

(3) Failure to accept, within 15 work-days of receipt thereof, an offer of re-employment under § 352.803 which is determined to be a proper offer of reemployment by the employing agency and by Merit Systems Protection Board (MSPB), if appealed.

#### § 352.807 Appeals.

An employee may appeal to MSPB, under the provisions of the Board's regulations, an agency's decision on his or her request for reemployment which he or she believes is in violation of this subpart.

### Subpart I—Reemployment Rights After Service With the Panama Canal Commission

AUTHORITY: Pub. L. 96-70, 22 U.S.C. 3643.

SOURCE: 50 FR 13963, Apr. 9, 1985, unless otherwise noted.

#### § 352.901 Purpose.

This subpart implements section 1203 of the Panama Canal Act of 1979, which provides for the detail or transfer of Federal employees to the Panama Canal Commission with reemployment rights in the former agency.

#### § 352.902 Definitions.

In this subpart—

*Act* means the Panama Canal Act of 1979 (22 U.S.C. 3601 *et seq.*).

*Agency* means an Executive agency, the United States Postal Service, and the Smithsonian Institution.

*Commission* means the Panama Canal Commission as established by section 1101 of the Act.

*Competitive area* is defined in § 351.402 of part 351 of this chapter.

*Competitive level* is defined in § 351.403(a) of part 351 of this chapter.

*Detail* is the assignment of loan of an employee to the Commission without the employee's transfer. The employee remains an employee of the agency in which employed and continues to be the incumbent of the position from which detailed.

*Term of employment* means the period of employment specified in the written agreement between the Commission and the agency for the transfer of an employee or extension of transfer.

*Transfer* means the change in appointment of an employee from an agency to a new appointment with the Commission.

#### § 352.903 Effecting a detail or transfer.

(a) *Authority to approve.* The head of an agency may enter into written agreements with the Commission for the detail or voluntary transfer, for set periods of time, of agency employees to the Commission in accordance with section 3643 of title 22, United States Code, and this subpart. Refusal by the head of the agency to agree to a detail or transfer, or extension of detail or transfer, is not reviewable by the Office of Personnel Management or appealable.

(b) *Employee notice.* The agency will furnish the employee with a copy of the written agreement which must contain a statement of the time limits for exercising reemployment rights and the conditions of reemployment.

#### § 352.904 Eligibility.

This subpart covers only eligible employees transferred or detailed to Commission positions with duty stations in the Republic of Panama.

(a) *Employees eligible.* Except as provided in paragraph (b) of this section, an employee serving in a position in an agency under any of the following appointments may be granted rights under this subpart:

- (1) Career or career-conditional appointment in the competitive service;
- (2) An appointment without a specific time limit in the excepted service; or
- (3) A career appointment in the Senior Executive Service.

(b) *Employee not eligible.* The following employees are not eligible under this subpart:

- (1) An employee who is serving a trial period or probationary period under an initial appointment;
- (2) An employee who has received a proposed notice of involuntary separation (e.g., separation based on reduction in force, adverse action, or performance);
- (3) An employee who is serving in a position excepted from the competitive service under Schedule C of part 213 of this chapter, or under Presidential appointment; or