

*Office of Personnel Management*  
*Retirement and Insurance Group*



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1986

**Benefits Administration Letter**

*Number:* 96-112

*Date:* December 19, 1996

**SUBJECT**                      **Civil Service Guidance on Transition to a New Presidential Term**

**BACKGROUND:**              Although there will not be a change in Administration as a result of this year's election, there will be transitions in departments and agencies as the President makes changes in his executive team. Therefore, the Office of Personnel Management has developed an information package for agency use in preparing for President Clinton's second term in office. The package provides guidance and addresses issues that relate to employees leaving the Administration, to employees being newly-appointed, and to the career civil service.

**GETTING ADDITIONAL INFORMATION**              A copy of the material that was provided to heads of agencies and directors of personnel is now available in the Retirement and Insurance Forum on the OPM Mainstreet Bulletin Board.

A handwritten signature in black ink that reads "Mary Sugar". The signature is written in a cursive, flowing style.

Mary M. Sugar, Chief  
Agency Services Division

UNITED STATES  
OFFICE OF PERSONNEL MANAGEMENT  
WASHINGTON, DC 20415-0001

November 22, 1996

MEMORANDUM FOR HEADS OF DEPARTMENTS AND AGENCIES

FROM: JAMES B. KING  
DIRECTOR

SUBJECT: Civil Service Guidance on Transition  
to a New Presidential Term

Although there will not be a change in Administration as a result of this year's election, there will be transitions in departments and agencies as the President makes changes in his executive team. Therefore, the Office of Personnel Management has developed the attached civil service information package for your use as we prepare for President Clinton's second term of office. The package provides guidance and addresses issues that relate to employees leaving the Administration, to employees being newly-appointed, and to the career civil service.

OPM staff and I are here to assist you in any way we can. The package includes a list of OPM program specialists who are available to answer questions you or your staff may have about information in the package or any other civil service matters. We have sent a copy of the package to your Director of Personnel.

We look forward to working with you and your staff as we move into a new Presidential term.

Attachment

# **TRANSITION TO A NEW PRESIDENTIAL TERM**

## *Civil Service Guidance for Agencies*

**November 1996**

**Prepared by the U. S. Office of Personnel Management**

# TRANSITION TO A NEW PRESIDENTIAL TERM

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## I. GENERAL INFORMATION

At the beginning of a new Presidential term, as with changes of Administration, the President often makes personnel changes, including selecting new Cabinet secretaries and agency heads. These new appointees may appoint a number of officials on the basis of their support for the President's aims and policies. These officials are generally those responsible for formulating, advocating, and directing Administration policies and programs, or are those who serve such officials in a close and confidential relationship.

Most executive branch positions are in the "competitive service" or are under a separate but similar merit system. Governmentwide, there are relatively few positions the incumbents of which are subject to change during periods of transition. Employees in these positions are not part of the competitive civil service. Rather, they are excepted from the requirements placed on the competitive service by statute, Executive order, or regulation.

Incumbents of these discretionary positions may resign before the new agency head takes office or at the request of Administration officials [see section VI (p. 16) and section VII (p. 18)] for guidance on resignations). It also is common for an incoming agency head to ask certain persons to remain on their jobs during the transition to ensure needed continuity and to provide required personnel during the initial period of staffing.

### A. Positions or Individuals Subject to Change

The four broad categories of positions or individuals that may be changed during transition periods are:

- (1) Presidential appointments made with the advice and consent of the Senate to positions in which the incumbent serves at the pleasure of the President;
- (2) Other Presidential appointments to positions in which the incumbent serves at the pleasure of the President;
- (3) Noncareer Senior Executive Service appointees; and
- (4) Positions that are excepted from the competitive service by statute, Executive order, or OPM action based on their responsibility for determining or advocating agency policy or their confidential character (commonly known as "Schedule C" positions).

Positions in these four categories normally include Cabinet Officers and heads of other executive branch agencies; Under Secretaries; Assistant Secretaries; Directors of Bureaus and Services; and Chairpersons and Members of Boards, Commissions, and Committees. Positions in all four categories above are often authorized by specific provisions of law.

In the past, categories (1) and (2) above included most of the positions in Level I (Cabinet level) through Level V of the Executive Schedule. Now, however, Level IV and Level V positions that are managerial and do not require Senate confirmation are in the Senior Executive Service, although their titles may continue to be listed in sections 5315 and 5316 of title 5, U.S. Code.

## **B. Overlapping in Key Positions**

The Comptroller General has ruled that agencies cannot employ two individuals in the same position at the same time ("dual incumbency"). Nevertheless, there are options available to agencies to provide continuity in key positions and meet other transition needs. When an incumbent's intention to leave has been documented, an agency may establish a different position to employ a designated successor for a brief period pending the incumbent's departure. For example, when an office director is leaving, a temporary special assistant position could be established for a short period to facilitate orientation of the incoming director to the office's operations. OPM may authorize the use of SES limited appointment authorities for short periods of time for temporary executive positions established under such circumstances [see pp. 5-6, section III-C]. Agencies may also establish temporary transitional Schedule C positions for similar non-executive positions to assist with transitions [see p. 8, section IV-A-2].

## **C. Caution About Competitive Appointments**

In a March 14, 1996, Memorandum to Heads of Departments and Agencies, the Director of OPM asked agencies to review all personnel actions carefully to make sure that they meet the spirit and the letter of the civil service laws, rules, and regulations and are free of impropriety. The Director reminded agencies specifically about the prohibition against political consideration in personnel actions, either favorable or unfavorable. We must take special care to avoid even the appearance of political favoritism in competitive appointments.

We want to remind you also that the General Accounting Office (GAO) is reviewing appointments of former political appointees to career positions in the Federal Government during the period January 1996 through March 1997 to ensure that these actions comply with law and regulation. Nevertheless, agencies should be aware that all individuals have the right to compete for any civil service position when advertised, pursuant to proper merit staffing procedures.

## **D. Caution on Awards and Promotions for Political Appointees**

There is a statutory prohibition on granting awards to senior politically-appointed officers during the Presidential election period, defined as from June 1, 1996, through January 20, 1997 [5 U.S.C. 4508]. This prohibition applies to Schedule C appointees and SES members who are not career appointees. However, even though this statutory ban expires on January 20th, the following additional restrictions that the Administration has placed on cash awards and promotions for political appointees will continue.

### **(1) Restriction on Cash Awards**

Agencies are asked to refrain from giving cash awards to political employees (i.e., Executive Schedule, noncareer SES, Schedule C employees) paid a salary level that exceeds that of a GS-12 and to grant monetary awards to others only for performance that is clearly exceptional. Agencies should continue to recognize other political appointees through the prudent use of nonmonetary awards.

### **(2) Restriction on Schedule C Promotions**

Promotions for Schedule C employees are limited to situations where significant changes to a position's level of duties and responsibilities justify reclassification at a higher grade. Positions should not be reclassified just to create a promotion opportunity for a deserving

employee.

### **E. Caution About Separations**

In dismissal cases, Constitutional requirements oblige agencies to provide an employee with a hearing if his/her moral character is impugned by the stated reasons for dismissal. These rights arise only when the stigmatizing reasons for dismissal are recorded in any document that may be disseminated to others either inside or outside Government. For this reason, notices of separation should be nonstigmatizing in tone. [See Appendix A for a sample separation notice.]

## II. INDIVIDUALS APPOINTED BY THE PRESIDENT OR AGENCY HEAD

[OPM Contact: Rhoda Lawrence, 202-606-1701]

Officers and employees who serve "at the pleasure of" the President or other appointing official may be asked to resign or may be dismissed at any time. They are not covered by standard civil service removal procedures and have no right of appeal. Agencies should consult their General Counsel or OPM's General Counsel for assistance in this area.

In certain cases, the organic statute creating a position provides that an individual appointed by the President may be removed only for cause or at the end of a statutory term of appointment. These provisions are most commonly found in statutes establishing quasi-judicial entities or regulatory agencies. The Office of Legal Counsel at the Department of Justice is the expert in this field. The issue is discussed in such cases as: *Myers v. U.S.*, 272 U.S. 52 (1926); *Humphrey's Executor v. U.S.*, 295 U.S. 602 (1935); *Wiener v. U.S.*, 357 U.S. 349 (1958); and *Buckley v. Valea*, 424 U.S. 1 (1976).

### A. Role of the Office of Government Ethics

The Office of Government Ethics (OGE) provides overall direction and leadership to new Presidential appointees concerning executive branch policies related to preventing conflicts of interest. OGE coordinates the completion of Presidential appointees' Public Financial Disclosure Reports, required by title I of the Ethics in Government Act of 1978, and with the Office of Counsel to the President [P.L. 95-521, as amended, as implemented by "Financial Disclosure, Qualified Trusts, and Certificates of Divestiture for Executive Branch Employees," 5 CFR 2634] . OGE will also provide advice on other ethics matters for new Presidential appointees.

### B. Agency Ethics Programs

Within each agency, the agency head has primary responsibility for the administration of that agency's "Ethics in Government" program and has delegated authority to administer the agency's ethics program to a Designated Agency Ethics Official (DAEO), an Alternate DAEO, and deputy agency ethics officials (as needed). The DAEO is responsible for coordinating and managing the agency's ethics program, which consists generally of the following:

- Liaison with the Office of Government Ethics;
- Review of financial disclosure reports;
- Initiation and maintenance of ethics education and training programs; and
- Monitoring administrative actions and sanctions for ethics violations.

A new ethics regulation, "Standards of Ethical Conduct for Employees of the Executive Branch," at 5 CFR 2635, became effective on February 3, 1993. This regulation sets forth fourteen basic principles of ethical conduct for executive branch personnel and provides uniform rules in various areas.



### III. APPOINTEES IN THE SENIOR EXECUTIVE SERVICE

*[OPM Contact: Ellen Kill Kelley, 202-606-1610]*

Senior Executive Service (SES) positions, appointments, and special tenure features are discussed in this section. Appointees in the SES who are subject to change during transitions are those with noncareer appointments.

The SES is a unique executive personnel system completely separate from the competitive and excepted services. The SES includes most of the top managerial, supervisory, and policy positions in the Executive branch that are not required to be filled by Presidential appointment with Senate confirmation.

#### A. SES Positions

Every 2 years, OPM allocates to each agency a specific number of SES position "spaces" based on agency needs. Within that numerical allocation, each agency may establish SES positions and designate them as either "General" or "Career Reserved." General positions may be filled by career, noncareer, or limited appointees. Career Reserved positions must be filled by career SES appointees to ensure public confidence in the impartiality of the Government. OPM may make temporary SES allocations available to individual agencies to assist with transitions.

#### B. SES Noncareer Appointments

Agencies may make noncareer SES appointments to any SES General position without regard to competitive requirements and also set the pay of the appointees. However, OPM must approve each use of a noncareer appointment authority. This includes initial appointments, reassignments, and transfers to another department or agency. The law limits the total number of SES positions filled by noncareer appointment to 10 percent of the governmentwide SES space allocation and 25 percent of an individual agency's allocation (unless the allocation is three or less). Additional limitations have been imposed, administratively or by other statutes, on an agency-by-agency basis.

Noncareer appointments may be terminated at any time with a 1-day notice. Noncareer appointees removed from the Federal service have no right of appeal to the Merit Systems Protection Board (MSPB). A sample separation notice is provided at Appendix A. [See 5 U.S.C. 3592; 5 CFR 359, Subpart I.]

#### C. SES Limited Appointments

There are two types of SES limited appointments: limited term and limited emergency. Limited term appointments may be made for up to 36 months to a position the duties of which will expire at the end of a specified period, or to a position that special circumstances require to be filled on a rotating basis. Limited emergency appointments may be made for up to 18 months to meet an urgent need. Limited appointments may be made only to SES General positions. An individual may not serve more than 36 months in a 48 month period on any combination of limited appointments. Limited appointees must meet the qualification requirements established by the agency.

Limited appointment authorities must be obtained from OPM on a case-by-case basis. However, for temporary SES appointments of career or career-type employees, OPM has given each agency a "pool" of limited appointment authorities equal to 2 percent of its total SES space allocation to use for this purpose only. In addition, to assist in transitions, OPM may authorize a limited term

appointment authority for an individual who has been nominated by the President, but whose appointment is pending Senate confirmation. Such limited appointments may not be made to the position for which the individual has been nominated. Limited appointments may also be authorized in certain cases to provide continuity in key positions for short time periods.

Limited appointments may be terminated at any time with a 1-day notice. Limited SES appointees being removed have no right of appeal to MSPB on termination of the appointment. However, some limited appointees have return rights to positions outside the SES. A career or career-type employee who is given a limited appointment in the same agency has return rights to his/her former position or to one with like status, tenure, and grade or pay. [See 5 U.S.C. 3592; 5 CFR 359, Subpart I.]

#### **D. SES Career Appointments**

Career appointments may be made to either SES General or Career Reserved positions. Career appointments have no time limitation and provide certain job protections and benefits not conferred by noncareer and limited appointments. Initial career appointments must meet competitive SES merit staffing provisions at the time of selection for the SES. Following selection by the agency, the individual's executive qualifications must be approved by an OPM-administered Qualifications Review Board (QRB) before the career appointment can be effected.

#### **E. Suspension of QRB Case Processing**

If an agency head leaves or announces the intention to leave, or if the President nominates a new agency head, OPM suspends QRB case processing for career SES appointments until a successor is appointed. This action is taken as a courtesy to the new agency head to afford him/her the greatest flexibility in making executive resources decisions. Nevertheless, if an agency has a case that it considers urgent, the agency may request that OPM forward it to a QRB. OPM will consider such factors as whether the new agency head would have personal interest in the submission, the organizational level of the position, the degree to which the candidate would be involved in policy matters, and how long it may be before the new agency head is appointed. [See 5 CFR 317.502(d).]

#### **F. Moratorium on SES Career Reassignments**

SES career appointees may be reassigned to any SES position in the agency for which they are qualified, following a 15-day notice (or a 60-day notice for geographic reassignments).

However, when there are changes in agency political leadership, the law provides for a 120-day moratorium on involuntary reassignments of career SES appointees. Career executives are always prepared to serve new leadership: balancing continuity and change is the fundamental responsibility of the senior executive. The moratorium was established to prevent preemptory reassignments by new appointees without adequate knowledge of the career executives. An SES career appointee may not be involuntarily reassigned within 120 days of the appointment of the agency head or within 120 days after the appointment of the career appointee's most immediate supervisor who is a noncareer appointee with the authority to make an initial appraisal of the career appointee's performance. However, the career appointee may voluntarily waive the moratorium. [See 5 U.S.C. 3395; 5 CFR 317, Subpart I.]

Note that the appointment of a new agency head always initiates the 120-day moratorium, and an action may not be taken by another official even if that official has been in office more than 120 days. If a moratorium results from appointment of a new noncareer supervisor, an involuntary reassignment action may not be taken by the agency head, even if the agency head has been in office more than 120

days.

The designation of an "acting" agency head or noncareer supervisor (e.g., by a detail or when a deputy acts in the position) is not legally considered an appointment. Therefore, the statutory moratorium is not technically applicable. However, the agency at its discretion may apply the moratorium in such situations. In this case, if the "acting" individual later receives a permanent appointment to the position without a break in service, time spent under the agency-imposed moratorium counts toward the 120-day moratorium initiated by the permanent appointment.

In calculating the 120-day moratorium, any days (not to exceed a total of 60) during which the career appointee is serving on a detail or other temporary assignment apart from the appointee's regular position are not counted. However, the moratorium provision does not restrict the total length of a detail, i.e., it may exceed 60 days.

## IV. APPOINTEES IN THE EXCEPTED SERVICE

[OPM Contact: Patricia Paige, 202-606-0830]

### A. Schedule C Positions

Appointees to Schedule C positions, or to equivalent positions in agencies that are statutorily excepted from the competitive service, are also subject to change during transitions. Schedule C appointments are made to Senior-Level (SL) and General Schedule (GS) positions that the Office of Personnel Management excepts from the competitive civil service because they have policy-determining responsibilities or require the incumbent to serve in a confidential relationship to a key official. Also, the President makes individual, specified exceptions under Schedule C [5 CFR 6.8].

#### (1) Establishing Schedule C Positions

OPM authorizes the establishment of each Schedule C position and revokes the authority when the position is vacated. OPM does not review the qualifications of a Schedule C appointee; final authority on this matter rests with the appointing official. The agency head must certify that the position was not created solely or primarily for the purpose of detailing the incumbent to the White House. A list of Schedule C positions is published annually in the Federal Register, under Part 213 of OPM's regulations.

Schedule C appointees may be separated at any time if the confidential or policy-determining relationship between the incumbent and his/her superior no longer exists. Incumbents of Schedule C positions are not covered by statutory procedures and generally have no rights to appeal removal actions to the Merit Systems Protection Board. Agencies should consult their General Counsel or OPM's General Counsel on Schedule C separations. A sample separation notice is at Appendix A.

#### (2) Temporary Transitional Schedule C Positions

Pursuant to OPM's regulations, agencies may establish temporary transitional Schedule C positions to facilitate the orderly transition of duties after a change in department or agency heads [5 CFR 213.3302]. For a 1-year period immediately following the entering on duty of a new agency head, agencies may establish temporary transitional positions to meet legitimate needs for carrying out their mission during the period of transition. The number of temporary transitional Schedule C positions an agency establishes cannot exceed either 50 percent of the highest number of permanent Schedule C positions filled by that agency at any time over the previous 5 years, or three positions, whichever is higher.

Appointments under this authority may be made for 120 days, with one additional extension of 120 days. The agency must notify OPM within 5 working days that a temporary transitional Schedule C position has been encumbered. In addition, the agency head must provide to OPM a signed statement certifying that the position was not created solely for the purpose of detailing the incumbent to the White House and identifying the position and incumbent.

When an agency intends to convert a temporary transitional Schedule C incumbent to a nontemporary ("regular") Schedule C appointment, the appointment may be designated as a "Provisional Appointment NTE" (not to exceed a specified date) instead of a temporary transitional Schedule C. This permits the agency to treat the employee as a nontemporary appointee for benefits purposes. [See p. 14, section VI-A.] Documentation instructions are in OPM's *Guide to Processing Personnel Actions*, Chapter 11, Excepted Service Appointments.

## **B. Other Excepted Service Positions**

In addition to the policy-determining or confidential positions described in the preceding section, certain agencies and groups of positions are excepted by statute, Executive order, or OPM action from the competitive civil service. These exceptions have been made for a variety of reasons, none of which relate to policy-determining or confidential factors.

### **(1) Positions Excepted by Statute and Executive Order**

Examples of positions that have been excepted by statute include certain employees of the Veterans Health Administration in the Department of Veterans Affairs, the Foreign Service of the Department of State, the Federal Bureau of Investigation of the Department of Justice; and all positions in the Tennessee Valley Authority, the General Accounting Office, and the Postal Service. Most of these positions are under separate merit systems and are not subject to change with a new agency head. In addition to positions excepted by statute and by OPM action, there are other positions which are excepted from the competitive service by Executive order. Most of these are jobs overseas held by foreign nationals.

### **(2) Positions Excepted by OPM**

There are two other categories of positions which the Office of Personnel Management has administratively excepted from the competitive service — Schedule A and Schedule B positions. These positions are not of a confidential or policy-determining character.

-- *Schedule A Positions.* These positions are excepted because it is not practicable to apply qualifications standards and requirements established for the competitive service to them. Examples include chaplains, teachers in military dependent school systems overseas, faculty positions of service academies, and certain positions at isolated localities. Attorney positions are also in Schedule A because OPM is prohibited in its appropriations legislation from spending funds to examine for attorney positions.

-- *Schedule B Positions.* These positions are excepted because it is not practicable to hold open competition or apply the usual competitive examining procedures to them, but appointees must meet basic OPM qualifications standards for the occupation and grade level. Schedule B positions include those associated with career-related work study positions.

The procedural and appellate rights governing the removal of Schedule A and B appointees vary. Employees with veterans' preference who have 1 year of qualifying service are entitled to statutory procedural and appellate rights if they are removed from the Federal service for conduct or performance reasons. In addition, the Due Process Amendments of 1990 [P.L. 101-376, August 17, 1990] gave procedural and appeal protections to many employees who do not have veterans' preference, provided they have completed 2 years of qualifying service. Finally, OPM's regulations provide such rights to Schedule B employees with competitive status, whether or not they have

veterans' preference.

### **C. Expert and Consultant Appointments**

Expert and consultant appointments are made directly by agencies without regard to competitive civil service requirements, under the authority of 5 U.S.C. 3109, to positions which primarily require performance of advisory services, rather than performance of operating functions. Provided the individual meets the definitions of expert or consultant in 5 CFR Part 304, and provided the work assigned requires expert or consultant services, expert and consultant appointments may be used for individuals who have been nominated by the President, but not confirmed, or for individuals whose permanent excepted appointments are in process.

Expert and consultant appointments may not be used to avoid employment procedures or solely in anticipation of a competitive career-conditional appointment. Positions in the Senior Executive Service may not be filled by use of an expert and consultant appointment authority[5 U.S.C. 3109]. However, if a position meets the criteria for placement in the Senior Executive Service, OPM may authorize a limited appointment authority to appoint an individual during the transition period.

Experts and consultants may be paid a rate not to exceed the daily equivalent of the highest payable rate in the General Schedule (GS-15, step 10), exclusive of locality pay, unless a higher rate is specifically authorized by statute. They may also be reimbursed for travel, if intermittent employees, but not moving expenses and may participate in orientation/training programs at Government expense.

## V. COMPENSATION

[OPM Contact: Jerome Mikowicz, 202-606-2858]

### A. Basic Salary Levels

Basic salary levels are set in several ways, including the following:

(1) Executive Schedule

Salaries of most positions filled by Presidential appointees are prescribed by law at levels I (\$148,400) through V (\$108,200) of the Executive Schedule. These rates will not be increased in 1997.

(2) Senior Executive Service

Senior Executive Service (SES) salaries may be set by agency heads at any one of six rates, from ES-1 (\$94,800) to ES-6 (\$115,700). The ES-6 rate is linked to level IV of the Executive Schedule and thus will not be increased in 1997. As of November 21, 1996, the President had not made a decision regarding the amount by which lower SES rates will be increased in January 1997. (Note: The initial establishment of a pay rate for a new SES appointee is considered a pay adjustment. The agency must wait at least 12 months before changing the pay rate.)

(3) Senior-Level Positions

The Senior-Level (SL) pay system includes high-level positions without executive responsibilities and positions that are excluded from the SES by statute or the President. The agency head may set the pay at any rate within a statutorily fixed range. In 1996, pay for senior-level positions ranges between \$83,160 and \$115,700. The minimum rate will increase by 2.3 percent in January 1997. The maximum rate will remain unchanged.

(4) General Schedule

For General Schedule (GS) positions, there is a range of ten salary steps prescribed for each of 15 grade levels. The maximum rate of basic pay in 1996 is \$90,090 and will increase by approximately 2.3 percent in January 1997. A new GS employee generally enters at the first step of the appropriate grade. Schedule C employees are covered by the GS pay system.

(5) Special Authorities

Some agencies have special authorities that govern the setting of pay for all or certain employees; for example, the FAA Administrator may set pay for employees of the Federal Aviation Administration. There are also special Presidential authorities to set the pay of certain White House employees.

### B. Locality Pay

Most Federal employees — including GS, SES, and senior-level employees but excluding officials paid on the Executive Schedule — are eligible for supplemental locality-based payments in addition to the basic rate of pay. These payments apply only in the 48 contiguous States. In 1997, these

locality payments will range from 4.81 to 11.52 percent. The maximum locality-adjusted rate of pay is the rate for Executive Schedule level IV (\$115,700) for GS employees and the rate for Executive Schedule level III (\$123,100) for other employees.

### C. Pay Flexibilities

There are several discretionary pay flexibilities that agencies may use to deal with well-documented staffing difficulties. There are specific statutory and regulatory conditions that govern the use of each of these flexibilities. Full documentation required by laws and regulations must be maintained, and pertinent information will be subject to public scrutiny and third party review. Agencies are cautioned to exercise these flexibilities judiciously, especially when hiring other than career employees, and use them only when absolutely necessary to address staffing problems.

#### (1) Advance Payments

Agencies may provide for the advance payment of basic pay covering not more than 2 pay periods to any individual who is newly appointed to a position, except for appointment as agency head.

#### (2) Above Minimum Hiring Rates — GS

Agencies may appoint individuals to General Schedule positions at a step above the first step of the grade based on the employee's superior qualifications or a special need of the agency for his/her services. Such appointments may be made to any appropriate grade of the General Schedule. The higher step must be given with the initial appointment — it may not be given upon reappointment without a 90-day break in service[5 CFR 531.203(b)(2)].

#### (3) Pre-Employment Interviews — Payment of Travel and Transportation

Agencies may pay travel and transportation expenses for travel to and from pre-employment interviews determined necessary by the agency for any individual being considered for employment by the agency, as well as for a new appointee from his/her place of residence at the time of selection or assignment to the duty station. Travel expenses to attend confirmation hearings are considered part of the pre-employment interview process.

#### (4) Recruitment and Relocation Bonuses up to 25 Percent of Pay

When it would otherwise be difficult to fill a position under the SES or General Schedule (or certain other pay plans), agencies may pay a one-time, lump-sum *recruitment bonus* of up to 25 percent of basic pay to a new Federal employee. Under the same circumstance, agencies may pay a one-time lump-sum *relocation bonus* of up to 25 percent of basic pay to a current Federal employee under the SES or General Schedule (or certain other pay plans) who must relocate to a different commuting area.

*Note:* Recruitment and relocation bonuses may not be paid to the head of a Federal agency or an individual appointed to a position in the expectation of receiving an appointment as the head of an agency.



(5) Retention Allowances up to 25 Percent of Pay

Agencies may pay an employee under the SES or General Schedule (or similar pay plan) a retention allowance of up to 25 percent of basic pay when (1) due to unusually high or unique qualifications or a special need for an employee's services, it is essential to retain the employee in the Federal Government; and (2) it is determined that the employee is likely to leave the Federal service. The allowance is paid on a pay period basis. A retention allowance may not be authorized to the extent it would cause an employee's aggregate compensation received in a calendar year to exceed Executive Schedule level I (currently \$148,400).

*Note:* A retention allowance may not be paid to the head of a Federal agency.

**D. Separation Payments**

Certain payments may be payable to an individual who is separated from the Federal service.

(1) Severance Pay

Employees who are covered by the severance pay law are entitled to a series of payments equal to their normal salary following an involuntary separation that is not for misconduct or unacceptable performance. Severance pay is not applicable to Presidential appointees, noncareer SES members, Schedule C employees, or other similar political appointees.

(2) Lump-Sum Payment for Unused Annual Leave

Employees who are covered under the governmentwide leave system (including noncareer SES and Schedule C appointees) are entitled to a lump-sum payment covering unused annual leave. The value of the annual leave is computed using the employee's pay at separation. By law, most Presidential appointees (PAS and PA) are excluded from coverage under the leave system.

## VI. RETIREMENT, HEALTH AND LIFE INSURANCE

[OPM Contact: Mary Sugar, 202-606-0788]

### A. New Employees

*Note:* Retirement and insurance coverage for reemployed Federal annuitants may be handled differently from other employees. The personnel office can provide the necessary information to these employees.

#### (1) Health Insurance

Eligibility for participation in the Federal Employees Health Benefits Program depends on the type of Federal appointment. Generally, Federal employees who receive appointments that are limited to 1 year or less are excluded.

However, individuals with temporary appointments designated as "provisional appointment" are eligible since this type of appointment is used to expedite placement in a position expected to be permanent while the necessary procedures required for non-temporary appointment are proceeding, such as a pending Senate confirmation or security clearance. After the initial opportunity, the Program permits enrollment changes during a 4-week period each November and upon certain changes in family status.

-- *Plans.* Eligible new employees will receive materials describing available plans from the employing agency and must make an enrollment election within 31 days of becoming eligible. The Program offers each employee several governmentwide fee-for-service plans (some which require membership in employee organizations) and health maintenance organizations serving the geographic area in which the employee lives or works. Enrollment may be for self-only or for self-and-family.

-- *Cost-sharing.* The Government contribution is an amount based on 60 percent of average premium amounts specified by law for self-only and for family coverage, but may not exceed 75 percent of the cost of any particular plan. Employees are subject to payroll withholdings for health plan costs in excess of the Government contribution.

#### (2) Life Insurance

Eligibility to participate in the Federal Employees' Group Life Insurance Program also depends on the type of Federal appointment. Generally, Federal employees who receive appointments which are limited to 1 year or less are excluded.

However, individuals with temporary appointments designated as "provisional appointment" are eligible as explained above under "Health Insurance." If life insurance coverage is waived on first opportunity to enroll, subsequent opportunities are very limited.

-- *Basic.* Eligible employees automatically receive Basic life insurance coverage unless they file a written waiver. In general, the Basic insurance amount is equal to annual basic pay, rounded to the next higher multiple of \$1,000, plus \$2,000 (subject to a maximum defined by law which was \$136,000 for 1996, and additional coverage for employees under age 45), plus an equal amount of accidental death and dismemberment coverage (AD&D).

- *Optional.* In addition, the Program offers three types of Optional life insurance, without evidence of good health, which employees must elect within 31 days of becoming eligible. Option A, generally offers \$ 10,000 life insurance and AD&D coverage; Option B offers life insurance (no AD&D) coverage in multiples of 1,2,3,4, or 5 times the employee's annual rate of basic pay (rounded to the next higher multiple of \$1,000); and Option C is life insurance (no AD&D) on the employee's family members in the amount of \$5,000 on death of a spouse and \$2,500 on death of an eligible child.
- *Cost.* Basic life insurance is funded by a biweekly level premium of 25 cents per \$1,000 of the Basic insurance amount; the Government contributes one-third of the cost of Basic insurance. Employees pay the full cost of all optional insurance; premiums are age-adjusted.

### (3) Retirement Coverage

Eligibility for retirement coverage depends upon the type of appointment. Most types of appointments, including "provisional appointments" will confer retirement coverage eligibility. However, generally, temporary appointments limited to a year or less and intermittent appointments are excluded from coverage eligibility. Other less common appointments may also be excluded from coverage eligibility.

*Types of Coverage.* Retirement eligible appointees who are new to Government service will be covered under the Federal Employees Retirement System (FERS), a three-tiered system consisting of Social Security benefits, basic FERS (a defined benefits plan), and the Thrift Savings Plan (a defined contributions plan).

Appointees who are now Government employees, or who have prior Government service, may be covered under one of several plans, depending upon individual circumstances. Those plans include FERS, the Civil Service Retirement System (CSRS) without Social Security coverage, or a combination of CSRS with Social Security coverage called CSRS Offset.

## **B. Separated Employees**

### (1) Health Insurance

After separation, your Federal Employees Health Benefits plan coverage continues at no cost to the employee for 31 days. In addition, if the employee files an election with the separating agency and pays both the employee and the Government share of costs (plus a 2 percent administration fee) coverage in the existing plan, or another plan in the Program, can be continued for up to 18 months. When group insurance eligibility ends, the employee has the right to convert the coverage to an individual health insurance policy.

If an employee retires under a retirement system for Federal employees, group health insurance can be continued into retirement, provided the employee qualifies for an immediate annuity and was enrolled in the Federal health program for at least the 5 years preceding retirement, or all periods of eligibility since first opportunity to enroll, whichever is less.

Retirees have the same health plan choices and pay the same share of the costs for health insurance as active employees do.

### (2) Life Insurance

Life insurance continues for 31 days after separation at no cost, and during this period all or any part of the coverage can be converted, without medical examination, to non-group coverage, with rates based on the individual's age and class of risk.

If the employee retires under a retirement system for Federal employees, Basic and Optional group life insurance can be continued into retirement, provided the employee qualifies for an immediate annuity and was enrolled for purposes of each type of coverage to be continued for at least the 5 years before retirement, or during all periods of eligibility since first opportunity to enroll, which ever is less.

Retirees pay the same premiums as active employees, except that premiums stop at age 65, when the face value of insurance in effect at retirement begins to decrease by 2 percent per month. The post-retirement reduction continues until the Basic and the \$10,000 Optional insurance is 25 percent of the insurance in force at retirement and until other Optional coverages expire all together. At time of retirement, however, an employee eligible to continue Basic insurance can elect to pay additional premiums to prevent Basic insurance from decreasing.

### (3) Retirement

Under CSRS, individuals can retire voluntarily after reaching age 55 with 30 years of service, age 60 with 20 years, or age 62 with 5 years. Under FERS, voluntary retirement is available under these same combinations, but individuals can also retire at the minimum retirement age (age 55, but if you were born after 1947, it can be as high as age 57) with as little as 10 years of service.

Individuals may also be eligible for early retirement if they qualify for a discontinued service retirement (DSR) based on an involuntary separation and meet the following age and service requirements. Under both CSRS and FERS, individuals meet those requirements if they are age 50 and have at least 20 years of service, or if they have at least 25 years of service regardless of age.

An involuntary separation is qualifying for DSR unless it is based upon misconduct or delinquency. A resignation may also qualify for DSR if the individual resigns in response to a written request from an Administration representative having the authority to request such resignations or the new head of an agency. The resignation of a Presidentially- appointed policy-making officer qualifies for DSR whenever the individual's resignation is accepted by the President (not only with the advent of a new Administration). When it is known that a Presidential appointee is leaving, the resignation of a noncareer SES appointee or Schedule C appointee who works for that person is also considered an involuntary separation for purposes of DSR.

-- *Individuals Not Eligible For Immediate Retirement* Such individuals might be eligible for a deferred annuity. Under both CSRS and FERS, if an individual has at least 5 years of civilian service, he or she can receive a deferred annuity at age 62. Also, a FERS employee with at least 10 years of Federal service (which must include at least 5 years of civilian service) may elect to receive a deferred annuity as early as the minimum retirement age (55-57, depending upon year of birth). To qualify for deferred benefits, individuals must leave their retirement contributions in the retirement fund. Individuals with less than 5 years of civilian service do not qualify for a deferred annuity.

-- *Refunds of Retirement Contributions.* Individuals not eligible for an immediate annuity (whether or not eligible for a deferred annuity) may elect to receive a refund of retirement contributions. To qualify for the refund, the individual must be separated for at least 31 days and apply for the refund at least 31 days before qualifying for a deferred annuity. Under CSRS, the service covered by the refund may be creditable towards retirement benefits if the individual returns to Government service. However, under FERS, receipt of the refund permanently terminates the right to use the service covered by the refund for retirement benefits under any circumstances.

## **VII. UNEMPLOYMENT COMPENSATION AND DISLOCATED WORKER SERVICES**

*[Dept. of Labor Contacts for Unemployment Compensation: Robert Gillham and Mary Baldwin, 202-219-5626]  
[OPM Contact: Charles Kawecki, 202-606-1474]*

### **A. Unemployment Compensation for Federal Employees (UCFE)**

Presidential appointees, noncareer and limited SES appointees, and Schedule C employees who resign by request or are separated due to a change in agency leadership or otherwise as a result of the transition to a new Presidential term may be eligible for Unemployment Compensation for Federal Employees (UCFE). Unemployment compensation is provided through the State in which the individual was employed. Benefit levels and eligibility requirements vary from State to State. For further information about UCFE requirements and benefits, contact the specific State office listed in Appendix B, Attachment 1.

Whether an individual's resignation is requested or not requested may affect entitlement to unemployment compensation. Resigning before receiving a request to resign is generally considered an unprompted resignation and is not usually viewed as sufficient for unemployment compensation purposes. To assure that State unemployment offices are aware that the separation by request is due to a change in agency leadership, it is important that this reason be clearly indicated on the SF-50 and all UCFE claims inquiry forms. Individuals are advised to provide a copy of the request for resignation to the State unemployment compensation office when filing.

### **B. Dislocated Worker Services**

These employees may also be eligible for dislocated worker services, including retraining and placement assistance, which are funded through Department of Labor grants. Benefits and eligibility requirements vary from State to State. For further information about Dislocated Worker Services and eligibility requirements, contact the specific State office listed in Appendix B, Attachment 2.

**APPENDIX A — SAMPLE SEPARATION NOTICE**

For information about removals and notice requirements, see pages 5-6 (for the SES) and page 8 (for Schedule C).

*Notice of Removal of an Employee who is not covered by tenure and procedure provisions of law, civil service regulations, or appropriate agency regulations — e.g., Noncareer SES Appointee, Schedule C without status in the position.*

Mr. C. B. Blank  
4731 99th Avenue  
Washington, D.C.

Dear Mr. Blank:

This is to notify you that your service as \_\_\_\_\_ (insert position title) \_\_\_\_\_ will be terminated effective at the close of business, \_\_\_\_\_ (insert date) \_\_\_\_\_.

Under the law, incoming leadership has the authority to select staff with whom it has personal confidence to carry out its policy goals. This often necessitates the replacement of existing personnel. As a result, this action should not be construed in any way as a reflection on you personally or on your performance under the prior leadership.

Sincerely yours,

(Name)  
(Title)

## APPENDIX B — QUESTIONS AND ANSWERS ABOUT SEPARATIONS

This appendix provides answers to questions that noncareer Senior Executive Service (SES) or Schedule C appointees are most likely to have about their separation rights and benefits during the transition to the new Presidential term. We have also attached two lists from the Department of Labor with contact information for the State Employment Security Agencies (Attachment 1) and the State Dislocated Worker Units (Attachment 2).

We have designed this appendix so that it may be detached and distributed to employees for information purposes. The questions and answers are organized in the following groupings: General Issues [p. Q&A (1)], Benefits [p. Q&A (2)], and Post-Separation Employment [p. Q&A (5)].

If questions arise that are not answered in this appendix, please contact your Director of Personnel, or the OPM program contacts named in the previous sections of this package:

- Executive Schedule appointments and separations: Rhoda Lawrence, 202-606-1701
- SES appointments and separations: Ellen Kill Kelley, 202-606-1610
- Schedule C appointments and separations: Patricia Paige, 202-606-0830
- Compensation issues: Jerome Mikowicz, 202-606-2858
- Retirement, health and life insurance: Mary Sugar, 202-606-0788
- Unemployment compensation: Charles Kawecky, 202-606-1474

Attachment



**TRANSITION TO A NEW PRESIDENTIAL TERM**

*QUESTIONS AND ANSWERS FOR SCHEDULE C AND  
NONCAREER SENIOR EXECUTIVE SERVICE APPOINTEES*

November 1996

Prepared by the U. S. Office of Personnel Management  
1900 E Street NW

## **Questions and Answers Regarding Transition to a New Presidential Term for Noncareer SES and Schedule C Appointees**

This information is provided to answer the questions that noncareer Senior Executive Service (SES) or Schedule C appointees are most likely to have about their separation rights and benefits during this transition period. Except where a distinction is noted, the information is equally applicable whether you are a noncareer SES or a Schedule C employee. If you have questions that are not answered here, please contact your personnel office.

The questions and answers are organized as follows: General Issues, Benefits, and Post-Separation Employment.

### **A. General Issues**

1. Can I be separated before the resignation date of my agency head and how much notice will I receive?

Yes. If you are a noncareer SES appointee, you may be removed at any time. Noncareer SES appointees must be given a written notice at least 1 day before the effective date of a removal.

If you are a Schedule C employee, you may be separated at any time that your confidential relationship with your superior and/or the confidential nature of your job ceases to exist. There is no statutory notice requirement. However, some agencies have elected to provide Schedule C employees with advance notice of their separations. Your personnel office can advise you of your agency's policy on notice procedures.

2. Do I have appeal or grievance rights?

There is no appeal right to the Merit Systems Protection Board on the removal of a noncareer SES appointee. Most employees separated from their Schedule C positions have no appeal rights to MSPB. In some agencies, noncareer SES appointees and Schedule C employees may grieve their separations under an agency administrative grievance system or another agency dispute resolution system. Your personnel office can advise you if your agency permits such grievances.

3. Do I have additional procedural and/or appeal rights if I am a veteran?

An employee's status as a veteran does not change an employee's rights beyond those described in the answers to questions 1 and 2 above.

4. If my boss has a statutory term appointment that extends beyond the resignation date of my agency head, do I have to leave before the resignation date?

Not necessarily. This, too, will be up to your agency.

5. If my boss is asked to stay beyond the agency head's resignation date, will I be allowed to remain in my position also?

Often if your boss remains on the job, you will too. However, as discussed in question 1, if you are a noncareer SES appointee or a Schedule C employee, your continued employment may depend on whether both your confidential relationship with your boss and the need for such a relationship to do your job continue to exist.

### **B. Benefits**

6. What happens to my accrued annual and sick leave?

You will be paid a lump-sum upon separation for accrued annual leave. Payment will be at the rate you were earning at separation, less applicable deductions. No payment is made for accrued sick leave. Sick leave will be recredited if you are reemployed in a Federal position.

7. Will I be eligible for severance pay?

Employees with noncareer SES or Schedule C appointments are not eligible for severance pay.

8. If I am separated, will I be eligible for unemployment compensation?

The Department of Labor (the agency in charge of the unemployment compensation program for Federal workers) advises that Presidential appointees, noncareer and limited SES appointees, and Schedule C employees are generally eligible for benefits under the Unemployment Compensation for Federal Employees (UCFE) program when the employee is separated due to a change in agency leadership or otherwise as a result of transition to a new Presidential term. However, to assure that State unemployment offices are aware that your separation is due to a change in agency leadership, it is important that this reason be clearly indicated on the SF-50 and all UCFE claims inquiry forms. See question 10 below for more information on documenting these actions.

Eligibility for, and amount of, unemployment benefits vary from State to State. We recommend that you check with the State unemployment office of your last duty station with any questions in this respect. We have attached a listing of State unemployment agencies for your information. (*Note:* Employees returning from overseas assignments should check with the State office in the State to which they have selected to return.)

9. If I resign, will I be eligible for unemployment compensation?

If you resign by request due to a change in agency leadership, you should be eligible. If you resign before being requested to do so, you may not be eligible. To assure that State unemployment offices are aware that your resignation is by request due to a change in agency leadership, it is important that this be clearly stated in your written resignation and indicated on the SF-50 and all UCFE claims inquiry forms. You should also take a copy of the request for your resignation when filing for unemployment compensation. Again, you should check with your State unemployment office if you have any questions.

10. What will my SF-50 (Notification of Personnel Action) say if I resign or if I am separated?

If you *resign* from your position due to a change in agency leadership or otherwise as a result of a transition to a new Presidential term, the "Remarks" section of your SF-50 (Block 45) will state "Reason for Resignation" and then summarize whatever reason you give in your written resignation. You should state as your reason for resignation, "Resignation due to a change in agency leadership." If your resignation is requested, you should state, "Resignation by request due to a change in agency leadership." If you are *separated*, your agency will state in Block 45 under the "Reason for Termination" that you were separated "due to a change in agency leadership." (*Note:* The reason given for resignation may affect your entitlement to unemployment compensation. Resigning before receiving a request to resign is generally considered an unprompted resignation and is not usually viewed as sufficient for unemployment compensation purposes. See also questions 8, 9, and 11.)

11. How do I apply for unemployment compensation?

Unemployment benefits are payable through State unemployment insurance laws. To receive these benefits, you must register with the local unemployment office in the State of your last duty station. Employees returning from overseas file in the State of selected residence. When you file a claim with the unemployment office, you must take a completed copy of form SF-8, Notice to Federal Employee About Unemployment Insurance, and a proof of your Federal employment earnings (an earnings and leave statement). If you have moved out of the area of your last duty station, your claim can be filed with the State office nearest to your new location. If you resigned by request, provide a copy of the request when filing. Your agency's personnel office will provide you with a copy of form SF-8 and answer any questions you may have in this area.

12. Can I keep my Federal employee health insurance coverage when I leave?

After separation, your group health insurance continues at no cost for 31 days. In addition, if you file an election with the separating agency and you pay both the employee and employer cost (plus 2 percent administrative cost), your current plan, or another Federal Employees Health Benefits plan you may choose, can be continued temporarily for 18 months. When the group coverage ends, you have a right to convert it to non-group coverage.

If you retire under a retirement system for Federal employees, your group health insurance can be continued into retirement, provided you qualify for an immediate annuity and you were enrolled for the 5 years before retirement, or since the first opportunity to enroll, whichever is less. As a retiree, you would pay the same contribution for health insurance as active employees do.

13. Can I keep my Federal employee life insurance coverage when I leave?

Life insurance continues for 31 days after separation at no cost, and the insurance can be converted, without medical examination, to non-group coverage at that time, with rates based on age and class of risk.

If you retire under a retirement system for Federal employees, your group life insurance (but not accidental death and dismemberment) can be continued into retirement, provided you qualify for an immediate annuity and you were enrolled for purposes of each type of coverage for at least the 5 years before retirement, or since the first opportunity to enroll. As a retiree, you would pay the same premiums as employees, except that premiums stop at age 65, when the amount of insurance begins to decrease by 2 percent per month. The post-retirement reduction continues until the Basic and the \$10,000 Optional coverage is 25 percent of insurance in force at retirement and until other optional insurance expires completely. At the time of retirement, you can also elect to pay additional premiums to prevent the Basic (not optional) insurance from decreasing.

14. What are the basic age and service rules for retirement?

Under the Civil Service Retirement System (CSRS), you can retire voluntarily after reaching age 55 with 30 years of service, age 60 with 20 years, or age 62 with 5 years. Under the Federal Employees Retirement System (FERS), voluntary retirement is available under these same combinations, but you can also retire at the minimum retirement age (age 55, but if you were born after 1947, it can be as high as age 57) with as little as 10 years of service.

15. How do I know if I am eligible for early retirement?

You would be eligible for early retirement if you qualify for a discontinued service retirement (DSR) based on an involuntary separation (see next question) and meet the following age and service requirements. Under both CSRS and FERS, you would meet those requirements if you are age 50 and have at least 20 years of service, or if you have at least 25 years of service regardless of age.

16. What is considered an involuntary separation for purposes of qualifying for discontinued service retirement?

A resignation qualifies you for DSR if you resign in response to a written request from a Administration representative having the authority to request such resignation or the new agency head. The resignation of a Presidentially-appointed policy-making officer qualifies for DSR whenever the individual's resignation is accepted by the President. When it is known that a Presidential appointee is leaving, the resignation of a noncareer SES or Schedule C appointee who works for that person is also considered an involuntary separation for purposes of DSR.

17. Will I be eligible for the "alternative form of annuity"?

The alternative form of annuity (that is, a reduced annuity plus a lump-sum payment of retirement contributions) based on an involuntary separation is no longer available to any employee.

18. What if I am not yet eligible for retirement?

You might be eligible for a deferred annuity. Under both CSRS and FERS, if you have at least 5 years of civilian service, you can receive a deferred annuity at age 62. Also, a FERS employee with at least 10 years of Federal service (which must include at least 5 years civilian service) may elect to receive a deferred annuity as early as the minimum retirement age (see question 14). To qualify for deferred benefits, you must leave your retirement contributions in the retirement fund. If you have less than 5 years of civilian service, you do not qualify for a deferred annuity.

Whether or not you qualify for a deferred benefit, you may elect to receive a refund of your contributions as long as you are not eligible for an immediate annuity. To qualify for the refund, you must be separated for at least 31 days and apply for the refund at least 31 days before you qualify for a deferred annuity.

Generally, market rate interest is payable in FERS refunds. CSRS refunds are paid with interest only if the employee has at least 1 year but less than 5 years of service. No interest is payable if the employee has less than 1 year or more than 5 years of service. Desirability of the refund depends on individual circumstances (how far or close you are to retirement and whether you anticipate future Federal employment). Under CSRS rules, the credit for the service can be reinstated if you return to covered service and redeposit the refund with interest. A refund of FERS deductions cannot be redeposited, and the service cannot later be credited toward retirement, even if you return to service.

19. What becomes of the money I contributed to the Thrift Savings Plan?

Upon separation from service, each employee receives the booklet, *Withdrawing Your TSP Account Balance*, which describes the eligibility requirements for TSP withdrawal options and includes the required forms. Basically, if you separate before becoming eligible for retirement, your TSP contributions must be rolled over to a qualified plan, such as an IRA (or cashed out if under \$3500, or an amount to be set by the TSP Executive Director by regulation). Please note that any funds received from a cash out will be subject to 20 percent withholding unless the funds are deposited directly to a qualified account. If you are eligible for immediate or deferred annuity, the account may be rolled over, or you may choose to receive an immediate or deferred life annuity; equal monthly

payments for a fixed period; or a lump sum cash out upon retirement eligibility or later.

20. With regard to my benefits, is there anything else I need to watch out for?

Your agency personnel office needs to get involved to look at your particular circumstances. For example, you may need to make a deposit for military service before you leave the agency. Your personnel office will be able to give you more specific answers to your particular questions.

### **C. Post-Separation Employment**

21. Are there restrictions on my seeking non-Federal employment while I am currently employed? Will I have any post-employment restrictions?

Yes, there are a number of restrictions. However, because of the complexity of the issues involved, you should address any questions to your agency's Designated Ethics Official or to the Office of Government Ethics.

22. May I compete for other Federal jobs in my agency or in other Federal agencies?

You may compete for any Federal career jobs that are open for applications from the general public. This would include jobs announced through OPM and jobs announced by agencies when the announcement specifies that applications will be accepted from all sources. However, many jobs announced by agencies are open to application only from current career employees or status candidates. You could not apply for those positions unless you had previous Federal career service and the announcements were open to reinstatement or status candidates.

Some nonpolitical jobs are filled in what is called the excepted service. These jobs are excepted from the specific appointment procedures required for competitive career jobs although they are subject to the basic principle of selection based on merit. Each agency establishes its own procedures and qualification requirements for filling excepted positions. If you qualify for such a position, you will be considered in accordance with the agency's procedures.

You may compete for an SES career appointment when the position is advertised pursuant to proper merit staffing procedures. However, if you are a noncareer SES appointee, you cannot receive a career SES appointment in your current position, or a successor position, since there is no bona fide vacancy.

23. Where and how can I find current job openings and other information on applying for other Federal jobs?

The Federal Employment Information System, the official source for employment information, provides access to not only Federal job listings but some state and local government and private sector listings. The system provides listings of the latest job openings, gives access to application materials, and provides information on a wide variety of Federal employment-related topics and programs. Application packages, forms, and other employment-related materials can be requested through the system.

The system is accessible from a number of user friendly mediums that are updated daily and most are available 24 hours a day, 7 days a week:

- **Career America Connection.** By calling 912-757-3000 [the Washington, DC, local number is 202-606-2700; TDD Service is at 912-744-2299], you can obtain current worldwide Federal job opportunities.
- **Federal Job Opportunities Board (FJOB).** From a personal computer with a modem and communication software, FJOB can be accessed by dialing 912-757-3100. Internet users may contact the FJOB at the following addresses: *Telnet to fjob.opm.gov*; *FTP to ftp.fjob.opm.gov*; or *Mail to info@fjob.opm.gov*. Many agency vacancy announcements can be viewed on-line or downloaded for later review from the FJOB. In some cases, it is even possible to complete an application on-line and submit it electronically to the advertising personnel office.
- **USA JOBS.** The address for employment information on OPM's worldwide web site is *http://www.usajobs.opm.gov*. The USA JOBS web site, like all of the components of the employment information delivery system, provides access to the Federal Jobs Database of worldwide opportunities, full text job announcements, answers to frequently-asked Federal employment questions via delivery of Employment Info Line fact sheets, and access to electronic and hard copy application forms.
- **Federal Job Information "Touch Screen" Kiosks** are located in OPM Service Centers and Government buildings throughout the country. The OPM Service Center in Washington, DC, is located at 1900 E Street NW, and is open to the public from 8:00 am to 4:00 pm, Monday through Friday.
- **FedFax.** By using a touch-tone telephone or fax machine, you may select from a variety of employment-related topics and forms you wish to have faxed (except for vacancy announcements or job listings). FedFax allows for the retrieval of hardcopy information at any fax machine in the world, 24 hours a day, 7 days a week. FedFax is available at the following numbers: Atlanta (404-331-5267); Denver (303-969-7764); Detroit (313-226-2593); San Francisco (415-744-7002); and Washington, DC (202-606-2600).

24. What are my reinstatement rights if I previously worked for the Federal Government in a career (competitive) position?

You do not have a right (i.e., an entitlement) to be reinstated to a career job. However, if you are eligible for veterans' preference, if you had career tenure, or if you have not had a break in Federal service of more than 3 years since you left your competitive job, you do have reinstatement eligibility in the competitive service. This means that you may apply for jobs open only to status candidates and do not have to compete for employment with candidates from outside the Government. However, agencies do not have to consider reinstatement candidates for any particular job. Some jobs may be open only to current competitive employees or may be filled from other sources.

If you are considered for reinstatement, you will have to compete with other employees and status candidates for any job that is at a higher grade than you held under your last competitive service appointment. If the job is at the same grade as your last competitive career job, the agency may reinstate you without competition, but that would be subject to the agency's internal merit staffing policy. The agency could require you to compete with employees and status candidates at any grade.

You may be reinstated in the SES if you previously successfully completed the 1-year SES probationary period as a career appointee, or if you converted to a career SES appointment when the SES was established in 1979. However, separation from the SES career appointment must not have been for performance or disciplinary reasons.

25. If I am reemployed in the Federal Government, must the agency match my current salary and grade?

An agency is not required to match your salary and grade. However, if you are reemployed in a General Schedule (GS) position, an agency may, if its internal rules permit, set your basic pay based on the highest previous rate you received in the Federal Government, but not above the highest rate for the grade of the new position.

26. If I retire, can I later return to Federal service?

Yes. However, depending on the type of annuity you receive under CSRS or FERS, your annuity will terminate or your salary as a reemployed annuitant will be reduced by the amount of the annuity.



## STATE EMPLOYMENT SECURITY AGENCIES

Alabama . . . . . Department of Industrial Relations, 649 Monroe Street, Room 204, Montgomery 36130

Alaska . . . . . Employment Security Division, Department of Labor, P.O. Box 25509, Juneau 99802

Arizona . . . . . Department of Economic Security, 1789 West Jefferson St, P. O. Box 6123-010A, Phoenix 85005

Arkansas . . . . . Employment Security Department, P. O. Box 2981, Little Rock 72203-2981

California . . . . . Employment Development Department, P. O. Box 942880, MIC 83, Sacramento 94280-0001

Colorado . . . . . Department of Labor and Employment, 1515 Arapahoe St, Tower 2, Suite 400, Denver 80202-2117

Connecticut . . . . . State Labor Department, 200 Folly Brook Boulevard, Wethersfield 06109-1114

Delaware . . . . . State Department of Labor, 820 North French St, Carvel State Bldg, 6th Floor, Wilmington 19801

District of  
Columbia . . . . . D.C. Department of Employment Services, 500 C Street NW, Room 600, Washington, DC 20001

Florida . . . . . Department of Labor and Employment Security, 201 Capital Circle SE, Suite 303, Hartman Bldg,  
Tallahassee 32399-2152

Georgia . . . . . Georgia Department of Labor, Suite 600, 148 International Blvd NE, Atlanta 30303

Hawaii . . . . . Department of Labor and Industrial Relations, 830 Punchbowl St, Room 320, Honolulu 96813

Idaho . . . . . Department of Employment, 317 Main Street, Boise 83735

Illinois . . . . . Department of Employment Security, 401 S. State Street, Suite 615, Chicago 60605

Indiana . . . . . Department of Workforce Development, 10 N. Senate Ave, Room E 204, Indianapolis 46204

Iowa . . . . . Department of Employment Services, 1000 E. Grand Avenue, Des Moines 50319

Kansas . . . . . Kansas Department of Human Resources, 401 Topeka Boulevard, Topeka 66603

Kentucky . . . . . Department for Employment Services, 275 E. Main Street, Frankfort 40621

Louisiana . . . . . Department of Employment and Training, P. O. Box 94094, Baton Rouge 70804-9094

Maine . . . . . Maine Department of Labor, P. O. Box 309, Augusta 04330

Maryland . . . . . Department of Economic and Employment Development, 1100 N. Eutaw St, Room 600, Baltimore 21201

Massachusetts . . . . . Department of Employment and Training, 19 Staniford Street, 3rd Floor, Boston 02114

Michigan . . . . . Michigan Employment and Security Commission, 510 Boulevard Building, 7310 Woodward Ave, Detroit 48202

Minnesota . . . . . Minnesota Department of Jobs and Training, 390 N. Robert Street, St. Paul 55101

Mississippi . . . . . Employment Security Commission, P. O. Box 1699, Jackson 39215-1699

Missouri . . . . . Department of Labor and Industrial Relations, 3315 W. Truman Boulevard, Jefferson City 65102

Montana . . . . . Department of Labor and Industry, P. O. Box 1728, Helena 59624

Nebraska . . . . . Department of Labor, 550 S. 16th Street, Lincoln 68509-4600

Nevada . . . . . Nevada Employment Security Division, 500 E. Third Street, Carson City 89713

New Hampshire . . . . . Department of Employment Security, 32 S. Main Street, Concord 03301-4857

New Jersey . . . . . NJ Department of Labor, Labor and Industry Building, CN 110, Trenton 08625-0110

New Mexico . . . . . New Mexico Department of Labor, P. O. Box 1928, Albuquerque 87103

New York . . . . . NY State Department of Labor, State Office Building Campus, Building 12, Room 592, Albany 12240

North Carolina . . . . . Employment Security Commission of North Carolina, P. O. Box 25903, Raleigh 27611

North Dakota . . . . . Job Service North Dakota, P. O. Box 1537, Bismark 58502

Ohio . . . . . Ohio Bureau of Employment Services, 145 S. Front Street, Columbus 43215

Oklahoma . . . . . Employment Security Commission, 2401 N. Lincoln, 215 Will Rogers Memorial Office Bldg, Oklahoma City 73105

Oregon . . . . . Employment Division, 875 Union Street NE, Salem 97311

Pennsylvania . . . . . Department of Labor and Industry Building, Room 1700, Seventh & Forster Streets, Harrisburg 17121

Puerto Rico . . . . . Bureau of Employment Security, 505 Munoz Rivera Avenue, Hato Rey 00918

Rhode Island . . . . . Department of Employment and Training, 101 Friendship Street, Providence 02903-3740

South Carolina . . . . . Employment Security Commission, P. O. Box 995, Columbia 29202

South Dakota . . . . . South Dakota Department of Labor, 700 Governors Drive, Pierre 57501-2277

Tennessee . . . . . Tennessee Department of Employment Security, 12th Floor - Volunteer Plaza Bldg, 500 James Robertson Pkwy,  
Nashville 37245-0001

Texas . . . . . Texas Employment Commission, 638 TEC Building, Room 656, 15th & Congress Ave, Austin 78778

Utah . . . . . Department of Employment Security, 140 East 300 South, 174 Social Hall Ave, Salt Lake City 84147-0249

Vermont . . . . . Department of Employment and Training, P. O. Box 488, Montpelier 05601-0488

Virginia . . . . . Virginia Employment Commission, 703 E. Main Street, Richmond 23219

Virgin Islands . . . . . Department of Labor, 2131 Hospital Street, Christenstead, St. Croix 00820

Washington . . . . . Employment Security Department, 212 Maple Park, Mail Stop KG-11, Olympia 98504-5311

West Virginia . . . . . West Virginia Bureau of Employment Programs, 112 California Ave, Charleston 25305-0112

Wisconsin . . . . . Department of Industry, Labor and Human Relations, P. O. Box 7946, Madison 53707

Wyoming . . . . . Wyoming Department of Employment, P. O. Box 2760, Casper 82602

**STATE DISLOCATED WORKER UNITS**

<b>STATE</b>	<b>PHONE</b>
Alabama	334-242-5893
Alaska	907-269-4658
Arizona	602-542-2484
Arkansas	501-682-3137
California	916-654-9212
Colorado	303-758-5020
Connecticut	203-566-7550
Delaware	302-368-6913
District of Columbia	202-673-4434
Florida	904-488-9250
Georgia	404-656-6336
Hawaii	808-586-9067
Idaho	208-334-6303
Illinois	217-785-6006
Indiana	317-232-7461
Iowa	515-281-9013
Kansas	913-296-7876
Kentucky	502-564-5630
Louisiana	504-342-7637
Maine	207-624-6390
Maryland	410-767-2803
Massachusetts	617-727-8158
Michigan	517-373-9109
Minnesota	612-296-7918
Mississippi	601-949-2234
Missouri	314-751-7796

<b>STATE</b>	<b>PHONE</b>
Montana	406-444-4500
Nebraska	402-471-9903
Nevada	702-687-4310
New Hampshire	603-228-9500
New Jersey	1-800-343-3919
New Mexico	505-827-6866
New York	518-457-3101
North Carolina	919-733-6383
North Dakota	701-328-2843
Ohio	614-466-3817
Oklahoma	405-557-7294
Oregon	503-373-1995
Pennsylvania	717-787-9282
Puerto Rico	809-754-5633
Rhode Island	401-277-3450
South Carolina	803-737-2601
South Dakota	605-773-5017
Tennessee	615-741-1031
Texas	512-936-0474
Utah	801-538-8757
Vermont	802-828-4177
Virginia	804-786-3037
Washington	206-438-4611
West Virginia	304-558-1847
Wisconsin	608-266-0745
Wyoming	307-235-3601

U. S. Department of Labor, Office of Worker Retraining, 202-219-5577