

**U.S. DEPARTMENT OF EDUCATION
PERSONNEL MANUAL INSTRUCTION**

PMI: 330-1

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*Replaces PMI 330-1
dated March 29, 1983*

SUBJECT: REEMPLOYMENT PRIORITY PROGRAM

TABLE OF CONTENTS

I.	GENERAL	2
II.	APPLICABILITY	2
III.	RESPONSIBILITIES	2
IV.	DEFINITIONS	3
V.	EMPLOYEES ELIGIBLE DUE TO RIF.....	4
VI.	EMPLOYEES ELIGIBLE DUE TO COMPENSABLE INJURY	7
VII.	METHOD OF SELECTION	8
VIII.	PROGRAM REQUIREMENTS	8
IX.	APPEAL RIGHTS	9

I. GENERAL

A. Purpose

The Reemployment Priority List (RPL) is the system used by the Department of Education (ED) to provide reemployment consideration to former competitive service employees who have been separated through reduction in force (RIF) under 5 Code of Federal Regulations (CFR) 330.203 or who are fully recovered from a compensable injury after more than 1 year under 5 CFR 330.204.

It is the policy of ED to establish and maintain a RPL and to provide rehiring priority to eligible displaced ED employees. A RPL will be established for each commuting area in which competitive service employees are separated.

In filling vacancies, ED must give its employees priority consideration over outside job applicants.

B. Effective Date

This is effective upon issuance and supersedes Personnel Manual Instruction (PMI) 330-1 dated March 29, 1983.

C. References

5 CFR, Part 330, Subpart B and 5 CFR, Part 353, Subpart A and C.

II. APPLICABILITY

This PMI establishes ED's policy and guidelines on the use of its RPL, assigns general responsibilities and promotes consistent application throughout ED.

This PMI applies to all competitive service employees in tenure group I or tenure group II who have been separated from a competitive position as a result of (1) a RIF or (2) full recovery from a compensable injury or disability.

Applicable provisions of a negotiated collective bargaining agreement will apply in conjunction with this Instruction for bargaining unit employees.

III. RESPONSIBILITIES

A. The Director, Human Resources Group (HRG), is responsible for communicating changes in the federal or ED priority placement program to local personnel offices, managers, Union, and employees and ensuring that RPLs developed within ED conform to the requirements of this Instruction; designating the Selective Placement Coordinator; and maintaining ongoing interaction and coordination with the Union.

- B. The Customer Services Teams are responsible for establishing and maintaining a RPL for each commuting area in which they separate eligible employees.
- C. The Director, Training and Development Group is responsible for providing training, counseling, and employment-readiness services (including retraining) to affected ED employees in accordance with the Career Transition Assistance Plan (CTAP) as defined in PMI 330-2.
- D. The Director, Labor Relations Group is responsible for full coordination with the Union in the development and implementation of all aspects of the RPL.
- E. The Director, Employee Relations Team (ERT) is responsible for providing guidance and counseling to managers and employees on retirement, grievance and appeal procedures. In the regions, the Regional Personnel Officers (RPOs) are responsible for providing similar services.
- F. Management Officials are responsible for adhering to the provisions of the applicable RPL in filling their vacancies.
- G. Eligible employees are responsible for registering in the program and informing ED of any pertinent changes while on the RPL.
- H. The Selective Placement Coordinator (or designee) is responsible for coordinating all aspects of ED's RPL program. The coordinator will be identified upon implementation of the plan and will assure effective partnerships with the Union in all areas of responsibility. In the field, the RPOs are responsible for designating a coordinator for their regional offices.

IV. DEFINITIONS

- A. Certification of Expected Separation (CES) – an official notice issued to an employee advising him/her that their position or organization has been identified as surplus.
- B. Fully recovered – Compensation payments or eligibility for compensation from the Office of Workers' Compensation Program (OWCP) have been terminated due to the fact that the employee is able to perform all the duties of the position he/she left or an equivalent one.
- C. Local commuting area – This area is the geographic area that usually constitutes one area for employment purposes as determined by ED and may include any population center and the surrounding localities in which people live and can reasonably be expected to travel back and forth daily to their usual place of employment.
- D. Priority Consideration – Candidates registered on the RPL will be considered for vacancies that become available before any other candidates. As soon as the

registrant is determined to be qualified for the vacancy, their application will be referred to the selecting official for immediate consideration.

- E. Reduction in force – Action taken by an agency when it is undergoing reorganization, lack of work, shortage of funds, insufficient personnel ceiling, or a furlough of more than 30 calendar days resulting in the separation or downgrading of employees. ED’s RIF procedures may be found in PMI 351-1.
- F. Representative Rate – The fourth step of the grade for a position under the General Schedule, the prevailing rates for a position under the Federal Wage System or other wage determining procedure, and, for other positions, the rate designated by the agency.
- G. Subgroups – Each tenure group is divided into three subgroups reflecting the employee’s entitlement to veterans’ preference:
 - Subgroup AD – Preference eligibles (Veterans) with a compensable service-connected disability of 30 percent or more.
 - Subgroup A – Preference eligibles (Veterans) not included in subgroup AD.
 - Subgroup B – Nonpreference eligibles (Nonveterans).
- H. Tenure Group I – Career employees in the competitive service who are not on probationary periods. (An employee serving a probationary period due to an initial appointment to a supervisory or managerial position continues to be in this group if he/she is otherwise eligible.)
- I. Tenure Group II – Career-conditional employees in the competitive service and those who are currently serving probationary periods. (An employee serving a probationary period due to an initial appointment to a supervisory or managerial position continues to be in this group if he/she is otherwise eligible.)
- J. Undue Interruption – 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. This standard should be considered within the allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands.

V. EMPLOYEES ELIGIBLE DUE TO RIF

A. Eligibility requirements

To be eligible, the employee **must meet all** of the following conditions:

1. be serving under an appointment in the competitive service in either tenure group I or II;

2. have received a rating of pass or equivalent as the last annual performance rating of record;
3. have received a RIF notice or CES; and
4. have not declined a job offer made by the agency to the employee through the process known as “bump and retreat” as described in 5 CFR 351.701, Subpart G and PMI 351-1, Reduction in Force.

B. Application Procedures

An employee meeting all of the above conditions must complete an application (i.e., OF-612, resume or equivalent) and submit it to the Selective Placement Coordinator to be registered on the RPL. Registration eligibility begins as soon as the RIF notice or CES is issued and this period continues up to 30 calendar days after the RIF separation date. Applications will not be accepted after this period causing the employee to lose his/her entitlement to the RPL.

The application must contain the conditions under which the employee will accept employment including type of employment, grades, occupations, and minimum hours of work per week, in addition to other positions at the same representative rate and type of work schedule as the position from which the employee was or will be separated. Employees will be responsible for keeping the information up-to-date and notifying the Coordinator of any changes in writing. Employees will be enrolled no later than 10 calendar days after receipt of an application.

C. Loss of Eligibility

1. When a registrant fails to reply to an inquiry relating to the RPL program or declines an offer of permanent career, career-conditional, or excepted service appointment for a position that meets the acceptable conditions reflected in his/her application, the registrant loses RPL consideration for all positions with a representative rate at or below that grade. However, subject to paragraph 2c of this section, the individual retains eligibility for positions with a higher representative rate up to the last grade held.
2. In addition, a registrant is taken off the RPL before his/her eligibility expires for the following reasons:
 - a. registrant requests removal from list;
 - b. registrant receives a permanent career, career-conditional, or excepted appointment in any agency;
 - c. registrant declines an offer of a permanent career, career-conditional, or excepted service appointment or fails to reply to an inquiry concerns a specific position having a representative rate at

least as high and with the same type of work schedule, as that of the position the registrant was separated from;

- d. registrant separates from ED for reasons such as retirement or resignation. If such action is effective on or after the date of actual RIF separation date, he/she does not lose RPL eligibility; or
 - e. registrant declines an interview or fails to appear for a scheduled interview only if previously notified and advised of the subsequent consequences.
- 3. ED will make specific permanent job offers or inquiries of availability in writing and maintain a record that such inquiries and offers were made (e.g. a Postal Service “return receipt signed by addressee only”). The offer or inquiry will state that failure to respond will cause loss of RPL consideration for that grade or lower grades, if eligible.
 - 4. Consideration of all jobs, whether they are permanent or temporary, will be suspended for any individual who cannot be reached by ED. Registrants are required to update their applications in order to reinstate themselves for consideration; however, the period of eligibility will not be extended.
 - 5. Declining a temporary position will have no effect on the registrant’s RPL eligibility.
 - 6. Employees who agreed to transfer with their function but were separated by RIF from the gaining competitive area must register for the RPL with the gaining competitive area’s selective placement coordinator.

D. Duration of RPL eligibility

- 1. Tenure Group I – employee is eligible for 2 years from the date registered in RPL.
- 2. Tenure Group II – employee is eligible for 1 year from the date registered in RPL.

E. Job Consideration

The employee is entitled to consideration for positions in the commuting area for which qualified and available; that are at no higher grade (or equivalent); have no greater promotion potential than the position from which the employee was or will be separated; and have the same type of work schedule. Furthermore, the employee is entitled to consideration for any higher grade previously held on a permanent basis in the competitive service from which the employee was demoted through another RIF. An employee may request consideration for

positions with other work schedules in addition to positions having the same type of work schedule as the position from which separated. An employee may register for the commuting area where he/she separated and may not apply in any other location unless that employee was employed in a position in Alaska or overseas (5 CFR 330.206 (a) (4)).

VI. EMPLOYEES ELIGIBLE DUE TO COMPENSABLE INJURY

A. Eligibility Requirements

To be eligible an employee must meet **all** of the following conditions:

1. be serving or have served in either tenure group I or II; and
2. have been separated or have accepted a lower graded position in lieu of separation because of compensable injury or disability, and have fully recovered more than 1 year after compensation.

B. Application Procedures

A former employee, meeting the above conditions, must request reemployment in writing within 30 calendar days after the date compensation ceases. If the case is being appealed, the employee's 30 calendar days begins the day after a resolution is reached by OWCP.

ED will enroll the candidate no later than 10 calendar days after receipt of application.

C. Loss of Eligibility

1. A registrant loses eligibility when he/she:
 - a. requests removal;
 - b. receives a permanent career, career-conditional or excepted service appointment in any agency; or
 - c. declines a job offer or fails to respond to any inquiry of availability about a specific position that is the same or equal to the position from which the registrant was separated from.

D. Duration of RPL Eligibility

1. Tenure Group I – employee is eligible for 2 years from the date registered in RPL.

2. Tenure Group II – employee is eligible for 1 year from the date registered in RPL.

E. Job Consideration

An employee or former employee covered by this section is eligible for reemployment consideration for his/her former position or an equivalent one in his/her original commuting area. If this is not possible, then the registrant is entitled to priority consideration for an equivalent position elsewhere in ED at the time and manner that ED determines would provide the registrant with maximum opportunities for consideration or, in lieu of expanding consideration, the registrant may elect to be considered for the next best available position in his/her original commuting area.

VII. METHOD OF SELECTION

For each vacancy, the agency shall use the retention standing order method placing qualified RPL registrants in tenure group and subgroup order. This method prevents ED from passing over an individual in group I to select from group II and, within a group, may not pass over an individual in a higher subgroup to select from a lower subgroup.

Within a subgroup, ED may select an individual without regard to order of retention standing. A person has no greater priority for the grade or position from which separated than any other person on the list who is qualified for the vacancy.

ED may make an exception to this method only when there is an individual who is not on the RPL or has a lower standing than others on the RPL. The exception may be granted only when necessary to obtain an employee for duties that cannot be taken over without undue interruption to ED by an individual who is on the RPL or has higher standing than the one appointed.

ED will notify, in writing, each individual on the RPL who is adversely affected by such an exception explaining the reason and advising them of their right to appeal to MSPB.

VIII. PROGRAM REQUIREMENTS

ED must consider registrants on the RPL for permanent and temporary positions when the registrant has indicated interest in both.

When there are qualified candidates on the RPL, ED may not make final commitment to (1) new appointments (unless a 10 point preference eligible); (2) transfers; or (3) reemployment eligibles (unless a preference eligible or someone exercising his/her rights under 5 CFR 353).

ED may detail, promote, demote, or reassign employees without RPL consideration.

ED may convert employees who are serving in positions that have noncompetitive conversion rights, i.e. Veteran Readjustment Appointee, 30 percent Disabled Veterans, Presidential Management Interns, without RPL consideration.

When an employee is serving under a temporary appointment of 1 year or less, he/she may be reappointed without a break in service to the same position. This includes the extension of temporary appointments up to the maximum of 1 additional year.

The RPL does not apply to a 30-day special needs appointment or a 700 hour temporary appointment of a severely disabled or mentally restored individual.

ED must clear the RPL at the grade level at which it fills a position (regardless of the full performance level of the position). For example, if ED advertises an Education Specialist at the GS-9 level only with known promotion potential to the GS-12 level, ED must consider all eligible registrants who registered for consideration at the GS-9 level. If the registrant declines the position at the GS-9, he/she is taken off the RPL for future consideration at the GS-9 or below.

When it advertises a position at multiple grade levels, ED must clear the RPL at the grade level in which the position is ultimately filled.

Once the RPL has been cleared and ED has made a final commitment to an individual, the later registration of an ED employee does not void that commitment.

IX. APPEAL RIGHTS

An employee who believes that his or her reemployment rights under this program have been violated because of the employment of another individual who otherwise could not have been appointed properly may appeal to the Merit Systems Protection Board. For assistance on appeal rights, Headquarters employees should consult with the ERT, HRG, and those in the regions should contact their Customer Service Teams.