

For: RMA Employees

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

Approved by: RMA Administrator



**1 Overview**

**A Background**

The National Defense Authorization Act for Fiscal Year 2010, signed on October 28, 2009, provides a new authority for agencies to reemploy annuitants on a limited basis in part-time, temporary positions, **not** to exceed (NTE) 1 year or less with a dual compensation waiver (DCW). With DCW's, annuitants can receive both their full annuity and full salary. RMA can use reinstatement eligibility to hire annuitants that effectively provides a direct hire authority after RMA clears any displaced employees with priority consideration.

**B Purpose**

This notice issues interim regulations for using this new provision requesting DCW. Procedures may change with issuance of OPM or USDA regulations. Until receipt of further guidance from USDA, 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.

**C Who Is Eligible**

Individuals are eligible if they are annuitants under CSRS or FERS **and** they are **not** currently a Federal Government employee.

There are limited circumstances in which an exception may be made for an existing reemployed annuitant, if retention is critical to RMA 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.

<b>Disposal Date</b>	<b>Distribution</b>
June 1, 2011	All RMA Offices

2 DCW's

A USDA General Requirements

This authority is used at management discretion as an additional tool for workforce planning and meeting critical RMA 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 or more of the following 7 reasons:

- fulfill functions critical to the mission of RMA
- 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.

If DCW is requested for 1 or a combination of the permissible reasons, all reasons **must** be documented in the justification for USDA consideration for approval.

DCW's apply **only** 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.

This authority is **not** intended to address long term, on-going work, but rather is intended for project-like activities **with a specific anticipated duration**. Project activities may be on-going, but the intent is **not** for an individual who is granted a DCW 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 on-the-job training for a specific function, program, or employees
- conduct procurement and related research activities for a specific need or activity.

2 DCW's (Continued)

**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, RMA 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 RMA Specific Requirements**

Because of a large number of retirement eligible employees, RMA 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 RMA's programs and mission. Therefore, RMA is **requiring all** reemployed annuitant's hired under this authority "to promote appropriate training of or mentoring programs for employees".

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

New positions will **not** be created using this authority in RMA. Submit a statement of work that outlines the duties (project nature), including additional duties of mentoring, coaching, and development of other employees that will be part of the reemployed annuitant's performance expectations. Compensation is set in the same manner as for all positions under the GS pay plan. 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 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 in RMA will be established with a part-time work schedule of not 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.

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

- 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 by RMA 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.

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### 4 Approval Process

#### A Supervisor Responsibilities

Supervisors interested in using this authority shall:

- contact their SPO if more information is needed
- ensure that ceiling slots and/or funding are available

**Note:** Length of temporary NTE appointments may be limited to the end of the FY because of budget considerations.

- contact annuitants to determine their level of interest/availability

**Note:** Work with SPO if public notice is needed to obtain candidates.

- use the template in Exhibit 1 to develop and submit DCW requests as an attachment in Web52

**Note:** An electronic copy of Exhibit 1 is available at  
<http://fsaintranet.sc.egov.usda.gov/ffas/hrd/default.htm>.

- initiate an SF-52 “recruit” action in Web52 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 appropriate chain of command to the respective Deputy Administrator for approval
- FAX request to HRD at 202-205-9071 **after** approval is received.

#### 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.

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### 4 Approval Process (Continued)

#### B HRD Responsibilities (Continued)

- forward request to USDA, Office of Human Resources Management 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.

### 5 Processing DCW's and Contact

#### A Processing Guidance

SPO's shall:

- include a remark on SF-50 that reemployed annuitant serves at the will of RMA
- use reinstatement authority 5 CFR 316.402 to appoint annuitants noncompetitively to "appointment not-to-exceed" positions
- use Nature of Action (NOA) Code "115" or "515", as applicable.

#### B HRD Contact

For questions on the DCW Program, contact Janice Barnes, HRD, by either of the following:

- e-mail to [janice.barnes@wdc.usda.gov](mailto:janice.barnes@wdc.usda.gov)
- telephone at 202-401-0391.

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

**DCW Request Template**

The following is provided as a template for developing and submitting DCW requests.

<b>Request for Approval of Reemployed Annuitant Without Salary Offset</b>		
Employing Agency and Regional/State/County Office, Division/Office: _____		
Duty Station (City/State): _____		
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: _____	
Point of Contact for Additional Information: _____		
Phone Number: _____ FAX Number: _____		
The agency is requesting this dual compensation waiver under the criteria in 5 CFR 553, and National Defense Authorization Act for Fiscal Year 2010, Subtitle B, Section 1121-1122, to appoint the named individual to a limited not-to-exceed 1-year appointment under hiring authority in 5 CFR 316.402(b)(1).		
Reason: <i>(See paragraph 2 in Notice.)</i>		
Justification: <i>(The justification <b>must</b> include a detailed description of all pertinent information as appropriate indicating which of the 7 reasons that this authority is being requested for 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; 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 (name/title):	Signature:	Date:
Approved by(name/title):		