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U.S. OFFICE OF PERSONNEL MANAGEMENT

WORKFORCE RESTRUCTURING OFFICE

RESTRUCTURING INFORMATION HANDBOOK

MODULE 6, REEMPLOYMENT PRIORITY LIST (September 1998 version)

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MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 1. OVERVIEW OF THE REEMPLOYMENT PRIORITY LIST

1. REQUIREMENT FOR AGENCIES TO ESTABLISH RPL (see Section 6-A-2). An agency is required to establish and maintain a reemployment priority list (RPL) when:

- o The agency separates eligible competitive service employees by reduction in force (RIF), or
- o One of the agency's former employees recovers from a compensable injury after more than 1 year.

2. PURPOSE OF THE RPL (see Section 6-A-2). An agency must give its eligible present or former employees registered on its Reemployment Priority List priority consideration for permanent competitive service vacancies over applicants who do not work for the agency.

- o An agency must also consider its Reemployment Priority List registrants for competitive service nonpermanent positions (such as temporary and term positions) when the registrants have indicated this interest on their RPL applications.

- o At its discretion, the agency may consider Reemployment Priority List registrants before considering internal candidates who are not surplus.

- o The Reemployment Priority List does not apply to employees who were downgraded by reduction in force.

3. ALTERNATIVE PROGRAM TO THE RPL (see Section 6-A-18). As an alternative to the Reemployment Priority List, an agency may develop its own placement program.

- o OPM must approve the alternative placement program.

4. ELIGIBILITY FOR THE RPL BASED ON RIF (see Section 6-A-4). A competitive service employee in a career or career-conditional appointment is eligible to be placed on the Reemployment Priority List if the employee has:

1. A current performance rating above "Unacceptable" or equivalent;

2. Received either a specific notice of separation, or a Certification of Expected Separation; and

3. Not declined a reduction in force offer of a position at the same grade as the employee's present position.

o An employee may register for the Reemployment Priority List at any time after receiving a specific notice of separation by reduction in force, or a Certification of Expected Separation, but no later than 30 days after being separated by reduction in force.

5. ELIGIBILITY FOR THE RPL BASED ON COMPENSABLE INJURY (see Section 6-A-4). A former competitive service employee who held a career or career-conditional appointment, but separated from the agency because of a compensable injury or disability, is eligible to be placed on the Reemployment Priority List if the employee has fully recovered more than 1 year after the compensation began.

o An employee who accepted a lower-graded position in lieu of separation from the agency because of a compensable injury or disability is also eligible to be placed on the Reemployment Priority List.

o An eligible former employee may register for the Reemployment Priority List within 30 days after the date compensation ends.

6. LENGTH OF ELIGIBILITY ON THE RPL (see Section 6-A-6). A present (or former) career employee is eligible to be placed on the Reemployment Priority List for 2 years following registration; a career-conditional employee has eligibility for 1 year following registration.

7. RESTRICTIONS ON HIRING WHEN THE RPL IS ESTABLISHED (see Section 6-A-12). When a qualified present or former employee is available on the agency's Reemployment Priority List, the agency may not fill a permanent or temporary competitive service position by:

1. A new appointment, unless the individual appointed is a disabled veteran;

2. Transfer of an employee from another agency, or reinstatement of a former Federal employee not on the List, unless the individual is a veteran or has mandatory restoration rights.



8. ELIGIBILITY FOR POSITIONS FROM THE RPL (see Section 6-A-7). An employee on the Reemployment Priority List has first opportunity for all of the agency's positions in a local commuting area over candidates not presently working for the agency, except as summarized in paragraph 6-A-1-7 above.

- o Unless the employee was previously downgraded in another reduction in force, an employee has a right through the Reemployment Priority List to positions at the same grade or lower than the position held at the time of separation from the agency.

- o An agency may fill vacant positions from its pool of present employees without regard to the Reemployment Priority List.

- o All components of an agency in a local commuting area are covered by the same Reemployment Priority List (e.g., the Department of Defense is a single area for purposes of the List, as are other agencies such as Treasury, Commerce, etc.).

9. TERMINATION OF ELIGIBILITY FOR POSITIONS FROM THE RPL (see Section 6-A-7). A present (or former) employee is removed from the Reemployment Priority List for all positions when the employee declines an offer of a permanent position at the same grade and with the same work schedule as the position the employee held at the time of separation.

- o An employee who declines an offer of a position from the Reemployment Priority List at a lower-graded position loses eligibility for other positions at that grade and at all lower grades.

(For example, a full-time GS-12 employee is separated by reduction in force and subsequently receives an offer of a full-time nontemporary GS-11 position from the Reemployment Priority List. If the individual declines the offer of the GS-11 position, the individual's name is removed from the Reemployment Priority List for all positions at GS-11 and lower).

10. SELECTION FROM THE RPL (see Section 6-A-13). An agency may select employees from the Reemployment Priority List under one of two procedures:

1. RETENTION STANDING ORDER (see Section 6-A-14). Under the first procedure, the agency uses the employee's reduction in force retention standing to determine the order of selection. (For example, a career veteran must be selected over a career nonveteran.) However, the agency is not required to consider employees' relative service dates in making a selection. (For example, among the career nonveterans on the Reemployment Priority List, the agency is not required to consider the employees' individual retention service computation dates.)

2. RATING AND RANKING ORDER (see Section 6-A-15). Under the second procedure, the agency evaluates employees on the Reemployment Priority List and ranks the employees on a point basis in the same manner that it ranks employees for hiring for a competitive position. In ranking employees, additional points are given to disabled veterans, and to other veterans. In order, the three potential ranking categories cover disabled veterans, other veterans, and nonveterans. The agency then begins with the highest category and makes its selection from among the highest three candidates in that category.

11. RPL APPEALS (see Section 6-A-19). An employee who believes that the agency violated the Reemployment Priority List in making a selection may file an appeal to the Merit Systems Protection Board.

o The Board generally requires that an appeal be filed within 30 days of the date that the individual became aware that the violation occurred.

12. OTHER PLACEMENT PROGRAMS. The Presidential memorandum dated September 12, 1995, entitled "Career Transition Assistance for Federal Employees" is reflected in two additional priority placement programs authorized in OPM's regulations.

o The "CAREER TRANSITION ASSISTANCE PLAN" (CTAP) is authorized by Subpart 5 CFR 330-E, and provides career transition opportunities to displaced career and career-conditional employees within their present agencies.

o The "INTERAGENCY CAREER TRANSITION ASSISTANCE PLAN" (ICTAP) is authorized by Subpart 5 CFR 330-F, and provides selection priority to displaced career and career-conditional employees for positions in other agencies that are filling vacancies with outside candidates after first having cleared their respective Reemployment Priority Lists.

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 2. REQUIREMENT FOR AGENCIES TO ESTABLISH A REEMPLOYMENT PRIORITY LIST.

1. GENERAL REQUIREMENT TO ESTABLISH THE RPL. Each agency is required to establish and maintain a "REEMPLOYMENT PRIORITY LIST" (RPL) for each local commuting area in which:

(a) The agency separates, or will separate, one or more competitive service employees by reduction in force (RIF); (5 CFR 330.201(b)), or

(b) A former employee of the agency recovers from a compensable injury after more than 1 year. (5 CFR 330.201(b))

o Paragraph 6-A-2-2 below covers an exception to the general requirement for the Reemployment Priority List.

2. EXCEPTION TO THE GENERAL REQUIREMENT TO ESTABLISH THE RPL. An agency is not required a Reemployment Priority List for employees who were, or will be separated by reduction in force, if the agency:

(a) Operates a placement program for its employees; (5 CFR 330.201(c)); and

(b) Obtains OPM approval that the program satisfies the basic regulatory requirements covering the Reemployment Priority List. (5 CFR 330.201(c))

o This option allows individual agencies to implement different placement strategies that are effective for their particular programs, and still meet employees' legal entitlements to priority consideration for reemployment. (5 CFR 330.201(c))

o Section 6-A-18 contains additional information on this option.

3. REQUIREMENT TO NOTIFY ELIGIBLE EMPLOYEES OF THE RPL. The agency must give each eligible employee information about the Reemployment Priority List at the same time the agency gives the employee a specific reduction in force notice of separation. (5 CFR 330.203(b)) (Also, see Module 3, (Reduction in Force), paragraph 3-A-29-4-(h); and, 5 CFR 351.802(a)(5).)

o This notice must also advise each employee of the right to file a Reemployment Priority List appeal to the Merit Systems Protection Board. (5 CFR 330.203(b))

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 3. GEOGRAPHIC COVERAGE OF THE REEMPLOYMENT PRIORITY LIST

1. DEFINITION OF "AGENCY" FOR RPL PURPOSES. For purposes of the Reemployment Priority List, "AGENCY" means an Executive department, a Government corporation, and an independent establishment, as defined in 5 U.S.C. 105. (5 CFR 330.201(b))

(a) When an agency establishes a Reemployment Priority List, all components of the agency in the local commuting area are responsible for giving priority consideration to all of the registrants on the Reemployment Priority List. (5 CFR 330.201(b))

(b) If an agency has different components in a local commuting area, the agency may allow employees to indicate their availability on the Reemployment Priority List only for certain activities or locations within the local commuting area. (5 CFR 330.202(a)(1))

2. DEFINITION OF "LOCAL COMMUTING AREA" FOR RPL PURPOSES (see 6-B-3-2 for additional information). The "Local Commuting Area" is covered in Restructuring Information Handbook Module 3 (Reduction in Force), paragraph 3-A-7-8.

o "LOCAL COMMUTING AREA" is defined by regulation in 5 CFR 351.203, and 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 centers), and the surrounding localities in which people live and can reasonably be expected to travel back and forth daily to their usual employment. (5 CFR 351.203)

o There is no mileage standard for a local commuting area under OPM's retention regulations; instead the agency has the right and the responsibility to determine what is a reasonable interpretation relative to a specific situation (see Restructuring Information Handbook Module 3 (Reduction in Force), paragraph 3-A-7-8).

o Paragraph 6-A-8-3-(a) notes that an employee registering for the Reemployment Priority List may limit coverage only to specified components within the local commuting area. (5 CFR 330.202(a)(1))

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 4. ELIGIBILITY FOR REGISTRATION ON THE REEMPLOYMENT PRIORITY LIST BASED ON REDUCTION IN FORCE

1. ELIGIBILITY FOR REGISTRATION ON THE RPL (see 6-B-4-1 for additional information). In order to be placed on the Reemployment Priority List because of a reduction in force action, the employee must meet all four conditions covered in 6-A-4-1-(a) through 6-A-4-1-(d) below:

(a) Be serving under a competitive service appointment in retention Group I or Group II; (5 CFR 330.203(a)(1))

o Reduction in force "TENURE GROUPS" are covered in Restructuring Information Handbook Module 3 (Reduction in Force), paragraph 3-A-2-(a). (5 CFR 351.501(a)(1))

(b) Have a performance rating above "Unacceptable," or equivalent, as the employee's current annual performance rating of record in reduction in force competition; (5 CFR 330.203(a)(2))

o The requirement for a rating above "Unacceptable" or equivalent does not apply to employees in positions excluded from a performance appraisal system by law, regulation, or OPM administrative action. (5 CFR 330.203(a)(2))

(c) Have received a specific notice of separation by reduction in force, or received a Certification of Expected Separation; (5 CFR 330.203(a)(3)), and

o Reduction in Force notices are covered in Restructuring Information Handbook Module 3 (Reduction in Force), Sections 3-A-29, 3-A-30, and 3-A-31. (5 CFR 351.801(a)(1))

o The Certification of Expected Separation is covered in Restructuring Information Handbook Module 3 (Reduction in Force), Section 3-A-32. (5 CFR 351.807)

(d) Not have declined a reduction in force offer of assignment to a position with both:

(1) The same work schedule as the position that the employee held at the time of separation by reduction in force; (CFR 330.203(a)(4)), and

(2) The same representative rate as the position that the employee held at the time of separation by reduction in force. (5 CFR 330.203(a)(4))

2. BEGINNING OF ELIGIBILITY ON THE RPL. An employee may register for the Reemployment Priority List as soon as the employee receives:

(a) A specific notice of separation by reduction in force; (5 CFR 330.203(a)(3)); or,

(b) A Certification of Expected Separation. (5 CFR 330.203(a)(3))

3. TIME LIMIT FOR PROCESSING RPL REGISTRATION FORMS. The agency must register an eligible former employee on the Reemployment Priority List within 10 calendar days of receiving a timely registration form. (5 CFR 330.202(b))

4. RPL ELIGIBILITY MAY END BEFORE A RIF. An employee who is otherwise eligible to be registered on the Reemployment Priority List after receiving a specific reduction in force notice, or a Certification of Expected Separation (see paragraph 6-A-4-1 above) loses this eligibility under certain conditions; for additional information, see Section 6-A-7.

5. THE RPL DOES NOT COVER RIF DOWNGRADES (see 6-B-4-5 for additional information). An employee who will be downgraded, or has been downgraded, by reduction in force is not eligible to register on the Reemployment Priority List. (5 CFR 330.203(a))

o An employee who is involuntarily downgraded is eligible for priority consideration in repromotion through the agency's internal staffing plan only if the agency provides this option.

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 5. ELIGIBILITY FOR REGISTRATION ON THE REEMPLOYMENT PRIORITY LIST BASED ON COMPENSABLE INJURY

1. ELIGIBILITY FOR REGISTRATION-GENERAL. In order to be placed on the Reemployment Priority List because of a compensable injury or disability as defined in 5 CFR Part 353, the former employee must meet the four conditions in 6-A-5-1-(a) through 6-A-5-1-(d) below, meaning the employee must have:

(a) Separated from the former position because of a compensable injury or disability; (5 CFR 330.204(a))

(b) Held an appointment to a competitive service position in retention Group I or Group II at the time of the employee's separation; (5 CFR 330.204(a))

o Reduction in force "TENURE GROUPS" are covered in Restructuring Information Handbook Module 3 (Reduction in Force), paragraph 3-A-4-2-(a). (5 CFR 351.501(a)(1))

(c) Fully recovered from the injury or disability more than 1 year after the injury compensation started; (5 CFR 330.204(a)), and

(d) Requested consideration for reemployment in the agency within the time limits covered in paragraph 6-A-5-2 below. (5 CFR 330.202(a)(2))

2. ELIGIBILITY FOR REGISTRATION-DOWNGRADING. An employee who accepted a lower-graded position in lieu of separation because of a compensable injury or disability, as defined in 5 CFR Part 353, is also eligible to be placed on the Reemployment Priority List, provided that the employee meets the three conditions in 6-A-5-1-(b) through 6-A-5-1-(d) above. (5 CFR 330.204(a))



MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 6. ELIGIBILITY FOR SELECTION FROM THE REEMPLOYMENT PRIORITY LIST

1. TIME PERIOD FOR ELIGIBILITY ON THE RPL. Employees are entered on the Reemployment Priority List based on their reduction in force retention standing at the time of their separation from the service:

(a) A Tenure Group I employee is entered on the Reemployment Priority List for 2 years from the date that the agency registers the employee; (5 CFR 330.203(c)), and

(b) A Tenure Group II employee is entered on the Reemployment Priority List for 1 year from the date that the agency registers the employee. (5 CFR 330.203(c))

o Reduction in force Tenure Groups are covered in Restructuring Information Handbook Module 3 (Reduction in Force), paragraph 3-A-2-(a). (5 CFR 351.501(a)(1))

2. REASON FOR ELIGIBILITY DOES NOT CHANGE THE TIME PERIOD THAT EMPLOYEES ARE ELIGIBLE FOR THE RPL. The reason an employee became eligible for the Reemployment Priority List does not change the time period that the present or former employee is carried on the List.

o The time limits for eligibility covered in paragraph 6-A-5-1 above apply to employees eligible for the Reemployment Priority List without regard to the employee's eligibility based on a specific reduction in force notice, or compensable injury. (5 CFR 330.203(c))

3. AGENCY MUST BE ABLE TO CONTACT RPL REGISTRANT. The agency must suspend Reemployment Priority List consideration (both permanent and nonpermanent) for any individual who it cannot contact. (5 CFR 330.203(f))

o The individual may later submit an updated application to restore consideration from the Reemployment Priority List, but the employee's applicable 1- or 2-year period of eligibility on the List is not extended beyond the original time period set at the time of the employee's registration. (5 CFR 330.203(f))

4. DECLINATION OF NONPERMANENT EMPLOYMENT DOES NOT AFFECT RPL ELIGIBILITY. An employee's declination of an offer of a nonpermanent position (for example, positions filled by a temporary or a term appointment) has no effect on the employee's future eligibility on the Reemployment Priority List, or future consideration of positions offered through the List. (5 CFR 330.203(e))

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIREMENT PROCEDURES), SECTION 7. LOSS OF ELIGIBILITY ON THE REEMPLOYMENT PRIORITY LIST

1. EARLY LOSS OF RPL ELIGIBILITY-GENERAL. An agency must remove an employee (or former employee) from the Reemployment Priority List before the end of the appropriate 1- or 2-year period of eligibility covered in paragraph 6-A-6-1 if the individual takes any of the actions covered in paragraphs 6-A-7-2 through 6-A-7-7 below.

2. EARLY LOSS OF RPL ELIGIBILITY-REMOVAL AT EMPLOYEE'S REQUEST. An agency must remove an employee (or former employee) from the Reemployment Priority List if the employee requests removal. (5 CFR 330.203(d)(2)(i))

3. EARLY LOSS OF RPL ELIGIBILITY-EMPLOYEE ACCEPTS A NONTEMPORARY POSITION. An agency must remove an employee (or former employee) from the Reemployment Priority List if the employee accepts, in any agency, a position under a career, career-conditional, or excepted appointment without a time limit. (5 CFR 330.203(d)(2)(ii))

4. EARLY LOSS OF RPL ELIGIBILITY-EMPLOYEE DECLINES AN OFFER IN FORMER AGENCY. An agency must remove an employee (or former employee) from the Reemployment Priority List if the employee declines, in the employee's former agency, an offer of a position with a representative rate as least as high as the position from which the employee was, or will be separated, under a career, career-conditional, or excepted appointment without a time limit. (5 CFR 330.203(d)(2)(iii))

5. EARLY LOSS OF RPL ELIGIBILITY ONLY FOR CERTAIN POSITIONS-EMPLOYEE DECLINES AN OFFER IN FORMER AGENCY (see 7-B-7-5 for additional information). An agency must remove an employee (or former employee) from consideration on the Reemployment Priority List for all positions with a representative rate at, or below, that of any position that the agency offers through the List, and for which the individual has:

(a) Declined an offer of a career appointment; (5 CFR 330.203(c))

(b) Declined an offer of a career-conditional appointment; (5 CFR 330.203(c))

(c) Declined an offer of an excepted appointment without time limit; (5 CFR 330.203(c)), or

(d) Or failed to respond to an inquiry from the agency when the position offered from the List meets the acceptable conditions covered in the individual's registration form. (5 CFR 330.203(c))

6. EARLY LOSS OF RPL ELIGIBILITY-EMPLOYEE VOLUNTARILY LEAVES AGENCY BEFORE RIF (see 6-B-7-6 for additional information). An agency must remove an employee (or former employee) from the Reemployment Priority List if the employee voluntarily leaves the agency before being separated by reduction in force. (5 CFR 330.203(d)(2)(iv))

o For example, the employee may voluntarily leave the agency by retirement, resignation, or transfer to another agency.

7. EARLY LOSS OF RPL ELIGIBILITY-EMPLOYEE DECLINES AN INTERVIEW FOR A POSITION. An agency must remove an employee (or former employee) from the Reemployment Priority List if the employee:

(a) Declines an interview for a position; (5 CFR 330.203(d)(2)(v)), or

(b) Fails to appear for a scheduled interview, after being notified by the agency that the declination or absence would eliminate the employee's future eligibility on the Reemployment Priority List. (5 CFR 330.203(d)(2)(v))

(c) When an agency removes an individual from the Reemployment Priority List because of failure to reply to either a specific offer of a permanent position or an inquiry of availability for a specific permanent vacancy, the agency must have evidence to show that:

(1) The agency made a written offer or inquiry; (5 CFR 330.203(d)(3)), and

(2) The individual received the offer or inquiry. (5 CFR 330.203(d)(3))

o The written offer or inquiry to the individual must clearly state that failure to respond will result in future loss of consideration from the Reemployment Priority List for, as appropriate, all grades or for lower grades. (5 CFR 330.203(d)(3))

8. EARLY LOSS OF RPL ELIGIBILITY-REDUCTION IN FORCE NOTICE IS CANCELED OR EXPIRES. An employee who is no longer subject to separation by reduction in force as the result of the cancellation, or expiration, of a specific reduction in force notice is not eligible for the Reemployment Priority List. (5 CFR 330.203(a)(3))

9. EARLY LOSS OF RPL ELIGIBILITY-EMPLOYEE LEAVES A COMMUTING AREA IN ALASKA OR OVERSEAS. An agency must remove an employee (or former employee) from the Reemployment Priority List if:

(a) An employee registered on the Reemployment Priority List for Alaska or overseas leaves the local commuting area covered by that List; (5 CFR 330.203(d)(2)(vi)), or

(b) The employee becomes disqualified for overseas employment because of previous service or residence. (5 CFR 330.203(d)(2)(vi))

o Paragraph 6-A-10-8 covers operation of the Reemployment Priority List for employees in Alaska or overseas.

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 8. EMPLOYEE REGISTRATION FOR THE REEMPLOYMENT PRIORITY LIST BASED ON REDUCTION IN FORCE

1. TIME LIMIT FOR REGISTRATION. An employee who is eligible for registration on the agency's Reemployment Priority List on the basis of receiving a specific reduction in force notice must submit a completed application to the agency no later than 30 calendar days after the date on which the employee was separated by reduction in force. (5 CFR 330.202(a)(1))

o An employee who does not submit a timely application is not eligible for registration on the Reemployment Priority List. (5 CFR 330.202(a)(1))

2. EARLY REGISTRATION ON THE RPL. An employee may request registration on the Reemployment Priority List at any time after the employee receives either:

(a) A specific notice of separation by reduction in force; (5 CFR 330.202(a)(1)), or

o Reduction in Force notices are covered in Restructuring Information Handbook Module 3 (Reduction in Force), Sections 3-A-29, 3-A-30, and 3-A-31. (5 CFR 351.801(a)(1))

(b) A Certification of Expected Separation. (5 CFR 330.202(a)(1))

o The Certification of Expected Separation is covered in Restructuring Information Handbook Module 3 (Reduction in Force), Section 3-A-32. (5 CFR 351.807)

(c) If the employee registers for the Reemployment Priority List before the date of separation by reduction in force, the appropriate 1 or 2 year period of eligibility covered in paragraph 6-A-6-1 still begins on the date that the agency registers the employee on the Reemployment Priority List, rather than on the date that the employee is actually separated by reduction in force. (5 CFR 330.203(c))

(d) There is no authority to register an employee on the Reemployment Priority List if the employee has not received either a specific reduction in force notice, or a Certification of Expected Separation. (5 CFR 330.202(a)(1))

3. REGISTRATION FORMS. The agency determines what forms it uses to register employees for the Reemployment Priority List.

(a) The registration form must allow each eligible employee to specify other acceptable conditions under which the employee will accept a position from the reemployment priority list. (5 CFR 330.202(a)(1))

o Other acceptable conditions of employment cover positions that are in addition to positions with the same grade and work schedule as the position that the employee was, or will be, separated by reduction in force. (5 CFR 330.202(a)(1))

o Conditions of employment may include grade, occupation, minimum work hours, and designated components or certain duty sites in the local commuting area.

o The employee also has the default option to also request Reemployment Priority List consideration for all positions at the same grade (or representative rate), or at a lower grade (or representative rate).

(b) After the registration form is filed, the employee should advise the agency of any significant changes to the information in the form. (5 CFR 330.203(f))

4. THE AGENCY SHOULD ASSIST EMPLOYEES IN REGISTERING FOR THE RPL (see 6-B-8-4 for additional information). The agency should assist each employee in identifying positions for which the employee is qualified, and listing these positions on the employee's Reemployment Priority List registration form. (5 CFR 330.303(c))

5. TIME LIMIT FOR PROCESSING REGISTRATION FORMS. The agency must register an eligible employee on the Reemployment Priority List within 10 calendar days of receiving a timely registration form. (5 CFR 330.202(a)(2))

o If the agency finds that it did not meet the 10-day time limit, the agency must review its appointments to determine if corrective action is appropriate, as covered in Section 6-A-20 of this Module.

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 9. EMPLOYEE REGISTRATION FOR THE REEMPLOYMENT PRIORITY LIST BASED ON COMPENSABLE INJURY

1. TIME LIMITS TO APPLY FOR REGISTRATION ON THE RPL-GENERAL. A former employee who is eligible for the reemployment priority list on the basis of a compensable injury must request reemployment within 30 days after the date the employee's compensation ceases. (5 CFR 330.202(a)(2))

- o Paragraph 6-A-9-2 below contains an exception to this general requirement. (5 CFR 330.202(a)(2))

- o There is no authority to register an employee early for the Reemployment Priority List based on compensable injury.

- o There is no specific format in OPM's regulations that the former employee must follow in requesting reemployment following compensation. (5 CFR 330.202(a)(2))

2. TIME LIMITS TO APPLY FOR REGISTRATION ON THE RPL-EXCEPTION. When an employee files an appeal for continuation of compensation, the 30-day period for requesting reemployment under paragraph 6-A-9-1 above begins the day after resolution of the appeal is reached. (5 CFR 330.202(a)(2))

3. REGISTRATION FORMS. The agency determines what forms it uses to register employees for the Reemployment Priority List.

- (a) The registration form must allow each eligible employee to specify other acceptable conditions under which the employee will accept a position from the Reemployment Priority List. (5 CFR 330.202(a)(1))

- o Other acceptable conditions of employment cover positions that are in addition to positions with the same grade and work schedule as the position that the employee held at the time of separation from the service due to a compensable injury. (5 CFR 330.202(a)(1))

- o Conditions of employment may include grade, occupation, minimum work hours, and designated components or certain duty sites in the local commuting area.

- (b) After the registration form is filed, the former employee is expected to advise the agency of any significant changes to the information in the form. (5 CFR 330.203(f))



4. TIME LIMIT FOR PROCESSING REGISTRATION FORMS. The agency must register an eligible former employee on the Reemployment Priority List within 10 calendar days of receiving a timely registration form. (5 CFR 330.202(b))

o If the agency finds that it did not meet the 10-day time limit, the agency must review its appointments to determine if corrective action is appropriate, as covered in Section 6-A-20 of this Module.

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 10. EMPLOYEE CONSIDERATION FROM THE REEMPLOYMENT PRIORITY LIST BASED ON REDUCTION IN FORCE

1. CONSIDERATION OF GRADE LIMITS-GENERAL (see 6-B-10-1 for additional information). An employee who is eligible for the Reemployment Priority List on the basis of a specific reduction in force notice of separation is registered on the List for positions with a representative rate no higher than the rate of the position that the employee held when the employee was separated, or will be separated, unless the employee was previously downgraded by reduction in force. (5 CFR 330.206(a)(1))

o Paragraph 6-A-10-4 below covers consideration from the Reemployment Priority List when the employee was previously downgraded by reduction in force.

2. CONSIDERATION OF GRADE LIMITS-CERTIFICATION OF EXPECTED SEPARATION. An employee who is eligible for the Reemployment Priority List on the basis of a Certification of Expected Separation is placed on the List for positions with a representative rate no higher than the grade of the position that the employee held when the employee received the Certification, unless the employee was previously downgraded by reduction in force. (5 CFR 330.206(a)(1))

o Paragraph 6-A-10-4 below covers consideration from the Reemployment Priority List when the employee was previously downgraded by reduction in force.

3. CONSIDERATION OF PROMOTION POTENTIAL. The position offered through the Reemployment Priority List may not have any greater promotion potential than the position the employee held at the time of separation from the service, unless the employee was previously downgraded by reduction in force. (5 CFR 330.206(a)(1))

4. CONSIDERATION OF GRADE LIMITS-EMPLOYEE PREVIOUSLY DOWNGRADED BY RIF. An employee who was previously downgraded by reduction in force in one or more prior actions, and who has now received a notice of separation from a lower-graded position in another reduction in force, is placed on the Reemployment Priority List for positions with a representative rate no higher than the highest rate of the former position(s) that the employee held when downgraded. (5 CFR 330.206(a)(1))

5. CONSIDERATION OF WORK SCHEDULE. An agency must consider an employee who is eligible for the Reemployment Priority List on the basis of a specific reduction in force notice only for positions with the same category of work schedule (for example, full-time, part-time, intermittent, seasonal, or on call) that the employee holds on the date of separation from the service because of a reduction in force situation. (5 CFR 330.206(a)(2))

o At its option, an agency may allow an employee on the List to also register for positions having a different work schedule from the position that is the basis for the employee's specific reduction in force separation notice, or Certification of Expected Separation. (5 CFR 330.206(a)(2))

6. CONSIDERATION OF LOCAL COMMUTING AREA-GENERAL (see 6-B-10-6 for additional information). Except for certain locations overseas or in Alaska (see paragraph 6-A-10-8 below), an employee who is eligible for the Reemployment Priority List on the basis of a specific reduction in force notice, or a Certification of Expected Separation, is entered on the List only for the local commuting area where the employee's former position was located.

(a) The Reemployment Priority List covers all components of the agency in a local commuting area (see Section 6-A-3-2). (5 CFR 330.202(a)(1))

o Paragraph 6-A-7-3-(a) notes that an employee registering for the Reemployment Priority List may limit coverage only to specified components within the local commuting area. (5 CFR 330.202(a)(1))

(b) There is no authority for the agency to register an employee on a Reemployment Priority List in a different local commuting area, except as covered in paragraph 6-A-10-7 below when a transfer of function takes place, and in paragraph 6-A-10-8 below for positions in Alaska or overseas. (5 CFR 330.206(a)(3))

o "LOCAL COMMUTING AREA" is defined in paragraph 6-A-3-2.

7. CONSIDERATION OF LOCAL COMMUTING AREA-AFTER A TRANSFER OF FUNCTION. An employee who is separated by reduction in force after a transfer of function is entered on the Reemployment Priority List for the local commuting area of the gaining competitive area that conducted the reduction in force. (5 CFR 330.203(g))

o There is no authority for the agency to register an employee on a Reemployment Priority List covering the local commuting area of the losing competitive area.

8. CONSIDERATION OF LOCAL COMMUTING AREA-ALASKA AND OVERSEAS POSITIONS. An employee eligible for the Reemployment Priority List on the basis of a specific reduction in force notice, or a Certification of Expected Separation, from a position in Alaska or overseas is also entered on the List only for the local commuting area where the employee's former position was located, except as covered in paragraphs 6-A-10-8-(a) and 6-A-10-8-(b) below. (5 CFR 330.206(a)(4))

(a) An employee who leaves a local commuting area in Alaska or overseas that is covered by the employee's specific reduction in force notice, or Certification of Expected Separation, may submit a written request for registration on the Reemployment Priority List applicable to:

(1) The local commuting area where the employee worked immediately before the Alaskan or overseas service; (5 CFR 330.206(a)(4)(i)), or

(2) Another non-Alaskan local commuting area within the United States that is mutually acceptable to the agency and the employee. (5 CFR 330.206(a)(4)(i))

(b) An employee serving under an agency's specific program for rotating certain employees between the United States and overseas may register for the Reemployment Priority List in one additional local commuting area that is acceptable to both the agency and the employee if the employee's total overseas service would exceed the maximum allowed under the agency's program. (5 CFR 330.206(a)(4)(ii))

o This option is available if the employee's total service or residence immediately preceding the reduction in force notice, or Certification of Expected Separation, when added to projected additional overseas service or residence would exceed the agency's total allowable overseas service or residence. (5 CFR 330.206(a)(4)(ii))

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 11. EMPLOYEE CONSIDERATION FROM THE REEMPLOYMENT PRIORITY LIST BASED ON INJURY COMPENSATION

1. CONSIDERATION FOR SAME POSITION. A former employee who is eligible for the agency's Reemployment Priority List on the basis of a compensable injury is placed on the List for the employee's former position, or an equivalent position (e.g., a position with the same representative rate as the employee's former position). (5 CFR 330.206(b)(1))

2. CONSIDERATION OF LOCAL COMMUTING AREA. An employee eligible for the Reemployment Priority List on the basis of a compensable injury is entered on the List for the local commuting area where the employee's former position was located. (5 CFR 330.206(b)(1))

o "LOCAL COMMUTING AREA" is defined in paragraph 6-A-3-2. (5 CFR 351.203)

3. CONSIDERATION OF ADDITIONAL LOCAL COMMUTING AREAS. An employee eligible for the Reemployment Priority List on the basis of a compensable injury who the agency is unable to reinstate in a position in the employee's former local commuting area is entitled to priority consideration for an equivalent position elsewhere in the agency at the time, and in a manner, as the agency determines will provide the individual with maximum opportunities for consideration. (5 CFR 330.206(b)(1))

o The expanded search for a position may, at the agency's option, include registering the former employee on the Reemployment Priority List for one or more additional local commuting areas. (5 CFR 330.206(b)(1))

4. OTHER OPTIONS IN AN EXPANDED SEARCH FOR A POSITION. The expanded search for a position may also include:

o Registering the former employee in a placement program administered by the agency; or

o Referring the former employee for consideration by other activities within the agency.

5. EMPLOYEE INTEREST IN A POSITION IN THE FORMER LOCATION. A former employee who is eligible for the Reemployment Priority List based on a compensable injury may decline expanded consideration for positions in other locations, even though the agency is unable to reinstate the employee to his or her former (or an equivalent) position in the former local commuting area.

o Instead, the former employee may request consideration for another position in the local commuting area of his or her former position. (5 CFR 330.206(b)(2))

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 12. REEMPLOYMENT PRIORITY LIST RESTRICTIONS ON FILLING POSITIONS

1. GENERAL COVERAGE OF THE RPL. The agency must refer to its applicable Reemployment Priority List before filling a competitive service position with an individual who is not presently employed by the agency. (5 CFR 330.205(a))

o Paragraphs 6-A-12-5 through 6-A-12-10 cover several exceptions to the general rule on coverage of the Reemployment Priority List.

2. RPL COVERS PERMANENT AND NONPERMANENT COMPETITIVE SERVICE POSITIONS (see 6-B-12-2 for additional information). The Reemployment Priority List includes competitive service vacancies filled by permanent, term, temporary, or other nonstatus appointment. (5 CFR 330.205(a))

3. RPL COVERS THE GRADE LEVEL OF THE FILLED POSITION. The agency must only clear the Reemployment Priority List at the grade level of the filled position, regardless of the position's full performance level. (5 CFR 330.205(d))

o If the agency advertises a position at multiple grade levels, the agency must clear the Reemployment Priority List only at the grade level of the filled position. (5 CFR 330.205(d))

4. RPL COVERS PRIVATE SECTOR TEMPORARIES. The Reemployment Priority List also covers the use of private sector temporaries under authority of subpart 5 CFR 300-E. (5 CFR 300.503(b))

5. RPL COVERAGE DOES NOT EXTEND TO LATER RPL REGISTRANTS AFTER A POSITION IS COMMITTED. After the agency has cleared the Reemployment Priority List and made a final hiring commitment to an individual who is not registered on the List, the subsequent registration of another employee on the List does not block the agency's commitment to hire the employee from outside the agency. (5 CFR 330.205(e))

6. APPLICABILITY OF THE RPL, AND EXCEPTION, WHEN FILLING A POSITION BY A NEW APPOINTMENT. The agency may not make a final employment commitment to an individual who is not listed on the Reemployment Priority List, and fill a permanent or temporary competitive service position by a new appointment, unless the individual appointed is a qualified 10-point veterans' preference eligible. (5 CFR 330.205(b)(1))

7. APPLICABILITY OF THE RPL, AND EXCEPTION, WHEN FILLING A POSITION UNDER A DELEGATED HIRING AUTHORITY. The Reemployment Priority List also covers a competitive service position filled by an appointment under:

- (a) A direct-hire authority; (5 CFR 330.205(g)), or
  - o This restriction includes the Outstanding Scholar program.
- (b) An examining authority delegated by OPM. (5 CFR 330.205(g))

8. APPLICABILITY OF THE RPL, AND EXCEPTIONS, WHEN FILLING A POSITION BY TRANSFER OR REINSTATEMENT. The agency may not make a final employment commitment to an individual who is not registered on the Reemployment Priority List, and fill a competitive service position by transfer or reinstatement, unless the individual is:

- (1) A preference eligible; (5 CFR 330.205(b)(2))
- (2) Exercising restoration rights based on service in the Armed Forces, or recovery within 1 year from a compensable injury or disability; (5 CFR 330.205(b)(2)), or
  - o Part 5 CFR 353 covers restoration rights from military service or a compensable injury.
- (3) Exercising other statutory or regulatory reemployment rights. (5 CFR 330.205(b)(2))

9. NONAPPLICABILITY OF THE RPL TO INTERNAL PLACEMENT ACTIONS (see 6-B-12-9 for additional information). Subject to the requirements of the Career Transition Assistance Plan for first filling vacancies with surplus or displaced employees, an agency may fill a vacant competitive service position without regard to the Reemployment Priority List when the agency offers the vacancy to a current, qualified employee as:

- (a) A detail or a position change; (5 CFR 330.205(c)(2)(i))
  - o These actions include promotion, demotion, and reassignment.



o The Career Transition Assistance Plan is authorized by subpart 5 CFR 330-E; Section 330.606 covers the order of selection for filling vacancies from within the agency and provides internal selection priority for surplus or displaced employees before selection of an employee from outside of the agency. (5 CFR 330.606(a))

(b) The conversion to a competitive appointment of an employee serving under an appointment with eligibility for noncompetitive conversion; (5 CFR 330.205(c)(2)(ii))

o These actions include the conversion of an employee serving under a Veterans Readjustment Appointment, under an appointment for 30 percent disabled veterans, under a Schedule A appointment for disabled employees, under a Presidential Management Intern appointment, under a Schedule B appointment for cooperative education students, or under a TAPER appointment.

(c) A reappointment by temporary appointment of 1 year or less, without a break in service, to the same position currently held by an employee serving under a temporary appointment of 1 year or less; (5 CFR 330.205(c)(2)(iii)), or

(d) The extension of an employee's temporary appointment to the maximum time period authorized by the appointment authority, or as authorized by OPM. (5 CFR 330.205(c)(2)(iv))

10. NONAPPLICABILITY OF THE RPL TO SPECIAL APPOINTMENT ACTIONS. An agency may fill a vacant competitive service position without regard to the Reemployment Priority List when the agency offers the vacancy by a:

(a) 30-day special needs temporary appointment; (5 CFR 330.205(c)(3)), or

(b) 700-hour temporary appointment of a severely disturbed or mentally restored individual. (5 CFR 330.205(c)(3))

11. NONAPPLICABILITY OF THE RPL AS AN EXCEPTION TO THE REGULAR ORDER OF SELECTION. An agency may fill a vacant competitive service position without regard to the Reemployment Priority List when the agency makes an exception to the regular order of selection from the List. (5 CFR 330.207(d))

o See Section 6-A-16 for additional information on exceptions to the Reemployment Priority List.

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 13. SELECTING EMPLOYEES FROM THE REEMPLOYMENT PRIORITY LIST-GENERAL

1. CHOICE OF TWO PROCEDURES FOR SELECTION FROM THE RPL. An agency has two methods for selecting employees from its Reemployment Priority List: (5 CFR 330.207(a))

(a) Retention Standing Order; (5 CFR 330.207(b)), or

o Section 6-A-14 covers the Retention Standing Order selection procedure.

(b) Rating and Ranking Order. (5 CFR 330.207(c))

o Section 6-A-15 covers the Rating and Ranking Order selection procedure.

2. AGENCY RIGHT TO DESIGNATE PROCEDURE FOR SELECTION FROM THE RPL. The agency must adopt either the Retention Standing Order procedure, or the Rating and Ranking Order procedures, to use in operating a single Reemployment Priority List. (5 CFR 330.207(a))

3. THE AGENCY'S RPL SELECTION PROCEDURE MUST BE IN WRITING. The agency must establish its Reemployment Priority List selection procedure in writing. (5 CFR 330.207(a))

4. OPTIONS IN SETTING RPL SELECTION PROCEDURE. In setting its selection procedure from the Reemployment Priority List, the agency may:

(a) Adopt the same agencywide procedure from the Reemployment Priority List; (5 CFR 330.207(a)), or

(b) Allow components in different local commuting areas to decide which of the two selection procedures is used for the Reemployment Priority List. (5 CFR 330.207(a))

5. OPTIONS IN MODIFYING THE RPL SELECTION PROCEDURE. After the agency adopts one of the two selection methods for its Reemployment Priority List in a designated local commuting area, the agency must use that method in filling all positions. (5 CFR 330.207(a))

(a) The agency may subsequently change the selection procedure from the Reemployment Priority List method that it adopted for a local commuting area. (5 CFR 330.207(a))

(b) The agency may not vary the Reemployment Priority List selection procedures by individual vacancy. (5 CFR 330.207(a))

o This means that the agency may not use alternative selection procedures on the basis of individual vacant positions, appointment considerations, potential pool of candidates, or other similar factors.

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 14. SELECTING EMPLOYEES FROM THE REEMPLOYMENT PRIORITY LIST-RETENTION STANDING ORDER PROCEDURE

1. SELECTION PROCEDURE METHOD USING RETENTION STANDING ORDER. The first of the two procedures available for agencies to select employees for vacancies to be filled from the Reemployment Priority List uses the reduction in force retention standing of the eligible employees. (5 CFR 330.207(b))

o The other procedure for selecting employees from the Reemployment Priority List is based on the employees' Rating and Ranking Order (see Section 6-A-15).

2. RANKING EMPLOYEES ON THE RPL BY RETENTION STANDING ORDER. For each vacancy to be filled using the Reemployment Priority List, the agency places employees (including former employees) in their reduction in force retention group and subgroup order in accordance with OPM's reduction in force regulations. (5 CFR 330.207(b))

o Reduction in force tenure groups are covered in Restructuring Information Handbook Module 3 (Reduction in Force), Section 3-A-12. (5 CFR 351.501(b)), (competitive service tenure groups); (5 CFR 351.502), (excepted service tenure groups)

o Reduction in force retention subgroups are covered in Restructuring Information Handbook Module 3 (Reduction in Force), Section 3-A-13. (5 CFR 351.501(c))

3. SELECTING EMPLOYEES FROM THE RPL BY RETENTION STANDING ORDER-TENURE GROUP. In making a selection using the order of retention standing, the agency must select employees in retention tenure group order. (5 CFR 330.207(b))

o This means that the agency must select all qualified employees in tenure Group I before selecting an employee in tenure Group II).

4. SELECTING EMPLOYEES FROM THE RPL BY RETENTION STANDING ORDER-TENURE SUBGROUP. Within a retention tenure group, the agency must select employees in retention subgroup order. (5 CFR 330.207(b))

o This means that the agency must select all qualified employees in retention subgroup AD before selecting an employee in subgroup A, and all qualified employees in subgroup A before selecting an employee in subgroup B.

o Section 6-B-15-3 summarizes employees' eligibility for veterans' preference in reduction in force.

o Section 3-A-13 of Restructuring Information Handbook Module 3 (Reduction in Force) also covers employees' eligibility for veterans' preference in reduction in force.

5. SELECTING EMPLOYEES FROM THE RPL BY RETENTION STANDING ORDER-SERVICE DATE IS NOT USED. Within a retention subgroup, the agency may select any individual registered on the Reemployment Priority List without regard to the employees' relative reduction in force service computation dates. (5 CFR 330.207(b))

6. SELECTING EMPLOYEES FROM THE RPL BY RETENTION STANDING ORDER-NO SPECIFIC PRIORITY FOR AN EMPLOYEE'S FORMER POSITION. Under the Retention Standing Order Selection procedure, an employee has no special priority on the Reemployment Priority List for the employee's actual former position.

7. SELECTING EMPLOYEES FROM THE RPL BY RETENTION STANDING ORDER-EXCEPTION TO THE ORDER OF SELECTION. If the agency adopts the Retention Standing Order of selecting employees from the Reemployment Priority List, the agency may make an exception to this selection order only in accordance with the provisions covered in Section 6-A-16. (5 CFR 330.207(d))

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 15. SELECTING EMPLOYEES FROM THE REEMPLOYMENT PRIORITY LIST-RATING AND RANKING ORDER PROCEDURE

1. SELECTION PROCEDURE METHOD USING RATING AND RANKING ORDER. The second of the two procedures available for agencies to select employees for vacancies to be filled from the Reemployment Priority List uses the rating and ranking order of the eligible employees. (5 CFR 330.207(c))

o The first procedure for selecting employees from the Reemployment Priority List is based on the employees' Retention Standing Order (see Section 6-A-14).

2. SELECTING EMPLOYEES FROM THE RPL BY USING RATING AND RANKING-QUALIFICATIONS AND EXPERIENCE. For each vacancy to be filled using the Reemployment Priority List, the agency rates employees (including former employees) according to their experience and education. (5 CFR 330.207(c)(1))

(a) To rate the employees, the agency must use job-related evaluation procedures that are:

(1) Capable of distinguishing differences in the employees' qualifications that the agency measures; (5 CFR 330.207(c)(1)), and

(2) Applied in a fair and consistent manner. (5 CFR 330.207(c)(1))

3. SELECTING EMPLOYEES FROM THE RPL BY USING RATING AND RANKING-ASSIGNING EMPLOYEES A NUMERICAL SCORE. Based on the rating of employees' experience and education covered in paragraph 6-A-14-2 above, the agency assigns each qualified employee a score between 70 and 100. (5 CFR 330.207(c)(1))

(a) The agency then adds:

(1) 5 additional points to this score for employees entitled to veterans' preference as a nondisabled veteran under 5 U.S.C. 2108(3)(A) and (B); or, (5 CFR 330.207(c)(1))

(2) 10 additional points to this score for employees entitled to veterans' preference under 5 U.S.C.2108(3)(C) through (G) as a disabled veteran, or based on derivative preference. (5 CFR 330.207(c)(1))

o Section 6-B-15-3 summarizes employees' eligibility for veterans' preference in reduction in force.

o Section 3-A-13 of Restructuring Information Handbook Module 3 (Reduction in Force) also covers employees' eligibility for veterans' preference in reduction in force.

4. SELECTING EMPLOYEES FROM THE RPL BY USING RATING AND RANKING-RANKING EMPLOYEES BY THEIR NUMERICAL SCORES. After assigning employees a numerical score as covered in paragraph 6-A-15-3, the agency ranks eligible employees candidates based on their scores in the following order by:

(a) First, listing in the order of their total rating scores, employees with 10-point veterans' preference eligibles because of a service-connected compensable disability of 10 percent or more, except when the position being filled is a professional position at or above grade GS-9 (or equivalent). (5 CFR 330.207(c)(2))

(b) Second, listing all other candidates in the order of their total scores: (5 CFR 330.207(c)(2))

(1) Candidates entitled to 10-point veterans' preference are listed first at each score; (5 CFR 330.207(c)(2))

(2) Candidates entitled to 5-point veterans' preference are listed second at each score; (5 CFR 330.207(c)(2)), and last,

(3) Candidates not entitled to veterans' preference are listed at each score. (5 CFR 330.207(c)(2))

(c) The agency must make its selection for the vacancy from among the three highest rated candidates who are available for the position. (5 CFR 330.207(c)(3))

5. SELECTING EMPLOYEES FROM THE RPL BY USING RATING AND RANKING-EXCEPTION TO THE ORDER OF SELECTION. If the agency adopts the Rating and Ranking Order of selecting employees from the Reemployment Priority List, the agency may make an exception to the selection order, and pass over an employee eligible for veterans' preference to select an employee who is not eligible for veterans' preference, order only in accordance with Section 6-A-16. (5 CFR 330.207(c)(3))

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 16. EXCEPTIONS TO THE REGULAR ORDER OF SELECTION FROM THE REEMPLOYMENT PRIORITY LIST

1. EXCEPTIONS TO THE REGULAR ORDER OF SELECTION FROM THE RPL-UNDUE INTERRUPTION IS BASIS FOR EXCEPTION. An agency may make an exception to either of the two regular orders of selection from the Reemployment Priority List covered in Sections 6-A-13 through 6-A-15 only if the agency finds that the exception is necessary to obtain an employee for duties that cannot be taken over without undue interruption to the agency by an employee who:

- (a) Is on the Reemployment Priority List; (5 CFR 330.207(d)), or
- (b) Has higher standing on the Reemployment Priority List than another employee on the List who the agency wishes to appoint. (5 CFR 330.207(d))

2. EXCEPTIONS TO THE REGULAR ORDER OF SELECTION FROM THE RPL-DEFINITION OF UNDUE INTERRUPTION (see 6-B-16-2 for additional information). Agencies apply to the Reemployment Priority List the same definition of "UNDUE INTERRUPTION" that is used in OPM's reduction in force regulations:

- o "UNDUE INTERRUPTION" means a degree of interruption that would prevent the completion of required work by the employee 90 days after the employee has been placed in a different position in first or second round reduction in force competition. The 90-day standard should be considered within the allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands. However, a work program would generally not be unduly interrupted even if an employee needed more than 90 days after the reduction in force to perform the optimal quality or quantity of work. The 90-day standard may be extended if placement is made in first or second round reduction in force competition to a low priority program, or to a vacant position. (5 CFR 351.203)

- o This definition of "Undue Interruption" is also covered in Restructuring Information Handbook Module 3 (Reduction in Force), paragraph 3-A-4-1-(v). (5 CFR 351.203)



3. EXCEPTIONS TO THE REGULAR ORDER OF SELECTION FROM THE RPL-AGENCY OPTIONS. When using an exception to the regular order of selection from the Reemployment Priority List, the agency may:

(a) Appoint an individual who is not on the Reemployment Priority List; (5 CFR 330.207(d))

(b) Appoint another employee on the Reemployment Priority List who has lower standing than another employee on the List; (5 CFR 330.207(d)), or

(c) Pass over an employee on the Reemployment Priority List who is eligible for veterans' preference in order to select an employee who is not eligible for veterans' preference. (5 CFR 330.207(d))

4. EXCEPTIONS TO THE REGULAR ORDER OF SELECTION FROM THE RPL-LIMITATION ON USE OF EXCEPTIONS. An agency may not make an exception to the regular order of selection from the Reemployment Priority List on the basis that the employee with the higher standing on the List is not as well qualified as another candidate for the vacancy. (5 CFR 330.207(d))

5. EXCEPTIONS TO THE REGULAR ORDER OF SELECTION FROM THE RPL-DOCUMENTATION OF EXCEPTIONS (see 6-B-16-5 for additional information). When an agency makes an exception to the regular order of selection to the Reemployment Priority List, the agency must notify, in writing, each employee on the Reemployment Priority List who is adversely affected by the exception, and cover:

(a) The reasons for the exception; (5 CFR 330.207(d)), and

(b) The right of the employee to appeal the exception to the Merit Systems Protection Board. (5 CFR 330.207(d))

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES), SECTION 17. QUALIFICATIONS FOR SELECTION FROM THE REEMPLOYMENT PRIORITY LIST

1. QUALIFICATIONS FOR SELECTION FROM THE REEMPLOYMENT PRIORITY LIST-GENERAL STANDARD (see 6-A-17-1 for additional information). An employee registered on the Reemployment Priority List is considered qualified for selection from the List for a vacancy if the employee meets the conditions in 6-A-17-1-(a) through 6-A-17-1-(e) below:

(a) All OPM-established qualification standards and requirements for the position, including any minimum educational requirement; (5 CFR 330.208(a)(1))

(b) All selective placement factors established by the agency; (5 CFR 330.208(a)(1))

(c) All physical qualifications, with reasonable accommodation where appropriate, to perform the duties of the position; (5 CFR 330.208(a)(2))

(d) Any special qualifying condition that OPM has approved for the position; (5 CFR 330.208(a)(3)), and

o The agency may not consider the employees' sex in determining qualifications without approval by OPM;

(e) Any other applicable requirements for appointment to the competitive service. (5 CFR 330.208(a)(4))

2. QUALIFICATIONS FOR SELECTION FROM THE REEMPLOYMENT PRIORITY LIST-EXCEPTION TO QUALIFICATIONS. An agency, at its option, may make an exception to the qualifications standard covered in paragraph 6-A-17-1 above, and adopt an alternative qualifications standard for a position if:

(a) The agency applies the exception consistently and equitably in filling a position; (5 CFR 330.208(b)(1)),

(b) The employee meets any minimum educational standard for the position; (5 CFR 330.208(b)(2)), and

(c) The agency determines that an employee found qualified under the exception has the capacity, adaptability, and special skills needed to satisfactorily perform the duties and responsibilities of the position; (5 CFR 330.208(b)(2)), and

(3) The agency does not waive the minimum educational requirement. (5 CFR 330.208(b)(3))

o When an employee's qualifications for a position are an issue in a Reemployment Priority List appeal to the Merit Systems Protection Board, the standard covered in paragraph 6-A-17-1-(a) applies.

3. QUALIFICATIONS FOR SELECTION FROM THE REEMPLOYMENT PRIORITY LIST-NO WAIVER OF SELECTION ORDER. In adopting an alternative qualifications standard covered in paragraph 6-A-17-2 above, an agency may not waive the order of selection for either the Retention Standing order of selection from the Reemployment Priority List, or the Rating and Ranking Order of selection from the List. (5 CFR 330.208(b))

o The Retention Standing Order of selection is covered in Section 6-A-14.

o The Rating and Ranking Order of selection is covered in Section 6-A-15.

MODULE 6 (reemployment PRIORITY LIST), UNIT A (REQUIRED PROCEDURES, SECTION 18. INDIVIDUAL AGENCY PLACEMENT PROGRAMS AS AN ALTERNATIVE TO THE REEMPLOYMENT PRIORITY LIST

1. AGENCY OPTION TO ESTABLISH AN ALTERNATIVE TO THE RPL. At its option, an agency may establish its own placement program as an alternative to the Reemployment Priority List. (5 CFR 330.201(b))

(a) A placement program established by an agency as an alternative to the Reemployment Priority List still must meet the basic requirements of OPM's regulations on the List. (5 CFR 330.201(b))

(b) If the agency implements an alternative placement program, the specific regulatory requirements in 5 CFR 330 Subpart B on the Reemployment Priority List are not applicable. (5 CFR 330.201(b))

2. OPM APPROVAL IS REQUIRED TO ESTABLISH AN ALTERNATIVE TO THE RPL. An agency that wishes to establish a placement program as an alternative to the Reemployment Priority List should send the request to:

Associate Director  
Employment Service  
Room 6500  
Office of Personnel Management  
Washington, DC 20415

o To expedite consideration of the proposal, the agency may also FAX a copy of the written request to the Workforce Restructuring Office at 202-606-2329.

o In its request to OPM, the agency should provide complete information on its proposed alternative placement program.

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES, SECTION 19. REEMPLOYMENT PRIORITY LIST APPEALS

1. RIGHT TO FILE A REEMPLOYMENT PRIORITY LIST APPEAL (see 6-B-19-1 for additional information). An eligible present or former employee may appeal to the Merit Systems Protection Board if the individual believes the agency violated Reemployment Priority List rights by: (5 CFR 330.209)

(a) The employment of another person who otherwise could not have been appointed properly;

(b) An exception to the order of selection from the Reemployment Priority List (see Section 6-A-16);, or

(c) The denial of the individual's request for reemployment.

o The individual's right to appeal a Reemployment Priority List issue also applies where an agency operates an approved alternative placement program allowed under Section 6-A-1-15. (5 CFR 330.209)

2. AGENCY NOTICE OF RPL APPEAL RIGHTS (see 6-B-19-2 for additional information). An agency is required to advise eligible employees about the Reemployment Priority List when it issues a specific reduction in force notice of separation. (5 CFR 330.203(b))

(a) The notice of employees' rights under the Reemployment Priority List must include information about appeal rights and the appeals process. (5 CFR 330.203(b))

(b) An agency is also required to advise eligible employees about the right to file a Reemployment Priority List appeal when the agency uses an exception to the List in filling a position from outside of the agency. (5 CFR 330.209)

3. AGENCY NOTICE TO INDIVIDUALS OF HOW TO APPEAL (see 6-B-19-3 for additional information). When an agency issues a decision notice to an employee on a matter appealable to the Merit Systems Protection Board, the agency must provide the employee with the following information:

(a) Notice of the time limits for appealing to the Board; (5 CFR 1201.21(a))

(b) Any applicable limits on the employee's right to file an appeal because of a bargaining agreement; (5 CFR 1201.21(a))

(c) If (b) is applicable, the right of the employee to elect whether to file a reduction in force appeal to the Board based on discrimination in lieu of a grievance; (5 CFR 1201.21(a))

(d) Notice of any applicable right of the employee to file a grievance; (5 CFR 1201.21(d))

(e) The address of the appropriate Board office where the employee should file the appeal; (5 CFR 1201.21(a))

(f) A copy, or access to a copy, of the Board's regulations found in 5 CFR 1201; (5 CFR 1201.21(b)), and

o Agencies should consult the Board's current regulations found in 5 CFR 1201) prior to a reduction in force in order to have necessary information on the appeals process ready for distribution to affected employees.

(g) A copy of the appeal form found in 5 CFR 1201-Appendix I of the Board's regulations. (5 CFR 1201.21(c))

o A copy of the appeal form is also available in Optional Form 282, MSPB.

MODULE 6 (REEMPLOYMENT PRIORITY LIST), UNIT A (REQUIRED PROCEDURES, SECTION 20. CORRECTIVE ACTION BY THE AGENCY

1. CORRECTIVE ACTION MAY BE APPROPRIATE IF AN AGENCY FINDS ERROR IN ADMINISTRATION OF THE RPL. If an agency finds on its own initiative that it filled a position without regard to the Reemployment Priority List, the agency may find that corrective action is appropriate.