

CIVILIAN PERSONNEL EMPLOYMENT

(Supplementation is permitted by primary level field activities (PLFAs).)

I. PURPOSE AND SCOPE. To establish the policy and procedures for developing and operating civilian personnel employment programs to meet the staffing needs of DLA in compliance with law and Government-wide regulation. This DLAR is applicable to HQ DLA, all DLA field activities, and Federal activities serviced by a DLA office of civilian personnel (OCP) according to the terms of applicable servicing support agreements. It also applies to employees in bargaining units with negotiated labor agreements. Where there is a conflict with the DLA Master Labor Agreement, the provisions of that agreement prevail.

II. POLICY

A. All personnel actions will be made in full compliance with law, regulation, and high ethical standards.

B. Selections of individuals for competitive promotion will be made from among the best available candidates. Other selections for position change, such as by reassignment or transfer, will assure the selectees possess the skills, abilities, and knowledge necessary for successful performance in the concerned positions.

C. The recruitment program will be planned and carried out to:

1. Achieve short- and long-range Agency staffing needs and work in support of public policy objectives.

2. Effectively use staffing resources and, wherever possible, obviate the need to resort to reduction in force.

D. There shall be no discrimination in employment actions in regard to race, color, religion, sex, national origin, marital status, age, lawful political affiliation, labor organization affiliation or nonaffiliation, or nondisqualifying physical or mental handicap. Recruitment and employment practices shall be applied that work in support of the goal of achieving a fully integrated workforce.

III. SIGNIFICANT CHANGES. This DLAR has been revised to provide new policy on the use of first duty station and interview travel. It also now contains coverage on the use of recruitment and relocation bonuses and retention allowances.

IV. RESPONSIBILITIES

A. HQ DLA

1. The Executive Director, Human Resources, (CAH), will provide policy guidance for the operation of employment programs.

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This DLAR supersedes DLAR 1402.3, 30 Jan 90 and change 1.

2. The Chief, Staffing, Labor, and Employee Relations Team, Human Resources (CAHS), will provide technical advice and assistance in the operation of employment programs.

B. DLA Field Activities

1. Heads of DLA PLFAs will ensure compliance with the requirements of this DLAR.

2. The Commander, DLA Administrative Support Center (DASC), will implement this DLAR for HQ DLA.

V. PROCEDURES

A. Workforce Planning

1. A primary responsibility for each OCP is to fill vacancies in a timely manner with the best available people. This should be accomplished at the least cost commensurate with meeting these objectives. This requires an assessment of anticipated needs, careful and thorough advance planning, and an efficient staffing office operation. Workforce planning should not be viewed as a burdensome, extraneous exercise. In reality, it is one of the most effective ways of avoiding a staffing program that is purely reactive and slow.

2. Workforce planning involves consideration of PLFA staffing resources, mission and function changes, workforce turnover rates in the various occupations, the skills and abilities or potential of current employees, and the availability of potential candidates in the local labor market. To be effective, workforce planning should be a collaborative effort involving managers and the PLFA's Comptroller.

B. General Methods and Limitations on Filling Vacancies

1. Management has full authority to fill vacancies (that have otherwise been approved for filling) from any appropriate source using inservice placement programs, competitive or noncompetitive appointment authorities and sources, or any combination of these. Management may select any candidate properly certified by the OCP for consideration, make no selection, leave the position vacant, reannounce the vacancy, or abolish or reengineer the position.

2. The authority to select an individual for a vacancy is generally delegated to the immediate supervisor of the vacancy, but may be exercised by a higher level supervisor. The authority of an appointing officer or selecting official to fill positions is subject to the provisions of law and regulation that require special or priority consideration be given to certain categories of individuals such as:

a. Recovered disability annuitants.

b. Eligibles on the Reemployment Priority List.

c. Eligibles under the U.S. Office of Personnel Management's (OPM) Displaced Employee Program.

d. Former PLFA employees entitled to restoration after military service.

e. Individuals entitled to priority consideration as a result of a successful grievance, appeal, or Equal Employment Opportunity complaint.

f. Individuals who formerly worked at the PLFA who are now receiving compensation, but would be qualified for employment in a particular vacancy.

g. Registrants in the DoD Program for Stability of Civilian Employment (the Priority Placement Program).

h. Individuals not given proper consideration in a previous competitive promotion action.

i. Former employees exercising a return placement right from overseas.

j. Spouses of active duty military members stationed worldwide, and family members of active duty military members and civilian employees stationed in foreign areas.

3. Firm offers of employment to non-DLA employees should be made only after all regulatory preemployment requirements have been satisfied, e.g., successful completion of an applicant drug test, or a determination of eligibility for the grant of a security clearance in accordance with DLAR 5200.11, DLA Personnel Security Program. This includes vouchering candidates and determining suitability when appropriate. The OCPs should follow a policy of making a very clear distinction between inquiries as to availability and firm offers of employment so that candidates will not reasonably mistake one for the other.

4. Selections should be made promptly (normally within 10 workdays of receipt of the certificate of candidates). The OPM certificates of eligibles should be "worked" and returned to the issuing office within 30 days. Candidates on OPM certificates or activity promotion certificates who are interviewed and not selected should be promptly notified. This courtesy should be applied to all candidates considered for employment from any source.

#### C. Regulatory and Policy Requirements

##### 1. Qualifications

a. Ordinarily, the qualification standards established by OPM serve as the basis for determining whether or not candidates meet minimum qualification requirements for positions. In collaboration with management officials, OCPs may develop and use special qualification factors (selective placement factors) for specific positions in addition to OPM standards. When used, such factors must be reasonable, based solely on bona fide position requirements, not pose unnecessary barriers to otherwise qualified candidates, nor unduly restrict competition for vacancies.

b. Qualification requirements may be modified in accordance with issued DLA policy for certain internal actions. When no promotion is involved, qualification requirements may be modified to place a particular candidate whose background includes closely related experience which provided the skills and abilities necessary for successful job performance. Similarly, modified qualification requirements may be used for a promotion-potential personnel action processed under the DLA Merit Promotion Program when these are identified in the job opportunity announcement (JOA). In either case, this authority may be used only when there is a reasonable likelihood that the selectee for the vacancy can successfully make the transition to the new occupation, and job training/development support will be provided to assist the employee after entry into the new job.

##### 2. Time-in-Grade

a. Federal regulation provides that employees in the General Schedule (GS and GM) must ordinarily serve 1 year in grade before being promoted to

the next higher grade. For this purpose, "1 year" means 52 calendar weeks. Advances of two grades within a year are permitted to positions at and below GS-5 and positions GS-6 through GS-11 that are properly classified at two-grade intervals.

b. The time-in-grade requirement may be waived under certain conditions such as undue hardship to the Agency or inequity to the employee. A request for a waiver must explain fully the basis of the request and be made to HQ DLA (ATTN: CAHS).

c. The time-in-grade requirements do not apply to Veterans Readjustment Act appointees or to career/career-conditional employees eligible for such appointments, and to 30 percent or more disabled veterans who have been converted under 5 Code of Federal Regulations these CFR) (315.707 if employees are otherwise qualified for positions at higher grade levels, but would be excluded due to time-in-grade restrictions.

d. Time-in-grade restrictions apply only when filling vacancies subject to the GS/GM pay schedule.

3. Time After Competitive Appointment. Three months must elapse after an employee's last nontemporary competitive appointment from an OPM register before he/she can be promoted, reassigned, transferred, or reinstated to a higher grade position in the competitive service. This requirement is separate from and in addition to the time-in-grade requirement. However, the two requirements may be satisfied concurrently.

#### 4. Effective Dates of Promotions and Appointments

a. The effective date of a personnel action may be set by law, Executive Order, regulation, OPM, court action, or ordered by a decision of OPM, Merit Systems Protection Board, EEOC, or Federal Labor Relations Authority. Ordinarily, a promotion cannot be made effective earlier than completion of the last administrative act by an administrative officer vested with authority to take such action. Each Civilian Personnel Officer (CPO) in DLA has been designated by regulation as that "administrative officer" and he/she may delegate that authority to other members of the OCP staff. In this context, with certain specific exceptions outlined below, a promotion may not be made effective earlier than the date that the properly designated administrative officer signs and dates as approved the appropriate section of the Standard Form (SF) 52, Request for Personnel Action, for the action. The preparation and signing of an SF 52 by a management official is merely a request for a personnel action. It does not constitute approval of the personnel action by the administrative officer vested with such approval authority. See the Comptroller General (CG) decision 58 CG 51 (1978).

b. The exceptions to the general rule stated above pertain only when administrative error:

(1) Prevented a personnel action from being effected as originally intended by the administrative officer (e.g., a SF 52 is lost after final approval, but before the personnel action can be processed).

(2) Resulted in nondiscretionary administrative regulations or policies not being carried out.

(3) Deprived the employee of a right granted by regulation. (Note that CG has held that a negotiated labor contract has the effect of regulation.)

c. The appointment of an individual to the Federal civil service takes place after the "last act" necessary for the appointment is taken by the appointing authority. After that, the individual is an "appointee," but does not become an "employee" until he/she actually enters on duty. Prior to the individual actually entering on duty, the appointing authority may revoke or withdraw an offer of employment. It is only after being appointed and entered on duty that the individual is entitled to statutory (job protection) procedures for Federal employees. See *National Treasury Employees Union vs. Reagan*, U.S. Court of Appeals, D.C. Circuit, 663 F.2d 239 (1981).

5. Nepotism. In addition to the restrictions and guidelines contained in Federal Personnel Manual (FPM) chapters 310 and 338, subchapter 2, concerning the advocacy, appointment, or promotion of relatives, the following DLA policies will be strictly adhered to:

a. The PLFAs may employ more than one member of a family under provisions of FPM chapter 310. However, no assignments of related employees will be made which give the appearance of favoritism or special privilege. In the interest of good management and working relationships, a husband and wife or immediate members of a single family household must not be placed in:

(1) The same organizational unit especially where there is a supervisor-subordinate relationship.

(2) Different organizational subunits of the same principal organization (e.g., different branches under the same division) where the work products or decisions of one may be influenced, used, or carried out by the other family member or affect the work or career of the other family member.

b. Where an immediate family member relationship occurs (e.g., marriage) involving individuals already employed in the same organization, one of the two concerned family members should be reassigned as soon as possible to a different organization. In cases involving a supervisor-subordinate relationship, one of the individuals should be promptly detailed to a position or duties where this problem will not exist until a permanent personnel action can be arranged.

c. Family members or relatives of a CPO, or of any other supervisory employee of an OCP, whether or not they are members of the same household, will not be employed in any capacity in that OCP. No employee of an OCP shall directly or indirectly influence the appointment, reassignment, or promotion of a family member or relative within any organization provided service by that OCP.

6. Payment of Travel and Transportation Costs

a. ***First Duty Station and Interview Travel. PLFAs may pay expenses related to interviews, including preemployment interviews for appointments not limited to 1 year or less, and travel and transportation costs to first duty station for appointment as follows:***

(1) Interviews. A determination must be made that the payment of interview travel expenses is cost effective and that a shortage exists for individuals with the background required for the position. Interviews may be used to assess qualifications for selection or to interest qualified candidates in positions for which a labor shortage exists.

(2) Travel and transportation expenses for new appointees. These may be paid for positions for which a shortage of qualified applicant exists.

No shortage determination is necessary for overseas positions.

(3) PLFAs must determine the limits to be placed on these provisions. Factors applied in determining usage limits include the importance of the positions to the organization, the grade levels of the positions, and whether or not highly qualified candidates are available locally. Generally, a shortage does not exist when a JOA has resulted in a full certificate of well qualified promotion candidates. However, a shortage may exist if all or most of the candidates are non-local, they make their availability conditional on payment of these expenses, or the declination rate for well qualified candidates for that type of position has historically been high.

b. Permanent Change of Station (PCS). When travel and transportation costs for PCS are to be paid, they must be paid in accordance with the Joint Travel Regulations. The PLFAs must use their authority to pay PCS costs judiciously. Sources of recruitment, especially for lower level and clerical vacancies, should be set so as to avoid PCS costs except in those circumstances where there are insufficient well-qualified local candidates available for consideration.

**7. Recruitment, Relocation, and Retention Inducements. Recruitment and relocation bonuses, and retention allowances, may be paid in line with published DoD and DLA guidance in order to attract and retain high quality candidates for specific positions. See published DLA guidance on this subject for more information.**

#### 8. Temporary Limited Appointments

a. Use of temporary limited appointments is one important element in a comprehensive staffing program, and one which is very cost effective. Temporary limited appointments are not intended for use in performing continuing, permanent work. In the circumstances listed below, temporary limited appointments may be made and extended in increments of up to 1 year each for a total of not to exceed 4 years:

(1) Filling vacancies which occur in functions pending a commercial activities study in accordance with Office of Management and Budget Circular A-76.

(2) Short-term staffing of continuing positions when future funding and workload levels are uncertain, or it is anticipated that funding levels will be reduced.

(3) Filling permanent vacancies temporarily when it is known that a reorganization will occur that will result in a reduced manning level in the organization(s).

(4) Filling permanent vacancies temporarily in order to save them for eventual incumbency by permanent employees expected to become surplus as a result of a reorganization, functional transfer, or reduction-in-force.

(5) Performing the work of an employee who will be absent for a protracted period due to such occurrences as illness, injury, or long-term training.

b. Temporary limited appointments should not be used to fill nonpermanent vacancies when it is known at the outset they will last more than 1 year. Term appointments should be used in such circumstances.

9. Placement of Employees Receiving Compensation

a. Employees who receive benefits under the Federal Employees Compensation Act because of job-related injuries represent a significant loss to the Agency in terms of lost productivity and financial costs. Every practical effort shall be made to restore fully recovered and partially recovered employees to duty through the use of light and limited duty assignments as well as restructuring jobs. This requires the periodic review of the physical condition of employees receiving compensation and the innovative creation of placement opportunities wherever appropriate.

b. An employee who is receiving workers compensation benefits and is returned to duty in a position at a lower grade than his/her current (or last grade held before being separated from Agency rolls) is eligible for pay retention. See DLAR 1416.8, Determining Rates of Pay, for additional information.

10. Paid Advertising

a. Paid advertising may be used only to recruit for positions in shortage categories or for positions where intensive recruitment efforts have failed to attract well-qualified candidates. Any free media advertising, offered as a public service, should be used when available before use of paid advertising. All paid advertising will be coordinated with the PLFA Office of Public Affairs and mention that DLA is an equal opportunity employer.

b. Each time paid advertising costing a total of more than \$1,000.00 is used for recruitment, the following information must be submitted to HQ DLA (ATTN: CAHS): (For reporting purposes, "each time" means each occasion an advertisement is placed in a publication. It does not mean each date that it appears.)

(1) The title(s), series, and grades of positions recruited for and their locations.

(2) The recruitment efforts used without success before using paid advertising.

(3) The cost of the advertising.

11. Entry Age for Certain Positions

a. A maximum age of 35 years applies for original entry into selected firefighter and law enforcement officer positions under 5 United States Code U.S.C. 3307. It is considered that the work of these positions is sufficiently rigorous that they are limited to young and physically vigorous individuals. This standard may be waived by PLFAs and selectees may be entered on duty after their 35th birthday if they had not reached their 35th birthday before they were officially certified for consideration to the selecting supervisor.

b. The Director, DLA, may approve on an exception basis the original entry to a covered position of a person who has already reached his/her 35th birthday. Approved exceptions will be rare and based only on a compelling hardship to the requesting PLFA. Requests for an exception must be signed by the requesting PLFA commander and be forwarded to HQ DLA (ATTN: CAHS).

12. Commercial Employment Agencies

a. Temporary Help Service Agencies

(1) The services of commercial temporary help service agencies maybe used provided that the restrictions contained in 5 CFR 300, Subpart E, are followed. Within 30 days after having made arrangements for temporary help services, notification of such must be made to HQ DLA (ATTN: CAHS) and

contain the following information:

(a) The title, series, and grade of the job(s) to be accomplished by commercial temporary help. This should include the number of persons to be used and the duration of use.

(b) The name and address of the commercial temporary help service agency to be used.

(2) The relative costs of using a commercial temporary help service agency versus the use of civil service employees must be made and show that on balance the costs of using such a service are commensurate with effective and efficient mission accomplishment.

(3) The PLFAs must carefully avoid the creation or development of an employee-employer relationship with a commercial agency's employees.

(4) No contractual arrangement may be made with a commercial temporary help service agency that deprives the individuals in the employ of the agency of their eligibility for Federal employment through appropriate civil service employment procedures.

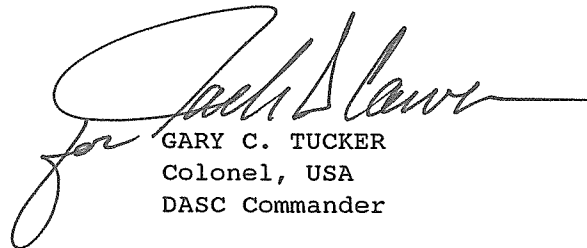
b. Use of Commercial Recruiting Firms and Nonprofit Employment Services

(1) The services of commercial recruiting firms may be used only after approval by the Executive Director, Human Resources. Requests for approval must be sent to HQ DLA (ATTN: CAHS), include a brief explanation of the need to use such services, and a description of recruitment efforts made to fill the position(s). The request must include the title, series, and grade of the position(s) to be covered, and a copy of any JOA(s) and paid advertising used.

(2) Local procurement procedures will be used to contract with a commercial recruiting firm after HQ DLA approval has been obtained. Any contracts entered into must adhere to the requirements of 5 CFR 300, Subpart D, and Federal Acquisition Regulations.

(3) The Heads of DLA PLFAs are hereby designated to approve in writing the use of nonprofit employment services as are deemed necessary and appropriate. The Commander, DASC, is designated in this regard for serviced HQ DLA principal staff elements.

BY ORDER OF THE DIRECTOR



GARY C. TUCKER  
Colonel, USA  
DASC Commander

COORDINATION:  
CAIL, CAII, CAHC