

HHS Transmittal 97.10  
Personnel Manual  
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**Material Transmitted:**

HHS Instruction 330-1, Department of Health and Human Services  
Career Transition Plan

**Material Superseded:**

None

**Background:**

On December 29, 1995, the Office of Personnel Management issued interim regulations on career transition assistance for surplus and displaced Federal employees. In response to those regulations, on March 8, 1996, the Department issued a career transition plan addressing career transition services, placement assistance, and reemployment priority policies for surplus and displaced employees. On June 9, 1997, OPM issued its final regulations. The Department's career transition plan has been amended to conform with the final regulations, and is being issued in the form of an Instruction for the first time.

**Filing Instructions:**

File new material. Post receipt of this transmittal to the HHS Check List of Transmittals and file this transmittal in sequential order after the check list.

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for Human Resources

**INSTRUCTION 330-1**

**Subject: DEPARTMENT OF HEALTH AND HUMAN SERVICES CAREER  
TRANSITION PLAN**

- 330-1-00 Introduction
- 330-1-10 References
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Surplus and Displaced HHS Employees
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Displaced Employees
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- 330-1-50 Filling Positions From Outside the Department

**330-1-00 INTRODUCTION**

In accordance with Office of Personnel Management regulations contained in 5 CFR Part 330, the following is the Department of Health and Human Services Career Transition Plan. The plan covers services to be provided to surplus and displaced employees, consideration of surplus and displaced Department employees, operation of the Department's reemployment priority list, and consideration of surplus and displaced employees from outside the Department.

The requirements in this plan form the foundation for providing assistance to surplus and displaced employees, and Operating Divisions are encouraged to take steps which go beyond these requirements to meet the needs of their employees.

**330-1-10 REFERENCES**

- A. 5 CFR Part 330, Subpart F (Agency Career Transition Assistance Plans for Local Surplus and Displaced Employees)
- B. 5 CFR Part 330, Subpart G (Interagency Career Transition Assistance Plan for Displaced Employees)
- C. 5 CFR Part 351 (Reduction in Force)
- D. HHS Personnel Instruction 351-1 (Reduction in Force)

**330-1-20 POLICIES TO PROVIDE TRANSITION SERVICES TO ALL SURPLUS  
AND DISPLACED HHS EMPLOYEES**

A. Purpose

OPM Regulations 5 CFR Part 330 take a new approach to helping surplus and displaced workers find other jobs, namely, individual employee empowerment. This approach requires that agencies help workers who are affected by downsizing develop the tools and resources to find other

Department requirements for career transition services for these employees. Operating Divisions will develop their specific plans based on their own needs, including number and types of employees affected.

B. Coverage

Career transition services will be provided to all surplus and displaced employees including those in the excepted service and the Senior Executive Service.

C. Career Transition Strategies

1. Operating Divisions will develop career transition strategies for surplus and displaced employees that clearly identify:
  - the types of career transition services, equipment and facilities to be provided by the OPDIV to headquarters and field employees;
  - communication strategies that ensure that all employees are kept informed of proposed or actual changes that might result in surplus or displaced employees, of the availability of career transition services and facilities, and when/where/how services will be available;
  - the use of excused absences for employees to use the services and facilities;
  - employee use of facilities after separation;
  - training to be provided to employees, managers, supervisors and union representatives (examples of topics which should be considered are job search skills, resume writing, interview techniques, financial management, stress management and transition management);
  - how retraining will be used to help the organization meet its future workforce needs, while helping surplus or displaced employees obtain meaningful employment, and how retraining strategies and plans will be developed and implemented;
  - access to services by employees, including those in headquarters, field offices, and remote sites, and those with disabilities;

- other forms of Federal, state, and local assistance which are available to support career transition for employees including those with disabilities; and
  - the role of the Employee Assistance Program in providing services.
2. Career transition strategies must include options for various contingencies, e.g., when there are limited numbers of surplus or displaced employees, or when there are large numbers of surplus or displaced employees.
  3. Where there are bargaining unit employees, the career transition strategy will be developed in partnership with the union(s) that represent employees.
  4. The OPDIV will provide a copy of its plan to the Office of Human Resources, ASMB, within 60 days of issuance of this policy. The Department encourages OPDIVs to share their plans with employees.
  5. The OPDIV will report on career transition activities and results as requested by the Office of Human Resources, ASMB. The Office of Human Resources may also conduct reviews of career transition activities at any time.
  6. The Office of Human Resources, ASMB, will provide technical assistance and broker cooperative arrangements for sharing services among and between OPDIVs and other agencies.

### **330-1-30 PLACEMENT CONSIDERATION FOR DEPARTMENT SURPLUS AND DISPLACED EMPLOYEES**

#### **A. Purpose**

The purpose of this portion of the career transition plan is to implement the requirements of 5 CFR Part 330. Unless otherwise specified, the plan will have the same requirements and exceptions as set forth in the Office of Personnel Management regulations.

#### **B. Coverage**

The plan applies to competitive and excepted service employees in tenure groups I and II, but it does not apply to Schedule C employees and employees appointed outside of Title V of the United States Code.

In addition to the filling of competitive service positions, it applies to the filling of excepted service positions except for Schedule C positions, experts and consultants, and positions not covered by Title V of the United States Code.

The plan does not apply to the Senior Executive Service. OPDIVs may extend coverage to other employees and positions provided that there is no conflict with the rights of employees covered by this plan. Any expansion of coverage is not applicable to other OPDIVs.

C. Designating Employees as Surplus

OPDIVs have the authority to conduct reductions-in-force (RIFs) without Department approval although RIFs must always be the last resort. Employees who receive RIF separation notices are immediately covered by this plan, and any reference in this plan to surplus employees includes them too.

OPDIVs may designate employees as surplus without issuing RIF notices when it is expected with a reasonable degree of certainty that the designated employees will have to be separated by RIF within 6 months and when the precipitating event is outside the OPDIV's control, such as legislative action or a budget reduction imposed on the OPDIV.

If an OPDIV wants to designate surplus employees for longer than a 6 month period or wants to extend a designation beyond 6 months, prior approval is required from the Deputy Assistant Secretary for Human Resources. Prior approval is also required if the precipitating event is within the OPDIV's control, such as a reorganization recommended or approved by the OPDIV head or subordinate officials. However, this prior approval requirement does not apply in a situation where an OPDIV's designation of employees as surplus will permit the OPDIV to effect immediate placements of those employees within the OPDIV.

Employees designated as surplus must be given written notice to that effect. The notice must advise them to include it when they apply for positions. Employees who do not include the notice will not be entitled to the consideration provided for in this plan.

D. Publicizing Vacancies

The personnel office servicing an OPDIV with surplus employees is responsible for advising in writing every

Department personnel office servicing positions in the commuting area that it has surplus employees. At a minimum, this notification should include the names, titles, series, grades, and promotion potential for the surplus employees. Personnel offices with surplus employees must keep these lists up to date, for example, by advising other personnel offices as soon as employees are no longer entitled to consideration under this plan.

Personnel offices with vacancies to fill must provide the personnel office servicing the surplus employees written information about the vacancies being filled. This can be a vacancy announcement or a position description if no vacancy announcement is being used. Vacancy announcements, when used, must contain all information required by regulation, including the definition of well qualified.

The office servicing the surplus employees is responsible for providing the information to the employees. Employees must have at least seven work days from when the servicing personnel office receives the information or until the closing date of the vacancy announcement, whichever is longer, to apply. Personnel offices normally should not take more than two work days to provide the vacancy information to employees. Employees who are absent must provide their servicing personnel office with information on how to contact them quickly or alternatively may leave copies of their application with their personnel office and indicate what type of vacancies they are interested in applying for. Nothing in this plan prevents personnel offices from developing other arrangements such as using electronic mail provided that surplus employees have at least seven work days to apply for the vacancies.

E. Filling Positions

When filling competitive service positions, surplus excepted service employees must be considered if they have competitive status or are serving under an appointment which can be used to fill the position. For example, an individual serving under Schedule A appointment for severely disabled individuals, if otherwise qualified, could be placed into a competitive service position while continuing to serve under the Schedule A appointment. Nothing in this plan confers competitive status upon excepted service employees or requires an OPDIV to attempt to hire an excepted employee through the competitive examining process.

When filling excepted service positions, surplus competitive service employees must be considered if they would qualify

under the excepted service appointing authority being used or if the position could be filled in the competitive service. A surplus competitive service employee may be placed in an excepted position without regard to the requirements of Department Instruction 302-1.

If a position is being filled under the Department's Career Opportunities Training Agreement, surplus employees who apply must be considered for both the trainee and target positions except that a surplus employee does not have to be considered under this plan for a position which would involve a promotion or which has greater promotion potential than the employee's current position. An OPDIV may not bypass a surplus employee who meets the requirements in this plan for selection for either the trainee or target position by filling the other position. It is up to the OPDIV to decide which position (trainee or target) to offer the surplus employee.

Because Indian preference is based in law, it takes precedence over the requirements of this plan. Surplus employees not entitled to preference may not be selected ahead of persons entitled to it. This refers only to the Indian preference applicable to the Indian Health Service. It does not apply to the preference applicable to parts of the Administration for Children and Families because that preference is not absolute.

OPDIVs must select their own surplus employees ahead of those from other OPDIVs.

#### F. Determining Qualifications

##### 1. *Noncompetitive Actions*

If a position is being filled by an action not requiring competitive promotion procedures, surplus employees must be selected if they meet the basic qualifications for the position including any documented selective factors and can perform the duties of the position without undue interruption as defined in 5 CFR Part 351. Surplus employees are not required to meet quality ranking factors for noncompetitive actions. If a surplus employee is found not qualified, there must be written documentation which demonstrates why he or she is not qualified and shows why the selectee is qualified. The fact that the selectee is better qualified than the surplus employee is not sufficient if the surplus employee meets the requirements described here.

## 2. *Competitive Promotion Actions*

If a position is being filled by a selection from a merit promotion certificate, the surplus employee must be rated and ranked under the same procedures as merit promotion applicants. If, after the rating and ranking process, the surplus employee is determined to be well qualified as defined and published on the vacancy announcement, he or she must be selected. Each OPDIV must define the term well qualified in accordance with regulatory guidelines and the terms of the merit promotion plan(s) it administers. For example, depending on the promotion plan, well qualified could be defined as "meets all selective factors and is rated at the above average level or higher for each KSA". For promotion plans that are part of negotiated labor agreements, such definitions must be developed in partnership with employee unions. If the surplus employee is not determined to be well qualified, any applicant for competitive promotion who makes the best qualified list may be selected.

### Examples:

- a. An OPDIV is filling a GS-12 position through an action not requiring merit promotion procedures. A GS-12 surplus employee who is determined to meet basic qualifications must be selected if he or she can do the job without undue interruption.
- b. An OPDIV is considering filling a GS-12 position by an action not requiring merit promotion procedures but at the same time is announcing the position under merit promotion procedures.

(1) If the surplus employee is determined to meet basic qualification requirements and can perform the duties of the position without undue interruption, he or she must be selected if the position is filled noncompetitively.

(2) If the OPDIV proceeds to prepare a merit promotion certificate, the surplus employee must be rated and ranked with other merit promotion applicants. If the surplus employee is determined to be well qualified according to the OPDIV definition, he or she must be selected.

(3) If in (2) above, the surplus employee is not determined to be well qualified, the OPDIV could select an applicant from the best qualified list ahead of the



surplus employee. However, this provision does not permit an OPDIV to circumvent (1) above by using merit promotion procedures to select an employee who is otherwise eligible for selection without competition.

- c. If an OPDIV is announcing a GS-12 position with potential to grade 13 and a GS-12 surplus employee in a position with no promotion potential applies, he or she would be considered under merit promotion procedures and would have no special rights under this plan.

G. Review of Qualifications

OPDIVs must have written procedures for reviewing determinations that surplus employees who apply for vacancies do not qualify for selection. Reviews must be conducted by an individual other than the person responsible for the initial determination. The reviewer may not be subordinate to the person who made the initial determination. Applicants must be notified in writing of the results of the review.

H. Exceptions

OPDIVs may make internal reassignments as exceptions to this plan in instances where the reassignment does not result in a vacancy (for example, reassignments of employees to accomplish an official reorganization) or where the OPDIV's budget or FTE situation will not accommodate hiring from outside the OPDIV.

There must be written documentation any time a vacancy is filled as an exception to this plan. The documentation must be signed by the official who has the authority to take the action causing the exception. For example, there is an exception if the placement of the surplus employee would cause another employee to be separated by RIF. If that exception is used, the documentation must be signed by an official who would have the authority to authorize the RIF.

No separate documentation is required when the action speaks for itself. For example, if an employee receives a career promotion, that is an exception to this plan, and no additional documentation is required.

I. Placement of Employees on Retained Grade and Pay

Department Instruction 335-2 concerning placement consideration for employees on retained grade and pay has

been abolished. Each OPDIV must develop its own program to provide placement consideration for these employees. The requirements of this plan take precedence over these programs.

### **330-1-40 OPERATION OF THE REEMPLOYMENT PRIORITY LIST**

The following information concerning the operation of the Department's reemployment priority list is based on Office of - Personnel Management Regulations in Subpart B of 5 CFR Part 330 and is incorporated from Department Instruction 351-1 which is still in effect.

The RPL applies to the competitive service, including temporary positions, and to Indian preference appointments.

The exceptions to the RPL that OPM permits for appointment of disabled veterans from OPM registers and OPM options for the reinstatement of preference eligibles are permitted in HHS.

Thirty-day special needs appointments and 700-hour appointments of individuals with disabilities are permitted as exceptions to the RPL.

Conversions, including the reinstatement of an excepted service employee to the competitive service without a break in service, are subject to clearance of the RPL. However, conversions that are inherent in the appointing authority, such as for employees with disabilities on Schedule A appointments, are permitted.

OPM regulations require separate RPL registers for full-time and part-time employees. However, it is the Department's policy that if there are no part-time employees on the RPL for a part-time position, full-time employees who have indicated availability for part-time positions must be selected ahead of applicants from outside the Department, and vice versa. In these cases, selections are made in subgroup order.

The reemployment priority coordinator is the personnel officer or his/her designee who maintains the RPL for a commuting area. If employees are being separated from only one competitive area in a commuting area, the personnel officer with appointing authority over those positions is the coordinator. If more than one personnel office has appointing authority over employees who are being separated, the personnel officer with the largest number is the coordinator, unless the affected personnel officers agree

otherwise.

If an installation is closed and there is no longer a personnel officer, the Deputy Assistant Secretary for Human Resources will designate a coordinator.

The reemployment priority coordinator will notify OPDIVS/STAFFDIVS whenever the RPL is activated and will distribute RPL clearance requirements to all servicing personnel offices in the commuting area. Clearance requirements will, at a minimum, include a list of the series and grade levels that require RPL clearance. Reemployment priority coordinators have discretion to establish different operating procedures when dictated by local conditions. Servicing personnel offices must document any selections from outside the Department to show that the reemployment priority list was cleared. If the reemployment priority coordinator and another servicing personnel officer cannot resolve a disagreement concerning the qualifications of an RPL candidate for a particular vacancy, the case will be sent to next organizational level (the OPDIV Personnel Officer or the Deputy Assistant Secretary for Human Resources).

Employees who do not comply with procedures established by the reemployment priority coordinator may be removed from the reemployment priority list, provided that the procedures are in writing and the employee has been informed in writing that his/her noncompliance will result in removal from the list.

### **330-1-50 FILLING POSITIONS FROM OUTSIDE THE DEPARTMENT**

OPDIVs must develop written procedures for considering surplus and displaced employees from other Federal agencies. These procedures must conform to Subpart G of the regulations.