

103^D CONGRESS
1ST SESSION

H. R. 606

To amend title 5, United States Code, to provide that an individual serving in a position in the competitive or excepted service, under an indefinite or temporary appointment, who performs at least 2 years of service in such a position within a 5-year period, and who passes a suitable noncompetitive examination, shall be granted competitive status for purposes of transfer or reassignment.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1993

Mr. KANJORSKI introduced the following bill; which was referred to the
Committee on Post Office and Civil Service

A BILL

To amend title 5, United States Code, to provide that an individual serving in a position in the competitive or excepted service, under an indefinite or temporary appointment, who performs at least 2 years of service in such a position within a 5-year period, and who passes a suitable noncompetitive examination, shall be granted competitive status for purposes of transfer or reassignment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. COMPETITIVE STATUS.**

2 Section 3304 of title 5, United States Code, is
3 amended by redesignating subsection (e) as subsection (f)
4 and by inserting after subsection (d) the following:

5 “(e)(1) Notwithstanding a contrary provision of this
6 title or of the rules and regulations prescribed under this
7 title for the administration of the competitive service, for
8 purposes of appointment to a position in the competitive
9 service, an individual serving in a position in the competi-
10 tive or excepted service, under an indefinite or temporary
11 appointment, acquires a competitive status if such individ-
12 ual—

13 “(A) has completed, without break in service of
14 more than 2 years, a total of at least 2 years of
15 service within the last 5 years (taking into account
16 only service performed in any such position or posi-
17 tions, under an indefinite or temporary appoint-
18 ment); and

19 “(B) passes a suitable noncompetitive examina-
20 tion.

21 “(2) Nothing in this subsection shall—

22 “(A) affect an individual’s right to have such
23 individual’s appointment converted to a career ap-
24 pointment, without condition, in accordance with
25 section 3304a(a), if otherwise eligible therefor; or

1 “(B) otherwise prevent the application of any
2 other provision of this subchapter with respect to
3 such individual.”.

4 **SEC. 2. EFFECTIVE DATE; CREDITABILITY OF PRIOR SERV-**
5 **ICE.**

6 (a) **EFFECTIVE DATE.**—This Act and the amend-
7 ments made by this Act shall take effect as of the date
8 of the enactment of this Act.

9 (b) **CREDITABILITY OF PRIOR SERVICE.**—(1) For the
10 purpose of the amendments made by this Act, service per-
11 formed before the effective date of this Act may be taken
12 into account if, or to the extent that, such service was
13 performed within the 5-year period ending on such effec-
14 tive date.

15 (2) In the case of an individual who satisfies the serv-
16 ice requirement under section 3304(e) of title 5, United
17 States Code (as amended by this Act) based solely on serv-
18 ice which is creditable by virtue of paragraph (1), competi-
19 tive status under such section 3304(e) (based solely on
20 such service) shall be retained for the greater of—

21 (A) the period of time allowable under such sec-
22 tion 3304(e); or

23 (B) the 1-year period beginning on the effective
24 date of this Act.

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