This copy is a reprint which includes current pages from Changes 1 through 26.

ARMY REGULATION
No. 690-300

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *15 October 1979*

CIVILIAN PERSONNEL

EMPLOYMENT

Effective 15 November 1979 or upon receipt, whichever is later

This is the initial phase in the conversion of CPR 300 to AR 690-300. The conversion will be accomplished as chapters of CPR 300 are revised. Until the conversion is completed, it will be necessary to maintain CPR 300 and AR 690-300.

Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Except for retention of a reference copy (CPR 272.2-2a(5)), users will destroy interim changes on their expiration date unless sooner superseded or rescinded.

Local limited supplementation of this regulation is permitted but is not required. If supplements are issued, Army Staff agencies and major Army commands will furnish one copy of each to HQDA (PECC-FSS); other commands will furnish one copy of each to the next higher headquarters.

EXECUTIVE SUMMARY

1. Purpose. AR 690-300, Chapter 301, provides policies and procedures concerning employment of civilians, including foreign nationals, outside CONUS. It also provides policies and procedures concerning rotation of United States citizens to and from foreign areas.

2. Applicability. AR 690-300, Chapter 301, is applicable to Army civilian employees located outside CONUS. It also applies to any employee of the Army National Guard or the Army Reserve located outside CONUS.

3. Filing instructions. *a.* Remove old pages and insert new pages as indicated below:

CPR Identification	*Remove Pages*	*AR Identification*	*Insert Pages*	*Explanation of Changes*
None	None	301	i and ii	Adds table of contents, Adds scope, definitions, and summary of overseas benefits.
None	None	301.1	1-1 through 1-3	
301.2	1	301.2	2-1	Provides guidance concerning use of oversea limited appointing authority.
None	None	301.3	3-1	Delegates authority to employ noncitizens in foreign areas and summarizes direct and indirect hire employment systems.
301.4	Entitled, Contents	None	None	Relocates material to AR 690-300, Chapter 301.

*This regulation supersedes so much of CPR 300, 20 September 1964 as pertains to the following: CPR 301.2, 12 March 1973; 301.4, 21 September 1970 and 1 November 1976; 301.A, 21 September 1970; 301.B, 21 September 1970; 301.D, 1 December 1972; 301.Y, 22 September 1976 and 301.Z, 19 April 1976 and DA messages DAPE-CPR 140217Z, Oct 78 and 271216Z, Jun 79, subject: DOD Five-year Rotation Program.

This reprint of AR 690-300 does not include pages that still bear identity as CPR 300.

CPR Identification	*Remove Pages*	*AR Identification*	*Insert Pages*	*Explanation of Changes*
301.4	1 through 8	301.4	4-1 through 4-5	Revises policy regarding recruitment and rotation. Adds guidance concerning oversea conversion to status appointment and termination of oversea tours.
None	None	301.5	5-1	Describes provisions of employment under Panama Canal Employment System.
None	None	301.6	6-1 through 6-3	Adds policy regarding employment of dependents of military and civilian personnel stationed in foreign areas.
301.A	1 through 3	None	None	Relocates material to AR 690-300, Chapter 301.U.
301.B	1 through 7	None	None	Relocates material to AR 690-300, Chapter 301.U
301.D	1 through 7	None	None	Relocates material to AR 690-300, Chapter 301.W.
None	None	301.R	R-1 through R-7	Transmits standard Rotation Agreements.
None	None	301.S	S-1 through S-3	Provides procedures for requesting CONUS recruitment.
None	None	301.T	T-1 through T-3	Adds procedures for recruiting from CONUS for oversea assignment.
None	None	301.U	U-1 through U-12	Assigns responsibilities for oversea recruitment and lists oversea processing points.
None	None	301-V	V-1 through V-4	Furnishes examples of acceptable and unacceptable reasons for extension of oversea tours beyond five years.
None	None	301.W	W-1 through W-9	Relocates DODI 1404.8 pertaining to the 5-year rotation policy
None	None	301.X	X-1 through X-4	Adds DODI 1400.23 pertaining to dependent employment policy.
301.Y	Y-1 through Y-25	301.Y	Y-1 through Y-25	Moves material to AR 690-300.
301.Z	Z-1 through Z-7	301.Z	Z-1 through Z-7	Moves material to AR 690-300.

b. This transmittal sheet is to be filed immediately preceding basic FPM Chapter 300 and previous transmittal sheets for CPR 300.

CHANGE No. 26

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *12 August 1994*

Civilian Personnel

CIVILIAN MOBILITY PROGRAM

Effective upon receipt

This change revises Chapter 336 on mobility programs. It describes the conditions under which a Commander or Functional Chief may establish civilian mobility requirements. Assigns responsibilities for establishing and administering mobility programs. Establishes policies for mobility programs. Describes procedural requirements. Provides a list of references relevant to the mobility program. Defines terms used within the mobility program. Provides sample agreements for both program and individual use.

1. AR 690-300 is changed as indicated below. The pages of this regulation are interfiled with the chapters of the Basic Federal Personnel Manual (FPM) to which they relate.

Chapter	*Remove pages*	*Insert pages*
336	-----	Entire chapter

2. File this transmittal sheet immediately in front of the "300" series of chapters in the basic FPM.

3. The latest installment to the basic FPM at the time this change was forwarded for publication was number 300 dated 11 May 1992.

4. Army regulations in the 690 series that are interfiled with the FPM use the following mechanical aids to assist readers:

a. When revised pages are issued—

(1) New or changed material is indicated by a right-hand arrow (→) at the beginning and a left-hand arrow (←) at the end.

(2) The deletion of text is indicated by two stars (★).

b. A row of asterisks (*) is used to alert the reader that, at that point, there is material in the FPM that HQDA is not supplementing.

c. A double dagger (‡) appearing before a major division (i.e. chapter, subchapter, paragraph, or subparagraph) means there is no corresponding division in the FPM.

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to ATTN DAPE-CP, DEP CHIEF OF STAFF PERSONNEL, 300 ARMY PENTAGON, WASH, DC 20310-300.

*This change supersedes AR 690-300, Chapter 336, 1 November 1978.

By Order of the Secretary of the Army:

GORDON R. SULLIVAN
General, United States Army
Chief of Staff

Official:

MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

DISTRIBUTION:
Distribution of this publication is made in accordance with the requirements on DA Form 12-09-E, block number 3686.

CHANGE
No. 25

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *11 May 1992*

Civilian Personnel

EMPLOYMENT

Effective upon receipt

This change adds new subchapter 9 to chapter 300 on bringing positions and employees into the competitive service; adds new subchapter 15 to make a cross reference to AR 40–68 that sets forth certain responsibilities of civilian personnel offices and applicants in connection with filling health care provider positions; and deletes obsolete material.

1. AR 690–300 is changed as indicated below. The pages of this regulation are interfiled with the chapters of the basic Federal Personnel Manual (FPM) to which they relate.

Chapter	*Remove pages*	*Insert pages*
300	i and ii (C17)	i and ii
300	5–1 (C 15)	.....
300	.....	9–1
300	.....	15–1
315	i	i
315	7–1 (C 15)	.....
315	D–1 (C 15)	.....
316	i (C 17)	.....
316	6–1 (C 15)	.....
351	All pages of chapter 351 should be removed. This chapter was superseded by new AR 690–351–1 dated 7 February 1992.	

2. File this transmittal sheet immediately in front of the "300" series of chapters in the basic FPM.

3. The latest installment to the basic FPM at the time this change was forwarded for publication was number 386 dated 16 December 1991.

4. Army regulations in the 690 series that are interfiled with the FPM use the following mechanical aids to assist readers:

a. When revised pages are issued—

(1) New or changed material is indicated by a right-hand arrow (➡) at the beginning and a left-hand arrow (⬅) at the end.

(2) The deletion of text is indicated by two stars (★).

b. A row of asterisks (*) is used to alert the reader that, at that point, there is material in the FPM that HQDA is not supplementing.

c. A double dagger (‡) appearing before a major division (i.e., chap, subchap, para, or subpara) means there is no corresponding division in the FPM.

5. The pages transmitted with this change, together with the pages listed below, constitute AR 690–300. The dates of the basic AR and the changes are shown at the end of the listing.

Chapter	*Page*	*Change No.*
300	6-1, 6-2	17
300	8-1	21
300	12-1	15
300	14-1, 14-2	17
300	B-1 through B-9	15
300	C-1 through C-6	15
301	i, ii	22
301	1-1	19
301	2-1	19
301	3-1	19
301	4-1	19
301	5-1 through 5-3	19
301	6-1	19
301	7-1, 7-2	22
301	A-1 through A-5	19
301	B-1 through B-11	19
301	C-1, C-2	19
301	D-1 through D-6	22
301	LRA forms:	
	DA 5369-R (Aug 87)	
	DA 5370-R (Aug 87)	
	DA 5371-R (Aug 87)	
	DA 5372-R (Aug 87)	
	DA 5373-R (Aug 87)	
	DA 5433-R (June 85)	
302	i	15
302	1-1	15
302	2-1	15
302	4-1	15
302	7-1 through 7-4	11
302	7-5, 7-6	12
302	7-7	11
302	C-1 through C-11	11
304	i	15
304	1-1 through 1-3	15
304	A-1, A-2	15
304	LRA forms:	15
	DA 5412-R (Apr 85)	
	DA 5413-R (Apr 85)	
306	i	19
306	2-1	19
306	4-1	19
306	6-1	19
306	7-1	19
306	12-1	19
308	i	24
308	2-1, 2-2	24
308	7-1, 7-2	8
310	i	15
310	1-1	15
310	2-1	15
312	i	19

Chapter	*Page*	*Change No.*
312	1–1	19
312	2–1	19
312	6–1	19
312	7–1	19
312	8–1	19
315	6–1	19
315	9–1, 9–2	17
330	i	17
330	2–1	17
331	i	17
331	4–1 through 4–3	15
332	i	15
332	1–1	15
332	4–1	15
334	i	15
334	1–1	15
334	2–1	15
335	i	16
335	1–1 through 1–4	16
335	A–1	20
335	B–1	16
336.1	1 through 2.1	52*
336.1	3,4	49*
336	V–1 through V–5	49*
336	W–1, W–2	49*
336	X–1, X–2	49*
336	Y–1, Y–2	49*
336	Z–1, Z–2	49*
338	i	15
338	5–1	15
338	6–1, 6–2	19
338	7–1, 7–2	15
340	i	18
340	1–1	18
352	i	23
352	8–1 through 8–7	23
352	9–1, 9–2	23
352	B–1 through B–3	23
352	C–1	10
352	LRA form: DA 5414–R (Apr 85)	15
353	i	23
353	1–1	23
353	2–1	23
353	A–1 through A–14	23

*Change numbers in the old CPR 300 series.

CPR 300 series

Change 49, 8 Dec 76
Change 52, 1 Nov 78

AR 690-300 series

Basic, 15 Oct 79
Change 1, 15 Mar 80
Change 2, 15 Aug 80
Change 3, 1 Sep 80
Change 4, 15 Oct 80
Change 5, 15 Jan 81
Change 6, 1 May 81
Change 7, 15 May 81
Change 8, 15 Aug 81
Change 9, 1 Aug 82
Change 10, 15 Aug 82
Change 11, 15 May 83
Change 12, 15 May 83
Change 13, 1 Oct 83
Change 14, 1 Apr 85
Change 15, 1 Aug 85
Change 16, 1 Oct 86
Change 17, 15 Apr 87
Change 18, 1 Jun 87
Change 19, 15 Oct 87
Change 20, 15 Oct 87
Change 21, 1 Feb 88
Change 22, 1 Aug 88
Change 23, 20 May 89
Change 24, 3 Aug 90

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAPE-CP), WASH, DC 20310-0300.

By Order of the Secretary of the Army:

GORDON R. SULLIVAN
General, United States Army
Chief of Staff

Official:

Milton H. Hamilton

MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

DISTRIBUTION:
Distribution of this publication is made in accordance with the requirements on DA Form 12-09-E, block number 3686.

CHANGE
No. 24

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *3 August 1990*

Civilian Personnel

EMPLOYMENT

Effective upon receipt

This change implements the Department of the Army Scientific and Engineering ROTC Cooperative Program.

1. AR 690-300 is changed as indicated below. The pages of this regulation are interfiled with the chapters of the basic Federal Personnel Manual (FPM) to which they relate.

Chapter	*Remove pages*	*Insert pages*
308	—	i
308	—	2-1 and 2-2

2. File this transmittal sheet immediately in front of the "300" series of chapters in the basic FPM.

3. The latest installment to the basic FPM at the time this change was forwarded for publication was number 366 dated 2 April 1990.

4. Army regulations in the 690 series that are interfiled with the FPM use the following mechanical aids to assist readers:

a. When revised pages are issued—

(1) New or changed material is indicated by a right-hand arrow (➡) at the beginning and a left-hand arrow (⬅) at the end.

(2) The deletion of text is indicated by two stars (★).

b. A row of asterisks (*) is used to alert the reader that, at that point, there is material in the FPM that HQDA is not supplementing.

c. A double dagger (‡) appearing before a major division (for example, chapter, subchapter, paragraph, or subparagraph) means there is no corresponding division in the FPM.

5. The pages transmitted with this change, together with the pages listed below, constitute AR 690-300. The dates of the basic AR and the changes are shown at the end of the listing.

Chapter	*Page*	*Change*
300	i, ii	17
300	5-1	15
300	6-1, 6-2	17
300	8-1	21
300	12-1	15
300	14-1, 14-2	17
300	B-1 through B-9	15
300	C-1 through C-6	15
301	i, ii	22
301	1-1	19
301	2-1	19
301	3-1	19

Chapter	*Page*	*Change*
301	4-1	19
301	5-1 through 5-3	19
301	6-1	19
301	7-1 through 7-2	22
301	A-1 through A-5	19
301	B-1 through B-11	19
301	C-1, C-2	19
301	D-1 through D-6	22
301	LRA forms: DA 5369-R (Aug 87) DA 5370-R (Aug 87) DA 5371-R (Aug 87) DA 5372-R (Aug 87) DA 5373-R (Aug 87) DA 5433-R (Jun 85)	19
302	i	15
302	1-1	15
302	2-1	15
302	4-1	15
302	7-1 through 7-4	11
302	7-5, 7-6	12
302	7-7	11
302	C-1 through C-11	11
304	i	15
304	1-1 through 1-3	15
304	A-1, A-2	15
304	LRA forms: DA 5412-R (Apr 85) DA 5413-R (Apr 85)	15
306	i	19
306	2-1	19
306	4-1	19
306	6-1	19
306	7-1	19
306	12-1	19
308	7-1, 7-2	8
310	i	15
310	1-1	15
310	2-1	15
312	i	19
312	1-1	19
312	2-1	19
312	6-1	19
312	7-1	19
312	8-1	19
315	i	19
315	6-1	19
315	7-1	15
315	9-1, 9-2	17
315	D-1	15
316	i	17
316	6-1	15
330	i	17

Chapter	*Page*	*Change*
330	2–1	17
331	i	17
331	4–1 through 4–3	15
332	i	15
332	1–1	15
332	4–1	15
334	i	15
334	1–1	15
334	2–1	15
335	i	16
335	1–1 through 1–4	16
335	A–1	20
335	B–1	16
336.1	1 through 2.1	52*
336.1	3, 4	49*
336	V–1 through V–5	49*
336	W–1, W–2	49*
336	X–1, X–2	49*
336	Y–1, Y–2	49*
336	Z–1, Z–2	49*
338	i	15
338	5–1	15
338	6–1, 6–2	19
338	7–1, 7–2	15
340	i	18
340	1–1	18
351	i through iii	15
351	1–1 through 1–3	15
351	2–1, 2–2	15
351	3–1, 3–2	15
351	4–1, 4–2	15
351	5–1	15
351	6–1, 6–2	15
351	7–1	15
351	A–1, A–2	6
351	B–1, B–2	15
351	F–1, F–2	6
352	i	23
352	8–1 through 8–7	23
352	9–1 through 9–2	23
352	B–1 through B–3	23
352	C–1	10
352	LRA form; DA 5414–R (Apr 85)	15
353	i	23
353	1–1	23
353	2–1	23
353	A–1 through A-14	23

*Change numbers in the old CPR 300 series.

CPR 300 series

Change 49, 8 Dec 76
Change 52, 1 Nov 78

AR 690–300 series

Basic, 15 Oct 79
Change 1, 15 Mar 80
Change 2, 15 Aug 80
Change 3, 1 Sep 80
Change 4, 15 Oct 80
Change 5, 15 Jan 81
Change 6, 1 May 81
Change 7, 15 May 81
Change 8, 15 Aug 81
Change 9, 1 Aug 82
Change 10, 15 Aug 82
Change 11, 15 May 83
Change 12, 15 May 83
Change 13, 1 Oct 83
Change 14, 1 Apr 85
Change 15, 1 Aug 85
Change 16, 1 Oct 86
Change 17, 15 Apr 87
Change 18, 1 Jun 87
Change 19, 15 Oct 87
Change 20, 15 Oct 87
Change 21, 1 Feb 88
Change 22, 1 Aug 88
Change 23, 20 May 89
Interim I01, 29 Mar 90

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAPE-CP), WASH, DC 20310-0300.

By Order of the Secretary of the Army:

CARL E. VUONO
General, United States Army
Chief of Staff

Official:

MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

DISTRIBUTION:
Active Army, Army National Guard, and United States Army Reserve. Distribution of this publication is made in accordance with the requirements on DA Form 12-09-E, block 3686, requirements for AR 690-300.

Change No. 23

Headquarters
Department of the Army
Washington, DC, *20 May 1989*

Civilian Personnel

EMPLOYMENT

Effective upon receipt

This change completely revises subchapter 8 of chapter 352 to reduce the time frame for which reemployment rights are granted for employees accepting assignment in Hawaii (reemployment rights are a recruiting incentive which is no longer needed for the state of Hawaii); to clarify coverage of Puerto Rico; to clarify policy for ineligibility as applying only to Army employees relocating within Army; to describe unique policy for employees from Office, Secretary of Defense who accept employment overseas with a different component; to reiterate that DA employees accepting employment with another component overseas will be granted reemployment rights; to revise the SF 50 remark; to establish a requirement that the overseas CPO must notify the CONUS CPO if the employee relocates overseas; to require that information on availability of family members for employment be furnished to the CONUS CPO prior to employee's return; to require normal 60 days advance notification to CONUS CPO of employee's return; to require that employee remain on rolls of overseas activity if employee arrives in CONUS without prior official notification; to clarify the provision relating to positions upgraded while employee was overseas; and to add a reemployment rights agreement for employees accepting assignment in Hawaii. It also adds subchapters 1 and 2 to chapter 353 to require certification by the agency medical officer prior to separating a compensably injured employee, and to require the development of local reemployment plans. In addition, this change deletes nonessential material in line with efforts to reduce Army regulations.

1. AR 690-300 is changed as indicated below. The pages of this regulation are interfiled with the chapters of the basic Federal Personnel Manual (FPM) to which they relate.

Chapter	*Remove pages*	*Insert pages*
352	i (C 19)	i
352	8-1 through 8-6 (C 10)	8-1 through 8-7
352	8-7 through 8-9 (C 15)	.....
352	9-1 (C 19)	9-1 through 9-2
352	B-1 (C 10)	B-1 through B-3
353	i (C 19)	i
353	.....	1-1
353	.....	2-1
353	A-1 (C 19)	A-1 through A-13
353	B-1 (C 19)	.....

2. File this transmittal sheet immediately in front of the "300" series of chapters in the basic FPM.

3. The latest installment to the basic FPM at the time this change was forwarded for publication was number 349 dated 31 March 1989.

4. Army regulations in the 690 series that are interfiled with the FPM use the following mechanical aids to assist readers:

a. When revised pages are issued—

(1) New or changed material is indicated by a right-hand arrow (➡) at the beginning and a left-hand arrow (⬅) at the end.

(2) The deletion of text is indicated by two stars (★).

b. A row of asterisks (*) is used to alert the reader that, at that point, there is material in the FPM that HQDA is not supplementing.

c. A double dagger (‡) appearing before a major division (i.e., chapter, subchapter, paragraph, or subparagraph) means there is no corresponding division in the FPM.

5. The pages transmitted with this change, together with the pages listed below, constitute AR 690–300. The dates of the basic AR and the changes are shown at the end of the listing. The pages of chapter 336 were issued by changes to the old Civilian Personnel Regulation (CPR) 300 series.

Chapter	*Page*	*Change*
300	i, ii	17
300	5–1	15
300	6–1, 6–2	17
300	8–1	21
300	12–1	15
300	14–1, 14–2	17
300	B–1 thru B–9	15
300	C–1 thru C–6	15
301	i, ii	22
301	1–1	19
301	2–1	19
301	3–1	19
301	4–1	19
301	5–1 thru 5–3	19
301	6–1	19
301	7–1 thru 7–2	22
301	A–1 thru A–5	19
301	B–1 thru B–11	19
301	C–1, C–2	19
301	D–1 thru D–6	22
301	LRA forms:	19
	DA 5369–R (Aug 87)	
	DA 5370–R (Aug 87)	
	DA 5371–R (Aug 87)	
	DA 5372–R (Aug 87)	
	DA 5373–R (Aug 87)	
	DA 5433–R (Jun 85)	
302	i	15
302	1–1	15
302	2–1	15
302	4–1	15
302	7–1 thru 7–4	11
302	7–5, 7–6	12
302	7–7	11
302	C–1 thru C–11	11
304	i	15
304	1–1 thru 1–3	15
304	A–1, A–2	15
304	LRA forms:	15
	DA 5412–R (Apr 85)	
	DA 5413–R (Apr 85)	

CHANGE
No. 22

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *1 August 1988*

Civilian Personnel

EMPLOYMENT

Effective Upon Receipt

This change revises subchapter 7 of chapter 301 to provide Army policy on the implementation of military spouse preference overseas; revises definition of family member; places responsibility with overseas CPO for providing orientation and conducting exit interviews; allows authority to be redelegated for approval of exceptions to military spouse preference and extension of Schedule A appointments beyond the sponsor's tour; adds policy on the Exceptional Family Member Program; and incorporates DOD Instruction 1400.23 (appendix D). In addition, this change deletes nonessential material in line with efforts to reduce Army regulations.

1. AR 690-300 is changed as indicated below. The pages of this regulation are interfiled with the chapters of the basic Federal Personnel Manual (FPM) to which they relate.

Chapter	*Remove pages*	*Insert pages*
301	i and ii (C 19)	i and ii
301	7-1 through 7-3 (C 19)	7-1 through 7-2
301	.....	D-1 through D-6

2. File this transmittal sheet immediately in front of the "300" series of chapters in the basic FPM.

3. The latest installment to the basic FPM at the time this change was forwarded for publication was number 344 dated 21 June 1988.

4. Army regulations in the 690 series that are interfiled with the FPM use the following mechanical aids to assist readers:

a. When revised pages are issued—

(1) New or changed material is indicated by a right-hand arrow (➡) at the beginning and a left-hand arrow (⬅) at the end.

(2) The deletion of text is indicated by two stars (★).

b. A row of asterisks (*) is used to alert the reader that, at that point, there is material in the FPM that HQDA is not supplementing.

c. A double dagger (‡) appearing before a major division (i.e., chapter, subchapter, paragraph, or subparagraph) means there is no corresponding division in the FPM.

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA(DAPE-CP), WASH DC 20310-0300.

CHANGE
NO. 21

Headquarters
Department of the Army
WASHINGTON, DC, *1 February 1988*

Civilian Personnel

EMPLOYMENT

Effective upon receipt.

This change is necessary to conform with guidance contained in FPM Letter 300–32 dated 26 March 1987. Among other things, this change deletes time frames for details that are more restrictive than allowed by the FPM letter; eliminates the requirement to document details with an SF 50; requires supervisors to inform employees of the reasons for, and conditions of, details; and deletes material already contained in the FPM.

1. AR 690–300 is changed as indicated below. The pages of this regulation are interfiled with the chapters of the basic Federal Personnel Manual (FPM) to which they relate.

Chapter	*Remove pages*	*Insert*
300	8–1 and 8–2 (C 15)	8–1

2. File this transmittal sheet immediately in front of the "300" series of chapters in the basic FPM.

3. The latest installment to the basic FPM at the time this change was forwarded for publication was number 341 dated 21 July 1987.

4. Army regulations in the 690 series that are interfiled with the FPM use the following mechanical aids to assist readers:

(1) When revised pages are issued—

(a) New or changed material is indicated by a right-hand arrow (⧫) at the beginning and a left-hand arrow (⧫) at the end.

(b) The deletion of text is indicated by two stars (★).

(2) A row of asterisks (*) is used to alert the reader that, at that point, there is material in the FPM that HQDA is not supplementing.

(3) A double dagger (‡) appearing before a major division (i.e., chapter, subchapter, paragraph, or subparagraph) means there is no corresponding division in the FPM.

CHANGE
No. 20

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *15 October 1987*

Civilian Personnel

EMPLOYMENT

Effective upon receipt

This change revises chapter 335, appendix A, to clarify provisions pertaining to involuntary reassignment and to remove redundant material.

1. AR 690–300 is changed as indicated below. The pages of this regulation are interfiled with the chapters of the basic Federal Personnel Manual (FPM) to which they relate.

Chapter	*Remove Pages*	*Insert*
335	A–1 and A–2 (C 16)	A–1

2. File this transmittal sheet immediately in front of the "300" series of chapters in the basic FPM.

3. The latest installment to the basic FPM at the time this change was forwarded for publication was number 341 dated 21 July 1987.

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA(DAPE–CP), WASH, DC 20310–0300.

By Order of the Secretary of the Army:

CARL E. VUONO
General, United States Army
Chief of Staff

Official:

R. L. DILWORTH
Brigadier General, United States Army
The Adjutant General

DISTRIBUTION:
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CHANGE
NO. 19

Headquarters
Department of the Army
WASHINGTON, DC, *15 October 1987*

Civilian Personnel

EMPLOYMENT

Effective upon receipt

This change adds instructions on the implementation of EO 12362 (chap 301, subch 4 and app C); permits commanders to direct the return to CONUS (chap 301, subch 5); completely revises chapter 306 (Selective Placement Programs); adds new chapter 312 on position management; revises limit on superior qualifications rates of pay (chap 338, subch 6); adds eligibility for reemployment rights for certain employees serving under schedule A or VRA appointments (chap 352); revises chapter 353 on restoration to duty after military duty or compensable injury. In addition, this change deletes a substantial amount of nonessential material in line with efforts to reduce the number of Army regulations.

1. AR 690–300 is changed as indicated below. The pages of this regulation are interfiled with the chapters of the basic Federal Personnel Manual (FPM) to which they relate.

Chapter	*Remove pages*	*Insert pages*
301	i and ii (C 14)	i and ii
301	1–1 through 1–3 (C 14)	1–1
301	2–1 (C 14)	2–1
301	3–1 and 3–2 (C 14)	3–1
301	.....	4–1
301	5–1 through 5–5 (C 14)	5–1 through 5–3
301	6–1 and 6–2 (C 14)	6–1
301	7–1 through 7–3 (C 14)	7–1 through 7–3
301	A–1 through A–9 (C 14)	A–1 through A–5
301	B–1 through B–9 (C 14)	B–1 through B–11
301	C–1 through C–5 (C 14)	C–1 and C–2
301	D–1 through D–11 (C 14)	.....
301	E–1 through E–25 (C 14)	.....
301	F–1 through F–12 (C 14)	....
301	DA Form 5291–4–R	.....
301	DA Form 5369–R	DA Form 5369–R
301	DA Form 5370–R	DA Form 5370–R
301	DA Form 5371–R	DA Form 5371–R
301	DA Form 5372–R	DA Form 5372–R
301	DA Form 5373–R	DA Form 5373–R
301	.....	DA Form 5433–R
306	All pages of this "CPR" chapter.	i
306	.....	2–1
306	.....	4–1
306	.....	6–1
306	.....	7–1
306	.....	12–1
312	.....	i
312	.....	1–1

*This change supersedes interim change I11, 8 August 1987, and subchapter 5 and appendixes D and E of AR 690–500, chapter 501.

Chapter	*Remove pages*	*Insert pages*
312	.....	2–1
312	.....	6–1
312	.....	7–1
312	.....	8–1
315	i (C 17)	i
315	.....	6–1
338	6–1 and 6–2 (C 17)	6–1 and 6–2
352	i (C 17)	i
352	9–1 (C 15)	9–1
352	D–1 and D–2 (C 15)	.....
353	.....	i
353	2–1 (C 13)	.....
353	.....	A–1
353	B–1 and B–2 (C 13)	B–1

2. File this transmittal sheet immediately in front of the "300" series of chapters in the basic FPM.

3. The latest installment to the basic FPM at the time this change was forwarded for publication was number 341 dated 21 July 1987.

4. Army regulations in the 690 series that are interfiled with the FPM use the following mechanical aids to assist readers:

(1) When revised pages are issued—

(a) New or changed material is indicated by a right-hand arrow (⧫) at the beginning and a left-hand arrow (⧫) at the end.

(b) The deletion of text is indicated by two stars (★).

These mechanical aids are not used to indicate differences in text on pages that are being converted for the first time from CPR to AR (e.g., chap 306 in this change).

(2) A row of asterisks (*) is used to alert the reader that, at that point, there is material in the FPM that HQDA is not supplementing.

(3) A double dagger (‡) appearing before a major division (i.e., chapter, subchapter, paragraph, or subparagraph) means there is no corresponding division in the FPM.

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA(DAPE–CP), WASH, DC 20310–0300.

AR 690-300
*C 18

CHANGE
NO. 18

Headquarters
Department of the Army
WASHINGTON, DC, 1 June 1987

Civilian Personnel

EMPLOYMENT

Effective upon receipt

This change transmits a complete revision of chapter 340. It aligns the chapter with FPM chapter 340 and delegates to installation commanders authority to implement provisions of the Federal Employees Part-Time Career Employment Act of 1978.

1. AR 690-300 is changed as indicated below. The pages of this regulation are interfiled with the chapters of the basic Federal Personnel Manual (FPM) to which they relate.

Chapter	*Remove pages*	*Insert pages*
340	i (C 3)	i
340	1-1 through 1-4 (C 3)	1-1

2. File this transmittal sheet immediately in front of the "300" series of chapters in the basic FPM.

3. The latest installment to the basic FPM at the time this change was forwarded for publication was number 339 dated 25 March 1987.

4. In this change, a row of asterisks (*) is used to alert the reader that, at that point, there is material in the FPM that HQDA is not supplementing.

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAPE-CP), WASH, DC 20310-0300.

By Order of the Secretary of the Army:

JOHN A. WICKHAM, JR.
General, United States Army
Chief of Staff

Official:

R. L. DILWORTH
Brigadier General, United States Army
The Adjutant General

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CHANGE No. 17

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 15 April 1987

Civilian Personnel

EMPLOYMENT

Effective upon receipt

This change clarifies DA policy regarding time in grade for positions in the excepted service (chap 300, para 6–4); adds new subchapter on upward mobility (chap 300, subch 14); deletes the provision for establishing a temporary manpower space if no vacancy exists (chap 315, subch 9); relocates policy on the Reemployment Priority List from chapter 351 to 330; removes unnecessary restriction regarding approvals for advance-in-hire rates (chap 338, subch 6); and removes obsolete, unnecessary, and redundant material.

1. AR 690–300 is changed as indicated below. The pages of this regulation are interfiled with the chapters of the basic Federal Personnel Manual (FPM) to which they relate.

Chapter	*Remove pages*	*Insert pages*
300	i (C 15)	i and ii
300	6–1 and 6–2 (C 15)	6–1 and 6–2
300	7–1 (C 15)	.....
300	.....	14–1 and 14–2
315	i (C 15)	i
315	9–1 and 9–2 (C 4)	9–1 and 9–2
316	i (C 15)	i
316	3–1 (C 15)	.....
330	i (C 15)	i
330	1–1 (C 6)	.....
330	.....	2–1
330	8–1 (C 6)	.....
331	i (C 15)	i
331	C–1 through C–3 (C 7)	.....
331	D–1 through D–10 (C 7)	
338	6–1 and 6–2 (C 15)	6–1 and 6–2
351	8–1 through 8–3 (C 15)	.....
352	i (C 15)	i
352	3–1 (C 10)	.....

2. File this transmittal sheet immediately in front of the "300" series of chapters in the basic FPM.

3. The latest installment to the basic FPM at the time this change was forwarded for publication was number 338 dated 13 November 1986.

4. Army regulations in the 690 series that are interfiled with the FPM use the following mechanical aids to assist readers:

a. When revised pages are issued—

(1) New or changed material is indicated by a right-hand arrow (⧫) at the beginning and a left-hand arrow (⧫) at the end.

(2) The deletion of text is indicated by two stars (★).

b. A row of five asterisks (*) is used to alert the reader that, at that point, there is material in the FPM that HQDA is not supplementing.

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*This change supersedes appendix F of chapter 713 of AR 690–700 (formerly cited as CPR 700).

CHANGE
No. 16

Headquarters
Department of the Army
WASHINGTON, D.C.
1 October 1986

Civilian Personnel

EMPLOYMENT

Effective upon receipt

Obsolete chapters 305 and 312 are removed. Chapter 335 (Promotion and Internal Placement) is completely revised; changes are not highlighted. Changes include: elimination of duplication of FPM chapter 335; addition of provision allowing noncompetitive promotion or transfer up to any grade previously held; addition of procedures for processing term promotions; revision of policy on area of consideration; and revision of policy on priority consideration.

1. AR 690–300 is changed as indicated below. The pages of this regulation are interfiled with the chapters of the basic Federal Personnel Manual (FPM) to which they relate.

Chapter	*Remove pages*	*Insert pages*
305.1	1 (CPR, C 10)	No pages to insert. Entire chapter 305 is eliminated.
305.2	1 (CPR, C 10)	.....
305.3	1 and 2 (CPR, C 10)	.....
305.5	1 (CPR, C 10)	.....
305.6	1 (CPR, C 10)	.....
305.A	A–1 through A–8 (CPR, C 10)	.....
312.4	1 (CPR, C 7)	No pages to insert. Entire chapter 312 is eliminated.
312.5	1 and 2 (CPR, C 10)	.....
312.A	A–1 (CPR, C 7)	.....
312.B	B–1 (CPR, C 7)	.....
335	.....	i
335	1–1 through 1–6 (C 5)	1–1 through 1–4
335	A–1 and A–2 (C 5)	A–1 and A–2
335	.....	B–1

2. File this transmittal sheet immediately in front of the "300" series of chapters in the basic FPM.

3. The latest installment to the basic FPM at the time this change was forwarded for publication was number 336 dated 31 July 1986.

4. Army regulations in the 690 series that are interfiled with the FPM use the following mechanical aids to assist readers:

a. A row of five asterisks (*) is used to alert the reader that, at that point, there is material in the FPM that HQDA is not supplementing.

b. A double dagger (‡) appearing before a major division (i.e., chapter, subchapter, paragraph, or subparagraph) means there is no corresponding division in the FPM.

CHANGE
No. 15

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *1 August 1985*

Civilian Personnel

EMPLOYMENT

Effective upon receipt

This change eliminates a number of pages still identified as Civilian Personnel Regulation (CPR). It also transmits new and replacement pages for the several chapters identified below. Obsolete material is eliminated. The text is revised to align material with the Federal Personnel Manual (FPM) (for example, chapter 351).

1. AR 690-300 is changed as indicated below. The pages of this regulation are interfiled with the chapters of the FPM to which they relate.

Chapter	*Remove pages*	*Insert pages*	*Explanation*
300	.....	i	Adds table of contents.
300.1	1 (CPR)	....	Removes obsolete material on dual employment and dual compensation. Guidance on employment of relatives is now in chapter 310.
300.3	1 through 3 (CPR, C 10)	....	Guidance on filling positions at GS-16 and above is in AR 690-900, chapter 920.
300.5	1 (CPR)	5-1	Removes obsolete material and explains incorrect FPM guidance.
300	6-1, 6-2 (AR, C 9)	6-1, 6-2	Adds guidance on crediting nonappropriated fund service toward time in grade.
300.7	1 (CPR, C 32)	7-1	Removes obsolete material
300	8-1, 8-2 (AR, C 8)	8-1, 8-2	Revises guidance on detail of employees.
300.9	1, 2 (CPR, C 15)	....	Removes obsolete material
300.10	1 through 5 (CPR, C 14)	....	Guidance on employment of retired military members is in subchapter 12.
300.12	1 (CPR, C 35)	12-1	Guidance on assignment of employees to Presidential support activities is now in AR 614-3.
300.13	1 (CPR, C 38)	....	Guidance on assignment of employees outside of DOD is in subchapter 8.
300	B-1, B-2 (CPR, C 14)	B-1 through B-9	Removes obsolete material. Adds DOD Directive 1000.17 on assignment of employees outside DOD.
300	C-1, C-2 (CPR, C 14)	C-1 through C-6	Removes obsolete material. Adds DOD Directive 1402.1 on employment of retired military members.
300	D-1 through D-23 (CPR, C 35)	....	Removes obsolete material.

* This change supersedes interim change I04, 10 August 1983, and rescinds DA Form 4184-R, 1 October 1974.

Chapter	*Remove pages*	*Insert pages*	*Explanation*
300.E	DA Form 4184-R (CPR, C 38)	....	Removes form.
300	Z-1 (CPR, C 52)	....	Removes obsolete material.
302	i (AR, C 11)	i	Revises table of contents.
302.1	1 (CPR, C 6)	1-1	Revises general guidance on excepted service positions.
302.2	1 (CPR)	2-1	Clarifies requirement to give citizens preference for excepted service positions. Adds qualification requirement for family members appointed under schedule A.
302.3	1 (CPR)	....	Removes obsolete material.
302.4	1 (CPR)	4-1	Removes obsolete material.
302.5	1 (CPR, C 31)	....	Guidance on separation of family members appointed under schedule A is in chapter 301.
302.6	1, 2 (CPR, C 6)	....	Removes material that no longer corresponds to the FPM.
302.A	1 (CPR)	....	Removes obsolete material.
303	Remove all of CPR chapter 303	....	Removes obsolete material.
304	.....	i	Adds table of contents.
304	1-1 through 1-3 (AR, C 2)	1-1 through 1-3	Realigns material to correspond to the FPM.
304	A-1 through A-3 (AR, C 2)	A-1, A-2	
307	Remove all of CPR chapter 307	....	Removes obsolete material.
310	.....	i	Adds table of contents.
310	.....	1-1	Adds guidance on restrictions on the employment of relatives.
310	.....	2-1	Adds guidance on delegated authority to extend emergency appointments of family members.
315	.....	i	Adds table of contents.
315	1-1 (AR, C 4)	....	Removes obsolete material.
315	7-1 (AR, C 4)	7-1	Clarifies policy on the appointment of incumbents of positions brought into the competitive service.
315	.....	D-1	Adds guidance on the appointment of incumbents brought into the competitive service.
316	.....	i	Adds table of contents.
316	1-1 (AR, C 4)	....	Removes obsolete material.
316	3-1 (AR, C 4)	3-1	Deletes requirement for MACOMs to approve term appointments.

Chapter	*Remove pages*	*Insert pages*	*Explanation*
316	4-1 (AR, C 4)	....	Removes obsolete material.
316	6-1 (AR, C 4)	6-1	Revises guidance on the retention of incumbents brought into the competitive service.
330	.....	i	Adds table of contents.
330	3-1 (AR, C 6)	....	Removes material duplicated in the FPM.
331	.....	i	Adds table of contents.
331	4-1 through 4-3 (AR, C 7)	4-1 through 4-3	Deletes reference to the PACE. Clarifies authority to appoint noncitizens when no citizens are available.
331	B-1 (AR, C 7)	....	Deletes reference to PACE.
332	.....	i	Adds table of contents.
332.1	1 (CPR, C 5)	1-1	Revises guidance on use of paid advertising and employment services.
332.4	1 (CPR)	4-1	Revises guidance on the elimination from consideration on security grounds.
332.B	1 (CPR)	....	Deletes requirement to notify nonselected eligibles.
333	Remove all of CPR chapter 333	....	Removes obsolete material.
334	.....	i	Adds table of contents.
334.1	1 (CPR, C 35)	1-1	Revises guidance on the approval of IPA assignments.
334.2	1 (CPR, C 35)	2-1	Revises guidance on IPA reporting requirements.
334.A	A-1 (CPR, C 35)	....	Removes obsolete material.
334.B	B-1, B-2 (CPR, C 35)	....	Removes form. Local reproduction not authorized.
338	.....	i	Adds table of contents.
338.4	1 (CPR, C 2)	....	Removes obsolete material.
338	.....	5-1	Updates guidance on age requirements relocated from subchapter 6.
338.6	1 (CPR, C 29)	6-1, 6-2	Adds guidance on authority to pay advanced-in-hire rates.
338	.....	7-1, 7-2	Adds guidance on authority to approve training agreements.
339	Remove all of CPR chapter 339	....	Removes obsolete material.
351	Contents page (unnumbered) (AR, C 6)	i through iii	Adds table of contents and updates cross-reference table.
351	1-1, 1-2 (AR, C 6)	1-1 through 1-3	Revises paragraphing in all subchapters to correspond to the FPM.
351	2-1 through 2-3 (AR, C 6)	2-1, 2-2	

Chapter	*Remove pages*	*Insert pages*	*Explanation*
351	3-1 (AR, C 6)	3-1, 3-2	
351	4-1, 4-2 (AR, C 6)	4-1, 4-2	
351	5-1 (AR, C 6)	5-1	
351	6-1 (AR, C 6)	6-1, 6-2	
351	7-1, 7-2 (AR, C 6)	7-1	
351	8-1, 8-2 (AR, C 6)	8-1 through 8-3	
351	9-1 (AR, C 6)	....	
351	10-1, 10-2 (AR, C 13)	....	
351	10-3 (AR, C 6)	....	
351	B-1 (AR, C 6)	B-1, B-2	
352	.....	i	Adds table of contents.
352	6-1 (AR, C 10)	....	Removes material that no longer corresponds to the FPM.
352	7-1 (AR, C 10)	....	Guidance on administrative reemployment rights relocated to subchapter 9.
352	8-7 through 8-10 (AR, C 10)	8-7 through 8-9	Clarifies employee placement rights upon reemployment.
352	.....	9-1	Moves material from subchapter 7.
352	.....	D-1, D-2	Adds administrative reemployment rights procedures for employees at the Defense Systems Management College.

2. File this transmittal sheet immediately preceding the "300" series of chapters in the basic FPM.
3. The latest installment to the basic FPM at the time this change was forwarded for publication was number 323 dated 3 May 1985.
4. Army regulations in the 690 series that are interfiled with the FPM use the following mechanical aids to assist readers:

a. When revised pages are issued—

(1) New or changed material is indicated by a right-hand arrow (➡) at the beginning and a left-hand arrow (⬅) at the end.

(2) The deletion of part of a paragraph is indicated by 2 stars (★).

(3) The deletion of an entire paragraph is indicated by a line of stars.

b. A row of 5 asterisks (*) is used to alert the reader that, at that point, there is material in the FPM that HQDA is not supplementing.

c. A double dagger (‡) appearing before a major division (that is, chapter, subchapter, paragraph, or subparagraph) means there is no corresponding division in the FPM.

d. The mechanical aids in a(1) through (3) above are not used to indicate differences in textual material on pages that are being converted for the first time from CPR to AR.

CHANGE
NO. 14

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *1 April 1985*

CIVILIAN PERSONNEL

EMPLOYMENT

Effective upon receipt

Chapter 301 (Overseas Employment) is completely revised. Changes include elimination of duplication of FPM chapter 301; addition of provisions of Public Law 96-600 (relating to return rights of employees recruited from US territories and possessions); inclusion of additional overseas employment benefits; inclusion of employment conditions for third-state nationals; revision of recruitment and rotation policy to conform with revised DOD policy; addition of rotation agreement for personnel recruited from US territories and possessions; inclusion of changes in the Panama Canal Employment System that have taken place since 15 October 1979; revision of guidance on recruiting, selecting, and processing procedures.

AR 690-300 is changed as follows:

1. Remove old pages and insert new pages as indicated below. The attached new pages are to be filed with chapter 301 of the basic Federal Personnel Manual.

Chapter	*Remove pages*	*Insert pages*
301	All pages of chapter 301 (dated 15 Oct 79)	i and ii
		1-1 through 1-3
		2-1
		3-1 and 3-2
		5-1 through 5-5
		6-1 and 6-2
		7-1 through 7-3
		A-1 through A-9
		B-1 through B-9
		C-1 through C-5
		D-1 through D-11
		E-1 through E-25
		F-1 through F-12

2. File this transmittal sheet immediately preceding the "300" series of chapters in the basic Federal Personnel Manual.

3. The latest installment to the basic FPM at the time this change was forwarded for publication was number 317 dated 28 December 1984.

4. Army regulations in the 690 series that are interfiled with the Federal Personnel Manual use the following mechanical aids to assist readers:

a. When revised pages are issued—

(1) New or changed material is indicated by a right-hand arrow (→) at the beginning and a left-hand arrow (←) at the end.

(2) The deletion of part of a paragraph is indicated by 2 stars (★).

(3) The deletion of an entire paragraph is indicated by a line of stars.

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* This change supersedes interim change I02, 12 April 1982, interim change I05, 2 April 1984, interim change I06, 1 January 1985; appendix C, CPR 296-31; appendix Y, chapter 534, AR 690-500 (formerly CPR 500).

CHANGE No. 13

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC *1 October 1983*

Civilian Personnel

EMPLOYMENT

Effective Upon Receipt

1. AR 690–300 is changed as indicated below. The pages of this regulation are interfiled with the chapters of the Federal Personnel Manual to which they relate.

Chapter	*Remove pages*	*Insert Pages*	*Explanation of Changes*
351 (C 6)	10–1 and 10–2	10–1 and 10–2	Adds requirement to provide name of Area Placement Coordinator to HQDA.
353	.....	2–1	Adds procedures for restoring employees absent in excess of 1 year because of compensable injury.
353	.....	B–1 and B–2	

2. File this transmittal sheet immediately preceding the "300" series of chapters in the basic Federal Personnel Manual.

3. Army regulations in the 690 series that are interfiled with the Federal Personnel Manual use the following mechanical aids to assist readers:

a. When revised pages are issued—

(1) New or changed material is indicated by a right-hand arrow (⧫) at the beginning and a left-hand arrow (⧫) at the end.

(2) The deletion of part of a paragraph is indicated by 2 stars (★).

(3) The deletion of an entire paragraph is indicated by a line of stars.

c. A row of five asterisks (*) is used to alert the reader that, at that point, there is material in the FPM that HQDA is not supplementing.

d. A double dagger (‡) appearing before a major division (i.e., chapter, subchapter, paragraph, or subparagraph) means there is no corresponding division in the FPM.

4. The latest installment to the basic FPM at the time this change was forwarded for publication was number 303.

CHANGE No. 12

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *15 May 1983*

Civilian Personnel

EMPLOYMENT

Effective upon receipt

1. AR 690-300 is changed as follows:

Chapter	*Remove Pages*	*Insert Pages*	*Explanation of Changes*
302	7-5 and 7-6 (C 11)	7-5 and 7-6	Corrects typographical error.

2. File this transmittal sheet immediately preceding the "300" series of chapters in the basic Federal Personnel Manual.

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA(DAPE-CPR), WASH DC 20310.

By Order of the Secretary of the Army:

E. C. MEYER
General, United States Army
Chief of Staff

Official:

ROBERT M. JOYCE
Major General, United States Army
The Adjutant General

DISTRIBUTION:

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CHANGE No. 11

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *15 May 1983*

Civilian Personnel

EMPLOYMENT

Effective upon receipt.

Subchapter 7 of the chapter 302 provides current procedures and policies regarding employment of civilian attorneys. Appendix C establishes policies and procedures for personnel actions affecting attorneys under the qualifying authority of The Judge Advocate General.

1. AR 690–300 is changed as follows:

Chapter	*Insert Pages*
302	i
302	7–1 through 7–7
302	C–1 through C–11

2. File this transmittal sheet immediately preceding the "300" series of chapters in the basic Federal Personnel Manual.

3. The latest installment to the basic FPM at the time this change was forwarded for publication was Number 294.

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA(DAPE–CPR), WASH DC 20310.

By Order of the Secretary of the Army:

E. C. MEYER
General, United States Army
Chief of Staff

Official:

ROBERT M. JOYCE
Major General, United States Army
The Adjutant General

DISTRIBUTION:
Active Army, ARNG, USAR: To be distributed in accordance with DA Form 12–4 requirements for AR, Federal Personnel Manual.

*This change supersedes CPR A8, 27 August 1968.

CHANGE No. 10

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *15 August 1982*

CIVILIAN PERSONNEL
EMPLOYMENT

Effective upon receipt

This change continues the conversion of CPR 300 to AR 690–300. Major changes to chapter 352 are as follows: retitles and expands subchapter 7 to include policy for certain excepted service positions; totally revises subchapter 8 to incorporate DA and DOD policy changes; revises the reemployment rights agreement (app B); adds new supplement to the reemployment rights agreement (app C).

a. Remove old pages and insert new pages as follows:

Remove		*Insert*	
CPR	*Page*	*AR*	*Page*
Remove all pages of chapter 352 as follows:			
352.3	1 (C 2)	352	3–1
352.6	1 (C 2)	352	6–1
352.7	1 (C 52)	352	7–1
352.8	1 and 2 (C 17)	352	8–1
	3 and 4 (C 28)	352	
	5 through 8 (C 25)		
——		352	B–1
352.C	C–1	352	C–1

b. File this transmittal sheet immediately preceding FPM chapter 300 together with previous transmittal sheets for AR 690–300 and CPR 300.

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA(DAPE–CPR), WASH DC 20310.

By Order of the Secretary of the Army:

E. C. MEYER
General, United States Army
Chief of Staff

Official:

ROBERT M. JOYCE
Major General, United States Army
The Adjutant General

DISTRIBUTION:

Active Army, ARNG, USAR: To be distributed in accordance with DA Form 12–4, requirements for AR, Employment FPM.

CHANGE No. 9

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC *1 August 1982*

CIVILIAN PERSONNEL

EMPLOYMENT

Effective 1 September 1982 or upon receipt, whichever is later.

This change continues the conversion of CPR 300 to AR 690–300.

Interim changes are not official unless they are authenticated by The Adjutant General. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

1. AR 690–300 and CPR 300 are changed as follows:

Remove		*Insert*		*Explanation of changes*
CPR	*Page*	*AR*	*Page*	
300.6	1	300	6–1	Provides new DA policy on waivers of time-in-grade restrictions in the competitive and excepted services.

2. File this transmittal sheet immediately preceding FPM chapter 300 together with previous transmittal sheets for AR 690–300 and CPR 300.

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA(DAPE-CPR), WASH DC 20310.

By Order of the Secretary of the Army:

E. C. MEYER
General, United States Army
Chief of Staff

Official:

ROBERT M. JOYCE
Brigadier General, United States Army
The Adjutant General

DISTRIBUTION:

Active Army, ARNG, USAR: To be distributed in accordance with DA Form 12–4, requirements for Federal Personnel Manual.

*This change supersedes Interim Change I01, 21 August 1981.

CHANGE No. 8

Headquarters
Department of the Army
WASHINGTON, DC, *15 August 1981*

CIVILIAN PERSONNEL

EMPLOYMENT

Effective 15 September 1981 or upon receipt, whichever is later. This change continues the conversion of CPR 300 to AR 690–300.

Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Except for retention of a reference copy (CPR 272.2–2a(5)), users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

1. AR 690–300, 15 October 1979, and CPR 300, 20 September 1964, are changed as follows:

Remove		*Insert*		*Explanation of changes*
CPR	Page	AR	Page	
300.8	1 and 2 (C 42)	300.8	8–1 through 8–2	Provides new DA policy on detail of employees.
		306.7	7–1 through 7–2	Adds new subchapter on acceptance of volunteer service.

2. File this transmittal sheet immediately preceding FPM chapter 300 together with previous transmittal sheets for AR 690–300 and CPR 300.

CHANGE
No. 7

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *15 May 1981*

Civilian Personnel

EMPLOYMENT

Effective 15 June 1981

This change continues the conversion of CPR 300 to AR 690-300.

Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Except for retention of a reference copy (CPR 272.2-2a(5)) users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

AR 690-300, 15 October 1979, and CPR 300, 20 September 1964, are changed as follows:

a. Remove old pages and insert new pages as indicated below:

Remove	*Insert*		*Explanation of Changes*
	AR	*Pages*	
Remove all pages of CPR 300, chapter 331	331.4	4-1 through 4-3	Adds guidance on delegation of examining authority.
	331.B	B-1	
	331.C	C-1 through C-3	
	331.D	D-1 through D-10	

b. This transmittal sheet is to be filed immediately preceding basic FPM chapter 300 with previous transmittal sheets for AR 690-300 and CPR 300.

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA(DAPE-CPR), WASH DC 20310.

*This change supersedes HQDA Letters 690-80-4, 30 January 1980, and 690-80-35, 7 August 1980, subject: Decentralization of Personnel Authorities—Interim Guidance.

CHANGE
NO. 6

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *1 May 1981*

CIVILIAN PERSONNEL

EMPLOYMENT

Effective 1 June 1981 or upon receipt, whichever is later.

This change continues the conversion of CPR 300 to AR 690-300.

Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Except for retention of a reference copy (CPR 272.2-2a(5)) users will destroy interim changes on their expiration date unless sooner superseded or rescinded.

1. AR 690-300, 15 October 1979, and CPR 300, 20 September 1964, are changed as follows:
   a. Remove old pages and insert new pages as indicated below:

Remove		*Insert*		*Explanation of Changes*
CPR	Page	AR	Page	
Remove all pages of CPR 300, chapter 330, and AR 690-300, chapter 330.		330.1	1-1	Revises DA limitations on methods of filling vacancies.
		330.3	3-1	
		330.8	8-1	Deletes instructions on operation of the Army Area Placement Program. This has been replaced by the DOD Program for Stability of Civilian Employment (DOD 1400.20-1-M) and the DA Reemployment Priority List (AR 690-300, chap. 351.10) Renumbers subchapter 10 (AR 690-300, chap. 330) as subchapter 8.
Remove all pages of CPR chapter 351.		351	unnumbered	Adds cross-reference table to table of contents.
		351.1	1-1 through 1-2	Adds information on major RIF and discontinued service authorization (para 1-4*b*).
				Adds paragraph to assure effect of RIF on affirmative action plans is considered (para 1-4*c*). Deletes Factors for Consideration.
				Deletes requirement to notify OPM, Labor Department, and State Employment Services. Adds concept of RIF coordinators (para 1-7).
				Adds paragraph regarding extended details and unrecorded assignments (para 1-11).
		351.2	2-1 through 2-3	Adds actions not processed under RIF (para 2-1).
				Adds material involving locally and centrally funded interns, apprentices, and severely handicapped, mentally retarded, and mentally restored employees (para 2-7).
				Revises paragraph dealing with foreign area commands (para 2-9).
				Revises paragraph on contractual arrangements (para 2-10).
				Revises paragraph dealing with actions having significant personnel implications (para 2-12).
		351.3	3-1	Deletes requirement to offer TOF opportunity to employee (para 3-4).
				Revises guidance on employees not transferring with a function (para 3-6).
		351.4	4-1 through 4-2	Updates information on establishing competitive areas (para 4-2).

Remove	*Insert*		*Explanation of Changes*
	AR	Page	
			Broadens protection of trainee groups. Adds paragraph on EEO collateral duties (para 4-3).
	351.5	5-1	Adds material on probationary factors affecting tenure (para 5-3).
			Adds material on performance ratings (para 5-6).
	351.6	6-1	Deletes paragraph (6-3) on furlough.
			Adds new information on employees with unacceptable performance ratings (para 6-4*d*).
	351.7	7-1 through 7-2	Adds DA policy on filling vacancies during RIF (para 7-1*a*).
			Adds paragraph on displacements involving full-time or part-time employees (para 7-3*d*).
			States DA policy on waiving qualifications (para 7-7).
	351.8	8-1 through 8-2	Allows 30-day notice period in certain TOF situations. Makes optional the 7-day notice for separation of temporary employees or reemployed annuitants (para 8-1*a*).
			Reflects new authorization for extension of notices to and beyond 180 days (para 8-1*c*).
			Adds guidance on what constitutes an irrevocable action during the 60-day public notice period (para 8-1*e*(4)).
	351.9	9-1	Updates information on appeals and corrective action.
	351.10	10-1 through 10-3	Revises subchapter. Eliminates information duplicated in the FPM. Incorporates material from CPR 300, chapter 330.8, that was superseded by this change.
	351.A	A-1, A-2	Provides example of automated retention register.
	351.B	B-1	Revises paragraph B-2.
	351.F	F-1 through F-2	Adds new appendix.

b. This transmittal sheet is to be filed immediately preceding basic FPM Chapter 300 with previous transmittal sheets for AR 690-300 and CPR 300.

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA(DAPE-CPR) WASH DC 20310.

CHANGE
No. 5

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *15 January 1981*

Civilian Personnel

EMPLOYMENT

Effective 15 February 1981 or upon receipt, whichever is later.

This change continues the conversion of CPR 300 to AR 690-300.

Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Except for retention of a reference copy (CPR 272.2-2a(5)), users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

AR 690-300, 15 October 1979, and CPR 300, 20 September 1964, are changed as follows:

a. Remove old pages and insert new pages as indicated below:

Remove		*Insert*		*Explanation of Changes*
CPR	Page	AR	Page	
Remove all pages of chapter 335		335.1 335.A	1-1 thru 1-6 A-1 thru A-2	Provides new DA policy on promotion and internal placement.

b. File this transmittal sheet immediately preceding basic FPM chapter 300 together with previous transmittal sheets for AR 690-300 and CPR 300.

The proponent agency of chapter 335 of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA(DAPE-CPS), WASH DC 20310.

By Order of the Secretary of the Army:

E. C. MEYER
General, United States Army
Chief of Staff

Official:

J. C. PENNINGTON
Major General, United States Army
The Adjutant General

DISTRIBUTION:

Active Army, ARNG, USAR: To be distributed in accordance with DA Form 12-4 requirements for CPR-CPC.

*This change supersedes Immediate Action Interim Change I02, 1 Feb 80, to CPR 300.

CHANGE
NO. 4

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *15 October 1980*

CIVILIAN PERSONNEL
EMPLOYMENT

Effective 15 November 1980 or upon receipt, whichever is later.

This change continues the conversion of CPR 300 to AR 690-300.

Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Except for retention of a reference copy (CPR 272.2-2a(5)) users will destroy interim chages on their expiration dates unless sooner superseded or rescinded.

1. AR 690-300, 15 October 1979, and CPR 300, 20 September 1964, are changed as follows:
   a. Remove old pages and insert new pages as indicated below:

Remove		Insert		
CPR	*Page*	*AR*	*Page*	*Explanation of Changes*
Remove all CPR Chapter 315 pages.		315.1	1-1	Deletes obsolete reference to CPR P26.
		315.7	7-1	Delegates authority to competitively appoint incumbents of positions brought into the competitive service.
		315.9	9-1 through 9-2	Provides new subchapter on probationary period for new supervisors
Remove all CPR Chapter 316 pages.		316.1	1-1	Deletes obsolete reference to CPR P26
		316.3	3-1	Delegates authority to approve term appointments.
		316.4	4-1	Delegates authority to extend temporary appointments.
		316.6	6-1	Deletes obsolete reference to CPR 300.3-1, and relocates material to correspond to FPM 316.

   b. This transmittal sheet is to be filed immediately preceding basic FPM chapter 300 together with previous transmittal sheets for AR 690-300 and CPR 300. CPR 300 must still be retained and used.

2. AR 690-300, chapters 315 and 316, applies to the employment of civilians throughout the Department of the Army, including the Army Reserve. It does not apply to Army National Guard technicians employed under provisions of 32 U.S.C. 709.

*This change supersedes Immediate Action Interim Change I01, 11 September 1979, to CPR 300

Change No. 3

HEADQUARTERS
DEPARTMENT OF THE ARMY
Washington, DC, *1 September 1980*

CIVILIAN PERSONNEL

EMPLOYMENT

Effective 1 October 1980, or upon receipt, whichever is later.

This change continues the conversion of CPR 300 to AR 690-300.

Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Except for retention of a reference copy (CPR 272.2-2a[5]), users will destroy interim changes on their expiration date unless sooner superseded or rescinded.

1. AR 690-300, 15 October 1979, is changed as follows:

a. Insert new pages as indicated below:

AR Identification	*Insert Pages*	*Explanation of Changes*
340.1	1-1 through 1-4	Implements the provisions of Public Law 95-437, The Federal Employees Part-Time Career Employment Act, and establishes a continuing program to expand part-time career employment opportunities.

b. This transmittal sheet is to be filed immediately preceding basic FPM Chapter 300 with previous transmittal sheets for AR 690-300 and CPR 300.

2. AR 690-300, Chapter 340, applies to Federal civilian employees of the Army Reserve, except those excluded under paragraph 1-5. It does not apply to Army National Guard technicians employed under the provisions of 32 U.S.C. 709.

CHANGE
No. 2

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC *15 August 1980*

CIVILIAN PERSONNEL
EMPLOYMENT

Effective 1 September, 1980 or upon receipt, whichever is later.

This change continues the conversion of CPR 300 to AR 690-300.

Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Except for retention of a reference copy (CPR 272.2-2a(5)) users will destroy interim changes on their expiration date unless sooner superseded or rescinded.

1. AR 690-300, 15 October 1979, is changed as follows:
   a. Insert new pages as indicated below:

AR Identification	*Insert pages*	*Explanation of changes*
304.1	1-1 through 1-3	Revises and updates material on employment of experts and consultants previously contained in CPR A9.
304.A	A-1 through A-3	

   b. This transmittal sheet is to be filed immediately preceding basic FPM chapter 300 together with previous transmittal sheets for AR 690-300 and CPR 300.

2. AR 690-300, chapter 304, applies to the employment of civilians throughout the Department of the Army, including the Army Reserve. It does not apply to Army National Guard technicians employed under provisions of 32 U.S.C. 709.

The proponent agency of Chapter 304, AR 690-300, is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA(DAPE-CPS), WASH DC 20310.

By Order of the Secretary of the Army:

E. C. MEYER
General, United States Army
Chief of Staff

Official:

J. C. PENNINGTON
Major General, United States Army
The Adjutant General

DISTRIBUTION:

Active Army, ARNG, USAR: To be distributed in accordance with DA Form 12-4 requirements for CPR-CPC.

*This change supersedes CPR A9, 3 February 1964, including all changes, and DA messages DAPE-CPE 032077Z Aug 73, subject: Requirements to Certify Proposed Appointment of Experts and Consultants and Maintain Control of Use of Appointees During Employment; and DAPE-CPS 141558Z Jul 77, subject: Employment of Experts and Consultants.

CHANGE No. 1

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *15 March 1980*

CIVILIAN PERSONNEL
EMPLOYMENT

Effective 15 April 1980 or upon receipt, whichever is later.

This change continues the conversion of CPR 300 to AR 690-300.

Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Except for retention of a reference copy (CPR 272.2-2a(5)), users will destroy interim changes on their expiration date unless sooner superseded or rescinded.

1. AR 690-300, 15 October 1979, and CPR 300, 20 September 1964, are changed as follows:

a. Remove old pages and insert new pages as indicated below:

CPR Identification	*Remove Pages*	*AR Identification*	*Insert Pages*	*Explanation of Changes*
331.C	1 through 3			Discontinues Army monthly "hard-to-fill" vacancy listing which was made unnecessary by the biweekly listing published by the Centralized Referral Activity and relocates guidance to AR 690-300, Chapter 330.10
		330.10	10-1	

b. This transmittal sheet is to be filed immediately preceding basic FPM Chapter 300 with previous transmittal sheets for AR 690-300 and CPR 300.

2. AR 690-300, Chapter 330.10, does not apply to the Army National Guard or to the Army Reserve.

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA (DAPE-CPR) WASH DC 20310.

By Order of the Secretary of the Army:

E. C. MEYER
General, United States Army
Chief of Staff

Official:
J. C. PENNINGTON
Major General, United States Army
The Adjutant General

DISTRIBUTION:
Active Army, ARNG, USAR: To be distributed in accordance with DA Form 12-4 requirements for CPR-CPC.

*This change supersedes DA Message DAPE-CPS, 100854Z Oct 79, subj: Utilization of DOD-wide Vacancy Announcement Service.

FAGO 51A—March 810-544*——80

Chapter 300

Employment

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* * * * *

6-6. OPM's Authority in Cases of Undue Hardship or Inequity
‡6-7. Waivers of Time-in-Grade Restrictions in the Excepted Service

* * * * *

SUBCHAPTER 8. Detail of Employees

➡(Note: This subchapter will be revised in a future printing to align it with the corresponding FPM subchapter.)⬅

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8-2. Present Coverage of Subchapter [RCS DD-A(Q) 1292]
8-3. Purpose of Details
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9-3. Obtaining Approval for the Appointments
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‡SUBCHAPTER 12. Employment of Retired Members of the Armed Forces

➡(NOTE: This standalone subchapter will be renumbered in a future printing to align it correctly with the FPM.)⬅

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‡SUBCHAPTER 14. Upward Mobility

14-1. Purpose
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➡‡SUBCHAPTER 15. Preemployment Procedures for Civilian Health Care Providers⬅

* * * * *

‡APPENDIX B. DOD Directive 1000.17 (Department of Defense Personnel Assigned to Duty Outside the Department and Supporting Non-DOD Activities)

‡APPENDIX C. DOD Directive 1402.1 (Employment of Retired Members of the Armed Forces)

Subchapter 2. Cooperative Education Program

2-1. SUMMARY

This subchapter implements the Department of Army Scientific and Engineering Reserve Officers' Training Corps Cooperative (DASE ROTC Co-op) Program. It is a work-study program for ROTC engineering and science (E&S) baccalaureate students with incentives to increase the numbers of students enrolled in ROTC. Participants are placed on Guaranteed Reserve Forces Duty (GRFD) after graduation and are eligible for conversion to status appointments. NOTE: The text in the following paragraphs pertains only to the DASE ROTC Co-op Program and not to other co-op programs that may be established.

2-2. PURPOSE AND OBJECTIVES

a. Purpose

* * * * *

—preparing, recruiting, and retaining E&S students for civilian careers and service in a U. S. Army Reserve Component.

* * * * *

2-3. DEFINITIONS

* * * * *

h. For purposes of the DASE ROTC Co-op Program, qualifying educational institutions must offer appropriate E&S curricula and have host, extension center, or cross-enrolled ROTC programs.

* * * * *

2-4. ELIGIBILITY

In addition to the eligibility requirements in the FPM, the DASE ROTC Co-op student—

a. May not be a ROTC scholarship holder. (Students with ROTC scholarships who were in the program as of 30 June 1988 are allowed to continue.)

b. Must be in an undergraduate program leading to a degree with an E&S major.

c. Must be recommended by the professor of military science (PMS) and a school official (Cooperative Program Coordinator, Department Chairman, for example).

d. Must enroll or be enrolled in an Army Senior ROTC program at levels MS-I, II, III, and IV, and execute a GRFD contract.

* * * * *

2-9. STUDENT BENEFITS

* * * * *

d. Tuition assistance. Participants in the DASE ROTC Co-op Program are authorized up to $5,000 per academic year, for which a continued service obligation is incurred. Funds will be disbursed at the beginning of each semester or quarter. Direct payment to students of up to $187.50 each semester or up to $125 each quarter is authorized for books and supplies. Students will receive this financial assistance prior to reporting to the Army activity for their first work period, provided they have completed all necessary enrollment documents. Participants who have exhausted their ROTC scholarship support and have not been granted an extension may request DASE tuition assistance. During periods of full-time study, lodging and meals ($7 per day for meals off campus) are authorized. Upon graduation, the students are commissioned into an Army Reserve Component and, per agreement, must "pay back" benefits received by specified periods of Army civilian employment.

e. Other travel and transportation. Travel and per diem to and from the work site for DASE ROTC Co-op students are authorized (after selection for the program) and for up to 3 job interviews (during application), if the job is more than 100 miles from the campus and provided the student is enrolled in the ROTC Program. Payments for travel and per diem are in addition to the $5,000 tuition assistance authorized annually.

* * * * *

‡2-16. APPLICATION FOR ENTRY INTO ACTIVE DUTY

DASE ROTC Co-op students may request consideration of waiver of the GRFD contract to enter military active duty. Students must fully justify reasons for wanting to void their GRFD contracts.

‡2-17. RESPONSIBILITIES FOR THE DASE ROTC CO-OP PROGRAM

The Commanding General, U. S. Total Army Personnel Command will—

a. Request a Fund Allowance Document from the Comptroller of the Army and distribute funds to major Army commands.

b. Process the RCS TAPA-7 Form, a monthly DASE ROTC Co-op Program execution report.

c. Issue program operational guidance.

To be filed with basic FPM chapter 300

Subchapter 6. Time-in-Grade Restrictions

6–1. INTRODUCTION

a. **Basic authority and purpose.** Within DA, time-in-grade restrictions apply also to positions in the excepted service.

* * * * *

6–2. GENERAL RESTRICTIONS

* * * * *

d. **Computing the service requirements.**

* * * * *

(2) *Service in positions not subject to the General Schedule.* Service in a nonappropriated fund position is credited toward time-in-grade as outlined in the FPM.

* * * * *

e. **Normal line of promotion.**

* * * * *

★ ★

(4) *Cases requiring prior approval of OPM.* When the position involved is in the excepted service, requests will be sent to the appropriate command headquarters for decision.

* * * * *

♦6–4. EXCEPTIONS

a. **Persons within reach on a register.** The time-in-grade restrictions do not apply to persons who are within reach on a local employment list for excepted appointment when the list is constructed and selections made according to FPM chapter 302, subchapters 3 and 4.♦

* * * * *

6–6. OPM'S AUTHORITY IN CASES OF UNDUE HARDSHIP OR INEQUITY

a. **Waivers of time-in-grade restrictions.** HQDA has been delegated authority to approve waivers of time-in-grade restrictions in the competitive service. HQDA will consider only requests based on a determination of either hardship to the activity or inequity to the employee (or both). Waivers are limited to no more than three grades for one employee during a service year. Waivers beyond three grades during a service year and retroactive waivers involving an erroneously promoted employee require the prior approval of OPM; however, HQDA will forward only those requests where approval is clearly warranted.

b. **Other waivers.** Requests for waivers submitted to HQDA must contain proper and sufficient justification as shown below. Each request will be submitted in letter form, through command channels to HQDA (PECC-♦CM♦), ALEX, VA 22332-0300.

‡(1) A determination that a hardship exists must clearly show the following:

(a) Difficulty the organization would experience were the employee not promoted to the higher grade position.

(b) Recruitment efforts that were made to locate a fully qualified candidate and why these efforts were not successful or improper under the circumstances.

‡(2) A finding of inequity must clearly show the actual lack of equity. The request for waiver should explain and document the exact circumstances leading to the injustice or unfairness.

‡(3) The date of the employee's last promotion; also, certify that he or she meets all other qualification requirements.

‡(4) The employee's current SF 171 ♦(Application for Federal Employment)♦.

‡(5) A copy of the DA Form 374 (Job Description) of the higher grade position.

‡(6) A completed SF 59 (Request for Approval of Noncompetitive Action), in triplicate, if the request requires submission to OPM.

‡6–7. WAIVERS OF TIME-IN-GRADE RESTRICTIONS IN THE EXCEPTED SERVICE

a. **Approval authority.** Major Army commanders and the Administrative Assistant to the Secretary of the Army are delegated the

authority to approve requests for waivers of time-in-grade restrictions in the excepted service. That authority will not be further delegated. Requests involving positions in the headquarters of major commands and in activities reporting directly to HQDA will be sent to HQDA (PECC-♦CM♦) for approval. These requests must be fully documented and will contain justification as outlined in paragraph 6–6b. Requests will be maintained on file for at least 2 years. If approved, a copy must be filed in the employee's Official Personnel Folder. Approval of requests for waivers must meet all of the following conditions:

(1) The request must be supported by a determination that hardship or inequity would exist were the waiver not approved.

(2) The waiver authorized can total no more than three grade levels for one employee during any 1 service year; waivers beyond three grade levels during a service year require the prior approval of HQDA (PECC-♦CM♦).

(3) The employee must meet minimum qualification requirements of the appropriate qualification standard.

b. **Erroneously promoted employee.** Excepted service requests for retroactive waivers of time-in-grade restrictions will be sent to HQDA (PECC-♦CM♦) for approval. Such requests will include actions in which an erroneously promoted employee does not yet meet time-in-grade restrictions and actions in which an erroneously promoted employee now meets the restrictions. The employee may be credited with experience gained during the period of erroneous promotion; however, service credit for the period is disallowed. When the erroneously promoted employee is retained in the position, time-in-grade eligibility for promotion to the next higher grade will not begin before the date of approval of the retroactive waiver. The appointing authority will establish an effective date on or after the approval date.

Subchapter 8. Detail of Employees

8–1. DEFINITION

‡**Reimbursable detail.** A reimbursable detail is the temporary assignment of an employee outside the DOD for which DA is paid. A payment agreement between agencies is made when the detail is approved.

‡**Nonreimbursable detail.** A nonreimbursable detail is the temporary assignment of an employee outside DOD, for which DA is not paid.

8–2. PRESENT COVERAGE OF SUBCHAPTER [RCS DD–A(Q) 1292]

Coverage includes details outside DA except when other regulations provide for different coverage. Details may be to—

‡*a.* Presidential support activities under AR 614–3. Activities providing civilian personnel for Presidential support activities send quarterly reports (RCS DD–SD(Q)934) to HQDA per AR 614–3.

‡*b.* Other Federal agencies, congressional offices, and organizations covered by the Intergovernmental Personnel Act, as outlined in DOD Directive 1000.17 (app B) and AR 570–4, paragraph ♦5–23.♦

(1) Send requests from non-DOD activities for detail of civilian employees through command channels to ♦Director of Executive Services (DES), ATTN: DACS–DSA, OCSA, WASH DC 20310–0200.♦

(2) Activities use the report format in enclosure 3 to appendix B to report personnel detailed to non-DOD activities (RCS DD–A(Q) 1292, DOD Personnel Assigned Outside the Department and Supporting Non-DOD Activities).

(a) Prepare quarterly reports, showing personnel assigned outside DOD as of the end of each fiscal quarter.

(b) Use a separate form for each organization to which personnel are assigned. Those assigned to classified activities are reported as a single entry, showing the total number of civilian personnel serving outside DOD.

(c) Send reports to reach the Commander, ♦U.S. Total Army Personnel Agency,♦ ATTN: DAPC–OPD–J, ALEX VA 22332–0300, by the 10th day of January, April, July, and October. Include the name and telephone number of the person preparing the report.

‡*c.* A foreign government.

(1) Employees may be detailed to a foreign government under sections 1451 through 1453 and 2387, title 22, United States Code.

(2) Send requests for approval through command channels to HQDA(SAAA), WASH DC 20310–0105.

‡*d.* An international organization under FPM chapter 352, subchapter 3.

8–3. PURPOSE OF DETAILS

a. **When permitted.**

* * * * *

(2) *Other details.* When an employee's position is upgraded due to additional duties and responsibilities, the employee may be detailed to the new position until time-in-grade requirements are met. (24 Comp. Gen. 518 (1945) and 34 Comp. Gen. 179 (1954)). See subchapter 6 for information on time-in-grade.

b. **When prohibited.**

* * * * *

* *

(3) Appointing authorities may approve the detail of employees on schedule A or B excepted appointments to competitive service positions.

(4) Employees on schedule C excepted appointments or appointments excepted by statute may be detailed to competitive service positions only with approval from OPM.

‡*(a)* Send requests according to OPM area office guidance.

‡*(b)* Rotational assignments which are part of a preset training plan (e.g., training prescribed under FPM chap 307) do not require OPM approval.

8–4. AGENCY RESPONSIBILITIES WHEN USING DETAILS

* * * * *

b. **Counseling on proper use.** ♦Supervisors are responsible for—

‡(1) Proper detailing of employees.

‡(2) Informing employees of the reasons for and conditions of the detail.

‡(3) Ensuring that employees are returned to their official duties when the detail ends.♦

* *

→SUBCHAPTER 9. Bringing Positions and Employees Into the Competitive Service

* * * * *

9-3. OBTAINING APPROVAL FOR THE APPOINTMENTS

a. Send requests for decision on whether a takeover brings positions into the competitive service through command channels to U.S. Total Army Personnel Command, ATTN: TAPC-CPF-S, 200 Stovall Street, Alexandria, VA 22332-0341. Include—

(1) Number and type of positions; list by proposed title, pay category, series, and grade.

(2) Organizational and geographical location.

(3) Number of positions incumbered and vacant, continuing and noncontinuing.

(4) Circumstances of the change.

(5) Proposed effective date of the change.

(6) Names of incumbents to be retained.

(7) Reasons why an incumbent will not be retained.

(8) For nonappropriated fund positions, also include certification that conversion to appropriated fund status will be in compliance with AR 210-55 and that incumbents have been counseled concerning the effect that conversion will have on their status and benefits. (Statements signed by the incumbents showing they have received counseling may be used for this purpose.)

* * * * *

9-4. RETAINING THE INCUMBENTS

It is DA policy to retain incumbents on continuing positions brought into the competitive service unless there is compelling reason for their termination.

* * * * *

b. **Type of appointment given.**

* * * * *

(3) An individual retained on status quo appointment must serve at least 1 day in the appointment before conversion to career or career-conditional appointment. See FPM Supplement 296-33, table 9-E and table 10-F.

* * * * *

9-5. CONVERTING THE INCUMBENTS

Requests to convert employees to career or career-conditional appointments are sent to the level above the appointing authority for approval, except that for HQDA the Administrative Assistant to the Secretary of the Army is the approving authority.

* * * * *

d. **Review of disapproved conversions.** The approving authority should establish procedures for review of disapproved requests to convert incumbents to career or career-conditional appointments.

* * * * * ←

‡Subchapter 12. Employment of Retired Members of the Armed Forces

12-1. PURPOSE

The purpose of this subchapter is to—

a. Delegate authority to approve appointment of retired members of the Armed Forces when employment is to be during the 180 days after retirement.

b. Provide information not included in DOD Directive 1402.1 (app C).

12-2. APPLICABILITY

a. The general policies outlined in appendix C apply to appointments in DA. This includes the appointment of civilians paid from appropriated funds in support of the active Army, appointment to U.S. Army Reserve technician positions, and appointment to Army National Guard technician positions filled under 32 USC 709. (See AR 215-3 for requirements for nonappropriated fund positions.)

b. Requirements for prior approval do not apply—

(1) To appointments for which the minimum rate of basic pay has been increased under 5 USC 5303.

(2) During a state of national emergency.

(3) To statutory restoration from military service.

12-3. APPROVAL LEVELS

The authority to approve the appointment of a retired member of the Armed Forces to a position in DA during the 180 days after retirement is delegated—

a. To the Assistant Secretary of the Army (Manpower and Reserve Affairs) for positions in the Senior Executive Service (and equivalent grades). Send requests through command channels to HQDA(DAPE-CPS), WASH DC 20310-0300.

b. To the level above the appointing authority (AR 690-900, chap 981, para 2-1) for the following positions paid from appropriated funds:

(1) Wage system positions.

(2) General schedule (GS) positions at GS-7 and below.

(3) GS positions at GS-8 and above, for which payment of travel and transportation expenses to first post of duty has been authorized under 5 USC 5723. (See FPM chap 571, app A, and AR 690-500, chap 571.)

c. To the Chief, U.S. Army CIVPERCEN for positions paid from appropriated funds not listed in paragraphs a and b. Send requests through command channels to HQDA(PECC-CSS), ALEX VA 22332-0300.

12-4. PROCEDURES

Requests for approval will include the information listed in enclosure 1 to appendix C and the following:

a. Reasons for establishing the position, if established in the past year.

b. The relationship of the position to be filled to the military position the proposed appointee held before retirement, when both positions are at the same employing activity.

c. A comparison of the qualifications for the proposed appointee and eligible candidates from other sources. Include reasons why the other eligible candidates could not be expected to perform satisfactorily the duties of the position within a reasonable period of time.

d. A description of the placement and promotion procedures followed, including chapter 335 of this regulation, the DOD Priority Placement Program, the Reemployment Priority List, and the Displaced Employee Program.

12-5. DUAL COMPENSATION

See FPM chapter 550 for information on dual compensation.

To be filed with basic FPM chapter 300

♦‡Subchapter 14. Upward Mobility

14-1. PURPOSE

This subchapter delegates to installation commanders the authority for implementation of the Federal Upward Mobility Program. Implementation at the installation level permits commanders to structure personnel policies, procedures, and practices to accommodate individual or unique requirements.

14-2. POLICY

Installations will develop an Upward Mobility Program which provides a variety of developmental opportunities for employees in support of organizational and mission requirements. These opportunities should assist management in achieving a balance of occupational skills and work force representation of minorities, women and handicapped individuals, planning efficient organizations, and retaining and retraining employees. Upward mobility permits permanent competitive and excepted service employees in positions, GS-8 or equivalent and below, with demonstrated potential for higher level work to be developed under a training plan. Employees are placed out of positions or series with limited promotion potential into positions or series which provide advancement opportunity to target grades beyond the employees' current grades. Training agreements may be used to facilitate the movement of employees into these positions. Commanders, with assistance from civilian personnel and equal employment opportunity officials, will develop and institute procedures to effect, manage, and monitor the installation program. The program will include procedures to assist managers in systematically identifying and analyzing job patterns and personnel management practices which preclude lower grade level employees from having opportunities for advancement. Major Army command civilian personnel and equal employment opportunity officials will provide advisory assistance to installations for establishing and implementing an Upward Mobility Program.

14–3. REFERENCES

Guidance regarding specific program elements is provided in the references cited below.

Affirmative Employment Programs
FPM chapter 720

Competition for Training
FPM chapter 335

Competitive Levels
FPM chapter 351

Development of Qualification Standards
FPM Supplement 271–1

Equal Employment Opportunity
EEOC Management Directive 707, section 6

Evaluation of Employees
FPM upplement 271–2
FPM Supplement 335–1

Qualification Requirements
FPM chapter 338
OPM Handbook X–118

Retained Pay
FPM chapter 536

Training Agreements
AR 690–300, chapter 338
FPM chapter 410
FPM Letter 338–9

Upward Mobility
FPM Letter 713–27
FPM Letter 720–2
OPM pamphlets:
PMS No. 26 "Upward Mobility through Job Restructuring"
WLA–2 "Upward Mobility: Considerations for Program Planning and Development"

→‡Subchapter 15. Preemployment Procedures for Civilian Health Care Providers

See AR 40-68, paragraph 4-6 and appendix B, for guidance on preemployment procedures for civilian health care providers. That AR sets forth the actions that must be taken by applicants, civilian personnel offices, and Army medical facilities before an individual is placed in a health care provider position. ←

‡ Appendix B

May 31, 1977
NUMBER 1000.17

ASD(C)

Department of Defense Directive

SUBJECT Department of Defense Personnel Assigned to Duty Outside the Department and Supporting Non-DoD Activities

References: (a) DoD Directive 5132.10, "Security Assistance Technical Assistance Field Teams (TAFT's)," December 14, 1973
(b) Title 31, United States Code, Section 686
(c) DoD 7220.9H, "DoD Accounting Guidance Handbook," July 1972
(d) through (f), see enclosure 1.

A. REISSUANCE AND PURPOSE

This Directive reissues reference (e) to update procedures, establish policy, and assign responsibility for the management and administration of military and civilian DoD personnel supporting non-DoD agencies and activities. Reference (e) is hereby superseded and cancelled.

B. APPLICABILITY AND SCOPE

1. The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereinafter referred to collectively as "DoD Components"), except as excluded below, and encompass all manpower authorizations and personnel initially funded from Defense appropriations, notwithstanding provisions of law which authorize the DoD or components thereof to provide support directly to non-DoD agencies.

2. The following categories of personnel are not governed by this Directive:

a. Personnel assigned outside the Department pursuant to DoD Directive 5132.10 (reference (a)), involving individual Foreign Military Sales funded by a foreign government and Military Assistance Groups and Missions.

b. Civilian personnel who are assigned only for training in another Federal/State/local agency under Chapters 410 and 412 of the Federal Personnel Manual (FPM) (reference (f)).

c. Personnel initially funded from DoD civil appropriations.

d. Personnel assigned to a DoD Component who perform reimbursable work for non-DoD agencies as a part of their normally assigned duties.

e. Personnel assigned to OSD or OJCS Exchange Programs with the State Department or the United States Information Agency. These Exchange Agreements will, however, be reviewed on a quadrennial basis.

C. POLICY

1. The use of DoD personnel to support non-DoD agencies and activities is generally not favored and shall be rigorously controlled. Personnel will be assigned to support non-DoD activities only when to do so clearly is in furtherance of specifically identifiable interests of the Department of Defense. Such assignments must also be authorized by law and consistent with the provisions of 31 U.S.C. §686 (reference (b)), which prescribes the conditions for the use of an existing capability of a Federal Agency to support another agency not possessing that capabili

2. DoD personnel assigned outside the DoD will be of high caliber. DoD discourages by-name requests from outside Agencies. Individuals on a last tour prior to retirement shall not be assigned outside DoD. Personnel assigned to a non-DoD agency will not be reassigned by that agency to another non-DoD agency.

3. Support may be provided to outside activities by individuals assigned on a permanent or temporary basis to the activity or by DoD units which remain under the operational control of the Secretary of Defense. This latter form of support is referred to as "operational mission support" and is indicated, where appropriate, in the listing of activities in enclosure 2.

4. All requests for support, of whatever form, must be submitted for approval to The Special Assistant to the Secretary and Deputy Secretary of Defense. This requirement includes requests for support under the Intergovernmental Personnel Act as authorized by Chapter 334 of the FPM (reference (f)), or as elsewhere authorized by statute. Approval by The Special Assistant is required for all changes to existing support arrangements. DoD Components receiving requests for support shall refer the requestor to The Special Assistant, or, when more practical, forward such requests to The Special Assistant.

5. Annually, during preparation of the DoD budget, The Special Assistant will require each supported activity to validate its requirement for DoD personnel. The results of this validation process will be provided to the DoD Components at least 60 days prior to their budget submission to OSD for their use in validating and programming the required manpower authorizations. Personnel assigned under the provisions of Chapter 334 of the Federal Personnel Manual (reference (f)) are not subject to this validation.

6. Except in unusual cases DoD personnel assigned or providing operational support outside the Department will perform duty on a reimbursable basis. Reimbursement for reimbursable support will recover full costs of personnel services (military and civilian) plus net additional costs of all nonpersonnel support (PCS, supplies, equipment, utilities, etc.). Reimbursement will be based on standing rates established in accordance with DoD 7220.9H (reference (c)) and DoD Directive 4000.19 (reference (d)).

7. Temporary assignments are those for a period of less than 90 days. They are subject to all provisions of this Directive, except the reporting requirement in section E. Any assignment in excess of 90 days, regardless of the individual detailed, is considered permanent.

D. RESPONSIBILITIES

1. The Special Assistant to the Secretary and Deputy Secretary of Defense shall:

a. Approve or disapprove all requests for personnel support and changes to existing support agreements for non-DoD activities, and provide overall policy direction.

b. Act on requests for exceptions to the provisions of this Directive.

2. The Deputy Assistant Secretary of Defense (Administration) shall:

a. Provide staff support to The Special Assistant in managing the non-DoD activities manpower program.

b. Require each supported activity to validate annually its requirement for DoD personnel.

c. Provide each Military Department an annual consolidated manpower program for the budget year based on the validated requirement.

d. Coordinate all requests for support with the (a) Office of the Secretary of Defense staff element or elements having the functional

interest in the activity being supported; (b) the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics); (c) the General Counsel, DoD; and (d) the Assistant Secretary of Defense (Comptroller), Attn: Deputy Assistant Secretary of Defense (Program/Budget).

e. Receive required reports and maintain necessary records on manpower assigned and programmed for non-DoD activities.

f. Serve as the focal point for information on non-DoD support.

3. The Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) shall:

a. Incorporate manpower for non-DoD activities into the overall DoD manpower programs.

b. Provide staff advice and assistance to The Special Assistant on the manpower programming aspects of providing support to non-DoD activities.

4. The General Counsel, DoD, shall provide legal advice to The Special Assistant concerning the assignment of personnel outside the Department.

5. The Director of Defense Research and Engineering, the Assistant Secretaries of Defense and the Assistant to the Secretary of Defense (Atomic Energy) shall, as requested, provide staff assistance to The Special Assistant within their respective functional areas of responsibility, in evaluating requests for support from non-DoD activities.

6. DoD Components shall:

a. Ensure that manpower assigned outside DoD or to a unit classified as "operational mission support" is being utilized in conformance with the policy stated in subsection C.1.

b. Manage the inventory of personnel assigned outside the DoD to ensure the authorized manpower level is not exceeded. The authorized manpower level equates to the approved budget program plus any assignments subsequently approved by The Special Assistant.

c. Obtain from each non-DoD agency a memorandum of agreement specifying:

(1) Conditions which govern the assignment of component personnel.

(2) The tour length of personnel assigned on a permanent basis.

(3) Reimbursement procedures including cost of PCS, travel, and the rate of reimbursement for the salary, in accordance with sections 23003.F.2 and 252 of 7220.9H (reference (c)), for civilians and military personnel, respectively.

d. Ensure that the agreed-on reimbursement is received.

e. Report as required in section E.

E. REPORTING REQUIREMENTS

In order for the Secretary of Defense to be responsive to inquiries and to assure accuracy of data concerning this support, a quarterly report control symbol (RCS DD-A(Q) 1292) has been established. The format for this report is contained in enclosure 3 and individuals will be reported in the activity sequence shown in enclosure 2. Separate page(s) will be prepared for each activity so that submissions can be correlated. The report is due in OASD(C), Attn: DASD (Administration), by the end of the month following the close of the fiscal quarter. The names of personnel and organizational titles for classified activities and the U.S. Marine Corps Security Guard Battalion will not be used in this report; however, the total number of personnel in these organizations will be reflected in the report.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing regulations to the Assistant Secretary of Defense (Comptroller) within 60 days.

Secretary of Defense

Enclosures - 3
1. List of additional references
2. Non-Defense Activities Receiving DoD Personnel Support
3. Format for Quarterly Report for DoD Personnel Assigned Outside the Department and Supporting Non-DoD Activities

References

(d) DoD Directive 4000.19, "Basic Policies and Principles for Inter-Service, Interdepartmental and Agency Support," March 27, 1972
(e) DoD Directive 1000.17, "Department of Defense Personnel Assigned to Duty Outside the Department and Supporting Non-DoD Activities," September 30, 1975 (hereby cancelled)
(f) Federal Personnel Manual, Chapters 334, 410 and 412

Non-Defense Activities Receiving DoD Personnel Support

	Operational Mission Support
EXECUTIVE BRANCH	
The White House Office	
Executive Office of the President	
National Security Council	
Office of Telecommunications Policy	
Council on Environmental Quality	
President's Foreign Intelligence Advisory Board	
The Vice President's Office	
DEPARTMENTS	
STATE DEPARTMENT	
UN Truce Supervisory Organization	
Naval Support Detachment	X
U.S. Marine Corps Security Guard Battalion	X
ARMS CONTROL AND DISARMAMENT AGENCY	
TRANSPORTATION DEPARTMENT	
United States Coast Guard	
Federal Aviation Administration	
2054th ABGp, Tinker AFB, OK (FAA)	X
COMMERCE DEPARTMENT	
Maritime Administration	
Merchant Marine Academy	
JUSTICE DEPARTMENT	
Law Enforcement Assistance Agency	
INTERIOR DEPARTMENT	
Office of Micronesian Status Negotiations	
Civic Action Teams - TTPI	
LABOR DEPARTMENT	
AGRICULTURE DEPARTMENT	
HEALTH, EDUCATION AND WELFARE DEPARTMENT	
AGENCIES	
Energy Research and Development Agency	
Environmental Protection Agency	
National Aeronautics and Space Administration	
National Science Foundation (Navy Antarctica)	X
Canal Zone Government	
Selective Service Commission	
American Battle Monuments Commission	
Radio Technical Committee for Aeronautics	
U.S. Soldiers' and Airmens' Home	
American Revolution Bicentennial Administration	
Federal Energy Administration	
FEDSIM (Federal Computer Evaluation Center)	X
Federal Executive Boards	

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LEGISLATIVE BRANCH
U.S. Congress

JUDICIAL BRANCH
U.S. District Courts

CLASSIFIED ACTIVITIES

DOD PERSONNEL ASSIGNED OUTSIDE THE DEPARTMENT & SUPPORTING NON-DoD ACTIVITIES
QUARTERLY REPORT AS OF _____

_____
Department/Activity/Agency

NAME	SSAN	GRADE	POSITION TITLE	MIL DEPT/ DOD UNIT OF ASGMT	DATE ASSIGNED	TERMIN-ATION DATE	REIMBURS-ABLE *

*Indicate YES or NO

‡ Appendix C

January 21, 1982
NUMBER 1402.1

ASD(MRA&L)

Department of Defense Directive

SUBJECT: Employment of Retired Members of the Armed Forces

References:
(a) DoD Directive 1402.1, "Employment of Retired Members of the Uniformed Services," August 16, 1969 (hereby canceled)
(b) Title 5, United States Code, Sections 3326, 5303, and 5532
(c) Federal Personnel Manual (FPM) Bulletin No. 300-49, "Issuance of Interim Regulations on Decentralization of Personnel Authorities," March 21, 1979
(d) Public Law 95-454, Civil Service Reform Act, 1978
(e) DoD 1340.12-M, "Military Retired Pay Manual," September 5, 1979, authorized by DoD Instruction 1340.12, "Guidance for Military Retired Pay, Deductions, and Survivor Annuity and Entitlements," January 23, 1978
(f) Office of Personnel Management Handbook X-118, "Qualifications Standards," January 1975
(g) DoD 5000.12-M, "DoD Manual for Standard Data Elements," December 1980, authorized by DoD Instruction 5000.12, "Data Elements and Data Codes Standardization Procedures," April 27, 1965

A. REISSUANCE AND PURPOSE

This Directive reissues reference (a), implements references (b) and (c), and provides policy and guidance on the employment of retired members of the Armed Forces.

B. APPLICABILITY

The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments (including their National Guard and reserve components), the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, the Defense Agencies, and the Uniformed Services University of the Health Sciences (herein referred to as "DoD Components"), including the nonappropriated fund instrumentalities of any such Component. The term "Armed Forces," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

C. DEFINITIONS

1. Retired Member of the Armed Forces. A member or former member of the Armed Forces who is entitled to retired, retirement, or retainer pay.

2. Position. A civilian office or position (including a temporary, part-time, or intermittent position as these terms are defined by the Office of Personnel Management (OPM)) to be filled, with or without compensation, under appointment or personal service contract from appropriated or nonappropriated funds, provided an employer-employee relationship exists.

3. Category A Positions. All wage system positions paid from appropriated funds; all general schedule (GS) positions, GS-7 and below, paid from appropriated funds; and GS positions, GS-8 and above, paid from appropriated funds for which payment of travel expenses to first duty station has been authorized.

4. Category B Positions. All positions paid from appropriated funds not covered in category A, above.

5. Attached Operating Agency. The field operating agency responsible for performing civilian personnel operational functions in support of a major DoD Component headquarters, such as the Department of the Army's Civilian Personnel Center.

D. POLICY AND PROCEDURES

1. Delegation of Authority. The authority to approve the appointment of a retired member of the Armed Forces to a position in the federal service, in or under the Department of Defense, during the 180 days after retirement is delegated to the heads of DoD Components. This includes appointments that, before the issuance of FPM Bulletin No. 300-49 (reference (c)), required the prior approval of the OPM. This authority may be redelegated as follows:

a. For category A positions, at least one level above the appointing authority.

b. For category B positions, at a level not below the major DoD Component headquarters (or attached operating agency).

c. For positions paid from nonappropriated funds, at a level not lower than the appointing authority.

2. General Policies

a. The basic objective in filling positions in the Department of Defense is to ensure the appointment of fully qualified employees, generally the "best qualified" under consideration, consistent with the provisions of 5 U.S.C. 3326 (reference (b)).

b. Retired members of the Armed Forces have a right to seek and to be considered for federal civilian employment. Such consideration shall be extended equitably and in compliance with the merit system principle of open competition to avoid both the practice and appearance of preferential treatment. This is essential not only in the interests of the public and of career employees, but to protect retired members from unwarranted allegations that they obtained their positions through influence based upon prior military service.

c. The following principles shall be observed before employing retired members of the Armed Forces.

(1) Full consideration shall be given, in accordance with in-service placement and promotion procedures (including procedures negotiated under the Federal Service Labor Management Relations Statute (Title VII of the Civil Service Reform Act of 1978 (reference (d)), to eligible and qualified DoD civilian employees.

(2) When appointment is in the competitive civil service and selection is from an established civil service register, retired members of the Armed Forces shall be accorded treatment consistent with regulations issued by the OPM.

(3) When the selection for appointment, whether in or outside the competitive civil service, is other than from an established civil service register, recruitment for the position shall be conducted in a way that assures reasonable efforts are made to obtain applicants from all possible sources to avoid any suspicion of attempts to unduly limit competition.

(a) This requires that the vacancy be well publicized; that recruitment be conducted over a sufficient period of time to give all interested candidates an opportunity to apply; and that qualification requirements for the position be written in a manner that does not give an advantage to a particular person.

(b) When selecting a retired member, it must be established that the member is better qualified than any in-service candidate. This requirement does not necessitate special recruitment efforts or delays in selections for shortage category positions for which OPM has authorized advanced in-hiring rates.

(4) Positions may not be held open pending the retirement of a member of the Armed Forces in order to provide that person with a preferential opportunity to apply for or be appointed to the position. Active recruitment shall be initiated when the position becomes vacant, unless suspension of recruitment can be fully justified for management reasons unrelated to the impending retirement of a member of the Armed Forces.

(5) If the position was last occupied by the proposed appointee or another military incumbent, change to civilian incumbency must meet a bona fide management need and not be to afford civilian employment to the proposed appointee.

3. Appointments 180 Days After Retirement

a. Appointments or transfers of retired members of the Armed Forces to positions in any DoD Component during the 180 days immediately following retirement may be made only when:

(1) The appointment is to a position for which the minimum rate of basic compensation has been increased by the OPM under the authority of 5 U.S.C. 5303 (reference (b)); or

(2) The appointment is to a position for which (a) equally well-qualified personnel are not available among the employees being considered under applicable in-service placement and promotion procedures; (b) employee candidates are not available among those required to be considered in priority placement programs, or among those on applicable DoD Component Reemployment Priority Lists, or under the OPM Displaced Employee Program; and (c) intensive external recruitment efforts have failed to produce any better qualified candidates.

b. A proposed appointment of a retired member of the Armed Forces under subparagraph D.3.a.(2), above, requires the prior approval of the official to whom authority has been delegated under subsection D.1., above. Each appointment must comply with the spirit and intent of governing legislation and this Directive. Each appointment of a retired member during the 180-day period must be fully documented to reflect this compliance. As a minimum, this documentation shall include the information outlined at enclosure 1. Documentation shall be retained in the active files for 2 years from the date of appointment action.

4. Documentation and Notification Requirements

Under the Dual Compensation Act (5 U.S.C. 5532, reference (b)), retired or retainer pay of those retired from the Armed Forces may be subject to reduction. Defense procedures for administering the Act are contained in DoD 1340.12-M (reference (e)). When a civilian office or position is filled by a retired member, the personnel action shall be reported by the appointing office on Standard Form (SF) 50, "Notification of Personnel Action," or equivalent form, to the Military Department finance center responsible for administering the member's retired or retainer pay. Implementing regulations applicable to nonappropriated fund instrumentalities shall be uniform to the maximum extent possible.

E. RESPONSIBILITIES

Heads of DoD Components shall ensure that the policy and guidance in this Directive are followed.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days.

Frank C. Carlucci
Deputy Secretary of Defense

Enclosure - 1
Information to Accompany Requests for
Approval of Proposed Appointments
of Retired Members of the Armed Forces

INFORMATION TO ACCOMPANY REQUESTS FOR APPROVAL
OF PROPOSED APPOINTMENTS OF
RETIRED MEMBERS OF THE ARMED FORCES

1. Information About the Proposed Appointee
   a. The effective * date (YYMMDD) of retirement from the Armed Forces.
   b. Rank at time of retirement.
   c. * Pay grade and Uniformed Service, at the time of retirement; whether regular or nonregular.
   d. A current Personal Qualifications Statement (SF 171) completed by the proposed appointee.

2. Information About the Position Involved
   a. * Date (YYMMDD) the position was established.
   b. * Date (YYMMDD) it was last occupied.
   c. Whether the position was converted from military to civilian status.
   d. * Date (YYMMDD) of conversion (if converted).
   e. Reason for conversion.
   f. Whether the proposed appointee was the last military occupant.
   g. A current position description.
   h. Whether the position is continuing or temporary.
   i. A copy of the qualification standards covering the position. (Alternatively, reference may be made to Handbook X-118 (reference (f)) when X-118 standards are applied without modification).
   j. Whether efforts to fill the position have been continuous since it became vacant; if not, the reasons therefor.

3. Consideration of Career Employees. To assure that full consideration, in accordance with placement and promotion procedures of the DoD Component concerned, was given to eligible career employees, the following information shall be included:

   a. A copy of any notices used to publicize the vacancy to interested career employees.

   b. Documentation on how the proposed appointee is superior to all qualified employees given consideration.

   c. A statement as to whether the appropriate placement and promotion procedures were followed; if these procedures were not followed, the reasons therefor.

4. Appointment From a Civil Service Register (Information Additional to 1., 2., and 3). When the proposed appointee has eligibility on an appropriate civil service register and has been reached for appointment, the following additional information shall be provided:

   a. A copy of the certificate of eligibles on which the proposed appointee's name appears. The examination announcement under which the proposed appointee filed shall be identified if it is not included on the certificate itself.

b. A copy of the request for the certificate, including selective factors and names of nominees if selective certification or name request was involved.

c. A statement as to how the proposed appointee is superior to any eligibles standing higher on the certificate.

5. Appointment From Other Than a Civil Service Register (Information Additional to 1., 2., and 3.). When it is proposed to appoint a retired member from other than a civil service register, the following additional information shall be provided:

a. Under what authority (OPM regulation) the retired member will be appointed.

b. If temporary appointment pending establishment of register authority has been secured, a copy of the request for a certificate of eligibles, including selective factors and a copy of the authority.

c. If any positive recruiting efforts were made to seek out applicants for the position, the methods used (including specific dates and places), copies of any notices publicizing the vacancy, and any contacts with recruiting sources.

General Note For Personnel Processing This Information:

Items marked with an asterisk (*) have been registered in the DoD Data Element Program. Data elements and coding must be as indicated in the instructions. In cases in which specific coding instructions are not provided, reference must be made to DoD 5000.12-M (reference (g)). Noncompliance by a DoD Component with either the coding instructions contained herein or those registered in the DoD Data Element Program shall make such Component responsible for required concessions in data base communication. Cost of data conversions shall be borne by the head of the DoD Component concerned.

Chapter 301

Overseas Employment

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Subchapter 1. General

1–1 SCOPE

a. **Coverage.** This ♦chapter♦ implements Department of Defense (DOD) policy on overseas employment as outlined in DOD Directive 1400.6 (app ♦A♦). The provisions of this ♦chapter♦ also apply to U.S. citizens employed in Panama except as provided by the Panama Canal Treaty of 1979 and related agreements and when specifically noted otherwise in this chapter. Panama is classified as a nonforeign overseas area for other purposes.★ ★

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‡*c.* **Nonforeign overseas areas.** Except as noted in a above, this chapter does not apply to nonforeign overseas areas as defined below. When activity and major Army command (MACOM) level recruitment actions fail to provide sufficient numbers of qualified candidates for positions in nonforeign overseas areas, continental United States (CONUS) recruitment assistance may be requested.★ ★

‡*d.* **Explanation of terms**

♦(1)♦ *Civilian component.* The civilian employees employed by and accompanying the U.S. Forces. ♦Under Status of Forces Agreements (SOFA), the civilian component includes U.S. citizens and third-country citizens (TCC) (also referred to as third-state nationals (TSN)), but it excludes nationals of, and other nationals ordinarily resident in, the host country. The North Atlantic Treaty Organization (NATO) SOFA further excludes stateless persons and nationals of any country that is not a member of NATO.♦

♦(2)♦ *Direct-hire employee.* An employee hired directly by the U.S. Government and paid directly for personal services from appropriated funds.

♦(3)♦ *Family member.* See paragraph 7-1c for definition.

♦(4)♦ *Foreign area.* Any area outside ♦the U.S., its territories and possessions,♦ and the designated nonforeign overseas areas.

♦(5)♦ *Geographical locality.* See JTR, volume 2, appendix D, for definition.

♦(6)♦ *Host country.* A country other than the United States, its territories, and possessions where the U.S. Forces are present.

♦(7)♦ *Indirect-hire employee.* A non-U.S. citizen employee hired in a foreign area under the terms of an agreement between the host country and the United States.

♦(8)♦ *Local hire.* Any U.S. citizen recruited from within a geographical locality (and not directly from the United States, including the District of Columbia, and the territories and possessions of the United States) for a position in the same geographical locality.

♦(9)♦ *Local national employee.* A non-U.S. citizen employee who is a national of the host country or is ordinarily resident there or is otherwise employed under ♦the same conditions♦ as host-country employees.

♦(10)♦ *Nonforeign overseas area.* Nonforeign overseas area means the States of Alaska and Hawaii, the Commonwealth of Puerto Rico, territories and possessions of the United States, the installations in the Republic of Panama made available to the United States under the Panama Treaty of ♦1979♦ and related agreements. This definition includes additional areas located outside of CONUS as designated by the Secretary of State. FPM chapter 591, appendix A, contains a complete list of nonforeign overseas areas.

♦(11)♦ *Non-U.S. citizen family member.* Family members of any nationality, including permanent alien residents, who have not acquired U.S. citizenship.

♦(12)♦ *Overseas MACOM.* ♦A MACOM♦ that is headquartered outside the continental United States.

♦(13)♦ *Status of Forces Agreement (SOFA).* An international agreement negotiated between the host country and the United States that governs many of the rights, obligations, and privileges of the military and civilian members of the U.S. Forces.

♦(14)♦ *Third-state national (TSN) and third-country citizen (TCC).* Non-U.S. citizen employees who are not citizens or permanent residents of the host country in which employed by the U.S. Forces and whose employment conditions are distinct from those that apply to local national employees.

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Subchapter 2. Overseas Limited Appointments

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2–2. AUTHORITY TO APPOINT

a. **Citizens recruited overseas.** DA appointing officers located in foreign areas are delegated authority to make overseas limited appointments ♦(OLA)♦ of U.S. citizens under section 301.201 of title 5, Code of Federal Regulations.

b. **Citizens recruited outside overseas areas.** When there are unusual or emergency conditions that warrant using section 301.202 of OPM's regulations (5 CFR 301.202), document the request for approval with a full explanation of the situation and reasons why an alternative appointment authority is not proper. Submit requests for approval for U.S. citizens recruited outside overseas areas to HQDA(PECC-♦CSS♦), ALEX. VA 22332–0300.

c. **Duration of appointments.** ♦OLA of indefinite duration♦ will not be made unless the appointee is exempt from rotation requirements. When filling positions subject to rotation requirements, make only overseas limited appointments not to exceed 5 years. A management decision to retain an employee beyond the initial appointment will require a new ♦OLA for any period not to exceed 5 years. Temporary OLA may be extended up to four years without OPM approval.♦

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Subchapter 3. Employment of Noncitizens

3-1. AUTHORITY FOR APPOINTMENT

Appointing officers located in foreign areas are authorized to appoint non-U.S. citizens under civil service rule VIII, section 8.3 (5 CFR 8.3). ★ ★

3-2. EFFECT OF ACQUIRING CITIZENSHIP

‡*a*. **Membership in the civilian component.** In most foreign areas where DA employs civilians, a treaty or SOFA has been negotiated with the host country that defines members of the civilian component of the U.S. Forces. When a non-U.S. citizen employee acquires U.S. citizenship, determine if the employee will qualify as a member of the civilian component. If there is no agreement with the host country, treat the employee as a member of the civilian component for the purposes of *b* and *c* below.

‡*b*. **Direct hire employees.** An employee appointed under civil service rule VIII, section 8.3, may continue to be employed in the excepted service and in the position occupied when U.S. citizenship is acquired. If qualified as a member of the civilian component, the employee becomes subject to U.S. salary schedules and conditions of employment. In these cases, make a pay system change on the day immediately following the date on which the employee provides proof of U.S. citizenship.

‡*c*. **Indirect hire employees.** An indirect hire employee who is a national of, or ordinarily resident in, the host country will normally not qualify for membership in the civilian component when acquiring U.S. citizenship. The employee continues to be subject to host country labor law and may be retained on the rolls with no change in status, pay, or benefits. Retention of the employee in this status is permissible only in those countries where the host country government is the true legal employer of the employee ♦ and when consistent with the governing SOFA.♦

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‡3-4. EMPLOYMENT OF FOREIGN NATIONALS

a. **DOD policy.** DOD policy regarding employment of non-U.S. citizens in foreign areas is stated in DOD Instruction 1400.10 (app B).

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♦*b*.♦ **Employment of third-state nationals.**

(1) ♦TCC/TSNs♦ may be employed only after the commander of the overseas MACOM has determined that sufficient numbers and skills are not available from host country resources and recruitment of U.S. citizens is neither practical nor feasible. Importation and employment of ♦TCC/TSN♦ personnel must comply with the SOFA with the host country.

(2) ♦TCC/TSN♦ personnel will be recruited when possible, from among those TSNs currently employed by the U.S. Forces as local national employees. Recruitment also may be from among ♦TCC/TSNs♦ employed by DA in other countries or directly from the home country. On completion of the employment agreement or any approved extension, the employee may be restored to the former local national position, or the employee may be given priority placement consideration for reemployment in DA positions in the home country.

(3) ♦TCC/TSNs♦ are given time-limited, excepted appointments under the authority of civil service rule VIII, section 8.3 (5 CFR 8.3). The initial appointment will be limited to the period of the employment agreement but will not exceed the length of tours prescribed for U.S. citizen employees in the same country. The objective is to retain ♦TSS/TSN♦ employees only until a qualified local national replacement is recruited or trained. Commanders of overseas MACOMs may extend the initial tour of duty but not beyond the date with a qualified local national employee or applicant is available.

(4) Unless prohibited by U.S. law or the applicable SOFA, ♦TCC/TSN♦ employees may be given logistical support under conditions comparable to those established for U.S. citizens employees in the country of employment.

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♦SUBCHAPTER 4. Overseas Employees Eligible for Noncompetitive Appointment Upon Return to the United States

4-1. ELIGIBILITY

Family member employees who serve under overseas local hire appointments will be counseled on the eligibility criteria for noncompetitive appointments under Executive Order 12362, as amended, prior to returning to the United States. Civilian personnel offices in overseas locations are responsible for counseling and for providing documentation to departing family members as prescribed in appendix C.♦

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‡Subchapter 5. Overseas ♦Employment♦ and Rotation of U.S. Citizens

5–1. GENERAL

a. **Coverage.** This subchapter implements DOD Civilian Personnel Manual (CPM), chapter 301, ♦dated 25 August 1980, as amended by Office of the Assistant Secretary of Defense (OASD) memorandum dated 1 June 1981, subject: Rotation of Employees from Foreign Areas, and♦ OASD memorandum dated 19 October 1982, subject: Service in the United States Between Foreign Areas Tours, which eliminated the CONUS residency requirement. The CPM applies to competitive service positions in foreign areas and excepted service positions ♦under the Panama Canal Employment System (PCES).♦

b. **Implementation.** To ensure consistency, any written guidance issued by ♦MACOMs♦ on overseas recruitment or rotation should be coordinated with other ♦MACOMs♦ that have civilian employees in the same geographic area. ♦Coordination with other DOD components should also be considered.

c. **Recruitment and processing.** See DA Pamphlet 690–42 (Overseas Recruitment, Processing, and Medical Evacuation Procedures for Army Civilian Employees) for specific guidance on recruitment and processing for overseas employment. The following forms will be used in the processing of each employee for overseas assignment:

(1) DA Form 5372–R (Orientation Statement)

(2) DA Form 5373–R (Request for Processing of Overseas Selectee).

These forms are illustrated at the end of this chapter and will be locally reproduced on 8½- by 11-inch paper.♦

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♦5–2. ROTATION FROM FOREIGN AREAS

a. Employees hired on career or career-conditional appointments or appointments leading to career status (e.g., VRA) must, as a condition of employment, sign an appropriate rotation agreement unless the position is exempt from rotation requirements. This includes local hires as well as those required from CONUS, territories and possessions. The three different rotation requirements are as follows:

(1) DA Form 5369–R (Rotation Agreement—Employees Recruited From the United States).

(2) DA Form 5370–R (Rotation Agreement—Employees Recruited Locally in Foreign Areas)

(3) DA Form 5371–R (Rotation Agreement—Employees Recruited from the U.S. Territories and Possessions).

These three agreements are intended to cover the vast majority of situations that require rotation agreements. Local modifications to cover special situations are authorized for prior approval of HQDA(DAPE–CPE), WASH DC 20310–0300. International organizations, such as NATO, are authorized to modify the agreement to conform with fixed-tour requirements. A copy of each agreement form is located at the back of this chapter for local reproduction on 8½- by 11-inch paper.

b. Prior to the expiration of the tour, the employee should be advised in writing of eligibility to either exercise reemployment rights or register in the DOD Priority Placement Program (PPP) for assignment to the United States in accordance with DOD 1400.20–1–M, DOD Program for Stability of Civilian Employment Policies, Procedures, and Programs Manual, chapter 6. When employees return to the United States through the PPP under these agreements, PPP component coordinator approval is not required for expanded areas of referral or extended periods of registration described in the agreement. Under authority delegated to the component coordinator by DOD 1400.20–1–M, approval is granted for employees returning under the agreement; however, approval applies only to registration for Army activities.

c. When employees plan to return to the United States under an established rotation agreement after satisfactory completion of one overseas tour, the overseas MACOM commander is authorized to exercise the PPP component coordinator option to register the employee as priority 3 for Army activities in the United States. This authority may be redelegated.

d. The overseas command will notify the CONUS activity of the employee's pending return as early as possible.

5–3. TOUR EXTENSIONS

a. **Extensions beyond the initial overseas tour.** Authority is delegated to commanders to approve extensions beyond the initial overseas tour up to 5 years. Specific documenting procedures for extension decisions will be in accordance with DOD CPM, chapter 301 and supplemental OASD memoranda. CONUS activities will be notified of the extension. A management decision not to extend is excluded from DA grievance procedures.

b. **Extensions Beyond 5 Years.**

(1) *Authority.* MACOM commanders are delegated authority to approve extensions beyond 5 years for employees under their jurisdiction with the concurrence of the CONUS activity. This authority may be redelegated to subordinate commanders. Commanders may approve short extensions beyond 5 years for compassionate reasons or an employee's personal reasons. Normally, these extensions beyond 5 years will not exceed 6 months and will be coordinated with the CPO. No type of extension will be granted after a PPP offer is accepted.

(2) *Responsibility.* Acceptable reasons for extensions must be determined by management in accordance with the CPM and the supplemental OASD memoranda.

5–4. CONVERSION TO STATUS APPOINTMENT

a. All conversions will be in accordance with governing OPM procedures and by OPM authority. An employee hired locally in a foreign area may be converted in accordance with that authority to a status appointment only when it is clearly in the best interest of DA and the overseas MACOM. Conversion will not be to improve the employee's job security, employment benefits, or future opportunities.

b. Requests will be submitted to the responsible overseas recruitment office. The converted employee must sign the appropriate rotation agreement located at the back of this chapter. By signing the rotation agreement, the employee indicates availability for assignment to the United States up to 6 months before the established rotation date.

5–5. TERMINATION OF OVERSEAS TOURS

a. **Employees not subject to rotation.** Overseas limited appointments may be made for 5 years or less. A locally hired overseas employee in an overseas limited appointment not to exceed 5 years is terminated on completion of the appointment unless management decides to retain the employee for another term of employment. In these cases, a new overseas limited appointment which may be 5 years or less may be made. When possible, an employee to be terminated will be notified 60 calendar days before the effective date. Termination of an overseas limited employee before the scheduled expiration date of appointment must be processed under the procedures of AR 690–400, chapter 432, or FPM chapter 752, subchapter 3, as appropriate, if not because of reduction in force.

b. **Management directed return to the United States.** When it is necessary to direct the employee's return for separation or to a lower grade position in the United States, the adverse action procedures of FPM chapter 752, subchapter 3, will be used. When return to a position in the same grade is directed, the procedures in chapter 335, appendix A, of this regulation will be followed. Reasons for involuntary return include, but are not limited to: failure to adapt to overseas living or working conditions; the employee's refusal to sign the agreement required for rotation by PPP and the employee's failure to accept a valid offer of continued employment in the United States. The overseas command will initiate and complete the action.

c. **Basis for return.** The rotation agreements in this chapter are the basis for returning employees to the United States. Employees must sign a rotation agreement for the initial tour and each approved extension. When management decides not to extend an employee's tour, the employee must apply to exercise reemployment rights or register in the PPP, as appropriate. Unless there are extreme mitigating circumstances, the employee must do this within 7 calendar days after the date of decision. When a rotation agreement has not been obtained due to administrative oversight, or has been lost, other documented evidence must show that the employee has been advised of the rotation requirement. When proper evidence is not available, the employee will be advised, in writing, of the rotation requirement. If the current tour is not extended, the employee will be allowed to remain in the foreign area for 12 months beyond the date of the written notice.

d. **Separation.** An employee who fails to abide

by the terms of a signed rotation agreement or who fails to comply with a directed return to the United States may be separated under the adverse action procedures of FPM chapter 752, subchapter 3.

‡Subchapter 6. The Panama Canal Employment System

6–1. LEGAL BASIS

The Panama Canal Employment System (PCES) was established in compliance with section 1212 of the Panama Canal Act of 1979 (93 Stat. 464). The PCES became fully effective on 31 March 1982.

6–2. ADMINISTRATION OF THE PANAMA CANAL EMPLOYMENT SYSTEM

The Secretary of the Army is responsible for regulations governing employment practices under the PCES. These regulations are published in parts 251 and 253, title 35, Code of Federal Regulations. The PCES is administered in Panama by the Panama Area Personnel Board (PAPB); the Board is chaired by a representative of the Secretary of the Army.

6–3. EMPLOYMENT UNDER THE PANAMA CANAL EMPLOYMENT SYSTEM

a. **Status of positions.** Positions in Panama are in the excepted service; however, the provisions of the PCES conform generally to the policies, procedures, and standards that apply to the U.S. competitive civil service system. ★ ★ In compliance with the Panama Canal Treaty and related agreements, initial employment preference is granted at all grade levels for Panamanian applicants with the required knowledge, skills, and abilities.

b. **Qualification standards.** The PAPB approves the qualification standards used for all personnel actions. In general, qualification standards issued by the OPM or those developed by individual agencies are adopted for use under the PCES.

c. **Pay rates.** Pay rates for employees who are recruited from outside Panama ♦and those hired locally at NM–6 and MG–10 and above,♦ are fixed relative to pay rates for comparable U.S. positions. Employees hired locally ♦below those grades♦ are paid according to pay rates developed in Panama and approved by the Secretary of the Army or designee.

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♦*d.*♦ **Status of employees.** Nontemporary excepted service employees under the PCES have status comparable to career or career-conditional status in the competitive service. A U.S. citizen employee who completes 1 year of nontemporary excepted service under the PCES or the former Canal Zone Merit System becomes eligible for noncompetitive appointment to a competitive service position. (See FPM chap 315 for noncompetitive appointment.)

6–4. MOVEMENT OF EMPLOYEES BETWEEN PANAMA AND OTHER AREAS

Movement of an employee between Panama and another area is processed as a conversion to a new appointment. Current DA employees recruited from the United States are eligible for reemployment rights under chapter 352 of this regulation. ♦Rotation is in accordance with subchapter 5.♦

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‡Subchapter 7. Family Member Employment Policy

➡7-1. GENERAL

a. Employment policy. DOD policy on employment of military spouses and family members of military and U.S. government civilian employees stationed in foreign areas is stated in DOD Instruction (DODI) 1400.23 (app D).

(1) Family members transported to foreign areas at the sponsor's expense are entitled to the same employment preference as those transported at Government expense.

(2) A family member will not be given employment preference on the basis of the sponsor's rank.

(3) Preference will apply in LN positions to family members who are not U.S. citizens. However, such family members may be employed only under employment terms and conditions prescribed in host country legislation or agreements.

b. Applicability. The family member employment policy applies in all foreign areas, except as provided otherwise in host nation agreements, treaties, and in this subchapter.

7-2. MILITARY SPOUSE PREFERENCE

When military spouses who are entitled to preference under the provisions of DODI 1400.23 are included on the best qualified list, they will be selected unless an exception is granted under the provisions of that instruction. Authority to grant exceptions is delegated to MACOM commanders. This authority may be redelegated to appropriate commanders. Designated commanders will act upon requests for exception based on locally developed criteria. Documentation on exceptions will be maintained by CPOs for a reasonable period of time.

7-3. DOD FAMILY MEMBER EMPLOYMENT PREFERENCE

Family member, for this purpose, has the meaning given to it in DODI 1400.23.

7-4. LOCAL NATIONAL POSITIONS

MACOM commanders are encouraged to ensure that, as LN positions become vacant, additional numbers are designated to be filled by eligible family members. This practice should not result in exceeding authorized civilian employment levels. The appointment of non-U.S. citizen family members (if permitted by treaty) will be under Schedule A excepted or excepted (NTE-date) appointments under 5 CFR 213.3106(b)(6). Non-U.S. citizen family members are excluded by 5 USC 5102(c)(11) from the established rates of pay and employment conditions accorded to U.S. citizen family members hired under the same appointment authority, unless they are employed in summer/student employment programs.

7-5. PROVIDING INFORMATION

a. Orientation. Before appointment, overseas CPOs will inform family members selected for appointment about conditions of employment.

b. Exit interviews. Interviews will be conducted by the overseas CPO to provide departing family members information regarding benefits, PPP eligibility, spouse preference, provisions of EO 12362, as amended, and other programs for continued employment. Appropriate documents verifying eligibility will be furnished by CPOs.

7-6. TIME LIMITS ON SCHEDULE A EXCEPTED APPOINTMENTS

Authority is delegated to MACOM commanders to approve extension of Schedule A appointments for up to 1 year beyond the sponsor's tour when extension is in the interest of the Army. This authority may be redelegated to appropriate commanders, but will be used very sparingly. If extension is approved, a request for continued logistical support will be considered separately according to current command practice.

7-7. SEPARATION AND ROTATION

a. Reduction in force (RIF). Excepted service family member employees may be given consideration for assignment to vacant positions, if consideration is extended under this subchapter. In a RIF affecting U.S. citizen positions, there will be no bumping or retreat rights between excepted service family members and competitive service employees.

b. Leave without pay. Family members with status will be granted a minimum of 90 calendar days leave without pay when they relocate with the sponsor to a new assignment location. Extensions of this initial grant of 90 days are encouraged for employees who have been unable to find employment. (See AR 690-990-2, book 630, subchapter S12.)

c. Remaining in foreign area. Family members who remain in the foreign area after rotation or separation of the sponsor or loss of family member status may continue employment under the same conditions that apply to other U.S. citizen career employees. (Examples of conditions are rotation agreements, management-initiated extensions, and PPP registration.) Family members eligible to continue employment are those on a career or career-conditional appointment in a position which is either subject to rotation policy or excepted from rotation by DOD Civilian Personnel Manual, chapter 301, subchapter 4.

7-8. EXCEPTIONAL FAMILY MEMBER PROGRAM (EFMP)

AR 600-75 (Exceptional Family Member Program) contains policies and procedures governing the EFMP. CONUS CPOs will provide information and forms on the EFMP to overseas selectees. (OCONUS CPOs will provide the same for employees accepting assignment to other overseas areas.) Applicable forms contained in AR 600-75 will be completed by the sponsor and returned to the CPO. After processing, the forms will be handcarried by the employee to the appropriate school and medical facilities overseas. DA Pamphlet 690-42 (Overseas Recruitment, Processing, and Medical Evacuation Procedures for Army Civilian Employees) contains additional information.

February 15, 1980
NUMBER 1400.6

Department of Defense Directive

ASD(MRA&L)

SUBJECT DoD Civilian Employees in Overseas Areas

References:
(a) DoD Directive 1400.6, "Statement of Personnel Policy for Civilian Personnel of the Department of Defense in Overseas Areas," January 16, 1976 (hereby canceled)
(b) DoD Directive 1400.5, "Statement of Personnel Policy for Civilian Personnel in the Department of Defense," January 16, 1970
(c) DoD Instruction 1401.1, "Personnel Policy for Nonappropriated Fund Instrumentalities (NAFIs)," July 24, 1978
(d) DoD Instruction 1400.23, "Employment of Dependents of Military and Civilian Personnel Stationed in Foreign Areas," September 18, 1974
(e) DoD Instruction 1404.8, "Rotation of Employees from Foreign Areas and the Canal Zone," April 10, 1968
(f) DoD Instruction 1418.1, "Payment of Differentials and Allowances in Foreign Areas," September 16, 1974
(g) DoD Instruction 1400.10, "Utilization by United States Forces of Local Nationals in Foreign Areas," June 8, 1956

A. REISSUANCE AND PURPOSE

This Directive reissues reference (a), supplements reference (b), and establishes the policy for DoD civilian employees in areas outside the continental limits of the United States and in Alaska (herein referred to as "overseas areas").

B. APPLICABILITY

The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, and the Defense Agencies, including DoD nonappropriated fund activities (as defined in reference (c)). As used herein, Military Services refers to the Army, Navy, Air Force, and Marine Corps.

C. POLICY

1. When using civilian staffing support in overseas areas, each Military Service commander shall employ a civilian manpower mix--U.S. citizens and local nationals--that blends financial prudence, conformance with host country agreements or treaties, availability of qualified local national personnel, and the desired low-key presence of the U.S. Government abroad.

2. When it is advantageous to employ civilian employees in overseas areas, maximum use shall be made of U.S. and non-U.S. citizens available locally. Unless precluded by treaties or other agreements that give preferential treatment to local nationals, preference shall be given to dependents of military and civilian personnel as provided in DoD Instruction 1400.23 (reference (d)). Personnel transferred from or recruited in the United States shall be limited to key personnel, those regarded as essential for security reasons, or those possessing skills that are not available locally.

3. It is the policy of the Department of Defense to encourage its more capable employees in the Continental United States to accept overseas assignments as a part of their career development. In order to promote the efficiency of worldwide operations, employment of U.S. citizens in foreign areas shall generally be limited to 5 years, as provided in DoD Instruction 1404.8 (reference (e)). Rights to return to a position in the Continental United States shall be given to DoD career and career-conditional employees who accept assignments overseas with the Department of Defense.

4. In making a determination of the numbers and types of U.S. employees for overseas areas, the Military Service Commander shall consider the ability of the command to ensure adequate housing; subsistence; and medical, commissary, exchange, laundry, transportation, and other essential facilities and services. Except when required to meet unexpected emergency conditions, an overseas commander shall not request recruitment from the United States unless the command can provide such facilities to meet health and decency standards.

5. In those overseas areas where DoD employees cannot enjoy the facilities of the civilian community without restriction or where appropriate and adequate facilities do not exist or are not readily available, the military commander shall allocate facilities under the commander's jurisdiction in accordance with a standard of eligibility that provides equitable treatment to both military and civilian personnel recruited from the United States.

6. Since DoD civilian employees in overseas areas are representatives of the United States, it is the policy of the Department of Defense to use effective selection techniques to ensure that only those persons whose qualifications and adjustability make them suited for overseas employment are selected. Full and accurate information shall be given to prospective employees on the overseas area for which they are being considered, the type of facilities that will be made available to them, the nature of the work they will perform, the conditions of their employment, and their responsibilities to the military command and to the United States as the nation they represent.

7. Individuals selected for overseas assignments shall be considered solely on the basis of merit factors without reference to such nonmerit factors as race, color, religion, national origin, sex, physical handicap, marital status, or age. Exclusionary policies of the country to which an employee is to be assigned shall not be a factor in the selection process. U.S. law must be observed in filling jobs, not the policy of a foreign nation. See enclosure 1.

8. The Department of Defense recognizes that to obtain and retain the services of DoD civilian employees of the caliber required in its overseas areas, it may be necessary to provide pay differentials and allowances over and above base salary. Therefore, within the provisions of applicable laws and regulations (DoD Instruction 1418.1, reference (f)), DoD civilian employees serving in overseas areas shall be granted differentials and allowances that are appropriate to their places of employment and their employment conditions.

9. Military and civilian personnel in supervisory positions in overseas areas shall be trained in the techniques of supervision directed toward maximum production, safe operation, high morale, and the development of a military-civilian team devoted to the effective and economical accomplishment of the mission of the overseas activity.

10. When permitted by U.S. and host country treaty or agreement, U.S. law, and management considerations, the Department of Defense shall pattern its employment conditions for locally hired non-U.S. citizen employees after the customs and practices of the area (DoD Instruction 1400.10, reference (g)). Compensation for such employees shall be based upon locally prevailing rates of pay. These employees shall receive the necessary training to equip them to perform their duties, make them more productive, and qualify them for advancement.

D. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days.

W. Graham Claytor, Jr.
Deputy Secretary of Defense

Enclosure 1
Procedures When Visa is Denied for Discriminatory Reasons

PROCEDURES WHEN VISA IS DENIED FOR DISCRIMINATORY REASONS

A. Should a civilian employee be denied an entry visa by a sovereign foreign nation, and should this denial be based upon race, color, marital status, religion, national origin, sex, physical handicap, or age, notification of this denial shall be transmitted quickly to the Assistant Secretary of Defense (International Security Affairs)(ASD(ISA)). The ASD(ISA) shall notify the Department of State who shall intercede with the foreign nation concerned.

B. Notification of the denial shall contain the following information in the format outlined below:

1. Name of Visa Applicant:

2. Agency:

3. Purpose of Visa:

4. Date of Denial:

5. Foreign Nation Involved:

6. Authority Issuing Denial:

December 5, 1980
NUMBER 1400.10

Department of Defense Instruction

ASD(MRA&L)

Subject: Employment of Foreign Nationals in Foreign Areas

References: (a) DoD Instruction 1400.10, "Utilization by United States Forces of Local Nationals in Foreign Areas," June 8, 1956 (hereby canceled)
(b) DoD Directive 1400.6, "DoD Civilian Employees in Overseas Areas," February 15, 1980
(c) DoD Instruction 2050.1, "Delegated Approval Authority to Negotiate and Conclude International Agreements," July 6, 1977
(d) through (j), see enclosure 1

A. REISSUANCE AND PURPOSE

This Instruction reissues reference (a) and supplements reference (b) to set forth the principles to follow when the U.S. Forces in foreign areas are negotiating for the employment of foreign nationals. This Instruction also is a basis for the administrative determination of policies, programs, and practices in foreign national personnel employment.

B. APPLICABILITY

The provisions of this Instruction apply to the Office of the Secretary of Defense, the Military Departments, the Unified and Specified Commands, and the Defense Agencies. The term "Service" refers to the Army, Navy, Air Force, and the Marine Corps.

C. POLICY

1. The establishment or use of military bases and facilities by the U.S. Forces in the territory of another nation is normally governed by the provisions of a treaty or other formal agreement. Such a treaty or agreement shall usually include coverage of the subject of employment of foreign nationals.

2. The negotiation of basic arrangements with the host government of a foreign country is the responsibility of the Department of State, based upon guidance and technical advice provided by the Department of Defense. This guidance shall ensure that the employment system adopted gives the local military command a work force that is as stable, efficient, and economical as local conditions permit.

3. Treaties or agreements of this kind, negotiated at diplomatic level, are usually couched in broad terms. In the field of foreign national hire, inclusion in the treaty or agreement of only the most basic terms of reference

is sufficient. Examples of basic terms of reference for the employment of foreign nationals are contained in subsection D.1.

4. In conjunction with the formal agreement or treaty and its implementing arrangements, the Department of Defense requires that a specific official or agency of the host government be designated as an official contact with the U.S. Forces on all labor matters.

D. PROCEDURES

1. Basic Principles. Although the individual details of foreign national employment systems may vary, the system for any foreign country shall satisfy the following basic principles:

a. Prevailing practices, local laws, and customs shall be followed in the employment and administration of foreign nationals when the practices, laws, and customs are not in conflict with U.S. law and are compatible with the basic management needs of the U.S. Forces.

b. Foreign nationals shall be employed as extensively as practicable by the U.S. Forces, consistent with any agreement with the host country and the DoD dependent hire policies, to reduce the need to import workers into the host country. This policy reduces the possibilities of friction between the host country and the U.S. Government.

c. The provisions of the foreign national employment system in a foreign country shall apply uniformly to all elements of the U.S. Forces.

2. Employment System. Foreign national employment systems in foreign countries fall into two general categories: those where the employees are hired directly by the U.S. Forces as employees of the U.S. Government; and those where the personnel are employees of the host government and are assigned to work with the U.S. Forces on a reimbursable cost or other financial basis. Since background and foreign policy considerations for the use of foreign nationals vary from area to area, it is unnecessary and, at times, undesirable to attempt a strict uniformity of detail in the systems used in the different foreign areas.

a. Direct Hire. Under the direct hire system, the U.S. Forces are the official employer of their foreign nationals. As such, they assume responsibility for all administrative and management functions in connection with foreign national employment. This hiring method usually offers flexibility in terms of employee selection, placement, and control, and reduces, to a great extent, the necessity for constant contact and coordination with the host government. Although specific criteria cannot be prescribed for the direct hire system, the presence of one or more of the following conditions may influence a decision to use direct hire:

(1) The host government has no objection to a direct hire system.

(2) The numbers of persons to be employed will have little or no effect on the local economy and does not warrant long and costly negotiation and preparation for an indirect hire arrangement.

(3) The provisions of a treaty or host country agreement provide the U.S. Forces with the legal authority to employ foreign nationals and to follow local law and customs when possible.

(4) The host government does not desire or is unable to discharge the responsibilities inherent in an indirect hire system.

b. Indirect Hire. The indirect hire system makes the host government responsible for ensuring that the needs of the U.S. Forces for foreign nationals are met. Although the host government is the official employer of the foreign national personnel, it grants operational control to the U.S. Forces, under a program mutually agreed upon by the host government and the U.S. Forces, for the day-to-day management of such personnel. Although specific criteria for the indirect hire system cannot be prescribed, conditions that may influence a decision to use this system are:

(1) The host government is desirous and capable of discharging the responsibilities inherent in an indirect hire agreement.

(2) A large number of employees will be required for a limited time, which may result in a disruption in the local labor market when the employees' services are no longer required.

(3) Direct hire of foreign nationals will disrupt the local market, and the host government is in the best position to cope with the situation.

3. Subsidiary Agreements

a. A basic agreement or treaty, as outlined in section C., provides the terms of reference for the formulation of a more detailed operating agreement or arrangement. The subsidiary agreement should provide as complete and detailed coverage of all aspects of the management and administration of foreign national personnel as the local situation permits. Negotiation of subsidiary agreements is subject to DoD Instruction 2050.1 (reference (c)) and DoD Directive 5530.3 (reference (d)). Subjects that may be covered are contained below:

(1) Responsibility for Recruitment

(a) Direct Hires. In the case of direct hires, the responsibility for recruitment should be vested in the U.S. Forces. However, the agreement may provide for assistance from the host government through its existing facilities. This can take the form of a host government's assistance in obtaining qualified applicants and referring them to the U.S. Forces for selection. In such cases, the U.S. Forces have the right to accept or reject any applicant so referred.

(b) Indirect Hires. Usually, the host government, through its existing facilities, is responsible for recruiting civilian workers. The host government procures qualified applicants and refers them to the U.S. Forces for selection. The U.S. Forces have the right to accept or reject any

applicant so referred. In addition, the U.S. Forces, should be permitted, with the consent of the host government, to recruit qualified personnel.

(2) Security Measures

(a) The U.S. Forces must take measures to protect their security. The agreement shall provide for appropriate investigative requirements for the employment of foreign nationals in accordance with DoD regulations relating to security requirements for Government employment or for access to classified defense information.

(b) The agreement shall provide that no person will be employed by the U.S. Forces if the employment is inconsistent with the interests of national security. The U.S. Forces shall be authorized to effect the release of any foreign national who is considered to be a security risk, as long as the person is fairly treated.

(c) Since the discharge of foreign nationals on the grounds of security may be serious cause of grievance and labor unrest, carefully devised procedures shall be instituted to ensure there is no misuse of this authorization.

(3) Priority Accorded U.S. Forces in Labor Market. Under peacetime conditions, it is rarely necessary to establish labor priorities for U.S. Forces. However, provision shall be made for establishing such priorities in the event of an emergency. When it is necessary to establish priorities, the U.S. Forces shall be accorded the same priority as that of the armed forces or essential industry of the host country, particularly if the U.S. Forces are participating in the defense of the area or are an ally of the host country.

(4) Host Government Control on Personnel Requirements. Rarely has a host government imposed a control on the number of local nationals used by the U.S. Forces. Such control by the host government should be avoided, unless a valid reason for such control exists, such as:

(a) The labor market is in short supply.

(b) The protection of the local economy from the disruption caused by the U.S. Forces' having a disproportionate share of available labor.

(c) An emergency condition exists.

(5) Importation of Workers. The U.S. Forces should not import workers from a third country into a host country when personnel requirements can be satisfied by local labor. If personnel needs in any occupational category cannot be satisfied, arrangements should be made with the host government to permit importation of workers from other countries who are acceptable to the host government in the skills and numbers required. The host government should be asked to issue such workers the necessary documentation for residence or working permits. A periodic assessment shall be made of the need for continuing to employ third country nationals.

(6) Employment Conditions. Local nationals shall be afforded conditions of employment that are based on prevailing practices, local law, and customs and are generally equivalent to those enjoyed by persons with similar skills and in similar occupations in the general economy of the host country. Employment conditions offered shall be favorable enough to meet existing fair standards in the labor market, but not so advantageous as to create a privileged group within the country. Alternate provisions may be necessary when prevailing practices are inconsistent with local laws or in instances where United States laws or operational requirements of the U.S. Forces make adherence to prevailing practices, local law, and customs impossible or difficult.

(7) Employee Compensation. In the day-to-day operations of a civilian personnel program, changing conditions necessitate many changes in wage scales, wage rates, and, to a lesser degree, employment conditions. When an indirect hire system is adopted, it is usually beneficial to have the employment conditions and the wage and salary scales written as a supplement to the subsidiary agreement. The subsidiary agreement can then provide for any changes in the supplement that are required through mutual agreement without renegotiating a new agreement.

(a) In the case of direct hires, it is customary to use either variations of the classification and grading systems used for U.S. employees or those systems used locally, and to determine wage and salary scales on the basis of local prevailing rates. Complete authority to determine the grade, classification, and pay for positions and to assign employees to such positions should be vested in the U.S. Forces.

(b) When an indirect hire system is adopted, pay plans, to include job criteria, and wage and salary schedules, reflect prevailing practices in the general economy to the extent possible and shall be compatible with special U.S. Forces' requirements and personnel utilization practices. Differences between conditions of employment, allowances, and fringe benefits prevailing in the general economy and those afforded foreign national personnel of the U.S. Forces shall be considered in establishing foreign national pay schedules. Depending on existing bilateral agreements, contractual agreements concerning pay plans may be concluded by the U.S. Forces or their delegated representative with the host government or by the host government with trade unions or other employee representative groups, subject to the concurrence of the U.S. Forces. It is the responsibility of the U.S. Forces to determine the proper classification and pay rate under existing pay plans for each employee. Wage and salary rates established by agreement with the host government may be supplemented, as approved practice, if pay patterns for specific kinds of work exceed the basic U.S. Forces pay schedule for such work.

(8) Social Security Coverage

(a) Unless local conditions dictate otherwise, foreign nationals shall be covered under the existing social security program of the host government.

(b) In the case of direct hire employees, there is, at present, no legal authority for the U.S. Government's paying the employer's share of the social security contribution, unless the treaty or subsidiary agreement so provides. When either the direct hire or the indirect hire system is used, the treaty or subsidiary agreement should provide that foreign nationals will or will not be covered by the existing social insurance and worker's compensation benefits of the host country. When employees are so covered, the employer's contribution to social insurance will be made by the U.S. Forces, either directly or by reimbursement to the host government.

(9) Complaints. With respect to matters pertaining to an existing arrangement within the U.S. Forces' areas of responsibility, the U.S. Forces should establish adequate procedures appropriate to the local situation to deal directly with complaints that may arise. The host government should receive complaints that fall within the area of its responsibility, as well as suggestions for a change of the agreement between the host government and the U.S. Forces.

(10) Labor-Management Relations. The basic principle set forth in D.1.a. above, applies to labor-management relations and to other aspects of employment. Policies governing the relationship between the U.S. Forces and the organization(s) representing their local national employees, including dispute-resolution procedures and, where appropriate, those matters subject to collective bargaining, shall be set forth in the agreement with the host government. Whenever possible, particularly in those countries where government employees are not permitted to strike, an explicit statement shall be sought, to the effect that foreign national employees do not have the right to strike against the U.S. Forces.

(11) Administrative Costs. A method of determining the administrative costs incurred by the host government in providing personnel and in assuming certain administrative responsibilities under an indirect hire system should be developed. The extent to which these costs will be borne by the U.S. Forces, the manner in which payments for any assessed costs will be made by the U.S. Forces, and the extent to which it may be mutually desirable for the U.S. Forces to audit expenditures for administrative costs should be agreed upon.

b. Division of Responsibilities. The recommendations contained in paragraphs D.3.a.(1) through D.3.a.(11) above, as they may relate to the indirect hire system, visualize an arrangement whereby the host government assumes the status of employer, employs the personnel, performs certain administrative functions, and furnishes the personnel to the U.S. Forces on a reimbursable basis. In a system of this type, the host government and the U.S. Forces each have certain responsibilities and functions. The recommended division of the more important of these, which, if agreed upon, must be delineated in the subsidiary agreement, is as follows:

(1) Host Government

(a) Recruitment of personnel and referral of qualified applicants to U.S. Forces for selection.

(b) Appointment of those applicants who are selected.

(c) Maintenance of personnel records.

(d) Preparation of payrolls and paying of personnel.

(e) Completion of personnel actions requested by U.S. Forces, such as promotions, transfers, or separations.

(f) Negotiations with labor organizations. In areas of agreed U.S. Forces' responsibilities and in matters pertaining to the provisions of the basic treaty and subsidiary agreement, no binding obligation should be concluded in any negotiation between the host government and the labor organizations without concurrence of the U.S. Forces.

(2) U.S. Forces

(a) Establishment of number and types of positions required, and transmittal of requests to host government for personnel.

(b) Determination of the proper classification of individual positions within an established wage and salary structure.

(c) Selection of personnel from applicants referred by the host government.

(d) Submission of time and attendance reports to the host government's agency preparing the payrolls.

(e) Assignment, supervision, control, and training of personnel.

(f) Determination of promotions, demotions, transfers, and separations.

(g) Audit of payrolls prepared by host government.

(h) Consultation with employee associations or labor organizations.

E. AUTHORITY AND POLICY FOR ESTABLISHING COMPENSATION AND OTHER CONDITIONS OF EMPLOYMENT

1. The legal basis for setting pay for foreign national employees is Section 408 of the Foreign Service Act of 1980 (reference (e)) which reads in part as follows:

"(a) The Secretary shall establish compensation (including position classification) plans for foreign national employees of the Services, and for United States citizens employed in the Service abroad who are family members of Government employees. To the extent consistent with the public interest, each compensation plan shall be based upon prevailing wage rates and compensa-

tion practices (including participation in local social security plans) for corresponding types of positions in the locality of employment, except that such compensation plans shall provide for payment of wages to those family members of Government employees who are paid in accordance with such plans at a rate which is no less than the then applicable minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)). Any compensation plan established under the section may include provision for leaves of absence with pay for foreign national employees in accordance with prevailing law and employment practices in the locality of employment without regard to any limitations contained in section 6310 of title 5, United States Code.

"(b) For the purpose of performing functions abroad, any agency or other Government establishment (including any establishment in the legislative or judicial branch) may administer employment programs for its employees who are foreign nationals or are family members of Government employees assigned abroad, in accordance with the applicable provisions of this Act."

2. In accordance with the provisions of DoD Directive 5120.39 (reference f), authority is hereby delegated to each Military Department for redelegation to its Service component commander in each of the following areas who shall exercise authority in that area to jointly establish salaries, wages, fringe benefits, and related compensation items:

a. U.S. European Command

b. U.S. Pacific Command

c. Azores

d. Iceland

e. Ottawa (Defense Logistics Agency activities)

f. Compensation in all other areas, except Panama, will be fixed and adjusted by DoD wage fixing authority.

3. Each Military Department shall delegate authority to that same commander in that area to establish other terms and conditions of employment for foreign national employees.

4. The following policy is established for determining compensation and conditions of employment for foreign national employees of the U.S. Forces in foreign areas under this delegation of authority:

a. The average pay of employees of the U.S. Forces shall equal average pay of the non-U.S. Forces sector in the country concerned; and

b. Total compensation of employees of the U.S. Forces shall equal total compensation of the non-U.S. Forces sector in the country concerned.

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5. Limitations on delegations of authority are:

a. Unresolved differences relating to salaries, wages, fringe benefits and related compensation matters shall be referred by the cognizant Commander-in-Chief to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L)).

b. Situations which in the view of service component commands warrant deviation from prevailing practice, sometime referred to as public interest determinations, shall be referred by the cognizant Commander-in-chief to the ASD(MRA&L).

c. The annual total pay for an individual established under the delegated authorities may not be more than the maximum payable rate for GS-18.

6. Unified Commanders in Chief or equivalent for the area shall establish joint personnel committees, with Service component representation as applicable to the situation. The Unified Commander may determine the number of joint committees or subcommittees necessary for the conduct of orderly business. Committees may be established on an area or country basis. Component representatives (not to exceed one on a joint committee or subcommittee) shall be appointed by their respective Service component commanders. For each such joint committee, a chairperson shall be designated by the Unified Commander.

a. For direct hire employees (paid from either appropriated or nonappropriated funds), the joint committees shall seek to establish a uniform position with respect to salaries, wages, fringe benefits, and other terms and conditions of employment for foreign national employees. The terms and conditions of employment established shall be in accord with the provisions of controlling treaties and administrative and labor management agreements and this Instruction. Negotiations with labor organizations shall not extend to such areas of discretion and policy as mission, budget, security, organization and assignment of personnel, the technology of performing work, or schedules of compensation, except to the extent provided by treaty, agreement, or directive (but labor organizations may be permitted to participate in the planning and conduct of area wage surveys).

b. For indirect hire employees, the joint committees shall be responsible for coordinating negotiations with host government officials and for ensuring uniform application of agreed service positions.

c. Procedures and detailed instructions to be followed in the administration of that part of the personnel program for foreign national employees of the U.S. Forces concerned with compensation are contained in DoD Instruction 1416.8 (reference (g)) and in The Department of Defense Foreign National Compensation Manual, 1416.8 -M (reference (h)).

d. Guidance on accounting for the pay of foreign national employees is contained in DoD 7220.9-H (reference (i)), see especially paragraph 22110.

7. Unified ommanders and joint committees shall afford full consideration to the participation, wherever appropriate, of other parties, such as

other allied forces or U.S. Government departments or agencies, in achieving a unified position to preclude unilateral action inconsistent with controlling treaties, agreements, or directives.

8. The joint committees shall operate under and be responsible to the commander-in-chief of the Unified Command who shall seek to resolve any component difference to achieve a unified U.S. Forces' position prior to referral by the commander-in-chief to the ASD(MRA&L) for resolution in accordance with paragraph E.5.a., above.

9. Matters, other than unresolved differences referred to in paragraph E.5.a. above, having significant budgetary or legal implications, major policy issues, or impact on manpower ceilings, at the discretion of the commander-in-chief may be referred to the ASD(MRA&L), or to the Military Departments, as appropriate, for advice or decision. The commander-in-chief may obtain through the ASD(MRA&L) technical assistance on compensation matters from the DoD Wage Fixing Authority Technical Staff, established under DoD Directive 5120.39 (reference (f)).

10. The joint committee shall submit the materials listed in DoD Instruction 1416.8-M (reference (h)) to ASD(MRA&L), with informational copies to the concerned Military Departments.

11. This policy does not apply to the Civilian Marine Personnel of the Military Sealift Command, to foreign national employees serviced by U.S. Embassies in accordance with State and DoD Agreement (reference (j)), or to foreign national employees in Panama.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Instruction is effective immediately. Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days.

Robert A. Stone
Acting Assistant Secretary of
Defense (MRA&L)

Enclosure-1
References

REFERENCES, continued

(d) DoD Directive 5530.3, "International Agreements," December 6, 1979
(e) The Foreign Service Act of 1980, Public Law 96-465, October 17, 1980
(f) DoD Directive 5120.39, "Department of Defense Wage Fixing Authority Appropriated Fund Compensation," April 24, 1980
(g) DoD Instruction 1416.8 , "Compensation Program for Foreign Nationals," Dec. 5, 1980
(h) DoD Manual 1416.8 -M, "Department of Defense Foreign National Compensation Manual," December 1980, authorized by DoD Instruction 1416.8, December 5, 1980
(i) DoD 7220.9-H, "DoD Accounting Guidance Handbook," February 1, 1978, authorized by DoD Instruction 7220.9, July 12, 1971
(j) Department of State/Department of Defense Agreement, Subject: "Agreement Concerning Joint Compensation Plans for Local Employees of the Department of State -- United States Information Agency -- Agency for International Development -- Certain Designated Units of the Department of Defense -- and the Foreign Agriculture Service and other Designated Units of the Department of Agriculture," July 9, 1977

‡Appendix C
Procedures for Implementation of Executive Order 12362, as amended

C–1. PURPOSE

Executive Order (EO) 12362 (Overseas Employment), as amended, established the authority for noncompetitive appointments in the competitive service of certain former overseas employees. This appendix describes the eligibility criteria for appointments under this authority and prescribes procedures to be followed by overseas CPOs in counseling employees and documenting eligibility determinations.

C–2. ELIGIBILITY CRITERIA

Eligibility for appointment under this authority is based on service in nonpermanent appointment in a foreign area and is limited to positions in the United States. A former overseas employee may be appointed on a career or career-conditional basis noncompetitively to a competitive service position in the United States provided he or she—

a. Is a citizen of, or owes permanent allegiance to, the United States at the time he or she applies for noncompetitive appointment. Natives of American Samoa are the only noncitizens who, as a group, owe permanent allegiance to the United States. By Presidential proclamation, citizens of the Northern Mariana Islands are also exempt from the prohibitions on examination and appointment of noncitizens.

b. Has accumulated 18 months of creditable overseas service in an appropriated fund position(s) under an overseas local hire appointment(s) within any 10–year period beginning after 1 January 1980. Service under the Berlin Tariff Agreement and in the Panama Canal area is creditable for the purpose of gaining noncompetitive appointment eligibility under EO 12362, as amended; but service under the Berlin Tariff Agreement *may not* be considered Federal service for other purposes (e.g., retirement, leave accrual, pay fixing, etc.). (See chap 315, subchap 6, for specific definitions of overseas local hire appointments which confer EO eligibility.)

c. Served with fully successful or better performance rating(s) in service accrued after 1 January 1984.

d. Was a family member of an appropriate sponsor (a Federal civilian employee, a nonappropriated fund employee, or a member of a uniformed service) who was officially assigned to an overseas area during the 18–month period of creditable overseas service. The former employee is not required to have family member status at the time application is made for employment in the United States.

e. Accompanied or joined the civilian or uniformed sponsor on official assignment in the overseas area in which the creditable overseas service was performed. The family member is not required to travel concurrently with the sponsor on the official assignment.

f. Is appointed within 3 years after returning to the United States from the overseas tour of duty during which he or she acquired eligibility. Documentation of overseas creditable service and the actual date of return to the United States is required at the time he or she applies for noncompetitive appointment in the United States. The Office of Personnel Management (OPM) may approve for individual applicants a longer period of eligibility due to hardship. The extenuating circumstances and/or events causing the hardship which precluded employment within the 3 years must be recorded and transmitted to OPM through HQDA(PECC–CSS), ALEX VA, 22332–0300.

g. Meets all OPM qualification requirements, to include any written test requirement, and time-in-grade restrictions (if applicable), for the position in the United States for which he or she is applying.

C–3. RESPONSIBILITIES OF THE OVERSEAS ACTIVITIES

CPOs in foreign areas will:

a. Counsel family member employees upon their employment in the foreign area on the provisions of EO 12362, as amended. Advise them to maintain all Standard Form 50's (Notification of Personnel Action), or equivalent for family members employed under the Berlin Tariff Agreement, in the event verification of service is necessary.

b. Counsel family member employees prior to their departure to the United States on the

eligibility criteria for noncompetitive appointments under EO 12362, as amended, that—

(1) Eligibility does not confer any priority for appointment.

(2) Official documents (e.g., travel orders to the United States, passport, etc.) are required to verify the actual date they entered the United States when they apply for a job.

c. Provide the family member employees with the following completed forms:

(1) DA Form 5433–R (Verification of Overseas Employment for Noncompetitive Appointment under EO 12362). Locally reproduce this form on 8½- by 11–inch paper; a copy for reproduction is at the end of this chapter. Complete the form in duplicate; retain one copy in the employee's Official Personnel Folder on the left side. Service computation procedures in FPM Supplement 296–33 are applicable in determining the length of service for this purpose.

(2) SF 50, or equivalent for family members employed under the Berlin Tariff Agreement. In the remarks section of the separation SF 50 or other appropriate document, enter the following statement:

"The service performed by (name of employee) since 1 January 1984 [or actual date the employee entered on duty if after 1 January 1984] has been fully successful or better. This certification fully meets the requirements of the Department of the Army Performance Management System. Overseas service under this appointment from (date) to (date) is creditable under EO 12362 as amended."

The performance appraisal certification will be used only when performance has been fully successful or better. The certification will be supported by a supervisory determination based on the employee's performance compared to established performance standards for the critical and noncritical elements of the position as documented on the employee's performance plan. CPOs will assure that personnel actions written in a foreign language have the English translations.

(3) SF 75 (Request for Preliminary Employment Data). Provide this form to family members only if they meet the 18 months of overseas creditable service.

ROTATION AGREEMENT – EMPLOYEES RECRUITED FROM THE UNITED STATES

For use of this form, see AR 690-300, chapter 301; the proponent agency is DCSPER

This agreement must be signed by an employee recruited from the United States *(US)* for an assignment with career or career-conditional status to a Department of the Army *(DA)* position in any foreign area and the Republic of Panama. It covers employees recruited from within DA, from other Federal agencies, and from outside the Federal service. This agreement must be signed before an employee may be assigned to a position in a foreign area.

This document is an agreement between the DA and the employee named in item 1 below regarding the requirements of the DA Rotation Program. This agreement becomes effective upon the employee's initial assignment to the foreign area listed in item 2 below; it remains in effect throughout all approved extensions.

The initial period of the employee's overseas tour is shown in item 4 below. Extensions beyond the initial tour are authorized if management decides that an extension is in the best interest of DA and the employee consents to the extension. Such an extension is initiated only by management. A management decision to return the employee to the US rather than to grant an extension is not grievable by the employee (See AR 690-700, chap 771, para 1-7b(15)).

The employee recognizes the obligation to apply for assignment to the US before completion of the overseas tour or extension(s) thereof as specified in DOD 1400.20-1-M (DOD Program for Stability of Civilian Employment Policies, Procedures, and Programs Manual). This application must be made within 7 workdays following the date of a management decision not to extend the employee's tour. DA agrees to give the employee timely notice of the requirement to apply for assignment. If notice to the employee is delayed, the employee's application may be delayed until not later than 30 calendar days after the date of the notice.

Reemployment rights (if applicable) are to the position shown in item 3 below. If the employee has reemployment rights to a position in the US at a grade equal to or higher than the one occupied 6 months before completion of the overseas tour, the employee will apply to exercise these rights. If reemployment rights are to a lower grade, the employee may either exercise these rights or register in the DOD Priority Placement Program (PPP).

When the employee does not have reemployment rights, or when these rights will not be exercised, application for return to the US will be made through the PPP. The employee agrees to expand availability to the geographic area considered necessary by the registering Civilian Personnel Office to assure receipt of one valid offer of continued employment from the US. The employee's initial availability will be for up to one full PPP Zone; this Zone will be the Zone in the US from which the employee was recruited or a Zone less distant from the overseas activity. If an offer is not received within the first 90 calendar days, the employee's availability will be expanded to at least two full PPP Zones. If an offer is not received within the succeeding 90 calendar days, the employee's availability will be expanded nationwide. The employee agrees to accept, as outlined in DOD 1400.20-1-M, the first valid offer of continuing employment made from the US. The employee will then return to the US within 30 calendar days. With the concurrence of the gaining activity in the US, this time period normally may be extended not to exceed 45 calendar days.

DA agrees to reasonably help the employee to apply for return placement in the US. Also, DA agrees to help the employee to obtain a valid offer of continuing employment which is consistent with the employee's geographic and occupational availability.

By signing at item 5 below or in the appropriate signature block item on the extension addendum, the employee agrees to the above conditions of employment and understands that failure to abide by the terms of the agreement may result in a proposal to separate the employee from the Federal service.

This agreement becomes void if, before completion of the overseas tour, the employee transfers to a Federal agency outside the Department of Defense or is voluntarily or involuntarily separated.

ROTATION AGREEMENT – EMPLOYEES RECRUITED FROM THE UNITED STATES *(Cont'd)*

1. NAME OF EMPLOYEE

2. POSITION AND AREA FOR WHICH SELECTED

3. REEMPLOYMENT RIGHTS

____ NONE

TO_____

4. INITIAL OVERSEAS TOUR

_____ MONTHS DATE TOUR BEGINS _____

5. EMPLOYEE'S SIGNATURE

6. TITLE AND SIGNATURE OF PERSONNEL REPRESENTATIVE

7. DATE OF AGREEMENT

1ST EXTENSION*

8. DATE OF APPROVED EXTENSION _____ FOR _____ MONTHS

9. EMPLOYEE'S SIGNATURE

10. TITLE AND SIGNATURE OF PERSONNEL REPRESENTATIVE

11. DATE OF AGREEMENT

2ND EXTENSION*

12. DATE OF APPROVED EXTENSION _____ FOR _____ MONTHS

13. EMPLOYEE'S SIGNATURE

14. TITLE AND SIGNATURE OF PERSONNEL REPRESENTATIVE

15. DATE OF AGREEMENT

3RD EXTENSION*

16. DATE OF APPROVED EXTENSION _____ FOR _____ MONTHS

17. EMPLOYEE'S SIGNATURE

18. TITLE AND SIGNATURE OF PERSONNEL REPRESENTATIVE

19. DATE OF AGREEMENT

*If reemployment rights are extended, attach a completed Supplement to Reemployment Rights Agreement. *(See AR 690-300, chap 352, app C.)*

ROTATION AGREEMENT – EMPLOYEES RECRUITED LOCALLY IN FOREIGN AREAS

For use of this form, see AR 690-300, chapter 301; the proponent agency is DCSPER

This agreement is to be signed by an employee selected through local recruitment for appointment or conversion to appointment to a Department of the Army (DA) position in foreign areas with career or career-conditional status. This agreement must be signed before an employee may be appointed or converted to a position in a foreign area.

This document is an agreement between the DA and the employee named at item 1 below. This agreement becomes effective upon the employee's initial assignment or conversion to career or career-conditional appointment to the foreign area position listed at item 2 below; it remains in effect throughout all approved extensions.

When this assignment is accepted, the employee becomes subject to the DA Rotation Program. The employee's overseas assignment is limited to an initial tour and any management-initiated extension thereof. Extensions beyond the initial tour are neither automatic nor a right of the employee.

The employee recognizes the obligation to apply for assignment to the US before completion of the overseas tour, or extension(s) thereof. This obligation does not apply if the employee is a family member and residing with an active duty military or civilian sponsor at the time. DA agrees to give the employee timely notice of the requirement to apply for reassignment. If the notice to the employee is delayed, the employee's application may be delayed until not later than 30 calendar days after the date of the notice.

The employee will apply for assignment to the US according to DOD 1400.20-1-M (DOD Program for Stability of Civilian Employment Policies, Procedures, and Programs Manual). The employee agrees to be available for the geographic area considered necessary by the registering Civilian Personnel Office to assure receipt of one valid offer of continuing employment in the US. Initial availability of the employee will be for up to one full Zone under the DOD Priority Placement Program (PPP); this Zone will be the Zone in which the employee last resided before departure from the United States or a Zone less distant from the overseas activity. If an offer is not received within the first 90 calendar days, the employee's availability will be expanded to at least two full PPP Zones. If an offer is not received within the succeeding 90 calendar days, the employee's availability will be expanded nationwide. If the employee chooses, availability may be expanded to lower grade or non-Army positions to speed return to the US. The employee agrees to accept, as outlined in DOD 1400.20-1-M, the first valid offer of continuing employment made from the US. The employee will rotate to the US within 30 calendar days. With the concurrence of the gaining activity in the US, this time period normally may be extended to not more than 45 calendar days.

DA agrees to reasonably help the employee to apply for placement in the US. Also, DA agrees to help the employee obtain a valid offer of continuing employment which is consistent with the employee's geographic and occupational availability.

A management decision to return the employee after completion of the initial tour or extension thereof is excluded from the coverage of AR 690-700, chapter 771 (Department of the Army Grievance System).

By signing at Item 3 below, the employee agrees to the above conditions of employment and understands that failure to abide by the terms of the agreement may result in a proposal to separate the employee from the Federal service.

This agreement becomes void if before completion of the initial tour, or extension thereof, the employee transfers outside the Department of Defense, is voluntarily or involuntarily separated, or rotates to the US as a family member of an active duty military or civilian sponsor.

ROTATION AGREEMENT – EMPLOYEES RECRUITED LOCALLY IN FOREIGN AREAS (Cont'd)

1. NAME OF EMPLOYEE

2. POSITION AND AREA FOR WHICH SELECTED

3. EMPLOYEE'S SIGNATURE

4. TITLE AND SIGNATURE OF PERSONNEL REPRESENTATIVE

5. INITIAL TOUR

6. DATE OF AGREEMENT

1ST EXTENSION

7. DATE OF APPROVED EXTENSION _____ FOR _____ MONTHS

8. EMPLOYEE'S SIGNATURE

9. TITLE AND SIGNATURE OF PERSONNEL REPRESENTATIVE

10. DATE OF AGREEMENT

2ND EXTENSION

11. DATE OF APPROVED EXTENSION _____ FOR _____ MONTHS

12. EMPLOYEE'S SIGNATURE

13. TITLE AND SIGNATURE OF PERSONNEL REPRESENTATIVE

14. DATE OF AGREEMENT

3RD EXTENSION

15. DATE OF APPROVED EXTENSION _____ FOR _____ MONTHS

16. EMPLOYEE'S SIGNATURE

17. TITLE AND SIGNATURE OF PERSONNEL REPRESENTATIVE

18. DATE OF AGREEMENT

ROTATION AGREEMENT – EMPLOYEES RECRUITED FROM THE US TERRITORIES AND POSSESSIONS

For use of this form, see AR 690-300, chapter 301; the proponent agency is DCSPER

This agreement must be signed by an employee recruited from a territory or possession for an assignment to a Department of the Army (DA) position with career or career-conditional status in any foreign area. This agreement must be signed before an employee may be assigned to a position in a foreign area.

This document is an agreement between DA and the employee named in item 1 below regarding the requirements of the DA Rotation Program. This agreement becomes effective upon the employee's initial assignment to the foreign area listed in item 2 below; it remains in effect throughout all approved extensions.

The initial period of the employee's overseas tour is shown in item 4 below. Extensions beyond the initial tour are authorized if management decides that an extension is in the best interest of DA and the employee consents to the extension. Such an extension is initiated only by management. A management decision to return the employee rather than grant an extension is not grievable by the employee. (See AR 690-700, chap 771, paragraph 1-7b(15).

The employee recognizes the obligation to apply for return assignment before completion of the overseas tour or extension(s) thereof as specified in DOD 1400.20-1-M (DOD Program for Stability of Civilian Employment Policies, Procedures, and Programs Manual). This application must be made within 7 work days following the date of a management decision not to extend the employee's tour. DA agrees to give the employee timely notice of the requirement to apply for assignment. If notice to the employee is delayed, the employee's application may be delayed until not later than 30 calendar days after the date of the notice.

Reemployment rights (if applicable) are to the position shown in item 3 below. If the employee has reemployment rights to a position at a grade equal to or higher than the one occupied 6 months before completion of the overseas tour, the employee will apply to exercise these rights. If reemployment rights are to a lower grade, the employee may either exercise these rights or register in the DOD Priority Placement Program (PPP).

When the employee whose home of record is a US territory or possession does not have reemployment rights, or when these rights will be not be exercised, application for return will be made through the PPP. The employee agrees to expand availability to the geographic area considered necessary by the registering Civilian Personnel Office to assure receipt of one valid offer of continued employment. The employee's initial availability will be for the particular territory or possession from which recruited. If an offer is not received within the first 90 calendar days, the employee's availability will be expanded to include the PPP Zone in the US less distant from the overseas activity. The employee agrees to accept, as outlined in DOD 1400.20-1-M, the first valid offer of continuing employment. The employee will then return within 30 calendar days. With the concurrence of the gaining activity, this time period normally may be extended not to exceed 45 calendar days.

DA agrees to reasonably help the employee to apply for return placement. Also, DA agrees to help the employee to obtain a valid offer of continuing employment which is consistent with the employee's geographic and occupational availability.

By signing at item 5 below or in the appropriate signature block item on the extension addendum, the employee agrees to the above conditions of employment and understands that failure to abide by the terms of the agreement may result in a proposal to separate the employee from the Federal service.

This agreement becomes void if, before completion of the oversea tour, the employee transfers to a Federal agency outside the Department of Defense or is voluntarily or involuntarily separated.

ROTATION AGREEMENT – EMPLOYEES RECRUITED FROM THE US TERRITORIES AND POSSESSIONS *(Cont'd)*

1. NAME OF EMPLOYEE

2. POSITION AND AREA FOR WHICH SELECTED

3. REEMPLOYMENT RIGHTS

___ NONE

TO _____

4. INITIAL OVERSEAS TOUR

_____ MONTHS DATE TOUR BEGINS _____

5. EMPLOYEE'S SIGNATURE

6. TITLE AND SIGNATURE OF PERSONNEL REPRESENTATIVE

7. DATE OF AGREEMENT

1ST EXTENSION*

8. DATE OF APPROVED EXTENSION _____ FOR _____ MONTHS

9. EMPLOYEE'S SIGNATURE

10. TITLE AND SIGNATURE OF PERSONNEL REPRESENTATIVE

11. DATE OF AGREEMENT

2ND EXTENSION*

12. DATE OF APPROVED EXTENSION _____ FOR _____ MONTHS

13. EMPLOYEE'S SIGNATURE

14. TITLE AND SIGNATURE OF PERSONNEL REPRESENTATIVE

15. DATE OF AGREEMENT

3RD EXTENSION*

16. DATE OF APPROVED EXTENSION _____ FOR _____ MONTHS

17. EMPLOYEE'S SIGNATURE

18. TITLE AND SIGNATURE OF PERSONNEL REPRESENTATIVE

19. DATE OF AGREEMENT

*If reemployment rights are extended, attach a completed Supplement to Reemployment Rights Agreement. *(See AR 690-300, chap 352, app C.)*

ORIENTATION STATEMENT

For use of this form, see AR 690-300, chapter 301; the proponent agency is DCSPER

SECTION I

(This section is to be completed by the selectee upon completion of the processing orientation.)

I hereby acknowledge receipt of a copy of DA Pam 690-1, "Working Overseas with the Department of the Army" and the DA pamphlet in the 608 series ("_____, Facts You Need to Know").
(Country of assignment)

I have read these pamphlets and understand and accept without reservations the conditions set forth therein.

I have been briefed on all of the topics listed on the attached Orientation Checklist and understand my entitlements, rights, responsibilities, and obligations in these areas.

I have been given the opportunity to participate in the Exceptional Family Member Program for handicapped school-aged family members, if appropriate.

SIGNATURE OF SELECTEE DATE

SECTION II

(This section is to be completed by the personnel office representative responsible for processing the selectee for the overseas assignment.)

The selectee has had an opportunity to discuss the contents of the DA pamphlets listed above with me, and I have answered all questions to the best of my ability.

I have discussed each of the topics listed on the attached Orientation Checklist with the selectee and have answered all questions to the best of my ability.

SIGNATURE OF CPO REPRESENTATIVE DATE

NAME AND ADDRESS OF INSTALLATION

ORIENTATION STATEMENT *(Cont'd)*
ORIENTATION CHECKLIST

____ Position description.

____ Information pamphlets on country to which employee is being assigned.

____ DA Pam 690-1 (Working Overseas with the Department of the Army).

____ CPP 63 (Civilian Travel and Transportation — Permanent Change of Station Travel).
Tour of duty, transportation agreement.
____ Family member travel eligibility.

____ Family member employment counseling.

____ Dependent schools.

____ Housing availability and cost.

____ Allowances and differentials (Discuss SMA).

____ PX and commissary privileges.

____ Transportation and storage of household goods.

____ Advance of pay.

____ Hold baggage — how to ship.

____ Furniture and appliances — what to ship.

____ Privately owned vehicle — shipment.

____ Name, address, and telephone number of sponsor.

____ Port call information.

____ Port facilities.

____ Steps to follow upon arrival overseas if not met at port.

____ Where to report at overseas destination.

____ Time limitations on overseas employment.

____ Reemployment rights.

____ Returnee placement program.

____ Federal Employee Group Life Insurance.

____ Health benefits.

____ Emergency-essential position obligations.

____ Exceptional Family Member Program.

____ Payroll allotment.

____ Retirement system or social security.

____ Travel claims and transportation requests.

____ US Savings Bonds.

____ Annual and sick leave.

____ Renewal agreement travel.

____ Home leave.

____ Emergency procedures for reaching employee overseas through Red Cross.

____ Documents required for DEERS registration.

REQUEST FOR PROCESSING OF OVERSEAS SELECTEE For use of this form, see AR 690-300, chapter 301; the proponent agency is DCSPER	REQUISITION NUMBER

NAME

POSITION TITLE/SERIES/GRADE

DUTY LOCATION

TO:

1. Subject individual has been selected for an overseas duty assignment as indicated above. Your assistance in processing the selectee is requested in accordance with DA Pam 690 - _____. This information required in accordance with that regulation is attached, and the following information is furnished for your additional assistance in counseling the selectee:

a. Initial tour of duty in accordance with DOD JTR is _____ months.

b. Passports:

____ If selectee and family members have current tourist passports, permission is hereby granted for using such passports in lieu of official passports.

____ Official passport is required.

____ Visa is required.

c. Quarters:

____ Government housing is available for civilians.

____ The availability and average cost of local economy housing is _____

_____

_____

_____ *(subject to change).*

d. On the basis of Department of State regulations (which are subject to change), the selectee is entitled to the following allowances for his or her duty location:

____ Housing allowance as of (date) _____ is $_____ per annum with family or $_____ per annum without family. This amount is increased for additional family members.

____ Overseas differential is $ _____ or _____ percent of the selectee's salary.

____ Separate maintenance allowance authorized. Recommend election and application be made on SF Form 1190 (Foreign Allowances Application, Grant, and Report) prior to departure.

____ Other allowances/differentials: *(Explain)*

e. Availability of dependent schools at selectee's location:

_____ Kindergarten _____ Grade School _____ High School

_____ Schools are not available. Children attend schools at _____ and are provided daily transportation to that location.

_____ Schools are not available. Children in grades _____ through _____ attend boarding schools at _____.

f. Post exchange and commissary shopping facilities ☐ are available; or ☐ are not available at selectee's duty location. The nearest shopping facilities are located at _____, which is approximately _____ miles from selectee's duty location. Banking facilities are available at _____.

g. Shipment of a privately owned vehicle ☐ is or ☐ is not authorized. The following restrictions apply:

_____

_____

_____.

h. The cost and availability of gasoline is: _____

_____

_____.

i. Shipment of household goods ☐ is or ☐ is not administratively restricted. If so, the maximum is _____ pounds.

j. Furniture and appliance information. Selectee should consider shipping: _____

_____.

However, items such as _____

_____ are available upon arrival or

_____ are available within _____ to _____ days.

k. Information concerning the availability of medical/dental/hospital care.

_____

_____

_____

The selectee should contact sponsor/supervisor for specific information if special requirements are needed for ongoing medical/dental care.

l. The selectee will be met by the sponsor or a designated individual upon arrival. However, if the selectee is not met because of unforeseen circumstances, the selectee should do the following:

(1) If arrival is on a workday:

(2) If arrival is not on a workday:

m. Information concerning the travel of family members:

_____ Family members are authorized to accompany selectee to designated duty station.

_____ Family members are authorized to accompany selectee to designated duty station; however, because of reasons beyond our control, selectee should arrive at duty station unaccompanied, and family members will be scheduled for arrival at a later date.

_____ Family members are not authorized to accompany selectee to duty location because _____

_____.

n. If the selectee has family members interested in obtaining employment at the overseas duty station, the enclosed information will be of assistance. Family members interested in employment opportunities at the selectee's duty location should submit the following documents _____

_____

_____ to: _____

_____.

o. Under the local pay fixing policy, salary ☐ will or ☐ will not be adjusted based on highest previous rate. Explain any restrictions: _____

_____

_____.

p. Fund citations for inclusion in the travel orders:

For FY _____

(1) Travel _____

(2) Household goods _____

(3) Advance pay _____

(4) Other *(specify)* _____

q. Security clearance requirements:

_____ Selectee must arrive at duty station with final clearance as identified on attached SF Form 52.

_____ Final clearance not required. However, selectee must arrive with sufficient information for granting an interim clearance.

r. The selectee's mailing address for change of address purposes will be: _____

_____

_____.

s. The name, address, and telephone number of the selectee's sponsor are given below. The sponsor has been advised to contact the selectee within 10 days from the date of this letter.

Name _____

Address _____

Work telephone number *(commercial)* _____ *(Autovon)* _____

Home telephone number _____

t. The name, address, and telephone number of the selectee's supervisor are given below. The supervisor will contact the selectee within 10 days from the date of this letter if, for some reason, the sponsor is unable to do so.

Name _____

Address _____

Work telephone number *(commercial)* _____ *(Autovon)* _____

Home telephone number _____

u. Proposed entrance on duty *(EOD)* date: _____.

v. Information pamphlets concerning geographical location to which selectee is assigned are enclosed.

w. Additional instructions _____

_____.

(Specify if any of the following is authorized):

____ TDY en route to _____;
____ Excess baggage;
____ Delay in reporting date;
____ Annual leave in excess of 5 days.

x. CPO point of contact (POC):

Name _____ Title: _____

Name of Alternate POC _____

Message Address _____

Mailing Address _____

Telephone Number *(Autovon)* _____

(Commercial) _____

2. In accordance with AR 690-300, chapter 301, appendix B, please advise the CPO (item x) and the recruitment office below of:

a. The date of receipt of results of physical examination, if required.

b. The date of receipt of passport.

c. Port call date, time, and place.

d. Delays or problems in processing.

e. Any additional information required.

The message address is: _____

Telephone Number: *(Autovon)* _____

(Commercial) _____

3. Please include the name of the selectee and the vacancy requisition number in the subject line of any correspondence on this matter.

_____

NAME AND TITLE OF RECRUITMENT OFFICE POINT OF CONTACT

_____

SIGNATURE OF POINT OF CONTACT

VERIFICATION OF OVERSEAS EMPLOYMENT FOR NONCOMPETITIVE APPOINTMENT UNDER EO 12362

For use of this form, see AR 690-300, chapter 301; the proponent agency is DCSPER

1. NAME *(Last, first, MI)*	2. SOCIAL SECURITY NUMBER

3. FEDERAL EMPLOYMENT IN THE OVERSEAS AREA SINCE 1 JANUARY 1980.

NAME AND LOCATION OF INSTALLATION	TYPE OF APPT*(S)* AND LEGAL AUTH	POSITION*(S)* TITLE, SERIES & GRADE	FROM			THRU			BONA FIDE FAMILY MEMBER		TOTAL EO CREDITABLE SERVICE		
			MO	DA	YR	MO	DA	YR	YES	NO	YR	MO	DA

4. EMPLOYEE RECEIVED PERFORMANCE APPRAISALS OF FULLY SUCCESSFUL OR HIGHER FOR ALL PERIODS OF SERVICE LISTED ABOVE AFTER 1 JANUARY 1984. YES_____NO_____IF NOT, LIST SPECIFIC PERIOD OF LESS THAN FULLY SUCCESSFUL SERVICE IN ITEM 6.	5. DID EMPLOYEE TAKE NONCOMPETITIVE OR COMPETITIVE EXAM? YES_____NO_____ *(If yes, state title and date)*

6. REMARKS:

7. TYPED NAME & TITLE OF AUTHORIZED CPO OFFICIAL	8. SIGNATURE OF AUTHORIZED CPO OFFICIAL	9. DATE

DA FORM 5433-R, JUN 85

Appendix D

DODI 1400.23

Department of Defense
INSTRUCTION

November 13, 1987
NUMBER 1400.23

ASD(FM&P)

SUBJECT: Employment of Family Members of U.S. Armed Forces Personnel and Civilian Employees Stationed in Foreign Areas

References:
(a) Public Law 99-145, "DoD Authorization Act," November 8, 1985, Section 806, "Employment Opportunities for Military Spouses," as amended (10 USC, Section 133 Note)
(b) DoD Instruction 1400.23, "Employment of Dependents of Military and Civilian Personnel Stationed in Foreign Areas," September 18, 1974 (hereby canceled)
(c) DoD Directive 1400.13, "Salaries and Personnel Practices Applicable to Teachers and Other Employees of the DoD Overseas Dependents' Schools System," July 8, 1976, as amended
(d) DoD 1401.1-M, "Personnel Policy Manual for Nonappropriated Fund Instrumentalities," February 1987, as amended, authorized by DoD Instruction 1401.1, November 15, 1985
(e) Federal Personnel Manual (FPM), Chapters 213, 310, and 315, Subchapter 6
(f) DoD 1400.20-1-M, "DoD Program for Stability of Civilian Employment Policies, Procedures, and Program Manual," July 1986, authorized by DoD Directive 1400.20, June 16, 1981

A. REISSUANCE AND PURPOSE

This Instruction implements reference (a) and reissues reference (b) to update policy and procedures to improve employment opportunities for family members of U.S. Armed Forces personnel and civilian employees of U.S. Government Agencies stationed in foreign areas.

B. APPLICABILITY AND SCOPE

This Instruction:

1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Unified and Specified Commands, the Defense Agencies, and DoD Field Activities (hereafter referred to collectively as "DoD Components").

2. Does not apply to the employment of educators with the DoD Dependents Schools System (DoDDS). Spouse and family member applicants for educator positions with this system shall be given preference in accordance with DoD Directive 1400.13 (reference (c)).

3. Does not apply to employment in Nonappropriated Fund (NAF) positions. Spouse and family member applicants for NAF positions shall be given preference in accordance with DoD 1401.1-M (reference (d)).

4. Does not apply to employment with the National Security Agency (NSA), the Defense Intelligence Agency (DIA), or to those organizations in the DoD Components that have as a primary function intelligence, counterintelligence, investigative, or any unique national security responsibilities.

5. Does not apply to journeyman level positions covered by mandatory mobility agreements.

C. DEFINITION

1. Family Member. Under this regulation, a family member is the spouse or dependent child, including stepchildren, adopted children, and foster children of a member of the U.S. Armed Forces or a U.S. citizen civilian employee of a U.S. Government Agency whose duty station is in the foreign area. Unmarried dependent children residing with sponsor may be appointed under the special appointing authority for family members until age 23. Once appointed, unmarried dependent children may be retained until their sponsor departs from the commuting area of his/her duty station or completes current overseas tour (excluding any extensions), whichever occurs first.

D. POLICY

It is DoD policy that:

1. Spouses of U.S. Armed Forces personnel shall be given preference when filling vacancies competitively through either internal or external placement in all positions designated for U.S. citizen occupancy at the GS-1 through GS/GM-15 level (or equivalent) located in the same commuting area as the permanent duty station of the member. To receive preference, the spouse must be in the area of consideration (competitive) and included among persons determined to be best qualified for the position. This preference shall apply only to initial employment into a continuing position including temporary positions of 1 year or longer at each duty location. Spouse preference shall not be given when doing so shall contravene existing statutes or regulations on veterans' preference or nepotism.

2. Family members of U.S. Armed Forces personnel and U.S. Government civilian employees shall be given equal preference in employment in nonsupervisory positions at the GS-1 through GS-8 level (and equivalent) in the absence of military spouses in the best qualified group. Spouse or family member preference shall not be given when doing so shall contravene existing statutes or regulations on veterans' preference or nepotism.

3. In order to expand employment opportunities for spouses and family members, commanders shall, to the maximum extent possible, utilize foreign national positions for U.S. citizen occupancy as the positions become vacant

for recruitment from outside the current foreign national work force, unless such employment is contrary to treaties or other international agreements. When qualified spouses are available to fill such positions, they shall be afforded preference, unless the commander determines that it is essential to mission effectiveness to retain local national incumbency in a specific position.

4. Spouse and family member preference shall be applied equitably and reciprocally across DoD Component lines.

5. Family members of locally hired civilian employees shall not be given preference in employment under this regulation.

E. RESPONSIBILITIES

1. The Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)) shall:

a. Establish and administer the policies and procedures set forth in this Instruction to provide for an enhancement of employment opportunities for family members of U.S. Armed Forces personnel and civilian employees of U.S. Government Agencies stationed in foreign areas.

2. The Heads of DoD Components shall:

a. Issue internal regulations to implement the provisions of this Instruction.

F. PROCEDURES

1. Appointments of spouses and family members, who receive preference, shall be Excepted Appointment or Excepted Appointment (Not to Exceed (NTE)) made under Special schedule A appointment authority 213.3106(b)(6) (reference (e)). The exceptions may be those spouses and family members eligible for transfer and those with personal competitive civil service status eligible for reinstatement, who may be given competitive appointments in accordance with FPM chapter 315 (reference (e)). Employment under the Schedule A authority may not extend longer than 2 months following the transfer of the sponsor from the commuting area of his/her duty station or the separation of the appointee's sponsor, or beyond the time the employee ceases to be a spouse or a family member except in the event of the death of the sponsor. Extensions of up to 1 year may be approved for any of these family members when the DoD Component concerned determines that additional employment is in the interest of management. This authority shall be used very sparingly, and such extensions shall be approved by the Director of Civilian Personnel of the DoD Component concerned or his or her designated representative.

2. Overseas commanders shall ensure that job information is provided in a manner reasonably designed to reach spouses of U.S. Armed Forces personnel whose permanent duty stations are in the same commuting area as the area where the position is located.

3. Heads of DoD Components may establish guidelines for approving exceptions to selection priorities. Exceptions shall be rare and shall be based only on compelling hardship to the DoD Component mission or to the applicant.

4. Spouses and family members who have less than 6-months time remaining in the area may be nonselected for permanent continuing positions.

5. Spouses may file applications for employment with overseas civilian personnel offices 30 days before their anticipated arrival within the command. However, spouses may not receive preference until actually arriving at the overseas location.

6. The appointment of spouses and family members under this Instruction is subject to the regulations and restrictions on employment of relatives (FPM chapter 310 (reference (e)).

7. When spouse or family member employment is authorized for foreign national positions, such employment shall be under the special Schedule A authority only. Spouses and family members in these positions may be subject to separation or reassignment, therefrom, if the position is required for the placement of a current foreign national employee through reduction-in-force procedures. Veterans' preference does not apply to positions designated for foreign national occupancy. Spouses and family members who are not U.S. citizens shall be given equal consideration with U.S. citizen spouses and family members for foreign national vacancies except when doing so would conflict with host nation law or agreements with the host nation.

8. Individuals selected under this policy shall be advised by the servicing civilian personnel office of the following procedures available for continuing employment upon returning to the United States (including Guam, Puerto Rico, and the Virgin Islands):

a. Spouses and family members traveling by authority of their sponsor's travel orders who are employed overseas under career or career-conditional appointments may apply for placement assistance through the DoD Priority Placement Program at the time of their sponsor's return to the United States. Such registration shall be in accordance with chapter 6 of DoD 1400.20-1-M (reference (f)).

b. Spouses and family members, who were employed overseas under the special Schedule A authority, overseas limited authority, or other nonpermanent local hire appointment authority, provided they meet the conditions of eligibility in FPM, chapter 315, subchapter 6 (reference (e)), may be selected and noncompetitively appointed on a career-conditional basis to competitive service positions for which they qualify after returning to the United States.

G. EFFECTIVE DATE AND IMPLEMENTATION

This Instruction is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) within 90 days.

David J. Armor
Principal Deputy
Assistant Secretary of Defense
(Force Management and Personnel)

Chapter 302
Employment in the Excepted Service
Contents

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1-2. Selection Requirements

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* * * * *

SUBCHAPTER 4. Selection and Appointment; Reappointment; and Qualifications for Promotion

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4-2. Position Changes

* * * * *

‡SUBCHAPTER 7. Employment of Civilian Attorneys
7-1. Scope
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* * * * *

‡APPENDIX C. Civilian Attorneys—Under the Qualifying Authority of the Judge Advocate General
C-1. General
C-2. Affirmative Action
C-3. Procedures
C-4. Notification Requirements

Subchapter 1. General Provisions

1-1. GENERAL REQUIREMENTS

* * * * *

d. **Prior approval of OPM.** When there is doubt as to whether a position is in the excepted service, send a request for a decision through command channels to HQDA(PECC-CSS), ALEX VA 22332-0300.

* * * * *

1-2. SELECTION REQUIREMENTS

* * * * *

c. **Special modifications.** Send requests to establish systems for selection that deviate from specific procedural requirements of FPM chapter 302 through command channels to HQDA(PECC-CSS).

* * * * *

1-6. TRIAL PERIOD

‡a. All persons given excepted appointments of more than 1 year must serve a 1-year trial period. Prior service is credited toward completion of the trial period to the same extent as that for probationary periods in the competitive service. (See FPM chap 315, app A.)

‡b. Employees in the excepted service are not required to serve probationary periods as new managers and supervisors. (See chap 315, subchap 9, of this regulation for information on supervisory probationary periods.)

Subchapter 2. Eligibility Standards

* * * * *

2-5. CITIZENSHIP

DA is authorized to appoint noncitizens to positions in the excepted service. Within the United States, noncitizens will be hired only when no qualified citizens are available. For purposes of this subchapter, applicants are considered qualified when they meet all conditions of employment, e.g., qualification standards (including selective placement factors), physical standards, and suitability.

* * * * *

2-8. AGENCY QUALIFICATION STANDARDS

a. **Establishment and use.**

‡(1) Qualification standards for excepted positions are established by commands and installations having the positions unless a specific standard has been adopted by HQDA. (See (2) below.) Standards generally should follow competitive service standards for similar positions. Send requests to include written tests through command channels to HQDA(PECC-CSS), ALEX VA 22332-0300, for approval.

‡(2) Family members appointed overseas under schedule A authority 213.3106(b)(6) must meet Office of Personnel Management qualification standards, less any written test requirement.

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Subchapter 4. Selection and appointment; Reappointment; and Qualifications for Promotion

* * * * *

4-2. POSITION CHANGES

a. **Authority.** Time-in-grade restrictions apply to excepted service positions per chapter 300, subchapter 6, of this regulation.

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TO BE FILED WITH BASIC FPM CHAPTER 302

‡Subchapter 7. Employment of Civilian Attorneys*

7-1. Scope.

This subchapter sets forth the special requirements and procedures that apply to actions to establish and fill civilian attorney positions and employ civilian attorneys, law clerk trainees, and legal interns throughout the Department of the Army (DA). Attorney positions are those positions with duties the performance of which requires admission to the bar. This includes all properly classified GS/GM 905 General Attorney and GS/GM 1222 Patent Attorney positions. Excepted appointments to attorney positions are made under authority of Schedule A 213.3102(d). Law clerk trainee positions are those in the GS-904-series to which persons who meet all requirements for attorney positions except bar membership may be appointed. This subchapter applies to recruitment, appointment, assignment, promotion, removal or other disciplinary actions, and standards of conduct. It specifes performance evaluation requirements that apply to heads of legal offices. It supplements other civilian personnel regulations that apply to employment in the excepted service and the Senior Executive Service (SES).

7-2. Qualifying Authority.

a. Authority. Within the DA, the Army General Counsel has been delegated authority to approve the qualifications of persons recommended for appointment, transfer, reassignment, or promotion as civilian attorneys. The General Counel retains qualifying authority for all civilian attorney positions in the Office of the Secretary of the Army and for those attorney positions throughout the DA in the SES and in grades GS-16 through -18. No civilian attorney position at these levels may be filled without prior approval of the proposed selectee's qualifications by the General Counsel. The authority to approve the qualifications of persons recommended for appointment, transfer, reassignment, or promotion as civilian attorneys or law clerk trainees in grades GS/GM-15 and below is delegated without power of redelegation to the following officials as indicated. (These officials and the General Counsel will later be referred to as qualifying authorities.)

(1) The Chief Counsel, US Army Corps of Engineers (USACE), for all elements under that command.

(2) The Command Counsel, US Army Materiel Development and Readiness Command (DARCOM), for all elements of that command.

(3) The Judge Advocate General (TJAG) for all other elements of the DA outside the Office of the Secretary of the Army.

b. Prior approval. The designated qualifying authority is responsible for and has complete discretion in approving the qualifications of persons recommended for assignment to attorney and law clerk trainee positions. Referral of the names of available candidates by the qualifying authority as recruitment assistance does not, in itself, constitute advance approval of the qualifications of the individuals referred. Before a person is assigned to any attor-

*The double dagger (‡) indicates there is no corresponding subchapter in FPM chapter 302.

ney or law clerk trainee position, prior approval from the qualifying authority is required.

c. Procedural requirements. Qualifying authorities, in coordination with their civilian personnel directorates, may establish supplementary procedures to be followed in filling positions in elements under their jurisdictions. Procedures that apply to filling positions for which TJAG is the qualifying authority are in appendix C.

7-3. Establishing Legal Offices and Positions.

a. Offices. A new agency legal office headed by a civilian attorney may be established only with the prior approval of the General Counsel. Establishing a civilian attorney position that is not under the immediate supervision of another military or civilian attorney within the appointing officer's command constitutes establishing a new agency legal office.

b. Positions. Establishing a civilian attorney position within an existing Army legal office is subject to any policies and procedures specified by the designated qualifying authority. In addition, when an attorney position is established in the SES or at grades GS-16 through -18, prior approval of the General Counsel is required.

7-4. Qualification Requirements.

a. Initial appointment. To be eligible for consideration for employment as an Army civilian attorney, applicants must be graduates of law schools that are accredited by the American Bar Association. The General Counsel may make exceptions to this requirement on a case-by-case basis upon a showing that the candidate possesses superior qualifications and that no well-qualified candidates from accredited law schools are available.

b. Minimum qualifications. The following minimum qualification requirements will be applied when filling all attorney positions:

(1) *GS-9.* The applicant must be a member in good standing of the bar of a State, territory, the District of Columbia, or the Commonwealth of Puerto Rico.

(2) *GS-11.* Same as (1) above plus 1 year of professional legal experience after being admitted to the bar.

(3) *GS-12 and above.* Same as (1) above plus 2 or more years of professional legal experience appropriate to the responsibilities of the position.

c. Exceptions.

(1) The qualifying authority is authorized to make exceptions to the minimum experience requirements stated in *b* above in cases in which the nominees possess special qualifications in place of those specified. For example, a second professional law degree (Master of Laws (LL.M)) or graduation with a distinguished record from an accredited law school (e.g., in the top 15 percent of the class) may be recognized as a proper substitute for 1 year of required experience in professional legal work.

(2) It is a policy of the DA to encourage promising new law graduates to accept Army employment. Accordingly, when vacancies exist, honor and superior law graduates may be temporarily employed as law clerk trainees with the understanding that they may be converted to regular attorney positions after being admitted to the bar. Appointments made pending admission

to the bar are made under excepted authority Schedule A 213.3102(e) in accordance with procedures prescribed by the proper qualifying authority and may not exceed 14 months.

d. Students. Students in good standing at accredited law schools who are candidates for Doctor of Laws (J.D.) or Bachelor of Laws (LL.B.) degrees may be appointed under Schedule A 213.3102(jj) as legal interns for a period not to exceed 1 year. Extensions may be made in accordance with procedures prescribed by the proper qualifying authority.

7-5. Securing Prior Approval of Qualifying Authority.

In addition to information about recruitment efforts described in paragraph 7-6, requests for approval of the qualifications of a candidate for initial assignment to an attorney position within the DA will be sent with the following documents to the proper qualifying authority (para 7-2):

a. Letter requesting authority to effect the personnel action.

b. SF 171 (Personal Qualification Statement).

c. Official certificate showing that the applicant is a member in good standing of the bar, together with a sworn statement by the candidate that his or her fitness to practice law or conduct as an attorney has never been challenged in any jurisdiction or; if either has been challenged, a sworn statement giving the facts and circumstances, together with any other explanation that the applicant considers appropriate. The certificate and statement should be dated no more than 3 months before the announcement of the vacancy.

d. Official transcript of the applicant's law school record together with an official statement of his or her relative standing in class, if obtainable. If these are not obtainable, the qualifying authority may authorize submission of other satisfactory evidence of the applicant's law school accomplishments in place of the law school record transcript and the official statement of relative class standing.

e. One copy of the position description.

f. Copies of the inquiries sent to the applicant's references by the appointing officer and written replies to those inquiries. At least three references must be members of the bar. References in addition to those listed in the SF 171 will be obtained when necessary to meet this requirement.

7-6. Recruitment and Appointment.

The activity commander and the qualifying authority are jointly responsible for recruiting and selecting attorneys and law clerk trainees. The activity commander is responsible for initiating recruitment action to fill such positions under his or her command.

a. Affirmative action. Recruitment for civilian attorneys will be done in accordance with the requirements specified by the designated qualifying authority. Also, whenever sources of applicants other than current Army civilian attorneys are to be solicited, local recruitment efforts must include reasonable efforts to contact sources in a geographic area thought to be broad enough to provide well-qualified minority group and women candidates. This will normally include contacts with all accredited law schools, bar associations, and known minority groups and women's organizations within the area

of recruitment. Qualifying authorities will assist local activities in identifying organizations and groups that should be contacted as part of the recruitment process.

b. Veterans' preference. FPM chapter 302 provisions do not apply to filling attorney positions; however, the principles of veterans' preference will be followed to the extent administratively feasible. A qualified veteran who is not selected is entitled, upon request, to be given written reasons for nonselection.

c. Review by qualifying authority. In addition to reviewing the qualifications of the proposed selectee, the designated qualifying authority will review the adequacy of the effort made to locate and attract well-qualified minority group and women applicants. Appointment to the position in question may not be made unless and until the designated qualifying authority issues a memorandum to the appointing authority, and furnishes an information copy to the General Counsel, indicating approval of the recruitment effort. The designated qualifying authority's approval memorandum will describe the number, types, and geographic areas of sources contacted. It will also describe recruitment results in terms of numbers of minority group, women, and other applicants included in the group from which the final selection is made. Racial and ethnic data may be obtained from applicants in accordance with Office of Personnel Management (OPM) and DA guidance.

7–7. Reassignment and Promotion.

a. General. A current Army civilian attorney may be reassigned or promoted to another civilian attorney position in accordance with the requirements specified by the designated qualifying authority. Where the personnel action will involve movement between organizations subject to different qualifying authorities, the requirements of the gaining organization will apply.

b. Senior positions. Assignments to SES and GS–16 through –18 positions are also subject to prior approval by the General Counsel as specified in paragraph 7–2*a*.

c. Time in grade. Excessively rapid promotions should be avoided. Normally candidates selected for advancement should have completed at least 1 year of service that is one grade lower than the position to be filled. A waiver of this may be requested only in cases where hardship or inequity exists. Requests involving promotion to GS–12 and above will require much more justification. Such requests will be made in accordance with Army regulations that apply to waiver of time-in-grade restrictions in the excepted service.

d. Oversea employment. Statutory oversea reemployment rights apply only to career or career-conditional employees. Major commands in conjunction with the qualifying authorities may grant or arrange for the losing command to grant administrative reemployment rights when proper and necessary to accomplish the move of a current Army attorney to an oversea Army position.

7–8. Head-of-Legal-Office Performance Evaluation.

a. Performance information. Before formally rating the performance of any civilian attorney who is the head of a legal office at any level of the

Army, the rating official will request information about the attorney's performance from the head of the legal office at the next higher level in the chain of command. For the Chief Counsel, USACE, and the Command Counsel, DARCOM, the General Counsel will be considered as the head of the next higher level legal office. The head of the next higher level legal office will furnish information to the rating official on the mandatory criteria in *b* below; he or she may also provide other information to assist the rating official. A copy of the information provided will be attached to and become a part of that person's official performance rating.

b. Criteria. All civilian heads of legal offices will be rated on the following criteria as a minimum. These criteria will be considered together as a major element of the performance standard of every civilian head of a legal office.

(1) Communication within and between the employing organization and offices at higher and lower levels. This criterion concerns—

(a) The extent to which the head of the legal office maintains awareness of and anticipates issues regarding matters of legal and policy significance occurring in the employing organization and in subordinate field elements.

(b) The extent to which he or she independently acts on and communicates relevant information in a prompt and meaningful manner to the next higher level legal office.

(2) Responsiveness to requests from officials in higher level legal offices. This criterion concerns how well the legal office obtains factual information and provides legal or policy analysis quickly in response to requests from the higher level legal offices.

(3) Followup and control to insure that immediate and subordinate legal offices have complied with guidance from the higher level legal office. This criterion concerns how successful the head of the legal office is in obtaining compliance with guidance he or she initiates or passes on in response to requests from higher level legal offices.

c. Copies of performance rating. The responsible rating official will send a copy of the performance rating of each SES attorney who is the head of the legal office to the General Counsel.

7-9. Classification Appeals.

a. GS/GM-13, -14, and -15. The Assistant Secretary of the Army (Manpower and Reserve Affairs) has delegated authority to the Attorney Classification Appeals Committee to decide position classification appeals for attorney positions in grades GS/GM-13, -14, and -15. The procedures and requirements in AR 690-500, chapter 501, subchapter 8, apply to these appeals except as follows:

(1) Appeals should be expedited through command channels to the Attorney Classification Appeal Committee, Technical Advisor, Office of the General Counsel, Department of the Army, WASH DC 20310.

(2) The appeal should be written with reference to the Office of Personnel Management classification standard that applies to attorney positions.

(3) Arguments for and against the existing or proposed classification should be supported by brief descriptions of actual-case examples.

(4) In every case, the comments of the immediate supervisor must be furnished.

(5) Intermediate civilian personnel and legal offices may resolve the appeal if all parties agree or may add comments as the appeal correspondence is transmitted through channels.

b. GS-9 through -12. The regular appeal procedures outlined in AR 690-500, chapter 501, apply to GS-9 through -12 attorney positions.

7-10. Adverse Actions.

The responsible qualifying authority will—

a. Be notified before any personnel action is taken involving the involuntary reassignment, suspension, separation, or reduction in grade of a civilian attorney.

b. Insure that no unwarranted adverse action is taken against an attorney that is based only on the substance of complete and accurate legal advice given by the attorney.

7-11. Assistance to Attorneys Affected by Personnel Actions.

It is a DA policy that when a current civilian attorney is to be separated or reduced in grade for reasons unrelated to personal conduct, performance, or qualifications, the responsible qualifying authority will make efforts to assist the affected attorney in obtaining another comparable attorney position in the Army. This assistance must be provided during the period in which the affected attorney is entitled under law to the retained grade. (See 5 CFR Part 536.) The servicing civilian personnel office will request this assistance from the responsible qualifying authority and furnish information copies of this request to the other DA qualifying authorities. The responsible qualifying authority may in turn request assistance from the other qualifying authorities, as appropriate.

7-12. Reporting Personnel Actions.

a. Notice to qualifying authority. The SF 50 (Notification of Personnel Action) which records personnel actions involving attorney positions will be sent to the proper qualifying authority for each personnel action involving assignment to or separation from an attorney position.

b. Maintenance of records. Each qualifying authority will maintain records for all attorneys serving under his or her jurisdiction. Individual records will contain the documents listed in paragraph 7-5, copies of SF 50 (forwarded as stated in *a* above), and any other documents considered necessary by the qualifying authority. Upon request, these records will be available to other qualifying authorities on a temporary loan basis or for permanent retention when an attorney is selected for another assignment.

7-13. Standards of Conduct.

Civilian attorneys must comply with the same standards of conduct required of all DA personnel, as prescribed in AR 600-50 and other applicable laws and regulations. Also, Army attorneys must comply with the standards contained in the American Bar Association's Code of Professional Responsibility.

7-14. Outside Employment.

a. No civilian attorney will practice law privately except as authorized in *b* below.

b. Subject to the provisions of 18 USC 205, AR 600-50, and AR 27-1 (for those employed in offices for which TJAG is the qualifying authority), a civilian attorney may be authorized by his or her immediate supervisor to participate in outside employment activities, including representing other employees in Army administrative proceedings. Requests for approval to do this work will be in writing and will include the reasons. The supervisor's response will also be in writing.

c. No attorney will be authorized, as stated in *b* above, to participate in any outside employment activity, with or without compensation, which will—

(1) Interfere in any manner with the proper and effective performance of his or her job.

(2) Create or appear to create a conflict of interest.

(3) Reflect adversely on the DA.

TO BE FILED WITH BASIC FPM CHAPTER 302

‡APPENDIX C. CIVILIAN ATTORNEYS—Under the Qualifying Authority of The Judge Advocate General*

C-1. General.

This appendix states policies and procedures to be used by members of the Judge Advocate Legal Service and civilian personnel offices (CPOs) in all cases where personnel actions are taken to recruit or fill civilian attorney and law clerk vacancies under the qualifying authority of The Judge Advocate General (TJAG). These procedures do not apply to the employment of law students in the JAG's Summer Intern Program. Oversea activities will function through the proper overseas recruiting office, as necessary. Any questions concerning recruitment, job opportunities, and other personnel actions should be addressed to the Chief, Personnel, Plans, and Training Office, Office of The Judge Advocate General (HQDA(DAJA-PT), WASH DC 20310).

C-2. Affirmative Action.

a. It is a policy of TJAG that every practicable means be used to attract qualified minority group and women applicants for civilian attorney positions.

b. To implement this policy, adequate recruiting must be done at the local level for all civilian attorney position vacancies not located in oversea activities. Affirmative action recruiting for oversea activities will be done by HQDA(DAJA-PT). Members of the Judge Advocate Legal Service and servicing CPOs are responsible for local recruiting to attract minority group and women applicants for civilian attorney position vacancies. Every civilian attorney or law clerk position vacancy that is located within a State or territory of the United States or District of Columbia, and is under the qualifying authority of TJAG, will be publicized by the servicing CPO by transmission to local and State bar associations, minority group and women organizations, and accredited law schools. Publicity at the local level will be geographically broad enough to encourage sufficient minority group and women applicants. Local affirmative action recruiting efforts will be coordinated with HQDA (DAJA-PT).

c. TJAG will recruit within the DA and, when proper, publicized employment opportunities by mailing job vacancy announcements to such groups as national bar associations, national legal organizations representing minority group and women attorneys, and law schools having predominately minority group students.

C-3. Procedures.

a. The following procedures apply to personnel actions taken to recruit or fill attorney or law clerk positions:

(1) The CPO and legal office concerned will advise OTJAG promptly of any attorney or law clerk position vacancy.

*The double dagger (‡) indicates there is no corresponding appendix in FPM chapter 302.

(2) The CPO or the proper designated recruitment office will send a copy of the SF 52 (Request for Personnel Action), job description, and a draft vacancy announcement to HQDA(DAJA-PT). OTJAG will need this information before announcing the position. The draft announcement will be prepared by the servicing CPO in coordination with the proper staff or command legal office. It will be typed on DD Form 173/3 (Joint Messageform), following the format in figure C-1. OTJAG will dispatch the announcement within the DA or outside the DA when appropriate.

(3) After the position has been announced, applicants will send their SF 171s and supplemental statements directly to the servicing CPO or the proper designated recruitment office. OTJAG will send any SF 171s on file or received directly from applicants to the servicing CPO. Each applicant must be rated using the locally developed rating criteria published in the vacancy announcement. Development of the rating criteria and rating of the applicants are joint legal office and CPO responsibilities. The rating and ranking of applicants will be done by a panel consisting of at least two attorneys and a civilian personnel specialist serving as advisor. (The selecting official will not serve on this panel.) OTJAG(DAJA-PT) will assist, if necessary, to meet this requirement. After all applicants have been rated, the CPO will prepare a list of the best qualified applicants using DA Form 2600 (Referral and Selection Register) and will send the list directly to the selecting official.

(4) It is a policy of TJAG that selections for civilian attorney positions under his or her qualifying authority be made from among the best qualified applicants. Consistent with this policy, selecting officials will consider the career progression opportunities of the civilian attorney career force and the affirmative action polices stated in paragraph 2.

(5) After the selecting official has made a tentative selection, the list of best qualified applicants, including the SF 171 and supporting documents (submitted by each person on the list), will be sent to HQDA(DAJA-PT) for review. The selecting official will insure that there is some information in the file from the tentative selectee's most recent first- or second-line supervisor. If the selectee is a former service member, there must be information from the most recent rater, intermediate, or senior rater before submitting the tentative selection through the CPO to HQDA(DAJA-PT). A report of the efforts made to encourage minority group and women applicants for the position vacancy (except for an oversea vacancy), will accompany the best qualified list. A sample format for the report is shown at figure C-2. The reporting of minority group and women applicants will be done by using only the information stated on the SF 171, OPM Form 1386 (Background Survey Questionnaire), and supporting documents. OPM Form 1386 can be obtained from HQDA(DAPE-CPS) Washington, DC 20310.

(6) After the local affirmative action recruiting efforts have been approved, the selectee's professional qualifications will be reviewed by TJAG. This review will include the extent to which his or her education and professional experience demonstrates that he or she possesses the knowledge, skills, and abilities necessary to successfully perform the duties of the specific position. The selectee's file must include the minimum documents required by the vacancy announcement and a statement explaining why the applicant

was selected over other candidates. The selecting official and the servicing CPO or proper designated recruiting office will be notified when the selectee has been approved for appointment to the position. After the selectee has been approved, the servicing CPO may continue to process the appointment.

b. As an exception to *a* above, noncompetitive appointments are permitted under the following circumstances:

(1) *Temporary assignments*. In unusual cases, an attorney may be temporarily appointed to fill an attorney vacancy before the vacancy is filled through the procedures in *a* above. The temporary appointment may not be made without the prior approval of TJAG and will be approved only to provide urgently needed legal services that cannot be temporarily provided by assigned military and civilian personnel. The temporary appointment may be made to the existing position vacancy or to a separately classified and graded temporary position. The selecting official may select the temporary appointee without regard to the announcement procedures otherwise required by this appendix. Prior to the selectee's appointment, the documents required by paragraph 3 of figure C-1 will be submitted to the CPO by the selectee and forwarded by the servicing CPO to HQDA(DAJA-PT) for review of the selectee's professional qualifications by TJAG. The temporary appointee will vacate the position before the person who was permanently selected through the normal competitive procedures reports for duty. If the temporary appointee desires consideration for permanent appointment to the position, he or she must be considered along with all other applicants under the normal competitive procedures. Approval of a person's professional qualifications for temporary appointment will not be construed to give that person an undue advantage over other applicants for the position.

(2) *Appointments to reclassified positions*. Whenever a civilian attorney position under the qualifying authority of TJAG is reclassified at a higher grade, the incumbent may be appointed noncompetitively to the higher grade position after the TJAG approves the incumbent's professional qualifications to assume the increased responsibilities.

(3) *Lateral appointments*. A person who is appointed to a civilian attorney position may, upon approval of TJAG, be appointed noncompetitively to another civilian attorney position at the same grade. Both positions must be under the qualifying authority of TJAG and normally be located within the same major command. Normally, lateral appointments will be approved only if both positions have the same or similar duties and responsibilities. Requests for lateral appointments will be forwarded by the proper staff or command legal office through the servicing CPO to HQDA(DAJA-PT).

C-4. Notification Requirements.

The CPO will promptly advise HQDA(DAJA-PT) when any civilian attorney or law clerk position under the qualifying authority of the TJAG is abolished, regraded, or vacated for any reason.

JOINT MESSAGEFORM						SECURITY CLASSIFICATION UNCLASSIFIED				
PAGE	DTG/RELEASER TIME			PRECEDENCE		CLASS	SPECAT	LIMF	CIC	ORIG MSG IDENT
	DATE TIME	MONTH	YR	ACT	INFO					
01 OF 06				PP	PP	UUUU				
BOOK NO	MESSAGE HANDLING INSTRUCTIONS									

FROM: HQDA WASHDC//DAJA-PT//

TO: AIG 7405
AIG 7406
AIG 7581
AIG 7447

NOTE: EXPLANATORY COMMENTS ARE IN { }. THE MESSAGE MUST BE DOUBLE-SPACED, PROPERLY ALIGNED, AND HAVE NO MORE THAN 69 CHARACTERS PER LINE AND 19 LINES PER PAGE, USING 10 PITCH OCR TYPE.

INFO {SERVICING CIVILIAN PERSONNEL OFFICE}

{LEGAL OFFICE WHERE POSITION IS LOCATED}

UNCLAS

FOR SJA/JA/LEGAL COUNSEL

SUBJECT: POSITION VACANCY

1. REQUEST THE FOLLOWING VACANCY ANNOUNCEMENT BE DISTRIBUTED AND POSTED ON ALL LOCAL BULLETIN BOARDS. THE FOLLOWING ATTORNEY POSITION IS AVAILABLE: {POSITION TITLE; E.G., ONE GS-905-14, ATTORNEY-ADVISOR {CONTRACT}, {LOCATION; E.G., IN THE OFFICE OF THE JUDGE ADVOCATE CONTRACT LAW DIVISION, HQ, USAREUR & 7TH ARMY, APO NEW YORK 09403 {HEIDELBERG, GERMANY}}. SALARY: {E.G., $39,687 TO $51,596}. ANNOUNCEMENT NO. {LOCALLY DETERMINED}. OPENING DATE: {DETERMINED BY HQDA, DAJA-PT; CLOSING DATE: {DETERMINED BY HQDA, DAJA-PT}.

2. ALL QUALIFIED APPLICANTS WILL RECEIVE CONSIDERATION FOR THE

DISTR.

DRAFTER TYPED NAME TITLE OFFICE SYMBOL PHONE	SPECIAL INSTRUCTIONS
{LEAVE BLANK}	
RELEASER: TYPED NAME TITLE OFFICE SYMBOL AND PHONE: {LEAVE BLANK}	
SIGNATURE	SECURITY CLASSIFICATION: UNCLASSIFIED / DATE TIME GROUP

DD FORM 1 MAR 79 173/3 (OCR) PREVIOUS EDITION IS OBSOLETE ☆U.S. GPO 1979—O-303-175

Figure C-1, Sample Position Vacancy Announcement

JOINT MESSAGEFORM										SECURITY CLASSIFICATION UNCLASSIFIED
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BOOK NO	MESSAGE HANDLING INSTRUCTIONS									

ABOVE POSITION WITHOUT DISCRIMINATION FOR ANY NONMERIT REASON SUCH AS RACE OR COLOR, RELIGION, SEX, NATIONAL ORIGIN, POLITICS, MARITAL STATUS, PHYSICAL OR MENTAL HANDICAP THAT DOES NOT INTERFERE WITH JOB PERFORMANCE, AGE, OR MEMBERSHIP OR NONMEMBERSHIP IN AN EMPLOYEE ORGANIZATION.

3. TO BE CONSIDERED, ALL APPLICANTS MUST FORWARD THE FOLLOWING DOCUMENTS TO: {SERVICING CIVILIAN PERSONNEL OFFICE; E.G., CINCUSAREUR, CIVILIAN RECRUITMENT CENTER, ATTN: AEAGA-CRC, APO NEW YORK 09403}.

A. COMPLETED STANDARD FORM 171, PERSONAL QUALIFICATION STATEMENT, AND ANY SUPPLEMENTAL STATEMENTS. ITEM 1A SHOULD INDICATE THE POSITION TITLE AND ANNOUNCEMENT NUMBER.

B. THREE RECENT LETTERS OF RECOMMENDATION FROM MILITARY OR CIVILIAN ATTORNEYS.

C. LAW SCHOOL TRANSCRIPTS. A PHOTOSTATIC COPY IS ACCEPTABLE.

D. OFFICIAL CERTIFICATE SHOWING THAT THE APPLICANT IS A MEMBER IN GOOD STANDING OF THE BAR, TOGETHER WITH A SWORN STATEMENT BY THE CANDIDATE THAT HIS OR HER FITNESS TO PRACTICE LAW OR CONDUCT AS AN ATTORNEY HAS NEVER BEEN CHALLENGED IN ANY JURISDICTION; OR IF EITHER

6 5 4 3 2 1 0

DISTR:

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RELEASER: TYPED NAME TITLE OFFICE SYMBOL AND PHONE		
SIGNATURE	SECURITY CLASSIFICATION UNCLASSIFIED	DATE TIME GROUP

DD FORM 1 MAR 79 173/3 (OCR) PREVIOUS EDITION IS OBSOLETE ☆US GPO 1979—O-302-179

Figure C-1. Sample Position Vacancy Announcement—continued

JOINT MESSAGEFORM										SECURITY CLASSIFICATION UNCLASSIFIED
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HAS BEEN CHALLENGED, A SWORN STATEMENT CONCERNING THE FACTS AND CIRCUMSTANCES, TOGETHER WITH ANY EXPLANATION WHICH THE APPLICANT MAY DEEM APPROPRIATE MAY BE SUBMITTED. THE STATEMENT AND CERTIFICATE SHOULD BE DATED WITHIN TWO MONTHS OF THE DATE THE APPLICATION IS SUBMITTED. THE STATEMENT AND CERTIFICATE ARE NOT REQUIRED TO BE SUBMITTED BY ATTORNEYS CURRENTLY APPOINTED TO POSITIONS UNDER THE QUALIFYING AUTHORITY OF THE JUDGE ADVOCATE GENERAL.

E. EXAMPLES OF WRITING SKILLS AS DEMONSTRATED BY LEGAL BRIEFS, MEMORANDUMS, AND/OR LETTERS.

ALL DOCUMENTS MUST BE POSTMARKED BY THE CLOSING DATE TO BE CONSIDERED. IN ADDITION TO THE ABOVE DOCUMENTS, ALL APPLICANTS ARE REQUESTED TO SUBMIT, ON A VOLUNTARY BASIS, A COMPLETED OPM FORM 1386, {BACKGROUND SURVEY QUESTIONNAIRE}.

4. DESCRIPTION OF POSITION: {THIS SECTION SHOULD SUMMARIZE THE JOB DESCRIPTION OF THE POSITION}.

5. SELECTIVE PLACEMENT FACTORS: {E.G., MUST BE ABLE TO MAKE PERIODIC TRIPS OF 3-4 DAYS DURATION; TRAVEL COMPRISES 5% OF DUTY TIME}.

6. MINIMUM QUALIFICATION REQUIREMENTS: THE MINIMUM QUALIFICATION REQUIREMENTS MUST BE MET BEFORE APPLICANTS HAVE BASIC ELIGIBILITY FOR

DISTR

DRAFTER TYPED NAME TITLE OFFICE SYMBOL PHONE	SPECIAL INSTRUCTIONS	
RELEASER: TYPED NAME TITLE OFFICE SYMBOL AND PHONE		
RELEASER: SIGNATURE	SECURITY CLASSIFICATION UNCLASSIFIED	DATE TIME GROUP

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Figure C-1. Sample Position Vacancy Announcement—continued

JOINT MESSAGEFORM						SECURITY CLASSIFICATION UNCLASSIFIED				
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	DATE TIME	MONTH	YR	ACT	INFO					
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BOOK NO	MESSAGE HANDLING INSTRUCTIONS									

FURTHER CONSIDERATION. THESE REQUIREMENTS ARE PRELIMINARY TO RATING AND RANKING AGAINST THE SPECIFIC JOB-RELATED CRITERIA, WHICH IS IN THE FINAL STEP IN IDENTIFYING THE BEST QUALIFIED GROUP TO BE PREFERRED TO THE SELECTING OFFICIAL.

A. EDUCATION: AN APPLICANT MUST HAVE SUCCESSFULLY COMPLETED A FULL COURSE OF STUDY IN A SCHOOL OF LAW ACCREDITED BY THE AMERICAN BAR ASSOCIATION AND HAVE THE FIRST PROFESSIONAL LAW DEGREE (LLB OR JD).

B. BAR MEMBERSHIP: AN APPLICANT MUST BE A MEMBER OF THE BAR OF THE STATE, TERRITORY OF THE UNITED STATES, DISTRICT OF COLUMBIA, OR THE COMMONWEALTH OF PUERTO RICO.

C. EXPERIENCE: PROFESSIONAL LEGAL EXPERIENCE AFTER BEING ADMITTED TO THE BAR IS REQUIRED IN EXCESS OF 2 YEARS COMMENSURATE WITH THE DUTIES AND REPSONSIBILITIES OF THE POSITION. GRADUATION FROM AN ABA-ACCREDITED LAW SCHOOL IN THE TOP 10% OF THE CLASS OR AN ADVANCED LAW DECREE SUCH AS AN LLM OR LJD WILL BE RECOGNIZED AS A SUBSTITUTE FOR 1 YEAR OF THE REQUIRED EXPERIENCE.

7. RATING AND RANKING CRITERIA: (THE CRITERIA WILL BE DEVELOPED BY THE PROPER STAFF OR COMMAND LEGAL OFFICE IN COORDINATION WITH THE SERVICING CIVILIAN PERSONNEL OFFICE. THE CRITERIA WILL BE WEIGHTED

DISTR

DRAFTER TYPED NAME TITLE OFFICE SYMBOL PHONE	SPECIAL INSTRUCTIONS	
RELEASER: TYPED NAME TITLE OFFICE SYMBOL AND PHONE		
SIGNATURE	SECURITY CLASSIFICATION UNCLASSIFIED	DATE TIME GROUP

DD FORM 1 MAR 79 173/3 (OCR) PREVIOUS EDITION IS OBSOLETE ☆U.S. GPO 1979—0-302-175

Figure C-1. Sample Position Vacancy Announcement—continued

JOINT MESSAGEFORM										SECURITY CLASSIFICATION UNCLASSIFIED
PAGE	DTG RELEASER TIME			PRECEDENCE		CLASS	SPECAT	LIMF	CIC	ORIG MSG IDENT
	DATE TIME	MONTH	YR	ACT	INFO					
05 OF 06				PP	PP	UUUU				
BOOK NO	MESSAGE HANDLING INSTRUCTIONS									

EQUALLY UNLESS INDICATED OTHERWISE IN THE ANNOUNCEMENT AND WILL SPECIFY THE ESSENTIAL ELEMENTS REQUIRED FOR SATISFACTORY JOB PERFORMANCE}.

8. DETERMINATION OF BEST QUALIFIED: A RATING PANEL WILL REVIEW THE QUALIFICATIONS OF EACH APPLICANT WHO MEETS THE MINIMUM QUALIFICATION REQUIREMENTS BASED ON ALL INFORMATION SUBMITTED. THE RATING PANEL WILL DETERMINE THE DEGREE TO WHICH EACH APPLICANT MEETS THE JOB-RELATED CRITERIA SPECIFIED ABOVE AND WILL RANK ALL APPLICANTS ACCORDINGLY. THE BEST QUALIFIED APPLICANTS WILL BE REFERRED TO THE SELECTING OFFICIAL.

9. DESCRIPTION OF THE COMMUNITY: {THIS SECTION SHOULD HIGHLIGHT THE SOCIAL, CULTURAL, AND ECONOMIC ASPECTS OF THE COMMUTING COMMUNITY. HOUSING, TRANSPORTATION, AND EDUCATIONAL PROBLEMS OR BENEFITS SHOULD BE POINTED OUT.}

10. ADDITIONAL INFORMATION: FOR FURTHER INFORMATION REGARDING THIS POSITION VACANCY, CONTACT DIRECTLY {INDICATE THE ADDRESS OF THE SERVICING CIVILIAN PERSONNEL OFFICE, THE NAME OF THE PROPER PERSONNEL SPECIALIST, AND THE COMMERCIAL AND AUTOVON/FTS TELEPHONE NUMBERS.}

11. THIS POSITION IS IN THE EXCEPTED SERVICE WITHOUT TIME LIMITATION

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DRAFTER TYPED NAME TITLE OFFICE SYMBOL PHONE	SPECIAL INSTRUCTIONS	
RELEASER: TYPED NAME, TITLE OFFICE SYMBOL AND PHONE		
SIGNATURE	SECURITY CLASSIFICATION UNCLASSIFIED	DATE TIME GROUP

DD FORM 1 MAR 79 173/3 (OCR) PREVIOUS EDITION IS OBSOLETE ☆U.S. GPO 1979—0-302-175

Figure C-1. Sample Position Vacancy Announcement—continued

JOINT MESSAGEFORM										SECURITY CLASSIFICATION UNCLASSIFIED
PAGE	DTG/RELEASER TIME			PRECEDENCE		CLASS	SPECAT	LMF	CIC	ORIG MSG IDENT
	DATE TIME	MONTH	YR	ACT	INFO					
06 OF 06				PP	PP	UUUU				
BOOK NO	MESSAGE HANDLING INSTRUCTIONS									

AND MAY NOT BE FILLED BY COMPETITIVE APPOINTMENT. SERVICE IN THIS POSITION IS FULLY CREDITABLE TOWARD CIVIL SERVICE RETIREMENT. ANY SELECTED APPLICANT WHO IS IN THE COMPETITIVE SERVICE WILL BE TAKEN OUT OF THE COMPETITIVE SERVICE WHEN HE OR SHE OCCUPIES THIS POSITION AND WILL COMPETE ONLY WITH OTHER EXCEPTED STATUS EMPLOYEES IN THE EVENT OF A REDUCTION-IN-FORCE. HE OR SHE WILL, HOWEVER, REMAIN ELIGIBLE FOR REINSTATEMENT IN THE COMPETITIVE SERVICE. {IF THE POSITION IS IN THE MERIT PAY SYSTEM, E.G., GM-905-14, THIS SHOULD BE INDICATED HERE.}

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DISTR.

DRAFTER TYPED NAME TITLE OFFICE SYMBOL PHONE	SPECIAL INSTRUCTIONS	
RELEASER: TYPED NAME TITLE OFFICE SYMBOL AND PHONE		
SIGNATURE	SECURITY CLASSIFICATION UNCLASSIFIED	DATE TIME GROUP

DD FORM 1 MAR 79 173/3 (OCR) PREVIOUS EDITION IS OBSOLETE ☆U.S. GPO 1979—0-302-175

Figure C-1. Sample Position Vacancy Announcement—continued

LOCAL RECRUITING ACTIONS

1. Organizations contacted (Include a copy of the form letter or other correspondence used.)
   a. Law Schools
   b. Bar Associations
   c. State Bars
   d. Minority Group and Women Attorney Associations

2. Periodicals or other publications used:

3. Other recruiting actions:

4. Total number of applications received:
   a. Number of minority group applicants:
   b. Number of women applicants:
   c. Number of other applicants:

5. Total number of candidates on referral list:
   a. Number of minority candidates:
   b. Number of women candidates:
   c. Number of other candidates:

Figure C-2. Sample Format for Notification of Recruitment Actions.

Chapter 304
Employment of Individual Experts and Consultants
Contents

SUBCHAPTER 1. Administration and General Provisions
1-1. Applicability
1-2. Definitions
1-3. Policy
1-4. How to Determine Whether an Employer-Employee Relationship Exists
1-5. Authority to Employ
➡1-6. Pay⬅

* * * * *

➡1-9. Conflict of Interest⬅

* * * * *

➡APPENDIX A. Internal Agency Controls on Employment of Individual Experts and Consultants
A-1. Establishment of Positions and Selection of Appointees
A-2. Internal Review During Employment
A-3. Internal Communications
A-4. Documenting Employment

* * * * *

‡A-6. Obtaining Prior Approval⬅

Subchapter 1. Administration and General Provisions

1-1. APPLICABILITY

a. **General.** This chapter—

‡(1) Governs the employment of experts, consultants, and advisory committee members who perform services under excepted appointments.

‡(2) Governs the employment of experts and consultants by contract under provisions of the Army Defense Acquisition Regulations Supplement.

‡(3) Does not apply to the acquisition of services of experts and consultants employed by firms or organizations.

b. **Statutory exceptions.** ➡Send requests for exception to this chapter through command channels to HQDA(PECC-CSS), ALEX VA 22332-0300.⬅

1-2. DEFINITIONS

a. For paid or unpaid employment, in this chapter—

* * * * *

(5) *Intermittent employment* means employment that occurs occasionally or irregularly, and is limited to no more than 130 workdays in the service year.

(6) *Temporary employment* means employment➡approved for more than 130 workdays in a service year. When temporary employment has been approved, renewal of employment for the next year may be approved only on an intermittent basis (para 1-3c(2)).⬅

‡(7) *Advisory committee member* means a member of a Federal advisory committee established under authority of The Federal Advisory Committee Act (PL 92-463), as amended. In this chapter the term "expert and consultant" refers also to an advisory committee member appointed as a consultant under AR 15-1.

‡(8) Appointee means a person appointed, or proposed for appointment, as a consultant, expert, or advisory committee member.

‡(9) Service year means the consecutive 12-month period beginning with the date of the appointment.

1-3. POLICY

* * * * *

b. **Improper use.**

‡(1) Consulting services will be used only—

(a) On an intermittent or temporary basis.

(b) When required prior approvals have been obtained. (Repeated or extended arrangements will not be made except in rare cases.)

‡(2) Consulting services will not be used—

(a) In performing work of a policy, decision-making, or managerial nature which is the direct responsibility of agency officials.

(b) To bypass personnel ceilings, pay limits, or competitive employment procedures.

(c) To aid in influencing or enacting legislation.

‡(3) Former civilian or military employees will not be given preference in arranging for consulting services.

➡c. **Reappointment.**⬅

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(2) *Reappointment to same position.* If an appointee has served in a position for more than 130 days in 1 service year, the individual may➡serve in the same position for the next year. However, during the second year, the appointment will be on an intermittent basis for no more than 130 days. If, during the second year, the appointment loses its occasional or irregular character, it must be terminated. This decision may be made during the quarterly review (para A-2) or at any time it is determined that the appointee is working largely full time.⬅

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‡d. **Appointment to Advisory Committees.** AR 15-1 requires all members of advisory committees who are not full-time officers or employees of the Federal Government to be appointed as consultants. A separate consultant appointment is required for each advisory committee on which an individual serves.

1-4. HOW TO DETERMINE WHETHER AN EMPLOYER—EMPLOYEE RELATIONSHIP EXISTS

Examples of specific expert and consultant assignments are as follows:

(1) *Medical.* The medical staffs listed in (a) through (f) below use professional consultants. Experts and consultants provide the highest possible level of skill, advice, and assistance in medicine, surgery, epidemiology, psychiatry, nursing, and other closely allied medical science fields. They also participate in and evaluate training programs in these specialties.

(a) The Surgeon General.

(b) U.S. Army Medical Research and Development Command.

(c) U.S. Army Health Services Command.

(d) Overseas commands.

(e) Various boards and commissions.

(f) Medical installations.

(2) *Construction.* The Corps of Engineers (CE) uses consultants in the following areas:

(a) On experimental tunnel construction; on dam and reservoir projects; design of test equipment, and interpretation of test results.

(b) On investigations, reports, tests, design, and inspection of dam sites and to give technical advice and assistance to division and district engineers on dam construction.

(c) To give advice and assistance on agricultural values, such as flood losses and flood control benefits on agricultural lands affected by CE construction.

(3) *Education.* The commandant of an Army service school uses an educator to review testing or counseling procedures.

(4) *Advisory Committee.* The president of an industrial research organization serves on the Army Science Board. The dean of a university law school serves on a board which reviews the curriculum of the U.S. Army Judge Advocate General School to ensure the American Bar Association's continued national accreditation of the school's courses.

1-5. AUTHORITY TO EMPLOY

a. **General.** ➡Authorities for appointment of experts and consultants are discussed below.⬅

b. **Section 3109, title 5, United States Code.** ➡"5 USC 3109 and current appropriation act" generally will be cited as the authority to appoint experts and consultants.⬅

c. **Other statutes.** ➡Other statutes applicable to a particular appointment may be used.⬅

d. **Schedule A.** Schedule A will not be used as authority to appoint experts or consultants in DA.

➡1-6. PAY

* * * * *

b. **Agency sets rate.**

‡(1) Determination of the specific per diem rate to be paid, including a decision to pay no compensation, will be made on an individual case basis. Attention will be given to—

(a) The relative importance of the duties to be performed.

(b) The stature of the person in the specialized field.

(c) Comparable pay for positions in the General Schedule or other Federal pay systems.

(d) Rates paid by private employers.

(e) Rates paid other experts and consultants employed for similar purposes.

(f) The appointee's desire to receive no pay.

‡(2) Normally, pay will be at the per diem rate equal to salaries in the GS-13 through GS-15 range. Appointees who perform duties similar to those of professionals and scientists (formerly under 10 USC 1581) in the physical sciences and medicine may be paid a rate in excess of the maximum for GS-15s with the approval of—

(a) The Executive Secretary to the Secretary and Deputy Secretary of Defense for positions in the DA Staff activities and their field operating agencies.

(b) The Assistant Secretary of the Army for Research, Development and Acquisition (SARDA), WASH DC 20310-0300, through HQDA (PECC-CSS), for positions at major Army command (MACOM) level.

(c) MACOM commanders for positions in subordinate activities, except that The Surgeon General approves rates for positions in medicine.

‡(3) MACOMs may establish standard rates of pay for common consulting services in their commands.

c. **Unpaid employment.** Experts and consultants may be appointed on a paid or unpaid basis. If appointed on an unpaid basis, the appointee must sign DA Form 5412-R, (Waiver of Compensation Statement). DA Form 5412-R will be reproduced locally on 8½ x 11 inch paper. A copy for reproduction purposes is located at the back of this chapter.

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i. **Setoff of uniformed services retired pay.**

The reduction does not apply to the first 30-day period for which pay is received for intermittent or temporary work.

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‡m. **Service limitation.** Service limitations are as follows:

(1) Experts and consultants may work no more than 130 days during the service year. Dual appointment status will not remove or extend the 130-day period; appointees are limited to 130 working days from all appointments. One day is counted against the 130-day limit for any day or part of a day the appointee works. Experts and consultants are paid according to AR 690-990-2, book 552.

(2) When service will be required beyond the 130-day limit, an appointment may be extended only if prior approval has been obtained as described in paragraph A-6a.

‡n. **Restrictions.** Retired military members may not be appointed within 180 days after retirement, except as provided in chapter 300, subchapter 12, of this AR. Before placing an annuitant or retired military member in an expert or consultant position, the appointing authority will ensure that—

(1) The duties are not a continuation of the appointee's former position.

(2) The appointment will not be made solely as a means to employ retired civilian or military personnel, or to establish pay rates for these individuals above those rates earned prior to retirement.

* * * * *

1-9. CONFLICT OF INTEREST

Experts and consultants are subject to the provisions of AR 600-50, and must submit the statements listed in paragraph A-4b of this chapter. Retired civilian or military appointees may need to file reports on defense-related employment under AR 600-47.

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➡Appendix A.
Internal Agency Controls on Employment of Individual Experts and Consultants

A-1. ESTABLISHMENT OF POSITIONS AND SELECTION OF APPOINTEES

a. **Preappointment review and certification.** Each proposed appointment and extension or renewal of appointment will be reviewed and certified by a management official as listed in b below.

b. **Certifying official.** Within DA, the following officials are authorized to make the appropriate certification for positions—

‡(1) Within the Office of the Secretary of the Army:

(a) The Secretary of the Army.
(b) The Undersecretary of the Army.
(c) The Administrative Assistant.

‡(2) Within their respective areas of responsibility:

(a) Assistant Secretary (CW).
(b) Assistant Secretary (RDA).
(c) Assistant Secretary (M&RA).
(d) Assistant Secretary (IL).
(e) Assistant Secretary (FM).
(f) General Counsel.

‡(3) In the DA Staff and its field operating agencies, the director of the staff activity or field operating agency, or a designated person reporting to the director.

‡(4) In MACOMs and field activities, the commander or director, or a designated person other than the civilian personnel officer, reporting to the commander or director.

c. **Documentation of preappointment review.** DA Form 5413-R (Consultant/Expert Certificate) will be signed by the certifying official. The certificate may be modified due to specific conditions of the position, but must include information shown in items 1 through of DA Form 5413-R. DA Form 5413-R will be reproduced locally on 8½ x 11 inch paper. A copy for reproduction purposes is located at the back of this chapter.

A-2. INTERNAL REVIEW DURING EMPLOYMENT

a. **Quarterly review.** Except as noted in b below, each appointment will be reviewed quarterly to ensure that it is still appropriate.

b. **Exclusion from quarterly review.** Appointees who have worked for 10 days or less during the quarter may be excluded from the quarterly review. The exclusion must be documented in the record of review.

c. **Documentation of review.** The civilian personnel officer will sign the record of review and retain it until it is examined by OPM. The method for completing the review will be developed locally.

A-3. INTERNAL COMMUNICATIONS

Methods of communicating the highlights of this chapter will be developed locally.

A-4. DOCUMENTING EMPLOYMENT

a.

* * * * *

‡(10) Waiver of compensation statement if applicable.

‡(11) Approvals for appointment, extension of appointment, and pay rate.

b. Each appointee will submit the documents described in (1) and (2) below for preappointment review. (Statements will not be filed in the Official Personnel Folder, but will be kept per AR 600-50.)

(1) An SF 278 (Financial Disclosure Report), if pay is set at rates above GS-15.

(2) A DD Form 1555 (Confidential Statement of Affiliations and Financial Interests), if pay is set no higher than GS-15, or if service will be performed without pay.

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‡A-6. OBTAINING PRIOR APPROVAL

a. All proposed appointments, extensions, or renewals, regardless of duration, must have prior approval. This requirement is in addition to the review and certification procedures in paragraph A-1.

(1) Appointment as a consultant to a Federal advisory committee requires approval under AR 15-1.

(2) Other appointments will be approved as outlined below:

(a) The Executive Secretary to the Secretary and Deputy Secretary of Defense must approve all appointments in The Office of the Secretary and the DA Staff. The Administrative Assistant to the Secretary of the Army prescribes approval procedures for positions in the Office of the Secretary. The Director of Management, Office of the Chief of Staff, establishes procedures for positions in the DA staff.

(b) HQDA(PECC-CSS), ALEX VA 22332-0300, approves appointments for no more than 130 days for positions at MACOM headquarters and at activities reporting directly to HQDA.

(c) The level above the appointing authority approves appointments at installation or activity level.

(d) The Administrative Assistant to the Secretary of the Army approves requests to extend appointments beyond the 130-day limit. Requests will be sent by activities through command channels through HQDA(PECC-CSS), to HQDA(SAAA), WASH DC 20310-0300, and will include—

1. Copies of preappointment data (such as application and certification.)

2. A statement of justification (such as conditions requiring the additional service, workload factors, effect on the mission.)

b. Questions on positions, appointee qualifications, and statutory authority will be sent through command channels to HQDA(PECC-CSS).

c. AR 5-14, appendix G, gives a sample format for requesting approval of appointment of an expert or consultant.

WAIVER OF COMPENSATION STATEMENT

For use of this form, see Chapter 304, AR 690-300; the proponent agency is DCSPER.

I, the undersigned, have offered my services to the United States Government as an expert or consultant to serve without compensation. Should my offer be accepted, I, my heirs, and assigns discharge and release the United States Government forever from any claims, suits, or demands for compensation in connection with any such services.

TYPED NAME OF APPOINTEE	SIGNATURE OF APPOINTEE	DATE
TYPED NAME OF WITNESS	SIGNATURE OF WITNESS	DATE

DA FORM 5412-R, Apr 85

CONSULTANT/EXPERT CERTIFICATE

For use of this form, see Chapter 304, AR 690-300; the proponent agency is DCSPER.

In approving the filling of this position, I have considered the requirements of law, the instructions of the Office of Personnel Management, and Army regulations. *(However, laws and regulations governing appointments in the competitive civil service and rate of pay with regard to the classification and pay laws do not necessarily apply to this position.)*

I have satisfied myself that - - -

1. The position is necessary.

2. The position is an expert or consultant position as defined in Federal Personnel Manual *(FPM)*, chapter 304.

3. The position is not continuing or fulltime.

4. The position requires a high level of expertise not available in the Federal workforce.

5. Supervision of operating functions is not included.

6. The appointment authority is appropriate.

7. The appointee meets the definition of expert or consultant in FPM chapter 304.

8. Pay, if any, is equal to the level of work to be performed, and the qualifications of the appointee.

9. Required documents are in order.

TYPED NAME OF CERTIFYING OFFICIAL	SIGNATURE OF CERTIFYING OFFICIAL	DATE

DA FORM 5413-R, Apr 85

Chapter 306
Selective Placement Programs

Contents

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SUBCHAPTER 2. OPM's Role

* * * * *

2–2. Central Office

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SUBCHAPTER 4. Employment of the Physically Handicapped

* * * * *

4–2. Appointment

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SUBCHAPTER 6. Employment of Mentally Restored Persons

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6–3. Appointment

SUBCHAPTER 7. Employment of Mentally Retarded Individuals

* * * * *

7–3. Appointments

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‡SUBCHAPTER 12. Placement Assistance for Disabled Employees

12–1. General

Subchapter 2. OPM's Role

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2–2. CENTRAL OFFICE

a. **Program activities.**

* * * * *

(2)

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(d) The Office of Personnel Management has delegated to the Department of the Army the authority to use medical officers to certify handicapped applicants in the local area for civilian positions overseas. The certification authority has been redelegated to medical officers in overseas commands and will be accomplished in accordance with specific procedures in FPM chapter 306, paragraphs 4–2*d*, *e* and *f*; 6–3; 7–3 and 7–4. Generally, the medical officer, personnel staffing specialist, position classification specialist, Handicapped Individuals Program Manager (HIPM), social worker, and supervisor of the position should cooperate in an effort to examine and structure the work and work environment for the individual handicapped candidate. Records maintained as outlined in FPM chapter 306, paragraph 4–2*e* will be submitted to OPM at OPM's request.

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Subchapter 4. Employment of the Physically Handicapped

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4–2. APPOINTMENT

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b. **Temporary appointments not to exceed 700 hours.**
Although the activity does not make a commitment to the temporary employee for permanent employment, the employee should be converted to permanent appointment at the earliest opportunity. The Handicapped Individuals Program Manager should followup and maintain close liaison with the handicapped employee and the employee's supervisor, to assure appropriate utilization of the employee's skills.

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Subchapter 6. Employment of Mentally Restored Persons

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6–3. APPOINTMENT

c. **Excepted.**

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(3) *Eligibility.* Certification for civilian positions under jurisdiction of DA overseas major commands is delegated to medical officers overseas. This documentation must precede and accompany the request to OPM for prior approval of the appointment.

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Subchapter 7. Employment of the Mentally Retarded Individuals

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7–3. APPOINTMENTS

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b. **Excepted.** A written agreement has been executed between OPM and DA. Appointing officers are delegated authority to effect appointments of mentally retarded individuals in accordance with provisions of this subchapter.

* * * * *

‡Subchapter 12. Placement Assistance for Disabled Employees

12–1. GENERAL.

a. Based on the Rehabilitation Act of 1973, as amended, an employee who becomes disabled due to on-the-job or off-the-job illness or injury will be considered for continued employment in his or her present position or a different position. Efforts for continued employment will be extended to employees who become disabled regardless of whether the employee is eligible for retirement. Activities will establish procedures to assure consideration for continued employment of disabled employees and provide reasonable accommodation for qualified handicapped employees. (The employee must make it known whether he or she is a handicapped person as defined in FPM chapter 306, paragraphs 1–1 and 1–2.)

b. Continued employment may be accomplished through retraining for a different occupation; detail; light duty assignment; reassignment; or change to lower grade with the consent of the employee.

To Be Filed With Basic FPM Chapter 308

SUBCHAPTER 7. ACCEPTANCE OF VOLUNTEER SERVICE

7-4. Volunteer service agreements.

General guidance. Appointing authorities are authorized to develop student volunteer programs best suited to meet their staffing needs. Student volunteer programs will be conducted through written agreements with educational institutions or nonprofit organizations officially designated by schools or boards of education to coordinate the placement of students in nonpaid work assignments.

a. The written agreements will include, as a minimum, descriptive statements for the following:

(1) Purposes of the program arrangement.

(2) Number of students that will participate. It should also indicate the occupational areas involved.

(3) Work schedules and duration of work periods.

(4) Basic eligibility requirements. Include in this statement the minimum age in conformance with either Federal, State, or local laws and standards regarding the employment of minors.

(5) Equal employment opportunity.

(6) Written certification by the school in cases where there is doubt about a student being enrolled at least halftime under the school's academic program.

(7) Methods used for selection of students.

(8) The activity's responsibilities for appointment of a person who would orient students. Also, this person will notify the school of any intent to release a student.

(9) The school's responsibilities for—

(*a*) Referring candidates;

(*b*) Providing data on students;

(*c*) Notifying the activity of a change in student status; and

(*d*) Identifying a person for coordination of student volunteer activities, where practicable.

(10) Status of students while performing volunteer services. Included will be coverage under Federal Tort Claims provisions of Sections 2671 through 2680, Title 28 and chapter 81, Title 5 of the United States Code, relative to compensation for possible injuries sustained.

(11) Methods derived for maintaining attendance and performance records. Particularly, if the service is for course credit.

(12) Conditions required to change or terminate the agreement.

b. Also required is the signature of proper school and activity representatives.

7-5. Student eligibility and status.

b. Status. Student volunteers are not eligible for payment of costs of training and attendant expenses under Chapter 41, Title 5, United States Code. Volunteer service is limited to career-related educational experience. Because student volunteers are not considered Federal employees, restrictions on employing sons and daughters do not apply.

7-6. Documentation of service.

c. Separations. A period of volunteer service may be terminated by the employing activity at any time. Even when the termination is effected prior to the planned date of termination, the SF 50 must include a statement that the termination is based on expiration of assignment.

d. Records. Copies of SF 50s will not be sent to the Finance and Accounting Office.

7-7. Program evaluation.

The volunteer service program will be evaluated in regularly scheduled Army personnel management onsite reviews.

7-10. Relationship to other student programs.

Appointing authorities must design volunteer programs to avoid conflict with other locally established student employment programs. Ap-

pointing authorities may not authorize an individual to perform volunteer service in excess of a total of 6 months in any 1-year period, except when work is for school credit. In this case, volunteer service may not exceed the period of school enrollment in any 1-year period. Total period of volunteer service may not exceed 2 years. Exceptions to the limits on the amount of time a volunteer may serve must be approved by the level above the appointing authority. For cases in which HQDA is the level above the appointing authority, requests for approval should be sent to HQDA(PECC-FSS), Alexandria, VA 22332. Exceptions will be based on decisions that—

a. The additional service is needed for completion of the objectives of the volunteer program, and

b. The service is not intended to secure future paid employment for the volunteer.

➡Chapter 310
Employment of Relatives
Contents

SUBCHAPTER 1. Restrictions on the Employment of Relatives

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1-3. Restrictions
‡1-4. Department of the Army Policy
SUBCHAPTER 2. Emergency Exceptions

* * * * *

2-2. Exceptions

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➡Subchapter 1. Restrictions on the Employment of Relatives

* * * * *

1-3. RESTRICTIONS

a. **On advocacy.**

(1) *Basic restriction.* The basic restriction on advocating employment applies to requesting or recommending employment assistance for a specific person (for example, son, daughter, wife, or husband). The restriction does not preclude agency officials from supporting programs designed to enhance job opportunities for groups of people, such as family members.

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‡1-4. DEPARTMENT OF THE ARMY POLICY

a. **Standards of conduct.** See AR 600-50, paragraph 1-5e, for general policy on actions taken by DA military or civilian personnel.

b. **Supervisory relationships.**

(1) Assignments will not be made which result in supervisory relationships between relatives. Exceptions to this policy require the approval of the major Army commander. The approval authority may be delegated no lower than activity commanders. Exceptions are based on assuring one of the following:

(a) The selecting official is not a relative of the proposed selectee, and other high-quality candidates are not available.

(b) The placement is mandatory because of a nondiscretionary requirement (for example, a reduction-in-force action, or exercise of reemployment or restoration rights), and the employee's rights cannot be satisfied otherwise.

(2) Approved exceptions will be reviewed at least annually to ensure that subsequent personnel actions (such as appraisals and awards) remain proper.

(3) When a supervisor marries a subordinate, the appointing authority prescribes procedures to ensure proper personnel actions. (See 5 USC 3110 and FPM chap 310, para 1-2d, for information on improper personnel actions.) Involuntary reassignments are appropriate only when justified under FPM chapter 310, paragraph 3-3. Each case will be reviewed separately, taking into account the circumstances of the situation.

c. **Nonsupervisory relationships.** Assignment of relatives in the same organizational unit (a unit encompassing one supervisor) will be avoided if an equivalent assignment is available in another unit. The appointing authority decides if assignments in the same unit are proper.

d. **Employment of sons and daughters.** The employment of sons and daughters of DA military or civilian personnel is covered by this chapter and the guidance in FPM chapter 213, appendix G.⬅

➡Subchapter 2. Emergency Exceptions

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2-2. EXCEPTIONS

The extension of special-need appointments of relatives beyond an initial 30 days must be approved at the level above the appointing authority. HQDA is the level above the appointing authority in cases outlined in AR 690-900, chapter 981, paragraph 2-1.⬅

Chapter 312
Position Management
Contents

SUBCHAPTER 1. General Provisions
1–1. Authority and Responsibility for Establishing Positions
1–2. Policy Governing Establishment of Positions

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SUBCHAPTER 2. Assignment of Duties and Responsibilities
2–2. Planning a Position * * * * *

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‡SUBCHAPTER 6. Position Management and the Army Authorization Documents System

‡SUBCHAPTER 7. Position Management Studies
7–1. Objectives
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7–3. Conduct and Implementation of Studies

‡SUBCHAPTER 8. Position Management Achievement Award
8–1. Purpose
8–2. Criteria
8–3. Nomination
8–4. Administration

Subchapter 1. General Provisions

1–1. AUTHORITY AND RESPONSIBILITY FOR ESTABLISHING POSITIONS

‡*a*. **Authority and accountability.** Organizing work, assigning duties, and structuring duties are inherent authorities of line managers (military and civilian). The chain of command is accountable for the effective management of position structures.

‡*b*. **Responsibilities.**

(1) HQDA will develop policies and requirements and evaluate results.

(2) Major commanders will—

(a) Exercise leadership to improve the economy and effectiveness of position structures.

(b) Evaluate position management (PM) activities within the command and assure that subordinate commanders are meeting their responsibilities.

(3) Activity commanders will—

(a) Comply with policies and requirements established by the Office of Management and Budget (OMB); Office, Secretary of Defense; Office of Personnel Management; HQDA; and MACOM.

(b) Consider establishment of a Position Management Officer (PMO), or Position Management Review Committee (PMRC) with authority to modify, approve or disapprove controversial management actions.

(c) Ensure that an effective program, which meets the needs of the installation or activity, is established and maintained and that supervisors and staff elements are aware of, and comply with, applicable policies, requirements and objectives. The Commander, PMO, or PMRC may deviate from structuring policies in paragraph 2–2 where mission essential or cost effective.

(d) Establish supervisory accountability for PM performance by developing PM performance standards for appropriate civilian supervisors and ensure that PM performance is considered in the annual evaluation of military and civilian supervisors with significant PM responsibilities .

(e) Ensure review of positions during efficiency reviews.

(4) Managers and supervisors will—

(a) Manage positions efficiently and economically.

(b) Consult with Civilian Personnel Office (CPO) staff during the initial planning of new or revised organizations to develop the best structure.

(c) Conduct, with the assistance of the CPO staff, position management studies.

(5) Civilian Personnel Officers will—

(a) Advise and assist the Commander, PMO or PMRC (if appointed), and managers and supervisors on all aspects of the activity's PM program.

(b) Assist designated managers and supervisors in planning, scheduling and carrying out the PM studies program.

(c) Monitor average grade and high grade trends. Provide assistance to managers to prevent or correct unnecessary grade escalation.

(d) Take part, with members of other functional staffs, in reorganization planning and efficiency reviews.

1–2. POLICY GOVERNING ESTABLISHMENT OF POSITIONS

‡*a*. **Additional policies.** In addition to the FPM, basic position management policies are provided in OMB Circular A–64 (Position Management Systems and Employment Ceilings), 30 July 1980, and Department of Defense Directive 1400.26, Position Management, 28 July 1979.

‡*b*. **Coverage.** Provisions of this chapter apply to all appropriated fund civilian positions, including local nationals and military positions, in a mixed military-civilian work force.

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Subchapter 2. Assignment of Duties and Responsibilities

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2–2. PLANNING A POSITION

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‡*c.* **Position structures.**

(1) Mixed grade level jobs will be structured so that grade controlling work is performed more than 50 percent of the time, unless a different mix is cost effective or mission essential.

(2) Organizational fragmentation will be avoided and supervisory and leader positions kept to a minimum. Activities should strive for the following:

(a) Supervisory positions at the first level of supervision should normally direct at least eight positions, unless the functions and work require a small highly specialized work force and structuring within another organizational element is not feasible.

(b) Leader positions, whether civilian or military, should not be established in functions that do not justify performance of leader duties; e.g., mobile equipment operations.

(c) Supervisory positions should not be structured to provide co-equal authority between the chief and deputy of a unit.

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‡Subchapter 6. Position Management and the Army Authorization Documents System (TAADS)

Position management policies should be applied when developing Tables of Distribution and Allowances (TDA). The title, series and grade cited in TDA documentation will be based on guidance from personnel delegated classification authority. When a position is officially established and classified, the TDA will be changed if necessary. The U.S. Army Manpower Requirements and Documentation Agency will evaluate the position structure shown in TDA documentation and inform MACOM of needed improvements. Policy guidance on TAADS is provided in AR 310–49.

‡Subchapter 7. Position Management Studies

7–1. Objectives.

Activity commanders will ensure that PM studies are conducted to analyze intensively the current position structure, to establish the most efficient and effective position structure (MEEPS), to achieve classification accuracy and consistency, and to obtain management commitment to implement the MEEPs.

7–2. PLANNING FOR STUDIES.

Activities will develop study schedules for each fiscal year. Activities are encouraged to study each organization at least once every three years. These schedules will be coordinated and adjusted as needed to set specific dates for organizational coverage. This will avoid duplicate reviews when new classification standards are issued or efficiency reviews are scheduled.

7–3. CONDUCT AND IMPLEMENTATION OF STUDIES

a. Studies will be carried out under the direction of an appropriate line manager or supervisor with the active participation of the CPO and other appropriate staff elements. Position classification specialists, staffing specialists, and manpower and management analysts should be represented on study teams.

b. The study will address the position structure in relation to mission requirements, accuracy of the description and classification of significant types of positions and related personnel issues; e.g., training needs resulting from shift to the MEEPS.

c. Supervisors will act promptly to correct inaccurate job descriptions and classifications.

d. Following the study, the proposed MEEPS will be furnished to the responsible manager for decision. Transition plans, as appropriate, to move into the MEEPS will be developed following that decision and necessary personnel actions will be processed without delay.

‡Subchapter 8. Position Management Achievement Award

8–1. PURPOSE.

a. This award is designed to recognize supervisors who, through position structure improvements, reduce personnel costs with no loss to mission effectiveness; improve productivity with no increase to personnel costs; or improve the utilization of employee skills, employee development, or motivation.

b. It is also intended to encourage increased top management support of PM proposals by subordinates, provide positive incentives to supervisors to pursue PM improvements, and underscore the key role of line management in achieving sound PM.

8–2. CRITERIA.

Recognition by the PM achievement award will be given when justified by objective narrative evidence of PM action in either of two broad areas:

a. Implementation of position structure improvements which enhance mission accomplishment through increased economy and efficiency of operation.

b. Implementation of position structure changes which promote full and proper use of employee skills, employee motivation and development.

8–3. NOMINATION.

The level of review and approval of nominations will be determined locally. Nominations will reflect "before" and "after" samples of the PM accomplishments and will include either documentation of tangible benefits or description of intangible benefits.

8–4. ADMINISTRATION.

a. Civilian recipients of this recognition are eligible to receive a cash award in accordance with the provisions of AR 672–20, chapter 4, Special Act or Service Awards.

b. Because military personnel are not eligible for Special Act or Service Cash Awards (except for scientific achievements), a Commendation Certificate (DA Form 2443) will be presented to military recipients. Justification for this certification may be incorporated into the military manager's evaluation report and it may also be considered in justifying an appropriate military award.

Chapter 315

Career and Career-Conditional Employment

Contents

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SUBCHAPTER 6. Career or Career-Conditional Appointment Under Special Authorities

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6-13. Appointment of Former Overseas Employees

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SUBCHAPTER 9. Probation on Initial Appointment to a Supervisory or Managerial Position

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9-4. Basic Requirements

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9-6. Failure to Satisfactorily Complete the Probationary Period
9-7. Appeals and Grievances
9-8. Crediting Service Toward Completion of the Probationary Period

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♦Subchapter 6. Career or Career-Conditional Appointment Under Special Authorities

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6–13. APPOINTMENT OF FORMER OVERSEAS EMPLOYEES

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e. **Documentation.** Former overseas employees who are returning to the United States from a foreign duty location will be counseled and provided documentation by the overseas civilian personnel office as prescribed in chapter 301, appendix C. Counseling will include information on eligibility requirements for noncompetitive appointments under authority of Executive Order (EO) 12362, as amended. Civilian personnel offices in the United States are required to review the documents and ensure that applicants meet all eligibility requirements for noncompetitive appointment. When applying for employment in the United States, applicants will present documents prescribed in chapter 301, appendix C, or other official records which provide periods of creditable overseas service and the actual date the former overseas employee returned to the United States, along with the Standard Form 171 (Application for Federal Employment). A copy of the DA Form 5433–R (Verification of Overseas Employment for Noncompetitive Appointment under EO 12362) will be retained in the employee's Official Personnel Folder on the left side to provide for documentation of eligibility determination.♦

Subchapter 9. Probation On Initial Appointment To A Supervisory Or Managerial Position

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9–4. ♦BASIC REQUIREMENTS

a. **When probation is required.**

(1) When employees must serve probationary periods, they will be given written notice of the requirement.

(a) The notice will, as a minimum, inform the employees of the length of their probationary periods and of their placement rights should return to a nonsupervisory or nonmanagerial position be recommended.

(b) The notice may be a letter, remarks on the personnel action documenting the assignment, or both.

(2) The selecting official may decide in advance not to require part or all of the normal probationary period based on the employee's past experience as a supervisor or manager. Such an exception must be coordinated with the servicing Civilian Personnel Office (CPO) or CONUS processing station if the employee is to be assigned overseas. How to document the exception will be determined locally.

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d. **Length.** The probationary period for DA employees appointed to supervisory or managerial positions will be 1 year unless a shorter probationary period is justified by past performance and experience.♦

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9–6. FAILURE TO SATISFACTORILY COMPLETE THE PROBATIONARY PERIOD

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d. **Notice to the employee.**

♦A written notice will be issued to the employee if he/she fails to demonstrate the ability to perform the supervisory or managerial duties related to the job. The notice will—

(1) Be issued by the employee's supervisor in coordination with the CPO.

(2) Cite the specific reason(s) for the action.

(3) Explain that there is no right of appeal, except in cases of alleged discrimination.

(4) Explain that DA grievance procedures do not cover the decision.

(5) Explain procedures to be used to satisfy the employee's placement rights.

(6) Describe actions that will be taken under AR 690–700, chapter 752, if he or she does not accept a properly directed new assignment.

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f. **Method of placement.**

(1) Employees who fail to complete the probationary period will be assigned (involuntary reassignment or permanent change of station (PCS) may be required) to a vacancy—

(a) In the CPO serviced area, or

(b) Within the employee's MACOM if no vacancy exists in the CPO serviced area.

(2) MACOM will consider establishing a position when an involuntary PCS places personal hardship on the employee.

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j. **Documentation.**

Recommendations on whether or not to keep an employee in a supervisory or managerial position will be documented in accordance with AR 690–400, chapter 430.♦

9–7. APPEALS AND GRIEVANCES

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♦(5) DA grievance procedures do not cover a decision to return an employee to a nonsupervisory or nonmanagerial position due to supervisory or managerial performance only. Allegations that the decision is based on reasons other than supervisory or managerial performance are covered by either—

(a) DA grievance procedures, or

(b) EEO complaint procedures if discrimination is alleged.♦

9–8. CREDITING SERVICE TOWARD COMPLETION OF THE PROBATIONARY PERIOD

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c. Credit toward subsequent probationary period.

(1) When a probationary period is interrupted by other service or a break in service (other than for cause), the past service may be credited toward completion of a probation required by a later appointment. Performance and experience must justify such an action.

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To be filed with basic FPM chapter 330

Chapter 330
Recruitment, Selection, and Placement (General)

Contents

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◆SUBCHAPTER 2. Appointment from Reemployment Priority List

2–1. General Provisions◆

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To be filed with basic FPM chapter 330

♦SUBCHAPTER 2. Appointment From Reemployment Priority List

2-1. GENERAL PROVISIONS

‡*a.* **Establishment of List.** When a DA activity is the only activity in a commuting area and is being disestablished within 3 months or less, a reemployment priority list (RPL) will not be established. However, if the sole activity in a commuting area is being disestablished over a longer period, an RPL must be set up and kept until the 3rd month prior to the actual closing.

(1) Outside the Washington, DC, metropolitan area, an RPL will be maintained on a commuting area basis, by installation. If there is more than one Army installation or activity in the commuting area, the list will be kept by the activity employing the largest number of employees. The activity keeping the RPL will select an employee to serve as the Area Placement Coordinator (APC).

(2) In the Washington, DC, metropolitan area, the RPL will be kept by the DOD Regional Placement Coordinator's Office, Personnel and Employment Service—Washington, Pentagon, Washington, DC 20310, for the entire commuting area and for use by both departmental and field activities.

‡*b.* **Area Placement Coordinator.**

(1) The APC will keep the RPL and distribute it to activities in the commuting area.

(2) The APC will develop local rules for setting up and maintaining the RPL.

(3) Registration information will be provided to the APC as soon as possible after the initial counseling of an eligible employee. Any changes in registration will be provided to the APC.♦

To be filed with basic FPM chapter 331

Chapter 331
Organization for Recruitment and Examining

Contents

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SUBCHAPTER 4. Delegation of Examining Authority to Agencies

4–1. Delegation Authority

4–2. Nature of Delegation Authority

4–3. Performance Agreements

4–4. Responsibility of the Office of Personnel Management

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Subchapter 4. Delegation of Examining Authority to Agencies

4-1. DELEGATION AUTHORITY

a. **General.** The Office of Personnel Management (OPM) has developed three approaches to staffing positions in the competitive service. DA activities are authorized to accept examining responsibility voluntarily under approaches (1) and (3) below.

(1) *Agency based staffing.* Under this approach, examining authority is centered in the agency. It is used when agencies have the best knowledge of the job requirements for the positions to be filled. This approach may be done through either of the following methods:

(a) *Examining on a case-by-case basis (case examining).* This method is preferred for filling agency "unique" positions that are not often vacant. Announcements are posted as vacancies occur, and applicants are rated against specific job requirements; however, no standing list of eligibles is established.

(b) *Examining using established lists of eligibles (register examining).* This method is used when agencies have recurring vacancies in a job and it is not economical to announce them individually.

(2) *OPM based staffing.* Under this approach, examining authority is retained in OPM. It is used for staffing in jobs where acceptable timeliness, quality, and economy can be achieved. High volume vacancies that occur in most agencies, and have continuous workload requirements and large scale automation capability are covered by this method.

(3) *OPM/agency shared staffing.* This is a partial delegation. OPM continues to process applications and issue notices of rating that applicants would use to apply to the agency. Agencies then use the notices to—

(a) Set up their own registers of eligibles in order of scores on the notices.

(b) Hire directly in skill categories that have a shortage of eligibles.

(c) Use as a basis for further ranking (e.g., when selective placement factors are justified).

b. **Request for delegations.** Approval level for examining authority depends on the scope of the delegation by geographic area or the jurisdiction of an OPM office holding a register.

(1) Requests to examine DOD- or DA-wide will be sent through command channels to HQDA ➡(PECC-CSS), ALEX VA 22332-0300.⬅

(a) Approval to examine DOD- or DA-wide supersedes local agreements to examine for the same job at the same grade level.

(b) OPM and HQDA will issue advance notice when agency-wide agreements are approved.

(c) The Director of Civilian Personnel, or his or her designee, is authorized to redelegate agency-wide authority to DA activities.

(2) Requests for permission to examine at installation level will be sent directly to the appropriate OPM office holding a register. Exceptions are as follows:

(a) Proposals that involve GS-5/7 positions covered by a nationwide examination and for which college graduates are a typical recruitment source. These requests must have HQDA approval as in (1) above.

(b) Major Army commands (MACOMSs) may require prior MACOM approval of examining proposals to be submitted to OPM by subordinate activities.

c. **General guidelines for delegation of examining authority.**

(1) *Occupational coverage.*

➡(a) Activities maintaining registers of eligibles as described in a(1)(b) above may be expected to certify eligibles to other DOD activities in the commuting area.⬅

(b) When numerous certificates are expected to be issued to other Army and DOD activities, commanders are encouraged to pool resources to support collective examining efforts.

(c) HQDA(PECC-CSS) will be notified when difficulties are encountered in completing resource sharing arrangements (equipment, office space, manpower) with other DOD activities. HQDA will coordinate requirements with the appropriate DOD component headquarters.

(2) *Geographic area.*

(a) The minimum geographic area for publicity when posting competitive examination notices will be extended when needed to reach underrepresented groups.

(b) Requirements for notifying State employment offices and Federal job information centers of vacancies are listed in FPM chapter 330, paragraph 1-5.

(3) *Limitation.* More than one activity may case examine for the same job in the same geographic area.

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(6) *Written tests.* Requests to give written tests (other than those already authorized) as part of an examining process will—

(a) Be sent through command channels to HQDA(PECC-CSS).

(b) Include evidence supporting use of the test. (See FPM Supplement 271-2.)

(7) *Exceptions.* Requests for exception to requirements of this subchapter will—

(a) Be sent through command channels to HQDA(PECC-CSS).

(b) Include justification showing that the exception will not weaken the application of merit procedures (5 U.S.C. 1104).

‡d. **Reasons for accepting examining authority from OPM.** Activities are encouraged to assume examining responsibility when resources are available and any of the following conditions are not acceptable. (Commanders should determine when conditions serve as barriers to an aggressive recruitment program.)

(1) *Timeliness of action.*

(a) The time taken to fill vacancies can be reduced by coordinating internal and external recruitment at the activity.

(b) Activities can reduce the time taken to issue certificates when OPM service is not acceptable.

(2) *Quality of candidates.* The identification of well qualified candidates, and the rating process is improved when activities can draw on subject matter experts.

(3) *Affirmative action progress.* Local examining can increase the representation of women and minorities through directed recruiting to reach underrepresented groups.

‡e. **Adequacy of procedures.**

(1) Activities are cautioned that timeliness, or improvement in other recruitment conditions may not offset the legal and regulatory duty to ensure the technical adequacy and defense of examining procedures.

(2) Examining authority is appropriate at the level which has or can acquire trained technical personnel to develop and maintain valid examining practices.

4-2. NATURE OF DELEGATION AUTHORITY.

‡a. Examining authority under paragraph 4-1a(1) includes authority to—

(1) Approve selective and quality ranking factors.

(2) Determine conversion to career or career-conditional appointment under Civil Service Regulation 315.703.

(3) Determine exceptions to the time-in-grade restrictions under Civil Service Regulation 300.603 as to when an employee is within reach on a register for competitive appointment to a given position.

(4) Determine exceptions to time-after-competitive appointment restriction under Civil Service Regulation 330.505.

(5) Provide priority referral to displaced employees under FPM chapter 330, subchapter 3. (OPM provides periodic lists of displaced employees. Otherwise, the examining unit must receive telephonic clearance from OPM before a certificate is issued.)

(6) Establish objection/passover procedures.

‡b. Examining authority under paragraph 4-1a(1) may include the following. Authority to—

➡(1) Appoint aliens to positions in the competitive service in the absence of qualified citizens using excepted appointing authority 213.3102(bb).⬅

(2) Restrict consideration to one sex.

‡c. Requests for examining authority sent to HQDA under paragraph 4-1b(1) will show if either of the authorities listed in b above are to be included in proposed agreements with the following:

(1) A projection of annual use of aliens to be appointed based on prior recruitment experience, or

(2) A statement showing how restricting consideration to one sex is appropriate to the employment setting. Examples of similar restrictions in private industry should be cited.

‡d. Activities may prefer to operate a Special Examining Unit (SEU) for OPM rather than requesting delegation of examining authority. (See app. C.)

(1) An SEU operates under the jurisdiction of OPM but is staffed by employees of the activity.

(2) Activity employees, certified as special examiners of OPM, provide services similar to those of an agency examining unit operated under a delegation agreement.

4-3. PERFORMANCE AGREEMENTS.

‡a. A model memorandum of understanding for operating an SEU is in appendix C. This model is for case examining. An SEU may also examine on a register basis.

‡b. A model delegation agreement for operating an agency examining unit is in appendix D.

‡c. Performance agreements may be modified by the activity and OPM to fit the needs of a given examining situation.

‡d. Information copies of completed performance agreements will be sent through command channels to HQDA(PECC-FSS).

4-4. RESPONSIBILITY OF THE OFFICE OF PERSONNEL MANAGEMENT

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‡c. **OPM service where registers are terminated.** OPM may choose other ways to serve activities that do not examine. Area offices may issue—

(1) Individual job bulletins.

(2) Direct hire authority.

(3) TAPER authority.

‡d. **OPM service under (c) above may delay recruitment.** Delays may be shortened by the following. Activities may—

(1) Coordinate internal recruitment with the issuance of job bulletins.

(2) Keep information on outside applicants per FPM chapter 332.

Chapter 332
Recruitment and Selection Through Competitive Examination
Contents

SUBCHAPTER 1. General Provisions

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1-9. Use of Paid Advertising in Recruitment
1-10. Use of Employment Services

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SUBCHAPTER 4. Consideration for Appointment

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4-6. Elimination of Persons on Security Grounds

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Subchapter 1. General Provisions

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1-9. USE OF PAID ADVERTISING IN RECRUITMENT

a. **Circumstances for which used.** Authority to establish and disseminate procedures to administer this provision, and to determine when occupations are in the shortage category and if use of paid advertising is appropriate, is delegated to installation and activity commanders with appointing authority. This authority may be redelegated. All requests for placement and payment of paid advertising must be forwarded to the servicing contracting officer for processing, per the Army Defense Acquisition Regulation Supplement.

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1-10. USE OF EMPLOYMENT SERVICES

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b. **Payment of fees.** The Department of the Army has authority to expend funds for employment services. Appointing authorities desiring to use employment services will advise the local contracting officer before making any commitment of funds.

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d. **Agreements with employment services.**

(1) Authority for negotiating agreements is vested in contracting officers.

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e. **Maintenance of records.** When an appointing authority determines that it is necessary to use a nonprofit employment service, a record of the information prescribed by FPM chapter 332 and the basis for making the determination will be maintained. Send an information copy of the records to HQDA(PECC-CSS), ALEX VA 22332-0300, within 15 calendar days following the close of each quarter.

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Subchapter 4. Consideration for Appointment

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4-6. ELIMINATION OF PERSONS ON SECURITY GROUNDS

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‡c. **Prior approval requirement.** Individuals previously separated for security reasons will not be considered for employment within the Department of the Army without prior approval of the Secretary of the Army or his or her designee. An individual whose record has been cleared would not be considered separated for security reasons for reemployment purposes. Send requests for approval through command channels to HQDA(PECC-CSS), ALEX VA 22332-0300.

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Chapter 334
Temporary Assignments Under the Intergovernmental Personnel Act
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1-1. Authority

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SUBCHAPTER 2. Assignment Agreements

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2-5. Reports Required

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Subchapter 1. General Provisions

1-1. AUTHORITY

Approval and extension of Intergovernmental Personnel Act agreements are approved by—

a. Appointing authorities when the assignment is to a DA activity of a person from a State, local, or tribal government, institution of higher education, or other eligible organization.

b. The Executive Secretary to the Secretary of Defense and the Deputy Secretary of Defense when a DA employee is to be assigned to a State, local, or tribal government, institution of higher education, or other eligible organization. (See chap 300, para 8-2b, for approval procedures.) Civil works functions are excluded from this requirement. (Approval requirements are set by the U.S. Army Corps of Engineers.)

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Subchapter 2. Assignment Agreements

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2-5. REPORTS REQUIRED

a. Assignment agreement. Send three copies of completed and approved OF 69 (Assignment Agreement) through command channels to HQDA (PECC-CSS), ALEX VA 22332-0300, for forwarding to the Office of Personnel Management. MACOMs will review the forms to ensure adequacy and compliance with program requirements.

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‡d. DA employees assigned to a non-DA activity are subject to reporting requirements in chapter 300, paragraph 8-2b(2), of this regulation.

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To be filed with Basic FPM Chapter 335

Chapter 335
Promotion and Internal Placement

Contents

SUBCHAPTER 1. General Provisions

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1–2. Definitions
1–3. Merit Promotion Plans
1–4. Merit Promotion Requirements
1–5. Covered and Excepted Personnel Actions

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APPENDIX A. General Regulatory Provisions

A–1. Authority to Make Position Changes

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A–3. Effective Date for Implementing a Position Change

A–4. Corrective Actions

‡APPENDIX B. Processing Term Promotions

B–1. Employee Selected for Term Promotion

B–2. Employee Selected to Replace Employee on Term Promotion

Subchapter 1. General Provisions

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1-2. DEFINITIONS

d. **Reassignment.** Temporary reassignment is the change of an employee on a nonpermanent basis from one position to another without promotion or demotion.

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1-3. MERIT PROMOTION PLANS

a. **Responsibility for promotion plans.** All appointing officers in DA will—

(1) Set up merit promotion plans.

(2) Ensure that their plans fulfill the requirements of FPM chapter 335 and this chapter.

(3) Review their plans and promptly revise them if necessary to fulfill the above requirements.

(4) When plans are to be revised, notify the appropriate union official(s) of the proposals and provide an opportunity to negotiate.

b. **Coverage of merit promotion plans.**

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‡(3) This chapter applies to positions in the competitive service. Coverage includes competitive positions occupied by employees hired under special excepted service appointments (e.g., VRA, handicapped persons, and disabled veterans). (See FPM chapter 302 for information on excepted service positions.) This chapter *does not apply* to—

(a) Jobs in the Senior Executive Service (or equivalent grades).

(b) Jobs in DOD career programs filled through DOD-wide skills files.

‡(4) HQDA may set up plans for the centralized management of groups of jobs to—

(a) Aid quality staffing.

(b) Maintain compatibility and equity in treatment.

‡(5) Commands may set up plans for groups of jobs in which they have a special interest.

‡(6) Local plans will be written covering jobs not subject to (4) and (5) above.

‡(7) Plans will provide—

(a) That candidates eligible for special noncompetitive appointments (e.g., VRA, selective placement programs, disabled veterans, family members under EO 12362) should be considered for competitive service jobs within restraints set by the special appointing authorities.

(b) For noncompetitive conversion of cooperative education students and Federal Junior Fellows under FPM chapter 308.

(c) For noncompetitive conversion of severely handicapped and mentally retarded appointees under FPM chapter 306.

(d) For noncompetitive appointment of eligible veterans with 30 percent disability who are serving on temporary appointments under 5 CFR 315.707.

(e) For noncompetitive promotion to the highest grade previously held. Plans must allow but may not require noncompetitive promotion or transfer up to and including any grade previously held in a nontemporary position in the competitive service.

‡*c.* **Equal opportunity.** Civilian personnel officers (CPOs) and equal employment opportunity (EEO) officers will—

(1) Ensure that merit promotion and related placement plans set procedures to provide equal opportunity for all candidates, consistent with local Affirmative Action Program (AAP) plans.

(2) Follow guidance in FPM chapter 335, paragraph A-4, and paragraph A-4 of this chapter if selection for training or employment or the promotion pattern in any unit shows that—

(a) Local AAP plans have not been fully implemented.

(b) Regulatory or procedural violations or other deficiencies exist.

1-4. MERIT PROMOTION REQUIREMENTS

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Requirement 2

CPOs will—

a. Provide for areas of consideration which

support EEO affirmative action needs.

b. Accept and rate applications from current DA employees with competitive status who are outside the minimum area of consideration and ensure they are given an opportunity to compete equally for referral with the local work force.

c. Ensure that merit promotion plans do not bar—

(1) Meeting special civilian personnel program requirements.

(2) Reaching AAP objectives.

(3) Placing employees completing training programs, such as graduate DA career interns.

(4) Placing family member employees relocating to accompany their civilian or military sponsors.

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Requirement 4

‡*a.* **Number of candidates to be referred.** A reasonable number of the best qualified candidates will be referred for selection using DA Form 2600 (Referral and Selection Register). Consider requirements of the AAP when setting the number. Factors that may influence the number are—

(1) Size and nature of the applicant pool.

(2) Ability of managers to review the number of candidates in a prompt and efficient manner.

‡*b.* **Action by the selecting officials.** In filling positions, selecting officials must consider the activity's approved AAP plans for minorities and women and for handicapped individuals as a part of the selection process. Selecting officials must state their reasons for expecting the selectee to perform successfully, and record the reasons for their competitive selections on the DA Form 2600.

* * * * *

1–5. COVERED PERSONNEL ACTIONS

a. * * * * *

(1) Temporary promotions.

(a) A year lasts from the effective date of the first temporary promotion in one year to the close of the immediately preceding date in the next year.

* * * * *

‡*(f)* When a temporary promotion is terminated, the employee will be returned to the position from which he or she was temporarily promoted; or, with his or her consent, to a different position. (See 5 CFR 335.102(f).) When a temporary promotion is to an activity serviced by another civilian personnel office, the losing and gaining activities must agree to the temporary promotion and decide in advance which activity will assume responsibility for placement of the employee when the temporary promotion ends.

‡*(g)* When employees are qualified for promotion, and are assigned to higher grade positions for more than 60 days, use of a temporary promotion instead of a detail is encouraged.

(2) Term promotions.

(a) The authority to approve term promotions is delegated to MACOMs. MACOMs may redelegate the authority when term promotions are made to bona fide special projects or rotational assignments lasting more than 2 years, but not to exceed 4 years. The guidance in FPM chapter 316 for making term appointments applies also to term promotions to special projects. MACOMs may also redelegate the authority to approve programs which include term promotions as part of a planned rotational system for a definite period. Such programs may be designed to provide career enhancement as part of an employee's, individual development plan; or to ensure that an activity receives the benefit of fresh ideas and new viewpoints by rotating employees through specific positions. Selection to the programs will be justified and documented by showing the relationship of the employee's expertise to the assignment and how the assignment will enhance the employee's career development or improve the organization's effectiveness.

(b) Send requests for extension of term promotions beyond 4 years through command channels to HQDA(PECC–CSS) ALEX VA 22332–0300.

(c) A position vacated by an employee who is away on a term promotion may not be filled by use of another term promotion unless the vacancy is to be used for a rotational assignment under *(a)* above.

(d) When a term promotion is to an activity serviced by another civilian personnel office, guidance in (1)*(f)* above applies.

(e) The requirements for processing term promotions are in appendix B.

(f) An annual report on the use of term promotions is required. (AR 690–900, chap. 981).

* * * * *

c. Activities may except other promotion actions from their plans, subject to the guidance below. Exceptions must be outlined in local plans.

(1) Career promotions.

(a) Career-ladder promotions of employees appointed under noncompetitive appointing authorities (see para 1–3*b*(7)) require competition unless excepted in local plans.

(b) A promotion resulting from the addition of duties and responsibilities may be made noncompetitively only when all the following conditions have been met:

‡*(i)* There are no other employees at the same grade in the unit supervised by the selecting official who are performing duties substantially the same as those performed by the employee before the addition of the new duties and responsibilities. (For example, in classification, jobs are considered substantially the same when major duties, supervisory controls knowledge required, and working conditions are the same.)

‡*(ii)* The employee continues to perform the same basic functions as those in the former position, and the duties of the former position are in the new position.

‡*(iii)* The addition of the duties and responsibilities does not adversely affect another employee's position, such as job abolishment or reduction in known promotion potential.

‡*(iv)* The employee meets all eligibility and qualification requirements for the position.

* * * * *

(5) Competitive procedures apply to the selection of a candidate from the Reemployment Priority List (RPL) for a job at a higher grade than the one last held in a nontemporary status in the competitive service.

(6) Special consideration for repromotion.

‡*(a) Required coverage.* Except as noted in (*c*) below, DOD policy requires special consideration for repromotion to be given to employees receiving grade, pay, or salary retention benefits. The special consideration must be given at least as long as the retention benefits continue. Coverage under the DOD policy stops when the retention benefits are discontinued. However, additional optional coverage may be given under *(b)* below. (See DOD 1400.20–1–M, the Policies, Procedures and Programs Manual for the DOD Program for Stability of Civilian Employment, chap 2, for information on the DOD policy.)

‡*(b) Optional coverage.* Special consideration for repromotion may be given to current, permanent DA or other DOD employees who are not receiving retention benefits, but have been changed to a lower grade without personal cause and not at their request. This coverage may be given to DA or other DOD employees who were demoted in other Federal agencies under like conditions. The extent of coverage (such as length of time or number of referrals, positions covered, effect or declinations, etc.) is determined by the applicable merit promotion plan.

‡*(c) Exclusions.* Special consideration for repromotion will not be granted to employees regardless of their entitlement to retention benefits if they are demoted to correct a procedural, regulatory, or program violation under FPM chapter 335, paragraph A–4*b*, or if a demotion is accepted to enter a training program and then the training is not completed.

(7) Priority consideration.

‡*(a)* Priority consideration may be given

only to candidates who were adversely affected due to a procedural, regulatory, or program violation. If reconstruction shows that the candidate is not in the best qualified group, that candidate is not adversely affected and no priority consideration is to be granted.

‡*(b)* Priority consideration may be granted only once for each time proper consideration in a competitive promotion action was not given. It is important, therefore, that the candidate is given a bona fide consideration before consideration is given to candidates under competitive procedures. If the candidate does not satisfactorily meet all the job-related criteria, as determined by local procedures, then the candidate should not be referred and the conditions of an appropriate vacancy have not been met. Nor will a candidate have received bona fide consideration if, after referral, management decides not to fill the vacancy at that time. In this situation, the candidate will be referred for the next bona fide appropriate vacancy.

‡*(c)* Priority consideration will be for the next appropriate vacancy to make up for the consideration lost. The next appropriate vacancy is one that meets all the following conditions:

(i) A similar type of position in the same pay system as the position for which the candidate failed to receive proper consideration.

(ii) One in which the candidate has indicated prior interest.

(iii) One at the same grade level with no higher potential than the position for which consideration was lost. If the position has known promotion potential, advancement beyond the entry grade is contingent upon satisfactory performance and not guaranteed by the priority consideration.

‡*(8) Order of referral under (6) and (7) above.*

(a) Except as noted in *(b)* below, the order of referral for candidates receiving special consideration for repromotion or priority consideration is determined by the applicable merit promotion plan.

(b) Candidates given remedy under 29 CFR 1613.271 (EEO complaints) are referred before consideration is given to candidates covered by this chapter. However, when remedy is given under section 1613.271, it will not subsequently be given under this chapter. (Note that section 1613.271 requires reasons for nonselection to be recorded.)

Appendix A
General Regulatory Provisions

A–1. AUTHORITY TO MAKE POSITION CHANGES

* * * * *

b. **Limitations on delegation of authority.**

* * * * *

‡(4) Final action on any promotion or other internal placement will be withheld for all persons who are being investigated based on data considered derogatory under AR 604–5.

‡*c.* **Involuntary reassignments.** ♦An employee may have a valid reason for not wishing to be reassigned to another position. When an employee does not voluntarily consent to such an assignment, he or she will be given advance written notice by the appropriate management official or his or her designee. The advance notice will include reasons for the reassignment, the effective date, and an opportunity for the employee to reply. If the employee does not reply, no further notice will be issued, and the action will be effected as stated in the advance notice. If the employee replies before the effective date, the reply will be considered in determining if the reassignment should be effected, and the employee will be advised of the decision by the appropriate management official. The amount of advance notice, the amount of time the employee has to reply, and the method of advising an employee who replies are determined locally. Reassignment in the same position as a result of position review or classification action does not require an advance notice.♦

★ ★

A–3. EFFECTIVE DATE FOR IMPLEMENTING A POSITION CHANGE

A position change must be approved by signature of someone with power to make such approvals, unless the effective date is set by circumstances beyond the control of the appointing officer. For actions involving a change between employing activities, appointing officers will set the effective date to avoid any break in service. When travel is involved, an advance agreement will be reached as to which activity will pay travel time and any leave en route. In all such cases, the employee will be consulted in arriving at an effective date.

A–4. CORRECTIVE ACTIONS

* * * * *

c. **Action involving nonselected employees.**

* * * * *

(2) Priority consideration may be given to correct an error in the referral process or because of a prohibited personnel practice. This consideration is given under paragraph 1–5c(7), unless directed otherwise by law, regulation, or higher authority.

d. **Action involving responsible officials.** Action taken against officials responsible for a violation will be under laws and regulations regarding military or civilian personnel.

‡Appendix B.
Processing Term Promotions

B–1. EMPLOYEE SELECTED FOR TERM PROMOTION

a. **Conditions of assignment.** An employee selected for a term promotion must be given written notice of the conditions of the assignment. These conditions are:

(1) The promotion is temporary.

(2) The employee will be returned to his/her original position or to one of like pay and grade.

(3) The return to the original position will not be subject to parts 432 or 752 of title 5, Code of Federal Regulations, and it will not be grievable under part 771.

b. **Employee acknowledgment of conditions.** Prior to the effective date of assignment, the employee must sign and date a statement that he/she has received the written notice of the conditions of assignment listed in a above.

c. **Authority for assignment.** The authority to be cited on the SF 50 (Notification of Personnel Action) will be "Reg 335.102(g) and OPM agreement dated 18 Feb 83." In addition, the SF 50 will contain a short reference to the basis for the action; for example—

"Term promotion result of special project no. _____."

"Term promotion under special program for rotational assignment approved on _____."

B–2. EMPLOYEE SELECTED TO REPLACE EMPLOYEE ON TERM PROMOTION

a. **Conditions of assignment.** An employee selected to replace on a permanent basis an employee serving on a term promotion will be given written notice that—

(1) The position must be vacated if the employee on the term promotion is not returned to another position.

(2) If displaced by return of the original incumbent, he/she may be reassigned or may be placed or separated by reduction in force (RIF). (The employee on the term promotion is excluded form competing in such a RIF.)

b. **Employee acknowledgement of condition of assignment.** Prior to the effective date of the assignment, the employee must sign and date a statement that he/she has received the written notice of the conditions in a above.

Chapter 336

Civilian Mobility Program

Contents

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Glossary

Subchapter 1. General

1-1. PURPOSE

This chapter implements Department of Defense (DOD) Directive 1400.24. It defines types of mobility used within DA, prescribes the conditions under which both mandatory and voluntary mobility programs may be established, and describes the procedures to implement such programs.

1-2. REFERENCES

Required and related publications are listed in appendix A.

1-3. EXPLANATION OF ABBREVIATIONS AND TERMS

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. RESPONSIBILITIES

Responsibilities are listed in subchapter 2, paragraph 2-2.

1-5. INTRODUCTION

a. Department of the Army (DA) has a continuing need for competent, confident civilian leaders with technical and managerial training and experience who can adapt to changes in focus and mission needs. Both mandatory and voluntary mobility programs have become increasingly important for DA leaders to obtain the employee competencies needed for quality performance in a rapidly changing environment.

b. The Army Civilian Training, Education and Development System (ACTEDS) is the DA system designed to develop technical, professional, and leadership competencies in civilian employees. ACTEDS Plans prescribe functional, organizational and geographic mobility. This chapter applies only to geographic mobility.

1-6. COVERAGE

a. All formal mobility plans (career program and career field) and special individual mobility agreements must be consistent with the provisions of this subchapter.

b. The guidance in this subchapter must be used in conjunction with DOD Directive 1400.24.

1-7. APPLICABILITY

This subchapter applies to all DA civilian employees except Senior Executive Service members (See AR 690-900, Chapter 920) and the Army Acquisition Corps (See PL 101-510, Title XII).

Subchapter 2. Policies, Responsibilities and Procedures

2-1. POLICIES

a. Geographic mobility may be required of DA civilians to obtain necessary skills, knowledges, and abilities to improve mission effectiveness and to meet other management needs. Employees may be required to sign mandatory mobility agreements as a condition of employment.

b. Voluntary geographic mobility may be recommended for an employee to meet personal and professional career development goals.

c. Placement rights derived from Office of Personnel Management (OPM) or DOD directives, or other higher authority, such as the Automated Stopper and Referral System (ASARS), or by reductions-in-force (RIF), may have an impact on relocations or movements under this regulation.

d. Return rights of employees assigned overseas under formal mobility programs or special individual mobility agreements, will be as described in the approved mobility program and individual agreements in accordance with the following.

(1) Competitive service employees.

(a) Subject to subparagraph (b), below, competitive service employees selected for overseas assignment, including those serving overseas under a mobility agreement, have a statutory right to return to the specific *position* held immediately prior to assignment overseas, unless the position no longer exists. The provisions of AR 690-300, Chapter 352 (Reemployment Rights), Subchapter 8 (Statutory Reemployment Rights) apply.

(b) When an agreement states that return rights are to a "program" rather than to the specific position previously held, a competitive service employee must be advised that his or her signature on the Agreement constitutes a waiver of the right to return to a specific position previously held before assignment to duty outside the U.S. A standard provision at paragraph 3d, Appendix C, Formal Mobility Program Sample Agreement or paragraph 4f, Appendix D, Special Individual Mobility Sample Agreement constitutes this waiver. A separate waiver is not required if these example paragraphs are used. For existing agreements, modification of appropriate paragraph(s) of agreement formats contained in previously approved mobility programs may be used.

(2) Civilian Intelligence Personnel Management System (CIPMS) employees. CIPMS excepted service employees selected for overseas assignment are eligible for administrative return rights. The provisions of AR 690-300, Chapter 352, Subchapter 9 (Administrative Reemployment Rights) and AR 690-13 (CIPMS) apply.

(3) Other excepted service employees. Return rights for all other excepted service employees will be in accordance with AR 690-300, Chapter 352, Subchapter 9 (Excepted Service).

e. For employees covered under a civilian mobility program the provisions of this regulation control over AR 690-300, Chapter 352 for purposes of implementing reemployment rights under 10 U.S.C. 1586.

f. Competitive service employees selected for an overseas position, regardless of whether a mobility agreement is required, are subject to the rotation requirements of AR 690-300, Chapter 301 (Overseas Employment), Subchapter 5, (Overseas Employment and Rotation of U.S. Citizens).

g. Relocation of employees assigned to a position designated as Emergency Essential (EE) is governed by the provisions of AR 690-11 (Mobilization Planning and Management), DoD Directive 1400.31 (Mobilization Management of the DoD Civilian Work Force) and DoD Instruction 1400.32 (Mobilization Preparedness Planning for DoD U.S. Citizen Civilian Work Force).

2-2. RESPONSIBILITIES

a. The Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA [M&RA]) will approve overall policy and will periodically evaluate program effectiveness.

b. The Director of Civilian Personnel (DCP), Office of Deputy Chief of Staff for Personnel (ODCSPER), will propose policy for formal civilian mobility programs and advise the

DCSPER on development and implementation of civilian mobility programs.

c. The Deputy Chief of Staff for Personnel (DCSPER) is responsible for implementing policy and procedures for career mobility programs through the Commander, U.S. Total Army Personnel Command (PERSCOM).

d. The Commander, PERSCOM, through the Director, Civilian Personnel Management Directorate (CPMD), PERSCOM will:

(1) Approve establishment of formal mobility programs.

(2) Comply with national consultation rights obligations for proposed formal mobility programs when appropriate with national unions in accordance with DA Memorandum 690-5, Consultation with Labor Organizations.

e. Career Program functional chiefs and personnel proponents will recommend to the Commander, PERSCOM, ATTN: TAPC-CPF-S, the establishment of formal DA-wide mobility programs necessary to meet specific mission or function requirements.

f. Commanders of major commands (MACOM), independent reporting activities (IRA), and field operating activities (FOA), will:

(1) Recommend to the Commander, PERSCOM, ATTN: TAPC-CPF-S, establishment of formal civilian mobility programs to support missions and functions within their commands.

(2) Include mandatory geographic mobility funding requirements in annual budgetary submissions.

(3) Approve or disapprove special individual mobility agreements (See para 2-4, below).

(4) Approve or disapprove administrative actions, or release of employees from the provisions of an agreement, for individuals who fail to comply with mobility agreement provisions (See paragraph 3-1d, below).

g. Formal Mobility Program Manager. Functional Chiefs, personnel proponents, or commanders establishing formal mobility programs will appoint a mobility program manager. The program manager will:

(1) Initiate and operate the program in accordance with this regulation, merit procedures, and Equal Employment Opportunity/Affirmative Action Plan (EEO/AAP) principles.

(2) Periodically evaluate program effectiveness.

(3) Recommend to the commander administrative action, or release from the provisions of an agreement, for employees who fail to comply with mobility agreements (See para 3-1b, below).

2-3. PROCEDURES

Formal mobility programs may be established when required to meet management needs.

a. All formal mobility programs will be approved by the Commander, PERSCOM, or designee prior to implementation. Requests for approval will include the information in paragraph 2-3c, below, and will be submitted to: Civilian Personnel Management Directorate, U.S. Total Army Personnel Command, 200 Stovall St., Alexandria, VA 22332, ATTN: TAPC-CPF-S. (See App B for examples of existing programs requiring formal mobility agreements.)

b. Formal mobility programs previously approved under other procedures need not be resubmitted for approval. However, when major changes are made in such programs, they must be submitted in accordance with requirements of this regulation.

c. Requests for formal mobility program approval will include the following information:

(1) *Name and office of formal mobility program manager.*

(2) Purpose of the program. Provide the specific purposes for establishing a particular formal mobility program and the criteria for selection of positions to be included in the program.

(3) *Justification.* Establishment of a formal program must be consistent with the policy in section D of DOD Directive 1400.24. Justification must:

(a) Document specific career progression or mission effectiveness needs which are not being met.

(b) Identify specific efforts made to alleviate the problem.

(4) *Coverage.* List series, grade, title, and career program, if applicable, to be covered by the program (e.g. Quality Assurance Specialists (Ammunition Surveillance), GS-1910-9, and above).

(5) *Geographic area.* Describe the broad geographic area coverage of the program (e.g.

world-wide; within the continental United States (CONUS); outside the continental United States (OCONUS).

(6) *Program operations.* Describe the program operational procedures and policies (i.e., candidate selection, relocation requirements, accompanied and unaccompanied tour lengths, consideration of geographic preferences, exceptions to tour lengths or assignments, and other relevant information).

(7) *Source of funding.* State whether costs will be centrally funded and cite specific program or other source of funds.

(8) *Statutory and administrative reemployment rights.* Describe specific reemployment rights for any required assignments in accordance with AR 690-300, Chapter 352 (Reemployment Rights).

(9) *Exceptions to planned relocations.* Define clearly procedures for submission of requests and guidelines on justifiable reasons for approval of exceptions. Application of criteria must be consistent.

(10) *Provisions for releasing employees from mobility agreements and the administrative actions to be taken for failure to comply with agreements.* (See para 3-1d, below.)

(11) *Copy of proposed formal mobility agreement.* (See App C for sample format.)

2-4. SPECIAL INDIVIDUAL MOBILITY AGREEMENTS (SIMA)

a. Individual employees selected for positions or training requiring geographic mobility must sign a mobility agreement. When the duty assignment or training needs are such that they impact only a small number of employees, SIMA may be appropriate. (See sample format in App D.)

b. SIMA provide management the flexibility to meet special needs without requiring all employees in a given career program to sign formal mobility program agreements.

c. Employees who voluntarily sign a SIMA may in some circumstances be precluded from participating in central career referrals for their career program. When a geographic mobility assignment requires that an employee be deferred from central career referrals, the SIMA will specify the circumstances under which central referrals will be deferred and under which they will be resumed, and will include starting and ending dates of deferrals. Deferrals will be authorized only when there is a clear requirement for doing so (e.g., when an employee is assigned to long-term training or developmental assignment that cannot be interrupted without substantial detrimental impact on the organization).

d. Functional Chiefs and MACOM, IRA, and FOA commanders in commands in which a requirement is identified may establish SIMA requirements on a case-by-case basis to meet specific positions requirements listed below.

(1) A position(s) in a hard-to-fill geographic area where referral history has not provided a sufficient number of highly qualified candidates.

(2) A position(s) used for developmental purposes in which the employee is assigned to the position for a specified period of time.

(3) A position(s) used for placement of employees after long-term training assignments.

d. When a SIMA is required for a position involving only a single MACOM, IRA, or FOA, the commander or director may determine the approval process.

e. When a SIMA involves more than one MACOM, IRA, or FOA, the Mobility Program Manager of the originating command or activity will ensure the concurrence of all commanders involved prior to implementation.

f. SIMA which are accomplished after the effective date of this regulation will follow the general format provided in appendix D.

2-5. CAREER INTERN PROGRAMS

See AR 690-950 (Civilian Personnel Career Management) for intern mobility policy. DA Form 5227-R (Employment and Mobility Agreement for ACTEDS Interns) or DA Form 5228-R (Department of the Army Presidential Management Intern Mobility Agreement) will be used as the mandatory mobility agreement form for mobility needs for DA interns.

2-6. LABOR RELATIONS RESPONSIBILITIES

a. Competitive Service Positions. Installation commanders have a responsibility to advise their

unions concerning implementation of the mobility program and may have a further obligation to conduct negotiations, if requested by the union, prior to the installation's implementation of the program.

b. CIPMS Positions. CIPMS positions are excluded from coverage in the Federal Government's Labor Relations program. Therefore, no consultation with national unions is required for such positions.

Subchapter 3. Program Operations

3-1. ADMINISTRATIVE ACTIONS

a. All employees participating in formal mobility programs or assigned to positions specifically identified for geographic mobility must sign mobility agreements which clearly state the conditions of employment for the particular job series at the specified grade level(s) which are a part of the mobility program. Agreements will contain only provisions which are enforceable under DA, DOD, or OPM regulations or under Federal statutes.

b. Employees are subject to geographic mobility agreements only when:

(1) a newly covered position in a mobility program is encumbered by a current employee and the agreement is voluntarily executed by the employee; or

(2) there was a preexisting geographic mobility requirement for the position when the employee accepted the assignment; or

(3) the position is subject to mandatory geographic mobility based on law.

c. Incumbents of positions newly incorporated into a program requiring a formal geographic mobility agreement cannot be required to sign a mobility agreement. Employees who decline to sign the agreement required of new employees, may be considered for positions at their current installation, activity or command, including assignment to positions with promotion or promotion potential.

d. MACOM, FOA, or IRA commanders will take appropriate action for an employee who fails to complete training, to accept required relocations, or to meet other program geographic mobility requirements. At the discretion of the commander, and depending on the specific circumstances in each case, the employee may be:

(1) reassigned to an appropriate position for which qualified;

(2) released from the program and permitted to remain in, or return to, their original organizational assignment; or,

(3) removed from US government employment. This option will be exercised only when removal of the employee is necessary to promote the efficiency of the federal service.

e. Employees occupying a position which had an established higher target grade at the time of their entry into the position but which did not have a preexisting geographic mobility requirement, are not required to sign a mobility agreement prior to promotion.

f. An employee required to sign a mobility agreement will sign the agreement, if practical, prior to the effective date of the action (i.e., appointments, assignments, reassignments, promotions, acceptance into particular training, developmental, or career programs, etc.). Failure of an employee to execute the agreement prior to the effective date of the action does not invalidate the action nor does it create any substantive right for an employee to decline or refuse management training, etc. The original of the agreement will be filed in the employee's Official Personnel Folder (OPF)

g. Sample mobility agreements are contained in appendices C and D and should be used as a guide when developing an agreement for a specific formal mobility program or a special individual mobility situation. They contain required terms to comply with all applicable laws and regulations. Managers of mandatory mobility programs may modify these agreements to meet specific program needs, but may not circumvent requirements or change the intent of the agreements.

h. Failure of an employee to comply with provisions of a mobility agreement may have an adverse impact on an employee's eligibility to qualify for discontinued service retirement (DSR) rights and entitlement to severance pay in the event of a reduction-in-force (RIF) or transfer of function (TOF) as described in Federal Personnel Manual (FPM) Supplement 830-1 (Civil Service Retirement System (CSRS) and Federal Employee Retirement System (FERS) Handbook for Personnel and Payroll Offices). Program managers must carefully assess the impact in determining the necessity for mandatory geographic mobility agreements.

3-2. SUBORDINATE COMMAND IMPLEMENTING REGULATIONS

a. Commanders or managers of formal mobility programs who publish implementing regulations governing the program will provide a copy to: Civilian Personnel Management Directorate (CPMD), U.S. Total Army Personnel Command, ATTN: TAPC-CPF-S, 200 Stovall St., Alexandria, VA 22332.

b. All administrative procedures must be in accordance with guidance in this regulation and DOD Directive 1400.24.

Appendix A

References

SECTION I
REQUIRED PUBLICATIONS

Federal Personnel Manual (FPM) Supplement 830-1
CSRS and FERS Handbook for Personnel and Payroll Offices (Cited in para 3-1h).

DOD Directive 1400.24
Civilian Mobility Program (Cited in para 1-1, and 2-3c).

DOD Directive 1400.31
Mobilization Management of the DoD Civilian Work Force (Cited in para 2-1g).

DOD Instruction 1400.32
Mobilization Preparedness Planning for DOD U.S. Citizen Civilian Work Force (Cited in paras 1-1 and 2-3c.)

DOD Joint Travel Regulations, Vol 2
Civilian Personnel (Cited in App C, para 2c, and App D, para 4g).

AR 690-11
Mobilization Planning and Management (Cited in para 2-1g).

AR 690-13
Civilian Intelligence Personnel Management System (CIPMS) Policies and Procedures (Cited in para 2-1d).

AR 690-300, Chapter 301
Employment, Subchapter 5, Overseas Employment and Rotation of U.S. Citizens (Cited in para 2-1f).

AR 690-300, Chapter 352
Reemployment Rights (Cited in para 2-1).

AR 690-920
Senior Executive Service (Cited in para 1-7).

AR 690-950
Career Management (Cited in para 2-5).

DA Memorandum 690-5
Consultation With Labor Organizations, 6 July 1990 (Cited in para 2-2d).

SECTION II
RELATED PUBLICATION

A related publication is merely a source of additional information. The user does not have to read it to understand this publication.

Federal Acquisition Regulation (FAR), Part 426,
Corporate Administrative Contracting Officer

AR 600-3
Army Personnel Proponent System.

AR 690-300, Chapter 335
Promotion and Internal Placement.

DA Pamphlet 690-43
A Supervisor's Guide to Career Development and Counseling for Career Program Employees, 18 August 1989.

SECTION III
A-3. PRESCRIBED FORMS

There are no required forms prescribed by this regulation.

SECTION IV
A-4. REFERENCED FORMS

DA Form 5227-1-R
Employment and Mobility Agreement for DA CTED Interns (Cited in para 2-5).

DA Form 5228-R
Department of the Army Presidential Management Intern Mobility Agreement (Cited in para 2-5).

Appendix B

Examples of Formal Mobility Programs

The following are examples of formal civilian mobility programs. Individuals entering the following occupations or programs are required to sign mobility agreements:

a. Quality Assurance Specialist (Ammunition Surveillance) Career Program (CP-20)

b. Ammunition Management Career Program (CP-33)

c. Corporate Administrative Contracting Officers

d. Principal (or supervisory) Administrative Contracting Officers

e. Logistics and Acquisition Management Program

f. Logistics Assistance Program

g. Intelligence Specialists (Operations), Military Intelligence Civilian Excepted Career Program (MICECP)

h. DA centrally funded interns.

Appendix C

Formal Mobility Program Sample Agreement

The following format is to be individually prepared and modified as required to suit each situation.

EMPLOYMENT MOBILITY AGREEMENT FOR (Name of the Program)

1. Execution of the following agreement is required as a condition of employment upon entrance into the *(program/function)* in the *(job series, title, and grade)* position in *(major command/or other Department of the Army (DA) organization.)* Selection for this position is contingent upon the selectee's timely execution of this agreement.

2. The *(mobility program manager)* agrees to place the undersigned selectee in the above referenced position and agrees that future assignment of this individual will be consistent with the provisions of this agreement and program requirements set forth in *(prescribing document.)* Wherever possible, geographic preferences of the selectee will be considered in the relocation process. Management recognizes its obligations to exercise judgment and integrity in placing employees under the terms of this agreement.

3. As the undersigned applicant, I understand that:

a. The requirements of the rotation plan for the *(name of the program)* are set forth in *(prescribing document)* and acknowledge my obligation to accept assignments, i.e., temporary or permanent change of duty station as directed by *(proponent or responsible office.)*

b. Assignments to duty stations within the continental United States normally will be for not less than three years unless I am promoted or mission requirements indicate otherwise.

c. Assignments to overseas positions (to include Alaska and Hawaii) will be in accordance with established tours as defined in Volume 2, DOD JTR (Civilian Personnel) paragraph C4005.

d. When leaving a position in the continental United States to accept an overseas position (to include Alaska and Hawaii), I will have reemployment rights to a position in the program in the Continental U.S. unless this agreement provides return rights to a specific position. I understand that I may request reemployment to a position I held immediately before my assignment to duty outside the U.S., but that my reemployment right is to a program position and not necessarily to the position I held immediately prior to my assignment to duty outside the U.S. I understand that this is in accordance with public law as set forth in AR 690-300, Chapter 336 (Civilian Mobility Program) and 352 (Reemployment Rights).

e. Normally, overseas assignments will be followed by tours of duty within the continental United States (CONUS).

f. Authorized travel and transportation expenses incident to temporary or permanent changes in duty station will be paid by the government in accordance with Volume 2, DOD JTR (Civilian Personnel).

g. Failure to comply with this agreement may result in my separation from the program and from employment with the United States Government.

h. This Agreement may be terminated or modified by the Mobility Program Manager issuing a written notice to that effect, with the approval of the commander or designee, at the level at which the agreement is approved, for substantial reasons which are in the best interest of the Department of the Army.

i. I may request release from the provisions of this Agreement in the event that subsequent circumstances become such that undue hardships or gross inequity would result if release were not granted.

j. If I am serving overseas, I understand that release from the provisions of this Agreement

does not release me from rotation or transportation agreements which I have signed in connection with the overseas transfer.

k. If I sign this agreement and subsequently decline to accept a directed reassignment under a reduction-in-force (RIF) or transfer of function (TOF), my eligibility to qualify for a discontinued service retirement annuity or eligibility for severance pay may be adversely impacted.

l. Although my geographic and functional preferences will be carefully considered, they are not binding on management.

4. Subject to paragraph 3j, above, this agreement is terminated if the undersigned applicant accepts employment in a function not covered by the provisions of this agreement.

Applicant signature	Date
Mobility Program Manager (or Representative's) Signature	Date
Civilian Personnel Representative Signature	Date

Appendix D

Special Individual Mobility Sample Agreement

The following agreement is to be individually prepared and the sample shown should be modified as required to suit each situation.

SPECIAL INDIVIDUAL MOBILITY AGREEMENT FOR
(Position Title, Series, and Grade)
(Installation and Geographic Location)

1. Execution of the following agreement is required as a condition of selection to *(position title, series, and grade)* in *(installation and geographic location)*.

2. The *(mobility program manager)* agrees to place *(employee's name)* in the position described in paragraph 1, above, on or about *(day, month, and year)* for *(number)* months and then assign him/her to another position in the *(career program/career field/MACOM)* consistent with the employee's career goals, and previously stated geographic and functional availability subject to availability and mission requirements. Management recognizes its obligation to exercise judgment and integrity in placing employees under the terms of this agreement and will make every effort to accommodate employee's desires.

3. I the undersigned applicant agree:

a. to accept an assignment to the position referenced in paragraph 1, above, for *(number)* months; and,

b. then accept an assignment to a position in the *(career program/career field/MACOM)* determined by previously stated geographic and functional availability; or,

c. to an available position identified by management.

4. I understand that:

a. If I am a member of a DA career program by executing this agreement I *(will) (will not)* receive referral consideration within the career program while serving in the above referenced positions (paragraph 3).

If career referral opportunities will be deferred, completed the following:

Starting date of deferral:
Ending date of deferral:
Reason for deferral:

b. Both management and I must approve any extension of the above described assignments.

c. I may request release from the provisions of the agreement in the event that future circumstances become such that undue hardships or gross inequity would result if release were not granted.

d. This Agreement may be terminated or modified by the Mobility Program Manager issuing a written notice to that effect with the approval of the commander or designee, at the level at which the agreement is approved, for substantial reasons which are in the best interest of the Department of the Army.

e. Failure to comply with the terms of this Agreement may result in my separation from the program and from the United States Government.

f. When leaving a position in the continental United States to accept an overseas position (to include Alaska and Hawaii), I will have reemployment rights to a position in the program in the Continental U.S. unless this agreement provides return rights to a specific position. I understand that I may request reemployment to a position I held immediately before my assignment to duty outside the U.S., but that my reemployment right is to a program position and not necessarily to the position I held immediately prior to my assignment to duty outside the U.S. I understand that this is in accordance with public law as set forth in AR 690-300, Chapter 336 (Civilian Mobility Program) and 352 (Reemployment Rights).

g. Authorized travel and transportation expenses incident to this permanent change of duty station will be paid by the government in ac-

cordance with Volume 2, JTR (Civilian Personnel).

h. If I am serving overseas, release from the provisions of this Agreement does not release me from rotation or transportation agreements which I have signed in connection with the overseas transfer.

i. Although my geographic and functional preferences will be carefully considered, they are not binding on management.

j. If I sign this agreement and subsequently decline to accept a directed reassignment under a reduction-in-force (RIF) or transfer of function (TOF), my eligibility to qualify for a discontinued service retirement annuity or eligibility for severance pay may be adversely affected.

5. Subject to paragraph 4h, above, this agreement is terminated if the undersigned applicant accepts employment in a function not covered by the provisions of this agreement.

Applicant Signature	Date
Mobility Program Manager (or Representative) Signature	Date
Civilian Personnel Representative Signature	Date

Glossary

SECTION I
ABBREVIATIONS

ACTEDS
Army Civilian Training, Education and Development System

ASA (M&RA)
Assistant Secretary of the Army (Manpower and Reserve Affairs)

ASARS
Automated Stopper and Referral System

CIPMS
Civilian Intelligence Personnel Management System

CSRS
Civil Service Retirement System

CONUS
Continental United States

CPMD
Civilian Personnel Management Directorate

DCP
Director of Civilian Personnel

DCSPER
Deputy Chief of Staff for Personnel

EE
Emergency Essential

EEO/AA
Equal Employment Opportunity/Affirmative Action

FERS
Federal Employee Retirement System

FOA
Field Operating Activity

FPM
Federal Personnel Manual

IRA
Independent Reporting Activity

JTR
Joint Travel Regulations

KSA
Knowledges, Skills and Abilities

MACOM
Major Army Command

MICECP
Military Intelligence Civilian Excepted Career Program

OCONUS
Outside Continental United States

ODCSPER
Office of the Deputy Chief of Staff for Personnel

OPF
Official Personnel Folder

OPM
Office of Personnel Management

PERSCOM
United States Total Army Personnel Command

RIF
Reduction in Force

TOF
Transfer of Function

SECTION II
TERMS

Army Civilian Training, Education and Development System (ACTEDS)
The DA-wide training and career management system that develops technical, professional, and leadership knowledges, skills and abilities (KSA) in individuals as they progress from entry level to supervisory, managerial and/or executive positions.

ACTEDS Plan
A comprehensive training and development strategy which provides a career progression roadmap of technical, professional and leadership training, job experiences and self-development for individuals as they progress in a given career program or career field.

Functional mobility
Movement, usually within an occupational series, career program or career field, to an assignment in a different function or specialty. Functional mobility may also involve an assignment to a different or related career program or career field (e.g. a Civilian Personnel Administration employee may move to a position in the Equal Employment Opportunity career program, or a Transportation employee may be assigned to a Supply function). Functional mobility is not covered by this regulation unless it involves relocation as defined in DoD Directive 1400.24.

Geographic mobility
This definition is synonymous with relocation as defined in DOD Directive 1400.24 (a change in permanent duty assignment from one location to another requiring a relocation of the employee's residence.) Both formal mobility programs and special individual mobility agreements may establish requirements for mandatory geographic mobility.

Mandatory mobility.
a. Mandatory mobility is a geographic mobility requirement, established by management to satisfy a broad management goal (e.g., specialty training required for all employees in a particular grade and series within a career program) or to meet specific management needs. These programs are ordinarily centrally-managed. Employees will be required as a condition of employment to sign a mandatory mobility agreement.

b. Mandatory geographic mobility includes encumbered positions subsequently included in a mandatory mobility program, when the incumbent signs the mobility agreement required of new employees.

c. Mandatory geographic mobility described in this chapter does not address the separate rotation requirements of AR 690-300, Chapter 301, Subchapter 5, "Overseas Employment and Rotation of U.S. Citizens."

Mobility Program Manager
The official at any level having broadest interest in a particular formal mobility program or special individual mobility field. Mobility Program Managers are appointed by the Functional Chief, personnel proponent or commander who initiated establishment of the program.

Organizational mobility
Movement to a job assignment at a different organizational level (e.g. installation, MACOM, or Headquarters level; staff or operating level) or movement to a job assignment in a different command to gain experience in different missions (e.g., moving from the Training and Doctrine Command to the Army Materiel Command). Organizational mobility is not covered by this regulation unless it involves relocation as defined in DoD Directive 1400.24.

Voluntary mobility
Voluntary mobility occurs when employees initiate or freely and voluntarily accept a reassignment, transfer, promotion, or relocation, to further their own career goals. It is not covered by this regulation.

SECTION III. SPECIAL ABBREVIATIONS AND TERMS

This publication uses the following abbreviations, brevity codes, and acronyms not contained in AR 310-50. These include use for preparing individual mobility agreements.

SIMA
Special Individual Mobility Agreement

Chapter 338
Qualification Requirements (General)
Contents

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SUBCHAPTER 5. Age Requirements

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5-2. Minimum Age

* * * * *

SUBCHAPTER 6. Appointments Above the Minimum Because of Superior Qualifications

* * * * *

6-3. Requirements and Criteria
‡SUBCHAPTER 7. Training Agreements
7-1. Introduction
7-2. Need for Prior Approval
7-3. Justification and Documentation

* * * * *

Subchapter 5. Age Requirements

* * * * *

5-2. MINIMUM AGE

* * * * *

d. Employment of minors.

(1) *Fair Labor Standards Act.* Persons under the age of 18 will not be assigned to positions in occupations classed as hazardous or detrimental to the health of young workers, including those listed in (a) through (h) below. Further information about occupations classed as hazardous can be obtained from the Wage and Hour Division, U.S. Department of Labor, WASH DC 20210, or from offices listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

‡(a) Manufacturing or storage occupations involving explosives.

‡(b) Motor vehicle occupations.

‡(c) Power-driven woodworking machine occupations.

‡(d) Power-driven hoisting apparatus occupations.

‡(e) Power-driven metal-forming, punching, and shearing-machine occupations.

‡(f) Occupations with exposure to radioactive substances.

‡(g) Slaughtering, meat packing, processing, or rendering occupations.

‡(h) Bakery machine occupations.

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Subchapter 6. Appointments Above the Minimum Because of Superior Qualifications

* * * * *

6–3. REQUIREMENTS AND CRITERIA

a. **Prior approval required.** DA has been delegated the authority to approve appointments above the minimum because of superior qualifications.

‡(1) Send requests for approval based on special need of the Government, as outlined in FPM chapter 338, paragraph 6–3*e*, through command channels to HQDA(PECC–CSS), ALEX VA 22332–0300.

‡(2) MACOMs are delegated authority to approve requests not covered in (1) above. MACOMs may redelegate approval authority to appointing authorities.

b. **General considerations.** Each action under this authority involves—

‡(1) Eligibility for appointment.

(a) Any appropriate authority may be used, e.g., selection from a register, reinstatement (FPM chap 338, para 6–*d*), or excepted appointment.

(b) The authority applies to temporary and continuing positions at GS–11 and above, including merit pay positions (set pay at the applicable GS step).

(c) Federal employees are not eligible unless they are one of the exceptions listed in 5 CFR 531.203(b)(2). Any full-time appointment, including temporary appointment (such as a 30-day special need appointment), disqualifies a candidate for a superior qualifications appointment. Current Federal employment must not be full-time or the primary employment of the candidate to qualify for the exception in 5 CFR ♦531.♦203(b)(2).

‡(2) Superiority of qualifications. In each case, superior qualifications should be based on a realistic assessment of the overall quality of candidates available in the specialty field of the position and the qualities that would distinguish the best prospects for the position. In an emerging field, a candidate with broad qualifications may have superior qualifications compared to candidates who qualify through formal education or limited experience in the specialty. For example, the candidate may have related experience or unusually high attainment in the broad occupational field such as management, law, or physics, or may have demonstrated ability to adapt to different subject-matter specialties. On the other hand, in an established occupational specialty, it would be reasonable to expect a superior candidate to have experience or education in the specific subject matter of the position. Whatever the definition of superior qualifications is, in each case, the record must clearly show that the nominee has these qualifications for the position.

‡(3) Justification for the requested rate.

(a) There is no set formula to determine propriety of a rate within the grade; each case must be evaluated with consideration to available high-quality candidates, legitimate and confirmed competing offers, existing compensation of the candidate, and the necessity of incentive above existing compensation.

(b) In determining income to be given up, which is to be compensated by the advanced rate, only the amount actually earned may be considered. Part-time employees, professors, or others paid for less than a full-time, 12-month basis, sometimes project their monthly or hourly rate to show the salary they would receive if paid on a full-time, 12-month basis, sometimes project their monthly or hourly rate to show the salary they would receive if paid on a full-time basis. Such projected figures may not be the basis to approve an advanced rate, and salary claims should be verified so that only actual earnings are included. Similarly, the income to be paid at an advanced rate includes only that part of a candidate's total income that will actually be given up to accept the position. Income from sources such as book royalties or rental property owned by the candidate which will continue during Federal employment may not be counted in determining and advanced rate. While income from outside employment, such as teaching or consulting, may be credited, it should be verified that the candidate will actually give up the outside employment because of relocation, conflict of interest, agency policy, or other reasons.

(c) Generally, a rate above existing compensation is not warranted, especially when the candidate will be working in the same geographic area as his or her present place of employment. There may be exceptions when the proposed position is a pro-

motion (in contrast to a move to an equivalent position), but the record must clearly show this is true. Requests involving relocation to an area with significantly higher cost of living may make a stronger case, particularly if an especially well-qualified candidate will not move without some financial incentive for making the move. Acceptance of a temporary position that will require the candidate to maintain two residences or move twice in a 1-year period may also justify a rate above existing compensation.

(d) particular care must be exercised when an advanced rate is requested to match salary earned in the military or as a consultant. A superior qualifications appointment cannot be used to replace military pay and benefits which the candidate normally would have given up upon departure from the military. Neither is a superior qualifications appointment to be used to counteract the reduction-in-military-retirement-pay provisions of 5 USC 5532. Military retirement pay to be forfeited under the dual compensation restrictions may not be credited in determining propriety of an advanced rate.

(e) An advanced rate may be based on earnings as an expert or consultant when it can be shown that the candidate's current earnings are typical of what he or she can command, and that the level of compensation is likely to continue. Generally, an advanced rate should not reflect only the income from a single consulting assignment, particularly one soon to be completed; it should be based on average income earned by the candidate over the past few years and other offers of consulting work that the candidate may have. For a self-employed consultant whose fees include office expenses, net rather than gross income is the correct basis for considering an advanced rate.

(f) Under the authority delegated by OPM, activities will limit the requested rate to no more than ♦20 percent above a candidate's existing pay. In special need cases, HQDA(PECC–CSS) can approve a rate of 20 percent above actual earnings.♦

(g) Requests for approval will include the documentation listed in FPM chapter 338, paragraph 6–3*i*.

(h) Annual reports on use of this authority are required (RCS CSGPA–1580). See AR 690–900, chap 981.)

* * * * *

‡Subchapter 7. Training Agreements

7-1. INTRODUCTION

a. This subchapter covers training agreements used as—

(1) A substitution for normal qualification standards requirements.

(2) A basis for promotion excepted from FPM chapter 300, subchapter 6 (time-in-grade).

(3) A plan that incorporates (1) and (2) above.

b. See FPM Letter 338-9, dated 14 October 1980, and FPM Letter 338-10, dated 5 June 1981, for related information on training agreements.

7-2. NEED FOR PRIOR APPROVAL

Training agreements that allow for the modification of qualifications standards, accelerated promotion, or both, must be approved before trainees enter the training program. The authority to approve such plans is delegated as outlined below.

a. The authority to approve plans that include waiver of time-in-grade requirements or that have DA-wide application is HQDA. Send proposed agreements through command channels to HQDA(PECC-CSS), ALEX VA 22332-0300.

b. The authority to approve plans for intensive training as a substitute for normal qualifications standards requirements is delegated to MACOMs for activities under their jurisdiction when the plan has local or MACOM-wide application. Under an intra-Army civilian personnel servicing agreement, this authority is delegated to the MACOM of the serviced activity and also to the MACOM of activities serviced by other DOD elements.

7-3. JUSTIFICATION AND DOCUMENTATION

a. Use of the authority to approve training agreements will be justified and documented based on the following conditions:

(1) The training agreement may not be a vehicle for moving temporary or excepted employees into career or career-conditional positions without proper authority (e.g., VRA, Executive Order, reinstatement eligibility) for such assignment.

(2) The training agreement cannot impose any form of positive education requirements except those already required by the qualification standard for the target positions. The agreement also is not the proper authority to waive requirements that are contained in standards for the target or trainee positions.

(3) The training agreement must meet all requirements of the OPM guidelines.

(4) The training agreement must state that at least 50 percent of the training must be in the target occupation or directly related fields.

(5) The training agreement will provide for pay retention for eligible DA employees who accept downgrades into the training program. The agreement may not provide for noncompetitive repromotion to the former grades of employees who fail to complete the training satisfactorily.

(6) The training agreement may be the basis for crediting qualifications or service at an accelerated rate only when making assignments to positions under the program. It may not provide accelerated credit for qualifications earned in training by anyone who leaves the program without reaching the target position.

(7) The training agreement may not contain any elements which violate requirements of the Government Employees Training Act, the Fair Labor Standards Act, E.O. 11348, appropriation act provisions, or other applicable statutes or policies.

(8) The training agreement may not provide for the movement of trainees to positions in the Senior Executive Service.

b. The conditions and restrictions in a above apply to all training agreements developed under this guidance. The following additional conditions apply to agreements that would authorize promotions as an exception to time-in-grade requirements:

(1) A clearly defined recruitment and/or retention problem must exist that can be relieved by rapid promotional advancement.

(2) Agreements that provide for accelerated promotions will not permit consecutive promotions at an accelerated rate unless approved by OPM in unusually severe shortage situations. Send proposed agreements for approval per paragraph 7-2a.

c. Use of this authority does not require a report; however, information copies of approved training agreements must be sent by activities for—

(1) Approved agreements with local or MACOM coverage. Send one copy each to the OPM

regional office with jurisdiction over the activity (or activities), and one copy to HQDA(PECC-CSS).

(2) Approved agreements having Army-wide coverage. Send 50 copies to the Office of Personnel Management, Noncompetitive Staffing Branch, Room 6A12, 1900 E Street, NW., Washington, DC 20415. (HQDA will retain a copy of these agreements from the time of approval.)

Chapter 340
Other Than Full-Time Career Employment (Part-Time, Seasonal, On-Call and Intermittent)

Contents

SUBCHAPTER 1. Part-Time Career Employment

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1-3. Program Implementation (RCS 0218-OPM-SA)

* * * * *

Subchapter 1. Part-Time Career Employment

* * * * *

1-3. PROGRAM IMPLEMENTATION (RCS 0218-OPM-SA)

a. The Department of the Army part-time career employment program includes permanent positions in the excepted or competitive service. As mandated by Public Law 95-437, agencies are required to establish annual goals for establishing or converting positions for part-time career employment. Commanders of local installations or activities are delegated the authority to establish annual goals and timetables in consonance with the law and mission requirements. Goals should provide for considering employees' interest in a change in work schedule; and hiring applicants from outside the activity, including handicapped individuals, veterans, students, parents with family responsibilities, retired persons, and Department of Defense family members accompanying a sponsor. Commanders should obtain assistance from the local civilian personnel office when establishing, publicizing, and implementing the program.

* * * * *

c. **Program exceptions.** Program exceptions which affect an entire major Army command (MACOM) should be established at the MACOM level.

* * * * *

e. **Evaluation and reporting.** The evaluation of installation and activity part-time employment programs will continue to be included in the overall review for effective personnel management during staff assistance visits. Biannual reports of installation and activity progress under the Part-Time Career Employment Act will be consolidated by MACOMs and independent reporting activities. Send consolidated reports (RCS 0218-OPM-SA) to HQDA(PECC-CSS), 200 Stovall Street, Alexandria VA 22332-0300, to arrive on 30 April and 31 October respectively. Narrative reports should include information required by the Federal Personnel Manual.

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Chapter 352
Reemployment Rights
Contents

* * * * *

‡SUBCHAPTER 8. Statutory Reemployment Rights

8-1. Scope, Authorities, and Definitions

8-2. Employee Eligibility

8-3. Authority of DA Appointing Officers

8-4. Initial Grant of Statutory Reemployment Rights

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9-1 Competitive Service

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‡Subchapter 8. Statutory Reemployment Rights

8-1. SCOPE, AUTHORITIES, AND DEFINITION

This subchapter implements DOD Civilian Personnel Manual, chapter 301, subchapter 4, and contains DA policy governing statutory reemployment rights of career and career-conditional employees of the competitive service serving in overseas rotational assignments, including employees on worldwide mobility agreements.

a. Authority for granting statutory reemployment rights.

(1) Section 1586, title 10, United States Code (10 USC 1586), authorizes a rotation program for the interchange of DOD civilian employees between posts of duty in the United States and posts of duty outside the United States. The Secretary of each military department may prescribe regulations to establish and operate programs that will grant to DOD employees the right of return to a position in the United States.

(2) Public Law 96-600—regarding return rights to DOD employees who are residents of Guam, the Virgin Islands, or the Commonwealth of Puerto Rico—authorizes grant of reemployment rights to employees recruited from these areas for assignment in a foreign area or in a U.S. territory or possession.

(3) By Executive Order 10895 of 25 November 1960, the President determined that assignment to duty in Alaska or Hawaii is considered to be outside the United States for the purpose of 10 USC 1586.

b. Definitions within this subchapter.

(1) *Foreign overseas area.* Any area outside the United States, outside the Commonwealth of Puerto Rico, and outside the territories and possessions of the United States. The Trust Territory of the Pacific Islands and the Republic of Panama are considered foreign areas for this purpose.

(2) *Nonforeign overseas area.* As listed in FPM chapter 591, appendix A.

(3) *Overseas command/activity.* Any command or activity outside CONUS.

(4) *Geographical area.* Any locality that normally constitutes one area for employment purposes. It includes the territory within which people live and can be expected to commute to and from work. This area is the same as the commuting area for reduction-in-force purposes.

(5) *Continuing position.* A position which does not have a scheduled termination date.

(6) *Tour.* A period of service requirement for a particular geographic area as specified in paragraph 4005 of the Joint Travel Regulations, Volume 2.

8-2. EMPLOYEE ELIGIBILITY

a. Eligible employees.

(1) DA employing activities will grant statutory reemployment rights to employees who—

(a) Are career or career-conditional employees in the competitive service in the United States or a nonforeign overseas area; and

(b) Are offered assignment in a competitive or excepted service position outside the United States or its territories or possessions by a DOD activity (Employment with the Panama Canal Commission shall be deemed as employment with DOD for this purpose.)

(2) Employees eligible to exercise reemployment rights are those who—

(a) Satisfactorily complete the overseas duty (see para 8-10c); and

(b) Apply not later than 30 days following completion of such duty as provided by paragraph 8-10b.

b. Ineligible employees. The following categories of employees (from Army and other components) who accept assignments with DA overseas are not eligible for initial grant of statutory reemployment rights.

(1) Employees selected for an overseas assignment after—

(a) Submitting a resignation, which may not be withdrawn;

(b) Receiving a notice of involuntary separation for any reason, including a general notice of reduction in force (RIF);

(c) A public announcement of closing of the activity where employed;

(d) Receipt of a functional transfer offer to which the employee has not replied within specified time limits;

(e) Declining a functional transfer offer; or

(f) Receipt of an unresolved written notice of proposed adverse action based on performance or conduct.

(2) Employees from non-DOD Federal agencies who accept DOD overseas employment. (Return to the United States will be through the DOD Priority Placement Program (PPP), applicable DA Career Programs, or through the employee's own efforts).

(3) Employees who accept initial overseas employment with non-DOD Federal agencies or transfer to a public international organization. (Reemployment rights may be granted under other subchapters of chapter 352.)

(4) Employees who accept employment overseas while on leave.

(5) Employees who are serving a probationary period following initial appointment to the competitive service.

(6) Employees who occupy intern positions immediately prior to overseas assignment and those who are initially appointed in CONUS for overseas assignment as an intern.

NOTE: Employees recruited from nonintern positions to intern assignments overseas will have statutory reemployment rights under this subchapter to their former position and grade in the United States.

c. *Forfeiture of rights.* Employees with an initial grant of statutory reemployment rights forfeit these rights—

(1) Upon return placement in any position in the United States.

(2) After submitting a notification for resignation or retirement when—

(a) The overseas activity, in accordance with chapter 715, does not agree to the employee's written request to withdraw the requested action prior to the effective date; or

(b) The employee has completed PCS or separation travel.

(3) After accepting employment outside DOD or transferring to a public international organization while serving overseas with rights under 10 USC 1586 or PL 96-600.

(4) After a PCS move to the United States for long-term training and being dropped from the overseas activity's rolls.

(5) When their tours are extended beyond 5 years (3 years in Hawaii), and they do not obtain an extension of reemployment rights from their former U.S. employers. Return placement is through the DOD PPP, appropriate DA career program or through employee's own efforts.

(6) When they do not apply to exercise reemployment rights granted in accordance with paragraph 8-11a, within the time limits of paragraph 8-2a(2)(b). Return will be through the PPP, appropriate career program or through the employee's own efforts.

(7) If they are DA employees in Hawaii and Alaska and leave DA employment.

d. *Hawaii and Alaska.*

(1) In consideration of the fact that reemployment rights represent a recruiting incentive, DA employees leaving CONUS positions for assignment to DA activities in Hawaii and Alaska will be granted reemployment rights (see para 8-1a(3)) as follows:

(a) Hawaii—Employees committed to a position after the effective date of this chapter will be granted reemployment rights only for the first tour of duty. Policy regarding forfeiture of rights applies after completion of the first tour of duty in Hawaii (see para 8-2c(5)). The format at figure B-2 will be used as the reemployment rights agreement for employees accepting assignment in Hawaii.

(b) Alaska—Employees who accept employment with DA in Alaska will be granted reemployment rights in accordance with other provisions of this subchapter for the duration of their assignment. Paragraph 8-2c above regarding forfeiture of rights applies to employees in Alaska.

(2) Reemployment rights will also be granted to DA employees in Hawaii who accept employment with DA in Alaska and vice versa. However, DA employees serving in Alaska or Hawaii who have reemployment rights in CONUS will not be granted reemployment rights to Alaska or Hawaii upon subsequent acceptance of employment in another overseas

activity. Their reemployment rights remain with the last CONUS position. If, after 5 years, these rights are not extended by the CONUS activity, return will be through the PPP or appropriate career program. Employees with no reemployment rights in CONUS who leave Hawaii or Alaska to accept employment in another overseas activity, will be granted reemployment rights to Alaska or Hawaii.

e. Other DOD employees accepting employment with DA. Employees of other DOD components accepting assignments with DA in foreign areas may have reemployment rights back to their components based on Office, Secretary of Defense (OSD) policy for the country and the policy of the other DOD component. The selection of an OSD employee for an overseas assignment will be handled on a case-by-case basis and is contingent upon one of the following:

(1) Prior agreement by OSD to grant reemployment rights to the employee;

(2) Agreement by the Army to grant reemployment rights to the employee; or

(3) Agreement, without coercion, by the employee to accept the overseas assignment without reemployment rights.

f. DA employees accepting employment with other DOD components. DA employees accepting employment with another DOD component in any foreign area will be granted reemployment rights by authority of this chapter subject to the same provisions as those granted under 10 USC 1586.

8-3. AUTHORITY OF DA APPOINTING OFFICERS

DA appointing officers are authorized to grant reemployment rights for the initial and renewal overseas tours in accordance with paragraph 8-1a above. This authority should be exercised in coordination with management officials.

8-4. INITIAL GRANT OF STATUTORY REEMPLOYMENT RIGHTS

a. Remarks on the SF 50. The SF 50 (Notification of Personnel Action) effecting the overseas assignment will contain this statement in the "Remarks" portion: "Statutory reemployment rights granted under 10 USC 1586 for initial tour of (number) months, plus approved extensions" (see AR 680-340).

b. Written agreement. The processing activity in the United States will have the employee sign the appropriate statutory reemployment rights agreement (see formats in app B). The original of this agreement will be filed on the right side of the Official Personnel Folder. The releasing activity will keep one copy in a name file for that employee along with all other applicable documents.

8-5. EXTENSION OF REEMPLOYMENT RIGHTS

a. Extension beyond the initial tour. The overseas commander has the authority to grant reemployment rights beyond the initial tour. This will be documented by completion of a supplement to the reemployment rights agreement (app C). The activity in the United States to which the employee has reemployment rights must be notified.

b. Extension beyond the 5 years. Extension of reemployment rights beyond 5 years requires the concurrence of the former U.S. employer and must be documented (see app C). If that activity does not concur in the extension of reemployment rights and the employee agrees to serve an additional tour, reemployment rights are forfeited (see para 8-2c(5)).

c. Management directed exercise of reemployment rights. Employees may be directed to exercise reemployment rights:

(1) At the completion of the initial tour or approved extension (such return is not grievable under the DA grievance system). It is also not appealable to MSPB, even though the reemployment rights are to a lower grade, if the employee is covered by pay retention;

(2) When the overseas commander determines the employee cannot adjust to the overseas area, but his/her performance/conduct is fully successful otherwise.

(3) When adverse suitability information which was known to the U.S. employer is discovered by the overseas activity less than 1 year after the employee transferred overseas;

(4) When the overseas MACOM determines that the employee is not qualified for the posi-

tion for which selected; and there are no other jobs to which the employee can be reassigned;

(5) When the employee refuses to register in PPP; or sign the applicable rotation agreement requiring PPP registration under certain conditions;

(6) When the employee fails to accept a valid offer of continued employment in the United States;

(7) When the employee fails to complete satisfactorily the supervisory or managerial probationary period. (Follow procedures in chap 315, subchapter 9.)

NOTE: When it becomes necessary to direct an employee's return to a lower grade position in the United States for reasons in (2) or (3) above, the procedures of FPM chapter 752 will be used unless the employee is entitled to pay retention. When return to a position in the same grade is directed, the procedures in chapter 335, paragraph A-1c, will be followed. The action will be initiated and carried through to completion by the overseas command. Employees who refuse to comply with the management directed return are subject to separation.

d. Notification of the new incumbent of the CONUS position. The overseas Civilian Personnel Office (CPO) must notify the CONUS CPO to advise the new incumbent when the overseas employee—

(1) Will exercise reemployment rights (to include management-directed exercise of reemployment rights).

(2) Is serving an additional tour or an approved extension.

(3) Forfeits reemployment rights to register in the PPP or to remain overseas.

(4) Separates from Federal service (resigns, retires, etc.).

(5) Will not exercise reemployment rights. Every effort will be made by the overseas CPO to provide the CONUS CPO at least 60 days advance notice of the employee's return (see para 8-10d(3)).

8-6. FILLING THE VACATED POSITION

a. Type of appointment. Depending on the needs of the activity, the vacated CONUS position may be filled by any type of appointment or internal placement deemed appropriate.

b. Advising the employee. When filling a position committed to an overseas returnee, the new employee must be advised in writing in advance of the assignment that, on the former employee's return, he or she will be—

(1) Reassigned to a vacant position, or

(2) Placed or separated by RIF.

c. Documenting the SF 50. When filling the vacated position, the following statement will be included in the remarks section of the recruitment SF 50: "Occupancy of this position is limited to the return of former incumbent with statutory reemployment rights under 10 USC 1586." (See AR 680-340.) Also, the Service Record (SF 7), if used, will be annotated.

8-7. TRANSFER OF FUNCTION

a. Employee's rights. When the position to which the employee has reemployment rights is transferred to another Army activity or DOD component, and the employee would have been accorded transfer of function (TOF) rights under chapter 351, the employee's reemployment rights transfer to the gaining activity. If the employee would not have been offered functional transfer rights, the activity retains the responsibility to extend statutory reemployment rights to the employee. When the function is transferred to a non-DOD agency, the reemployment rights do not transfer and reemployment in the United States must be through the PPP, the appropriate career program, or the employee's own efforts.

b. Notification requirements. At the time of a TOF, the losing activity will notify the gaining activity and the employee, via the overseas activity, of the TOF and of any change in the statutory reemployment rights location or entitlement.

8-8. DISESTABLISHMENT OF ACTIVITY OR POSITION

a. Return placement assistance. Return will be through the PPP when—

(1) The activity to which the employee has reemployment rights has been disestablished; or

(2) The position to which the employee has reemployment rights has been contracted out

and no other positions of that type and grade level exist at the activity.

b. Position no longer exists. When the position to which the employee's return rights apply no longer exists and exercise of return rights would cause RIF, the employee may register in PPP.

c. Notification requirements. If the activity to which an employee has reemployment rights is disestablished, or the position is abolished, contracted out, downgraded or upgraded, the CONUS activity must notify the employee via the overseas activity, within 60 days of the effective date of the position action.

8-9. RELOCATION OVERSEAS

If the employee relocates to another overseas activity, the losing CPO is responsible for notifying the CONUS CPO.

8-10. REQUIREMENTS FOR EXERCISING REEMPLOYMENT RIGHTS

a. Basic requirements. To exercise reemployment rights, the employee must—

(1) Apply within time limits (see b below).

(2) Have satisfactorily completed the initial overseas tour and any approved extension (see *c* below).

b. Application. The employee must formally apply to exercise reemployment rights up to 6 months before but no later than 30 days following completion of the tour or any approved extension. Application will be through CPO channels of the local employing activity to the former employing activity in CONUS (or the activity to which return rights have transferred). The package to the CONUS CPO will include—

(1) A letter or message stating intent to exercise return rights.

(2) Completed SF 75 (Request for Preliminary Employment Data) indicating in the "Remarks" portion that the employee has (or will have) satisfactorily completed the overseas tour (c below) and the proposed reporting date; and

(3) Upon request from CONUS CPO, DA Form 2302-R (Civilian Career Program Qualification Record) or, if not employed within a DA career program, SF 171 (Application for Federal Employment). This package to the CONUS CPO and advance notification is also required in cases involving early release from the transportation agreement.

(4) Availability of family members for employment.

c. Satisfactory completion of tour of duty requirement. The satisfactory tour of duty requirement is not met if—

(1) Performance or conduct problems exist which warrant action under chapter 432 of this regulation or FPM chapter 752. Unacceptable performance or conduct will not serve as a basis for returning an employee from overseas. Overseas commanders will take action to correct these problems or remove the employee from Federal service.

(2) An employee requests release from his or her transportation agreement for reasons unacceptable to the overseas commander. This may include reasons beyond the employee's control. Examples of acceptable reasons for releasing employees from their agreements are in the Joint Travel Regulations, volume 2, paragraph C4009. Questionable cases should be referred through command channels to the U.S. Total Army Personnel Command, ATTN: TAPC-CPF-O, ALEX VA 22332-0341.

d. Action prior to employee's return.

(1) Upon receipt of the application to exercise reemployment rights, the activity in CONUS must immediately notify the employee (through the overseas CPO) of the arrangements being made for his or her reemployment (see para 8-11b) and the proposed effective date.

(2) On receipt of information that placement in CONUS has been arranged, the overseas CPO will find out from the employee the date on which he or she will be available to report to the CONUS activity, advise the CONUS activity and complete travel and transportation arrangements.

(3) All employees, except those being separated by RIF, will be retained on the rolls of the overseas activity until notice is received that the CONUS activity has placed them. In the event that the employee arrives without prior official notification from the overseas CPO to the CONUS CPO, the employee shall remain on

the rolls of the overseas activity until reemployment can be effected, but not to exceed 60 days.

8-11. OBLIGATION TO REEMPLOY

a. Absolute rights. An employee with reemployment rights has a statutory right to return to the position held in the United States immediately prior to assignment overseas. The returning employee must be placed not later than 30 calendar days after the date on which the employee is determined to be available as described in paragraph 8-10b(2).

b. Effecting reemployment. Upon notification of exercise of reemployment rights, the CONUS activity will immediately commence placement planning which will be complete before the employee leaves the overseas post.

(1) The employee will be placed in the position held immediately prior to assignment to duty in the overseas command, if the position exists.

(a) If the former position is now a higher grade, the employee is entitled to consideration (i.e., competitively or noncompetitively, according to FPM chapter 335, paragraphs 1-5b and 1-5c; AR 690-300, chapter 335, paragraph 1-5c; and the applicable merit promotion plan in effect at the time of the promotion) as if he/she had not left the position. If not selected on the competitive action, the activity still retains responsibility for reemployment under (2) through (4) below.

(b) If the position is now classified at a lower grade, the returning employee may be offered an available vacant position for which qualified, in the same geographical area with rights, benefits, and grade equal to the former position. If a vacant position at the employee's former grade is not available, the employee will be offered the lower grade position to which he or she has rights, whether or not the position is occupied by another employee. If the employee declines the lower grade position or any other offer, he or she will be placed according to (3) below.

(2) If the position the employee left does not exist, the employee will be placed in a vacant continuing position for which qualified in the same geographical area, with rights, benefits, and grade equal to the former position.

(3) If placement cannot be accommodated as in (1) and (2) above, the employee will be placed in a new position which will be established for at least 90 days. The employee will be placed in the position, given a RIF notice, and if not placed at the same grade, immediately registered in the PPP. The new position will be in the same geographical area with the rights, benefits, and grade equal to the position the employee left. Whenever placement under this provision will be required, the overseas activity must be notified.

(4) If within the 90-day period specified in (3) above, placement in a vacant continuing position cannot be effected, RIF procedures will decide the employee's reassignment, placement in a lower grade position, or separation at the end of the 90-day period. During the 90-day period, the employee will remain in the PPP and, if appropriate, be registered in OPM's Displaced Employee Program.

(5) In the event two or more employees are entitled to reemployment rights to the same position, the employee who left the position first has prior right to be restored to it. The subsequent employee(s) will be placed in accordance with the applicable provisions in (2) through (4) above.

(6) In the case of several employees occupying additional identical positions, the employees should all be advised that if there is no vacant position in which to place the returning overseas employee, RIF procedures will be used and the incumbent with the lowest retention standing will be displaced to accommodate the overseas returnee. The person who actually replaced the overseas employee may or may not be affected by RIF, depending on his or her retention standing.

c. Responsibility for reemployment. Primary responsibility for reemployment rests with the Army activity the employee left prior to over-

seas assignment. However, any Army activity to which a returning Army employee applies may employ him or her on a voluntary basis in any vacant position for which the employee is qualified. Competitive placement procedures may apply, as appropriate.

8-12. RIGHTS OF DISPLACED EMPLOYEES

The displaced employee will be placed or separated in accordance with established RIF procedures (chap 351). (The overseas returnee will not compete in this RIF.)

‡Subchapter 9. Administrative Reemployment Rights

9-1. COMPETITIVE SERVICE

Normally, reemployment rights will not be granted when employees move from one Army activity to another within CONUS. However, under special circumstances comparable to those in FPM chapter 352, subchapter 2, major Army commanders may approve administrative reemployment rights to career and career-conditional employees of the competitive service moving between activities within a command. Authority to approve administrative reemployment rights between CONUS MACOMs is delegated to ➡the U.S. Total Army Personnel Command (PERSCOM). Send requests for granting these rights to PERSCOM, ATTN: TAPC-CPF-S, ALEX VA 22332-0341.⬅ The granting of administrative reemployment rights is—

a. Limited to 3 years with provision for a 2-year extension.

b. Effected by the same provisions outlined in paragraphs 8-10 and ➡8-11.⬅

9-2. EXCEPTED SERVICE

a. DOD Intelligence Career Development Program. Employees in the DOD-wide Intelligence Career Development Program (ICDP) are granted administrative reemployment rights by mutual agreement of the military departments. (See DOD 1430.10-M-3.)

b. Defense Systems Management College. Employees who voluntarily leave career or career-conditional appointments in the competitive service to accept excepted service professional, GS-13 through GS-15, positions at the Defense Systems Management College, Fort Belvoir, Virginia, are granted administrative reemployment rights. These rights are effected by the provisions outlined in paragraphs 8-10 and ➡8-11⬅ except that an employee must apply for reemployment in writing at least 30 days before the expiration of his/her reemployment rights.

c. Certain other employees who accept overseas assignments.

(1) *Severely handicapped and mentally retarded employees.* Severely handicapped employees appointed under Schedule A, 5 CFR 213.3102➡(u),⬅ and mentally retarded employees appointed under Schedule A, 5 CFR 213.3012(t), who accept overseas assignments, will be granted administrative reemployment rights under the authority granted to agencies in FPM chapter 301, paragraph 1-3. These rights will be contingent upon the employee's conversion to competitive status overseas based upon satisfactory completion of 2 years of service.

(2) *Veterans readjustment appointment (VRA) employees.* Persons appointed under EO 11521 or part 307 of title 5 of the Code of Federal Regulations, who accept overseas assignment, will be granted administrative reemployment rights. These rights will be contingent upon the employee's satisfactory completion of the required 2 years of excepted service and conversion to competitive status overseas.

(3) The granting of administrative reemployment rights to employees in (1) and (2) above is—

(a) Limited to one overseas tour with provision for extension up to a total of 5 years. Extensions beyond 5 years are covered by the provisions outlined in paragraph 8-5.

(b) Subject to the provisions of paragraphs 8-6 through 8-12.

9-3. REEMPLOYMENT RIGHTS AGREEMENT

Administrative reemployment rights will be recorded on DA Form 5414-R (Administrative Reemployment Rights Agreement). DA Form 5414-R will be reproduced locally on 8 1/2- by 11-inch paper. A copy for reproduction purposes is located at the back of this chapter. Changes in the form are permitted. The special instructions below apply when completing the form for employees covered under paragraph 9-2c.

(1) Change paragraphs a and b of the form to show the appropriate tour of duty or tour extension, as applicable.

(2) Note the correct legal appointing authority:

> "Administrative reemployment rights, granted under AR 690-300,

chapter 352, paragraph 9-2c, are contingent upon the conversion to competitive status while overseas based on satisfactory completion of 2 years of service under _____."

Appointing Authority

‡APPENDIX B.
Statutory Reemployment Rights Agreements

This appendix provides the formats to be used for statutory reemployment rights agreements. The format at figure B-1 will be used for Army employees accepting assignments in all overseas areas except Hawaii. The format at figure B-2 will be used for employees accepting assignment in Hawaii.

STATUTORY REEMPLOYMENT RIGHTS AGREEMENT

This document represents an agreement between the Department of the Army and the undersigned employee, and becomes effective upon the employee's leaving a position in the United States to accept an overseas assignment.

I understand that this overseas assignment is part of the Army's rotation program and that my selection for this overseas tour of duty entitles me to statutory reemployment rights under 10 USC 1586 to my former position upon completion of the initial tour of duty or upon completion of any approved extension. I am aware that if an extension is not approved after completion of my initial tour of duty that I may be directed to return to my former position in the United States and that such action is not grievable.

I also understand that statutory reemployment rights are authorized for the initial tour and approved extensions for an aggregate period of not to exceed 5 years. I understand that failure to apply for the exercise of these rights upon expiration of the 5-year period may result in action directing my return to my former position. If I fail to comply with such directed action, I understand that my statutory reemployment rights will expire and that I will be subject to separation from the service. I understand that such directed return is not a grievable matter under the DA grievance system.

I further understand if I attain a higher grade than that to which I possess statutory reemployment rights, I will be accorded special placement assistance at the higher grade.

Approved by	Signature of employee
Date	Present position title and grade

Figure B-1. Format for statutory reemployment rights agreement for employees assigned to overseas areas except Hawaii

STATUTORY REEMPLOYMENT RIGHTS AGREEMENT—HAWAII

This document represents an agreement between the Department of the Army and the undersigned employee, and becomes effective upon the employee's leaving a position in the continental United States to accept an assignment in Hawaii.

I understand that this overseas assignment is part of the Army's rotation program and that my selection for this overseas tour of duty entitles me to statutory reemployment rights under 10 USC 1586 to my former position upon completion of the initial tour of duty. I am aware that if an extension is not approved after completion of my initial tour of duty that I may be directed to return to my former position in the continental United States and that such action is not grievable.

I also understand that statutory reemployment rights are authorized for the initial tour only. I understand that failure to apply for the exercise of these rights upon expiration of the initial tour may result in action directing my return to my former position. If I fail to comply with such directed action, I understand that my statutory reemployment rights will expire and that I will be subject to separation from the service. I understand that such directed return is not a grievable matter under the DA grievance system.

I further understand if I attain a higher grade than that to which I possess statutory reemployment rights, I will be accorded special placement assistance at the higher grade.

Approved by	Signature of employee
Date	Present position title and grade

Figure B-2. Format for statutory reemployment rights agreement for employees assigned to Hawaii

TO BE FILED WITH BASIC FPM CHAPTER 352

APPENDIX C.* SUPPLEMENT TO STATUTORY REEMPLOYMENT RIGHTS AGREEMENT

This document modifies the original statutory reemployment rights agreement executed on ____(Date)____ by the undersigned employee to reflect extension or forfeiture of statutory reemployment rights under 10 USC 1586. The exercise of statutory reemployment rights upon completion of this additional tour is subject to the conditions specified in the original agreement.

Part A—Extension of Statutory Reemployment Rights

_____
Employee initial

I concur in the management initiated extension of oversea tour for a period not to exceed _____. The total extension will not exceed 5 years; therefore, my statutory reemployment rights will be extended to cover this period.

_____
Employee initial

I concur in the management initiated extension of oversea tour for a period not to exceed _____. As this extension will exceed 5 years, I have been informed that my former US employer has agreed to extend my statutory reemployment rights as signified below.

_____(Date)
Signature of former US CPO

_____(Date)
Local CPO signature

_____
Print name, title, and telephone ext of US CPO

_____(Date)
Employee signature

_____
Present employee title, series and grade

Part B—Forfeiture of Statutory Reemployment Rights

I concur in the management initiated extension of oversea tour for a period not to exceed _____. I have been informed that my former US employer has declined to extend my statutory reemployment rights beyond 5 years. I understand that my return to the US at the completion of this tour will be through the PPP and appropriate career program. I also understand that the decision to return me to the US upon completion of this tour is not grievable.

_____(Date)
Employer signature

_____(Date)
Local CPO signature

_____
Present employee title, series and grade

*There is no corresponding appendix in the FPM.

➡‡Appendix D
Administrative Reemployment Rights Procedures for Former DA Employees at Defense Systems Management College

D-1. ELIGIBILITY FOR REEMPLOYMENT RIGHTS

Administrative reemployment rights will be granted to Department of the Army employees who voluntarily leave career or career-conditional appointments in the competitive service to accept excepted service professional positions, GS-13 through GS-15, at the Defense Systems Management College (DSMC), Fort Belvoir, Virginia.

D-2. DURATION OF REEMPLOYMENT RIGHTS

a. **Action to be taken by gaining activity.** The civilian personnel office servicing DSMC will send a written notice of intent to employ to the prospective employee's servicing civilian personnel office. This notice will identify the selected employee by name, position, and organization in the losing activity. The notice will specify the position and the organizational unit in which he or she will be employed. The appointment SF 50 will contain the following remarks: "You are granted administrative reemployment rights per AR 690-300, chapter 352, appendix D, NTE _____ years."

b. **Action to be taken by losing activity.**

(1) The losing activity will prepare a DA Form 5414-R (Administrative) Reemployment Rights Agreement, in triplicate. Copies of the agreement will be distributed as follows:

(a) The original to the employee.

(b) One copy to the Official Personnel Folder.

(c) One copy to the reemployment file (para 8-13).

(2) The vacated position will be identified as a position to which a former employee has reemployment rights. If the position is subsequently filled, the appointment SF 50 will bear the following remark: "Occupancy of this position is limited to return of former incumbent with administrative reemployment rights under AR 690-300, chapter 352, appendix D." Also, before appointment to the position, the selectee must sign a statement indicating that he or she accepts the position with the understanding that it is incumbered by an employee with reemployment rights.

D-3. EXERCISE OF REEMPLOYMENT RIGHTS

An employee must apply for reemployment in writing at least 30 days before the expiration of his or her reemployment rights. If possible, a notice of intent to apply for reemployment should be given at least 90 days before the expiration date.

D-4. THE AGENCY'S OBLIGATION TO REEMPLOY

An employee entitled to reemployment must be reemployed at the completion of the excepted service tour. The employee is entitled to a position in the former agency as follows:

a. If the former position is now a higher grade without material change in duties, the employee is entitled to reemployment at the higher grade, if otherwise qualified and eligible. The action may be processed as an exception to competitive procedures under appropriate regulations. If the former position is now classified at a lower grade, the employee will be offered an available vacant position, for which he or she is qualified, in the same geographical area with rights, benefits, and grade equal to the former position. If a vacant position that would retain the employee's former grade is not available, the employee will be offered the lower grade position to which he or she has an absolute right, whether or not the position is incumbered. If the employee declines the position, the employee will be placed in accordance with c below. Acceptance of the former position means the current incumbent of the position will be placed or separated through RIF procedures.

b. If the position the employee left does not exist, the employee will be placed in an available vacant position, for which the employee is qualified, in the same geographical area, with rights, benefits, and grade equal to the former position. Even if the employee's former position still exists, the employee may consent to placement in this manner.

c. If placement cannot be accommodated as in a and b above, the employee will be placed in a new position, established for not more than 90 days. The new position will be in the same geographical area

with the rights, benefits, and grade equal to the position the employee left. The employee will be placed in the position, given a RIF notice, and if not placed at the same grade, immediately registered in the DOD Priority Placement Program.

d. If the position formerly held is identified for transfer to another Army activity, reemployment rights must be exercised with the gaining activity. The employee must be notified at the Defense Systems Management College if such a transfer has taken place.

D-5. LOSS OF REEMPLOYMENT RIGHTS

An employee's reemployment rights will be terminated if the employee—

a. Fails to apply in writing for reemployment prior to expiration of those rights.

b. Fails to accept a proper reemployment offer, as outlined in paragraph D-4, within 10 calendar days.

ADMINISTRATIVE REEMPLOYMENT RIGHTS AGREEMENT

For use of this form, see Chapter 352, AR 690-300; the proponent agency is DCSPER.

This document is an agreement between the Department of the Army and the undersigned employee. It becomes effective when the employee leaves a current Department of the Army position to accept an appointment with

_____.
(gaining organization)

In accordance with _____, I understand that - - -
(authorized regulation)

a. I have been granted administrative reemployment rights for an initial period of three (3) years after my acceptance of an appointment with

_____,
(gaining organization)

with provision for a 2-year extension *(if applicable)*.

b. If a 2-year extension is not approved, I may be directed to return to my former position and employing activity, and such action is not grievable *(if applicable)*.

c. Administrative reemployment rights are authorized for the initial appointment *(and approved extension)* for an aggregate period not to exceed five (5) years.

d. I will be subject to separation from the service if I fail to apply for the exercise of these rights within 30 days before expiration of these reemployment rights.

PRESENT POSITION TITLE, SERIES AND GRADE, AND POSITION DESCRIPTION NUMBER OF EMPLOYEE		
TYPED NAME OF EMPLOYEE	SIGNATURE OF EMPLOYEE	DATE
APPROVED BY *(Typed Name)*	APPROVED BY *(Signature)*	DATE

DA FORM 5414-R, Apr 85

Chapter 353
Restoration to Duty ➡from Military Service or Compensable Injury
Contents

SUBCHAPTER 1. Military Duty—Restoration Rights and Unpaid Leaves of Absence

* * * * *

1-3. Restoration Following Active Duty

* * * * *

SUBCHAPTER 2. Injury Compensation—Restoration Rights
2-1. Introduction

* * * * *

2-3. Agency Responsibilities
2-4. Restoration Rights

* * * * *

‡APPENDIX A. Department of Defense Directive 1438.3, DOD Injury Compensation Program⬅

Subchapter 1. Military Duty—Restoration Rights and Unpaid Leaves of Absence

1-3. RESTORATION FOLLOWING ACTIVE DUTY

* * * * *

d. Agency obligations.

* * * * *

(6) Use of the Area Reemployment Priority List (RPL). The RPL (see FPM chap 330) may be used to assist in restoration when the employee's former position no longer exists and there is no vacant position available. Restoration in these cases precedes efforts to place other RPL registrants.

(7) Placement outside the commuting area. Major Army commands may provide assistance in restoring employees who agree to relocate outside the commuting area. Travel and transportation expenses are paid in these instances. (See 25 Comp. Gen. 293 (1945), 25 Comp. Gen. 786 (1946), and unpublished Comptroller General decisions B-170987, 14 Dec 70, and B-176982, 14 Dec 72.)

Subchapter 2. Injury Compensation—Restoration Rights

2-1. INTRODUCTION

* * * * *

d. Policy. DOD policy is contained in DOD Directive 1438.3, DOD Injury Compensation Program, dated 13 September 1985 (app A).

* * * * *

2-3. AGENCY RESPONSIBILITIES

* * * * *

c. Leaves of absence and separation. No compensably injured worker will be separated from employment rolls for reasons related to the disability without prior certification by the agency medical officer that the individual is incapacitated for reemployment in the foreseeable future.

2-4. RESTORATION RIGHTS

Each MACOM will require subordinate installations and activities to develop local reemployment plans for employees whose full recovery has taken more than one year and partially recovered employees, consistent with requirements of the RPL and DOD Priority Placement Program. The basic responsibility for restoring an employee rests with the last employing activity or the activity to which the employee's function was transferred.

* * * * *

‡Appendix A.
DOD Directive 1438.3 (DOD Injury Compensation Program)

Department of Defense

DIRECTIVE

September 13, 1985
NUMBER 1438.3

ASD(FM&P)

SUBJECT: DoD Injury Compensation Program

Reference: (a) Title 5, United States Code, Section 8101 et seq. (Federal Employees' Compensation Act)
(b) DoD Instruction 6055.1, "Department of Defense Occupational Safety and Health Program," October 26, 1984

A. PURPOSE

This Directive establishes uniform DoD policies and procedures for implementing the DoD Injury Compensation Program in accordance with reference (a), which provides benefits to civilian employees of the Federal Government for disability due to personal injury, disease or death arising out of or within the scope of employment.

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Office of the DoD Inspector General (OIG, DoD) the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

C. DEFINITIONS

The terms used in this Directive are defined in enclosure 1.

D. POLICY

It is DoD policy that employees shall receive prompt medical attention and full assistance in claiming just compensation for injuries or occupational illnesses incurred in the performance of their duties. Action shall be taken to:

1. Provide a safe and healthful work environment for all employees through compliance with the DoD safety and health policies outlined in reference (b).

2. Create an attitude of safety consciousness in all supervisors and employees.

3. Reduce work place injuries and illnesses by complying with DoD Safety and Occupational Health Policy (reference (b)).

4. Increase awareness of the injury compensation program throughout the chain of command.

5. Ensure an adequate level of technical knowledge for supervisors and personnel engaged in program administration and claims processing.

6. Engage in a positive working relationship with Department of Labor, Office of Workers' Compensation Programs district offices.

7. Ensure prompt and proper reports of accidents resulting in injuries or illnesses.

8. Ensure prompt and complete reporting of claims for on-the-job injuries and illnesses to the Department of Labor, Office of Workers' Compensation Programs, so that fair and equitable adjudication may be made.

9. Ensure accountability for injury compensation costs.

10. Ensure a meaningful claims tracking and feedback system for all costs, with timely reports to allow management action.

11. Ensure a program dedicated to returning injured workers to the job.

12. Ensure an education program for private sector physicians to inform them of DoD program efforts to return injured workers to the job.

13. Investigate fraud and abuse in the system, with prosecution when appropriate.

E. RESPONSIBILITIES

1. The Assistant Secretary of Defense (Force Management and Personnel) (ASD (FM&P)) shall:

a. Establish policies and procedures and issue additional instructions to ensure uniformity among the DoD Components in administering the DoD Injury Compensation Program in accordance with the Federal Employees' Compensation Act (FECA) and related regulations.

b. Coordinate efforts with the DoL in conjunction with DoD's responsibilities under the FECA.

c. Provide reports relevant to the status of the program.

d. Set DoD-wide goals and objectives in relation to effective control of the program.

2. The Assistant Secretary of Defense (Comptroller) (ASD(C)) shall:

a. Establish policy to ensure accountability for injury compensation claims costs.

b. Establish policy to ensure that the claims tracking and feedback system provides for all costs.

3. Heads of DoD Components shall:

a. Issue internal policies and procedures consistent with this Directive.

b. Ensure that at employing activities there is command emphasis and motivation of management, supervisors, and workers, to curtail the human and financial losses of job-related illnesses and injuries, including allocation of sufficient claims coordinator staff resources to carry out day-to-day claims processing effectively. When appropriate, attention to safety issues on the part of managers and supervisors shall be highlighted in the performance evaluations.

c. Ensure that employing activities have established and implemented effective return-to-work programs which include, as a minimum, light and limited duty programs for injured employees as well as reemployment programs for long term claimants through rehabilitation and job restructuring.

d. Develop effective programs for moving an injured employee from the work place through appropriate medical evaluation to medical treatment. The use of DoD medical treatment facilities is highly encouraged if such treatment is within those facilities' capabilities and the employee is agreeable to such a selection.

e. Ensure that each employing activity has entered into a cooperative relationship with DoL Office of Workers' Compensation Programs district offices. When the volume of transactions warrants, employing activities shall assign full time claims coordinators to work closely with OWCP district offices. Goals of this cooperative relationship shall include:

(1) Instituting procedures sufficient to ensure that job-connected injury or illness claims are documented properly to support or controvert the applications for benefits.

(2) Instituting procedures for the early assessment of the medical condition of an injured employee who is receiving workers' compensation and determining his/her availability for return to work.

(3) Instituting procedures to assist OWCP in resolving conflicting medical statements.

(4) Increasing opportunities for return of employees by assignment of light work for temporarily disabled employees and by restructuring positions for partially disabled employees. In this connection, a strong commitment should be made to ensure in-depth and continuing communications between the employing activity and the injured employee's physician.

f. Obtain prosecution in instances of fraud or abuse in concert with the Department of Justice. Publicize this process as a deterrent to abuse.

g. Ensure that the quarterly computer list generated by OWCP, identifying injured employees added to the list during the previous quarter, is examined by employing activity FECA program administrators and staff in the personnel, medical, and safety offices. Attention should be directed to monitoring the list for accuracy, trend information, and indicators, if any, that corrective steps are needed on the part of the employing activity. OWCP district offices shall be advised of discrepancies. Followup with the OWCP districts shall be carried out to make certain that the needed corrections have been made.

h. Develop policies and procedures for charging back compensation costs to the lowest practical cost center within the agency.

i. Designate an individual as the Component FECA or Injury Compensation Program Administrator.

4. Heads of DoD Component Installations and Activities shall:

a. Ensure that employees are provided work sites that are safe and healthful.

b. Ensure that employee injury and illness claims receive prompt, responsive attention.

c. Ensure that every effort is made through viable light and limited duty programs and reemployment programs to restore fully recovered and partially recovered employees to duty.

d. Ensure, when the volume of transactions warrants, that a program exists for educating private sector physicians concerning installation return-to-work programs.

e. Ensure that DoL charge back billing information for the activity is reviewed for validity and for possible detection of fraud and abuse.

f. Ensure that claims files are maintained for as long as compensation and medical costs are being incurred and charged to the Department of Defense.

g. Designate an individual as the installation FECA or Injury Compensation Program Administrator.

h. Ensure that adequate medical facilities are available for emergency treatment and first aid to injured employees.

i. Require the use of base medical facilities for duty-status evaluations when suitable jobs are available.

j. Encourage the use of on-site medical facilities by injured employees for initial diagnoses.

k. Ensure that program administrators and supervisors receive sufficient training in FECA administration and requirements and OWCP policies and regulations.

5. The FECA Program Administrator shall:

a. Coordinate the various aspects of FECA program administration at the local level. He or she shall:

(1) Work closely with others who have program responsibility.

(2) Advise the installation head on the status of the program, including major problems and reasons for such problems.

b. Serve as the primary contact point between the installation managers/supervisors and OWCP district offices.

c. Coordinate, as necessary, with the Safety Office to assure that job related injuries or occupational illnesses have been reported and proper reports filed.

d. Publicize the injury compensation program throughout the serviced area so both employees and management are aware of their rights, benefits, and responsibilities.

e. Advise each supervisor and claimant of required actions and benefits that may pertain to the case.

f. Incorporate FECA training in supervisory training programs.

g. Assure complete and thorough documentation of the official superior position on the claim. Serve as the focal point and be responsible for assembling the various inputs of appropriate staff, e.g., safety, medical, and supervisor.

h. Review all claim forms and ensure that they are completed with all necessary information before forwarding them to OWCP.

i. See that actions are taken to meet the time requirements for processing claims.

j. Make sure that an ample supply of required forms is available to employees and supervisors.

k. Respond promptly to OWCP district office requests for additional or clarifying information.

l. Validate and review Department of Labor charge back billing information for the installation.

m. Maintain the compensation case file with all forms and information about the injured employee, including a case log.

n. Maintain data to respond to reports required by higher level management.

o. Make sure that job requirements and environmental conditions are made known to the physicians who examine or treat the employee.

p. Where warranted by caseload, keep private sector physicians informed about installation return-to-work efforts with the assistance of installation medical personnel.

q. Keep the selective placement coordinator, supervisors, managers, and installation head informed of cases pending so efforts may be made to return injured employees to duty as soon as possible. Placement actions may include temporary assignment to light duty, job restructuring, reassignment, change to lower grade and placement assistance outside the component.

r. Refer suspected fraud cases to the proper authority.

s. Coordinate with the legal office on claims that appear to involve third-party liability.

t. Forward to OWCP safety warnings issued by supervisors to employees not following safe work practices.

6. Heads of Local Safety Offices shall:

a. Have a vital interest in how injuries may point out unsafe or hazardous conditions. This applies whether or not the accident causing the injury is "reportable." If the safety office is not kept informed of accidents involving injuries, hazards resulting from unsafe practices or work environment probably will not be corrected. This will lead to future occurrences and increased injury compensation costs.

b. Compare Civilian Personnel Office (CPO) records of injuries which resulted in the filing of a DoL Form CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation" with injuries indicated in the safety program accident reporting data. As a minimum, this review of compensation data will:

(1) Provide a means of cross-checking data and analyzing reasons for differences.

(2) Ensure that accidents reported to the CPO on the CA-1 are reported to the safety office.

c. Compare CPO records of occupational diseases which resulted in the filing of DoL Form CA-2, "Federal Employee's Notice of Occupational Disease and Claim for Compensation" with those reported to the safety office.

d. At the supervisor's request, assist in investigating the circumstances surrounding an incident resulting in an injury compensation claim. At the request of the supervisor and/or the FECA Program Administrator, provide input to the employing agency investigation report.

7. Occupational Health Officials shall:

a. Share any information developed or received on injuries and occupational illnesses with both the safety officer and the FECA Program Administrator.

b. Develop responsive preventive medical programs to reduce the incidence of occupational illness and injury, disability, and compensation costs.

c. Review records of illnesses resulting in Form CA-2s being filed and compare with occupational health incident reports.

d. Assist in investigating circumstances surrounding the incidents and environmental conditions resulting in non-traumatic compensation claims. At the request of the supervisor and/or FECA Program Administrator, provide input to the employing agency investigation report.

e. Work with the FECA Program Administrator to develop programs for the evaluation of employee injuries, to treat injuries, and to return employees to work.

8. Supervisors shall:

a. Play a key role in administering FECA since the supervisor's statements concerning the job relatedness of a given injury or illness usually constitute the official position. Once reported as job related, a change is very difficult, even though added facts may tend to prove that the injury was not job related.

b. Report injuries and complete needed forms promptly, even when there is strong disagreement with the employee's position. Unreasonable delay may be grounds for legal or disciplinary action.

(1) The first thing the supervisor must do is obtain medical treatment for the employee and then report the injury to the Safety Office and submit the applicable OWCP forms to the FECA Program Administrator. Employees shall be encouraged to use on-site medical facilities for initial treatment of injuries. DoL Form CA-16, "Request for Examination and/or Treatment" must be issued to the employee upon request.

(2) Next, the supervisor shall keep abreast of the disabled employee's status and work closely with the FECA Program Administrator to restore the employee to duty in a full or limited capacity, depending on the degree of recovery. To help accomplish the above and other related actions, the supervisor's responsibilities may be summarized as follows:

(a) Obtains or ensures medical treatment for all employees.

(b) Completes all accident investigation reports, where applicable, and forward them to the safety office for further processing.

(c) Completes the supervisor's portion of forms in relation to the type of injury and forwards these to the FECA Program Administrator. Drafts the official superior's position, e.g., work situation, witnesses' names and nature of injury, and submits it to the FECA Program Administrator.

(d) Provides payroll with documentation concerning the status of employees certifying sick or annual leave, continuation of pay, leave without pay, or absence without leave.

(e) Informs the FECA Program Administrator, medical officer, and the safety manager as soon as possible, but no later than 24 hours after becoming aware of the injury.

(f) Investigates unsupported extended absences beyond the physician return-to-work date.

(g) Informs the FECA Program Administrator the day the employee returns to duty and processes DoL Form CA-3, "Report of Termination of Disability and/or Payment."

(h) Gives the facility providing treatment the appropriate paperwork.

(i) Collects as many facts as possible about each case to controvert traumatic injury claims when one or more of the 9 OWCP criteria printed on the Form CA-1 are met; advises the employee of actions being taken, including reasons for controversion when applicable; discusses the matter with witnesses, higher level supervisors, medical and safety officials, and the FECA Program Administrator before completing DoL Forms CA-1 or CA-2.

(j) Attempts to restore fully recovered and partially recovered employees to duty, considering job restructuring to permit light duty placement. Develops and assists in restructuring jobs consistent with work limitations and medical advice to permit light or limited duty job placement.

(k) Attends training on FECA program administration, including update training.

(l) Advises the FECA Program Administrator of cases involving suspected fraud.

(m) Documents warnings given to employees for not following safe work practices for possible future controversion of claims. Takes disciplinary action when an employee fails to follow safe work practices, fails to use safety equipment, or fails to comply with hearing conservation program requirements.

9. Employees shall:

a. Observe all safety instructions, procedures and regulations including the proper use of personal protective equipment.

b. Report immediately all job-connected injuries or illnesses to their supervisor on the appropriate form.

c. Report for medical examination or treatment as prescribed by established procedures.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)) within 120 days.

William H. Taft, IV
Deputy Secretary of Defense

Enclosure - 1
Definitions

DEFINITIONS

1. Charge Back. System of billing DoD Components for payments related to OWCP-approved claims and then having them charged to the lowest practical cost center within the DoD Component having jurisdiction over the employee at the time of the injury or illness.

2. Claimant. 'An employee whose claim for entitlement to benefits under FECA has been filed in accordance with the provisions of the Act.

3. Claims Examiner. An employee of OWCP responsible for adjudication of claims.

4. Compensation. Benefits or compensation paid or payable under the FECA, including money paid because of loss of wages, medical expenses, rehabilitation expenses, and loss of use of major body functions; and death benefits to the survivor(s).

5. Continuation of Pay (COP). A continuation of regular pay with no charge to sick leave or annual leave for the first 45 calendar days of disability resulting from a job-related traumatic injury. COP is subject to taxes and all other usual payroll deductions.

6. Controversion. The formal administrative procedure through which DoD management presents evidence to OWCP to challenge an employee's claim for COP. Controversion only applies to traumatic injuries and COP.

7. Federal Employees' Compensation Act (FECA). Outlines the statutory regulations for the workers' compensation program that are identified in 5 U.S.C. 8101 et seq. (reference (a)) as amended in 1974.

8. Occupational Disease or Illness. An illness or disease produced by systemic infections, continued or repeated stress or strain, exposure to toxins, poisons, fumes, etc., or other continued and repeated exposure to the work environment over a period greater than a single day or work shift. For example, asbestosis or hearing loss caused by repeated exposure to the work environment. Persons suffering from occupational diseases are limited to injury compensation payments provided by the FECA or to sick or annual leave. Continuation of pay is not authorized for occupational disease or illness. No medical payments are provided until the claim is adjudicated and approved by OWCP.

9. Office of Workers' Compensation Program (OWCP). The office within DoL that has overall responsibility for the administration of FECA.

10. Periodic Roll. A system utilized by OWCP whereby the U.S. Treasury automatically pays prolonged disability cases and all death cases every 28 days until advised otherwise by OWCP.

11. Recurrence. A work stoppage that occurs after an employee has returned to work following a preceding period of disability and is the result of a spontaneous return of the symptoms of a previous injury or disease, without intervening cause.

12. Third Party Liability. Those instances in which an injury or illness suffered by a DoD employee is caused by a person not under the employ of the Department of Defense or any branch of the Federal Government.

13. Traumatic Injury. A wound or other condition of the body, including stress or strain, caused by an external force. It must be identifiable as to time and place of occurrence and member or function of the body affected. It must be caused by a specific event or incident, or series of events or incidents, within a single day or work shift. For example, a fractured leg caused by falling from a building would be a traumatic injury. Only traumatic injuries entitle employees to COP. Traumatic injuries include damage to or destruction of prosthetic devices or appliances. Eyeglasses and hearing aids are excepted, unless damaged or destroyed as a direct result of a job-related personal injury requiring medical services.

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