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U.S. Army Corps of Engineers
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CEHR-E

Regulation
No. 690-1-1213

17 April 2023

Civilian Personnel
ADMINISTRATIVE REEMPLOYMENT RIGHTS FOR
CERTAIN CORPS OF ENGINEERS EMPLOYEES

1. This regulation contains guidance on and establishes procedures for granting and enforcing administrative reemployment rights (ARR) for U.S. Army Corps of Engineers (USACE) personnel in Alaska, Hawaii, and for all personnel under a Permanent Change of Station (PCS), a Temporary Change of Station (TCS), or a reassignment involving remote work in support of programs of national interest. This regulation does not impact statutory reemployment rights.
2. Applicability. This regulation applies to USACE employees who have administrative reemployment rights to USACE activities in Alaska and Hawaii, and other USACE personnel under a PCS, a TCS, or a reassignment involving remote work in support of programs of national interest or other situations to support missions of extreme importance.
3. Distribution Statement. Approved for public release; distribution is unlimited.

FOR THE COMMANDER:



JAMES J. HANDURA
COL, EN
Chief of Staff

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*This regulation supersedes ER 690-1-1213, dated 31 July 2013

1. Purpose. This regulation contains guidance on and establishes procedures for granting and enforcing administrative reemployment rights (ARR) for U.S. Army Corps of Engineers (USACE) personnel in Alaska, Hawaii, and for all personnel under a Permanent Change of Station (PCS), a Temporary Change of Station (TCS), or a reassignment involving remote work in support of programs of national interest. This regulation does not impact statutory reemployment rights.

2. Applicability. This regulation applies to USACE employees who have administrative reemployment rights to USACE activities in Alaska and Hawaii, and other USACE personnel under a PCS, a TCS, or a reassignment involving remote work in support of programs of national interest or other situations to support missions of extreme importance.

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
([10 U.S.C. 1586 - Rotation of career-conditional and career employees assigned to duty outside the United States - Content Details - USCODE-2021-title10-subtitleA-partII-chap81-sec1586 \(govinfo.gov\)](https://www.govinfo.gov/uscotitles/10-subtitleA-partII-chap81-sec1586))

b. DoD Instruction 1400.25, Volume 1230, July 26, 2012, “DoD Civilian Personnel Management System: Employment in Foreign Areas and Employee Return Rights”
(https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/140025/140025v1230.pdf?ver=hrwHrzYNZj373kCK6L_FvA%3D%3D)

c. Joint Travel Regulations, Uniformed Service Members and DoD Civilian Employees
(<https://media.defense.gov/2022/Jan/04/2002917147/-1/-1/0/JTR.PDF>)

d. AR 690-300, Chapter 18 Return Rights
(https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN4491-AR_690-300-000-WEB-1.pdf)

e. CEHR-E Memorandum, (USACE Command Special Assistance Initiative), 26 May 2016
(<https://usace.dps.mil/sites/KMP-HR/CPD%20Repository/Forms/AllItems.aspx?csf=1&web=1&e=0gmwLj%2F&FolderCTID=0x0120008F4F95AC9CB482498A6282FA44F5DDDBD&id=%2Fsites%2FKMP%2DHR%2FCPD%20Repository%2FStaffing%2D%20Recruitment%2FPolicies%2FCommand%20Special%20Assistance%20Initiative%20%28CSAI%29%2FCCommand%20Special%20Assistance%20Initiative%20%28CSAI%29%2026%20May%202016%2Epdf&viewid=929113c2%2Daca1%2D4967%2Db4c3%2D664edeabef78&parent=%2Fsites%2FKMP%2DHR%2FCPD%20Repository%2FStaffing%2D%20Recruitment%2FPolicies%2FCommand%20Special%20Assistance%20Initiative%20%28CSAI%29>)

5. Records Management Requirements. Records management requirements for all record numbers, associated forms, and reports required by this regulation are included in the Army’s

Records Retention Schedule – Army (RRS-A). Detailed information for all record numbers, forms, and reports associated with this regulation are in the RRS-A at <https://www.arims.army.mil>.

6. Guidance. The intent of this policy is to provide human resources guidance for staff supplementation for where workload surges occur that require temporary staffing with permanent USACE employees (APPENDIX A) and non-foreign OCONUS USACE employees in Alaska and Hawaii (APPENDIX B).

APPENDIX A

Personnel Under PCS/TCS/ Reassignment Involving Remote Work In Support of National Interest Programs

A-1. Program Designation Instructions. MSCs will submit a request for designation of programs to be of national interest/enterprise level priorities, or in support of missions of extreme importance through the USACE Headquarters, Directorate of Contingency Operations, Office of the G-3, to the Deputy Commanding General, USACE for decision. Such programs may be humanitarian missions, or emergency missions (such as natural disaster relief projects). Requests will be coordinated with the Directors of Civil Works, Military Programs, Resource Management, Human Resources, and the Office of the Chief Counsel, with a recommendation to the DCG for approval/disapproval. Requests will address the use/viability of all other available human resources authorities prior to requesting ARR. These include duration of need; actions taken to fulfill staffing requirements [e.g., recruiting efforts, incentives, other staffing alternatives, (i.e., re-employed annuitants, temporary/term employees, contracts, etc.)] difficulty in fulfilling staffing requirements (i.e., unique skill requirements, location, tour of duty, etc.) and project location(s). Requests for designation of programs of national interest must:

- a. Provide a description of the complexity and significance of the program, project, etc.,
- b. Identify the directive which assigns the project to the region,
- c. Identify any USACE priority, campaign goal, etc.,
- d. Identify any Congressional, OMB, DoD, Army or other Federal directive or priority,
- e. Address the impact on mission execution if ARR is not granted,
- f. Include a list of position title, series, grade, and locations for which ARR will be granted

A-2. Implementation. Approved designations will be applicable enterprise wide. The G-3 will issue an Operational Order (OPORD)/Daily Tasking Order (DTO) publicizing the designation. The MSC/Laboratory/Center/FOA, Deputy Commander, Military Programs, and/or the responsible HQUSACE Staff Office Director/Chief, on behalf of the DCG, assigned responsibility for the program, priority, humanitarian, or emergency mission must submit a proposed OPORD/DTO to the USACE Headquarters, Directorate of Contingency Operations, Office of the G-3, for USACE wide distribution, announcing the authorization of ARR.

A-3. Delegation. Once a program has been designated a program of national interest, enterprise-level priority, or of extreme importance, this regulation delegates authority to grant ARR to MSC Commanders; USACE Staff Principles occupying General Officer and Senior Executive Service positions; Senior Executive Service-level Directors of Centers, Labs, and Field Operating Activities; and the USACE Deputy Commander for organizations without a General Officer or Senior Executive. The authority may not be re-delegated.

A-4. Eligibility. Administrative return rights are granted to eligible USACE employees who accept ARR assignments to a position in a different CONUS USACE organization. Eligible USACE employees are employees serving on career or career conditional appointments.

a. Ineligible employees include:

(1) employees serving a probationary period upon initial appointment to the competitive service

(2) supervisory employees serving on a probationary period upon initial appointment to a supervisory position

(3) employees serving on temporary, term, intermittent, seasonal, indefinite, or other time limited appointments

(4) clerical/administrative employees as defined under the Office of Personnel Management's Classification & Qualifications, General Schedule Qualification Standards, Group Coverage Qualification Standards, Clerical and Administrative Support positions, <https://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/#url=Group-Standards>

(5) employees from other DoD, Department of the Army, or other Federal agencies

(6) employees serving in attorney positions in the GS-0905 series

A-5. Career Transition Assistance and USACE Command Special Assistance Initiative (CSAI) Registrants. The Reemployment Priority List and DoD procedures governing the consideration and placement of employees during workforce restructuring take precedence when filling positions using ARR. Approved registrants in the USACE CSAI program shall also be given first consideration when filling positions. Instructions for considering CSAI registrants are contained in reference e.

A-6. Vacancy Announcement Conditions of Employment. Vacancy announcements shall include a statement granting ARR to employees who accept a position under PCS, TCS, or a reassignment involving remote work. Permanent USACE employees may be temporarily promoted, reassigned, or detailed. A USACE employee's tenure will NOT be changed from a permanent to non-permanent status when being granted ARR, even if the position being assigned to in the gaining organization is a non-permanent position. The employee's position should be coded as obligated on the losing organization's Integrated Manning Document.

A-7. Duration of ARR. When an employee is recruited for a position covered under the ARR provisions, ARR may be granted as follows:

a. Three (3) years for a PCS assignment or a reassignment involving remote work with the provision for up to a two (2) year extension

b. 30 months for a TCS assignment

A-8. Extension of ARR. Except for TCS tours, employees may request an extension of ARR for up to an additional 2 years (for a maximum of 5 years). Extension requests must be submitted in writing by the employee no later than 6 months prior to the end of the initial assignment or approved extension. Extension requests must be approved by the home station to which the employee has ARR.

a. Extension requests for a TCS tour beyond 30 months must be converted to PCS. There is no authority to extend a TCS beyond 30 months.

b. If the home station disapproves the ARR extension, the gaining organization may either:

(1) offer the employee a permanent assignment in a vacant position within the gaining organization's area of responsibility, or

(2) terminate the assignment and return the employee to the losing organization.

c. Employees should remain in the official position of record for at least one year to minimize disruption to mission execution before being approved for another ARR assignment.

A-9. ARR Agreement. Prior to granting administrative return rights, the employee and losing supervisor of the employee must complete and sign DA Form 5414, Administrative Return Rights Agreement (Figure 1), and ENG Form 6264, USACE Supplement to DA Form 5414 (Figure 2),. The employee must be returned to the official position of record at the losing organization upon completion of the temporary assignment unless the employee voluntarily accepts a different permanent position at the losing organization or a different organization. Supervisors, gaining and losing CPACs, and HRSAs must retain copies of individual DA Form 5414 for employees granted ARR.

A-10. Tracking and Monitoring Reemployment Rights Entitlements. The WMO/HRO 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 three (3) year period or approved extension(s), the WMO/HRO with assistance from the local CPAC, will send an email notifying the employee and servicing Civilian Personnel Advisory Center (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 to ensure that the CPAC is aware of this policy and will also maintain their own records in-house.

A-11. Exercising Return Rights. Employees must formally request to exercise return rights up to six months before the completion of the ARR assignment. If not, action should be initiated to return the employee to the losing organization no later than 30 days prior to the expiration of the ARR period.

A-12. Travel and Transportation Expenses. Gaining organizations will be responsible for paying all travel and transportation costs to the ARR assignment and return to the home station in accordance with reference c, except for employees serving on an OCONUS non-deployment assignment. For employees serving on an OCONUS non-deployment assignment,

transportation costs will be funded in accordance with JTR, if the employee serves the required service period or a curtailment is approved in accordance with paragraph A-12 below.

A-13. OCONUS Personnel Assigned to Foreign Areas. Employees serving on OCONUS or civilian deployment assignments are encouraged to complete their service obligation in their assignments prior to being assigned to a TCS or PCS assignment.

a. Employees serving on civilian overseas contingency deployment assignments must be aware of their service obligations, such as eligibility for Rest and Recuperation (R&R) and relocation incentives (if applicable) for their tour assignment. Employees on non-contingency overseas tours must be aware their service obligations and potential impacts on overseas benefits and entitlements, including but not limited to Living Quarters Allowance (LQA), shipment/storage of household goods, and impact on their statutory return rights.

b. Gaining and losing Commanders may agree to a curtailment of assignment if requested by the OCONUS employee or the deployee. OCONUS return rights obligations may be satisfied if an OCONUS employee curtails the OCONUS tour and accepts an assignment in support of programs of national interest, enterprise level priorities, and support to missions of extreme importance, humanitarian missions, or emergency missions, such as natural disaster relief. In these situations, employees should consult with their servicing CPAC prior to accepting the assignment. The gaining organization with the ARR assignment will be responsible for the permanent, continuing placement of the OCONUS employee once the ARR project is completed.

A-14. Dispute Resolution. Disputes which cannot be resolved by the gaining and losing MSC/Director Commanders, should submit their recommendation and business case through the USACE Headquarters, Directorate of Contingency Operations, Office of the G-3, to the Deputy Commanding General, USACE for decision. Recommendations for resolution will be provided by the Directors of Civil Works and Military Programs, and coordinated with Resource Management, Human Resources and Office of Counsel, as needed.

A-15. Preauthorized Clause. Those who have been granted ARR prior to the effective date of this ER will be honored 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.

APPENDIX B

Personnel Located in Alaska and Hawaii

B-1. Policy. 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 or to attorney positions.

a. The Division/District Commander (or designee) in Alaska or Hawaii, in consultation with the employee's supervisor, has the overall discretionary authority to approve/disapprove administrative reemployment rights (ARR) 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 Supporting Communities of Practice (SCoP) employees, the HQs manager will coordinate with the Division/District Commander for final approval/disapproval of return rights.

B-2. Eligibility. A USACE career or career conditional employee in the competitive service is eligible for ARR if he/she:

a. Has completed their initial 3-year assignment 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

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

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

B-3. Career Transition Assistance and USACE Command Special Assistance Initiative (CSAI) Registrants. The Reemployment Priority List and DoD procedures governing the consideration and placement of employees during workforce restructuring take precedence when filling positions using ARR. Approved registrants in the USACE CSAI program shall also be given first consideration when filling positions. Instructions for considering CSAI registrants are contained in reference e.

B-4. Duration of ARR. When an employee is recruited for a position covered under the ARR provisions, ARR may be granted (as stated in paragraph B-2) as follows:

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

b. 30 months for a tour covered under TCS.

B-5. Extension of ARR. Except for TCS tours, employees may request an extension of ARR for an additional 2 years (for a maximum of 5 years). Extension requests must be submitted no later

than 6 months prior to the end of the initial three (3) year period or approved extension and no sooner than 12 months before the end of the initial period or extension. Extension requests must be approved by the home station to which the employee has ARR.

a. If the home station disapproves the ARR extension, the employee must exercise their return rights within 30 days of the expiration of their current three (3) year period. Otherwise, their return rights will be forfeited.

b. When an employee forfeits their ARR, future placement must be through the employee's own efforts.

c. 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.

B-6. Termination of ARR. Employees must formally request to exercise return rights up to six months before the completion of the ARR assignment. If the CONUS activity agrees in writing to the employee's continued employment with the CONUS activity, the employee forfeits their administrative reemployment rights and remains with the CONUS activity. If the CONUS activity does not agree to the employee's continued employment with the CONUS activity, action should be initiated to return the employee to the losing OCONUS organization no later than 30 days prior to the expiration of the ARR period.

B-7. ARR 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.

a. An employee exercising ARR back to Alaska or Hawaii will be placed in the position (or a similar or like position of the same grade) held immediately prior to assignment of duty in the CONUS activity. If the position is occupied or no longer exists, the employee will be placed in a vacant continuing position for which qualified in the same geographical area, with rights, benefits, and grade equal to the former position.

b. If reemployment under B-6(a) above is not possible, then AR 690-300, Chapter 18 (18-11), Obligation to Reemploy, must be followed.

c. The following scenarios provide guidance in determining the administrative reemployment rights placement:

(1) A USACE employee in Alaska or Hawaii accepts a USACE position in CONUS and meets the eligibility criteria in section B-2. Employee has administrative reemployment rights back to Alaska or Hawaii.

(2) A USACE employee in Alaska or Hawaii accepts a USACE position in CONUS (i.e. SPD) and subsequently accepts a position in a different USACE CONUS organization (i.e. SWD). If the employee remains within USACE, he/she would continue to have administrative reemployment rights back to Alaska or Hawaii up to the maximum extension granted.

(3) A USACE employee in Alaska or Hawaii accepts a USACE position in CONUS. Employee subsequently accepts a position outside of USACE at which point the employee's administrative reemployment rights would be forfeited by the employee.

(4) A USACE employee in Alaska or Hawaii completes their initial three (3) year period and has statutory return rights back to a specific CONUS location (i.e. NAD), but then accepts a position in a different USACE CONUS organization/location (i.e. NWD) and PCSs to that location will no longer be entitled to any reemployment rights.

B-8. Travel and Transportation Funding When an Employee Exercises ARR.

a. Transportation costs for employees exercising ARR will be funded in accordance with the JTR.

b. Employees must complete the assignment service period as defined in paragraph B-4 above before they will be eligible to return to the OCONUS activity at government expense, unless a curtailment is approved upon mutual agreement between the gaining and losing activities' Commanders.

B-9. ARR Documentation.

a. The employee will request reemployment rights by memorandum to the losing organization.

b. The WMO/HRO of the losing activity will notify the losing Civilian Personnel Advisory Center (CPAC) when the Commander has approved an employee's administrative reemployment rights. The WMO/HRO will have the employee sign the appropriate administrative reemployment rights agreement.

c. 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 obligated.

B-10. Tracking and Monitoring Reemployment Rights Entitlements. The WMO/HRO 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 three (3) year period or approved extension(s), the WMO/HRO with assistance from the local CPAC, will send an email notifying the employee and servicing Civilian Personnel Advisory Center (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 to ensure that the CPAC is aware of this policy and will also maintain their own records in-house.

B-11. 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 HRSA at their MSC. The MSC Commander or designee will review the case and provide a written final decision.

B-12. Preauthorized Clause. Those who have been granted ARR prior to the effective date of this ER will be honored 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.

ADMINISTRATIVE RETURN RIGHTS AGREEMENT

For use of this form, see AR 690-300; the proponent agency is DCS, G-1.

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 _____, I understand that - - -
(authorized regulation)

a. I have been granted administrative return 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 return rights are authorized for the initial appointment *(and approved extension)* for an aggregate period not to exceed five (5) years.

d. I may 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 return rights.

PRESENT POSITION TITLE, SERIES, GRADE, AND POSITION DESCRIPTION NUMBER OF EMPLOYEE

TYPED NAME OF EMPLOYEE

SIGNATURE OF EMPLOYEE

DATE

APPROVED BY (Typed Name)

APPROVED BY (Signature)

DATE

Figure B-1. DA Form 5414 (Administrative Return Rights Agreement)

U.S. Army Corps of Engineers (USACE) SUPPLEMENT TO DA FORM 5414, ADMINISTRATIVE RETURN RIGHTS AGREEMENT For use of this form, see ER 690-1-1213; the proponent agency is CEHR-E.	
The following employee is being granted administrative return rights from the losing organization for an initial period of three (3) years with a provision for a two (2) year extension. Extensions beyond five (5) years must be negotiated between the losing and gaining organization.	
Employee's Full Name: _____	
(Losing) Current Position Title: _____	Series-Grade: _____
Current Organization: _____	
Current Official Duty Station: _____	
Servicing CPAC and POC: _____	
(Gaining) Temporary Position Title: _____	Series-Grade: _____
Temporary Organization: _____	
Temporary Position Effective Date: _____	
New Temporary Duty Station: _____	
Servicing CPAC and POC: _____	
The employee must be returned to the official position of record at the losing organization upon completion of the Administrative Return Rights assignment unless the employee voluntarily accepts a different permanent position at the losing organization, temporary organization or a different organization.	
Acknowledgement of this agreement and terms as stated in the references above:	
(Losing) Supervisor Name: _____	
Supervisor Title: _____	
Supervisor's Signature: _____	Date: _____
(Gaining) Supervisor Name: _____	
Supervisor Title: _____	
Supervisor's Signature: _____	Date: _____
Provide signed copies of DA Form 5414 and this supplemental form to the Employee. Gaining and losing supervisors and CPACs must retain copies of DA Form 5414 and this supplemental form for all employees granted Administrative Return Rights.	
Comments	

ENG FORM 6264, MAY 2022

Figure B-2. ENG Form 6264 (Supplement to DA Form 5414)