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CEHR-E

Civilian Personnel Hiring and Retention Incentives

FOR THE COMMANDER:

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Purpose. This regulation defines hiring and retention incentives available for use by U.S. Army Corps of Engineers organizations for recruitment and retention purposes.

Applicability. This regulation applies to all U.S. Army Corps of Engineers organizations. Policies and provisions governing incentives for Senior Executive Service within U.S. Army Corps of Engineers is outside of the scope of this regulation.

Distribution Statement. Approved for public release; distribution is unlimited.

Proponent and Exception Authority. The proponent of this regulation is the CEHR-E. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. Only the proponent of a publication or form may modify it by officially revising or rescinding it.

*This regulation supersedes ER 690-1-1217, dated 10 July 2017, and CEHR Memorandums (Supplemental Guidance on Recruitment, Relocation and Retention Incentives, 20 Apr 2022 and Group Retention Incentives and Other Hiring and Retention Tools, dated 01 Jun 2022).

ER 690-1-1217 • 11 September 2024

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Summary of Change

ER 690-1-1217

Hiring and Retention Incentives

This revision, dated 11 September 2024 —

- Incorporates DA Memorandum, SUBJ: Army Implementation procedures for Civilian Incentive programs (Recruitment, Relocation, and Retention Incentives), dated 16 February 2021 (chapter 2)
- Incorporates DA Memorandum, SUBJ: Army Implementation Guidance on Student Loan Repayment Program, dated 23 May 2022 (chapter 3)
- Incorporates DoD Memorandum, SUBJ: Subject: Waiver for Justification Documentation Supporting Recruitment and Relocation Incentives for Office of Personnel Management Direct Hire Appointments, dated 19 November 2019 (para 2-7)
- Prescribes use of ENG Form 6303, Recruitment, Relocation and Retention Incentives – Justification and Approval (para 2-7)

Contents (Listed by chapter and page number)

Summary of Change

Chapter 1

Overview, *page 1*

Chapter 2

Recruitment, Relocation, and Retention Incentives, *page 4*

Chapter 3

Student Loan Repayment Program, *page 14*

Chapter 4

**Credit for Prior Non-Federal Work Experience and Certain Military Service for
Determining Annual Leave Accrual Rate, *page 19***

Chapter 5

**Superior Qualifications Appointment and Special Needs Pay-Setting Authority,
*page 22***

Appendixes

A. References, *page 26*

Table List

Table 1-1: Delegation of authority

Chapter 1

Introduction

1–1. Purpose

This regulation defines hiring and retention incentives available for use by U.S. Army Corps of Engineers (USACE) organizations for recruitment and retention purposes.

1–2. Distribution statement

Approved for public release; distribution is unlimited.

1–3. References

See Appendix A.

1–4. Records management (recordkeeping) requirements

The records management requirement for all record numbers, associated forms, and reports required by this regulation are addressed in the Records Retention Schedule – Army (RRS-A). Detailed information for all related record numbers is located in the Army Records Information Management System (ARIMS)/RRS-A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS-A, see DA Pam 25-403 for guidance.

1–5. Associated publications

This section contains no entries.

1–6. Roles and responsibilities

a. USACE leaders with delegated approval authority for incentives will:

(1) Serve as the approving official for individual and group incentives, waivers of repayment, and initiation of the debt collection process.

(2) Delegate approval authority for incentives in writing, to appropriate levels according to paragraph 1-8.

(3) Approve justifications for each incentive offered and document budgetary approval.

(4) Assess usage of the incentives program to ensure the program is utilized properly.

(5) Ensure that all employees receiving incentives sign appropriate service agreements.

b. USACE, Directorate of Human Resources will:

(1) Oversee and monitor the incentive program to ensure associated rules and regulations are being upheld.

(2) Advise USACE managers on the use of incentives design to recruit and retain candidates for employment.

(3) Annotate and forward any concerns to Army Assistant G-1 for Civilian Personnel (AG-1CP).

- c. U.S. Army Civilian Human Resources Agency (CHRA) will:
 - (1) Receive and review all approved incentive requests.
 - (2) Perform quality control checks to ensure all supporting documentation and justification supports the incentive actions before processing.
 - (3) Process all requests in compliance with regulations and guidance.
 - (4) Verify USACE quality control checklists.
 - (5) Upload all documentation, justifications, and service agreements into employee's electronic Official Personnel Folder (eOPF).

1-7. Policy

This regulation establishes the USACE incentives program, ensuring civilian incentive actions are processed properly and consistently. Incentives serve to augment financial compensation and leave benefits to candidates who are highly desired for employment in difficult-to-fill or special need positions, thereby ensuring the continued excellence of USACE missions. For all incentives covered by this Engineer Regulation, all documentation must be retained and readily available for review as needed by Office of Personnel Management (OPM), Department of Defense (DoD), the Assistance Secretary of Army (Manpower & Reserve Affairs), the Department of Army Office of the Deputy Chief of Staff G-1 and USACE Human Resources Directorate. All documentation supporting the justification and approval of these incentives will be maintained by the delegated approving official and their organization for a minimum of three (3) years following the date of approval, completion of the relevant service agreement or allowance, or official personnel action; whichever is later.

1-8. Delegation of authority

Delegation of authority for the approval of the incentives contained in this regulation may be referenced in the USACE Delegated Civilian Human Resources Authorities matrix and table 1-1.

- a. Authority must be delegated in writing.
- b. Approval authority may be delegated for the following hiring and retention incentives:
 - (1) Recruitment, Relocation, and Retention Incentives. Approval authority may not be delegated further than what is listed in table 1-1.
 - (2) Student Loan Repayments. Approval authority may be further delegated in writing to the lowest practical level, but not lower than managers and supervisors.
 - (3) Credit for Prior Non-Federal Work Experience and Certain Military Service for Determining Annual Leave Accrual Rate. Approval authority may be further delegated in writing to the lowest practical level, but not lower than managers and supervisors.
 - (4) Superior Qualifications Appointments and Special Needs Pay-Setting. Approval authority may be further delegated in writing to the lowest practical level, but not lower than managers and supervisors.

Table 1-1
Delegation of authority

Authority delegated to:	With authority to re-delegate to:
Division Commanders	District Commanders
USACE Staff Principals occupying General Officer (GO) and Senior Executive Service (SES) positions	Directors of Field Operating Activities
Director of U.S. Army Engineer Research & Development Center (ERDC)	Commanders/Directors of Labs
Director of Army Geospatial Center	NA
Deputy Commanding General (DCG)	Commanders not covered above
Commander/Director of U.S. Army Engineering and Support Center, Huntsville and USACE Logistics Activity	NA
USACE Chief of Staff	NA

1-9. Supplementation to this regulation

Delegated approving officials identified in paragraph 1-8 are required to provide local supplementation to this regulation. Supplemental guidance will include:

- a. Re-delegations as permitted by paragraph 1-8.
- b. Roles and responsibilities for execution of the incentives program.
- c. Justification/approval processes.
- d. Documentation and recordkeeping requirements.

1-10. Resource implications

Requesting officials must consider the current operating environment and competing requirements for limited resources when exercising the authorities prescribed in this regulation. Approving officials must ensure they stay within any subsequent issued budget limits, or any restrictions issued by OPM, DoD, Department of the Army, and/or USACE prior to approving these incentives.

1-11. Program oversight

- a. The Directorate of Human Resources, Employment Division (CEHR-E) is responsible for the oversight and compliance of regulatory and procedural requirements prescribed in this regulation. Compliance will be monitored and evaluated on an annual and/or ad hoc basis to assess impacts on the use of hiring and retention incentives. Reviews may be statistical and/or qualitative and include an evaluation of compliance with regulatory guidance, best practices, program impediments and overall cost-effectiveness.
- b. Those with delegated authority are responsible for ensuring proper and effective use of these authorities to support mission requirements.

Chapter 2

Recruitment, Relocation, and Retention Incentives

2–1. Overview

Recruitment, relocation, and retention incentives are valuable tools enabling USACE organizations to attract candidates to accept positions that are essential to the mission, goal, or program activity accomplishments that would otherwise be difficult to fill in the absence of the incentive. The USACE recruitment, relocation, and retention incentives program is in compliance with the following statutes, regulations, and policies:

- a.* Title 5, United States Code (USC), Section 5753. Recruitment and relocation bonuses.
- b.* Title 5, USC, Section § 5754. Retention bonuses.
- c.* Title 5, Code of Federal Regulations (CFR), Part 575 (5 CFR 575). Recruitment, relocation, and retention incentives; supervisory differentials; and extended assignment incentives.
- d.* Department of Defense Instruction (DoDI) 1400.25, Volume 575. DoD Civilian Personnel Management System: Recruitment, Relocation, and Retention incentives and Supervisory Differentials.
- e.* DoD Memorandum; Waiver for Justification Documentation Supporting Recruitment and Relocation Incentives for OPM Direct Hire Appointments; 19 November 2019.
- f.* DA Memorandum; Army Implementation Procedures for Civilian Incentive Programs (Recruitment, Relocation, and Retention Incentives); 16 February 2021.

2–2. Eligibility

USACE organizations may pay recruitment, relocation, and retention incentives to retain employees or recruit job candidates who are highly qualified and who meet the eligibility criteria of 5 CFR 575 in the following employment categories:

- a.* General Schedule (GS), or equivalent.
- b.* Federal Wage System (FWS).
- c.* Administratively determined pay systems.
- d.* Temporary or permanent appointments.
- e.* Full or part time schedule.
- f.* Excepted or competitive service.

2–3. Recruitment incentive

A recruitment incentive of up to 25 percent of annual basic pay may be paid to a newly appointed, eligible employee provided the delegated approving official determines the position is likely to be difficult to fill, was difficult to fill in the past, or may be difficult to fill in the future, and therefore a recruitment incentive is necessary to attract the employee(s) to the organization.

- a.* Newly appointed is defined as:
 - (1) *First appointment.* The first appointment, regardless of tenure, as an employee of the Federal Government.
 - (2) *Break in service of 90 days or more.* An appointment of a former Federal Government employee following a break of service of at least 90 days.

(3) *Break in service of less than 90 days.* In certain cases, an appointment following a break in service of less than 90 days from a previous appointment as an employee of the Federal Government in the categories listed in 5 CFR 575.102, "Newly appointed," paragraph 3.

b. Justification for paying a recruitment incentive must be documented in writing and address each of the approval criteria in paragraph 2-7.

c. The delegated approving official must determine that the position is likely to be difficult-to-fill in the absence of a recruitment incentive by considering the factors in paragraph 2-7c.

d. Determinations to pay the incentive must be made prior to the candidate's entrance on duty (EOD) date.

e. Before receiving a recruitment incentive, new employees must receive a written offer of employment and sign ENG Form 6099 (Recruitment or Relocation Incentives Service Agreement) for a specified period of employment with the organization as outlined in paragraph 2-8.

f. Recruitment incentives are calculated using the employee's basic annual pay at the beginning of the service period (to include either locality pay or a special rate supplement). The approved percentage, not to exceed 25 percent, will be multiplied by the basic annual pay at the beginning of the service period and the number of years in the service period (including fractions of a year), not to exceed four years. The total incentive amount authorized is then paid according to paragraph 2-9d.

2-4. Relocation incentive

A relocation incentive of up to 25% of annual basic pay may be paid to a current Federal employee who relocates to accept a position that is considered to be difficult-to-fill. The relocation must be to a different geographic area that is 50 miles or more from the worksite of the position held immediately before the move. Incentives may be approved whether the relocation is permanent or temporary.

a. Justification for paying a relocation incentive must be documented in writing and address each of the approval criteria in paragraph 2-7.

b. The delegated approving official must determine that the position is likely to be difficult-to-fill in the absence of a relocation incentive by considering the factors listed in paragraph 2-7c.

c. Determinations to pay the incentive must be made prior to the employee's EOD in the position to which relocated.

d. Before receiving a relocation incentive, employees must sign ENG Form 6099 for a specified period of employment as outlined in paragraph 2-8.

e. The employee must have at least a 'Fully Successful' or equivalent performance rating of record for the position held immediately before the relocation.

f. In all cases, before the organization pays a relocation incentive to the employee, the employee must:

- (1) establish a residence in the new geographic area; and
- (2) submit proof of residence (such as a lease agreement, proof of purchasing property, utility bill, bank statement or driver's license with the new address, etc.) in the new geographic area.

g. A relocation incentive is paid only if the employee maintains residency in the new geographic area for the duration of the service agreement.

h. Relocation incentives may be authorized for up to 25 percent of the amount of an employee's annual basic pay at the beginning of the service period (to include either locality pay or a special rate supplement). The approved percentage, not to exceed 25 percent, will be multiplied by the number of years in the service period (including fractions of a year), not to exceed four years, and according to paragraph 2-9.

i. If the worksite of the new position is less than 50 miles from the worksite of the position held immediately before the move, but the employee must relocate and establish a new residence to accept the position, a waiver is required. Authority to approve a waiver is retained at the approval levels identified in paragraph 1-8 and may not be further delegated. In all cases, the employee is required to establish a residence in the new geographic area before the organization pays the employee a relocation incentive.

2-5. Retention incentive

A retention incentive of up to 25% of annual basic pay may be offered to a current employee who has unusually high or unique qualifications or when the organization has a special need for the services of an employee, and who may leave the Federal Service in the absence of an incentive, making retention of the employee essential.

a. Justification for paying a retention incentive must be documented in writing and address each of the approval criteria in paragraph 2-7.

b. The delegated approving official must determine that the position is likely to be difficult-to-fill in the absence of a retention incentive by considering the factors listed in paragraph 2-7c.

c. Before receiving a retention incentive, employees must sign either:

(1) ENG Form 6100 (Retention Incentives Service Agreement) for a specified period of service; or

(2) ENG Form 6266 (Retention Incentives Statement of Understanding) when a service agreement is not required (as outlined in paragraph 2-8e).

d. The employee's rating of record must be at least "fully successful" or equivalent.

e. Individual retention incentives may be approved for up to 25 percent of an employee's rate of basic pay (to include either locality pay or a special rate supplement).

f. Group retention incentives may not exceed 10 percent of an employee's rate of basic pay earned during the service period (to include either locality pay or a special rate supplement). Additional requirements for group incentives are outlined in paragraph 2-6.

g. A retention incentive may not be used to prevent the employee's transfer to another Federal Activity unless the employee is leaving to accept another Federal position due to a Base Realignment or Closure (BRAC). Incentives authorized due to BRAC may only be authorized when the delegated approving official determines both criteria are met:

(1) The organization has a special need for the employee's services, given the mission requirements and the employee's competencies, making it essential to retain the employee in their current position during a period of time before the closure or relocation of the employee's office, facility, activity or organization; and

(2) In the absence of a retention incentive, the employee would be likely to leave for a different position in the Federal service. This includes a position in another Federal agency, a position in another DoD Component, or a different position in the same DoD Component as evidenced by the employee's affirmation or any additional supporting documentation that the delegated approving official determines to be appropriate.

h. In order to authorize a retention incentive to attempt to delay an employee's retirement, the reason for offering the incentive cannot be solely based upon the employee retiring. The written justification must demonstrate a special need for the employee's services or high or unique qualifications that make it essential to retain the employee. The position must also be difficult-to-fill, according to paragraph 2-7.

i. A retention incentive may not be offered or authorized prior to an individual's employment with the agency.

2-6. Group incentives

Requests to approve recruitment, relocation, or retention incentives for groups of difficult-to-fill positions must provide a justification that narrowly defines the group of covered employees, the conditions requiring the group incentive, and the period of time during which authorization of the group incentive is valid. The justification must address all factors in paragraph 2-7 and demonstrate a severe shortage of candidates for a group of jobs. Each decision to authorize a group incentive must be reviewed at least annually to determine whether the positions will likely remain difficult-to-fill.

2-7. Written justification and approval

For each determination to pay an incentive, the delegated approving official who is at least one level higher than the employee's supervisor must complete and sign an ENG Form 6303 (Recruitment, Relocation, and Retention Incentives – Justification and Approval) in order to document in writing the basis for:

a. Authorizing the incentive.
b. The amount and timing of the incentive payment.
c. The length of the required service period.
d. Determining that a position is likely to be difficult-to-fill in the absence of an incentive by considering the following factors:

(1) The availability and quality of candidates possessing the competencies required for the position, including the success of recent efforts to recruit candidates for the position or similar positions using indicators such as offer acceptance rates, proportion of positions filled, and the length of time required to fill similar positions.

(2) The salaries typically paid outside the Federal Government for similar positions.

(3) Recent turnover in similar positions.

(4) Employment trends and labor-market factors that may affect the USACE's ability to recruit/retain candidates for similar positions.

(5) Special or unique competencies possessed by the employee and required for the position.

(6) Efforts to use non-pay authorities, such as special training, work schedule flexibilities, and/or career ladder progression positions to resolve difficulties prior to offering an incentive.

(7) The desirability of the duties, work or organizational environment, or geographic location of the position.

(8) Other supporting factors.

(9) For Retention Incentive only – Extent to which the employee's departure would affect the command's ability to carry out an activity, perform a function, or complete a project that is deemed mission essential.

(10) For Recruitment and Relocation Incentives only - Any position that is approved to fill via an OPM approved direct-hire authority (DHA), or a DHA approved by DoD under 5 USC Section 9902(b)(2), is considered to meet the eligibility criteria as "difficult to fill" and does not require the written justification as described in paragraphs 2-7d(1)-(9).

e. For Relocation Incentive only – that the worksite of the employee's new position is not in the same geographic area as the worksite of the position held immediately before the move (or that a waiver was approved) and that the employee established a residence in the new geographic area.

f. For Retention Incentive only – the basis for determining the unusually high or unique qualifications of the employee or a special need of the agency for the employee's services that make it essential to retain the employee and the basis for determining that the employee would be likely to leave Federal service in the absence of a retention incentive.

2-8. Service agreements

a. For each approved incentive, a completed and signed ENG Form 6099, ENG Form 6100, or ENG Form 6266, as applicable, must be submitted to CHRA prior to the employee receiving any incentive payments. CHRA will upload the service agreement into the employee's eOPF.

b. Service agreements must be signed by the employee and the delegated approving official who is at least one level higher than the employee's supervisor prior to the effective date of the incentive SF 50 (Notification of Personnel Action).

c. The service period for either a recruitment or relocation incentive agreement may not be less than six months and cannot exceed four years. Using criteria established by the delegated approving official, the requesting official is encouraged to seek agreements requiring service of at least one year, as appropriate.

d. For each retention incentive that is subject to a service agreement, the service period may not be less than 6 months and cannot exceed four years. However, the approving official must review the determination to pay a retention incentive at least annually to determine if the original determination still applies and payment is still warranted and must certify this determination in writing.

e. Employees receiving bi-weekly payments for retention incentives do not require a service agreement in accordance with Paragraphs 6.2.a. of DoDI 1400.25, Volume 575. However, the supervisor will establish an ENG Form 6266 to address all required conditions. The employee must sign the Statement of Understanding to receive any payments. The delegated approving official must review the determination to pay a retention incentive at least annually to determine whether the payment is still warranted.

f. Delegated Approving Officials are responsible for notating any additional requirements on the Service Agreement or Statement of Understanding. They should address the extent to which periods of time on detail, in a non-pay status, or in a paid leave status are creditable towards completion of the service period and if incentive installment payments will continue as scheduled. Exception: An employee who is absent because of uniformed service or a compensable injury is generally entitled to be treated as though they never left upon reemployment.

g. USACE may commence a relocation incentive service agreement during a period of employment established under a service agreement for a previously authorized retention incentive or for which an employee is receiving previously authorized retention incentive payments without a service agreement. There is no other authority to pay concurrent recruitment, relocation, and retention incentives. There is no prohibition to granting both a relocation incentive and a permanent change of station move to an employee for the same move. The requirements for each authority must be met to grant these incentives.

h. If the employee is required to complete a probationary period or an initial period of formal training, the employee's service period may be delayed until the beginning of the pay period following completion of the probationary or training period. The service agreement must specify there is no obligation to pay any portion of the incentive if the employee does not successfully complete the probationary period or the training.

2–9. Calculation of recruitment and relocation incentives

Proper calculation of incentive amounts is of the utmost importance to avoid overpayment or underpayment of incentives. The total amount of the incentive may not exceed 25 percent of the employee's annual rate of basic pay multiplied by the number of years in the service period. Commands may always choose to pay a lower incentive rate for the same period of service. Recruitment and relocation incentives are calculated as follows:

a. *Determine the annual rate of basic pay.*

(1) A rate of basic pay includes a special rate and locality pay but excludes additional pay of any other kind.

(2) For hourly rate employees who do not have a scheduled annual rate of basic pay, compute the annual rate by multiplying the applicable hourly rate in effect at the beginning of the service period by 2,087 hours.

(3) Manual calculations are required for employees who are on pay retention. The incentive amount must be calculated using step 10 of the employee's current grade, and NOT the current total salary amount.

b. *Determine the number of years in a service period.*

(1) For specific beginning and end dates on a service agreement, determine the number of years in a service period. Divide the total number of calendar days in the service period by 365 and round the result to two decimal places.

(2) A recruitment or relocation incentive service period must begin on the first day of a pay period and end on the last day of a pay period.

c. *Determine the total amount of recruitment or relocation incentive that will be paid.* The proper calculation is the employee's annual basic pay in effect at the beginning of the service period (including locality or special salary rate), multiplied by the percentage of incentive approved, multiplied by the length of the service period.

d. *Select payment schedule.* Recruitment and relocation incentives may be paid by any of the following methods, as specified in the service agreement:

(1) In a one-time payment at the beginning of the service period.

(2) In equal (to include bi-weekly) or variable installment payments throughout the service period.

(3) As a final lump-sum payment at the end of the full-service period.

e. Payment of a recruitment or relocation incentive is subject to the aggregate limitation on pay pursuant to Subpart B of Part 530 of Title 5, CFR, and Section 5307 of title 5, U.S.C.

2–10. Calculation of retention incentives

Proper calculation of incentive amounts is of the utmost importance to avoid overpayment or underpayment of incentives. The total amount of the incentive may not exceed 25 percent of the employee's annual rate of basic pay multiplied by the number of years in the service period. Commands may always choose to pay a lower incentive rate for the same period of service. Retention incentives are calculated as follows:

a. *Establish a retention incentive rate for each individual or group authorization.*

This is expressed as a percentage of an employee's annual basic rate of pay, and may not exceed:

(1) 25% for an individual retention incentive

(2) 10% for a group retention incentive

b. *Select payment schedule.* A retention incentive may be paid:

(1) In installments after the completion of specified periods of service during the course of the full service period.

(2) As a single lump-sum payment after the completion of the full period of service required by a service agreement.

(3) In bi-weekly installments.

(4) An agency may not pay a retention incentive as an initial lump-sum payment at the start of a service period or in advance of fulfilling the service or installment period for which the incentive is being paid.

c. *Determine the rate of basic pay.* A rate of basic pay includes a special rate and locality pay but excludes additional pay of any other kind. Retention incentives are calculated differently than recruitment or relocation incentives. The rate of basic pay used to calculate a retention incentive amount is the actual basic pay earned by the employee during the service period, not the rate of basic pay in effect at the beginning of the service period.

(1) For retention incentives, the annual rate of basic pay is calculated as the total rate of basic pay the employee earned during the service period.

(2) If the retention incentive is paid as a single lump-sum payment upon completion of the full period of service required by a service agreement, the payment is calculated using the total amount of basic pay earned by the employee during the full service period.

(3) If the retention incentive is paid in installments, then each installment payment is calculated using the total rate of basic pay the employee earned during the installment period.

(4) Manual calculations are required for employees who are on pay retention. The incentive amount must be calculated using step 10 of the employee's current grade, and NOT the current total salary amount.

d. Determine payment calculation.

(1) Installments.

(a) If an agency chooses to pay retention incentives in installments, it may compute each retention incentive installment payment using the full retention incentive percentage rate established for the employee (or group of employees) or a reduced percentage rate.

(b) An agency may not pay a retention incentive to an employee who is likely to leave for a different Federal position in biweekly installments at the full retention incentive percentage rate.

(c) Each installment payment is derived by multiplying the full or reduced retention incentive percentage rate by the total rate of basic pay the employee earned during the installment period.

(d) If the retention incentive installment payment percentage is less than the full percentage rate established for the employee (or group of employees), any accrued portion of the retention incentive not paid upon completion of the installment period must be paid as part of a final installment payment after completion of the full-service period under the terms of the service agreement.

(2) Lump Sum. A retention incentive paid as a single lump-sum payment upon completion of the full period of service required by a service agreement is derived by multiplying the retention incentive percentage rate established for the employee (or group of employees) by the total amount of basic pay earned by the employee during the full-service period.

e. Payment of a retention incentive is subject to the aggregate limitation on pay pursuant to Subpart B of Part 530 of Title 5, CFR, and Section 5307 of title 5, U.S.C.

2–11. Termination of agreements

a. Service agreements include conditions under which the delegated approving official must terminate the service agreement. These conditions include:

(1) Demotion or separation for cause, such as unacceptable performance or conduct;

(2) Employee receives a rating of record of less than "Fully Successful" or equivalent;

(3) Employee fails to complete the period of employment required in their service agreement; or

(4) Employee violates any other condition specified in the service agreement that would trigger termination of the agreement or otherwise fails to fulfill the terms of the service agreement or other conditions.

b. If an approving official terminates a service agreement on one of the conditions listed in 2-11a, the employee is entitled to retain the incentive payments previously paid by the command that are attributable to the completed portion of the service period.

(1) If the employee received incentive payments that are less than the amount that would be attributable to the completed portion of the service period, the command is not obligated to pay the employee the amount attributable to completed service, unless the command agreed to such payment under the terms of the incentive service agreement.

(2) If the employee received incentive payments in excess of the amount that would be attributable to the completed portion of the service period, the employee must repay the excess amount.

(3) When the employee is separated as a result of material false or inaccurate statements or deception or fraud in examination or appointment, or as a result of failing to meet employment qualifications, the employee must repay all recruitment incentives received under that service agreement.

c. The delegated approving official may unilaterally terminate an incentive based solely on the management needs of the organization, such as when the employee's position is affected by reduction in force, when there are insufficient funds to continue the planned incentive payments, or when the command assigns the employee to a different position. If the service agreement is terminated under these conditions, the employee is entitled to retain all incentives attributable to completed service and retain any portion received that is attributable to uncompleted service.

d. Approving officials will notify employees in writing when an incentive is to be terminated.

e. An organization may impose an additional repayment penalty on an employee who does not fulfill the terms of a service agreement. This repayment penalty is in addition to any repayment required by this section. The specific terms and conditions governing the repayment penalty must be included in the service agreement. For example, an agency may adopt a schedule or formula that provides for varying penalty amounts based on the portion of the service period completed by the employee.

2-12. Repayments

a. When an employee does not fulfill the terms of the service agreement, the delegated approving official, in conjunction with the local Resource Management Office, is responsible for calculating the amount of incentive that is in excess of the amount that would be attributable to the completed portion of the service period and requesting repayment from the employee.

b. If an employee fails to reimburse the paying agency for the full amount owed, the amount outstanding must be recovered from the employee. The debt collection process will follow the procedures established by the Defense Finance and Accounting Service (DFAS) implementing the requirements found in DoD 7000.14-R, Volume 16.

c. If an employee received incentive payments in excess of the amount that would be attributable to the completed portion of the service period, the delegated approving official may waive the requirement to repay all or part of a recruitment or relocation incentive for an employee who does not complete the agreed-upon service period when, in the judgment of the official, collection of the excess amount would be against equity and good conscience and not in the best interest of the United States, taking into account, consistency, fairness, and the cost to taxpayers of recovering monies owed to the Government. When the delegated approving official waives the repayment of an incentive, no debt notice requirement is submitted to DFAS and no debt letter is generated.

(1) Requests for waivers of repayment will be reviewed on a case-by-case basis. Employees may submit a written request for a waiver of repayment through their chain of command.

(2) Reasons that waivers may be considered and approved on a case-by-case basis include:

(a) If an employee voluntarily separates from USACE and has completed at least 75 percent of the service agreement.

(b) If an employee's separation is due to medical inability to perform or to accompany a military spouse who receives a Permanent Change of Station.

(c) Other requests for waivers if it is determined to be against equity and good conscience, or contrary to the public interest.

(3) Waiver requests will include:

(a) Justification for authorizing the incentive.

(b) Justification for waiving repayment and addressing how it would be against equity and good conscience or contrary to public interest.

(c) Conditions of the service agreement completed by USACE, and the employee as stated in the applicable incentive service agreement. The total amount of monies paid by USACE, and the total period of service completed by the employee should be included. Outstanding payments and service requirements must also be specified.

(d) Copy of the applicable signed service agreement and any applicable amendments.

d. A copy of all approved waivers will be furnished to CEHR-E through the Division Human Resources Strategic Advisors (HRSA) for reporting to AG-1CP as required.

2–13. Incentives above 25 percent

Delegated approving officials can approve incentive payments of up to 25 percent of an employee's annual rate of basic pay times the number of years in a service agreement (not to exceed 4 years or 100 percent of annual basic pay). Approval by OPM is required when an agency would like to exceed this payment limit to make larger payments over shorter service agreement lengths, due to a critical agency need.

a. Under an OPM incentive limitation waiver, agencies could approve a recruitment incentive of up to 50 percent of an employee's annual rate of basic pay times the number of years in a service agreement (not to exceed 100 percent of annual basic pay). An example would be to pay an incentive of 50 percent of annual basic pay for a 1-year service agreement.

b. The request must provide justification demonstrating a severe shortage of candidates exists for a position or group of positions. Justification must include information documenting that candidates with the required competencies for a specified position cannot be found despite extensive recruitment efforts; extended announcement periods; and use of existing incentives.

c. Requests must be submitted through respective HRSA to CEHR-E for routing and concurrence from Army and DoD to OPM for approval.

d. Such requests will not be made for entry-level positions or developmental trainees as these candidates typically possess competencies that can typically be found elsewhere.

2–14. Documentation and recordkeeping

The documentation listed below is required for recruitment, relocation, and retention incentives. This documentation will be maintained by the delegated approving official and their organization for a minimum of three (3) years following the date of approval or upon completion of the relevant service agreement or allowance, or official personnel action; whichever is later. Documentation will be made available as required for audits and data calls, as appropriate.

a. ENG Form 6303, Recruitment, Relocation, and Retention Incentives – Justification and Approval, signed by the delegated approving official.

b. Applicable signed service agreement or statement of understanding:

(1) ENG Form 6099, Recruitment or Relocation Incentives Service Agreement

(2) ENG Form 6100, Retention Incentives Service Agreement

(3) ENG Form 6266, Retention Incentives Statement of Understanding

c. ENG Form 6268, Recruitment, Relocation and Retention Incentives (3Rs) Checklist

d. For relocation incentive only – proof of residence in new duty location

Chapter 3

Student loan repayment

3–1. Overview

The USACE Student Loan Repayment Program (SLRP) facilitates the recruitment and retention of highly qualified employees by allowing USACE organizations to repay part or all of their outstanding federally insured student loans. The Student Loan Repayment is a mutually beneficial incentive for the organization to recruit and retain mission essential talent while, in return, the employee receives financial alleviation to student loan debt. The USACE SLRP program is in compliance with the following statutes, regulations, and policies:

a. 5 U.S.C. § 5379, Student loan repayments.

b. 5 CFR 537, Repayment of student loans.

c. DoDI 1400.25, Volume 537, DoD Civilian Personnel Management System: Student Loan Repayment.

d. DA Memorandum, Army Implementation Guidance on Student Loan Repayment Program, 23 May 2022.

3–2. Eligibility

USACE organizations may pay a student loan repayment to retain employees or recruit job candidates who are highly qualified and who meet the eligibility criteria of 5 CFR 537.105 in the following employment categories:

- a. General Schedule (GS), or equivalent
- b. Federal Wage System (FWS)
- c. Administratively determined pay systems
- d. Temporary appointments, leading to conversion to term or permanent appointments
- e. Permanent appointments, including part-time
- f. Excepted appointments with the potential of conversion to term, career, or career-conditional appointments

3–3. Criteria for student loan repayment

The requesting official must prepare a written determination prior to authorizing student loan repayment benefits. The determination should describe the extent to which the candidate's declination of a job offer, or departure of the current employee, would affect the organization's ability to perform an essential function or otherwise meet an essential mission requirement.

- a. For recruitment purposes: A written determination that in the absence of a student loan repayment, the organization would encounter difficulty filling the position.
- b. For retention purposes: A written determination stating the employee is highly qualified and their departure would adversely affect the organization's ability to carry out an activity or perform a function that is essential to the USACE mission. Justification for retention purposes must be based solely on unusually high or unique qualifications, or when the organization has a special need for the employee's skills making it essential to retain the employee. The justification must also assess the likelihood the employee would leave USACE for employment outside the Federal service in the absence of offering student loan repayments.
- c. Requesting officials must verify the candidate/employee has a qualifying outstanding student loan before authorizing repayment and provide documentation of budgetary approval.
- d. Once approved by the delegated approving official, requesting officials must coordinate with CHRA to submit all required documentation for approved payments.
- e. This authority may not be used to recruit current Federal employees from another Army Command, DoD component, or Federal agency.
- f. An organization may not offer to repay a student loan to an employee who is likely to leave their position for a position in another Army Command, DoD component, or Federal agency.
- g. Organizations may repay more than one loan per employee as long as the payments do not exceed the legally prescribed limits. Payments to cover accrued penalties associated with any loans are not authorized.

3–4. Student loan service agreement

Agreements to repay student loans will require the execution of a minimum three-year service agreement, regardless of the amount of the student loan. Student loan

repayments may not exceed \$10,000 per calendar year per employee. The total lifetime repayment amount cannot exceed \$60,000 per employee. See exception to maximum repayment amount in paragraph 3-4e.

a. The delegated approving official and candidate/employee must complete ENG Form 6103 (Student Loan Repayment Service Agreement) and ENG Form 6267 (Student Loan Repayment Program Checklist).

(1) When the student loan repayment is authorized for recruitment purposes, the service agreement must be signed at entry into the position.

(2) For both recruitment and retention student loan repayments, the service period begins on the date specified in the service agreement and cannot begin earlier than the date the employee begins serving in that position or earlier than the date the service agreement is signed.

(3) Loan payments cannot begin until the service period begins.

b. A service agreement is only valid within the USACE organization of the delegated approving official and may remain in effect if the employee changes positions within that organization. If an employee moves to a different USACE organization, the service agreement automatically terminates, with the exception of moves within HQUSACE. The approving official in the gaining USACE organization may approve a new service agreement. A new service agreement would require an additional service requirement of at least three years.

c. The USACE organization and employee may mutually agree to modify an existing service agreement to provide additional student loan repayment benefits for additional service without the need of a new service agreement. An agreement modification may, for example, add one year of additional service subject to the statutory annual and lifetime limits. Modified agreements are only valid within the USACE organization of the delegated approving official and remain in effect if the employee changes positions within that organization. In these cases, the service agreement will be updated as needed. Delegated approving officials are required to submit amended service agreements to CHRA for submission to the servicing payroll office if the payments increase, decrease, or are renewed.

d. Centrally funded Army Fellows are eligible for student loan repayments.

(1) The service period for the SLRP must be a minimum of 3 years, and the Fellow must remain assigned to the organization of the delegated approving official for the duration of that service agreement.

(2) If the employee successfully completes the 2-year Army Fellows program and is placed outside of the organization of the delegated approving official before they complete the service agreement for a student loan repayment, then the service agreement automatically terminates and the full amount of SLRP benefits paid on their behalf would be collected in accordance with paragraph 3-7. Therefore, delegated approving officials must exercise caution in entering into SLRP service agreements with Army Fellows and consideration should be given to retaining approval authorities at a higher level, in order to maximize the possibility that service periods for student loan repayments can be fulfilled. Delegated approving officials should consult with the servicing HRSA prior to authorizing a SLRP for an Army Fellow.

e. ERDC has the authority to offer a maximum of \$25,000 per calendar year per employee in pay banded positions. The total lifetime repayment amount cannot exceed \$125,000 per employee.

3–5. Payments

a. Student loan repayments may be paid by any of the following methods as specified in the service agreement:

(1) Lump sum payment at the beginning of the service period stated in the service agreement.

(2) Bi-weekly payments throughout the service period as calculated by DFAS; or

(3) Periodic Payments.

b. DFAS provides payments directly to the lender under the terms, limitations, and conditions written in the required service agreement.

c. DFAS will determine the amount to be paid each pay period by dividing the repayment amount authorized for each full year of the service period by the number of pay periods in the year that corresponds to the dates of the employee's annual service requirement, not to exceed \$10,000 per service year. Generally, there are 26 payments for each year of an employee's service requirement. For years having 27 pay periods, 27 biweekly payments are made.

d. Student loan repayments made on behalf of an employee are not subject to the aggregate limitation on pay pursuant to 5 USC 5307.

e. Although student loan repayment is not part of an employee's rate of basic pay for any purpose, it is considered taxable income and is subject to applicable tax withholding.

f. Student loan repayment benefits may be paid in conjunction with recruitment, relocation, and retention incentives.

3–6. Termination of benefits

USACE will terminate the SLRP service agreement under the following conditions:

a. Demotion of the employee.

b. Separation for cause, such as unacceptable performance or conduct.

c. Employee receives a rating of record of less than "Fully Successful" or equivalent.

d. Employee violates any other condition specified in the service agreement that would trigger termination of the agreement, to include leaving the USACE organization of the delegated approving official, as described in paragraph 3-4b.

e. Employee otherwise fails to fulfill the terms of the service agreement or other conditions.

3–7. Repayments

Employees who fail to complete the period of service specified in the service agreement are obligated to reimburse USACE for the full amount of the loan repayment benefits provided unless the employee is separated involuntarily for reasons other than misconduct.

a. The full amount of the loan repayment benefits is defined as the gross amount of benefits, before any tax deductions from the loan payment, paid by USACE on behalf of the employee.

b. Organizations will require repayment of the incentive received when:

(1) The employee voluntarily fails to fulfill a service agreement.

(2) The employee involuntarily fails to fulfill a service agreement based upon misconduct.

(3) The employee voluntarily leaves to work for another Command within Army or another Federal agency or separates from Federal service before the service agreement end date.

c. If an employee fails to reimburse the paying agency for the full amount owed, the amount outstanding must be recovered from the employee. The debt collection process will follow the procedures established by DFAS implementing the requirements found in DoD 7000.14-R, Volume 16.

d. Delegated approving officials listed in paragraph 1-8 may forgive a repayment if the amount is less than \$500. In this instance, no waiver or debt collection process is required.

3-8. Waiver of repayment

a. USACE may waive repayment as described in paragraph 3-7, if a waiver of repayment is determined to be in good conscience, equitable, and within the public interest. The delegated approving official must take into account consistency, fairness, and the cost to taxpayers of recovering monies owed to the Government. When the delegated approving official waives the repayment of an incentive, no debt notice requirement is submitted to DFAS and no debt letter is generated.

b. Requests for waivers of repayment will be reviewed on a case-by-case basis.

c. Waivers may be considered and approved at the discretion of the delegated approving official under the following conditions:

(1) An employee voluntarily separates from USACE and has completed at least 75 percent of the service agreement.

(2) An employee's separation is due to medical inability to perform or to accompany a military spouse who receives a Permanent Change of Station.

(3) Other conditions when it is determined that repayment of the incentive would be against equity and good conscience, or contrary to the public interest.

d. Documentation for waivers will include:

(1) Justification for authorizing the incentive.

(2) Justification for waiving repayment and addressing how it would be against equity and good conscience or contrary to public interest.

(3) Conditions of the service agreement completed by USACE and the employee as stated in the applicable incentive service agreement. The total amount of monies paid by USACE and the total period of service completed by the employee should be included. Outstanding payments and service requirements must be specified.

(4) Applicable signed service agreements and any amendments.

e. Each waiver request must be submitted through the servicing Human Resources Strategic Advisor (HRSA) for review and approved by a delegated approving official in the left column of table 1-1. Authority to approve the waiver cannot be further delegated to the officials in the right column of table 1-1.

f. A copy of all approved waivers will be furnished to CEHR-E through the HRSA for reporting to AG-1CP as required.

3–9. Documentation and recordkeeping

The documentation listed below is required for student loan repayment incentives. This documentation will be maintained by the delegated approving official and their organization for a minimum of three (3) years following the date of approval or upon completion of the relevant service agreement or allowance, or official personnel action; whichever is later. Documentation will be made available as required for audits and data calls, as appropriate.

a. Narrative justification as defined in Paragraph 3-3, signed by the delegated approving official.

b. Verification of outstanding loan that qualifies for repayment, including loan balance.

c. ENG Form 6103, Student Loan Repayment Service Agreement

d. ENG Form 6267, Student Loan Repayment Program Checklist

Chapter 4

Credit for Prior Non-Federal Work Experience and Certain Military Service for Determining Annual Leave Accrual Rate

4–1. Overview

USACE may provide credit for prior non-federal work experience, active-duty military service, and/or experience in a volunteer position when the duties performed are directly related to the position being filled. This service credit is applied to determine the annual leave accrual rate for a newly appointed or reappointed Federal civilian employee. This incentive, also known as enhanced annual leave, is used as a recruitment incentive to credit service not otherwise creditable. There is no entitlement to credit for non-Federal employment, active-duty military service, or volunteer experience pursuant to DoDI 1400.25, Volume 631. This is a discretionary flexibility designed for use in meeting civilian strategic human capital needs. The USACE enhanced annual leave program is in compliance with the following statutes, regulations, and policies:

a. 5 § U.S.C. 6303, Annual leave; accrual.

b. 5 § U.S.C. 6307, Sick leave; accrual and accumulation.

c. 5 CFR 630.205, Credit for prior work experience and experience in a uniformed service for determining annual leave accrual rate.

d. DoDI 1400.25, Volume 631, DoD Civilian Personnel Management System: Credit for Prior Non-Federal Work Experience and Certain Military Service for Determining Leave Accrual Rate.

e. DA Memorandum, Implementation – Credit for Prior Non-Federal Work Experience and Certain Military Service for Determining Annual Leave Accrual Rate, 6 May 2011.

4–2. Eligibility

a. To be eligible for enhanced annual leave, the individual must be:

- (1) Receiving their first appointment (regardless of tenure) as a civilian employee in the Federal government; or
- (2) Reappointed following a break in service of at least 90 calendar days after their last period of civilian Federal employment.

b. Enhanced annual leave is considered only when such credit would serve as an incentive to attract and acquire high quality talent for positions essential to the mission, goal, or program activity accomplishment. Applicants must meet the following to be eligible for consideration of service credit for enhanced annual leave:

- (1) The skills and experience of the candidate:
 - (a) Are essential to the position.
 - (b) Were acquired through performance in a non-Federal, military service, or volunteer position.
 - (c) Are directly related to the duties of the position to which the applicant will be appointed; and
 - (d) Are necessary to achieve an important USACE mission or performance goal.
 - (2) The applicant is being appointed to a position covered by the Federal annual and sick leave program per 5 § U.S.C. 6303 and 6307.
- c. Delegated approving officials must consider the following factors prior to authorizing the service credit:
- (1) Currency and relevancy of experience to be credited to the position being filled;
 - (2) Criticality of the position to the organization's mission;
 - (3) Difficulty in filling the position; and
 - (4) Existing capabilities to attract candidates.

4–3. Determination of service credit

Requesting officials must coordinate with CHRA to determine the appropriate length of creditable service.

a. Service credit is computed in terms of years and months and on a one-for-one basis for all service/experience that is directly related to the position being filled. The amount of service credit may not exceed the actual amount of service during which the current expertise was attained, and the directly related duties were performed.

b. The service credited is part of the service computation date for leave (SCD-Leave) calculation.

c. The minimum amount of service that may be credited is one year.

d. SCD-Leave credit must be approved before the effective date of initial appointment or re-appointment and will be granted upon the effective date.

e. There is no provision for retroactive determinations or authorizations on the annual leave accrual rate for current employees.

f. Service credited through approval of this incentive is not creditable for retirement or reduction-in-force purposes.

4-4. Documentation and recordkeeping

The requesting official must document in writing the reasons for granting service credit for enhanced annual leave on the ENG Form 6101 (Enhanced Annual Leave – Justification and Approval). The final approved SCD-Leave credit package and supporting documentation must be forwarded to CHRA for the final offer and prior to the candidate entering on duty. Required documentation will be maintained by the delegated approving official and their organization for a minimum of three (3) years following the date of approval or upon completion of the relevant service agreement or allowance, or official personnel action; whichever is later. Documentation will be made available as required for audits and data calls, as appropriate. The following documentation is required:

- a. Position description.
- b. Vacancy announcement, if applicable.
- c. The candidate's resume, clearly documenting the nature and length of service to be credited with specific beginning and end dates (month, day, and year).
- d. Copy of the DD Form 214, Certificate of Release or Discharge from Active Duty, or other official documentation showing honorable, active-duty service for credit of directly related military service, if applicable.
- e. ENG Form 6101, Enhanced Annual Leave – Justification and Approval.
- f. ENG Form 6102, Enhanced Annual Leave – Employee's Statement of Understanding, signed by the candidate prior to the EOD date.

4-5. Service requirement

a. Approved service credit for enhanced annual leave will remain creditable unless the employee fails to complete one full year of continuous service within the DoD. Prior to entry on duty, selectees are required to sign ENG Form 6102 (Enhanced Annual Leave – Employee's Statement of Understanding) to document their understanding of the one-year continuous service requirement.

b. If an employee separates from Federal service or transfers to another Federal agency (outside DoD) prior to completing one full year of continuous service with DoD, the employee is not entitled to retain service credit for non-Federal or Military Service experience credited according to DoDI 1400.25, Volume 631.

(1) All unused annual leave accrued and accumulated by the employee remains credited after the adjustment to the SCD-Leave.

(2) The remaining annual leave balance must be transferred to the new Federal agency or paid out in a lump sum payment after separation, as applicable.

c. If an employee is placed in a leave without pay (LWOP) status during the required one-year period of continuous service, the continuous service requirement is extended by the amount of time the employee is in an LWOP status. However, if the absence is due to active-duty military service or a compensable injury, the period of leave is credited as though the employee had remained in a pay and duty status.

4–6. Entry-level and developmental positions

Candidates for trainee and entry-level, developmental positions are unlikely to meet the required criteria to be eligible for this incentive. These candidates typically will not have gained experience essential to the position through prior non-Federal work, volunteer, and/or military service. Commanders and delegated approving officials must exercise caution if considering use of this incentive for these positions and will work with their servicing HRSA to determine if use of enhanced leave is practical and appropriate, or if any other incentives could be used instead.

Chapter 5

Superior Qualifications Appointment and Special Needs Pay-Setting Authority

5–1. Overview

Superior Qualifications and Special Needs Pay-Setting Authority affords pay-setting flexibilities to enhance job offers due to a candidate's superior qualifications or special USACE needs which are essential to the mission, goal, or program activity accomplishments. USACE may use this pay-setting flexibility, also known as advanced-in-hire rate, using a superior qualifications or special needs justification. Additional guidance on advanced in-hire rate may be found in:

- a. 5 U.S.C. § 5333, Minimum rate for new appointments.
- b. 5 CFR 531.212, Superior qualifications and special needs pay-setting authority.
- c. 5 CFR 532.403, New appointments.
- d. DoDI 1400.25, Volume 531, DoD Civilian Personnel Management System: Pay Under the General Schedule.

5–2. Eligibility

- a. To be eligible for an advanced in-hire rate, the individual must:
 - (1) Be receiving their first appointment as a civilian employee in the Federal government;
 - (2) Be reappointed following a break in service of at least 90 calendar days after their last period of civilian Federal employment; or
 - (3) Meet one of the exceptions to the 90-day break in service requirement found in 5 CFR 531.212.
- b. Advanced in-hire rate may be set for permanent and temporary positions in the competitive or excepted service, at any grade level.
- c. Justification requirements differ between pay systems:
 - (1) *General Schedule*. Candidates for GS positions are eligible for advanced in-hire rate under either a superior qualifications justification or a special needs justification.
 - (2) *Federal Wage System*. Candidates for FWS positions are eligible for advanced in-hire rate under a superior qualifications justification only.

5–3. Criteria for superior qualifications and special needs pay-setting

A delegated approving official may set the payable rate of basic pay above the minimum rate of the grade if the candidate meets one of the following criteria:

a. *Superior qualifications.* The candidate for a GS or FWS position has superior qualifications. Individuals hired under Superior Qualifications Pay-Setting Authority must have superior qualifications for the position based on the level, type, or quality of their skills or competencies; the quality of their accomplishments compared to others in the field, or other factors that support a superior qualifications justification. The applicant's skills, competencies, experience, education, and/or accomplishments must be relevant to the requirements of the position being filled and significantly higher than those needed to be minimally qualified.

b. *Special needs.* The candidate for a GS position fills a special agency need. Individuals hired under Special Needs Pay-Setting Authority must possess the type, level, or quality of skills and competencies relevant to the requirements of the position that are essential to accomplishing an important USACE mission, goal, or program activity. A candidate also may meet the special needs criteria by meeting USACE workforce needs, as documented in the USACE People Strategy.

5-4. Use of other incentives

Delegated approving officials must consider authorizing enhanced annual leave or a recruitment incentive, in accordance with chapters 2 and 4, prior to authorizing superior qualifications or special needs pay-setting.

5-5. Justification/factors considered

Pay will be set in line with the candidate's level of knowledge, skills and experience for the offered position and pay range. The delegated approving official must consider the below pay rate determinants to set an employee's payable rate of basic pay using the superior qualifications or special needs pay-setting authority:

a. The step at which pay has been set for employees who had similar qualifications (based on the level, type, or quality of the candidate's skills or competencies) and who have been newly appointed to positions that are similar to the candidate's position (based on the position's occupational series, grade level, organization, geographic location, or other job-relevant factors), if applicable; and

b. One or more of the following factors, as applicable to the case at hand:

- (1) The level, type, or quality of the candidate's skills or competencies;
- (2) Significant disparities between Federal and non-Federal salaries for the skills and competencies required in the position to be filled;
- (3) Existing labor market conditions and employment trends, including the availability and quality of candidates for the same or similar positions;
- (4) The success of recent efforts to recruit candidates for the same or similar positions;
- (5) Recent turnover in the same or similar positions;
- (6) The importance/criticality of the position to be filled and the effect on the agency if it is not filled or if there is a delay in filling it;
- (7) The desirability of the geographic location, duties, and/or work environment associated with the position;
- (8) Agency workforce needs, as documented in the agency's strategic human capital plan; or

(9) Other relevant factors, except that the delegated approving official may not consider the candidate's salary history (i.e. existing salary or prior salary) or a salary from a competing job offer.

5–6. Documentation and recordkeeping

The justification and approval of the superior qualifications or special needs pay-setting must be documented on the ENG Form 6104 (Advanced In-Hire Rate – Justification and Approval). The advanced in-hire rate must be approved by the delegated approving official who is at least one level higher than the employee's supervisor and coordinated with CHRA prior to the selectee's EOD date. Required documentation will be maintained by the delegated approving official and their organization for a minimum of three (3) years following the date of approval or upon completion of the relevant service agreement or allowance, or official personnel action; whichever is later. Documentation will be made available as required for audits and data calls, as appropriate. The following documentation is required for advanced in-hire rate:

- a. ENG Form 6104, Advanced In-Hire Rate – Justification and Approval.
- b. Selected candidate's resume.
- c. Position description.
- d. Vacancy announcement (if applicable).
- e. Referral list (if applicable).
- f. As applicable, supporting documentation for any factors considered in paragraph 5-5.

5–7. Entry-level and developmental positions

Candidates for trainee and entry-level, developmental positions are unlikely to meet the required criteria to be eligible for this incentive. These candidates typically will not have gained experience deemed superior enough to meet the threshold of superior qualifications or special needs. Commanders and delegating approving officials must exercise caution if considering use of this incentive for these positions and will work with their servicing HRSA's to determine if use of advanced-in-hire pay-setting is practical and appropriate, or if other incentives could be used instead.

a. The use of superior qualifications and/or special needs pay setting for entry-level, developmental candidates is not intended to solely match private sector hiring trends. Requests for this category of candidates will clearly demonstrate the candidate is more qualified than others in the available talent pool. Requests will clearly describe the candidate's skills, competencies, education, experience, accomplishments, etc. These qualities must be directly related to the position and significantly higher than those needed to be minimally qualified or more specialized in quality compared to other candidates in the field.

b. Criteria which demonstrate an entry-level, developmental candidate meets superior qualifications may include, but is not limited to:

- (1) Professional licenses and/or certifications.
- (2) Internships other related professional experiences related to the recruited position.
- (3) Leadership roles through community groups, school activities and clubs, etc.
- (4) Completed thesis and/or extended studies in a specialized field/occupation; or

(5) Other relevant factors supporting the justification that the candidate is more qualified than the existing talent pool.

Appendix A References

Section I

Required Publications

Unless otherwise indicated, all U.S. Army Corps of Engineers publications are available on the USACE website at <https://publications.usace.army.mil>.

Army publications are available on the Army Publishing Directorate website at <https://armypubs.army.mil>.

DoD Publications are available on the ESD website at <https://www.esd.whs.mil>.

Office of Personnel Management Publications are available at <https://www.opm.gov>.

DA Implementing Guidance

Credit for Prior Non-Federal Work Experience and Certain Military Service to Determine Annual Leave Accrual Rate, 03 January 2011. (available at: DLL-CEHR-E@usace.army.mil)

DA Memorandum

Implementation – Credit for Prior Non-Federal Work Experience and Certain Military Service for Determining Annual Leave Accrual Rate, 06 May 2011. (available at: DLL-CEHR-E@usace.army.mil)

DA Memorandum

Army Implementation Procedures for Civilian Incentive Programs (Recruitment, Relocation, and Retention Incentives), 16 February 2021. (available at: DLL-CEHR-E@usace.army.mil)

DA Memorandum

Army Implementation Guidance on Student Loan Repayment Program, 23 May 2022. (available at: DLL-CEHR-E@usace.army.mil)

DD Form 214

Certificate of Release or Discharge from Active Duty

DoD Memorandum

Subject: Waiver for Justification Documentation Supporting Recruitment and Relocation Incentives for Office of Personnel Management Direct Hire Appointments, 19 November 2019 (available at: DLL-CEHR-E@usace.army.mil)

DoD 7000.14-R

Department of Defense Financial Management Regulation, Volume 16, Chapter 3, Collection of Debts Owed By Individuals to the DOD (Available at https://comptroller.defense.gov/Portals/45/documents/fmr/current/16/16_03.pdf)

DoDI 1400.25, Volume 531

DoD Civilian Personnel Management System: Pay under the General Schedule

DoDI 1400.25, Volume 537

DoD Civilian Personnel Management System: Student Loan Repayment

DoDI 1400.25, Volume 575

DoD Civilian Personnel Management System: Recruitment, Relocation, and Retention Incentives and Supervisory Differentials

DoDI 1400.25, Volume 631

DoD Civilian Personnel Management System: Credit for Prior Non-Federal Work Experience and Certain Military Service for Determining Leave Accrual Rate

USACE Delegation of Civilian Human Resources Authorities Matrix

(available at: DLL-CEHR-E@usace.army.mil)

USACE People Strategy

(available at: DLL-CEHR-E@usace.army.mil)

5 CFR 531.212

Superior qualifications and special needs pay-setting authority.

5 CFR 532.403

New Appointments.

5 CFR 537

Repayment of Student Loans.

5 CFR 575

Recruitment, Relocation, and Retention Incentives; Supervisory Differentials; and Extended Assignment Incentives.

5 CFR 630.205

Credit for prior work experience and experience in a uniformed service for determining annual leave accrual rate.

5 USC § 5333

Minimum rate for new appointments.

5 USC § 5379

Student loan repayments.

5 USC § 5753

Recruitment and relocation bonuses.

5 USC § 5754

Retention bonuses.

5 USC § 6303

Annual leave; accrual.

5 USC § 6307

Sick leave; accrual and accumulation.

5 USC § 9902(b)(2)

Department of Defense personnel authorities.

Section II**Prescribed Forms**

Unless otherwise indicated, all U.S. Army Corps of Engineers forms are available on the USACE website at <https://publications.usace.army.mil>.

ENG Form 6099

Recruitment or Relocation Incentives Service Agreement (prescribed in para 2-3)

ENG Form 6100

Retention Incentives Service Agreement (prescribed in para 2-5)

ENG Form 6101

Enhanced Annual Leave – Justification and Approval (prescribed in para 4-5)

ENG Form 6102

Enhanced Annual Leave – Employee's Statement of Understanding (prescribed in para 4-6)

ENG Form 6103

Student Loan Repayment Service Agreement (prescribed in para 3-4)

ENG Form 6104

Advanced In-Hire Rate – Justification and Approval (prescribed in para 5-6)

ENG Form 6266

Retention Incentives Statement of Understanding (prescribed in para 2-5)

ENG Form 6267

Student Loan Repayment Program Checklist (prescribed in para 3-4)

ENG Form 6268

Recruitment, Relocation, and Retention Incentives Checklist (prescribed in para 2-8)

ENG Form 6303

Recruitment, Relocation, and Retention Incentives – Justification and Approval (prescribed in para 2-7)