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# 5 U.S. Code § 3304a - Competitive service; career appointment after 3 years' temporary service

U.S. Code    Notes

**(a)** An individual serving in a position in the competitive service under an indefinite appointment or a temporary appointment pending establishment of a register (other than an individual serving under an overseas limited appointment, or in a position classified above GS-15 pursuant to [section 5108](#)) acquires competitive status and is entitled to have his appointment converted to a career appointment, without condition, when—

**(1)** he completes, without break in service of more than 30 days, a total of at least 3 years of service in such a position;

**(2)** he passes a suitable noncompetitive examination;

**(3)** the appointing authority (A) recommends to the Office of Personnel Management that the appointment of the individual be converted to a career appointment and (B) certifies to the Office that the work performance of the individual for the past 12 months has been satisfactory; and

**(4)** he meets Office qualification requirements for the position and is otherwise eligible for career appointment.

**(b)** The employing agency shall terminate the appointment of an individual serving in a position in the competitive service under an indefinite or temporary appointment described in subsection (a) of this section, not later than 90 days after he has completed the 3-year period referred to in subsection (a)(1) of this section, if, prior to the close of such 90-day period, such individual has not met the requirements and conditions of subparagraphs (2) to (4), inclusive, of subsection (a) of this section.

**(c)** In computing years of service under subsection (a)(1) of this section for an individual who leaves a position in the competitive service to enter the armed forces and is reemployed in such a position within 120 days after separation under honorable conditions, the period from the date he leaves his position to the date he is reemployed is included.

**(d)** The Office of Personnel Management may prescribe regulations necessary for the administration of this section.

(Added Pub. L. 90-105, § 1(a), Oct. 11, 1967, 81 Stat. 273; amended Pub. L. 91-375, § 6(c)(6), Aug. 12, 1970, 84 Stat. 776; Pub. L. 95-454, title IX, § 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 101-509, title V, § 529 [title I, § 101(b)(9)(B)], Nov. 5, 1990, 104 Stat. 1427, 1441.)