



Department of Defense INSTRUCTION

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USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: Operational Continuity During Closure

References: (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
(b) Sections 3341, 5551, 5596, 6304, and 9902 of title 5, United States Code
(c) Part 316 of title 5, Code of Federal Regulations

1. PURPOSE

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

b. Volume. This Volume of this Instruction:

(1) Pursuant to the authority in Reference (a) and the guidance in Reference (b), Reference (c), and Volumes 100, 300, and 1800 of this Instruction, provides closing installation commanders and activity heads personnel authority designed to retain or acquire human resources for the continuation of mission-essential functions during the base realignment or closure process. These authorities establish special processes and procedures for filling critical positions permanently and temporarily.

(2) Implements section 6304(d)(3) of Reference (b) to encourage mission accomplishment instead of using annual leave and provides for unlimited annual leave accumulation at activities designated for closure or realignment.

2. APPLICABILITY. This Volume applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field

Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the “DoD Components”).

3. PROCEDURES. See Enclosure.

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

5. EFFECTIVE DATE. This Volume is effective immediately.

Enclosure
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ENCLOSURE

PROCEDURES

1. REASSIGNMENT OR PROMOTION TO CRITICAL VACANCIES

a. The Deputy Under Secretary of Defense for Civilian Personnel Policy, in accordance with Volume 100 of this Instruction, waives applicable provisions of the Priority Placement Program (PPP) (Volume 1800 of this Instruction) to permit closing activities to permanently reassign or promote employees into critical vacancies under specified circumstances. The reassignment or promotion exception applies only to employees serving on appointments without time limitation.

b. Generally, appointments and permanent promotions may not be made effective within 24 months of an activity's closure date. As an exception to this prohibition, DoD Component career program participants or those employees on formal mobility agreements may be promoted or reassigned from within or outside the closing activity into positions pre-identified as "key or critical to base operations." A selected employee may not be moved into one of these positions from outside the commuting area unless the PPP is cleared. Employees or PPP registrants accepting such assignments shall be placed on a permanent basis, committing to remain at the activity until it is closed, and sign a mobility agreement specifying ineligibility for PPP registration because of the imminent closure of the activity. The employing DoD Component must guarantee a post-closure follow-on assignment for the employee to utilize this authority, except as provided in paragraph 1.c. of this enclosure. Post-closure placements effected because of this provision are exempt from the clearance requirements of the PPP.

c. Guaranteed post-closure placement is not required when the employee is eligible for optional retirement on the date of closure or is eligible for discontinued service retirement and has been or shall be assigned to the closing activity for at least 12 months prior to the date of closure. In the latter case, permanent assignments are not permitted under this authority less than 12 months prior to the closure date unless the activity first confirms with the Office of Personnel Management (OPM) that the employee's eligibility for discontinued service retirement shall not be affected.

(1) The closing installation shall submit a request for this determination to the appropriate OPM Service Center and provide a copy to the Deputy Chief, Civilian Assistance and Re-Employment (CARE) Division, CARE Operations Branch, 620 Peacekeeper Way, Suite 7, Robins Air Force Base, GA 31098-1869.

(2) The request shall identify the lack of qualified candidates, and shall include a description of the vacancy's critical nature and a statement certifying that the placement is not being made solely to establish eligibility for discontinued service retirement or an alternative form of annuity, if applicable.

(3) If the employee becomes eligible for discontinued service retirement less than 12 months prior to closure but is already in receipt of a reduction in force separation notice issued

by another activity, pursuant to paragraph 1.c. of this enclosure an OPM determination is not required. The employee's eligibility shall not be altered by a covered assignment.

2. EMPLOYMENT OF ANNUITANTS

a. Section 9902(j) of Reference (b) provides the Secretary of Defense authority to hire and set the salary of newly appointed annuitants (i.e., individuals receiving an annuity from the Civil Service Retirement and Disability Fund) without a reduction in pay or of the annuity.

b. Volume 300 of this Instruction establishes DoD policy and procedures and delegates authority for hiring annuitants pursuant to the provisions of section 9902(j) of Reference (b).

3. JOB EXCHANGES

a. Job exchanges are concurrent reassignments excepted from the PPP to accommodate the placement of a displaced employee from a closing activity to a non-closing activity. Specifically, the reassignments are authorized for a job exchange between an employee at an activity not scheduled for closure who is eligible for optional or discontinued service retirement, and an employee not eligible for retirement at a closing activity.

b. The employee at the non-closing activity must submit an application (OF 612, "Optional Application for Federal Employment," or resume) directly to the supporting human resources office of the closing activity to be considered a candidate for job exchange. The exchange candidate must occupy a position at the same grade, or comparable pay band, and be qualified to perform the duties of the position at the closing activity. In addition, the exchange candidate must be eligible for optional retirement on or before the installation closure date. For discontinued service retirement, the employee must be employed at the closing installation for at least 12 months before closure. Employees placed through the job exchange authority must acknowledge, in writing, that they:

(1) Shall remain in the position until released by the installation.

(2) Forfeit PPP registration eligibility.

c. Closing installations announce positions available for job exchanges on the PPP Automated and Stopper system. Positions must be certified as continuing for at least 12 months. Installations not scheduled for closure shall publicize job exchange opportunities along with other vacancy announcements and advise potential candidates of the requirements and criteria mentioned in paragraph 4.b. of this enclosure.

d. The gaining (non-closing) activity determines whether an exchange candidate is qualified to perform the duties of the new position. The closing and non-closing activities must agree to the exchange.

e. The closing installation pays all appropriate permanent change of station relocation expenses for both reassigned employees.

4. ANNUAL LEAVE RESTORATION

a. In accordance with section 6304(d)(3) of Reference (b), employees assigned to DoD activities designated by the Base Realignment and Closure (BRAC) Commission for closure or realignment are entitled to have forfeited annual leave restored.

b. Leave in excess of the statutory maximum (normally 240 hours) is restored and shall be placed in a separate leave account. Employees may not be required to use this restored leave before using other available annual leave.

c. The closing or realigning activity's supporting human resources office shall notify all affected employees of their entitlement in accordance with section 6304(d)(3) of Reference (b) and shall update the BRAC Indicator element in the Defense Civilian Personnel Data System to help ensure an entitled employee's leave is restored with the payroll leave restoration process.

d. Lump-sum payment of annual leave in the restored leave account for employees affected by closure or realignment actions is required by section 6304(d)(3) of Reference (b) in certain situations. Pursuant to section 5551(c) of Reference (b), lump-sum payment shall be made to eligible DoD employees upon their being assigned to a position in any other Federal agency or department outside the Department of Defense, or to any DoD position at an installation that is not being closed or realigned.

(1) Leave accrued during the year of transfer shall transfer with the employee for future use at the gaining agency or activity. Such transferred leave shall be subject to sections 6304(a) and 6304(d)(1) and (2) of Reference (b), as it pertains to accumulation and restoration of leave, at the end of the leave year in which the transfer occurred.

(2) When it is determined that the required lump-sum payment was not processed at the time of transfer from a BRAC activity to a non-BRAC activity, payment shall be issued. Such payment shall liquidate all leave remaining in the leave account established pursuant to section 6304(d)(3) of Reference (b); shall be calculated based on the rate of pay at the time of the transfer; and shall include interest computed in accordance with section 5596(b)(2) of Reference (b). However, any leave used from that restored leave account subsequent to the transfer, but before the lump-sum payment, shall be considered appropriately paid and shall not be included in the payment in accordance with section 6304 note of Reference (b).

5. TEMPORARY APPOINTMENT TIME LIMIT EXCEPTION. Commanders and activity heads at bases scheduled to close within 2 years may approve exceptions to the requirements in Volume 300 of this Instruction regarding the 2-year maximum service limit for temporary appointments and to the restrictions on successive temporary appointments to the same or

successor positions. This exception authority may be used at any closing activity, including those located overseas.

6. ELIMINATION OF 120-DAY DETAIL LIMITATION. In accordance with section 3341(b)(2) of Reference (b), the 120-day limit on details does not apply to details made in connection with the closure or realignment of a military installation pursuant to a base closure law or to details performed during organizational restructuring actions resulting from departmental reductions. When activities exercise this authority, they must ensure that the position filled by the detail is eliminated on or before the date of the closure, realignment, or restructuring action.