

CEHR-E

Regulation
No. 690-1-1213

31 July 2013

Civilian Personnel
ADMINISTRATIVE REEMPLOYMENT RIGHTS FOR
CERTAIN CORPS OF ENGINEERS EMPLOYEES

1. Purpose. This regulation contains guidance on, and establishes procedures for, granting and enforcing administrative reemployment rights for U.S. Army Corps of Engineers (USACE) personnel in Alaska and Hawaii, and also for all personnel under a Permanent Change of Station (PCS) and/or a Temporary Change of Station (TCS) in support of programs of national interest. This does not impact statutory reemployment rights which are addressed in AR 690-300, chapter 352, including but not limited to, rights provided to employees pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA).
2. Applicability. The provisions of the guidance apply only to Corps of Engineers employees whose administrative reemployment rights are to Corps of Engineers activities in Alaska and Hawaii, and other Corps personnel under a PCS and/or TCS in support of programs of national interest.
3. Distribution Statement. Approved for public release. Distribution is unlimited.
4. References.
 - a. 10 U.S.C. § 1586 Rotation of career-conditional and career employees assigned to duty outside the United States.
 - b. AR 690-300, Chapter 352 Reemployment Rights.
 - c. AR 690-300, Chapter 301 Employment of civilians, including foreign nationals, outside CONUS, and rotation of United States citizens to and from foreign areas.
 - d. DA Memorandum, dated 4 September 2002, subject: Worldwide Individual Augmentation System (WIAS).
 - e. DA Memorandum, dated 6 November 2003, subject: Administrative Reemployment Rights.
 - f. Joint Travel Regulations, Vol 2, Department of Defense Civilian Personnel.
 - g. Operations Order 2012-84, "USACE Command Special Assistance Initiative."

This regulation supersedes ER 690-1-1213, dated 31 December 2004.

5. Policy for Personnel under a PCS and/or TCS in Support of Programs of National Interest.

Administrative reemployment rights may be granted by the authority of the USACE Deputy Commanding General (DCG) to USACE career or career conditional employees in the competitive service who accept a position covered under a PCS and/or TCS in support of programs of national interest or other situations to support missions of extreme importance. Such programs may be humanitarian missions or a USACE emergency mission and/or project, for example, disaster relief as a result of a natural or man-made event such as an earthquake or a terror incident.

a. The USACE Human Resources Directorate will announce via an Operation Order (OPORD) or other means when situations exist that invoke administrative return rights outlined in this paragraph.

b. Approved registrants in the USACE Command Special Assistance Initiative shall be given first consideration when filling positions in support of programs of national interest.

c. Prior to granting administrative return rights an agreement DA-Form 5414-R, "Administrative Reemployment Rights Agreement" must be signed by the employee and then forwarded to the USACE Human Resources Directorate, attention: Chief, Employment and Compensation Management Division (CEHR-E). CEHR will coordinate with the gaining and losing offices and ensure agreement. In case of disagreement, the Director of Human Resources will gain DCG decision whether or not to approve or disapprove ARR.

(1) Once CEHR-E signs the DA-Form 5414-R it will be returned to the organization's HR Forward who will provide copies to the supporting CPAC to be filed in the employee's Official Personnel Folder (OPF).

(2) The HR Forward will also provide copies to other managers as determined by local Major Subordinate Command policy.

(3) The employee receiving administrative return rights will also be provided a copy of DA-Form 5414-R with CEHR-E signature.

6. Policy for Personnel in Alaska and Hawaii. The intent of this policy is to provide career-broadening experiences for non-foreign OCONUS non-clerical series USACE employees. Thus, this policy does not apply to clerical positions performing administrative/secretarial-type duties.

a. The Division/District Commander (or designee) in Alaska or Hawaii has the overall discretionary authority to approve/disapprove administrative reemployment rights based on professional development needs, mission requirements, budget constraints and workload/income fluctuations, or personnel management issues including future staffing needs, employee performance evaluations, disciplinary concerns, and supervisor input.

b. For USACE national employees, the Division/District Commander will recommend

approval/disapproval of administrative reemployment rights. The Division/District Commander will contact the employee's manager for final approval/disapproval.

c. A USACE non-clerical career or career conditional employee in the competitive service is eligible for administrative reemployment rights if he/she:

(1) Has completed their initial 3-year period of duty with USACE in Alaska or Hawaii when transferring from a CONUS/OCONUS activity and is not entitled to statutory reemployment rights to another CONUS activity, or

(2) Is a local hire who completed at least two full years of service with USACE in Alaska or Hawaii, and

(3) Is assigned to a position in Alaska or Hawaii and accepts an assignment with a USACE activity in CONUS.

d. A non-clerical employee is an employee who is not listed as being in the clerical/administrative support career field. A clerical/administrative support employee is an employee covered by the Office of Personnel Management's definition of "Group Coverage Qualification Standards for Clerical and Administrative Support Positions." Please see <http://www.opm.gov/qualifications/Standards/group-stds/gs-cler.asp> for a list of specific job series considered to be in the clerical career field.

e. Duration of Administrative Reemployment Rights. When an employee is recruited for a position covered under the administrative reemployment right provisions of this regulation, administrative reemployment rights may be granted (as stated in paragraph 6 a-d above) as follows:

(1) 3 years to a position in USACE from Alaska or Hawaii.

(2) 30 months for a tour covered under a TCS.

f. Extension of Administrative Reemployment Rights. Except for an employee on a TCS tour, employees may request an extension of administrative reemployment rights beyond the periods identified in paragraph 6 e. (1) above for up to 2 years (to allow a maximum of 5 years), to the Commander of the owning activity to which the employee has administrative reemployment rights. It is the responsibility of the employee to request an extension of his/her administrative reemployment rights no later than 6 months prior to the end of the initial 3 year period or within 6 months of the end of any approved extensions but no sooner than 12 months before the end of the initial period or any extension.

(1) If the Commander of that activity disapproves the administrative reemployment rights extension request, the employee must exercise his/her return rights within 30 days of

the expiration of his/her current 3 year period otherwise his/her return rights will be forfeited.

(2) When an employee forfeits his/her administrative reemployment rights, future placement must be through the employee's own efforts.

(3) TCS tours beyond 30 months must be converted to PCS. If the TCS were to an overseas activity, then the statutory provisions governing reemployment rights would apply.

(4) Administrative return rights are not automatically extended when a covered employee deploys on an overseas contingency operation (OCO) assignment.

g. Termination of Administrative Reemployment Rights. If the OCONUS activity's respective Workforce Management Office (WMO) (CEPOA-WM or CEPOH-WM) and the HR Forward (CEHR-POD) does not receive a timely written request, the employee forfeits his/her administrative reemployment rights.

h. Administrative Reemployment Rights Placement. Employee administrative reemployment rights will be to the USACE activity from which the employee was originally recruited. Employees who are serving in Alaska and Hawaii who have statutory reemployment rights in CONUS will not be granted administrative reemployment rights to Alaska or Hawaii upon subsequent acceptance of employment in another overseas activity. Reemployment rights remain with the last CONUS position.

(1) An employee exercising administrative reemployment rights back to Alaska or Hawaii will be placed in the position held immediately prior to assignment of duty in the activity. However, if the position is occupied or if the position no longer exists, the employee will be placed in a comparable, continuing position for which qualified in the same geographical area, with rights, benefits, and grade equal to the former position.

(2) If reemployment under h (1) above is not possible, then AR 690-300, Chapter 352, 8-11, Obligation to Reemploy, must be followed.

(3) The following scenarios provide guidance in determining the administrative reemployment rights placement:

(a) A USACE employee originating from Alaska or Hawaii accepts a USACE position in CONUS and meets the conditions in 6c above. Employee has administrative reemployment rights back to Alaska or Hawaii.

(b) A USACE employee originating from Alaska or Hawaii accepts a USACE position in CONUS (e.g. SPD) and subsequently accepts a position in a different USACE CONUS

organization (e.g. SWD). As long as the employee remains within USACE, he/she would continue to have administrative reemployment rights back to Alaska or Hawaii up to the initial 3 year period or through the approved extension period.

(c) A USACE employee origination from Alaska or Hawaii accepts a USACE position in CONUS. Employee subsequently accepts a position outside of USACE. At that event, the employee's administrative reemployment rights to a Corps position would be forfeited.

(d) A USACE employee originating from a CONUS location working in Alaska or Hawaii, who completes their initial three year period and has statutory return rights back to a specific CONUS location (e.g., NAD), but then accepts a position in a different USACE CONUS organization/location (e.g. NWD) and PCSs to that location will no longer be entitled to any reemployment rights.

i. Travel and Transportation Funding When an Employee Exercises Administrative Reemployment Rights.

(1) Transportation costs for employees exercising administrative reemployment rights will be funded in accordance with the Joint Travel Regulations, Volume 2, Department of Defense Civilian Personnel, Chapter 1, Para C5030.

(2) Employees must complete the initial 3 year period before they will be eligible to return to the OCONUS activity at government expense unless allowed to return early at the discretion of the gaining OCONUS Commander and with the mutual agreement of the losing CONUS activity.

(3) For administrative returns. In accordance with JTR, par. C5030-C1, the gaining OCONUS activity must pay for all authorized (mandatory) PCS allowances. In accordance with JTR, par. C5070-A, the following allowances must be paid: cost of per diem and transportation for the employee and their dependents, movement of household goods, Real Estate expenses, Miscellaneous Expense Allowance (MEA) and Relocation Income Tax Allowance (RITA). The gaining activity may also authorize (at their discretion) the following allowances: shipment of Privately Owned Vehicle (POV), House Hunting Trip (HHT) and Temporary Quarters Subsistence Expense (TQSE). This section is subject to changes in the JTR.

j. Administrative Reemployment Rights Documentation.

(1) The employee will request reemployment rights by memorandum to the losing Division/District Commander.

(2) The WMO (CEPOA-WM or CEPOH-WM) and the HR Forward (CEHR-POD) of the losing activity will notify the (CPAC) when the Commander has approved an employee's

administrative reemployment rights. The WMO will have the employee sign the appropriate administrative reemployment rights agreement. The original agreement will be sent to the employee's servicing CPAC to be filed in their OPF and a copy will be provided to the employee and the losing activity. The gaining activity will be responsible for amending the appropriate agreement to document subsequently approved reemployment right extensions and provide a copy to the servicing CPAC to file in the employee's OPF.

(3) The CPAC's failure to obtain or retain the agreement or extension will not negate the employee's entitlements based on the Commander's decision.

(4) Supervisors filling a vacancy behind an employee entitled to administrative reemployment rights under this regulation are responsible for advising the CPAC that the position is encumbered.

k. Tracking and Monitoring Reemployment Rights Entitlements. The WMO and the HR Forward (CEHR-POD) in the losing activity will be responsible for tracking employees with reemployment rights back to their activity. At least 6 months prior to the expiration of the employee's initial 3 year period or approved extension(s), the WMO and the HR Forward (CEHR-POD) with assistance from the local CPAC, will send an email notifying the employee and servicing CPAC. Once a determination is made, the CPAC will be responsible for updating the employee's record and obligating the position in DCPDS. The local activity will be responsible for ensuring that the CPAC is aware of this policy and will also maintain appropriate records according to local policy.

l. Disputes. Any disputes regarding administrative reemployment rights will be decided upon by the MSC Commander or designee. District Commanders and/or employees will submit their case in writing to the HR Forward at their MSC. The MSC Commander or designee will review the case and provide a written final decision.

m. Grandfather Clause. Those who have been granted administrative return rights prior to the effective date of this rewritten ER will be grandfathered in until the expiration of their initial period and/or any approved extensions. The Division/District Commander will have the discretion to approve/disapprove any further extensions based on the above.

7. Agreements.

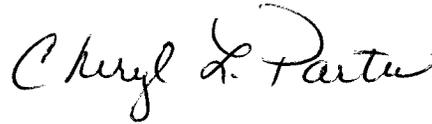
a. Attached DA Form 5414-R, "Administrative Reemployment Rights Agreement" will be used for employees covered under paragraph 5, "Policy for Personnel under a PCS and/or TCS in Support of Programs of National Interest."

b. Attached "Pacific Ocean Division Administrative Reemployment Rights Agreement" will be used for employees under paragraph 6, "Policy for Personnel in Alaska and Hawaii."

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8. Statutory and contractual labor obligations must be met prior to implementation of revised and it may be subject to the terms and provisions of applicable collective bargaining agreements.

FOR THE COMMANDER:



CHERYL L. PARTEE
Chief of Staff

2 Enclosures:
DA Form 5414-R
CEPOD Administrative Reemployment
Rights Agreement

ADMINISTRATIVE REEMPLOYMENT RIGHTS AGREEMENT

For use of this form, see 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 ER-690-1-1213, 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 <i>(Typed Name)</i>	APPROVED BY <i>(Signature)</i>	DATE
Chief, CEHR-E		

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APPENDIX B
ADMINISTRATIVE REEMPLOYMENT RIGHTS AGREEMENT
 Pacific Ocean Division (POD)

This document is an agreement between the U.S. Army Corps of Engineers (USACE), _____ (Division/District) and the undersigned employee. It becomes effective when the employee leaves a current POD position to accept an appointment with a CONUS USACE organization.

In accordance with ER-690-1-1213, dated _____, I understand that:

a. I have been granted administrative reemployment rights for a period of three (3) years following my transfer effective date with:

 (gaining USACE organization)

b. I may request an extension of administrative return rights for an additional two (2) years, for a total of five (5) years. The extension request must be submitted prior to completing 2 years and 6 months of CONUS USACE employment. If the Division/District does not receive a request by the expiration date of the initial 3 year period, I will forfeit my administrative reemployment rights. All extension requests must be submitted in writing. If an extension is not approved, I understand that I will forfeit my administrative reemployment rights unless I exercise my administrative reemployment rights and return to the Division/District at the end of my current period.

c. I understand when I request to exercise administrative reemployment rights back to the Division/District, I will be placed in the position held immediately prior to assignment of duty. However, if the position is occupied or if the position no longer exists, I will be placed in a comparable, continuing position for which qualified in the same geographical commuting area, with rights, benefits, and grade equal to the former position.

d. I understand Transportation costs for employees exercising reemployment rights will be funded in accordance with the Joint Travel Regulations, Volume 2, Department of Defense Civilian Personnel, Chapter 1, Para C5030-C1.

e. I understand I must complete the initial 3 year period before I am eligible to return to the Division/District at government expense unless allowed to return early at the discretion of the gaining OCONUS Commander and with the mutual agreement of the losing CONUS activity.

Present Position Title, Series & Grade, and Position Description Number of Employee:		
Name of Employee:	Signature of Employee:	Date Signed:
Approved by:	Approved by signature:	Date of approval:

cc: Gaining and losing CPACs
 HR/Workforce Management Office

Gaining and losing supervisors
 Employee