

How an Excepted Service Agency Participates In the PMF Program

BACKGROUND: President Obama issued Executive Order 13562 creating the Pathways Programs, which the PMF Program is part of. The Pathways Programs were created to provide interns and recent graduates excepted service positions within the Executive Branch of the Federal Government, using the Schedule D Hiring Authority. The regulations can be found under 5 CFR 362 (https://www.pmf.gov/media/40920/final_pathways_regs_05-11-12.pdf).

Those agencies within the Executive Branch who are interested in participating in **any** of the Pathways Programs must enter into a Pathways Memorandum of Understanding (MOU) with the U.S. Office of Personnel Management (OPM). For those agencies that are outside of the Executive Branch or fully in the excepted service (such as outside of title 5, Code of Federal Regulations, or not having competitive service positions), a Memorandum of Agreement (MOA) is needed in order for them to participate in the PMF Program. For example, the Library of Congress in the Legislative Branch has participated and several excepted service agencies in the Executive Branch have participated (e.g., FBI and ODNI).

NOTE: A Pathways PMF Program MOA is strictly for the PMF Program as described below and entered into between the agency and the OPM PMF Program Office. Any other Pathways Programs MOU would be coordinated with OPM's Pathways Programs Office (pathways@opm.gov).

Agencies should familiarize themselves with the agency roles and responsibilities, which are listed under the "Agencies\Agency Responsibilities" section on the PMF website (<https://www.pmf.gov/agencies/agency-responsibilities.aspx>).

To identify what agencies participate and having an MOU or MOA on file, see the current list of Agency PMF Coordinators at <https://apply.pmf.gov/coordinators.aspx>.

PROCESS:

1. Start with the MOA template found below. The text in **red** is suggested language where the agency can insert their own or accept as part of the MOA. The template covers all program requirements as outlined in the Pathways Programs regulations (5 CFR 362.104) and, more specifically, the PMF Program. Agencies should edit the template to reflect their policies, procedures, and contacts.
2. Circulate your draft internally (e.g., HR Office, General Counsel). You can delete this cover page of instructions.
3. Before finalizing and signing, send a draft to the PMF Program Office via email at pmf@opm.gov with subject of "[Agency] MOA"; preferably as an MS Word file showing tracked changes.
4. The PMF Program Office will reply back with any comments, leading to a final draft.
5. The agency would then sign the final version on their end, scan, and send via email to the PMF Program Office at pmf@opm.gov.
6. Upon receipt, the PMF Program Office will obtain the OPM approval.
7. A scanned copy of the fully executive MOA will be sent back to the agency and is valid for 2-years from the OPM approval date.
8. The PMF Program Office will then create an Agency PMF Coordinator user account in its PMF Talent Management System (TMS) and add the contact to the list of Coordinators, if applicable.

CONTACT INFORMATION: The PMF Program Office can be reached at the following: Office Phone Number is 202-606-1040, the Office Fax Number is 202-606-3040, the email address is pmf@opm.gov, and the PMF Program Website URL is <https://www.pmf.gov>.

**MEMORANDUM OF AGREEMENT
BETWEEN THE
[Agency Name]
AND THE
U.S. Office of Personnel Management**

I. Introduction:

This Memorandum of Agreement (MOA) between the [Agency's Name] ("Agency") and the U.S. Office of Personnel Management (OPM) provides a framework for cooperation between the two parties to participate in the Pathways Program's Presidential Management Fellows (PMF) Program. This MOA covers all components of the Agency.

II. Authority:

This MOA is entered into pursuant to the provisions of subparts A and D of part 362 of title 5, Code of Federal Regulations, and Executive Order 13562. This MOA will be subject to review and renewal every two years from date of enactment.

III. Terms. Under this MOA:

a. The "Agency" agrees to:

- (1) Adopt all Agency responsibilities and duties included in 5 CFR part 362, subparts A and D, Executive Order 13562, and as listed under the "Agencies\Agency Responsibilities" section on the PMF website at www.pmf.gov, except when these directly conflict with Law, or are not consistent with Agency policy.
- (2) Follow PMF Program Rules and Regulations, but will appoint Fellows using the Agency's appointment authorities at levels equivalent to those provided in the Pathways Programs regulations. The Agency will refer to each Finalist as a Presidential Management Fellow (PMF; Fellow) during the term of the fellowship.
 - i. Initial appointment of PMFs will be at the GS-09, GS-11, or GS-12 level or equivalent, depending on the PMF's qualifications.
 - ii. The duration of a PMF's fellowship is a 2-year appointment.
- (3) Verify the Finalist's completion of all advanced degree requirements upon appointment as a PMF.
- (4) Designate an Agency PMF Coordinator for the Agency who is responsible for administering the Agency's PMF Program who will serve as a liaison with OPM and program participants, and who will follow the Agency PMF Coordinator responsibilities as identified in 5 CFR part 362, subpart A, listed on the PMF website, and listed in any PMF Program guidance.
- (5) The designated Agency PMF Coordinator will work with the Agency's human resources staff and hiring officials regarding workforce planning strategies. The Agency PMF Coordinator will compile this information and report to OPM upon request.
- (6) Within 30 days of acceptance of a PMF appointment, reimburse OPM's PMF Program Office the placement fee for costs associated with the Program. The placement fee covers the application and assessment process, adjudication of

veterans' preference and academic institution accreditation, training tuition for program-sponsored events, on-line systems and support for agencies, and general program administrative support for program participants. Instructions on the reimbursement process and financial forms can be found under the "Agencies\Resources" section on the PMF website at www.pmf.gov.

- (7) Provide a meaningful on-boarding process for each newly hired PMF.
- (8) Establish policies and criteria for the evaluation and promotion of PMFs during their fellowships.
- (9) Use the following process and criteria for extension of PMFs:
 - i. Criteria: Extensions of PMFs must not exceed 120 days. Extensions will only be granted when circumstances exist that render the Agency's compliance with the Pathways requirements impracticable or impossible, for example if a PMF [had a medical problem that resulted in a prolonged absence].
 - ii. Process: Supervisors may request extensions for PMFs by forwarding a request to the [Director for Human Resources/Agency PMF Coordinator at least 45 workdays] in advance of the expiration of the PMF's appointment. The request should indicate the reasons for the request. The [Director for Human Resources/Agency PMF Coordinator] will notify the supervisor and PMF of his or her decision at least [15 workdays] in advance of the expiration of the PMF's appointment. If an extension is approved, the Agency PMF Coordinator is to record the fellowship extension in the PMF Program's Talent Management System (PMF TMS) as the method for informing OPM and the Agency will proceed with certification of program requirements 30 days prior to the PMF's extended appointment.
- (10) Document the formal training and/or development for its PMFs.
- (11) Provide information to OPM about appointment opportunities for Finalists seeking PMF positions and rotational or training opportunities for PMFs. The Agency's designated Agency PMF Coordinator will post such opportunities in the PMF TMS.
- (12) Ensure adherence to the requirements for accepting applications, assessing applicants, rating and ranking qualified Finalists/PMFs, and affording veterans' preference in accordance with the Agency's policy for non-competitive hiring actions if applicable and appropriate for the Agency.
- (13) Certify each PMF's completion of the Program by senior officials who have been given executive resources management and oversight responsibility by the Agency.
- (14) Convert or appoint PMFs who successfully complete the Program into a term or permanent position without further competition.
- (15) Notify the PMF Program Office of any PMF change in status, to include appointment, reappointment, and extension of appointment, certification of completion of program, resignation, termination, readmission, and/or conversion. Such changes in status are recorded in the PMF TMS by the Agency PMF Coordinator.
- (16) Within the first 90 days of a PMF's fellowship, assign each PMF a mentor, who is a managerial employee outside of the PMF's chain of command.

- (17) Within 45 days of appointment, ensure that each PMF has an Individual Development Plan (IDP), or equivalent Agency document, that sets forth the specific developmental activities that are mutually agreed upon by the PMF and his or her supervisor.
 - i. The IDP, or equivalent document, will be developed in consultation with the Agency PMF Coordinator and/or the mentor assigned to the PMF.
- (18) Provide each PMF a minimum of 80 hours of formal interactive training per year that addresses the competencies outlined in the IDP, or equivalent document.
- (19) Provide each PMF with at least one developmental assignment with full-time management and/or technical responsibilities consistent with the PMF's IDP and target position, or equivalent document. With respect to this requirement:
 - i. Each PMF will receive at least one developmental assignment of 4 to 6 months in duration,
 - ii. The developmental assignment may be within the PMF's organization, in another component of the Agency, or in another Federal Agency, and
 - iii. The PMF may receive other short-term rotational assignments of 1 to 6 months in duration at the Agency's discretion.
- (20) Upon the request of OPM, the Agency will make PMFs available to assist in the assessment process for subsequent PMF classes.
 - i. Any interactive training provided to the PMF may be counted toward the training requirements.
- (21) Provide PMFs at least 30 calendar days' notice if they will be separated during their PMF appointment. PMFs who receive such notice **[will also receive in the notice information informing them that they may seek an impartial review of the planned separation from the Director for Human Resources Services. If they seek review of the planned separation, the Director for Human Resources Services will meet with the PMF and consider any documents submitted by the PMF. The Director for Human Resources Services will provide a decision within 15 workdays of the request for review.]**

b. OPM will:

- (1) Manage the PMF Program through OPM's Presidential Management Fellows (PMF) Program Office.
- (2) Market the PMF Program to Federal Agencies and to academic institutions.
- (3) Develop a strategy for attracting and recruiting eligible individuals with broad educational backgrounds from academic institutions located across the United States and internationally for the PMF Program.
- (4) Develop and conduct a rigorous application and assessment process to determine a pool of Finalists. This includes the adjudication of applicants, academic institution accreditation, eligibility requirements, and claims for veterans' preference.
- (5) Provide structured training and development programs and activities.
- (6) Serve as a conduit for effective communication among all members of the PMF Program community to include Agency PMF Coordinators, Supervisors, Agency

Hiring Officials, Agency Human Resources Staff, Academic Institutions, Applicants, Finalists, Fellows, and Alumni.

- (7) Provide Agency with access to systems and information needed to administer the Program.
 - (8) Evaluate the effectiveness of the PMF Program.
- c. This MOA is limited to the Agency and OPM, in accordance with Presidential Management Fellows Program Rules and Regulations in subparts A and D of part 362 of title 5, Code of Federal Regulations, and Executive Order 13562.
 - d. Implementation of this MOA will be initiated immediately upon the signature of both parties.
 - e. This MOA supersedes any prior agreements between the parties concerning this matter.

IV. MOA Administration:

The points of contact for coordination of review, modification, and approval of this MOA are:

- a. For the Agency:

[Approving Official's First and Last Name]
[Approving Official's Title]
[Agency's Name]
[Agency's Street Address]
[Agency's City, State, and ZIP Code]
[Approving Official's Email Address]
[Approving Official's Office Phone Number]
[Approving Official's Office Fax Number]

- b. For OPM:

U.S. Office of Personnel Management
John Gill, Executive Director
Presidential Management Fellows Program
1900 E Street, NW, Room 2469
Washington, DC 20415
Email: pmf@opm.gov
Office: 202-606-1040
Fax: 202-606-3040

- c. Designated Agency PMF Coordinator for the Agency:

[First and Last Name]
[Agency's Street Address]
[Agency's City, State, and ZIP Code]
[Coordinator's Work Email Address]
[Coordinator's Office Phone Number]
[Coordinator's Office Fax Number]

V. Effective Date:

This MOA will become effective upon signature of both parties.

This MOA will expire on the second anniversary of its effective date. This MOA may be terminated at any time by either party with 30 days advance written notice.

VI. Signatures:

Dr. Suzanne Logan
Deputy Associate Director,
Human Resources Solutions\Center for
Leadership Development
U.S. Office of Personnel Management

Date

[Approving Official's First and Last Name]
[Approving Official's Title]
[Agency Name]

Date