

§ 550.704

5 CFR Ch. I (1-1-03 Edition)

under 5 U.S.C. 5545b (as provided in § 550.1305(b)), night differential for prevailing rate employees under 5 U.S.C. 5343(f), and any continued rate adjustment under subpart G of part 531 of this chapter, special pay adjustment for law enforcement officers under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), or locality-based comparability payment under 5 U.S.C. 5304, but not including additional pay of any kind.

Reasonable offer means the offer of a position that meets all the following conditions:

- (a) The offer is in writing;
- (b) The employee meets established qualification requirements; and
- (c) The offered position is—

- (1) In the employee's agency, including an agency to which the employee is transferred with his or her function in a transfer of functions between agencies;

- (2) Within the employee's commuting area, unless geographic mobility is a condition of employment;

- (3) Of equal or greater tenure and with the same work schedule (part-time or full-time); and

- (4) Not lower than two grade or pay levels below the employee's current grade or pay level, without consideration of grade or pay retention under part 536 of this chapter or other authority. In movements between pay schedules or pay systems, the representative rate of the offered position must not be lower than the representative rate of the grade or pay level that is two grades below the grade of the current position on the same pay schedule as the current position.

Representative rate has the meaning given that term in § 536.102 of this chapter.

Severance pay fund means the total severance pay to which an employee is entitled during a single entitlement under 5 U.S.C. 5595. It includes a basic severance pay allowance and, where applicable, an age adjustment allowance, as computed under § 550.707.

[55 FR 6593, Feb. 26, 1990, as amended at 56 FR 20342, May 3, 1991; 56 FR 23736, May 23, 1991; 57 FR 59279, Dec. 15, 1992; 58 FR 58262, Nov. 1, 1993; 59 FR 66153, Dec. 23, 1994; 61 FR 3543, Feb. 1, 1996; 63 FR 64593, Nov. 23, 1998; 64 FR 69176, Dec. 10, 1999]

§ 550.704 Eligibility for severance pay.

(a) To be eligible for severance pay, an employee must:

- (1) Be serving under a qualifying appointment;

- (2) Have completed at least 12 months of continuous service, as described in § 550.705; and

- (3) Be removed from Federal service by involuntary separation.

(b) An employee is not eligible for severance pay if he or she:

- (1) Is serving under a nonqualifying appointment;

- (2) Declines a reasonable offer;

- (3) Is serving under a qualifying appointment in an agency scheduled by law or Executive order to be terminated within 1 year after the date of the appointment, unless on the date of separation, the agency's termination has been postponed to a date more than 1 year after the date of the appointment, or the appointment is effected within 3 calendar days after separation from a qualifying appointment;

- (4) Is receiving injury compensation under subchapter I of chapter 81 of title 5, United States Code, unless the compensation is being received concurrently with pay or is the result of someone else's death; or

- (5) Is eligible upon separation for an immediate annuity from a Federal civilian retirement system or from the uniformed services. Such an employee is ineligible even if all or part of the annuity is offset by payments from a non-Federal retirement system the employee elected instead of Federal civilian retirement benefits or disability benefits received from the Department of Veterans Affairs.

§ 550.705 Criteria for meeting the requirement for 12 months of continuous employment.

(a) The requirement for 12 months of continuous employment is met if, on the date of separation, an employee has held one or more civilian Federal positions over a period of 12 months without a single break in service of more than 3 calendar days. The positions held must have been under:

- (1) One or more qualifying appointments;