

**OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management**

MEMORANDUM OM 14-21

January 24, 2014

TO: Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: Anne Purcell, Associate General Counsel

SUBJECT: Guidance on Pathways Interns
(Legal, Field Examiners, and Support Staff)

Pursuant to Executive Order 13562, the Agency has implemented the “Pathways Internship Program.” This program is for current students enrolled in qualifying educational institutions. The students are offered paid opportunities to explore Federal careers, which includes both professional and administrative positions.

All unpaid student positions (volunteer or for credit) are not covered by the Pathways Internship Program. Accordingly, this memorandum does not address the recruitment, hiring, training or evaluation of those students.

Eligibility Requirements

To be eligible for consideration as a Pathways intern, applicants must be enrolled at least half-time as a student at an accredited educational institution in a certificate, degree or diploma program, and must meet the qualification standards for the internship position. As described in more detail below, the level of schooling or approval of rating of Superior Academic Achievement will impact the entry level of the Pathways intern.

Recruitment

Regions can recruit and brief students about the Pathways Program and instruct them on how to apply for a Pathways Internship position when a Notice of Vacancy is posted on USAJobs. Regions should not collect application materials in anticipation of making an offer of employment. Applications must be submitted through USAJobs.

Notice of Vacancy

When Regions are ready to start the hiring process, they should use the Recruitment Strategy Plan and consult with their AGC or DAGC on drafting the Notice of Vacancy. As part of the discussion, Regions should consider the criteria that fulfills the Regions needs, such as bilingual ability in a specific language or languages, desired experience, educational level and/or field of study. The criteria should be discussed

with the AGC or DAGC working with the Region, who will contact the Office of Human Resources with the final language for the notice of vacancy. It is possible that a single Notice of Vacancy will be posted for openings in several Regions, if the requested criteria are the same for each Region.

To start the process, the Region must initiate an action for a Notice of Vacancy in the Workforce Transformation and Tracking System and Entry on Duty System (WTTS/OED) and submit the Recruitment Strategy Plan. Upon receipt of the SF-52 and strategy form, the Office of Human Resources will initiate the posting on USAJobs.gov with the criteria provided by Operations in consultation with the Region.

The Selection Process

The Office of Human Resources will issue a Certificate of Eligibles to the hiring official via USA Staffing's Selection Manager. The Region will make a recommendation for hire based upon a full review and consideration, including interviews, of all applicants on the best qualified list. For Pathways interns in the Student Trainee (Field Examiner) and Student Assistant (Legal) positions, the hiring official is the Assistant General Counsel or the Assistant to the General Counsel in Operations-Management for the District in which the Region is assigned. For support staff Pathways intern positions, the hiring official is the Regional Director.

Upon making a final selection, the hiring official will return the Certificate of Eligibles to the Office of Human Resources via USA Staffing's Selection Manager. The hiring official for Pathways interns for Field Examiner and Legal Assistant (Legal) positions will notify the Region of the final selection. The hiring official for Support Staff positions will notify the AGC or DAGC of the selection.

Veterans Preference

Under the Pathways Program, if there is a candidate with a Veterans Preference, who meets the minimum requirements for the position, that candidate has an absolute preference over all other candidates.

Pathways Interns GS Levels

The GS level for Pathways interns depends on the position being filled and the education level desired by the Region. The intern must meet the GS Level requirements prior to the closing of the Notice of Vacancy. Those levels are:

Student Trainee (Field Examiner)

Minimum Requirement for GS-4: Completion of two (2) full academic years of post-high school study or associate's degree.¹

¹ Completion of one (1) academic year is the equivalent of 30 semester hours or 45 quarter hours.

Minimum Requirement for GS-5: Completion of all requirements for a bachelor's degree or equivalent degree.

Minimum Requirement for GS-7: Completion of one (1) full academic year of graduate level education or eligibility under the Superior Academic Achievement Provision (described below) after completing a bachelor's degree.

Student Assistant (Legal)

Minimum Requirement for GS-7: Completion of one (1) full academic year of graduate level education (law school) or eligibility under the Superior Academic Achievement Provision after completing a bachelor's degree.

Minimum Requirement for GS-9: Completion of two (2) academic years of graduate level education (law school).

Student Trainee (Support Staff)

Minimum Requirement for GS-1: Enrollment in a high school diploma or General Education Diploma (GED) program.

Minimum Requirement for GS-2: High school diploma or GED diploma.

Minimum Requirement for GS-3: Completion of one (1) full academic year of post-high school study.

Minimum Requirement for GS-4: Completion of two (2) full academic years of post-high school study or associate's degree.

Superior Academic Achievement Provision

The Superior Academic Achievement Provision allows the Agency to adjust the GS level of an applicant who has achieved a superior academic standing, by one of three methods:

(1) Class standing in the upper third of the graduating class in the college, university, or major subdivision, based on completed courses;

(2) Grade-point average, either a GPA of "3.0 or higher out of a possible 4.0 as recorded on their official transcript, or as computed based on 4 years of education, or as computed based on courses completed during the final 2 years of the curriculum"; or a GPA of "3.5 or higher out of a possible 4.0 based on the average of the required courses completed in the major field or the required courses in the major field completed during the final 2 years of the curriculum" or

(3) Membership in a national honor society, i.e., recognized by the Association of College Honor Societies or meets the minimum requirements of the Association of College Honor Societies. This excludes freshman honor societies.

On-the-Job Training

Each student selected as a Pathways intern must sign a Participant Agreement.² The Agency must provide training as part of the Internship Program.

A training plan must be specifically developed for each Pathways intern. Please see OM 13-63 Pathways Checklist for Professional and Administrative Student Interns for the training checklist plan for the Pathways Program.

Because many of the individuals entering this program will have had limited exposure to the work of the Agency, it is essential that the Region provide training that will enhance the intern's knowledge of the NLRA. This will ensure a quality experience for the intern and a successful program for the Agency. This training is required as part of the Pathways Program.

A Pathways intern cannot remain employed beyond 120 days after the completion of his/her academic course of study. The initial time period for Pathways interns to work is up to 26 weeks. Pathway Interns are permitted breaks in their employment to complete their educational requirements.

Evaluation of Pathways Intern

After the Pathways intern has completed the program, the supervisor must prepare a written evaluation of the intern. A copy of this evaluation should be uploaded in the Appraisal room in the *Pathways and Unpaid Interns* file folder.

When considering an intern for conversion this appraisal will be essential.

Promotion of Pathways Intern to Higher Grade Levels during Internship

Pathways interns may be promoted to a higher grade level during their internship, if they meet certain performance qualifications and requisite hours. The promotion level will depend on their entry grade level. One period is equal to two (2) months (320 hours) of work experience. The promotion while a Pathways intern is granted at the Agency's discretion. Should the intern meet the performance qualification the conditions for promotion are:

² See attached or link to the [Pathways Programs Participant Agreement](#).

To a GS-2, the individual must meet the following criteria:

Continued study in a high school education program and completion of one period of student Intern work experience.

To a GS-3, the individual must meet the following criteria:

Completion of one full semester (or the equivalent) of post-high school study and one period of student intern work experience.

To a GS-4, the individual must meet one of the following:

1. Completion of one full academic year of study and two periods of student trainee work experience; or
2. Completion of one and a half academic years of study and one period of student intern work experience.

To a GS-5, the individual must meet one of the following:

1. Completion of 3 full academic years of study leading to a bachelor's degree and one period of Intern work experience equivalent to at least the GS-4 level; or
2. Completion of two and a half academic years of study leading to a bachelor's degree and 6 months (at least 960 hours) of Intern work experience equivalent to at least the GS-4.

To a GS-7, the individual must meet one of the following:

1. Completion of all requirements for a bachelor's degree and completion of one period of intern work experience equivalent to the GS-5 level; or
2. Completion of 4 academic years and completion of one period of intern work experience equivalent to at least the GS-5 level.

To a GS-9, the individual must meet one of the following:

1. Completion of 1 full year of graduate level study (law school) and completion of one period of intern work experience equivalent to the GS-7 level; or
2. Completion of 5 academic years of pre-professional study and completion of one period of intern work experience equivalent to at least the GS-5 level.

Conversion to a fulltime Position

Depending on the Agency budgetary and staffing needs, Pathways interns are eligible to be converted to a full time position within 120 days of the completion of their academic course of study as long as the interns have met the minimum requirements of the Pathways Internship Program. It is possible that the conversion opportunity may be in an office other than the one in which the Pathways intern worked as a student.

To be eligible for conversion to a permanent position, the Pathways intern must:

1. Complete at least 640 hours of work experience acquired through the Internship Program, though 320 hours may be waived if certain conditions are met. Those conditions are:
 - a. Grade point of 3.5 or higher on a 4.0 scale; or
 - b. Class standing in the top 10 percent of the graduating class; or
 - c. Induction into a scholastic honor society (excluding freshman honor societies) recognized by the Association of College Honor Societies;
2. Complete his/her degree or certificate program;
3. Meet the qualifications standards for the position to which the intern will be converted;
4. Perform his/her job successfully.³

As noted above, the Board may waive up to one-half (320 hours) of the 640-hour minimum service requirement for Pathways interns who receive a formal job performance evaluation that is higher than Fully Successful and meet one of the academic achievements detailed in section c.

Any questions about the Pathways Internship Program should be directed to the Region's AGC or DAGC, DAGC Joan A. Sullivan or to the Pathways Coordinator in the Office of Human Resources. At this time, the Pathways Coordinator is Sheila Avent. For additional information on the Pathways Program and links, see: Pathways Programs Toolkit for Hiring Officials on *The Insider*.

/s/
A.P.

Links: [Pathways Programs Participant Agreement](#)
[OM 13-63 Pathways Checklist for Professional and Administrative Student Interns](#)

³ Further guidance will be forthcoming regarding the grade at which interns will be converted after serving their internship.

