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CAREER TRANSITION

ASSISTANCE PLAN

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CAREER TRANSITION ASSISTANCE PLAN

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CAREER TRANSITION ASSISTANCE - GENERAL PROVISIONS

AUTHORITY

- Presidential memorandum dated September 12, 1995, entitled "Career Transition Assistance for Federal Employees."
- 5 CFR Part 330, Subparts F and G

PURPOSE

This document serves as the U. S. Agency for International Development's (USAID's) Career Transition Assistance Plan (CTAP) as required by 5 CFR 330.602. The CTAP establishes the policy and procedures concerning career transition assistance to be provided to surplus and displaced USAID employees who are or may be separated through reduction-in-force (RIF) procedures. The plan includes the following:

- (1) Policies to provide career transition services to all surplus and displaced agency employees, including employees in the excepted service, and the Senior Executive Service (SES);
- (2) Policies to provide special selection priority to well-qualified surplus and/or displaced agency employees, who apply for vacancies in the local commuting area, before selecting any other candidate from either within or outside the agency, and agency procedures for reviewing qualification issues;
- (3) Policies that require the selection of a well-qualified displaced employee from another agency who applies for a vacant position in the commuting area before selecting
any other candidate from outside the agency; and
- (4) Operation of the Agency's Reemployment Priority List (RPL) under Subpart B of 5 CFR Part 330.

R Part 330, Subparts F and G

POLICY

Should reductions in personnel be necessary, USAID is committed to ensuring that the best career transition assistance is available and accessible to ALL of its employees. USAID's CTAP, enumerated herein, shall hold the entire Agency accountable for assisting surplus and displaced employees to find work as speedily as possible. If the employee finds satisfying work quickly, the

Agency saves money while minimizing internal disruption, thus allowing for a faster recovery.

RESPONSIBILITIES

The Deputy Assistant Administrator for Human Resources, Bureau for Management, Office of Human Resources (DAA/M/HR) has overall responsibility for ensuring Agency compliance with the rules, regulations, policies and procedures governing career transition assistance, special selection priority and reemployment priority for eligible employees.

Bureau for Management, Office of Human Resources, Personnel Operations Division (M/HR/POD), has primary responsibility for:

- complying with U.S. Office of Personnel Management (OPM) regulations and USAID regulations, policies, and procedures in the recruitment, selection, and placement of employees eligible for special selection priority and reemployment priority;

- providing guidance and assistance to bureaus/offices and employees concerning these areas;

- establishing and maintaining CTAP data/records;

- compiling CTAP annual reports required by 5 CFR 330.610; and

- submitting CTAP reports to the Office of Personnel Management (OPM) by December 31 of each year.

Managers and supervisors will be expected to:

- Familiarize themselves with the career transition process;

- Encourage the use of the career transition assistance offered by USAID;

- Provide communication and support to displaced and surplus employees as they go through the career transition process;

- Listen to concerns of employees and identify those in severe crisis situations so they can get help; and

- Provide support to the remaining employees by sharing information and helping them to deal with survivor stress.

Employees must take individual responsibility for their own careers and for the success of their transition into another job. Each affected employee is expected to empower him/herself with the tools and information provided by the Agency, or other appropriate sources, and the contacts the employee will need to make a successful job transition.

PART 1. USAID CTAP TRANSITION SERVICES

1.1 Employee Coverage

Career transition assistance under this plan shall be provided to all surplus and displaced employees in tenure groups I and II of the competitive and excepted services, and to career appointees in the Senior Executive Service.

Note: Tenure Group I employees in the excepted service are on appointments which carry no restrictions or conditions such as conditional, indefinite, specific time limitations, or trial periods. These appointments are equivalent to career appointments in the competitive service. Tenure Group II employees in the excepted service are serving trial periods for appointments that lead to career status. These appointments may be equivalent to career conditional appointments in the competitive service.

1.2 Available Services

The career transition services to be provided to USAID's RIF'd employees are briefly described below:

(a) Types of services to be provided.

- Career transition training and workshops;
- Peer counseling support - Agency employees will be asked to volunteer to assist displaced employees deal with the initial shock of receiving a RIF notice, assist them through the stages of separation grief, and provide them support during the job search;
- Assistance with job search - Government and private sector job information;
- Resume writing and networking information;
- Facility which includes computers, printers, and copy machines; and
- Follow up services to affected employees having difficulty in moving forward after displacement.

(b) Use of excused absence for employees to utilize services and facilities.

USAID managers and supervisors shall provide each affected employee, who requests it, up to 40 hours of official time to attend career transition training and workshops and to make use of the facilities as necessary. Additional time may be provided, as warranted by individual situations. Time off for job interviews shall be approved and considered official time if the interviews are located in USAID. Supervisors must be advised of the date, time and expected duration of the interview by the employee.

(c) Use of services or facilities after separation.

Displaced employee will have access to career transition services and facilities up to 60 days after being separated. USAID may extend that period of assistance if it is required.

(d) Training for employees, managers, supervisors and union representatives on the services and eligibility for selection priority.

The Office of Human Resources (M/HR) shall coordinate the development and dissemination of information and materials to USAID employees during periods

of RIF activity. Training through briefings and/or seminars shall be provided to employees, managers, supervisors, human resource personnel, and union representatives on the career transition assistance offered by USAID. In addition, there will be special sessions for employees on priority selection procedures under CTAP and the Interagency Career Transition Program (ICTAP) as required by

5 CFR 330.602(1)(iv). Care will be taken to ensure that training and materials are suitable for employees with disabilities. Employees with disabilities may also request and be provided alternative training to suit their individual needs.

(e) Retraining Efforts.

USAID will identify and provide retraining opportunities, subject to budget restrictions, to surplus or displaced employees to build on employees' skills and/or

knowledge to enhance their qualifications for placement. Employees will be advised of the retraining programs, e.g., The Economic Displacement and Worker Adjustment Program (EDWAA), offered through the Department of Labor and /or the D.C. Department of Employment Services.

(f) Access to resources information on other forms of Federal, State, or local assistance which are available to support career transition for employees with disabilities.

USAID shall designate a coordinator to locate contacts and make available information on Federal, State or local systems available to support career transition for employees with disabilities.

(g) Role of employee assistance programs in providing services.

Employee Assistance Programs shall be available to surplus and displaced employees in USAID/W and overseas. USAID shall seek assistance from the Department of State Career Transition Center (CTC), the U. S. Office of Personnel Management (OPM) and the U.S. Department of Agriculture (USDA) to implement structured assistance programs suitable for all employees covered by this plan.

A licensed social worker is on staff at USAID. Additional professional counselors will be hired, as necessary, who will be available to provide free, confidential assistance to employees on a number of concerns and issues. Employees will be provided information on how to contact the counselors.

M/HR shall determine, in consultation with Mission Directors/Representatives, the most cost-effective approach for providing career transition assistance to displaced and surplus employees in overseas missions. Activities will vary from post to post but may include the following:

(1) Frequent staff meetings, senior management and employees, to discuss RIF details and benefits available to displaced employees;

(2) Development of family support network databases in coordination with missions/overseas locations;

(3) Designation of personnel to maintain computer software programs and/or distribute career transition announcements, materials, and resource information, as appropriate, to eligible employees within the field mission;

(4) Identification of a support group at post who will liaison with USAID/W and be responsible for reaching out to surplus/displaced employees and their families. Post resources will generally include the Regional Medical Officer and Regional Psychiatrist, as well as other Department of State medical resources, the Employee Consultation Service and the Alcohol Treatment and Drug Awareness Program. Family support at post is usually led by the Country Liaison Officer (the Family Liaison Officer in Washington shall be contacted to provide additional help); other formal and informal networks;

(5) Contracting of psychologists or human resources consultants to provide workshops on the effects of unplanned changes in life, change as an opportunity,

financial planning, and stress management associated with transition; and

(6) Official time to attend training and workshops in USAID/W for employees who request it.

PART 2. AGENCY CAREER TRANSITION ASSISTANCE PLAN FOR LOCAL SURPLUS AND DISPLACED EMPLOYEES

2.1 Authority.

Presidential Memorandum dated September 12, 1995, entitled "Career Transition Assistance for Federal Employees."

2.2 Purpose.

This section implements the President's memorandum of September 12, 1995, to establish an agency Career Transition Plan for Federal employees during a period of severe downsizing. It is the policy of the United States Government to provide services to help surplus and displaced employees to take charge of their own careers and find other job offers, either within the Federal Government or in the private sector.

2.3 Duration.

This section expires on September 30, 1999, unless the Office of Personnel Management extends the program based on its determination that the Federal Government is still experiencing an emergency downsizing situation.

2.4 Definitions.

(a) Agency means an executive department, a U. S. Government corporation, and an independent establishment as cited in 5 U.S.C. 105. For the purposes of this program, the term "agency" includes all components of USAID except the Office of the Inspector General.

(b) Component means the first major subdivision of an agency, that is separately organized and clearly distinguished from other components in work function and operation.

(c) Displaced employee means:

(1) A current career or career conditional competitive service employee in tenure group 1 or 2, at grade levels GS-15 or equivalent and below, who has received a specific reduction in force (RIF) separation notice or notice of proposed removal for declining a directed reassignment or transfer of function outside of the local commuting area; or,

(2) A current executive branch agency employee in the excepted service, serving on an appointment without time limit, at grade levels GS-15 or equivalent and below, who has been given noncompetitive appointment eligibility and selection priority by statute for positions in the competitive service, and who is in receipt of a RIF separation notice or notice of proposed removal for declining a transfer of function or directed reassignment outside of the local commuting area.

(d) Eligible employee means a surplus or displaced employee who meets the conditions set forth in 5 CFR Subpart 330.605(a).

(e) Local commuting area means the geographic area that usually constitutes one area for employment purposes as determined by the agency. It includes any population center (or two or more neighboring ones) and the surrounding localities in which people live and can reasonably be expected to travel back and forth daily to their usual employment.

(f) Reorganization means the planned elimination or redistribution of work functions within an agency, normally announced in writing.

(g) Special selection priority means that, except as provided by Section 2.6, surplus and/or displaced employees eligible under this plan must be selected over any other candidate for vacancies in the local commuting area, for which they apply and are found well-qualified.

(h) Suitability means determinations based on an individual's character or conduct that may impact the efficiency of the service by jeopardizing an agency's accomplishment of its duties or responsibilities, or by interfering with or preventing effective service in the competitive, excepted or SES position applied for or employed in, and determinations that there is a statutory or regulatory bar to employment.

(i) Surplus employee means:

(1) A current agency employee serving under an appointment in the competitive service, in tenure group 1 or 2, at grade levels GS-15 or equivalent and below, who has received a certificate of expected separation or other official certification issued by the agency indicating that the position is surplus, [for example, a notice of position abolishment, or a notice stating that the employee is eligible for discontinued service retirement]; or

(2) A current Executive Branch agency employee serving on an excepted service appointment without time limit, at grade levels GS-15 or equivalent and below, who has been issued a certificate of expected separation or other official agency certification indicating that his or her position is surplus; and

(3) A current Executive Branch employee serving on a Schedule A or B excepted appointment without time limit, at grade levels GS-15 or equivalent and below, and who is in receipt of a certificate of expected separation or other

official agency certification indicating that his or her job is surplus; or an employee who has received a RIF notice of separation, or a notice of proposed removal for declining a transfer of function or directed reassignment outside of the local commuting area. Such employee may exercise selection priority for permanent excepted service positions within the agency's local commuting area, provided the position to which appointed has the same appointing authority, i.e., Schedule A or B, as the position from which being separated.

(j) Vacancy means a competitive service position filled for a total of 121 days or more, including all extensions, which the agency is filling, regardless of whether the agency issues a specific vacancy announcement.

(k) Well-qualified employee means an eligible employee who possesses the knowledge, skills, and abilities which clearly exceed the minimum qualification requirements for the position. A well-qualified employee must satisfy the following criteria, as determined and consistently applied by the agency:

(1) Meets the basic qualification standards and eligibility requirements for the position, including any medical qualifications, suitability, and minimum educational and experience requirements; and

(2) Satisfies one of the following qualifications requirements:

(i) Meets all selective factors where applicable. Meets appropriate quality ranking factor levels as determined by the agency. Selective and quality ranking factors cannot be so restrictive that they run counter to the goal of placing displaced employees. In the absence of selective and quality ranking factors, selecting officials will document the job-related reason (s) the eligible employee is or is not considered to be well qualified; or

(ii) Is rated by the agency to be above minimally qualified in accordance with the agency's specific rating and ranking process. Generally, this means that the individual may or may not meet the agency's test for "best qualified," but would in fact, exceed the minimum qualifications for the position;

(3) Is physically qualified, with reasonable accommodation where appropriate, to perform the essential duties of the position;

(4) Meets any special qualifying condition(s) that OPM has approved for the position; and

(5) Is able to satisfactorily perform the duties of the position upon entry.

2.5 Eligibility.

(a) To be eligible for the special selection priority, an individual must be in a permanent position in the competitive service and meet all of the following conditions:

(1) Is a surplus or displaced employee (still on the agency rolls) as defined in

5 CFR 330.604(b);

(2) Has a current performance rating of record of at least effective or equivalent;

(3) Applies for a vacancy that is at or below the grade level from which the employee may be or is being separated, that does not have a greater promotion potential than the position from which the employee may be or is being separated;

(4) Occupies a position in the same local commuting area of the vacancy;

(5) Files an application for a specific vacancy within the time frames established by the agency, and provides proof of eligibility as required under 5 CFR 330.608(a)(2); and

(6) Is determined by the agency to be well-qualified for the specific vacancy.

(b) Eligibility for special selection priority begins on the date USAID issues the employee a RIF separation notice, certificate of expected separation, notice of proposed separation for declining a directed reassignment or transfer of function outside of the local commuting area, or other official agency certification identifying the employee as being in a surplus organization or occupation, whichever is earliest.

(c) Eligibility expires on the earliest of:

(1) The RIF separation date, the date of the employee's resignation from the agency, or the date of separation under adverse action procedures for declining a directed reassignment or transfer of function to another local commuting area; or

(2) Cancellation of the RIF separation notice, certificate of expected separation, notice of proposed removal for declining a directed reassignment or transfer of function outside of the commuting area, or other official agency certification identifying the employee as surplus; or

(3) When an eligible employee receives a career, career-conditional, or excepted appointment without time limit in any agency at any grade level; and

(4) Within an agency when an eligible employee declines a career, career conditional, or excepted appointment (without time limit), for which the employee has applied and been rated well-qualified.

2.6 Order of selection for filling vacancies from within the agency.

(a) Except as provided in paragraph (d) of this section, when filling a vacancy, USAID must select an employee under its Agency's CTAP before selecting any other candidate from within or outside the agency, unless it can be shown that another employee would otherwise be separated by reduction in force. In addition, USAID must not procure temporary help services under 5 CFR part 300, subpart E, in lieu of appointing a surplus or displaced Federal employee.

(b) Once USAID has met its obligation to select employees eligible under its CTAP, selections may be made from any other competitive service tenure group 1 or 2 candidate from within its workforce, under appropriate procedures.

(c) If USAID selects a candidate from outside of its workforce, the agency is subject to the order of selection prescribed in 5 CFR 330.705.

(d) Exclusions - the following are not covered under this plan:

(1) Actions taken under 5 CFR 335, including reassignments, changes to lower grade, or promotions, when no eligible employees under these regulations apply;

(2) Reemployment of a former agency employee exercising regulatory or statutory reemployment rights, including the reemployment of injured workers who have either been restored to earning capacity by the Office of Workers' Compensation Programs (OWCP), or who have received a notice that their compensation benefits will cease because of recovery from the disabling injury or illness;

(3) Position changes resulting from disciplinary actions;

(4) Temporary appointments of under 121 days (including all extensions);

(5) Exchange of positions between or among agency employees, when the actions involve no increase in grade or promotion potential, i.e., job swaps;

(6) Conversion of an employee of the same agency who is serving on an excepted appointment which confers eligibility for noncompetitive conversion into the competitive service;

(7) An action taken under Part 351 of 5 CFR;

(8) Non-competitive placement of an employee into a different position as a result of a formal reorganization, when the former position ceases to exist, and no actual vacancy results;

(9) Assignments made under the Intergovernmental Personnel Act (IPA) as provided in Part 334 of 5 CFR;

(10) The filling of a position through an excepted appointment;

(11) Details;

(12) Time-limited promotions of under 121 days, including all extensions;

(13) Noncompetitive movement of surplus or displaced employees within the agency, and within the same local commuting area;

(14) Movement of excepted service employees within an agency;

(15) A placement under 5 U.S.C. 8337 or 8451 to allow continued employment of an employee who has become unable to provide useful and efficient service in his or her current position because of a medical condition;

(16) A placement that is a "reasonable offer" as defined in 5 U.S.C. 8336(d) and 8414 (b);

(17) Career ladder promotions or position changes resulting from reclassification actions;

- (18) Recall of seasonal or intermittent employees from non-pay status;
- (19) The internal placement of an injured or disabled worker whose agency has identified a position for which he or she can be reasonably accommodated;
- (20) An action taken by the agency head or his designee pursuant to the settlement of a formal complaint, grievance, appeal, or other litigation;
- (21) An action taken to return an employee to his or her original or similar position during a supervisory probationary period;
- (22) The retention of individuals whose positions are brought into the competitive service under 5 CFR sections 316.701 or 316.702 and subsequent conversion, when applicable, under 5 CFR section 315.701;
- (23) The retention of an employee for whom OPM has approved a variation under 5 CFR 5.1;
- (24) The selection of an employee from within a component of an agency within the local commuting area, after all eligible surplus and displaced applicants of that component who are eligible under CTAP within the local commuting area have been accorded selection priority;
- (25) The reemployment of a former agency employee who retired under a formal trial retirement and reemployment program, and who seeks reemployment with that agency under the program's provisions, and within the program's applicable time limits;
- (26) Extensions of temporary or term actions, up to the full period allowed, provided that the original action, upon which the extension is based, was made on or before February 29, 1996; or for actions initially made after February 29, 1996, the original vacancy announcement must have specified that the position was open to CTAP candidates and that if they were found well-qualified, would be afforded selection priority. The original announcement must have stated that an extension was possible without further announcement;
- (27) Noncompetitive movement of displaced employees between agencies as a result of reorganization, transfer of function, or mass transfer; and
- (28) The placement of a member of the Senior Executive Service under 5 U.S.C. 3594.

2.7 Notification of surplus and displaced employees.

(a) At the time USAID issues a specific RIF separation notice, certificate of expected separation, or other official agency certification that identifies an employee as being likely to be separated by RIF, or by adverse action procedures for declining a directed reassignment or transfer of function outside of the local commuting area, USAID shall give each of its eligible employees information in writing about the special selection priority available to them under the agency's CTAP. Such information shall contain guidance to the employee on how to apply for vacancies under the CTAP, and what documentation is generally required as proof of eligibility.

(b) USAID shall take reasonable steps to ensure eligible employees are notified of all vacancies the agency is filling and what is required for them to be determined well-qualified for the vacancies. Vacancy announcements

within the agency shall contain information on how eligible employees within the agency can apply, what proof of eligibility is required, and the agency's definition of "well-qualified."

(c) USAID shall advise its surplus and displaced employees, in writing, who apply for specific vacancies within its local commuting area of the results of their application, and whether or not they were found well-qualified. If they are not found well-qualified, USAID shall conduct an independent, second review and notify the applicants of the results of such reviews. If an applicant is found well-qualified, and another well-qualified surplus or displaced candidate is selected, USAID shall advise the non-selected applicant.

2.8 Application and selection.

(a) Application.

(1) To receive special selection priority under USAID's CTAP, an eligible employee must apply for a specific USAID vacancy in the same local commuting area as the position the employee occupies within the prescribed time frames, attach the appropriate proof of eligibility as described in paragraph (a)(2) of this section, and be determined well-qualified by the agency for the specific vacancy.

(2) Employees may submit the following as proof of eligibility for the special selection priority:

(i) RIF separation notice or notice proposed removal for declining a directed reassignment or transfer of function outside the local commuting area;

(ii) Certificate of expected separation or other official notice from the agency indicating that the employee is surplus or eligible for discontinued service retirement; or

(iii) Other official agency certification identifying the employee as being in a surplus organization or occupation.

(b) Selection.

USAID may decide the specific order of selection of its eligible employees within the provisions set forth above (e.g., the agency may decide to select displaced employees before surplus employees or may select surplus and/or displaced employees from within a particular component of the agency before selecting surplus and/or displaced employees from another component of the agency).

(c) USAID cannot select any other candidate from within or outside the agency if eligible employees are available for the vacancy or vacancies.

(d) If two or more eligible employees apply for a vacancy and are determined to be well-qualified, any of these eligible employees may be selected.

(e) If no eligible employees apply or none is deemed well-qualified, the agency may select another agency employee.

2.9 Qualification reviews.

M/HR/POD must ensure that a documented, independent second review is conducted whenever an otherwise eligible employee is determined to be not well-qualified. M/HR/POD shall advise the applicant in writing of the results of the second review.

2.10 Reporting.

(a) M/HR/POD must submit an annual report covering each fiscal year activity under this plan to OPM no later than December 31 of each year.

(b) Each report will include the following:

(1) Number of employees identified by the agency as surplus and displaced during that fiscal year;

(2) The number of CTAP applicants who were found to be well-qualified;

(3) The number of CTAP applicants who were found to be not well-qualified;

(4) Number of selections of eligible employees under the agency's CTAP;

(5) The number of second reviews and the results of those reviews;

(6) The number of CTAP eligibles who declined job offers; and

(7) The name, title, and telephone number of the agency official responsible for the report.

(c) Reports shall be mailed or faxed as indicated below:

U.S. Office of Personnel Management

Workforce Restructuring Office

Employment Service

1900 E Street, NW Washington, DC 20415

FAX: 202-606-2329

2.11 Oversight

OPM shall provide advice and assistance to USAID in implementing its Career Transition Assistance Plan. OPM is also responsible for oversight of the agency's CTAP and may conduct a review of the plan at any time.

PART 3. INTERAGENCY CAREER TRANSITION ASSISTANCE PLAN FOR DISPLACED EMPLOYEES

3.1 Purpose

This section implements the President's memorandum of September 12, 1995, to establish a special Interagency Career Transition Assistance Program (ICTAP) for Federal employees during a period of severe Federal downsizing and Subpart G of 5 CFR 330. OPM established the effective date as July 9, 1997.

The provisions of the Reemployment Priority List (RPL) set forth in 5 CFR 330, Subpart B will remain in effect during the period of severe Federal

downsizing. When USAID considers candidates from outside the agency for vacancies, registrants in the agency's RPL (See ADS Chapter 452 and Part 4 of this plan) have priority for selection over employees eligible under this plan in accordance with 5 CFR 330.705.

The regulations apply only when agencies are making selections from outside its workforce, and does not prohibit movement within an agency.

3.2 Duration

Subpart G of 5 CFR 330 will expire on September 30, 1999, unless the U.S. Office of Personnel Management (OPM) extends the program based on its determination that the Federal Government is still experiencing an emergency downsizing situation.

3.3 Definitions

For the purposes of this subpart, the terms used have the meaning of those provided in 5 CFR 330.703

(a) Agency has the meaning given in 5 CFR 330.604 (a) and Section 2.4 of this plan.

(b) Displaced employee means:

(1) A current career or career-conditional competitive service employee, in tenure group 1 or 2, at grade levels GS-15 or equivalent and below, who has received a specific RIF separation notice, or a notice of proposed removal for declining a directed reassignment or transfer of function outside of the local commuting area;

(2) A former career or career-conditional competitive service employee, in tenure group 1 or 2, at grade levels GS-15 or equivalent and below, who was separated through reduction in force, or removed for declining a directed reassignment or transfer of function outside of the local commuting area;

(3) A former career or career-conditional employee who was separated because of a compensable injury or illness as provided under the provisions of subchapter I of chapter 81 of title 5, United States Code, whose compensation has been terminated and whose former agency is unable to place the individual as required by 5 CFR 353;

(4) A former career or career-conditional competitive service, in tenure group 1 or 2, who retired with a disability under sections 8337 or 8451 of title 5, United States Code, whose disability annuity has been or is being terminated;

(5) A former career or career-conditional competitive service employee in tenure group 1 or 2, at grades GS-15 level or equivalent or below, who received a RIF separation notice, and who retired on the effective date of the reduction in force or under the discontinued service retirement option;

(6) A former Military Reserve Technician or National Guard Technician who is receiving a special disability retirement annuity from OPM under section 8337 (h) or 8451 of title 5 United States Code, as described in 5 CFR 330 Subpart H;

(7) A current Executive Branch agency employee in the excepted service, serving on an appointment without time limit, at grade levels GS-15 or equivalent and below, who has been given noncompetitive appointment eligibility and selection priority by statute for positions in the competitive service, and who is in receipt of a reduction-in-force separation notice or notice of proposed removal for declining a transfer of function or directed reassignment outside of the local commuting area; or

(8) A former Executive Branch agency employee in the excepted service, who served on an appointment without time limit, at grade levels GS-15 or equivalent and below, who has been given noncompetitive appointment eligibility and selection priority by statute for positions in the competitive service, and who has been separated through reduction in force or removed for declining a transfer of function or directed reassignment outside of the local commuting area.

(c) Eligible employee means a displaced employee who meets the conditions set forth in 5 CFR 330.704(a) and Section 2.4 of this plan.

(d) Local commuting area has the meaning given in 5 CFR 330.604(e) and Section 2.4 of this plan.

(e) Special selection priority has the meaning given in 5 CFR 330.604(g) and Section 2.4 of this plan.

(f) Vacancy has the meaning given in 5 CFR 330.604(j) and Section 2.4 of this plan.

(g) Well-qualified employee has the meaning given in 5 CFR 330.604(k) and Section 2.4 of this plan.

3.4 Eligibility

(a) To be eligible for the special selection priority, an individual must meet all of the following conditions:

(1) Is a displaced employee as defined in 5 CFR 330.703(b);

(2) Has a current (or a last) performance rating of record of at least fully successful equivalent (except for those eligibles under 5 CFR 330.703(b)(3), (b)(4), and (b)(6));

(3) Applies for a vacancy at or below the grade level from which the employee has been or is being separated, that does not have a greater promotion potential than the position from which the employee has been or is being separated.

(4) Occupies, or was displaced from a position in the same local commuting area of the vacancy;

(5) Files an application for a specific vacancy within the time frames established by the agency; and provides proof of eligibility required under 5 CFR 330.708(a)(2); and

(6) Is determined by the agency to be well-qualified for the specific position.

(b) Eligibility for special selection priority begins:

(1) On the date the agency issues the RIF separation notice;

(2) On the date an agency certifies that it cannot place an employee eligible under 5 CFR 330.703(b)(3);

(3) On the date an employee eligible under 5 CFR 330.703(b)(4) is notified that his or her disability annuity has been or is being terminated.

(4) On the date the agency issues a formal notice of proposed separation to an employee for declining a transfer of function or directed reassignment outside the local commuting area; or

(5) On the date the National Guard Bureau or Military Department certifies that an employee under 5 CFR 330.703(b)(6) has retired under 5 U.S.C. 8337(h) or 8456.

(c) Eligibility expires:

(1) 1 year after separation;

(2) 1 year after an agency certifies that an individual under 5 CFR 703(b)(3) cannot be placed;

(3) 1 year after an individual under 5 CFR 330.703(b)(4) receives notification that his/her disability annuity has been or will be terminated;

(4) When the employee receives a career, career-conditional, or excepted appointment without time limit in any agency at any grade level;

(5) When the employee no longer meets the eligibility requirements set forth in paragraph (a) of this section (e.g., the employee is no longer being separated by RIF, or under adverse action procedures for declining a transfer of function or directed reassignment outside the local commuting area, or separates by resignation or non-discontinued service retirement prior to the RIF effective date); or

(6) When an eligible employee declines a career, career conditional, or excepted appointment (without time limit) for which the employee has applied and been rated well-qualified; or upon the failure of the applicant to respond within a reasonable period of time to an offer or official inquiry of availability.

3.5 Order of selection in filling vacancies from outside the agency's workforce

(a) Except as provided in paragraph (c) of this section, when filling a vacancy from outside the agency's workforce USAID must select:

(1) Current or former agency employees eligible under the agency's Reemployment Priority List then;

(2) Current or former Federal employees displaced from other agencies eligible under this plan; and then

(3) Any other candidate (under appropriate selection procedures).

(b) The following actions are subject to this order of selection and are covered under this section;

- (1) Competitive appointments (e.g., from registers or delegated examining);
- (2) Noncompetitive appointments (e.g., the types listed in part 315, subpart F, of 5 CFR, as well as Outstanding Scholar and Bilingual/Bicultural appointments made under the authority of the Luevano consent decree);
- (3) Movement between agencies (e.g., transfer), except as provided for in paragraph (c)(8) of this section or part 351 of 5 CFR;
- (4) Reinstatements (except as provided for in paragraph (a)(2) of this section); and
- (5) Time-limited competitive appointments of 121 days or more, including all extensions, except as provided in (c)(11) of this section.

(c) The following actions are not covered under these regulations:

- (1) Selections from an agency's internal Career Transition Assistance Plan, Repromotion or Reemployment Priority List as described in subparts F and B of 5 CFR 330 respectively or any other internal agency movement of current agency employees;
- (2) Appointments of 10 point veteran preference eligibles (CP, CPS, and XP), if reached through an appropriate appointing authority;
- (3) Reemployment of former agency employees who have regulatory reemployment rights, including the reemployment of injured workers who have either been restored to earning capacity by the Office of Workers' Compensation Programs (OWCP), or who have received a notice that their compensation benefits will cease because of recovery from the disabling injury or illness;
- (4) Temporary appointments of under 121 days (including extensions);
- (5) An action taken under Part 351 of 5 CFR;
- (6) The filling of a position by an excepted appointment;
- (7) Conversion of an employee of the same agency who is serving on an excepted appointment that confers eligibility for noncompetitive appointment into the competitive service, e.g., conversion of a veteran's readjustment appointee to a career conditional appointment under 5 CFR 315.705;
- (8) Noncompetitive movement of displaced employees between agencies as a result of reorganization, transfer of function, or mass transfer.
- (9) The reemployment of a former agency employee who retired under a trial retirement and reemployment program, and who seeks reemployment with that agency under the program's provisions, and within the program's applicable time limits;
- (10) An action taken by the agency head or his designee pursuant to the settlement of a formal complaint, grievance, appeal, or other litigation;

(11) Extensions of temporary or term actions, up to the full period allowed, provided that the original action, upon which the extension is based, was made on or before February 29, 1996 (the effective date of the interim regulations), or for actions initially made after February 29, 1996, the original vacancy announcement must have specified that the position was open to ICTAP candidates, and that if they were found well-qualified, would be afforded selection priority. The original announcement must have stated that an extension was possible without further announcement. This exception includes extensions granted by OPM to the 2 or 4 year limit allowed for temporary and term appointments, respectively.

(12) The reappointment of former employees with their agency into hard-to-fill positions, the duties of which require unique skills and experience necessary to conduct a formal skills-based training program for the agency;

(13) The retention of individuals whose positions are brought into the competitive service under 5 CFR 316.701 or 5 CFR 316.702 and subsequent conversion, when applicable under 5 CFR 315.701;

(14) The retention of an employee for who OPM has approved a variation under 5 CFR 5.1;

(15) The placement of a member of the Senior Executive Service under 5 U.S.C. 3594; and

(16) Assignments made under the Intergovernmental Personnel Act (IPA) as provided in 5 CFR 334.

3.6 Notification of displaced employees

(a) At the time USAID issues a specific RIF separation notice or notice of proposed removal for declining a directed reassignment or transfer of function outside of the local commuting area, an agency must give each of its eligible employees information in writing about the special selection priority available to them under the Interagency Career Transition Plan. Such information must contain guidance to the employee on how to apply for vacancies under the ICTAP, and what documentation is generally required as proof of eligibility.

(b) USAID shall take reasonable steps to ensure eligible employee are notified of all vacancies the agency is filling and what is required for them to be determined well-qualified for the vacancies.

(c) USAID shall advise, in writing, ICTAP candidates who apply for specific vacancies within its local commuting area of the results of their application, and whether or not they were found well-qualified. If they are not found well-qualified, such notice shall include information on the results of an independent, second review conducted by the agency. If an application is found well-qualified and another well-qualified surplus or displaced candidate is selected, the applicant shall be so advised.

3.7 Reporting vacancies to OPM

(a) M/HR/POD shall report all competitive service vacancies to OPM when accepting applications from outside the agency (including applications for temporary positions lasting 121 or more days) except when USAID elects to

fill a position by the transfer or reassignment of an ICTAP eligible from another agency.

(b)Content. M/HR/POD's notice to OPM of job announcement shall include the position title, location, pay plan and grade (or pay rate) of the vacant position; application deadline; and other information specified by OPM. In addition, for all positions reported, M/HR/POD shall provide OPM with an electronic file of the complete vacancy announcement or recruiting bulletin, which shall contain:

- (1)Title, series, pay plan, and grade (or pay rate);
- (2)Duty location;
- (3)Open and closing dates, plus any other information dealing with how application receipt will be controlled, such as the use of early cut-off dates;
- (4)Name of issuing agency and announcement number;
- (5)Qualifications requirements, including knowledge, skills, and abilities;
- (6)Entrance pay;
- (7)Brief description of duties;
- (8)Basis of rating;
- (9)What to file;
- (10)Instructions on how to apply;
- (11)Information on how to claim veterans' preference, if applicable;
- (12)The agency's definition of well-qualified and information on how CTAP and/or ICTAP candidates may apply, including proof of eligibility required; and
- (13)Equal employment opportunity statement.

3.8 Application and selection

(a) Application

(1) To receive this special priority, eligible employees must apply directly to USAID for specific vacancies in the local commuting area within the prescribed time frames, attach the appropriate proof of eligibility as described in (a)(2) of this section, and be determined well-qualified by USAID for the specific position.

(2)Employees may submit the following as proof of eligibility for the special selection priority:

(i) RIF separation notice, or notice of proposed reassignment or transfer of function to another commuting area;

(ii) Documentation, e.g., SF-50, Notification of Personnel Action, showing that they were separated as a result of reduction in force, or for declining a transfer of function or directed reassignment to another commuting area;

(iii) Official certification from an agency stating that it cannot place an individual whose injury compensation has been or is being terminated;

(iv) Official notification from OPM that an individual's disability annuity has been or is being terminated; or

(v) Official notification from the Military Department or National Guard Bureau that the employee has retired under 5 U.S.C. 8337(h) or 8456.

(b) Selection.

In making selections, USAID shall adhere to the overall order of selection set forth in 5 CFR 330.705. In addition, the following apply:

(1) USAID cannot select another candidate from outside the agency if eligible employees are available for the vacancy or vacancies.

(2) If two or more eligible employees apply for a vacancy and are determined to be well-qualified, any of these eligibles may be selected.

(3) If no eligible employees apply or none is deemed well-qualified, USAID may select another candidate without regard these regulations. (This flexibility does not apply to selections made from the agency's Reemployment Priority List as described in subpart B of 5 CFR 330 and ADS 452).

(c) USAID may select a candidate from its Career Transition Assistance Plan or Reemployment Priority List, as described in subparts F and B of 5 CFR 330 respectively, or another current agency employee (if no eligible employees are available through its CTAP) at any time.

3.9 Qualification reviews

USAID shall ensure that a documented, independent second review is conducted whenever an otherwise eligible employee is found to be not well-qualified. USAID must advise the applicant in writing of the results of the second review.

3.10 Reporting.

(a) USAID must submit an annual report covering each fiscal year activity under this subpart to OPM no later than December 31 of each year.

(b) Each report must include data specified in Section 330.610 of Subpart F, 5 CFR 330, and must also include information on:

(1) The number of selections of ICTAP eligible employees from other Federal agencies;

(2) The number of ICTAP candidates found not well-qualified;

(3) The number of ICTAP candidates found well-qualified;

(4)The number of selections of competitive service tenure group 1 or 2 employees from other Federal agencies who are not displaced;

(5)The number of declinations from ICTAP eligible candidates;

(6)The number of competitive service tenure group 1 or 2 appointments from outside the Federal Government; and

(7)The number of placements made from the agency's Reemployment Priority List.

3.11 Oversight

OPM is responsible for oversight of the Interagency Career Transition Assistance Plan for Displaced Employees and may conduct a review of activity in USAID at any time.

PART 4. REEMPLOYMENT PRIORITY LIST (RPL)

4.1 General Statement

The policies for the operations of the USAID's Reemployment Priority List (RPL) are located in ADS Chapter 452, Reduction in Force-Civil Service, Section E452.5.15a part 2.

4.2 Responsibility.

M/HR/POD establishes and maintains a Reemployment Priority List (RPL) that gives eligible Agency employees, who are separated by RIF priority consideration over outside applicants for competitive service vacancies filled by the Agency by permanent, term, temporary, or other non-status appointment.

At the time it gives a specific RIF notice or a Certification of Expected Separation (CES), the Agency must provide each eligible employee information about the RPL, including appeal rights.

4.3 Eligibility

Group I and II employees in the competitive service who have received a current annual performance rating above unacceptable and who have not declined a RIF offer of a position at the same grade as the position from which the employee was or shall be separated are eligible to apply for the program.

4.4 Application

(a) To be entered on the RPL, an eligible employee must complete an application form prescribed by the Agency and inform the Agency of any significant changes in the information provided. This application shall provide for the employee to specify the conditions under which the employee shall accept employment, including grade, occupation, and minimum hours of work per week, in addition to positions at the same representative rate and type of work schedule as the position from which the employee was or shall be separated.

(b) The employee must submit the application form to M/HR/POD within 30 calendar days after the RIF separation date. The Agency may register an eligible employee on the RPL no later than 10 calendar days after receipt of a timely application form. An employee who fails to submit a timely application form is not entitled to be placed on the RPL. A Group 1 employee is eligible for the RPL for two years, and a Group II employee is eligible for one year, from the date the employee is entered on the RPL.

(c) An eligible employee is entitled to consideration for positions in the commuting area for which qualified and available that are at no higher grade (or equivalent), have no greater promotion potential than the position from which the employee was or shall be separated, and have the same type of work schedule. In addition, an employee is entitled to consideration for any higher grade previously held on a non-temporary basis in the competitive service from which the employee was demoted under RIF procedures.

4.5 Removal from RPL

An employee is removed from the RPL before the period of eligibility expires when the individual:

- Requests removal from the Agency RPL in writing;
- Receives a career, career-conditional, or excepted appointment without time limit in any agency;
- Declines an offer of career, career-conditional, or excepted appointment without time limit or fails to respond to an inquiry from the Agency concerning a specific position having a representative rate at least as high, and with the same type of work schedule, as that of the position from which the person was or shall be separated;
- Separates for some other reason (such as retirement, resignation, etc.) before the date the RIF separation would take effect. An employee who retires on or after the date of separation by RIF does not lose RPL eligibility.
- Declines an interview or fails to appear for an agreed upon scheduled interview only if notified in advance of this requirement and the subsequent consequences.

4.6 Restrictions

When a qualified present or former employee is available on the RPL, the Agency shall not fill a permanent or temporary competitive service position by:

- A new appointment, unless the individual appointed is a qualified 10-point preference eligible;
- Transfer of an employee from another agency, or reinstatement of a former Federal employee not on the RPL, unless the individual is a veteran or has mandatory restoration rights.

4.7 Exclusions from Restrictions

These restrictions do not apply to filling competitive service vacancies by promotion, demotion, or reassignment of any current, qualified employee on the rolls; conversion to competitive appointment of employees currently serving under appointments that carry a noncompetitive conversion eligibility; or reappointment by temporary appointment of one year or less, without a break in service, to the same position currently held by an employee serving under a temporary appointment of one year or less; or extension of an employee's temporary appointment to the maximum time authorized.

4.8 Selections from the RPL

Selections for vacancies to be filled from the RPL are made on the basis of RIF retention group and subgroup order. Within a retention subgroup, the Agency has the option to select an individual without regard to order of retention standing.

Effective Date 11/3/98