

## Office of Personnel Management

## § 3.1

act of July 6, 1945, 59 Stat. 435, as here-  
tofore or hereafter amended and sup-  
plemented.

(b) Under the career-conditional ap-  
pointment system there shall be a  
limit on the number of permanent em-  
ployees in the Federal civil service  
which shall be the ceiling established  
by section 1310 of the Supplemental Ap-  
propriation Act, 1952 (65 Stat. 757), as  
amended. In the event section 1310,  
supra, is repealed, OPM is authorized  
to fix such limitation on the number of  
permanent employees in the Federal  
civil service as it finds necessary to  
meet the needs of the service.

(c) OPM may determine the types,  
duration, and conditions of indefinite  
and temporary appointments, and may  
prescribe the method for replacing per-  
sons holding such appointments.

### § 2.3 Apportionment.

Subject to such modifications as  
OPM finds to be necessary in the inter-  
est of good administration, appoint-  
ments to positions in agencies' head-  
quarters offices which are located with-  
in the metropolitan area of Wash-  
ington, DC, shall be made so as to  
maintain the apportionment of ap-  
pointments among the several States,  
Territories, and the District of Colum-  
bia upon the basis of population.

### § 2.4 Probationary period.

Persons selected from registers of eli-  
gibles for career or career-conditional  
appointment and employees promoted,  
transferred, or otherwise assigned, for  
the first time, to supervisory or mana-  
gerial positions shall be required to  
serve a probationary period under  
terms and conditions prescribed by the  
Office.

[45 FR 4337, Jan. 22, 1980]

## PART 3—NONCOMPETITIVE ACQUISITION OF STATUS (RULE III)

Sec.

3.1 Classes of persons who may noncompeti-  
tively acquire status.

3.2 Appointments without competitive ex-  
amination in rare cases.

3.3 Conversion of appointments.

AUTHORITY: 5 U.S.C. 3301, 3302.

SOURCE: 28 FR 10023, Sept. 14, 1963, unless  
otherwise noted.

### § 3.1 Classes of persons who may non- competitively acquire status.

(a) Upon recommendation by the  
agency concerned, and subject to such  
noncompetitive examination, time lim-  
its, or other requirements as OPM may  
prescribe the following classes of per-  
sons may acquire a competitive status  
without competitive examination:

(1) A person holding a permanent po-  
sition when it is placed in the competi-  
tive service by statute or executive  
order or is otherwise made subject to  
competitive examination.

(2) A disabled veteran who, in a man-  
ner satisfactory to OPM, has completed  
a course of training in the executive  
branch of the Government prescribed  
by the Administrator of Veterans' Af-  
fairs in accordance with the act of  
March 24, 1943 (57 Stat. 43).

(3) An employee who has served at  
least two years in the immediate office  
of the President or on the White House  
Staff and who is transferred to a com-  
petitive position at the request of an  
agency.

(4) An employee who was serving  
when his name was reached for certifi-  
cation on a civil service register appro-  
priate for the position in which he was  
serving: *Provided*, That the recom-  
mendation for competitive status is  
made prior to expiration of the register  
on which his name appears or is made  
during a period of continuous service  
since his name was reached: *Provided  
further*, That the register was being  
used for appointments conferring com-  
petitive status at the time his name  
was reached.

(b) Upon recommendation by the em-  
ploying agency, and subject to such re-  
quirements as the Office of Personnel  
Management may prescribe, the fol-  
lowing classes of handicapped employ-  
ees may acquire competitive status  
without competitive examination:

(1) A severely physically handicapped  
employee who completes at least two  
years of satisfactory service in a posi-  
tion excepted from the competitive  
service.

(2) A mentally retarded employee  
who completes at least two years of