



The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

JAN - 4 2011

MEMORANDUM FOR CHIEF HUMAN CAPITAL OFFICERS

FROM:

JOHN BERRY  
DIRECTOR

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Subject:

Executive Order 13562 – Recruiting and Hiring Students and Recent Graduates

On December 27, 2010, President Obama signed Executive Order 13562 entitled “Recruiting and Hiring Students and Recent Graduates.” The principal purpose of the order is to establish a comprehensive structure to help the Federal Government be more competitive in recruiting and hiring talented individuals who are in school or who have recently received a degree.

The Executive Order issued last week directs OPM to consolidate student and recent graduate programs into the Pathways Programs framework with three clear program paths that are tailored to recruit, train and retain well-qualified candidates:

- **Internship Program.** A new Internship Program will be created that is targeted towards students enrolled in a wide variety of educational institutions.
- **Recent Graduates Program.** This brand new program will target recent graduates of trade and vocational schools, community colleges, universities, and other qualifying institutions. To be eligible, applicants must apply within two years of degree completion (except for veterans precluded from doing so due to their military service obligation, who will have six years after degree completion). Successful applicants will be placed in a two-year career development program with a cohort of peers hired during timeframes aligned with academic calendars. After successfully completing the program, participants will be considered for noncompetitive conversion to career jobs.
- **Presidential Management Fellows (PMF) Program.** For more than three decades, the PMF Program has been the Federal government’s premier leadership development program for advance degree candidates. The Executive Order expands the eligibility window for applicants, making it more “student friendly” by aligning it with academic calendars and including those who have received a qualifying advanced degree within the preceding two years. It also directs OPM to set qualification standards, and to make changes in order to make the PMF experience more robust and substantive for participants.

The three Pathways Programs will each provide noncompetitive conversion eligibility to participants and will be used in targeted ways to develop talent for civil service careers.

Effective March 1, 2011, the Executive Order also eliminates the Federal Career Intern Program (FCIP). In the months ahead, OPM will be proposing implementing regulations and assisting Federal agencies in adopting these reforms. Students and recent graduates can expect to see these reforms fully implemented within a year.

By the terms of the order, the new programs will not be in place until final regulations to implement them become effective following an opportunity for public comment. Nonetheless, there are several issues that agencies should pay attention to now. This guidance is intended to assist you in addressing those issues.

### **1. Establishing a Pathways Programs Officer**

Section 7.c of Executive Order 13562 requires agencies to designate a Pathways Programs Officer (at the agency level, or at bureaus or components within the agency) within 45 days, or by February 10, 2011. The Pathways Programs Officer will be in charge of administering Pathways Programs, serving as a liaison with OPM, and reporting to OPM on the implementation of the Pathways Programs and the individuals hired under them. Agencies have the discretion to determine whether to dedicate an employee to be the Pathways Programs Officer, or to assign the function as collateral duties. Please provide the name and title of your Pathways Programs Officer to Juanita Wheeler, OPM's Student Programs Manager, by February 10, 2011. Ms. Wheeler can be reached at [Juanita.Wheeler@opm.gov](mailto:Juanita.Wheeler@opm.gov) or 202-606-2660

### **2. Status of Employees Appointed under the Presidential Management Fellows (PMF) Program, Student Career Experience Program (SCEP), or Student Temporary Employment Program (STEP)**

Under Section 8 of Executive Order 13562, prior executive orders and regulations that establish or implement PMF, SCEP, and STEP remain in effect, at least until such time as regulations to implement the new Internship Program and to make changes to the PMF Program become final and effective. Accordingly, agencies may continue to hire and employ people under these programs. Executive Order 13562 directs OPM to provide guidance on conducting an orderly transition from existing student and internship programs. OPM will address questions concerning transitioning from the existing programs in its implementing regulations, upon which agencies will be given the opportunity for comment. OPM will expedite the drafting of proposed regulations on all three programs referenced in the new executive order: Internship, Recent Graduates, and PMF.

### **3. Status of Employees Appointed Under the Federal Career Intern Program (FCIP)**

Section 8 of Executive Order 13562 revokes, as of March 1, 2011, Executive Order 13162, which established the Federal Career Intern Program. Moreover, it directs that, effective

March 1, 2011, all agencies with FCIP incumbents must convert them to career-conditional or career positions in the competitive service.

- Incumbents who will complete their service under the FCIP prior to March 1, 2011, should be considered for conversion in accordance with Executive Order 13162 and its implementing regulation found at 5 CFR 213.3202(o).
- With respect to FCIP incumbents who (a) will not have completed their service under the FCIP prior to March 1, 2011, but (b) will have completed at least one year of continuous Federal service as of that date, it is advisable for agencies to decide, prior to March 1, 2011, whether such incumbents have or have not satisfied the criteria for conversion. As mentioned, the executive order provides that any incumbents who remain in the FCIP as of March 1, 2011, are to be converted to the competitive service. Accordingly, by virtue of having completed at least a year of continuous Federal service, those who are converted to the competitive service on March 1, 2011, would have statutory appeal rights.
- Incumbents who will have completed less than one year of continuous Federal service as of March 1, 2011, will continue to be in a probationary period, even after their conversion to the competitive service, until they reach the one-year service mark.<sup>1</sup> That is, service under the FCIP or other eligible Federal service would count toward the completion of the one-year probationary period. It is advisable to be mindful of the passage of time and monitor performance closely during the balance of the time available, because the observation period available will now be shorter than what was originally anticipated.

The following table represents a sampling of how prior service in FCIP may count toward the probationary period requirement.

Conversion of FCIP Employee	Probationary Period Requirements
An individual with less than 1 year of service in FCIP	Must serve the balance of a 1-year probationary period in the competitive service (with the 1 year running from the date of appointment to the FCIP).
An individual with less than 1 year of service, that includes both service in FCIP and other prior eligible Federal service	Must serve the balance of a 1-year probationary period in the competitive service (with the 1 year running from the date the eligible Federal service began).
An individual with at least 1 year of service in FCIP	Will have completed probation upon conversion to the competitive service on March 1, 2011, and no additional probationary period is allowed or required.

<sup>1</sup> The requirements for completion of the probationary period are at 5 CFR part 315, subpart H.

Conversion of FCIP Employee	Probationary Period Requirements
An individual with greater than 1 year of service in FCIP and other prior eligible Federal service	Will have completed probation upon conversion to the competitive service, and no additional probationary period is allowed or required.

To be clear, no further appointments can be made under FCIP after February 28, 2011, as Executive Order 13562 revokes the FCIP authority on the following day and does not grant OPM the discretion to make exceptions.

**Additional Information**

The President's Executive Order 13562 is located at <http://www.whitehouse.gov/the-press-office/2010/12/27/executive-order-recruiting-and-hiring-students-and-recent-graduates> on the White House website. For additional information and procedural guidance, agency Chief Human Capital Officers and/or Human Resources directors should contact Angela Bailey, OPM's Deputy Associate Director for Recruitment and Hiring, at [Angela.Bailey@opm.gov](mailto:Angela.Bailey@opm.gov) or 202-606-0388. Employees should contact their agency human resources offices for assistance.

cc: Human Resources Directors