



# DEPARTMENT OF TRANSPORTATION UNITED STATES COAST GUARD

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• COMDTINST 12302.1A

9 MAR 1982

## COMMANDANT INSTRUCTION 12302.1A

Subj: Employment in the Excepted Service

1. PURPOSE. This Instruction sets forth conditions of employment and other requirements for incumbents of excepted positions in the Coast Guard.

### 2. DISCUSSION

- a. The excepted service is composed of positions which are not governed by the usual Civil Service requirements in such matters as selection on the basis of open competition and the right to appeal certain actions to the Office of Personnel Management (OPM). However, these positions are covered by agency and local merit systems which are similar in many ways to the competitive service. Veterans in the excepted service have essentially the same job protection rights as their counterparts in the competitive service.
- b. Most positions in the excepted service are excepted by statute (e.g. members of the FBI and postal workers); the remainder by OPM action. All excepted positions in the Coast Guard fall within the latter group. While many excepted positions in the Coast Guard are filled by excepted authorities common throughout the federal service, some are unique to Coast Guard. Two such occupational areas are lamplighters, appointed under Schedule A, Section 213.3194(a)(2); and the faculty at the Academy, appointed under Schedule A, Section 213.3194(a)(3). Regulations concerning the conditions of employment and tenure of the Academy faculty are issued by the Superintendent. Further information on the employment of lamplighters is contained in enclosure (1).

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9 MAR 1992

2.c. Regulations governing employment in the excepted service are promulgated in Chapter 302 of the Federal Personnel Manual (FPM) and Part 302 of the Civil Service Regulations, found in FPM Supplement 990-1, Book III. These regulations are available in civilian personnel offices.

### 3. TENURE OF APPOINTMENT

a. Persons appointed for periods of not less than one year in the excepted service shall be given excepted-conditional appointment unless:

(1) appointed for intermittent service without a prearranged tour of duty; or

(2) appointed for part-time service with a regular tour of duty which will aggregate less than 120 workdays during a 12-month period.

b. Upon completion of three years of substantially continuous creditable service, i.e. without a break of one workday, the excepted-conditional employee will be converted to a permanent excepted appointment. The employee's appointment Standard Form 50, Notification of Personnel Action, should be annotated with the requirement for a three-year conditional period.

### 4. TRIAL PERIOD

a. The first year of an excepted-conditional appointment shall be a trial period. Periods of nonpay status are creditable up to a total of 22 workdays during the trial period. The employee's appointment Standard Form 50 should be annotated with the requirement for a trial period.

b. The employee's performance shall be appraised periodically during the trial period to:

(1) ascertain satisfactory performance;

(2) ascertain the employee's awareness of his duties;

(3) keep the employee apprised of his performance or shortcomings; and

(4) ensure that the employee is not retained beyond the trial period if performance or suitability for federal employment has been less than satisfactory.

COMDTINST 12302.1A

9 MAR 1982

5. CITIZENSHIP. While employment of noncitizens in the competitive service is interdicted by Executive Order 11935, this prohibition does not apply to the excepted service. However, Title 31, U.S. Code, subsection 699b, provides that noncitizens working in the continental United States may not be paid from any appropriated funds except for:
  - a. refugees from Cuba, South Vietnam or the Baltic nations admitted to the United States for permanent residence;
  - b. Filipinos and citizens of nations "allied with the United States in the current defense efforts;"
  - c. temporary employment of translators; or
  - d. special need appointments in the field for not more than 60 days.
6. MOVEMENT INTO THE COMPETITIVE SERVICE. Employment in the excepted service does not confer competitive status on an employee. Thus an excepted service employee must acquire competitive status by appointment through open-competitive examination and by completing a probationary period under a career or career-conditional appointment. Exceptions to this requirement are:
  - a. excepted service employees who have competitive status from prior service under a career or career-conditional appointment in the competitive service;
  - b. individuals in an approved intake program e.g., Presidential Management Interns, Junior Federal Fellows which provide for such conversion.
7. QUALIFICATION STANDARDS
  - a. Except for written test requirements, OPM standards for making original appointments to positions in the competitive service will be applied to similar positions in the excepted service and shall be considered as minimum standards.
  - b. Where no applicable Civil Service standards exist, district commanders and commanding officers of Headquarters units are expected to develop qualification standards for excepted positions. These standards should be submitted to Commanant (G-PC) for prior approval.

COMDTINST 12302.1A

9 MAR 1982

- 8. EMPLOYMENT PROCEDURES. District commanders and commanding officers of Headquarters units are responsible for establishing lists of eligibles for excepted appointments. These lists are to be established in accordance with Title 5, Code of Federal Regulations, part 302, subpart C. All attorney vacancies will be announced in accordance with the guidelines contained in Commandant Instruction 12340.2(series) for locating candidates and the minimum area of consideration for appointments in the competitive service. Lamplighter and Academy faculty vacancies may be filled from local applicant supply files or by available applicants if an applicant supply file does not exist.
- 9. PERSONNEL CHANGES. An employee serving under an excepted appointment may be promoted, reassigned or demoted to another position appropriately filled under the same excepted appointing authority when the employee meets the requirements for appointment to the new position. Movement to an excepted position under a different excepted appointing authority will be handled as a conversion action.
- 10. EMPLOYEE BENEFITS. Employees serving under nontemporary appointments in the excepted service are generally entitled to the same benefits as employees in the competitive service. More detailed information on coverage and exclusions are contained in the pertinent parts of the Civil Service regulations and in the Federal Personnel Manual. This information is available in civilian personnel offices.
- 11. ACTION. District commanders and commanding officers of Headquarters units with delegated authority for civilian personnel management shall assure full implementation of this Instruction.

*R.P. Cueroni*  
**R. P. CUERONI**  
 Chief, Office of Personnel

Encl: (1) Employment of Lamplighters

Encl. (1) TO COMDTINST 12302.1A

9 MAR 1982

## EMPLOYMENT OF LAMPLIGHTERS

1. Definition. The designation of "lamplighter" is used for an employee in charge of minor aids to navigation, e.g. lights, fog signals, etc. Lamplighters are part-time positions with pay rates established on the basis of the number and size of the navigational aids and the time normally required to oversee the operation and/or maintenance of the aids.
2. Employment Authority. Lamplighter positions are excepted from the competitive service by OPM authority. The positions are covered by Schedule A, Civil Service Regulation 213.3194(a)(2).
3. Policy. Lamplighter positions will be established to the extent that the needs of the service dictate and filled by individuals determined to be qualified, suitable and reliable in accomplishing the purpose of the positions. Should qualified individuals be unavailable for direct hire, contracting for the required services is permitted.
4. Employment Conditions and Benefits. Lamplighters are appointed with indefinite tenure, subject to the provisions of this Instruction. Employees may be separated for performance deficiencies, conduct or suitability. Lamplighters serve under the provisions of the Civil Service Retirement System. They do not earn annual or sick leave. If their pay is sufficient to cover the full costs of coverage, they may participate in the Federal Group Life and Health Insurance Programs.
5. Contract Services
  - a. Where the employment of a qualified individual as a lamplighter is not feasible in a given situation and it is found practicable to contract with a corporation, company, municipality or the like, or with the owner of the property on which an aid is located, arrangements may be made to contract for the required services.
  - b. Where such a contract is made, individual(s) performing the service is(are) not considered to be Federal employees. The terms of the contract will determine the sole remuneration to be expended for the services rendered.