

**Minerals Management Service
Interim Policy Document**

Effective Date: 4/21/2010

IPD No. 2010-02

Series: Administrative

Title: Implementing Instructions for the use of Part-time Reemployment of Civilian Retirees under the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2010

Originating Office: Human Resources Division, Office of Administration and Budget

1. **Purpose.** This document establishes Minerals Management Service (MMS) interim policy on the employment of civilian retirees on a limited basis in accordance with the NDAA. This policy established the conditions for employing reemployed annuitants on a part-time basis without reduction to their annuity, provides criteria for determining if MMS positions support the intent of the NDAA, and identifies documentation and reporting requirements. This policy may be revised if the Office of Personnel Management (OPM) issues additional guidance.

2. Authority.

A. The NDAA for FY 2010 Public Law 111-84, signed on October 28, 2009, and the OPM memorandum dated, January 8, 2010, Subject: Reemployment of civilian retirees under the NDAA for FY 2010.

B. Department of the Interior (Department) Personnel Bulletin (Interim) No: 10-01, dated March 2, 2010.

3. Policy.

A. This Interim Policy Document (IPD) establishes the policy for employing reemployed annuitants on a part-time basis under certain specified conditions. The conditions for its use are as follows:

(1) The MMS must report to the Department on an annual basis on their use of this authority.

(2) Appointments are temporary and must comply with 5 CFR 316.401(c). Specifically, the Requesting Official (RO) may not fill a position by temporary appointment if the position has previously been filled by temporary appointment(s) for an aggregate of 2 years, or 24 months, within the preceding 3-year period. Appointment to a successor position is considered to be an extension of the original position.

(3) Hours worked by any annuitant reemployed under these provisions are limited to 520 hours during the first 6 months of the individual's annuity commencement with a maximum of 1,040 hours during the first year after retirement, 1,040 hours during any 12-month period, or 3,120 total hours worked under this authority per annuitant. The MMS offices are responsible for ensuring that an annuitant's hours do not exceed these amounts.

(4) Any hours of training or mentoring of employees by any annuitant reemployed under these provisions shall not be included in the hours of service performed for the purposes above (unless that was the primary purpose of the appointment). However, those hours of training or mentoring may not exceed 520 hours; thus, an annuitant could possibly work 1,560 hours total during a 12-month period. The MMS offices using this flexibility must ensure that the documentation reflects which hours are spent training and mentoring.

(5) The Department will inform MMS at the beginning of the calendar year of how many allocated slots they may fill under this authority. The MMS has been allocated 16 slots under NDAA Calendar Year 2010.

(6) Slots will not be allocated to MMS organizations, but will be approved by the MMS Director on a case-by-case basis.

(7) The MMS offices may continue to fill positions under this allocation as long as the total number of allotted slots is not exceeded.

(8) This hiring authority expires on October 27, 2014.

B. The MMS must ensure compliance with all applicable laws, rules, regulations, and policies when administering this authority, i.e., compliance with public notice, temporary limited employment, Career Transition Assistance Plan and Interagency Career Transition Assistance Plan requirements, veteran's preference, buyout repayments, etc.

4. **Criteria.** This authority may be used by MMS when it is determined that use is necessary to:

A. Fulfill functions critical to the mission of MMS;

B. Assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or Troubled Asset Relief Program under Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

C. Assist in the development, management, or oversight of agency procurement actions;

D. Assist the Inspector General for the agency in the performance of the mission of that Inspector General;

E. Promote appropriate training or mentoring program of employees;

F. Assist in the recruitment or retention of employee; or

G. Respond to an emergency involving a direct threat to life or property or other unusual circumstances.

5. Responsibilities. The RO will prepare the initial request or request for extension to hire a reemployed annuitant that is in compliance with 5 CFR 316.401(c). The MMS Human Resources Officer (HRO) will review for criteria, proposed utilization of hours worked by the annuitant, compliance with 5 CFR 316.401(c), and ensure a slot is available. The request will then be forwarded to the MMS Director for approval. ROs are responsible for ensuring that annuitants' hours do not exceed these amounts and that the documentation reflects how the hours were worked, i.e., the criteria above or training and mentoring. The annuitant must provide a statement confirming that they are not currently employed by the Federal Government.

6. Approving Officials. The MMS Director has the authority to approve appointments under the NDAA within the allotted number of slots.

7. Documentation.

A. The MMS HR offices will establish case files on each annuitant for which an appointment is granted under this authority. These case files will be maintained separately from the Official Personnel Folder and contain:

(1) A statement from the annuitant confirming that he/she is not currently employed by the Federal Government, either with the Department or any other Federal agency.

(2) The name of the annuitant posted on the outside of the cover of the case file and clearly visible inside the case file.

(3) The appointing authority used to reemploy the annuitant.

(4) A current resume from the annuitant.

(5) Copies of the annuitant's Notification of Personnel Actions, i.e., Standard Form - 50, for both the retirement action and the personnel action appointing the annuitant to the position for which the appointment is approved.

(6) The criteria as listed in 4 above used to justify the reemployment of the annuitant to include documentation of any training and mentoring, if it were a requirement of the appointment, and the documentation approving the appointment.

B. Case files will be maintained for 3 years after the annuitant has left MMS. The information from the case files will be used to accomplish all reporting requirements for this authority.

8. Program Oversight and Evaluation.

A. Human Resources Offices will conduct a review of this authority in their internal evaluation programs. This review shall be accomplished at least annually and the results shall be documented.

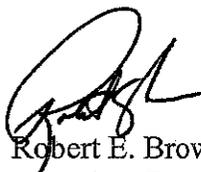
B. Annual Reports on the use of this authority will be provided to the Department by January 10 of each year. At a minimum these reports will consist of:

- (1) Number of reemployed annuitants hired with this authority and
- (2) Name, series, grade level, appointing authority, position title, and geographic location of each annuitant, and status, i.e., part-time, full-time, length and terms of employment and options to renew.

C. The MMS HR Offices will be responsible for maintaining this information and reporting back to the Department.

9. Further information. Questions on part-time reemployment of civilian retirees under the NDAA should be referred to your servicing Human Resources Office.

10. Cancellation. This IPD will remain in effect until no longer needed, until incorporated into the MMS Manual, when new OPM regulations are issued, or when the hiring authority expires on October 27, 2014.



Robert E. Brown
Associate Director for
Administration and Budget