

For: FFAS Offices

**Reemploying Annuitants Without Salary Offset Guidance for FFAS**

Approved by: Associate Administrator for Operations and Management



**1 Overview**

**A Background**

The National Defense Authorization Act for Fiscal Year 2010 provided authority for Agencies to reemploy annuitants on a limited basis in part-time, temporary positions, **not** to exceed (NTE) 1 year, with a dual compensation waiver (DCW). With DCW's, annuitants can receive both their full annuity and full salary. Agencies can use reinstatement eligibility to hire annuitants that effectively provides a direct hire authority after clearing any displaced employees with priority consideration.

**B Purpose**

This notice:

- reissues regulations for using the provision requesting DCW in FFAS

**Notes:** Requests may be initiated and sent forward for approval using the procedures in this notice. USDA has **not** redelegated the approval authority to the Agencies; therefore, USDA approval **must** be obtained **before** making final employment offers. Approvals will **not** be granted with retroactive dates; **all** effective dates will be after USDA approval.

**For FSA only, all requests for using this authority are limited to your organization's budgetary funding and authorized FTE's. No additional FTE's or funding is available for this authority.**

- obsoletes Notice PM-2768.

Disposal Date	Distribution
July 1, 2012	All FAS, FSA, and RMA Offices; State Offices relay to County Offices

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### 1 Overview (Continued)

#### C Who Is Eligible

Individuals are eligible if they are annuitants under CSRS or FERS **and** they are **not** currently a Federal Government or an FSA County Office employee. Foreign Service annuitants are **not** eligible.

There are limited circumstances in which an exception may be made for an existing reemployed annuitant, if retention is critical and **all** other provisions of the authority are met.

#### D Effective Date

The authority for USDA to approve DCW's is in effect until **October 27, 2014**.

### 2 DCW's

#### A USDA General Requirements

This authority is used at management discretion as an additional tool for workforce planning and meeting critical needs. Requests **must** be based on 1 of the permissible reasons granted under this new authority. Dual compensation may be waived by USDA, if it is determined that the reemployment of an annuitant is necessary for 1 of the following 7 reasons:

- fulfill functions critical to the mission of FFAS
- assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) or the Troubled Asset Relief Program under Emergency Economic Stabilization Act of 2008, Title I (12 U.S.C. 5201 et seq.)
- assist in the development, management, or oversight of USDA procurement actions
- assist the Inspector General for USDA in the performance of USDA's mission
- promote appropriate training of or mentoring programs for employees
- assist in recruiting or retaining employees
- respond to an emergency involving a direct threat to life or property or other unusual circumstances.

DCW's may be needed for 1 or a combination of the permissible reasons, and that **must** be documented in the justification for USDA consideration for approval.

DCW's only apply to a particular annuitant for whom it is authorized and **only** while that individual continues to serve in the same position. If a reemployed annuitant with an approved DCW is reassigned to another position, or is separated for **any** reason, DCW approval ends. If there is a desire to back-fill a position using this authority, the request **must** be submitted for approval as a new request.

2 DCW's (Continued)

A USDA General Requirements (Continued)

Authorities are **not** intended to address long term, on-going work, but rather are project-like activities **with an anticipated duration**. Project activities may be on-going, but the intent is **not** for the individuals to perform all the duties of the position that they may have held before retirement. For these purposes, a project may encompass a large subset of the duties performed before retirement, but should be describable as a "project". For example, to:

- reduce a specific back-log of work
- facilitate a specific producer/participant signup period
- develop specific program policies, procedures, or software
- develop/conduct an on-the-job training for a specific function, program, or employee
- conduct procurement for a specific need or activity.

B DCW Extensions

There are **no** extensions of the DCW authority. The request for DCW should indicate the time period for which it is needed. The time period for which the request is made should be supported in the written justification.

If there is a need to continue the employment of the annuitant beyond the approved DCW period, Agencies can request a new DCW. Follow the same procedures for requesting an initial DCW, indicating the reason/justification why the need still exists and how long that need is anticipated to continue.

If the new DCW is **not** granted, the reemployed annuitant **must** be separated or converted to an appointment without DCW.

C FFAS Specific Requirements

Because of a large number of retirement eligible employees, FFAS has a potential critical need for knowledge transfer and development of new employees to meet succession planning goals and ensure continued, consistent, and successful delivery of programs and mission. Therefore, 1 reason that FFAS is **requiring all** reemployed annuitant's hired under this authority "to promote appropriate training of or mentoring programs for employees".

FFAS will only consider requesting DCW if, at a minimum, at least 1/3 of the reemployed annuitant's time is devoted to specific duties that address mentoring, coaching, and developing other employees. This must be addressed in the justification when requesting DCW under this authority.

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### 2 DCW's (Continued)

#### C FFAS Specific Requirements (Continued)

New positions will **not** be created for using this authority; existing established positions are to be used. Submit an addendum to the applicable established position description that addresses any differences in the duties (that is the project nature), including the additional duties of mentoring, coaching, and developing other employees that will be part of the reemployed annuitant's performance expectations, and should be included in their performance standards. Compensation is set in the same manner as for all positions under the GS or CO pay plans. There is **no** change in authority for levels of pay, qualification requirements, specialized experience, etc. The grade is based on the classification of the established position, and the step is set according to established pay setting requirements.

### 3 Limitations

#### A Number of DCW's

The number of employees that may be reemployed under this authority is restricted and **must** be tracked; therefore, at this time, USDA (not the Agencies) will maintain control of the approvals. The total number of DCW's USDA can approve without notification and justification to Congress and OPM **cannot** exceed 1 percent of the total full-time permanent USDA workforce at any time; even with the notification and justification, USDA may **not** exceed 2.5 percent of the USDA full-time permanent workforce at any time.

#### B Number of Hours Worked

There are limitations on the number of hours that the reemployed annuitant may work. Hours worked by any annuitant reemployed under these provisions are limited to the following:

- 520 hours during the first 6 months of retirement date
- 1,040 hours during any 12-month period
- 3,120 hours maximum total for any period.

The 3,120 hour limitation would only apply if subsequent DCW's and appointments are approved for the same individual.

#### C Work Schedules

The authority and USDA interim guidance allows DCW only for part-time employment.

To obtain full benefit and to use each of these positions effectively, all reemployed annuitants hired under DCW will be established with a part-time work schedule of no less than 20 hours per week and up to a maximum 32 hours per week, or no less than 40 hours per pay period and up to a maximum 64 hours per pay period if approved for alternate work schedule.

### 3 Limitations (Continued)

#### C Work Schedules (Continued)

If an employee works more than the maximum hours allowed according to subparagraph B, the supervisor shall ensure that the employee is either:

- placed in a nonpay status until they are again eligible to work
- terminated.

#### D NTE Appointments and At-Will

When DCW's are approved, the types of appointments that can be used are temporary, NTE 1-year, or less than 1-year when the anticipated need is for a shorter period. Temporary NTE appointments can be terminated at any time when there is a lack of work or funding. There is **no** guarantee of continued employment up to the NTE date.

In addition, reemployed annuitants are at-will employees and; therefore, can be separated at any time, with appropriate notification, for any legitimate reason; they have **no** RIF protections. Consult with HRD, Employee Labor Relations and Benefits Branch contacts when early termination is needed.

### 4 Approval Process

#### A Supervisor Responsibilities

Supervisors interested in using this authority shall:

- contact their servicing HR Office if more information is needed
- ensure that ceiling slots and/or funding are available
- contact annuitants to determine their level of interest/availability

**Note:** Work with servicing HR Office if public notice is needed to obtain candidates.

- use all information in Exhibit 1 to develop and submit DCW requests in memorandum format

**Note:** Available online at <http://fsaintranet.sc.egov.usda.gov/ffas/hrd/default.htm>.

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4 Approval Process (Continued)

A Supervisor Responsibilities (Continued)

- initiate an SF-52 “recruit” action and include the following in the Remarks Section, “Reemploy annuitant, *Individual’s Name*, to work in temporary part-time position NTE \_\_\_ months.”
- forward requests through chain of command to the appropriate Deputy Administrator for approval and then forward requests, as follows.

IF for all...	THEN forward requests through...	THEN FAX to HRD at...
FSA State and County Offices	FSA State Offices and DAFO	816-926-3638.
other FSA Offices and RMA		
FAS Offices	FAS Executive Advisory Group	202-205-9071.

B HRD Responsibilities

HRD shall:

- provide additional guidance and information to supervisors
- maintain case files of all requests under this authority
- review requests and ensure that they meet the requirements of the authority
- ensure that annuitants meet minimum qualification requirements for the desired position

**Note:** Annuitant must be fully qualified and eligible for the position, including core or basic qualification requirements and specialized experience.

- forward request to USDA, OHRM for consideration of approval
- ensure that the Interagency Career Transition Assistance Plan/Career Transition Assistance Plan has been cleared when applicable
- receive final approvals from USDA and notify requesting office
- ensure that **all** reporting and legal requirements are met.

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### 5 Processing DCW's and Contact

#### A Processing Guidance

Servicing HR Offices shall:

- include a remark on SF-50 that reemployed annuitant serves at the will of (*employing Agency name*)
- use reinstatement authority 5 CFR 316.402 to appoint annuitants noncompetitively to “appointment not-to-exceed” positions for GS positions in the competitive service
- use temporary NTE positions for CO positions in FSA
- use Nature of Action (NOA) Code “115” or “515”, as applicable for Federal appointments
- use NOA Code “171” or “571”, as applicable for CO appointments in FSA.

#### B Contacts (Continued)

For questions on the DCW Program:

<b>IF questions about...</b>	<b>THEN contact...</b>
FSA County Offices	State Administrative Office
FSA State Offices	Vickie Schofield, HRD, by 1 the following: <ul style="list-style-type: none"><li>• e-mail to <b>vickie.schofield@kcc.usda.gov</b></li><li>• telephone at 816-926-6668.</li></ul>
All other FSA and RMA Offices	Jeana Nolan, HRD, by 1 the following: <ul style="list-style-type: none"><li>• e-mail to <b>jeana.nolan@kcc.usda.gov</b></li><li>• telephone at 816-926-2829.</li></ul>
FAS Offices	Audrey Armstrong, HRD, by 1 the following: <ul style="list-style-type: none"><li>• e-mail to <b>audrey.armstrong@wdc.usda.gov</b></li><li>• telephone at 202-401-0167.</li></ul>

**Note:** A Frequently Asked Questions site is available through <http://fsaintranet.sc.egov.usda.gov/ffas/hrd/default.htm>.

**DCW Request**

The following is provided for developing and submitting DCW requests in memorandum format.

<b>Request for Approval of Reemployed Annuitant Without Salary Offset</b>		
Employing Agency and Regional/State/County Office, Division/Office: _____		
Duty Station ( <i>city/State</i> ): _____		
Name of Individual for whom waiver is requested: _____		
(Attach resume, last SF-50, and statement signed by annuitant.)		
<b>FORMER:</b> Title: _____ Series/Grade: _____  Retirement Date: _____	<b>PROPOSED:</b> Title: _____ Series/Grade: _____  Length of Appt: 6 months ____, 1 year ____, or NTE Date: _____ # of hours to work per pay period: _____ % of time devoted to training: _____	
Point of Contact for Additional Information: _____		
Phone Number: _____ FAX Number: _____		
Reason(s): <i>(Include 1 or more reasons from paragraph 2 in Notice.)</i>		
Justification: <i>(The justification <b>must</b> include a detailed description of all pertinent information as appropriate indicating which 1 or more of the 7 reasons for which this authority is being requested and the anticipated duration of the need. Other pertinent information that should be included when applicable could include; emergency or natural disaster, date occurred, expected duration; impact on life or property; relationship between the waiver request and mission; functions critical to the mission; functions that must be performed and why; potential costs or ramification of project failure or delay; impact to organization/Agency of delay in filling position or not hiring individual; years of qualifying experience; individual's knowledge, skills and ability and how they are uniquely qualified or essential for successful completion; urgency of response; timelines, legislative or presidential deadlines; why work cannot be assigned to other employees; etc.)</i>		
Requested by ( <i>type name/title</i> ):	Signature:	Date:
Approved by ( <i>type name/title</i> ):		