

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
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CECO-O

Regulation
No. 11-2-293

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Army Programs
REEMPLOYED ANNUITANT OFFICE PROGRAM

1. Purpose. This engineer regulation (ER) establishes the policy for reemploying and deploying annuitants for purposes that are in accordance with Public Law 108-136, Section 9902 (j) of title 5, as enacted by Section 1101 of the National Defense Authorization Act for FY 2004 and DoD Instruction Number 1400.25 Volume 300, subject: Employment of Federal Civilian Annuitants in the Department of Defense dated 10 December 2008.

2. Applicability. This regulation applies to the Reemployed Annuitant Office (RAO) which is organizationally in Headquarters, U.S. Army Corps of Engineers (USACE), Directorate of Contingency Operations (CECO-O). It also applies to all USACE elements, Major Subordinate Commands (MSC), and district commands that use CECO-O to administer this program. It does not apply to employment on the rolls of other USACE organizations, however; the guidance and policies contained in this document may also be used to provide a framework for similar local programs.

3. Distribution Statement. This regulation is approved for public release; distribution is unlimited.

4. References:

a. Public Law 108-136, Section 9902 (j) of Title 5, United States Code, as enacted by Section 1101 of the National Defense Authorization Act for Fiscal Year 2004.

b. Department of Defense (DoD) Instruction (DoDI) Number 1400.25, Volume 300, subject: Employment of Federal Civilian Annuitants in the Department of Defense, 10 December 2008 (<http://www.dtic.mil/whs/directives/corres/pdf/1400.25-V300>).

c. Directive-Type Memorandum (DTM) 08-006, "DoD Implementation of Homeland Security Presidential Directive – 12 (HSPD-12), 26 November 2008, incorporating Change 3, 27 September 2011.

d. DTM 08-003, subject: "Next Generation Common Access Card (CAC) Implementation Guidance", 1 December 2008, incorporating Change 3, 27 September 2011.

This ER supersedes EC 11-2-190, dated 2 August 2010.

5. Background. Over the past decade it has become increasingly evident that ways are needed to supplement the USACE regular workforce if the many, varied and often highly technical missions assigned to USACE are to be accomplished in an acceptable and timely manner. The major reasons for this development are: A declining workforce in conjunction with the increasingly vital role that USACE plays in national disaster planning, preparedness and response; the Overseas Contingency Operation (OCO); short-term surge requirements; the need for backfill while recruiting to fill permanent positions; project planning and execution provided to other agencies and organizations; and the accelerating exit of highly trained and knowledgeable personnel due to the increasing number of retirements brought about by USACE's aging workforce, and the need for mentors for newer employees. Reemployed annuitant employment was identified as an effective way to meet many of these needs. However, it is not intended to replace hiring of permanent employees. Problems recognized as particularly important are:

- a. Finding qualified people in a timely manner for difficult to fill positions (as evidenced by historically high turnover, a severe shortage of candidates or other recruiting difficulties).
- b. The recurring need for employees with unique or specialized skills or unusual qualifications (e.g., unique historical and/or technical knowledge of particular equipment, systems or projects).
- c. The need, on an increasingly frequent basis, for qualified personnel to supplement the regular Corps workforce to accomplish established missions (e.g., disaster preparedness and response, and temporary backfill for employees who deploy overseas in support of the OCO or to complete specific projects or initiatives).
- d. The recognition that situations occur where it would be particularly valuable to have an experienced person available to mentor less experienced employees or to provide continuity during critical organizational transitions.

Reference 4. a. provides that reemployed annuitants must receive the appropriate pay rate for the position without a reduction in pay or annuity. As a result, the salary of the annuitant is not offset by the amount of the annuity received for the period of employment.

6. Definitions:

- a. CAC. The DoD CAC is the official federal identification credential that is used for logical and physical access to federally controlled facilities and information systems once access privileges are granted. As Army civilian employees, all RAO employees are required to obtain a civilian employee CAC. The civilian employee CAC will be issued and/or renewed in accordance with DoD and/or Army instructions. For RAO employees on a one-year temporary appointment, the civilian employee CAC will be issued for one year. If the employee's

appointment is extended, a new civilian employee CAC should be issued with a new expiration date.

b. Eligible Annuitant. For the purpose of the RAO, an eligible annuitant is defined as a former civilian federal employee who has retired from the competitive or excepted service and is receiving an annuity from the Civil Service Retirement and Disability Fund (CSRS or FERS) or a retired Nonappropriated Funds (NAF) employee who elected to remain in CSRS or FERS and is receiving an annuity from the Civil Service Retirement and Disability Fund. This includes annuitants who have filed a temporary waiver of their annuities with the Office of Personnel Management (OPM). The RAO is not limited to Army civilian annuitants. Annuitants from other agencies may be considered if they demonstrate they have appropriate competitive or excepted status to be eligible for appointment to a position in the Corps of Engineers, and meet the qualifying annuity requirements as described above. In rare cases, for critical shortage category occupations, the RAO may also elect to advertise and consider applications through competitive Delegated Examining Unit (DEU) procedures. Competitive and Excepted Service are defined in 5 U.S.C. 3301 and 2103. Generally, Competitive Service means all civilian positions in the federal government that are not specifically excepted from the civil service laws and OPM competitive hiring process. Excepted Service is comprised of positions and agencies that are not required to use OPM's competitive hiring process. Examples of excepted service occupations include attorneys, intelligence and chaplains. Examples of excepted agencies include: Tennessee Valley Authority and the Federal Bureau of Investigations. Excepted agency employees may not move as freely from one government job to another unless that agency has an interchange agreement with OPM or unless the employee has competitive status based on other employment. Some agencies or organizations, such as the Government Accountability Office, are not in the executive branch, but have special statutory provisions which allow conversion or appointment in the competitive service and thereby provide eligibility. Eligibility for the RAO is based on an individual's previous federal status and eligibility to be appointed to a position in the RAO and receipt (or temporary waiver) of a qualifying annuity. Each applicant's employment history will be reviewed on a case-by-case basis to determine eligibility for the RAO.

c. Ineligible Annuitants. Annuitants are ineligible for the program if any of the following apply:

(1) The applicant has received a Voluntary Separation Incentive Program (VSIP) in the past five years (after one year the VSIP can be repaid if the annuitant wishes to be considered, but the full amount of the VSIP must be repaid before the applicant may be appointed).

(2) The applicant has an appointment with a federal agency, including DoD.

(3) The applicant does not have appropriate civil service eligibility for non-competitive appointment, although in very rare cases, for shortage category occupations, annuitants may be appointed through competitive DEU announcements.

(4) The applicant is currently employed as a contractor or as a member of the Federal Emergency Management Agency's (FEMA) 'Cadre On-Call Response Employees' (COREs) program, unless the applicant can demonstrate that there is no possibility of conflict of interest with the work of the RAO program. To request such consideration, the annuitant must provide the RAO Program Manager (PM) with full information regarding the contract or FEMA work. Each case will be decided on an individual basis by the RAO PM.

d. Intermittent Work Schedule. The work schedule for all members of the RAO is intermittent. Unlike full-time and part-time employees, there is no "regularly scheduled tour of duty." When deployed, the RAs hours of work are determined by the on-site supervisor.

e. Non-Tasker Assignments. Any assignment in accordance with DoDI 1400.25 Volume 300, that is not disaster related. Non-tasker requests are normally submitted to the RAO PM by email rather than through ENGLink.

f. Reemployed Annuitant (RA). A civil service annuitant who has accepted a new civil service appointment to return to work as a member of the Corps of Engineers in accordance with DoDI Number 1400.25, Volume 300.

g. Reemployed Annuitant Cadre (RAC). A core group of reemployed annuitants assigned to CECO-O who are available for deployment, or to provide support to USACE and other DoD organizations for any of the reasons outlined in paragraph 4. b. (1)-(4) of the Guidance and Procedures section of DoDI Number 1400.25, Volume 300. An annuitant becomes a member of the RAO and is available for deployment when all human resource functions, security and medical clearance requirements are completed. The RAO does not provide deployment overseas in support of the OCO. Employment for OCO assignments requires separation from the RAO when hired on OCO roles.

h. Tasker. An official request in the ENGLink system. Taskers are initially generated by disaster Recovery Field Offices (RFO) or supported District Emergency Operations Centers (EOC) before being released to the supported Division. The Division EOC directs the tasker to its subordinate commands or to the USACE Operations Center (UOC). Each tasker is a request for one person (whether it is for initial assignment or for extension of duty).

i. Temporary Return to Home of Record (HOR) During Extended TDY:

(1) Employees assigned to tasker-initiated duty and who are deployed for a period of 60 or more days may be authorized to temporarily return to their home of record after 30 consecutive days of duty (TDY) and after every 30 consecutive days thereafter. Employees who travel to locations other than their HOR may not be reimbursed for travel expenses under this provision. Temporary return to HOR travel may only be authorized over periods of non-workdays, and an employee must conduct all travel (both travel to the employee's HOR and return travel to the TDY location) outside the employee's duty hours. The standard period for temporary return to

HOR is four days (two days for travel and two days off), but it can be extended for up to ten days with supervisory approval. In rare and unusual circumstances the RAO Program Manager (PM) may make exceptions to this provision. Regardless of length, the entire return to HOR period, including travel days, must consist of non-workdays. Scheduling and approval for return to the HOR must be coordinated with the on-site supervisor.

(2) For employees assigned to non-tasker-initiated duty, paid travel for temporary trips home is at the discretion of the office to which the employee is assigned and must be conducted in accordance with applicable law.

7. Policy. It is the policy of USACE to utilize reemployed annuitants to supplement Corps staff, as needed, in accordance with the provisions of DoDI 1400.25 Volume 300. The RAO program is not intended to take the place of hiring permanent employees.

8. Policy Implementation Procedures. The procedures for implementing the policies contained in this regulation are spelled out in Standard Operating Procedure (SOP) No. CECO-O-1, RAO.

9. Organization and Duties. The RAO is organizationally in Headquarters, USACE, CECO-O. It was established to provide support to the U.S. Army Corps of Engineers on an as-needed basis in accordance with the guidelines established by DoDI 1400.25, Volume 300. The RAO program is managed and directed by a PM and support staff organizationally at USACE Headquarters. The Headquarters United States Army Corps of Engineers (HQ USACE) Civilian Personnel Advisory Center (CPAC) performs all human resource functions. HQ USACE CPAC coordinates with Humphreys Engineer Center Support Activity (HECSA) Security on RA civilian suitability and security issues and processing. HECSA Resource Management (CEHEC-RM) provides resource management support to the program:

a. RAO PM. Manages and directs the program by overseeing recruitment; reviewing applications; determining eligibility for the program; making RA selections; matching taskers with qualified RAO personnel; contacting qualified personnel to determine availability; nominating personnel in ENGLink to fill taskers (selection is done by the office originating the tasker); matching non-tasker-initiated requests with RAO personnel; determining RA retention in the program; insuring that adequate funding has been made available by the requesting office; and providing miscellaneous support to deployed and non-deployed RAO personnel.

b. RAO Support Staff. Provides administrative support to the PM and to deployed and non-deployed RAO personnel. This includes, but is not limited to recruiting; deployment; timekeeping; coordinating all deployment related travel; preparing travel orders; processing travel vouchers and claims; budget planning, analysis and execution; database management; coordination with internal and external funding sources; coordination with the Contract Health Physician; coordination with ACE-IT, HECSA Security and HQ USACE CPAC; and maintaining and storing travel and timekeeping files.

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c. PECH-NCR-D (HQ USACE CPAC). Performs all human resource functions and coordinates with HECSA Security on civilian suitability issues and processing.

d. CEHEC-RM. Provides resource management support to the program, including: funding and funding transfer; payroll Customer Service Representative (CSR) services; Government Travel Credit Card (GTCC) services; and technical advisory services.

e. CEHEC-SC. Initiates the appropriate background investigations, Standard Form (SF) 85 (Questionnaire for Non-Sensitive Positions)/86 (Questionnaire for National Security Positions) through the Personnel Security Investigation-Center of Excellence (PSI-COE) for subsequent submission to OPM (if required) and provides civilian suitability and security support and serves as a resource on CAC-related issues and processing.

10. Conditions of Employment. The following describe the conditions of the reemployed annuitant appointment and work schedule, as well as conditions of employment specific to the RAO Program:

a. Annuitants accepting positions in the USACE RAC will be hired as temporary employees with the initial appointment not to exceed 1 year. After the first year, the appointment can be converted to a term appointment, as appropriate.

b. All RAO employees are assigned to an intermittent work schedule for the duration of their appointments. The effects of working an intermittent work schedule are explained in SOP No. CECO-O-1.

c. All RAO employees will be hired into the General Schedule (GS), or a Wage Grade (WG) position. There are no Wage Supervisor (WS), Special Power Rate, or other wage positions in the RAC. The position and pay offered will be set in consideration of the individual's qualifications and experience, including recency, as they relate to the needs of the program and the Corps of Engineer's missions. There is no guarantee that the pay level offered will equal the pay of the pre-retirement position. The RAO PM establishes the GS grade and step using applicable regulations and guidance. WG grades and pay are established in accordance with federal wage system regulations.

d. Since the RAC does not deploy individuals overseas in support of the OCO, any RAO wishing to deploy overseas in support of OCO must be separated from RAO rolls and picked up on OCO rolls. After the OCO deployment, the individual may request to be returned to RAC rolls.

e. All appointments to the RAC require a break in service of at least three days if the annuitant currently holds any type of federal civilian appointment, including temporary or term appointments in OCO. The effective date of appointment will not be finalized until all required in-processing paperwork is complete and has been received by HQ USACE CPAC.

f. All RA applicants and employees must comply with OPM, Army and DoD Suitability and Security requirements for civilians. This may require the applicant or RA employee to complete a new Background Investigation by submitting the appropriate background investigation, an SF-85 or SF-85P (Questionnaire for Public Trust Positions), or if a security clearance is required, an SF-86, to include fingerprints. Assignments involving secret or other clearances must be coordinated in advance with CPAC, the supervisor and the appropriate Security Office.

g. RAs must obtain a civilian employee CAC after their reemployment personnel action is processed, monitor the expiration date and take timely action to obtain a new civilian employee CAC as needed. This also requires the RA to establish an Army Knowledge On-Line (AKO) email account as part of the CAC process. The RAO staff will provide instructions to RAO employees on how to obtain an AKO account and civilian employee CAC. Individuals who fail to comply will be removed from the RAO rolls.

h. Medical clearance is required, both on a pre-employment and periodic review basis. This is accomplished by submitting a medical questionnaire for review by the RAO contract physicians, who make final medical determinations for the RAO Program. Medical clearance may be requested and approved for either field or office-only deployments. Additional medical reviews may also be required when an RA's physical or medical condition changes and eligibility to deploy may be suspended while medical information is being evaluated. RAs are required to notify the RAO PM when any changes occur in their physical or medical condition. Individuals who fail to maintain a current medical clearance through the annual medical review process will be removed from the RAO rolls.

i. RAs are subject to all standard requirements and conditions of Federal employment such as safety, drug testing, standards of conduct, ethics, employee accountability during emergencies, equal employment opportunity, Hatch Act provisions regarding permitted and prohibited political activity for federal employees, etc., and related training requirements, unless specifically excepted. Harassment of any kind, including sexual harassment, is prohibited.

j. RAs must notify the RAO PM when any situations develop that may be a potential conflict of interest, such as accepting employment with a contractor or with FEMA while an RA employee. Each case will be considered individually by the RAO PM to determine if there is a conflict of interest.

k. Priority Placement. Positions filled within the RAC are subject to applicable Priority Placement Program requirements.

l. Drug Testing. RAs will be subject to random drug testing only if in duty status.

11. CAC Requirements for RAO. As Army civilian employees, all RAO members are required to obtain a civilian employee CAC upon appointment, monitor the expiration date, and obtain a new civilian employee CAC upon expiration so that they maintain a valid civilian employee CAC for as long as they remain in the RAO. Normally RAs will not be deployed until they have a civilian employee CAC, unless the receiving installation has made arrangements to issue a CAC upon arrival. All CAC issuing sites will provide support by issuing civilian employee CACs to eligible RAs through the DEERS/RAPIDS system upon submission of proper documentation. Once issued, the civilian employee CAC is to remain in the possession of the RA until it expires or the RA leaves the RAO. The civilian employee CAC will not be surrendered at the end of a temporary deployment unless the card has expired. (see reference 4.e). RAs must ensure that the civilian employee CAC is kept safe and secure and is used only for official business. When RAs separate from the RAO, the RAO PM is responsible to ensure that civilian employee CACs are collected in accordance with established procedures. This will be handled as part of the normal personnel out-processing procedures, in coordination with HECSA security.

12. Awards. Exemplary service for the supported organization may be recognized through the appropriate awards program.

13. Pay. RAC employees are subject to all civilian federal employment pay laws, regulations and procedures based on the classification of their official position, Fair Labor Standards Act status, official duty station and work schedule (intermittent). This includes, but is not limited to, the various maximum earning limitations:

a. Bi-Weekly Maximum Earnings Limitation. GS RAs are subject to the bi-weekly maximum earnings limitation on pay, which provides that premium pay (e.g. overtime) cannot cause the bi-weekly pay to exceed that equivalent to a GS-15 Step 10 (including any applicable locality-based comparability payment) or Executive Level V, whichever is greater. A waiver of the bi-weekly pay cap may be authorized by the head of the agency or designee in certain emergency or other critical situations. A bi-weekly waiver is not automatic and must be specifically authorized in writing for the specific event.

b. Annual Maximum Earnings Limitation. GS RAs are also subject to the annual maximum earnings limitation not to exceed that of a GS-15 Step 10 (including any applicable locality-based comparability payment) or Executive Level V, whichever is greater. More detailed information is available in SOP No. CECO-O-1.

c. Aggregate Limitation on Pay. An employee's aggregate compensation received in any given calendar year may not exceed the rate of pay for level I of the Executive Schedule or the rate payable to the Vice President at the end of the calendar year, in accordance with 5 Code of Federal Regulations 530.20.

14. Training. RAs may be required to complete certain training to be eligible for deployment. This will be determined on an individual basis, and may consist of either on-line or on-site training.

15. Funding. Funding for the RAO PM, RAO support staff, HQ USACE CPAC support staff, HECSA Security Staff and HECSA RM Customer Service Representative is from the overhead account for the RAO, Appropriations (96X4902) or other appropriations consistent with sound fiscal policy. Funding for all RAO staff deployed to field locations is the responsibility of the organization receiving support. Funding for the RAO staff deployed to the field must be transferred via Military Interdepartmental Purchase Request from the supported organization's Resource Management office to the Headquarters S0 database for CEHEC-RM processing prior to deployment.

16. Implementation. The provisions and policies contained in this ER will be implemented immediately on approval of this document. Authority for any policy or procedure revisions and the development of standard operating procedures is vested with and the responsibility of CECO-C-RAO.

FOR THE COMMANDER:


CHERYL L. PARTEE
Chief of Staff