

PATHWAYS PROGRAMS MEMORANDUM OF UNDERSTANDING

Pathways Programs Memorandum of Understanding (MOU)
Between the
U. S. Office of Personnel Management (OPM)
and the
U.S. Department of Commerce (Department)

I. PURPOSE AND SCOPE

In accordance with Section 362.104 of Title 5, Code of Federal Regulations (CFR), this document is an agreement between the above-named parties. The purpose of this Memorandum of Understanding (MOU) is to clearly identify the roles and responsibilities of each party as they relate to the implementation of the Pathways Programs. This agreement must be re-executed every two years.

II. BACKGROUND

Section 362.103 of Title 5, CFR authorizes agencies to make appointments to positions placed in the excepted service, pursuant to the Pathways Programs. Part 362 requires the agency head or his or her designee to enter into a Pathways MOU with OPM prior to making appointments under any Pathways Programs authority.

III. POSITIONS COVERED

This MOU covers any position, at General Schedule grade levels 1-14 (or equivalent under any Department alternative pay system) for which the individual is qualified.

IV. RESPONSIBILITIES OF THE PARTIES

a. OPM Responsibilities:

- Provide implementation guidelines and technical assistance;
- Review agency agreements in a timely manner;
- Provide guidance on how the agency shall submit data on the number of Pathways Programs projected hires and participants hired;
- Publicize information to potential applicants on eligibility requirements and how to apply to the Pathways Programs;
- Provide the agency with a vehicle to publicize hiring under the Pathways authority; and centrally manage the Presidential Management Fellows (PMF) Program in accordance with Title 5, CFR, part 362, subpart D.

In addition, OPM retains exclusive authority to:

- Establish and maintain an oversight program;
- Establish caps on the number of individuals who may be hired under the Pathways Programs or noncompetitively converted from the Pathways Programs to positions in the competitive service; and
- Revoke an agency's authority to use the Pathways Programs.

b. Agency Responsibilities

- **AGENCY PROGRAMS.** The Pathways Programs for the Department of Commerce (Department) consist of the following:
 - The Internship Program;
 - The Recent Graduates Program; and
 - The Presidential Management Fellows (PMF) Program.

- **DELEGATIONS OF AUTHORITY.**

The Department is entering into a Department-wide MOU with OPM. The Department's Pathways Programs will be overseen by the Department's Office of Human Resources Management (OHRM). Human resources offices that service Department bureaus, known as Servicing Human Resources Offices (SHROs), will adhere to Pathways regulations, OHRM's Pathways Programs policy, the Department's MOU with OPM, and other applicable Department policies.

OHRM will be responsible for the following:

- Providing timely and accurate reports and other information to OPM;
- Ensuring SHROs follow Pathways Programs regulations, supplemental guidance provided by OPM, as well as all Department policies and procedures including the MOU with OPM;
- Approving all 120-day extensions of a Recent Graduates Program or PMF appointment; and
- Recertifying or amending the Department's MOU with OPM as necessary, but no later than every two years.

SHROs will be responsible for the following:

- Following all Federal and Department regulations governing the Pathways Programs;
- Developing internal policies, if necessary, subject to the terms of the Pathways regulations, this MOU, as well as any other Department policy;
- Meeting public notice requirements for the Internship Program and the Recent Graduates Program;
- Applying and adhering to veterans' preference for all Pathways Programs;
- Assessing, rating and ranking (if applicable), and appointing Pathways participants; and
- Ensuring that training and developmental activity requirements of the Recent Graduates Program and the PMF are met prior to non-competitive conversion.

Human Resources Bulletin #160, "Pathways Programs," FY 2012, provides more detailed information on OHRM and SHRO roles and responsibilities, evaluating applicants, accepting applications, meeting veterans' preference requirements, and meeting public notice requirements

- **PROGRAM EXTENSIONS.** Below is the prescribed criteria and procedures for the Department-approved extensions for Recent Graduates and PMFs:

Procedures

Extensions, for up to 120 days beyond the two-year appointment maximum for both the Recent Graduates Program and the PMF, must be approved by the Director, OHRM. SHROs must submit a written justification for extensions to the Director, OHRM, based on the criteria below, or because of an administrative error during the conversion process. The Director, OHRM, may deny any 120-day extension if it is not supportable or consistent with the criteria prescribed below.

Criteria for Extensions of up to 120 days for the Recent Graduates Program and the PMF Program

Extensions will be based on:

Training – When requesting extensions, SHROs must demonstrate that a Recent Graduate or PMF was unable to successfully complete his or her developmental activities, including training and required rotational assignments, due to circumstances beyond the bureau's control. For example, an extension may be granted if a Recent Graduate or PMF was unable to take an essential training course because it was not offered or available to the individual within the initial two-year period.

Unavailability of Permanent Positions – SHROs may request a 120-day extension if a permanent position is temporarily unavailable due to unforeseen circumstances but will become available during the 120-day period following the Recent Graduate or PMF's appointment end date.

- **FORMAL TRAINING AND DEVELOPMENT.** Below is a description of how the Department will design, implement, and document formal training and/or development:

Internship Program

Training and developmental activities are not required for Pathways Internship Program appointments. However, bureaus will identify mentorship opportunities for Pathways Interns in the Participant Agreement as applicable based on the duties of the position and the duration of the appointment.

Recent Graduates Program

Department bureaus and their SHROs must follow all of the applicable rules related to training and development as described in Title 5, CFR, part 362. SHROs and bureaus may develop their own internal training and development policies but will be subject to the terms and conditions of this MOU, Department policy, as well as the Pathways regulations.

The Department's Recent Graduates Program will be a one-year program. However, the Department will use a two-year program for the following occupations that require more comprehensive training and development:

Biologist 0401 Microbiologist 0403 Ecologist 0408 Zoologist 0410 Physiologist 0413 Toxicologist 0415 Geneticist 0440 Fish & Wildlife Administrator 0480 Fish Biologist 0482 Wildlife Biologist 0486 General Engineer 0801 Safety Engineer 0803 Fire Protection Engineer 0804 Materials Engineer 0806 Architect 0808 Civil Engineer 0810 Environmental Engineer 0819 Mechanical Engineer 0830 Nuclear Engineer 0840 Electrical Engineer 0850	Computer Engineer 0854 Electronics Engineer 0855 Biomedical Engineer 0858 Chemical Engineer 0893 Industrial Hygienist 0896 General Physical Scientist 1301 Health Physicist 1306 Physicist 1310 Geophysicist 1313 Hydrologist 1315 Chemist 1320 Metallurgist 1321 Meteorologist 1340 Oceanographer 1360 Cartographer 1370 Geodesist 1372 Operations Research Analyst 1515 Mathematician 1520 Computer Scientist 1550
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A Recent Graduate may be converted to a permanent position only after successfully completing two years if originally hired under a two-year Recent Graduates Program.

Department bureaus, in conjunction with their SHROs, will develop training and developmental activities for Recent Graduates. Training and development for Recent Graduates will be occupation-specific and will vary based on the needs of the bureau, as well as the participant's education and skills. As an illustrative example, a Recent Graduate hired to perform the duties of a statistician may be offered the following classes: "Methods for Longitudinal Surveys" and "Survey Data Analysis." The bureau, in conjunction with the SHRO, will document formal training requirements on the Participant Agreement, as well as in any other formal written document it deems appropriate.

PMF Program

The Department's PMF appointments will be for an initial two-year period, per Pathways regulations. As described in the "Program Extensions" part of this agreement, the Director, OHRM, may approve up to a 120-day extension of a PMF appointment. No PMF appointment will exceed two years plus any 120-day extension.

Training and Individual Development Plans

Department bureaus, in conjunction with their Bureau PMF Coordinator, will develop training and developmental programs for PMFs. Training for PMFs will be occupation-specific and will vary based on the needs of the bureau, as well as the PMF's education, experience, and career goals. As an illustrative example, a PMF who is assigned the duties and responsibilities of an accountant may be offered the following classes: "Accounting Fundamentals" and "U.S. Standard Ledger." The bureau, in conjunction with its Bureau PMF Coordinator, will document formal training requirements and accomplishments on the Participant Agreement, as well as in any other formal written document.

Assignments

Each PMF will receive at least one developmental assignment of 4-6 continuous months in duration as required by the Pathways regulations. Bureaus, in conjunction with their Bureau PMF Coordinator, will document the developmental assignment in the Participant Agreement and in other formal documents deemed appropriate by the bureau. The type and duration of the developmental assignment will vary based on the PMF's education, skills, and career goals.

If a developmental assignment, or other rotational assignment, is to an organization outside of the Department, the SHRO must have approval from the Director, OHRM.

- **THE DEPARTMENT IS COMMITTED TO:**
 - Providing OPM requested information regarding the use of the Department's Pathways Programs;
 - Adhering to any caps on the Pathways Programs imposed by the Director of OPM;
 - Providing OPM information about job opportunities for individuals interested in participating in the Pathways Programs;
 - Ensuring adherence to the requirements in Title 5, CFR, part 302 for:
 - ✓ accepting applications;
 - ✓ assessing applicants;
 - ✓ rating and ranking qualified candidates; and
 - ✓ granting veterans' preference; and
 - Providing a meaningful on-boarding process for each Pathways Program.

- **COORDINATORS.** Please see the attachment for the names and contact information of the Department's Pathways Officer and PMF Coordinator.

V. TERMINATION, SUSPENSION OR REVOCATION

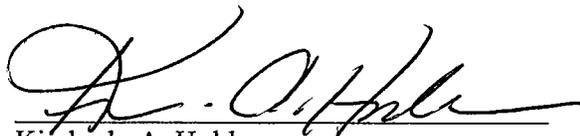
The Director of OPM may revoke this Agreement when agency use of the Pathways Programs is inconsistent with Executive Order 13562, part 362 of Title 5, CFR, or this MOU.

VI. FUNDING

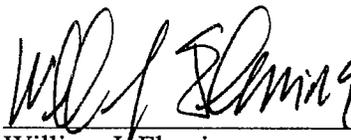
This MOU does not include the reimbursement of funds between the two parties.

VII. EFFECTIVE DATE AND SIGNATURE

This MOU shall be effective upon the signature of OPM and the Agency authorized officials for a period of two years.



Kimberly A. Holden
Deputy Associate Director, Recruitment and
Hiring



William J. Fleming
Director for Human Resources Management
and Deputy Chief Human Capital Officer

8/7/2012
Date

August 3, 2012
Date

Attachments:

Department of Commerce Pathways Programs Officer Information
Department of Commerce PMF Coordinator Information

Department of Commerce Pathways Programs Officer (PPO)

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