



Department of Defense INSTRUCTION

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USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: Reemployment Priority List
(RPL)

References: See Enclosure 1

1. PURPOSE

a. Instruction. This Instruction is composed of several Volumes, each containing its own purpose. The purpose of the overall Instruction is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the Department of Defense.

b. Volume. In accordance with DoD Directive 1400.25; parts 330, 351, and 353 of title 5, Code of Federal Regulations; and section 101 of title 5, United States Code, (References (a), (b), and (c)), this Volume of this Instruction implements DoD policy, prescribes procedures, assigns responsibilities, and defines eligibility and exceptions for the RPL within the Department. Pursuant to Reference (b), the RPL provides reemployment consideration for DoD career and career-conditional, competitive service employees who are separated by reduction in force (RIF) or who have received a RIF separation notice or a Certificate of Expected Separation (CES), and for those who are separated (or who accept a lower graded position instead of separation) due to compensable injury or disability and who fully recover more than 1 year from the date compensation is payable as described in parts 330 and 353 of Reference (b).

2. APPLICABILITY. This Volume applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components") when giving reemployment consideration to former competitive service employees of the Department for competitive service vacancies.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy according to Reference (a) that:

a. Within the Department of Defense, eligible RPL applicants shall be provided priority consideration for reemployment in accordance with the provisions of this Volume. Eligible RPL applicants may be referred to DoD activities within their local commuting areas and considered for appropriate vacancies. Referral shall be through automated procedures administered by the Civilian Assistance and Re-Employment (CARE) Division, Civilian Personnel Management Service (CPMS), Defense Human Resources Activity. This shall be the sole method for providing reemployment consideration to eligible RPL applicants.

b. Within the Department of Defense, the RPL shall be implemented in accordance with subpart B of part 330 of Reference (b), subject to the restrictions and modifications contained in this Volume.

c. Eligible RPL applicants shall be referred for employment consideration based on their retention standing in tenure group and subgroup order. Within a subgroup, selections may be made without regard to the service computation date for RIF.

d. Tenure Group I applicants shall receive consideration for 2 years from date of entry on the RPL. Tenure Group II applicants shall receive consideration for 1 year from date of entry on the RPL. The consideration period begins when the applicant is enrolled on the RPL and may or may not coincide with the applicant's separation date or the date workers' compensation ceased.

e. RPL rights provided pursuant to this Volume and subpart B of part 330 of Reference (b), including any right of appeal to the Merit Systems Protection Board (MSPB), are separate and distinct from those provided pursuant to the DoD Priority Placement Program (PPP) (Volume 1800 of this Instruction), which is an internal DoD program established under the authority of the Secretary of Defense. The PPP and the RPL operate independently.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. RELEASABILITY. UNLIMITED. This Volume is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Volume is effective immediately.

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 1400.25, "DoD Civilian Personnel Management System," November 25, 1996
- (b) Parts 330, 351, and 353 of title 5, Code of Federal Regulations
- (c) Section 101 of title 5, United States Code
- (d) Civilian Personnel Management Service, "Department of Defense Reemployment Priority List (RPL) Guide," current edition¹
- (e) Deputy Assistant Secretary of Defense for Civilian Personnel Policy Memorandums, "Grade and Pay Retention," February 13, 1987; November 2, 1990; and June 16, 1992
- (f) Section 1701 of title 10, United States Code
- (g) DoD Instruction 1400.20, "DoD Program for Stability of Civilian Employment," September 26, 2006

¹ Available through the Internet at
<http://www.cpms.osd.mil/ASSETS/2AFB825A63E541F388248A2AC3FE1B99/RPL-Guide.pdf>

ENCLOSURE 2

RESPONSIBILITIES

1. DEPUTY UNDER SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY (DUSD(CPP)). The DUSD(CPP), under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, shall provide policy direction and has final approval on all policy matters relating to the RPL.

2. HEADS OF THE DoD COMPONENTS WITH INDEPENDENT APPOINTING AUTHORITY. The Heads of the DoD Components with independent appointing authority, including the Director, Washington Headquarters Services (WHS), on behalf of the Office of the Secretary of Defense and the DoD Components receiving civilian personnel support from WHS, shall support placement of eligible individuals through the RPL.

3. DIRECTOR, CPMS. The Director, CPMS, shall establish, implement, and maintain the procedures for automation and operation of the RPL.

4. CARE PROGRAM COORDINATORS FOR THE PPP. The CARE Program Coordinators for the PPP shall provide operational guidance to the DoD Components, resolve disputes between the DoD Components, and approve exceptions to the RPL referral area as prescribed in section 10 of Enclosure 3 of this Volume.

5. DoD COMPONENT COORDINATORS FOR THE PPP. The DoD Component Coordinators for the PPP shall respond to their Component activities on RPL matters including resolving disputes regarding the RPL within their Components.

6. INSTALLATION COMMANDERS AND MANAGEMENT OFFICIALS WITH DELEGATED APPOINTING AUTHORITY. The installation commanders and management officials with delegated appointing authority shall comply with RPL requirements and support placement of RPL eligibles at their installations or activities.

7. CIVILIAN PERSONNEL OFFICES AND/OR HUMAN RESOURCES OFFICES (HROs). The civilian personnel offices and/or HROs shall:
 - a. Comply with regulations and policies governing the RPL.

 - b. Enroll applicants on the RPL within 10 calendar days of receipt of application.

- c. Administer the RPL for supported installations or activities.
- d. Counsel employees on RPL provisions.
- e. Give each eligible RPL applicant information about the RPL, including appeal rights.
- f. Maintain and update enrollment information.

ENCLOSURE 3

PROCEDURES

1. ELIGIBILITY. Individuals who meet the conditions specified in subparts 330.203 and 330.204 of Reference (b) may receive reemployment consideration under the DoD RPL.

a. Eligibility Due to RIF. Persons serving on competitive service appointments in Tenure Group I or II who have received a specific notice of RIF separation or a CES, and who have not declined a RIF offer pursuant to subpart G of part 351 of Reference (b) of a position with a representative rate at least as high as the position from which they were or shall be separated, and who:

(1) Submit a completed application to the HRO identifying conditions under which they shall accept employment pursuant to subpart 330.202 of Reference (b). Procedures for submission of applications, which must be received by the HRO within 30 calendar days after the RIF separation date, are provided in CPMS Guide (Reference (d)); and

(2) Received a performance rating above unacceptable (Level I), or equivalent, on the last annual performance rating of record for the purposes of subpart 351 of Reference (b); and

(3) Have not separated for other reasons (e.g., resignation, retirement, transfer) before the effective date of the RIF action. However, an employee who retires on or after the RIF separation date retains eligibility for the RPL.

b. Eligibility Due to Compensable Injury or Disability. Persons serving on competitive service appointments in Tenure Group I or II who:

(1) Are separated due to a compensable injury or disability and who are fully recovered more than 1 year from the date compensation was payable; or

(2) Accept a lower grade in lieu of separation due to a compensable injury or disability and who are fully recovered more than 1 year from the date compensation was payable; and

(3) Submit a request to the HRO for reemployment, including acceptable conditions for employment, which is received by the HRO within 30 calendar days after the date compensation ceases or within 30 calendar days following resolution of an appeal for continuation of compensation. Procedures for submission of applications are provided in Reference (d).

2. EMPLOYMENT RESTRICTIONS. Activities must consider RPL applicants for competitive service vacancies when a position is filled on a temporary, term, or permanent basis by a new appointment, reinstatement, or transfer. The movement of DoD employees between the DoD Components is not considered a transfer for RPL purposes (i.e., RPL does not affect internal DoD movement).

3. SELECTION ORDER AND EXCEPTIONS. When a qualified RPL applicant is present on an activity's RPL, an activity may not make a new appointment unless the appointee is a qualified 10-point preference eligible. Also, an activity may not select a transfer (i.e., outside the Department of Defense) or reinstatement candidate unless the individual is a preference eligible or is exercising other statutory or regulatory reemployment rights. The placement of qualified DoD employees through detail, transfer between the DoD Components, or position change including promotion, demotion, and reassignment are excepted from the RPL. RPL guidance on the required selection order and applicable exceptions is provided in parts 330, 351, and 353 of Reference (b) and in Reference (d).

4. RPL CLEARANCE. The applicants on the RPL shall be listed by series and grade, and in retention group and subgroup order. Subject to the conditions and exceptions outlined in this Volume, the RPL must be cleared before an offer can be made for the grade level at which the position is filled regardless of the full performance level. If a vacancy is advertised at multiple grades, the RPL must be cleared at the grade at which the job is ultimately filled. When filling a position established in a pay band, the RPL must be cleared at the equivalent grade level within the pay band at which it is filled. However, registrants have no entitlement to positions with greater promotion potential than the position from which they were or shall be separated. Because of pay banding variations, there is no standard method for comparing these systems with each other or with conventional pay schedules. As a result, when clearing the RPL, comparison and conversion procedures for each pay band system shall be used to establish guidance for determining requisitioning requirements and matching procedures. Determinations are made on a case-by-case basis.

5. RPL SELECTIONS

a. Selection from the RPL shall be made in retention group and subgroup order as outlined in subpart 330.207(b) of Reference (b), which specifies that within a subgroup an individual may be selected without regard to the order of retention standing.

b. When appropriate and subject to the requirements outlined therein, an activity may use the exception in subpart 330.207(d) of Reference (b) to appoint a person who is not on the RPL or has lower standing than others on the RPL. This exception pertains to selecting an individual for employment when the duties cannot be otherwise accomplished without undue interruption. Use of this exception requires that the activity notify, in writing, each individual on the RPL who is adversely affected by the exception and the right of that person to appeal to the MSPB.

6. PAY SETTING. Pay shall be set in accordance with the policies of the Department of Defense set forth in Deputy Assistant Secretary of Defense for Civilian Personnel Policy Memorandums (Reference (e)) and the policies of the DoD Components and the gaining organization, if any, as well as applicable statutory and regulatory requirements.

7. APPLICATION REQUIREMENTS

a. Activities may require that RPL applicants submit a completed application, resume, or other forms required to process their applications and to determine the positions for which they are basically qualified.

b. RPL applicants must provide information specifying the conditions under which they shall accept employment pursuant to subpart 330.202 of Reference (b).

8. OFFERS. All RPL employment offers must be made in writing and contain information concerning an individual's right to appeal. Offers shall be based on qualification and educational requirements established by the Office of Personnel Management or the Department of Defense; the requirements of section 1701 of title 10, United States Code, (Reference (f)), if appropriate; validated selective placement factors including licensure, certification, and registration requirements; physical requirements including consideration of reasonable accommodation; and other applicable requirements for competitive service appointment.

9. TERMINATION OF ELIGIBILITY. In accordance with the provisions of this Volume, an individual loses RPL eligibility or has his or her referral limited when he or she:

a. Separates for some other reason (e.g., retirement, resignation, or transfer) before the date the RIF separation would take effect. However, an employee who retires on or after the date of RIF separation does not lose RPL eligibility.

b. Requests removal from RPL consideration in writing.

c. Declines or fails to respond within a reasonable period of time to a written employment offer of, or an availability inquiry into, a DoD position. Absent extenuating circumstances, 5 workdays shall be considered reasonable. The offer may be in the competitive or excepted service and may not be time-limited. RPL eligibility is terminated when an individual declines an offer or fails to reply to an inquiry concerning a specific position having a representative rate at least as high, and with the same type of work schedule, as that of the position from which the person was or shall be separated. However, when an individual declines an offer or fails to reply to an inquiry for a lower-graded position from which the person was or shall be separated and the position meets the acceptable conditions shown in his or her application, he or she only loses RPL consideration for positions with a representative rate at or below that grade. The individual retains eligibility for positions with a higher representative rate up to the last grade held. Advance notice of these consequences must be provided and sufficient documentation retained to support the RPL removal or limitation.

d. Receives a career, career-conditional, or excepted appointment at any grade level, without time limit, in any Federal agency.

e. Leaves an overseas commuting area covered by an RPL or becomes ineligible for overseas employment because of previous overseas service or residence (e.g., DoD overseas rotation policy). Applicants may request approval from the CARE Program Coordinator for enrollment in another commuting area in the United States. (See paragraph 10.c. of this enclosure.)

f. Declines an interview for a position or fails to appear for a scheduled interview after being notified that the declination or absence would result in termination of RPL consideration. The activity must clearly document that the candidate received written notification of the interview and the consequences of declining or failing to appear.

g. Cannot be contacted and/or reached. The activity must show clear documentation of efforts to contact the applicant. The individual can be re-registered upon submission of an updated RPL application but the total enrollment period shall not be extended beyond the original expiration date.

10. REFERRAL AREA

a. An RPL eligible shall normally be considered only for DoD activities in the commuting area where the former position is or was located. However, if there are a number of DoD activities scattered over a large commuting area, the supporting HRO may, upon request, authorize the eligible RPL to limit consideration to a specific DoD Component, certain activities or installations, or a smaller area within the commuting area.

b. Consideration outside the commuting area from which separated shall not be authorized except that:

(1) Employees who had agreed to transfer with their function but were separated by RIF from the gaining competitive area are registered in the RPL of the gaining competitive area.

(2) Employees eligible for the RPL on the basis of a RIF separation notice or CES in Alaska, Hawaii, Guam, or Puerto Rico who leave that commuting area may request referral consideration for the commuting area in the United States from which recruited, or in another commuting area in the United States mutually acceptable to the individual and the Department of Defense, as approved by the CARE Program Coordinator.

c. RPL eligible employees in foreign areas may not be referred to other foreign area locations. Normally, persons eligible for the RPL on the basis of a RIF separation notice or CES in a foreign overseas area are referred only in the commuting area where separated except that:

(1) Employees who leave the commuting area after separation may request RPL referral for the commuting area in the United States from which recruited, or in another commuting area in the United States mutually acceptable to the individual and the Department of Defense, as approved by the appropriate CARE Program Coordinator; or

(2) Employees who cannot complete a renewal tour of duty due to the 5-year limitation on foreign employment may request referral in one other commuting area in the United States mutually acceptable to the individual and the Department of Defense as approved by the appropriate CARE Program Coordinator.

d. Individuals with RPL entitlement based on recovery from a compensable injury or disability shall be referred for positions for which they qualify that are at no higher grade (or equivalent) than their last position. RPL eligibles who cannot be placed at their former or equivalent grade level in their commuting area are entitled to priority consideration for equivalent positions elsewhere within the Department of Defense subject to the approval of the appropriate CARE Program Coordinator. Instead of expanded geographic consideration, an individual may elect to be considered for the next best available position in the former commuting area.

11. APPEALS. At the time of registration in the RPL and upon receipt of an employment offer, activities are responsible for notifying employees of their right of appeal to the MSPB. An employee who believes that his or her reemployment priority rights have been violated may appeal to the MSPB. Bargaining unit employees may file a grievance through the appropriate negotiated grievance procedure or may file an appeal with the MSPB, but not both.

12. RPL AUTOMATED SYSTEM. The RPL shall be provided through the Automated Stopper and Referral System Web Site maintained and operated by the Priority Placement Support Branch-Dayton. Implementation instructions for the operation of the automated RPL are contained in Reference (d).

GLOSSARY

DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this Volume.

agency. For the purpose of the RPL, an Executive Department as defined in section 101 of Reference (c).

CARE Program Coordinators. Defined in DoD Directive 1400.20 (Reference (g)). Under the direction of the CARE Division, CARE Program Coordinators provide guidance, conduct formal training, and evaluate program administration on the operation of the program to the DoD Components, and approve limited exceptions to the RPL referral area for certain applicants.

DoD Component Coordinators. Officials who are responsible for the proper operation of the PPP, the RPL, and other associated programs within a DoD Component. There are five DoD Component Coordinators: Army; Navy; Air Force; Defense Logistics Agency (DLA); and Washington Headquarters Services, which represents all fourth-estate agencies except DLA.

local commuting area. Defined in section 351.203 of Reference (b). There is no mileage standard for a local commuting area.

retention standing order. RIF retention group and subgroup order as defined in part 351 of Reference (b).

Tenure Group I. Career employees who are not serving a probationary period as defined in subpart 351.501(b)(1) of Reference (b).

Tenure Group II. Career-conditional employees and employees serving a probationary period as defined in subpart 351.501(b)(2) of Reference (b).

undue interruption. Defined in section 351.203 of Reference (b).