.712 of this chapter. If an employee is not converted to a career or career-conditional appointment, the career intern appointment terminates, unless the employee is specifically eligible for placement under paragraph (o)(6)(ii) of this section.

(8) *Movement between career intern positions.* A career intern may move from one career intern position to another career intern position without a break in service. If the move involves different agencies, the career intern must separate from the current agency and be reappointed under a career intern appointment by the new employing agency. The career intern does not begin a new 2-year internship period; however, the career intern is subject to any other employment condition the new agency requires, including a possible extension of the internship period up to a maximum period of 1 year. The time previously served under a career intern appointment counts toward the completion of the 2-year period required for conversion.

(9) *Career Development.* Agencies will provide the career interns with formal training and developmental opportunities to acquire the appropriate agency-identified competencies needed for conversion. These activities may include, but are not limited to, formal training classes, rotational or other job assignments, attendance at conferences and seminars, interagency assignments, or other activities approved by the agency.

(10) *Agency Responsibilities.* Each agency will determine the appropriate use of the FCIP relating to recruitment needs in geographical areas, specific occupational series, and grades, pay bands or other pay levels, ensuring that programs are developed and im-

plemented in accordance with the merit system principles. Each agency must describe in writing how it will use the FCIP, including, but not limited to, such aspects as:

(i) Delegating the authority to develop FCIPs (e.g., department-wide versus bureaus and agency components);

(ii) Defining the roles and responsibilities of supervisors and other key officials in FCIP administration, such as human resources staff, budget and finance staff, career counselors, or mentors;

(iii) Identifying the positions or occupations that will be covered under the FCIP;

(iv) Developing procedures for accepting applications, and evaluating and selecting candidates according to part 302 of this chapter on employment in the excepted service and any other applicable requirements;

(v) Designing, implementing, and documenting formal program(s) for the training and development of employees selected under the provisions of this Program, including the type and duration of assignments;

(vi) Deciding how to inform the career interns of what will be expected during the internship, including developmental assignments and performance requirements; and

(vii) Planning, coordinating, implementing, and monitoring program activities.

[47 FR 28904, July 2, 1982, as amended at 47 FR 38258, Aug. 31, 1982; 52 FR 25194, July 6, 1987; 52 FR 43722, Nov. 16, 1987; 54 FR 15371, Apr. 18, 1989; 54 FR 18875, May 3, 1989; 55 FR 26419, June 28, 1990; 56 FR 170, Jan. 3, 1991; 59 FR 64841, Dec. 16, 1994; 62 FR 63628, Dec. 2, 1997; 63 FR 57045, Oct. 26, 1998; 63 FR 66705, Dec. 3, 1998; 65 FR 14431, Mar. 17, 2000; 65 FR 41868, July 7, 2000; 65 FR 78078, Dec. 14, 2000; 70 FR 44220, Aug. 2, 2005]

SCHEDULE C

§ 213.3301 Positions of a confidential or policy-determining nature.

(a) Upon specific authorization by OPM, agencies may make appointments under this section to positions which are policy-determining or which involve a close and confidential working relationship with the head of an

§ 213.3302

agency or other key appointed officials. Positions filled under this authority are excepted from the competitive service and constitute Schedule C. Each position will be assigned a number from § 213.3302 to § 213.3999, or other appropriate number, to be used by the agency in recording appointments made under that authorization.

(b) When requesting Schedule C exception, agencies must submit to OPM a statement signed by the agency head certifying that the position was not created solely or primarily for the purpose of detailing the incumbent to the White House.

(c) The exception from the competitive service for each position listed in Schedule C by OPM is revoked immediately upon the position becoming vacant. An agency shall notify OPM within 3 working days after a Schedule C position has been vacated.

[60 FR 35120, July 6, 1995]

§ 213.3302 **Temporary transitional Schedule C positions.**

(a) An agency may establish temporary transitional Schedule C positions necessary to assist a department or agency head during the 1-year period immediately following a change in presidential administration, when a new department or agency head has entered on duty, or when a new department or agency is created. These positions may be established only to meet legitimate needs of the agency in carrying out its mission during the period of transition associated with such changeovers. They must be of a confidential or policy-determining character and are subject to instructions issued by OPM.

(b) The number of temporary transitional Schedule C positions established by an agency cannot exceed either 50 percent of the highest number of permanent Schedule C positions filled by that agency at any time over the previous 5 years, or three positions, whichever is higher. In the event a new department or agency is created, the number of temporary transitional positions should be reasonable in light of the size and program responsibility of that department or agency. OPM may approve an increase in an agency's quota

5 CFR Ch. I (1–1–06 Edition)

to meet a critical need or in unusual circumstances.

(c) Individual appointments under this authority may be made for 120 days, with one extension of an additional 120 days. They may be deemed provisional appointments for purposes of the regulations set out in parts 351, 831, 842, 870, and 890 of this chapter if they meet the criteria set out in §§ 316.401 and 316.403 of this chapter.

(d) An agency shall notify OPM within 5 working days after a temporary transitional Schedule C position has been encumbered and within 3 working days when it has been vacated. The agency must also submit to OPM a statement signed by the agency head certifying that the position was not created solely or primarily for the purpose of detailing the incumbent to the White House.

[60 FR 35120, July 6, 1995]

PART 214—SENIOR EXECUTIVE SERVICE

Subpart A [Reserved]

Subpart B—General Provisions

Sec.

- 214.201 Definitions.
- 214.202 Authority to make determinations.
- 214.203 Reporting requirements.
- 214.204 Interchange agreements.

Subpart C—Exclusions

- 214.301 Exclusions.

Subpart D—Types of Positions

- 214.401 Types of positions.
- 214.402 Career reserved positions.
- 214.403 Change of position type.

AUTHORITY: 5 U.S.C. 3132.

SOURCE: 45 FR 62414, Sept. 19, 1980, unless otherwise noted.

Subpart A [Reserved]

Subpart B—General Provisions

§ 214.201 **Definitions.**

For the purposes of this part:

Agency, Senior Executive Service position, career appointee, limited term appointee, limited emergency appointee, and noncareer appointee have the meanings