



Department of Energy

Washington, DC 20585

October 6, 2010

MEMORANUM FOR HUMAN RESOURCES DIRECTORS

FROM:


SARAH J. BONILLA, DIRECTOR
OFFICE OF HUMAN CAPITAL MANAGEMENT

SUBJECT:

GUIDANCE MEMORANDUM #13
REEMPLOYMENT PRIORITY LIST SELECTIONS

This memorandum provides guidance for using the Department of Energy's (DOE) Reemployment Priority List (RPL).

The DOE RPL is designed to provide priority consideration to employees who have lost their jobs through reduction in force, or who have fully recovered from a compensable injury after more than 1 year. Employees may only receive priority consideration for positions that they fully qualify for and are in the local commuting area from which separated. Currently, the only commuting areas that are impacted are Washington, DC and Las Vegas, Nevada. The RPL list must be reviewed to give consideration to eligible RPL registrants if you are planning to advertise and fill positions that will last more than 120 days.

Once the RPL has been reviewed and you determine that there are no qualified or available RPL registrants for the position you want to fill, you may proceed with normal competitive and/or merit promotion procedures to fill your position. Please ensure you document the case file for accountability audit requirements.

An exception from the RPL may be requested only when it is necessary to select an employee for duties that cannot be taken over without undue interruption. Exceptions should be rare. However, if an exception is granted, you must notify in writing each individual on the RPL who was adversely impacted and explain the reason for the exception. You must provide them information on how to appeal the decision to the Merit System Protection Board (MSPB).

As a reminder, well-qualified displaced (CTAP) or surplus employees within DOE must be given selection priority ahead of other DOE employees. Selection priority must be extended first to displaced eligible employees, followed by surplus employees if applicable. RPL registrants must then be afforded priority consideration for DOE positions. Attached is the RPL Program requirement for your use.

Questions concerning this matter may be referred to Michelle Tyson, Human Resources Specialist (Policy) on (202) 586-8512.

Attachment



DOE REEMPLOYMENT PRIORITY CONSIDERATION PROGRAM REQUIREMENTS

The Reemployment Priority List (RPL) is the mechanism DOE will use to give reemployment priority consideration to former competitive service employees separated by reduction in force (RIF) or to individuals who have fully recovered from a compensable injury after more than 1 year.

DOE RPL registrants must be given priority consideration before considering any internal or external candidate with the exception of CTAP eligible and at Risk Employees. At risk employee(s) are DOE employees that have received an official notice of expected position abolishment (signed by a management official authorized to approve a RIF, and concurred with by the Office of the Chief Human Capital Officer). At risk employees meet the definition of surplus with respect to appointment, status and tenure group, but they are not considered CTAP employees for placement purposes. At risk employees are placed in a lower selection status than surplus and displaced employees (CTAP eligibles).

The DOE RPL will be maintained for each commuting area in which eligible employees are separated by RIF.

Eligibility for RPL registration: Employees must:

- Have received a specific RIF notice;
- Be serving under an appointment in the competitive service (either competitive or excepted service appointment) in Tenure group I (Career) or Tenure group II (Career Conditional);
- Have received a performance rating above unacceptable as of the last annual performance rating; AND
- Have not declined an offer of a position with the same type of work schedule and a representative rate at least as high as that of the position from which the employee will be separated.
- Employees that have been separated by RIF, and have accepted a Temporary or Term appointment without a break in service of 3 calendar days are required to register within 30 days after the RIF to receive RPL consideration.

Duration of Eligibility:

- A Career Employee (Tenure group I) is eligible for priority consideration for two (2) years from the date of entrance onto the RPL;
- A Career Conditional Employee (Tenure group II) is eligible for priority consideration for 1 year from the date of registration.

Eligibility Expires When:

- The employee receives a career or career conditional appointment or excepted service appointment that is without time limitation;
- The employee requests removal from the RPL in writing;
- 2 years after RPL registration for Career employees (Tenure group I);
- 1 year after the RPL registration for Career Conditional (Tenure group II); OR
- When the employee declines a reasonable offer, fails to respond to an inquiry of interest, or fails to appear for a pre-scheduled interview for a position as identified in the RPL registration and the position is without time limitation;

(Note: Declination of a non-permanent offer does not affect RPL eligibility or continuation of RPL consideration.)

RPL Job Consideration:

- An eligible employee is entitled to consideration for positions only in the local commuting area from which separated.
- An employee is eligible for consideration for any higher grade previously held on a non-temporary basis in the competitive service;
- For positions which they are qualified and available that are at no higher grade (or equivalent) or have no greater promotion potential than the position from which the employee was separated and has the same work schedule;

Registration Procedures:

- Between October 1, 2010 and November 1, 2010 employees can formally register for the RPL.
- Employees can select up to 3 occupational series for RPL consideration for which they meet the basic qualification requirements.

Appeals:

An employee who believes that his or her reemployment priority rights have been violated because of the employment of another person who otherwise could not have been properly appointed may appeal to the Merit Systems Protection Board. Appeals must be filed within 30 calendar days of the effective date of the action. Information on where and how to file an appeal with MSPB is located in the document "How to File an Appeal", which is Attachment 2 of your specific RIF notice. You may also find this information at the following website <http://www.mspb.gov/appeals/appeals.htm> .