



National Federation of Federal Employees

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Forest Service Council

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Forest Service Employees' Comments on Temporary Employment

These comments were compiled from an internet-based survey we performed from September 27, 2009 through November 22, 2009. Comments are arranged by topic.

The Role of Temporary Employees¹

A substantial amount of core agency work is performed by either long-term temps with no career path or by short-term temps who do not stay to acquire the necessary skills and knowledge to be effective. Current regulations at 5 CFR 340.402 state that a permanent seasonal appointment is appropriate when "work which occurs predictably year-to-year" is "expected to last at least six months." However, the operational reality is that agencies are in compliance with the seasonal temporary hiring regulations as long as their temporary employees do not exceed the 1039-hour limit in a season. The field told us loud and clear that temporary employees were performing permanent work – that it was the 1039-hour limit and not the nature of the work that set the duration of their seasons:

- *Our seasonal 1039 employees constitute a significant share of our workforce. A significant problem arises every year when we need these (trained and skilled) employees beyond their 1039 (6 month) tour.²*
- *As a fire manager, the 1039 appointments no longer work for us. With longer fire seasons and continually escalating training & currency requirements, we need our folks for a longer period of time each year - more than the 1039 will allow. It's high time we started treating our people like the valuable asset they are. During my 16 years as a temp, I watched many quality folks leave government service, as they could not provide for themselves and their families with short term employment and no benefits.³*
- *Another problem in the Recreation department is the 1039 limitations. Our seasonals have to be laid off just when hunting season begins and there is a lot of dispersed camping issues. If we bring our seasonals on later in the season, they are not available then to help in hazard tree falling and removal and in assisting in opening campgrounds for the upcoming season.⁴*
- *Lay-offs had nothing to do with a lack of work. As a botanist, there was always work to do and project meetings would take place without me being there which sometimes caused problems down the road, or projects would go through that I had no knowledge of and my resource would be affected in a negative way. Now our seasonals get laid off about the time we could use them for data entry, herbarium work and other office work. Some of our temporary people would like to work more, but have to be careful they don't mess up their 1039 for the next season.*
- *As an employer of 1039s as well as having done my time as a temp, I see that the FS takes advantage of people who are willing to come back season after season without any benefits provided by the agency. Without experienced 1039s, our agency would come to a screeching halt, yet most forests refuse to give these deserving people a permanent position. I currently*

have a crew leader who has been here for 7 seasons without any benefits or step increases, or any reason to come back other than the love of the work and the area. I am trying to get him a 13/13 position but will most likely be denied... If we hire a position every year for more than 5 years, we obviously have shown a need for the position and should make it a permanent position. The fact that the FS does not take the initiative to hire these long-term temporary employees is a shame and reflects poorly on the agency and the government as a whole.⁵

Employee Morale

The Forest Service scored 203 out of 224 federal agencies in the 2010 Best Places to Work rankings, which are based on OPM survey data.⁶ A recent House National Parks, Forests and Public Lands Subcommittee hearing focused on this issue in the context of how to rebuild the federal public lands workforce.⁷ While there are undoubtedly many reasons for this ranking, the fact that 35-40% of the agency's employees serve under temporary appointments is among the most significant. Temporary employees work side by side with permanent employees, often performing the same duties and in some cases even effectively supervising them. Yet, they are denied a wide range of benefits other federal employees take for granted, including:

- Health insurance
- Retirement benefits
- Life insurance
- Within-grade increases (GS employees)
- Career advancement possibilities
- Merit standing to apply for permanent jobs
- Any expectation of due process and protections or job security

Direct effects on short-term temps are easily measured by high turn-over rates. Direct effects on long-term temps, though more difficult to quantify, are readily understood, as illustrated by these comments from temporary employees:

- *Morale is low. Even though you're told you are valued, respected and have the same rights as permanent employees, the truth is you don't. It's easier to get rid of you than a permanent employee (even when the permanent employee is a complete dud.) 1039's are "second class citizens" to be sure. They must be very, very careful not to take much initiative, be innovative or ask many questions. Basically, a 1039 is a disposable tool, when it doesn't work anymore through abuse, overworking it or keeping it updated, it is simply discarded and replaced with another 1039.⁸*
- *We risk our lives to save people, property, and homes for 6 months out of the year, only to be left with weakened and worn down bodies and no possible way to obtain proper health care to treat serious medical problems or conditions... Without the 1039 temporary employees our agencies would not be able to function. Most projects, goals, and accomplishments are completed because of the hard work and determination of these employees. The current system uses these employees up, spits them out, and leaves them high and dry, with battered and beaten bodies, low morale, and very few options.⁹*
- *I have been a temporary Forest Service employee, for 20 seasons... We 'Temps' have a saying on the district. "Temps don't get hurt, they just don't get hired back the next season." We live with the certain knowledge that if we get hurt on the job, we will be on our own to find a*

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different way to make a living, someplace else. We've seen that many times, with co-workers who've had injuries that kept them from doing field work, out in the woods. I've gotten cash awards and outstanding performance awards nearly every season that I've worked for the Forest Service. My local supervisors are great at verbally letting me know how much they appreciate my good work, in the woods. But it is not backed up by a permanent job... I feel like a tool, and as long as I'm able to do hard physical labor, out in the woods, there will be a job for me.¹⁰

- *Since I have been a seasonal for over 25 years, with a 4 year degree in Biology, I always expected to eventually get an appointment. It does make me feel used and useless at times. I do get very frustrated with the agency. I see younger people being offered a job with little or no experience. I am very familiar with the forest I work on since I have been here so long. I do see a time coming when employees of this agency won't know the ground at all and make their decisions from their desks. This is actually already happening.¹¹*

Lack of access to health care during the long federal careers of long-term temps, in addition to being unjust, has direct effects on productivity. Fire suppression and other field-going jobs are physically challenging, sometimes dangerous. We received numerous comments on how this affects employees' morale and, in addition, their physical well-being and productivity:

- *In 1994 I twisted my ankle off duty, and did not have health insurance, and had many previous medical bills resulting from my daughter's birth in 1993. I felt there was no way I could afford even a clinic visit to have my ankle diagnosed. I did nothing, except try and stay off it, it hurt for over 8 months before it became healed enough to have no pain. It wasn't until 2003, well after I had received a permanent seasonal appointment that I sought medical attention due to pain in my knee. At that time it was determined that the pain in my knee was a direct result of having broken my ankle 9 years earlier and it healed crooked, with significant permanent disability. I will have issues with this in my knees, hip, and ankle for the rest of my life because I had no insurance go seek medical attention when the incident first happened in 1994. At that time, I had been a 1039 temporary employee since 1988. The birth of my daughter in 1993 is another long story in itself. She was born 6 weeks premature and incurred over \$100,000 in medical bills in the first 4 weeks of her life. I would have been ruined financially for a very long time, but by luck those bills were covered by Medicaid, because my temporary employment income was low enough to qualify.¹²*
- *After 15 years of sprained ankles and general wear and tear on my body of being in the field, I gradually became unable to do the job in the field. I took a downgrade from a GS7 to a GS4 to get on permanent where I could have health and retirement benefits. I now work in business administration. When I hear folks in government talk about Americans who do not have health insurance, it makes me laugh. The government is the biggest offender!¹³*
- *I had NO insurance due to being a seasonal hire in 1994. It was discovered that my wife had a small brain tumor which could be removed with no complications at the time of it being discovered. The surgeons were urgent to get the removal procedure done right away. So having no insurance I needed something to have the operation as soon as possible. So I applied for Medi-Cal. This was supposed to be easy, but I ran into delay after delay with Medi-Cal, allowing a brain tumor to continue to grow. After 9 months and finally qualifying my wife was able to have the operation done, but now due to the size and complications from the size of the*

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tumor my wife died one day after the operation. I understand the 1039 appointments but not year after year! I hope long time seasonals get some help!¹⁴

Effects on morale and effectiveness extend beyond those directly affected to their brothers and sisters on the fire lines and on the Forests – permanent employees who bear witness to the manner in which they are treated. These effects are illustrated by comments from permanent employees:

- ***Because seasonal employees don't have the same rights as an employee with a [permanent] appointment they are frequently abused by the agency and treated as disposable employees. Seasonal employees are often afraid to speak up for the types of employment abuse they face because that will hurt their chances of getting an appointment.***¹⁵
- ***1039 appointments create a class of marginalized employees in the FS... I've noticed over the years that 1039's are often ignored – even when they have perfectly good ideas.***¹⁶
- ***Reliance on 1039's to accomplish almost all field work creates a caste system for employees. 1039's live in precarious position where many of their supposed workers rights are unenforceable, because their continued employment is at the whim of their direct supervisor. They are often treated as disposable, which is an insult to their service.***¹⁷
- ***It is an injustice to people to hire them year after year with no benefits. These are the people doing the "real work" out in the field and we treat them unfairly... I've tried making presentations to my leadership team justifying the need for a permanent seasonal position but this hasn't worked so I continue as is. It affects my own morale as a permanent, full-time employee because I can't really build a program around a workforce that may not be here next year. I've tried using contractors but that only increases my workload and sometimes doesn't get the work done any more efficiently.***¹⁸
- ***I am simply fed up with the whole 1039, 24/36, and term abuse of qualified people who simply want to work, exhibit a connection to the land and the local communities, and deserve much more recognition. This deficiency reaches the ground and we are profoundly falling short of "Caring for the Land and Serving People". My people bust their butts because of their love for the work, the landscapes, their service to the public in the front line, and their self respect of working hard. I am very frustrated to not be able to provide them with ANY security. And I lose good people far too frequently.***¹⁹

Agency Effectiveness and Efficiency²⁰

Workforce Capacity. Knowledge of place is particularly important for land management work. Much of the critical knowledge needed to be effective is site-specific and can only be acquired through experience. Their permanent coworkers testify to the value of the human capital represented by the agency's long-term temps:

- ***I have worked with a seasonal employee for the last 9 seasons at my current district. Our district has benefited by her experience, work ethic, and the skills and training she has picked up on our district. She is very well liked and her work ethic and safety record is very well respected. Her broad skill set as a technician and her knowledge of the agency make her a very valuable person in meeting our district targets as well as the forest service mission. There is not one person on our district that doesn't think that it is a travesty that she is not given the chance***

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*to become full time. Over the last several years our forest has recognized the need to fill the position that she has occupied with a full time appointment. Once the leadership team even had the vacancy out on the USA Jobs website, only to be taken off a day later for some unknown reason. Now, it seems that our long-term seasonal is about ready to look for a new job. And no one can blame her. If she does, this is what I think may happen. We would not be able to train a new person in the safe use of chain saws, reforestation surveys, GPS and GIS, fire fighting, engine operations, contract administration, timber cruising, and agency policy fast enough to accomplish the year's target. Our district will lose a trusted and competent member of our timber and fire program. Our small district will watch a friend and co-worker leave without ever giving her a chance at applying for the same job that she worked in for 9 seasons.*²¹

- *I was seasonal for thirteen years before becoming permanent... I became a GS 13 District Ranger... [I don't have] a degree, just very solid experience. The agency should not continue the practice of 1039 year after year for the same position. It has had a tremendous effect and created a very negative impact for transitional planning in bringing new employees into the agency. The agency has lost the ability to transition long term knowledge to up and coming employees.*²²
- *I work on a helicopter firefighting crew that was established in 1969. We currently hire about 24 people for the fire season. Half of them are 1039 appointments. Some of these people have worked here for over eight seasons. We have spent tens of thousands of dollars apiece training these individuals. They are a highly trained bunch of individuals that we rely on to be Incident commanders, Helicopter Managers, Crew Bosses and many other important jobs in Fire. If did not have all of these 1039 employees with all of the experience they have we would be a lot less effective organization. I think that it reflects badly on the Forest Service that we expect so much out of these employees and that we give them so little in return.*²³
- *I have hired, trained, and worked dozens of temporary employees that were outstanding employees, many of them often returned for several years. Many of them loved working for the Forest Service, loved their job, but found it necessary to seek other employment because of lack of health insurance, retirement coverage, or other benefits. Very valuable, top notch employees left the agency because they saw no hope of change in the future, taking with them all the training and experience they had gained over the years.*²⁴

In the case of seasonal positions filled by the same long-term temp year after year, we can measure the permanence of the position by the longevity of the employee. However, many of these positions are filled with short-term temps. This does not mean the position is not permanent in nature; it merely means the individual who filled it has moved on, presumably to a real employer of choice. If these positions were to be considered as the permanent seasonal positions they really are, then there would undoubtedly be concerns expressed about retention problems. Their categorization as temporary positions may keep this discourse from occurring, but it does not change the reality on the ground, as expressed in the following employee comments:

- *When we first hire seasonal employees, it takes at least a month to train them with just the required trainings. I have taught Cruiser school to seasonal employees for 17 years. It can be a hard course to get through. Our seasonal employees end up working possibly one or two years after becoming certified as cruisers then move on. At today's rates the cost of sending one GS-4 to Cruiser school would be about \$1,000. Expand that to cover the time for the*

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instructors, class rooms, supplies, etc across the nation, and the cost would surprise you... I would rather see us give quality individuals with permanent appointments and retain their skills. This is just one example.²⁵

- *The most obvious impact [depending on a temporary workforce is] the inability to build an efficient program. We always have the uncertainty of not knowing if we will have a position and who would fill it. Consequently, as I plan the field season work in the off season, I have to develop back up plans to be sure of meeting targets. This becomes wearing year after year. I also have to be very careful about how I design the tasks – for instance build in more time for redundancy and orientation/training – I cannot count on the fact that the employee assigned will be familiar with the geographic area, the work area, unit policies. This is especially time-consuming when jobs are technical in nature.²⁶*
- *The only time I've seen a worthwhile use of the 1039 appointment was after the large 2000 fire year on our Forest, when we needed extra people to get work done for 2 or 3 seasons post-fire. Other than that, we seem to be hiring the same seasonal positions year after year. Relying on a temporary seasonal workforce means you never know what type of workforce you will have from one summer to the next. People come and go as they find other, better jobs with benefits or just decide to try another working in a new area. We spend money training them and they really have no incentive (rightly so) to stay around, so we spend money again the next year training another seasonal.²⁷*
- *Tracking the hours across years and various appointments takes time that our few remaining human resources personnel don't have. The supervisor's and employees' time is also affected... This continual jerking around of our long-term employees is bad for the agency and for the morale of the seasonal workforce and the permanent workforce as well. It contributes to performance and safety issues as we constantly replace long-term personnel who have "run out of time" with lesser experienced people who require more training and supervision.²⁸*

Flexibility. In discussing flexibility, it is important to define what we mean by the term. Permanent seasonal positions actually provide more flexibility in meeting the work requirements presented by variations in seasonal workloads. A 13/13 permanent seasonal employee is guaranteed 13 pay periods (six months) of employment, after which they may be either furloughed or retained in duty status, depending on agency needs. A temporary employee must be terminated after six months, regardless of agency needs, in order for the temporary position to be maintained in future years. For example, 13/13 employees may be retained in a bad fire season, whereas temporary employees may not.²⁹ Let us be clear that the “flexibility” afforded by use of temporary appointments is not related to accomplishment of unpredictable seasonal workloads. Rather, it is the flexibility to easily shed staff without regard to merit system principles and protections.

Here is what employees had to say about the lack of flexibility inherent in temporary appointments:

- *The current policy is abusive at best. As a program lead, it makes things very difficult when planning staffing levels because of the 1039-hour limit. If the weather cooperates and the field season is extended, seasonal workers run out of time and must be laid off and, if replaced with another 1039, the new appointment will often barely begin when the snow hits and closes the woods. Sometimes the 1039 employee must be laid off earlier in the season in order to preserve enough hours in their service year to bring them back early the following spring for planting. This is always a gamble...³⁰*

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- *As a supervisor of a temporary work force, I find it very restrictive to hire '1039's'. They are only allowed to work their 1039 hours. The work I have available is mostly field work but that runs greater than the 1039 timeframe. I cannot work someone throughout the year, but I certainly can work people longer than the 1039 timeframe. I am always struggling to find a workforce early and late in the field season to get my funded work accomplished. Right now, in fact, I am trying to find field crews. One of my current employees has a multiple 1039 appointment so he can keep working. The paperwork associated with jumping between two different jobs is ridiculous. His morale is very low. He is doing a great job for me but he is wondering why he bothers. He has put in 6 years of his time with the federal government but he has absolutely nothing to show for it...*³¹
- *The Agency fails to accomplish many fuels projects before and after the planned fire season which seasonal fire personnel are trained to do, but are unable due to the 1039 limitation. Higher graded PFT and PSE personnel are left to complete projects or to even shovel snow due to the fact that seasonal personnel are laid off and drawing unemployment even though they would be willing to do the work.*³²
- *As a full time employee responsible for summer and winter operations, the 1039 hour appointment does not provide me the flexibility I need to efficiently manage my field work with seasonal employees. Our trail work season runs from April through October. A permanent seasonal 13/13 appointment would solve this issue and is a solution available to me. However, my immediate problem is with an inability to accurately track 1039 hour balances. Our district time keeper has one running record she keeps for each seasonal employee. This figure is never the same as the balance which appears on the employees T&A nor is it the same as the balance provided by ASC. I will work the seasonal employees right up to their 1039 hour limit. The problem is the folks keeping track of that all have a different balance. This is compounded by different service year dates for each employee. If ASC can't keep track of it how am I or the employee suppose to do it..? It is in the agency's best interest to have a workforce which provides maximum flexibility to meet the agency's goals while providing a career path opportunity for long term seasonals.*³³
- *Often because of the 1039, some continuity is lost: temp employees often do a great deal of field recon, but the permanents who are still around are the ones who need to write resource reports and finish the documentation - which can be hard if you do not have the person who collected the data sitting there to ask questions of. I have been in both of those spots - the temp trying to leave good notes and have good communication at the end of the season, and the permanent employee that ends up with some piece of info missing.*³⁴

Field managers may yearn for a more permanent and experienced workforce they can use with greater flexibility, but managers up the line face a different set of pressures and incentives. The use of a temporary workforce allows them to easily shed workers. Indeed, they operate within the scope of management discretion afforded them by the current regulatory framework. However, the shifting of all risk onto the backs of temporary employees comes with costs that do not show up on the personnel budget sheets but are nonetheless real and substantial:

- *We have had at least 5 timber marking crew members working full field seasons (April-November) on our district for the last 14 years since I have been here. We have had, at most, 3 permanent-part time positions filled (with a total of 12 crew members at that time) and now only have one permanent employee, who leads the 5 person crew. All of the current crew*

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*members have completed full 1039 or NTE seasons for the last 5 years, some of them for 7 or 8 years. The district has been pushing to fill all of these positions as permanent-part time but has not been allowed to by the Forest Leadership Team... The argument is that with these positions filled we have less flexibility to adjust our work force. Our timber program has been fairly stable for the last 8 years. I don't think the forest should be abusing these people just to keep their options open. We have invested a lot of training in these people and we should not take that knowledge base for granted.*³⁵

- *I have a person working for me who has worked on this forest for at least 23 seasons, usually 4-6 months per year. I would keep him on longer, but he runs out of his 1039 hours. He is very loyal, a hard worker, and very dependable. His technical skills are not replaceable and he knows this country very well, which is very useful for performing his field duties. He "supervises" a crew of 3-5 other seasonals, taking care of the timesheets and making sure the crew works safely and gets their mandatory training completed... Every season we turn back funding that could be used to finance this and other positions. I have taken my case to the leadership team, but they say we are limited in the number of FTEs the forest can have. This just doesn't make sense to me. We have a lot of training wrapped up in this person, and we could never replace his knowledge and skills with regard to his position.*³⁶

Notes

¹ All comments in this Section are from employees who previously served under temporary appointments but have since obtained permanent jobs, some full-time and some seasonal. As such, they have no direct interest in the outcome of our advocacy work on behalf of current temporary employees.

² FSC survey response 22786

³ FSC survey response 23972

⁴ FSC survey response 23561

⁵ FSC survey response 23532

⁶ See the website, "The Best Places to Work in the Federal Government" (2009). The site provides "comprehensive and authoritative rating of employee satisfaction and commitment in the federal government, [as] produced by the Partnership for Public Service and American University's Institute for the Study of Public Policy Implementation (ISPPI)." (<http://data.bestplacetowork.org/bptw/overall/sub>)

⁷ See Hearing before the Subcommittee on National Parks, Forests And Public Lands, Committee on Natural Resources, House of Representatives, 111th Congress, "Restoring The Federal Public Lands Workforce" (March 19, 2009). (http://resourcescommittee.house.gov/index.php?option=com_jcalpro&Itemid=32&extmode=view&extid=235)

⁸ FSC survey response 22817

⁹ FSC survey response 24434

¹⁰ FSC survey response 24553

¹¹ FSC survey response 24667

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¹² FSC survey response 21115

¹³ FSC survey response 21564

¹⁴ FSC survey response 24364

¹⁵ FSC survey response 22385

¹⁶ FSC survey response 22539

¹⁷ FSC survey response 23725

¹⁸ FSC survey response 21830

¹⁹ FSC survey response 24055

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²¹ FSC survey response 21336

²² FSC survey response 21455

²³ FSC survey response 24274

²⁴ FSC survey response 21115

²⁵ FSC survey response 21520

²⁶ FSC survey response 23412

²⁷ FSC survey response 21830

²⁸ FSC survey response 21653

²⁹ Temporary employees may be retained beyond the 1039-hour limit only with OPM approval. Reportedly, this has been done on a number of occasions to keep adequate numbers of firefighters in the field to deal with bad fire seasons and other national emergencies. Although we cannot provide the historical data on this point, we are aware that such an exception was granted in 2007 to meet “critical wildland fire suppression needs.” See US Forest Service Human Capital Management, “Approval to Waive 1039 Limitation,” (letter dated August 31, 2007). (http://www.nffe-fsc.org/committees/legislative/temps/FS_070831_1039_Waiver.pdf) Seeking a waiver from OPM is a high barrier, and thus is not pursued for regular and recurring land management work. Any non-emergency work assigned to temporary employees that is not accomplished within the 1039-hour limit, including fire suppression needs that do not rise to an extreme level and fuels reduction projects designed to reduce the threat of future wildfires, is simply put off until next year.

³⁰ FSC survey response 22957

³¹ FSC survey response 24582

³² FSC survey response 24831

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³³ FSC survey response 24923

³⁴ FSC survey response 22311

Negative effects on agency scientific work have been noted by the National Association of Forest Service Retirees (NAFSR), who in a letter to Senator Bingaman state, “The agency has become increasingly dependent on short-term appointments and Post-Doc appointments. This decline affects the quality of the scientific work that is being done. It significantly reduces the ability of Forest Service Research to provide sound scientific advice to the agency, to the forest management community, and to the Congress.” See NAFSR, “FY2011 Appropriation for the U.S. Forest Service” (letter dated March 1, 2010). (http://www.nffe-fsc.org/committees/legislative/temps/NAFSR_100310.pdf)

³⁵ FSC survey response 21762

³⁶ FSC survey response 21805