

Office of Personnel Management
Retirement and Insurance Group



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Benefits Administration Letter

Number: 96-703

Date: March 1, 1996

**SUBJECT Career Transition Assistance for
 Surplus and Displaced Federal Employees**

The purpose of this BAL is to transmit for your information a copy of the interim regulations to implement the President's memorandum of September 12, 1995, that requires Federal agencies to develop career transition assistance programs to help their employees affected by downsizing obtain other employment. The regulations require agencies to provide transition assistance services and give hiring priority to surplus and displaced employees.

A handwritten signature in black ink, appearing to read "Mary Sugar".

Mary M. Sugar, Chief
Agency Services Division

Attachment

OFFICE OF PERSONNEL MANAGEMENT
5 CFR PART 330
RIN 3206-AH26
Career Transition Assistance for
Surplus and Displaced Federal Employees

AGENCY: Office of Personnel Management

ACTION: Interim rule with request for comments

SUMMARY: The Office of Personnel Management is issuing interim regulations to implement the President's memorandum of September 12, 1995, that requires Federal agencies to develop career transition assistance programs to help their employees affected by downsizing obtain other employment. The regulations require agencies to provide transition assistance services and give hiring priority to surplus and displaced employees.

DATES: Interim regulations are effective on December 29, 1995. Agencies will draft and effect their Agency Career Transition Assistance Plan, including provisions to give selection priority to their surplus and displaced employees, as soon as possible, but no later than February 29, 1996, unless an extension is requested and approved by OPM. A new program providing selection priority for displaced employees on an interagency basis - the Interagency Career Transition Assistance Plan -- will go into effect on February 29, 1996, at which time the operation of the current OPM Interagency Placement Program will be suspended. These special plans will operate through September 30, 1999, unless further extended because of severe downsizing. Written comments will be considered if received no later than February 27, 1996.

ADDRESSES: Send or deliver written comments to Leonard R. Klein, Associate Director for Employment, Office of Personnel Management, Room 6F08, 1900 E Street NW., Washington, D.C. 20415-0001.

FOR FURTHER INFORMATION CONTACT: Diane Bohling or Ed McHugh, 202-606-0960, FAX 202-606-2329.

SUPPLEMENTARY INFORMATION: On September 12, 1995, the President issued a memorandum entitled "Career Transition Assistance for Federal Employees" that directs Federal agencies to establish career transition assistance programs to help their surplus and displaced workers find other jobs as the Federal Government undergoes downsizing and restructuring. As set forth in the memorandum, such programs are to be developed in partnership with labor and management, and follow guidance and regulations provided by the Office of Personnel Management (OPM).

OPM is issuing the following regulations which were developed in cooperation with representatives from the Interagency Advisory Group and employee unions. These regulations provide the framework for implementing the President's directive.

The goal of the Presidential directive is to maximize employment opportunities for displaced workers, both within and outside the Federal Government. Under these regulations, Federal agencies are required to draft and effect Agency Career Transition Assistance Plans as soon as possible, but no later than February 29, 1996 (unless an extension is requested and approved by OPM) to provide career transition services to their surplus and displaced employees, and give special selection priority to these workers. These regulations set minimum standards for these plans, which can be supplemented at the agency's discretion.

Agency plans will have three components: 1) policies to provide their surplus and displaced employees with career transition services such as skills assessment, resume preparation, counselling and job search assistance; 2) policies and procedures for selecting their own well-qualified surplus or displaced agency

employees who apply for agency vacancies in the local commuting area, before any other candidate from within or outside the agency; and 3) operation of the agency's Reemployment Priority List (RPL) under subpart B of 5 CFR 330. These plans will operate through September 30, 1999, unless further extended because of severe downsizing. Because the Department of Defense already has an effective program in operation to provide selection priority to surplus and displaced employees within the Department -- the Priority Placement Program -- the requirement described in 2 above does not apply to the Department of Defense. The Department of Defense is subject to the other elements of these regulations, and the Reemployment Priority List under Subpart B of 5 CFR 330, and its employees are eligible for the benefits provided by these programs.

Traditionally, the Federal Government has relied on referrals from centralized inventories as the mechanism to place surplus and displaced workers in jobs in other agencies. Although the program currently used to do this, the OPM Interagency Placement Program, is automated and provides quick and efficient referrals, it has placed very few workers. An OPM review of the system shows that candidates frequently decline job offers that come through the referral process or simply do not respond to job availability inquiries even though they had previously registered for such assistance. Many other displaced workers simply fail to register for the program.

Because of the severe downsizing expected over the next few years, the Presidential memorandum and these implementing regulations take a new approach to helping surplus and displaced workers find other jobs - individual employee empowerment. Workers affected by downsizing are given the tools and resources to seek out other Federal employment and the right to be hired when they apply and are well-qualified. Many experts have suggested that the key to successful career transition is individual initiative. If individual workers have the power to find, apply, and exercise selection priority for specific vacancies in which they themselves are interested, it is believed that this would motivate and reinforce an employee's self interest in finding other employment. The skills, resources, and initiative that employees develop in this process can be used equally to find Federal vacancies or jobs in the private sector. This latter aspect is particularly important since Federal hiring is expected to be very limited in the foreseeable future.

During the expected period of severe downsizing, these regulations may restrict the flexibility that agencies have to hire candidates. Current statutory requirements, which include providing hiring preference to veterans, are not affected by these regulations. The regulations also do not affect existing collective bargaining agreements. The parties to such agreements, however, are free to renegotiate those provisions that may be affected. When current agreements expire, new agreements must adhere to these regulations. With the switch to the individual employee empowerment concept contained in these regulations, the Interagency Placement Program (IPP) is being suspended. Employees who are enrolled in the IPP at the time of its suspension (February 29, 1996) will be eligible for the Interagency Career Transition Assistance Plan (ICTAP), and will be notified of their rights and benefits under the new program. The new regulations also provide ICTAP eligibility to several other categories of employees who were formerly eligible for the Interagency Placement Program including employees separated because of a compensable injury whose compensation is subsequently terminated, disability retirees whose disability annuity has been terminated, certain Military Reserve and National Guard technicians who become eligible for a special disability annuity, and employees who were separated because they declined a transfer of function or directed reassignment to another commuting area. As a result, former subparts G and H which provided placement eligibility for these special categories of employees have been merged into the revised subpart G which is set forth in these regulations.

OPM will monitor Agency and Interagency Career Transition Assistance Plans, and will prepare periodic progress reports. OPM will make every effort to obtain data from agencies through the existing Central Personnel Data File. To assist agencies and employees in implementing Career Transition Assistance Plans, OPM's Workforce Restructuring Office has set up a clearinghouse containing both private sector and Federal career transition materials (call 202-606-0960 for additional information) and a special forum on OPM's MAINSTREET computer-based bulletin board to provide information and handle inquiries about the new regulations (with modem dial 202-606-4800 and select the Career Transition forum). OPM also has a cadre of experienced career transition specialists available for on-site assistance. Comprehensive information on

worldwide Federal job opportunities is available from OPM by phone (912-757-3000; 912-744-2299 for TDD) or electronic bulletin board (912-757-3100).

Waiver of Notice of Proposed Rulemaking and Delay in Effective Date

Pursuant to 5 U.S.C. 553 (b) (3) (B), I find that good cause exists for waiving the general notice of proposed rulemaking because it would be contrary to the public interest to delay access to benefits. Also, pursuant to 5 U.S.C. 553 (d) (3), I find that good cause exists to waive the delay in the effective date and make this amendment effective in less than 30 days. The delay in the effective date is being waived to give effect to the benefits extended by the amended provisions at the earliest practicable date.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only Federal employees.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 330

Armed forces reserves, Government employees.

U.S. OFFICE OF PERSONNEL MANAGEMENT

James B. King
Director

Accordingly, OPM is amending part 330 of title 5, Code of Federal Regulations, as follows:

PART 330--RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

1. The authority citation for part 330 continues to read as follows:

AUTHORITY: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp., p. 218; §330.102 also issued under 5 U.S.C. 3327; subpart B also issued under 5 U.S.C. 3315 and 8151; §330.401 also issued under 5 U.S.C. 3310; subpart H also issued under 5 U.S.C. 8337(h) and 8457(b); subpart I also issued under sec. 4432 of Pub. Law 102-484.

2. Section 330.301 is revised to read as follows:

§330.301 Coverage.

(a) This subpart covers the Interagency Placement Program for employees who will be displaced or who have been separated from their Federal jobs as a result of agency work force reductions, compensable on-the-job injury, discontinued service retirement, or disability retirement. Agencies have the primary responsibility for providing placement assistance to their surplus and displaced employees, and for administering career transition assistance programs. OPM supplements these agency efforts by administering the Interagency Placement Program which gives surplus or displaced employees priority referral to positions in other agencies.

- (b) The operation of this subpart will be suspended from February 29, 1996 through September 30,

1999. In the interim, placement assistance will be provided in accordance with subparts B, F, and G of this part. OPM may extend this date if it determines that the Federal Government is still experiencing an emergency downsizing situation.

3. Subpart F is redesignated as subpart J and a new subpart F is added to read as follows:

Subpart F - Agency Career Transition Assistance Plans (CTAP) for Local Surplus and Displaced Employees

Sec.

330.601	Purpose.
330.602	Agency Plans.
330.603	Duration.
330.604	Definitions.
330.605	Eligibility.
330.606	Order of selection for filling vacancies from within the agency.
330.607	Agency notification responsibilities.
330.608	Application and selection.
330.609	Qualification reviews.
330.610	Reporting.
330.611	Oversight.

Authority: Presidential memorandum dated September 12, 1995, entitled "Career Transition Assistance for Federal Employees".

§330.601 Purpose.

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

(b) These regulations set forth minimum criteria for agency career transition assistance plans. Consistent with the regulations, agencies may supplement these provisions to expand career transition opportunities to their surplus and displaced workers at their discretion.

(c) Sections 330.602(a)(2) and 330.604 through 330.609 do not apply to the Department of Defense Priority Placement Program.

(d) These provisions do not alter any existing negotiated agreements in effect as of December 29, 1995. New agreements will be subject to the provisions set forth in this part.

§330.602 Agency Plans.

(a) Each agency will establish a career transition assistance plan (CTAP) to actively assist its surplus and displaced employees make effective transitions to other employment. Agencies will draft and effect their plans by February 29, 1996, unless an extension is requested and approved by OPM. A copy of the draft plan and any additional modified plans will be sent to OPM as approved by the agency/department head or deputy or undersecretary. An agency plan will include:

- (1) Policies to provide career transition services to all surplus and displaced agency employees,

including those in the excepted service and Senior Executive Service, which address the following:

- (i) Types of career transition services to be provided by the agency;
 - (ii) Use of excused absence for employees to use the services and facilities;
 - (iii) Employee use of services or facilities after separation;
 - (iv) Training to be provided to employees, managers, supervisors, and union representatives on the use of services;
 - (v) Retraining to be provided to employees;
 - (vi) Access to services by employees, including those in field offices and remote sites and those with disabilities;
 - (vii) Availability of resource information on other forms of Federal, state, and local assistance which are available to support career transition for employees with disabilities; and
 - (viii) Role of employee assistance programs in providing services;
- (2) Policies to provide special selection priority to well-qualified surplus or displaced agency employees who apply for agency 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) Operation of the agency's Reemployment Priority List under subpart B of 5 CFR 330.
- (b) To the extent practicable, agency CTAPs shall be developed in partnership with management and employees' union representatives.

§330.603 Duration.

This subpart will expire 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.

§330.604 Definitions.

For purposes of this subpart:

(a) *Agency* means an Executive Department, a Government corporation, and an independent establishment as cited in 5 U.S.C. 105.

(b) *Displaced employee* means a current agency employee serving under an appointment in the competitive service, in tenure group I or II, who has received a specific reduction in force (RIF) separation notice.

(c) *Eligible employee* means a surplus or displaced employee who meets the conditions set forth in §330.605(a).

(d) 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.

(e) Special selection priority means the priority that eligible employees have for selection to vacancies over any other candidate.

(f) Surplus employee means a current agency employee serving under an appointment in the competitive service, in tenure group I or II, who has received a Certification of Expected Separation or other certification issued by the agency which identifies the employee as being in a surplus organization or occupation.

(g) Vacancy means a competitive service position lasting 90 days or more, including extensions, which the agency is filling, regardless of whether the agency issues a specific vacancy announcement.

(h) Well-qualified employee means an eligible employee who satisfies the criteria in either paragraphs (h)(1) or (h)(2) of this section as determined and consistently applied by the agency:

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

(ii) Meets all selective factors where applicable. Meets appropriate quality rating 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;

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

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

(v) Is able to satisfactorily perform the duties of the position upon entry; or

(2) Is rated by the agency to be above minimally qualified candidates in accordance with the agency's specific selection process.

§330.605 Eligibility.

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

the following conditions:

- (1) Is a surplus or displaced employee as defined in §330.604(b) and (f);
- (2) Has a current performance rating of record of at least fully successful 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 timeframes established by the agency; 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 the agency issues the RIF separation notice, Certification of Expected Separation, or other 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;
- (2) Cancellation of the RIF separation notice, Certification of Expected Separation, or other 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.

§330.606 Order of selection for filling vacancies from within the agency.

(a) Except as provided in paragraph (b) of this section, when filling a vacancy, an agency must select an employee eligible under its Career Transition Assistance Plan before selecting any other candidate from within or outside the agency, unless doing so would cause another employee to be separated by reduction in force.

(b) The following actions are not covered under this subpart:

- (1) Placement of an agency employee through reassignment, change to lower grade, or promotion, when no employees eligible under this subpart apply;

- (2) Reemployment of a former agency employee exercising regulatory or statutory reemployment rights;
- (3) Position changes resulting from reclassification actions;
- (4) Temporary appointments of under 90 days (including extensions);
- (5) Exchange of positions between or among agency employees, when the actions involve no increase in grade or promotion potential;
- (6) Conversion of an employee on an excepted appointment which confers eligibility for noncompetitive conversion into the competitive service;
- (7) Placement activities under part 351 of this chapter;
- (8) Placement of an employee into a new position as a result of a reorganization, when the former position ceases to exist, and no actual vacancy results;
- (9) Placements made under the Intergovernmental Personnel Act (IPA) as provided in part 334 of this chapter where they are for critical situations where the failure to make the assignment would substantially harm Federal interests, such as providing training for State takeover of a Federal program;
- (10) The filling of a position through an excepted appointment;
- (11) Details;
- (12) Time-limited promotions of under 90 days;
- (13) Noncompetitive movement of surplus or displaced employees;
- (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; and
- (18) Recall of seasonal employees from nonpay status.

§330.607 Agency notification responsibilities.

(a) At the time it issues a specific RIF separation notice, Certification of Expected Separation, or other certification that identifies an employee as being likely to be separated by RIF, an agency must give each of its eligible employees information about the special selection priority available to them under the agency's Career Transition Assistance Plan.

(b) Agencies must 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 as well-qualified for the vacancies.

§330.608 Application and selection.

(a) Application.

(1) To receive this special selection priority, an eligible employee must apply for a specific agency 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 the section, and be determined well-qualified by the agency for the specific vacancy.

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

(i) RIF separation notice;

(ii) Certification of Expected Separation; or

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

(b) Selection. An agency may decide the specific order of selection of its eligible employees within the provisions set forth in §330.606(a) (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) An agency cannot select any other candidates from within or outside the agency if eligible agency 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 without regard to this subpart.

§330.609 Qualification reviews.

Agencies will ensure that a documented review is conducted whenever an otherwise eligible employee is determined to be not well-qualified.

§330.610 Reporting.

(a) Each agency shall submit an annual report covering each fiscal year activity

under this subpart to OPM no later than December 31 of each year, beginning December 31, 1996.

(b) Each report will include the following:

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

(2) Number of selections of eligible employees under the agency CTAP, or in the case of the Department of Defense, under its Priority Placement Program; and

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

(c) Reports should be addressed to:

U.S. Office of Personnel Management
Workforce Restructuring Office
Employment Service
Room 6504
Washington, DC 20415

§330.611 Oversight.

OPM provides advice and assistance to agencies in implementing their Career Transition Assistance Programs. OPM is also responsible for oversight of agency CTAPs and may conduct reviews of the plans at any time.

4. Subpart G is revised and Subpart H is removed to read as follows:

Subpart G - Interagency Career Transition Assistance Plan for Displaced Employees

Sec.

- 330.701 Purpose
- 330.702 Duration.
- 330.703 Definitions.
- 330.704 Eligibility.
- 330.705 Order of selection in filling vacancies from outside the agency's workforce.
- 330.706 Agency notification requirements.
- 330.707 Application and selection.
- 330.708 Qualification reviews.
- 330.709 Reporting.
- 330.710 Oversight.

Authority: Presidential memorandum dated September 12, 1995, entitled "Career Transition Assistance for Federal Employees".

§330.701 Purpose.

(a) This subpart implements the President's memorandum of September 12, 1995, to establish a special interagency career transition assistance program for Federal employees during a period of severe Federal downsizing.

(b) This subpart is effective February 29, 1996.

(c) Nothing in this subpart negates an agency's responsibilities for reemploying displaced employees as defined in §330.703(b).

(d) The provisions of the Reemployment Priority List (RPL) set forth in subpart B of this part will remain in effect during the period of severe Federal downsizing. When an agency considers candidates from outside the agency for vacancies, registrants in an agency's RPL have priority for selection over employees eligible under this subpart in accordance within §330.705.

§330.702 Duration.

This subpart will expire 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.

§330.703 Definitions.

For the purposes of this subpart:

(a) Agency has the meaning given in §330.604(a).

(b) Displaced employee means:

(1) A current or former career or career-conditional competitive service employee, in tenure group I or II, who has received a specific RIF separation notice;

(2) A former career or career-conditional employee who was separated because of a compensable injury 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 part 353;

(3) A former career or career-conditional competitive service employee, in tenure

group I or II, 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;

(4) A former career or career-conditional competitive service employee, in tenure group I or II, in receipt of a RIF separation notice who retired on the effective date of the reduction in force or under the discontinued service retirement option;

(5) A former career or career-conditional competitive service employee, in tenure group I or II, who is separated because he/she declined a transfer of function or directed reassignment to another commuting area; and

(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 8456 of title 5 United States Code, as described in subpart H of this part.

(c) *Eligible employee* means a displaced employee who meets the conditions set forth in §330.704(a).

(d) *Local commuting area* has the meaning given in §330.604(d) of subpart F.

(e) *Special selection priority* has the meaning given in §330.604(e) of subpart F.

(f) *Vacancy* has the meaning given in §330.604(g) of subpart F.

(g) *Well-qualified employee* has the meaning given in §330.604(h) of subpart F.

§330.704 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 §330.703(b).

(2) Has a current (or a last) performance rating of record of at least fully successful or equivalent (except for those eligible under §330.703(b)(2), (b)(3), 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 timeframes established

by the agency; and

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

(b) *Eligibility for special selection priority begins:*

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

(ii) On the date an agency certifies that it can not place an employee eligible under §330.703(b)(2);

(iii) On the date an employee eligible under §330.703(b)(3) is notified that his or her disability annuity has been or is being terminated;

(iv) On the date an employee under §330.703(b)(5) declines the transfer of function or reassignment outside the commuting area; or

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

(c) *Eligibility expires:*

(1) 1 year after separation, except for those employees separated on or after September 12, 1995, and prior to February 29, 1996. For these employees, eligibility expires February 28, 1997;

(2) February 28, 1997, for those candidates who were registered in OPM's Interagency Placement Program (IPP) on or before February 15, 1996 and received a letter from OPM informing them of the demise of the IPP;

(3) 1 year after an agency certifies that an individual under §330.703(b)(2) cannot be placed;

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

(5) when the employee receives a career, career-conditional, or excepted appointment without time limit in any agency;

(6) when the employee no longer meets the eligibility requirements set forth in 330.704, paragraph (a) of this section (e.g., the employee is no longer being separated by RIF or separates by resignation or non-discontinued service retirement prior to the RIF effective date); or

(7) with a specific agency, upon declination of an official offer to the employee by that agency.

§330.705 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 an agency must select:

(1) Current or former agency employees eligible under the agency's Reemployment Priority List described in subpart B, then;

(2) At the agency's option, any other former employee displaced from the agency (under appropriate selection procedures), then;

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

(4) Any other candidate (under appropriate selection procedures) (optional).

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

(1) Competitive appointments (e.g., from registers and direct-hire);

(2) Noncompetitive appointments (e.g., the types listed in part 315, subpart F, of this chapter);

(3) Movement between agencies (e.g., transfer), except as provided for in paragraph (b)(9) of this section or part 351 of this chapter;

(4) Reinstatements (except as provided for in paragraph (a)(2) of this section); and

(5) Time-limited appointments of 90 days or more to the competitive service.

(c) The following actions are not covered under this subpart:

(1) Selections from an agency's internal Career Transition Assistance Plan or Reemployment Priority List as described in subparts F and B of this part respectively or any other internal agency movement of current agency employees;

(2) Appointments of 10 point veterans;

(3) Reemployment of former agency employees who have regulatory or statutory reemployment rights;

(4) Temporary appointments of under 90 days (including extensions);

(5) An action taken under part 351 of this chapter;

(6) The filling of a position by an excepted appointment;

(7) Conversions of employees on excepted appointments that confer eligibility for noncompetitive conversion into the competitive service; and

(8) Noncompetitive movement of displaced employees between agencies or employees moved as a result of reorganization or transfer of function.

(9) Placement of injured workers receiving workers' compensation benefits.

§330.706 Agency notification requirements.

(a) At the time it issues specific RIF separation notices, an agency must give its employees information about their eligibility for the special interagency selection priority.

(b) Agencies are required to report all vacancies to OPM when accepting applications from outside the agency (including applications for temporary positions lasting 90 or more days).

(c) In addition, agencies shall provide OPM an electronic file of complete vacancy announcements or recruiting bulletins for all positions reported.

(d) *Content.* Notice to OPM of job announcements must include the position title, tenure, location, pay plan and grade (or pay rate) of the vacant position; application deadline; and other information specified by OPM. In addition, agencies are required to provide OPM with an electronic file of the complete vacancy announcement or recruiting bulletin, which must include the qualifications required, equal opportunity provisions and, when applicable, veterans' preference provisions.

§330.707 Application and selection.

(a) *Application.*

(1) To receive this special selection priority, eligible employees must apply directly to agencies for specific vacancies in the local commuting area 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 position.

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

(i) RIF separation notice;

(ii) Documentation showing that they were separated as a result of declining a transfer of function or directed reassignment to another commuting area;

(iii) Official certification from an agency stating that it agency 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, an agency will adhere to the overall order of selection set forth in §330.705. In addition, the following apply:

(1) An agency 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 eligible employees may be selected.

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

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

§330.708 Qualification reviews.

Agencies will ensure that a documented review is conducted whenever otherwise eligible employees are found to be not well-qualified.

§330.709 Reporting.

(a) Each agency shall submit an annual report covering each fiscal year activity under this subpart to OPM no later than December 31 of each year, beginning December 31, 1996.

(b) Each report will include data specified in §330.610 of subpart F, and will also include information on:

(i) The number of eligible employees determined to be not well-qualified;

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

(iii) The number of selections of other employees from other Federal agencies who are not displaced; and

(iv) The number of selections from outside the Federal Government.

§330.710 Oversight.

OPM is responsible for oversight of the Interagency Career Transition Assistance Plan for Local Displaced Employees and may conduct reviews of agency activity at any time.