

The Land Management Workforce Flexibility Act

The seasonal work of land management agencies is accomplished by a mix of permanent seasonal employees and temporary seasonal employees. Currently, regardless of how many seasons they serve, temporary employees cannot compete for permanent seasonal jobs under the merit promotion procedures available to other federal employees. This barrier causes high attrition, leading to high training costs and a less capable and less safe workforce. It erodes our nation's wildland firefighting and emergency response capabilities.

The Bureaucratic Barrier



Joe Katz began working for the Forest Service in 1975. He has held his current position in trails and recreation for 21 of the past 22 seasons. In spite of over two decades of service, Joe is still a temporary employee.



Rene Eustace has worked as a wildland firefighter for 37 seasons. His training represents a substantial investment. His qualifications and experience are valuable assets. Rene, like Joe, is still a temporary employee.



Joe and Rene are exceptions. Because illogical regulations block their career paths, most temporary employees leave after 5 or fewer seasons. Temporary employees cannot compete for permanent jobs under merit promotion procedures available to other federal employees. As the Merit Systems Protection Board noted, “legal and procedural barriers...often preclude the consideration of many temporary employees for permanent positions regardless of how well they have performed.”



The situation is even worse when agencies “convert” a mission-critical position from temporary to permanent status. Under regulations, this must be done by abolishing one position and creating a new one, with no connection between the two. The employees in the abolished temporary positions, even if they have performed the work for decades, cannot be converted along with their jobs – and in many cases cannot even compete for them.



Attrition among seasonal employees trapped in temporary positions is high, leading to high training costs and a less capable and less safe workforce. The Land Management Workforce Flexibility Act would fix this wasteful and dysfunctional system by removing illogical regulatory barriers to their career advancement. It would provide long-serving temporary employees with opportunity. It would allow agencies to take advantage of this valuable source of human capital.

Summary of the Land Management Workforce Flexibility Act

The bill would provide long-serving temporary seasonal wildland firefighters and other seasonal employees with the same career advancement opportunities that are available to other federal employees.

Background: Many federal land management employees, including wildland firefighters, work on a seasonal basis:

- Many are hired as temporary seasonal employees. They are terminated each season but may be (and often are) re-hired in subsequent seasons. Benefits and career advancement opportunities are limited.
- Many are hired as permanent seasonal employees. They are laid off during the off season. They are civil service employees with the same (prorated) benefits as full-time employees.

The issue: Merit promotion procedures provide an important career advancement path for federal employees. Many non-entry-level jobs are filled using this process. Regardless of how long they have served, temporary seasonal employees never acquire access to merit promotion procedures. This legislation would put them on equal footing with other federal employees with regard to competing for vacant jobs in the civil service (including, typically, permanent seasonal jobs). It is consistent with the support of the Office of Personnel Management (OPM) for the concept that “long-term temporaries who have demonstrated their abilities on the job should not have to compete with the public for permanent vacancies.” See [Federal Register, Vol. 59, No. 176, September 13, 1994](#).

The Land Management Workforce Flexibility Act would:

- Give temporary seasonal firefighters – and other land management temporary seasonal employees – the chance to compete for vacant permanent positions (seasonal or full-time) under the same merit promotion procedures that are available to other federal employees. Temporary workers must accrue 24 months of temporary service (more than four seasons) with good performance to qualify.
- Exempt experienced seasonal firefighters from the age limit for entry into permanent firefighting jobs, thereby allowing them to compete for entry into the career ranks. Experienced wildland firefighters are well qualified for leadership roles in fire. The bill would recognize their service as employees. They would no longer be treated like inexperienced, off-the-street applicants.

Land Management Agencies include the Forest Service, Bureau of Land Management, National Park Service, Fish and Wildlife Service, Bureau of Reclamation, and Bureau of Indian Affairs. The Congressional Budget Office (CBO) has not yet scored the bill, but the costs should be essentially zero. The bill would not create any new jobs and would not affect the number of civil service vacancies that agencies decide to fill. It would simply increase the applicant pool for vacancies. Indirect administrative costs are possible but should be very low because regulations already require that temporary service time be tracked.

The bill has broad, bipartisan support: HR 533 in the 113th Congress had 13 Republican and 19 Democratic cosponsors. It is supported by:

- National Federation of Federal Employees (NFFE)
- International Association of Fire Fighters (IAFF)
- National Treasury Employees Union (NTEU)
- American Federation of Government Employees (AFGE)
- National Association of Government Employees (NAGE)
- International Federation of Professional & Technical Engineers (IFPTE)
- Association of National Park Rangers (ANPR)
- National Active and Retired Federal Employees Association (NARFE)

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