



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OFFICE OF FEDERAL
PROCUREMENT POLICY

September 4, 2007

MEMORANDUM FOR CHIEF ACQUISITION OFFICERS
SENIOR PROCUREMENT EXECUTIVES

FROM:

Paul A. Denett
Administrator

SUBJECT:

Plans for hiring reemployed annuitants to fill acquisition-related positions

The beginning of the twenty-first century has presented our acquisition workforce with unprecedented challenges. We are more reliant on contracting to support agency missions, and Federal acquisition spending has nearly doubled in the last five years. We are increasing the size of the overall acquisition workforce and expanding our intern programs. However, a significant loss of experience and corporate knowledge is expected as the baby boomer generation retires over the next few years. Although we have increased recruiting, we may experience gaps in the acquisition workforce over the next few years.

In October 2006, the President signed into law the General Services Administration Modernization Act (P.L. 109-313), which allows Federal agencies to hire retired annuitants to fill critical vacancies in the acquisition field. The new legislation allows agencies to hire an individual receiving an annuity from the Civil Service Retirement and Disability Fund without discontinuing such annuity to fill an acquisition-related position under certain circumstances. The authority to use this provision expires on December 31, 2011. Agencies should use this authority, where appropriate, to help meet some of their acquisition workforce hiring needs.

For purposes of this legislation, acquisition-related positions are defined in the Office of Federal Procurement Policy (OFPP) Policy Letter 05-01. Among other functions, reemployed annuitants can:

- Act as mentors to entry and mid-level staff and provide on-the-job training and coaching;
- Serve as additional staff for short-term projects or surges;
- Provide agencies staffing flexibility to support emergency acquisition needs (e.g., natural disasters or other national emergencies);
- Provide a knowledge pool for best practices that could be leveraged across agencies;
- Serve as a consulting resource to address specific agency acquisition issues; and
- Provide support to program managers as acquisition experts to more effectively link contracting and program functions and improve the acquisition process.

Agencies should coordinate with their Chief Human Capital Officer, the Chief Acquisition Officer, and the Acquisition Career Manager to draft implementation plans for this law. Agency plans should contain, at a minimum, the attached criteria. Once these plans are developed, agency heads must consult with the Office of Personnel Management (OPM) and OFPP before implementing their plans.

The consultation process begins with OPM's receipt of the written plan. Agencies should submit their proposed plans to OPM's Human Capital Leadership and Merit Systems Accountability Division. OPM will provide written feedback on the plan, and the agency must address in writing these comments. The process should not exceed 30 calendar days to ensure timely implementation.

Annual reports on use of the provision should be provided to OPM and OFPP by November 1 of the each fiscal year beginning November 2008. At a minimum, these reports should include:

- Number of individuals employed under the provision;
- Name, grade level, and geographic location of each employee;
- Part-time or full-time status; and
- Length and terms of employment and options to renew.

The length of an individual's appointment under the reemployment provisions of P.L. 109-313 must be in accordance with the appointing authority used to rehire the individual (e.g., temporary appointments as contained in 5 CFR part 316).

Getting good results from our acquisitions ultimately depends on the capabilities of the workforce. Our workforce must be equipped with the skills and competencies required to meet the Federal government's increasingly complex needs. Taking the necessary steps to use this new authority is an important part of our solution to meeting the government's acquisition staffing needs. The point of contact in my office on this initiative is Lesley Field who can be reached on (202) 395-4761.

Attachment

Criteria for Planning to Reemploy Annuitants to Acquisition-Related Positions

- Agencies are required to provide a plan that includes the process for reemploying annuitants to acquisition-related positions. The plan must include an agency agreement to maintain case files that contain the following information:
 1. A statement confirming that the person whom the agency wishes to employ is not currently a Federal employee, i.e., is already a Federal annuitant;
 2. A statement that the annuitant whom the agency wishes to reemploy will not accept the offer without a waiver;
 3. The name of the individual for whom the waiver is being requested;
 4. The appointing authority the agency intends to use to reemploy the annuitant;
 5. The position to which the agency intends to reemploy the annuitant;
 6. The criteria used to reemploy the individual (see below);

- The criteria for the waiver in (f) above must meet one of the following provisions:
 - For waivers based on the unique or unusually high qualifications of an individual (41 U.S.C. 433(4)(i)(3)(A)):
 - a. A description of the knowledge, skills, and abilities possessed by the candidate that are essential for the work to be performed;
 - b. Justification that these knowledge, skills, and abilities could not be acquired by another appointee within a reasonable amount of time

 - For waivers based on exceptional difficulty in recruiting a qualified employee (41 U.S.C. 433(4)(i)(3)(B)):
 - a. A description of the length, breadth, and results of the agency's recruiting efforts;
 - b. Any other factors (e.g., unusual qualification requirements or working conditions) which demonstrate that a legitimate recruiting need cannot be met without the requested waiver.

 - For waivers based on exceptional difficulty in retaining a qualified employee (41 U.S.C. 433(4)(i)(3)(B)):
 - a. A statement from the requestor that the individual is still on the agency's rolls;
 - b. A statement from the requestor that the individual will be working on a specific project, rather than continuing to perform the broader duties of the position the individual occupied prior to retirement;
 - c. Critical nature of the project
 - The importance of the project to the agency's mission;
 - Potential costs of project failure or delay;
 - Any legislative or Presidential deadlines;
 - Any other factors demonstrating that the project is unusually critical

- d. Candidate's unique qualifications
 - The knowledge, skills, and abilities possessed by the candidate that are essential for successful completion of the project;
 - Justification that these knowledge, skills, and abilities could not be acquired by another appointee within a reasonable amount of time
 - e. Other staffing options
 - Why the work could not be assigned to other employees involved with the same project
- For waivers based on a temporary emergency hiring need (41 U.S.C. 433(4)(i)(3)(C)):
 - a. a description of the emergency;
 - b. the date it occurred;
 - c. the expected duration of the emergency hiring need;
 - d. a description of how the individual is uniquely qualified to meet the emergency hiring need;