

(3) Former Federal employees eligible for reinstatement.

(e) *Tenure of emergency-indefinite employees.* (1) Emergency-indefinite employees do not acquire a competitive status on the basis of their emergency-indefinite appointments.

(2) An emergency-indefinite appointment may be continued for the duration of the emergency for which it is made.

(f) *Trial period.* (1) The first year of service of an emergency-indefinite employee is a trial period.

(2) The agency may terminate the appointment of an emergency-indefinite employee at any time during the trial period. The employee is entitled to the procedures set forth in §315.804 or §315.805 of this chapter as appropriate.

(g) *Eligibility for within-grade increases.* An emergency-indefinite employee serving in a position subject to the General Schedule is eligible for within-grade increases in accordance with subpart D of part 531 of this chapter.

(h) *Applications of other regulations.* (1) The term *indefinite employee* includes an emergency-indefinite employee or an employee under an emergency appointment as used in the following: parts 351, 353 of this chapter, subpart G of part 550 of this chapter, and part 752 of this chapter.

(2) The selection procedures of part 337 of this chapter apply to emergency-indefinite appointments that use the direct-hire authority under paragraph (c) of this section.

(3) Despite the provisions in §831.201(a)(11) of this chapter, an employee serving under an emergency-indefinite appointment under authority of this section is excluded from retirement coverage, except as provided in paragraph (b) of §831.201 of this chapter.

(i) *Promotion, demotion, or reassignment.* An agency may promote, demote, or reassign an emergency-indefinite employee to any position for which it is making emergency-indefinite appointments.

(5 U.S.C. 1104; Pub. L. 95-454, sec. 3(5))

[44 FR 54691, Sept. 21, 1979, as amended at 60 FR 3057, Jan. 13, 1995; 68 FR 35268, June 13, 2003; 69 FR 33275, June 15, 2004]

PART 250—PERSONNEL MANAGEMENT IN AGENCIES

Subpart A—Authority for Personnel Actions in Agencies

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AUTHORITY: 5 U.S.C. 1101 note, 1103(a)(5), 1103(c), 1104, 1302, 3301, 3302; E.O. 10577, 12 FR 1259, 3 CFR, 1954-1958 Comp., p. 218; E.O. 13197, 66 FR 7853, 3 CFR 748 (2002).

Subpart B also issued under 5 U.S.C. 1401, 1401 note, 1402.

SOURCE: 58 FR 36119, July 6, 1993, unless otherwise noted.

Subpart A—Authority for Personnel Actions in Agencies

SOURCE: 73 FR 23013, Apr. 28, 2008, unless otherwise noted.

§ 250.101 Standards and requirements for agency personnel actions.

When taking a personnel action authorized by this chapter, an agency must comply with qualification standards and regulations issued by the Office of Personnel Management (OPM), the instructions OPM has published in the Guide to Processing Personnel Actions, and the provisions of any delegation agreement OPM has made with the agency. When taking a personnel action that results from a decision or order of OPM, the Merit Systems Protection Board, Equal Employment Opportunity Commission, or Federal Labor Relations Authority, as authorized by the rules and regulations of those agencies, or as the result of a

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court order, a judicial or administrative settlement agreement, or an arbitral award under a negotiated agreement, the agency must follow the instructions in the Guide to Processing Personnel Actions and comply with all other relevant substantive and documentary requirements, including those applicable to retirement, life insurance, health benefits, and other benefits provided under this chapter.

§ 250.102 Delegated authorities.

OPM may delegate its authority, including authority for competitive examinations, to agencies, under 5 U.S.C. 1104(a)(2), through a delegation agreement. The delegation agreement developed with the agency must specify the conditions for applying the delegated authorities. The agreement must also set minimum standards of performance and describe the system of oversight by which the agency and OPM will monitor the use of each delegated authority.

§ 250.103 Consequences of improper agency actions.

If OPM finds that an agency has taken an action contrary to a law, rule, regulation, or standard that OPM administers, OPM may require the agency to take corrective action. OPM may suspend or revoke a delegation agreement established under § 250.102 at any time if it determines that the agency is not adhering to the provisions of the agreement. OPM may suspend or withdraw any authority granted under this chapter to an agency, including any authority granted by delegation agreement, when OPM finds that the agency has not complied with qualification standards OPM has issued, instructions OPM has published, or the regulations in this chapter. OPM also may suspend or withdraw these authorities when it determines that doing so is in the interest of the civil service for any other reason.

Subpart B—Strategic Human Capital Management

SOURCE: 73 FR 23013, Apr. 28, 2008, unless otherwise noted.

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§ 250.201 Coverage and purpose.

The Chief Human Capital Officers (CHCO) Act of 2002 acknowledges the critical importance of Federal employees to the effective and efficient operation of Government. As a part of OPM's overall leadership responsibilities in the strategic management of the Federal civil service, and pursuant to 5 U.S.C. 1103, OPM is responsible for designing a set of systems, including standards and metrics, for assessing the management of human capital by Federal agencies. In this subpart, OPM establishes a framework of those systems, including system components, OPM's role, and agency responsibilities.

§ 250.202 Office of Personnel Management responsibilities.

(a) As the President's chief human capital officer, the Director of OPM provides Governmentwide leadership and direction in the strategic management of the Federal workforce.

(b) To execute this critical leadership responsibility, OPM adopts the *Human Capital Assessment and Accountability Framework (HCAAF)* to describe the concepts and systems for planning, implementing, and evaluating the results of human capital management policies and practices. See Appendix. In addition, OPM adopts the related set of assessment systems required by the CHCO Act as the *HCAAF Systems, Standards, and Metrics (HCAAF-SSM)*, also included in the Appendix. Each such assessment system associated with the HCAAF consists of:

(1) A standard against which agencies can assess the results of their management of human capital; and

(2) Prescribed metrics, as appropriate, for organizational outcomes, employee perspective, and compliance measures with respect to relevant laws, rules and regulations.

(c) Together, the HCAAF and the HCAAF-SSM guide agencies in planning, evaluating and improving the efficiency and effectiveness of agency human capital management with respect to:

(1) Alignment with executive branch policies and priorities, as well as with individual agency missions, goals, and

program objectives, including the extent to which human capital management strategies are integrated into agency strategic plans and performance budgets prepared under OMB Circular A-11;

(2) Identifying and closing competency/skill gaps in the agency's mission-critical occupations; ensuring leadership continuity through the implementation of recruiting, development, and succession plans; sustaining an agency culture that values, elicits, identifies, and rewards high performance; and developing and implementing a knowledge management strategy, supported by appropriate investment in training and technology; and

(3) Holding the agency head, executives, managers and human resources officers accountable for efficient and effective human capital management, in accordance with merit system principles.

§ 250.203 Agency responsibilities.

(a) To assist in the assessment of the management of human capital in the Federal Government, and to help meet the statutory requirements to prepare that portion of the performance budget for which agency Chief Human Capital Officers are accountable as well as relevant portions of performance and accountability reports, heads of agencies or their designees must maintain a current human capital plan and provide OPM an annual Human Capital Management Report, as outlined below, based on an approved human capital accountability system. The HCAAF and the HCAAF-SSM provide more specific information on coverage and content for the plan and report.

(1) *Human capital plan.* Using a format established by agreement between the agency and OPM, at a minimum the plan must include:

(i) *Human capital goals and objectives.* These are a comprehensive, integrated set of human capital goals and objectives, with detailed policy and program priorities and initiatives as appropriate, consistent with agency strategic plans and annual performance goals. These human capital goals and objectives must address each of the human capital management systems included in the HCAAF.

(ii) *Workforce analysis.* This analysis of the agency's workforce describes its current state, projects the human resources needed to achieve the agency's program performance goals and objectives during the term of the agency's strategic plan, and identifies potential shortfalls or gaps. An ongoing analysis must, for relevant agency mission requirements, describe the occupation(s) most critical to agency performance (including associated managerial and executive positions) and describe mission-critical competencies and key demographics (e.g., talent analyses, turnover, and retirement eligibility); and for each such occupation, describe its current and projected staffing levels, attrition and hiring estimates, and proposed training and development investments.

(iii) *Performance measures and milestones.* One or more human capital metrics, as well as appropriate program milestones, for each human capital goal or objective, provide a basis for assessing progress and results, including compliance measures with respect to relevant laws, rules and regulations. These metrics must include, but are not limited to, those described in the HCAAF-SSM issued under § 250.202(b). These metrics and milestones must be specifically linked to broader agency program performance goals, to evaluate the impact of the agency's human capital management on its overall mission performance.

(2) *Human capital accountability system.* This system provides for an annual assessment of agency human capital management progress and results including compliance with relevant laws, rules, and regulations. That assessment is conveyed in an annual Human Capital Management Report to OPM. The human capital accountability system must:

- (i) Be formal and documented;
- (ii) Be approved by OPM;
- (iii) Be supported and resourced by agency leadership;
- (iv) Measure and assess human capital management systems for mission alignment, effectiveness, efficiency, and compliance with merit system principles, laws, and regulations;
- (v) Provide for an independent audit process, with OPM participation, for

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periodic review of human resources transactions to insure legal and regulatory compliance;

(vi) Ensure that action is taken to improve human capital management programs and processes and to correct deficiencies; and

(vii) Ensure results are analyzed and reported to agency management and OPM.

(3) *Human Capital Management Report.* At a minimum, the agency’s annual Human Capital Management Report must:

(i) Provide an evaluation of and report on the agency’s existing human capital management policies, programs, and operations, as they relate to the agency’s overall mission/program performance. The report must address the performance measures and milestones contained in the agency human capital plan including compliance measures with respect to relevant laws, rules and regulations. The report must also document actions taken to correct any violations or deficiencies that are identified.

(ii) Inform the development of human capital goals and objectives during the agency’s strategic planning and annual performance budget formulation process, as well as the treatment of human capital results during the annual performance and accountability reporting process.

(b) [Reserved]

Subpart C—Employee Surveys

SOURCE: 71 FR 49981, Aug. 24, 2006, unless otherwise noted.

§ 250.301 Definitions.

In this part—

Agency means an executive agency as defined in 5 U.S.C. 105.

Executives are members of the Senior Executive Service or equivalent.

Leaders are an agency’s management team. This includes anyone with supervisory or managerial duties.

Managers are those individuals in management positions who typically supervise one or more supervisors.

Organization means an agency, office, or division.

Supervisors are first-line supervisors who do not supervise other supervisors; typically those who are responsible for employees’ performance appraisals and approval of their leave.

Team leaders are those who provide employees with day-to-day guidance in work projects, but do not have supervisory responsibilities or conduct performance appraisals.

Work unit means an immediate work unit headed by an immediate supervisor.

§ 250.302 Survey requirements.

(a) Each executive agency must conduct an annual survey of its employees containing the definitions and each question in this subpart.

(b) Each executive agency may include survey questions unique to the agency in addition to the prescribed employee survey questions under paragraph (c) of this section.

(c) The definitions and 45 prescribed employee survey questions and response choices are listed in the following tables:

Key terms	Definitions
Agency	An executive agency as defined in 5 U.S.C. 105.
Executives	Members of the Senior Executive Service or equivalent.
Leaders	An agency’s management team. This includes anyone with supervisory or managerial duties.
Managers	Those individuals in management positions who typically supervise one or more supervisors.
Organization	An agency, office, or division.
Supervisors	First-line supervisors who do not supervise other supervisors; typically those who are responsible for employees’ performance appraisals and approval of their leave.
Team leaders	Those who provide employees with day-to-day guidance in work projects, but do not have supervisory responsibilities or conduct performance appraisals.
Work unit	An immediate work unit headed by an immediate supervisor.

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Employee survey questions	Employee response choices
Personal Work Experiences	
(1) The people I work with cooperate to get the job done	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, or Strongly Disagree.
(2) I am given a real opportunity to improve my skills in my organization.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, or Strongly Disagree.
(3) My work gives me a feeling of personal accomplishment	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, or Strongly Disagree.
(4) I like the kind of work I do	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, or Strongly Disagree.
(5) I have trust and confidence in my supervisor	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, or Strongly Disagree.
(6) Overall, how good a job do you feel is being done by your immediate supervisor/team leader?	Very Good, Good, Fair, Poor, or Very Poor.
Recruitment, Development & Retention	
(7) The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(8) My work unit is able to recruit people with the right skills	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(9) I know how my work relates to the agency's goals and priorities.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(10) The work I do is important	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(11) Physical conditions (for example, noise level, temperature, lighting, cleanliness in the workplace) allow employees to perform their jobs well.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(12) Supervisors/team leaders in my work unit support employee development.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(13) My talents are used well in the workplace	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(14) My training needs are assessed	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
Performance Culture	
(15) Promotions in my work unit are based on merit	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(16) In my work unit, steps are taken to deal with a poor performer who cannot or will not improve.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(17) Creativity and innovation are rewarded	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(18) In my most recent performance appraisal, I understood what I had to do to be rated at different performance levels (e.g., Fully Successful, Outstanding).	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or No Basis to Judge.
(19) In my work unit, differences in performance are recognized in a meaningful way.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(20) Pay raises depend on how well employees perform their jobs.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree or Do Not Know.
(21) My performance appraisal is a fair reflection of my performance.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(22) Discussions with my supervisor/team leader about my performance are worthwhile.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(23) Managers/supervisors/team leaders work well with employees of different backgrounds.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(24) My supervisor supports my need to balance work and family issues.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
Leadership	
(25) I have a high level of respect for my organization's senior leaders.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(26) In my organization, leaders generate high levels of motivation and commitment in the workforce.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(27) Managers review and evaluate the organization's progress toward meeting its goals and objectives.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(28) Employees are protected from health and safety hazards on the job.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(29) Employees have a feeling of personal empowerment with respect to work processes.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(30) My workload is reasonable	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.

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Employee survey questions	Employee response choices
(31) Managers communicate the goals and priorities of the organization.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
(32) My organization has prepared employees for potential security threats.	Strongly Agree, Agree, Neither Agree Nor Disagree, Disagree, Strongly Disagree, or Do Not Know.
Job Satisfaction	
(33) How satisfied are you with the information you receive from management on what's going on in your organization?	Very Satisfied, Satisfied, Neither Satisfied Nor Dissatisfied, Dissatisfied, or Very Dissatisfied.
(34) How satisfied are you with your involvement in decisions that affect your work?	Very Satisfied, Satisfied, Neither Satisfied Nor Dissatisfied, Dissatisfied, or Very Dissatisfied.
(35) How satisfied are you with your opportunity to get a better job in your organization?	Very Satisfied, Satisfied, Neither Satisfied Nor Dissatisfied, Dissatisfied, or Very Dissatisfied.
(36) How satisfied are you with the recognition you receive for doing a good job?	Very Satisfied, Satisfied, Neither Satisfied Nor Dissatisfied, Dissatisfied, or Very Dissatisfied.
(37) How satisfied are you with the policies and practices of your senior leaders?	Very Satisfied, Satisfied, Neither Satisfied Nor Dissatisfied, Dissatisfied, or Very Dissatisfied.
(38) How satisfied are you with the training you receive for your present job?	Very Satisfied, Satisfied, Neither Satisfied Nor Dissatisfied, Dissatisfied, or Very Dissatisfied.
(39) Considering everything, how satisfied are you with your job?	Very Satisfied, Satisfied, Neither Satisfied Nor Dissatisfied, Dissatisfied, or Very Dissatisfied.
(40) Considering everything, how satisfied are you with your pay?	Very Satisfied, Satisfied, Neither Satisfied Nor Dissatisfied, Dissatisfied, or Very Dissatisfied.
Demographics (for agencies with 800 or more employees)	
(41) What is your supervisory status?	a. Non-Supervisor: You do not supervise other employees. b. Team Leader: You are not an official supervisor; you provide employees with day-to-day guidance in work projects, but do not have supervisory responsibilities or conduct performance appraisals. c. Supervisor: You are responsible for employees' performance appraisals and approval of their leave, but you do not supervise other supervisors. d. Manager: You are in a management position and supervise one or more supervisors. e. Executive: Member of the Senior Executive Service or equivalent.
(42) Are you	a. Male. b. Female.
(43) Are you Hispanic or Latino?	a. Yes. b. No.
(44) Please select the racial category or categories with which you most closely identify (Please select one or more).	a. White. b. Black or African American. c. Native Hawaiian or other Pacific Islander. d. Asian. e. American Indian or Alaska Native.
(45) What is your agency subcomponent? (If Applicable)	An agency provided list of major divisions, bureaus, or other components one level below the agency/department.

§ 250.303 Availability of results.

(a) Each agency will make the results of its annual survey available to the public and post the results on its Web site, unless the agency head determines that doing so would jeopardize or negatively impact national security. The posted survey results will include the following:

- (1) The agency's evaluation of its survey results;
- (2) How the survey was conducted;
- (3) Description of the employee sample, unless all employees are surveyed;

(4) The survey questions and response choices with the prescribed questions identified;

(5) The number of employees surveyed and number of survey respondents; and

(6) The number of respondents for each survey question and each response choice.

(b) Data must be collected by December 31 of each calendar year. Each agency must post the beginning and ending dates of its employee survey and either the survey results described in paragraph (a) of this section or a statement noting the decision not to post no later than 120 days after the

agency completes survey administration. OPM may extend this date under unusual circumstances.

(c) Each agency must submit its survey results to OPM no later than 120 days after the agency completes survey administration.

PART 251—AGENCY RELATIONSHIPS WITH ORGANIZATIONS REPRESENTING FEDERAL EMPLOYEES AND OTHER ORGANIZATIONS

Subpart A—General Provisions

Sec.

- 251.101 Introduction.
- 251.102 Coverage.
- 251.103 Definitions.

Subpart B—Relationships With Organizations Representing Federal Employees and Other Organizations

- 251.201 Associations of management officials and/or supervisors.
- 251.202 Agency support to organizations representing Federal employees and other organizations.

Subpart C—Dues Withholding

- 251.301 Associations of management officials and/or supervisors.
- 251.302 All other organizations.

AUTHORITY: 5 U.S.C. 1104; 5 U.S.C. Chap 7; 5 U.S.C. 7135; 5 U.S.C. 7301; and E.O. 11491.

SOURCE: 61 FR 32915, June 26, 1996, unless otherwise noted.

Subpart A—General Provisions

§ 251.101 Introduction.

(a) The regulations in this part apply to all Federal executive branch departments and agencies and their officers and employees.

(b) This part provides a framework for consulting and communicating with non-labor organizations representing Federal employees and with other organizations on matters related to agency operations and personnel management.

(c) The purposes of consultation and communication are: the improvement of agency operations, personnel management, and employee effectiveness; the exchange of information (e.g., ideas, opinions, and proposals); and the

establishment of policies that best serve the public interest in accomplishing the mission of the agency.

(d) An agency's consultation and communication with organizations representing Federal employees and with other organizations under this part may not take on the character of negotiations or consultations regarding conditions of employment of bargaining unit employees, which is reserved exclusively to labor organizations as provided for in Chapter 71 of title 5 of the U.S. Code or comparable provisions of other laws. The regulations in this part do not authorize any actions inconsistent with Chapter 71 of the U.S. Code or comparable provisions of other laws.

(e) The head of a Federal agency may determine that it is in the interest of the agency to consult, from time to time, with organizations other than labor organizations and associations of management officials and/or supervisors to the extent permitted by law. Under section 7(d)(2) and (3) of Executive Order 11491, as amended, recognition of a labor organization does not preclude an agency from consulting or dealing with a veterans organization, or with a religious, social, fraternal, professional, or other lawful association, not qualified as a labor organization, with respect to matters or policies which involve individual members of the organization or association or are of particular applicability to it or its members.

(f) Federal employees, including management officials and supervisors, may communicate with any Federal agency, officer, or other Federal entity on the employee's own behalf. However, Federal employees should be aware that 18 U.S.C. 205, in pertinent part, restricts Federal employees from acting, other than in the proper discharge of their official duties, as agents or attorneys for any person or organization other than a labor organization, before any Federal agency or other Federal entity in connection with any matter in which the United States is a party or has a direct and substantial interest. An exception to the prohibition found in 18 U.S.C. 205 permits Federal employees to represent certain nonprofit organizations