



Approved for Release  
Deborah A. Jefferson  
Deputy Chief Human Capital Officer and  
Director for Human Resources Management

6-11-09

Date

**DEPARTMENT OF COMMERCE  
OFFICE OF HUMAN RESOURCES MANAGEMENT**

**HUMAN RESOURCES (HR) BULLETIN # 104, FY09**

**SUBJECT: Reemployment of Annuitants in Acquisition-Related Positions**

**EFFECTIVE DATE: June 11, 2009**

**EXPIRATION DATE: December 31, 2011**

**SUPERSEDES: N/A**

**BACKGROUND:** The General Services Administration Modernization Act, Public Law (P.L.) 109-313 allows Federal agencies to hire retired annuitants to fill critical vacancies in the acquisition field. The length of an individual's appointment under the reemployment provisions of P.L. 109-313 must be in accordance with the temporary appointment authority used to rehire employees (i.e., temporary appointments as contained in Title 5, Code of Federal Regulations (CFR), Part 316) and no appointment shall exceed December 31, 2011.

**PURPOSE:** The purpose of this bulletin is to set forth policy and guidance for requesting approval to reemploy an individual receiving an annuity from the Civil Service Retirement and Disability Fund to an acquisition-related position without discontinuing or reducing the individual's annuity or salary.

**APPLICABILITY:** This authority applies to reemployment appointments made on or after the effective date of this bulletin and remains in effect until its expiration on December 31, 2011. This authority covers acquisition workforce positions in the 1102 Contracting Series of the General Schedule (GS) and the Administrative (ZA) Career Path, the 1105 Purchasing Series in the GS and the Support (ZS) Career Path and other positions performing significant acquisition-related functions identified by the Department of Commerce's Chief Acquisition Officer or designee.

Use of this authority does not alter or affect the reemployment restrictions found in Title 5, CFR, Part 576 for employees who separated and received a Voluntary Separation Incentive Pay (VSIP).

**PROCEDURES:** Dual compensation restrictions may be waived for reemployed annuitants with the appropriate documentation and approval by the Deputy Chief Human Capital Officer and Director for Human Resources Management, Office of Human

Resources Management (OHRM). Consideration to waive dual compensation requests will be conducted on a case-by-case basis and requires evidence to support that the operating unit is experiencing difficulty in filling positions or retaining qualified employees in positions or that a temporary emergency hiring need exists. OHRM has included the attached form to be used in conjunction with supporting documentation to reflect the specific need for the waiver. Supporting documentation must include the following:

Waivers based on the unique or unusually high qualifications of an individual found under Title 41, United States Code (U.S.C. 433 (4)(i)(3)(A)):

- Official position description;
- Statement describing the acquisition-related work/function if the position is not in either the 1102 or 1105 series;
- Individual's resume;
- A statement describing the knowledge, skills and abilities (KSA) possessed by the individual that are essential for the work to be performed; and
- Justification that the KSAs could not be acquired by another appointee within a reasonable amount of time.

Waivers based on exceptional difficulty in recruiting a qualified employee found under Title 41, United States Code (U.S.C. 433 (4)(i)(3)(B)):

- Official position description;
- Statement describing the acquisition-related work/function if the position is not in either the 1102 or 1105 series;
- Individual's resume;
- A description of the length, breadth, and results of recruiting efforts; and
- Any other factors (i.e., unusual qualifications or working conditions) which demonstrate that a legitimate recruiting need cannot be met without the requested waiver.

Waivers based on exceptional difficulty in retaining a qualified employee (Title 41 U.S.C. 433(4)(i)(3)(B)):

- Certification that the employee is still on the rolls of the operating unit;
- Statement reflecting that the employee will be working on a specific project rather than continuing to perform the broader duties of the position the individual occupied prior to retirement, the critical nature of the project that correlates to the operating unit's mission and the potential costs as a result of project failure or delay, any legislative or Presidential deadlines, any other factors demonstrating that the project is unusually critical; and
- Justification explaining the employee's unique qualifications (i.e., KSAs) to successfully complete the project and why the work could not be assigned to other employees involved in the project.

Waivers based on a temporary emergency hiring need (Title 41 U.S.C. 433(4)(i)(3)(C)):

- Official position description;
- Statement describing the acquisition-related work/function if the position is not in either the 1102 or 1105 series;
- Individual's resume;
- Description of the emergency;
- Date of occurrence and the expected duration; and
- Description of how the individual is uniquely qualified to meet the emergency hiring need.

**REPORTING REQUIREMENTS**

OHRM will provide an annual report to the Office of Personnel Management and the Office of Federal Procurement Policy on the use of this authority, by November 1 of each fiscal year beginning November 2009 including: number of individuals employed under the provision; name, grade or equivalent pay band and geographic location of each employee; part-time or full-time status; and length and terms of employment and options to renew.

**REFERENCES**

General Services Administration Modernization Act (P.L. 109-313)  
Office of Federal Procurement Policy Letter 05-01  
Title 41, U.S.C. § 433  
Title 5, CFR § 553.202  
Title 5, CFR, Part 316  
Title 5, CFR, Part 576  
OPM's Delegated Authority Approval Letter dated June 2, 2009

**OFFICE OF POLICY AND PROGRAMS:** Pamela Boyland, Director,  
[PBoyland@doc.gov](mailto:PBoyland@doc.gov), (202) 402-1068

**PROGRAM MANAGER:** Sandra Thompson, [SThompson@doc.gov](mailto:SThompson@doc.gov), (202) 482-3725



**U.S. Department of Commerce  
REQUEST FOR DUAL COMPENSATION WAIVER  
Acquisition Related Positions Only**

Full Name of Annuitant \_\_\_\_\_ Date of Request \_\_\_\_\_

Civil Service Retirement # \_\_\_\_\_ Date Retired or Proposed Retirement Date \_\_\_\_\_

Position Title \_\_\_\_\_ Pay Plan, Series, Grade/Step of Position \_\_\_\_\_ Position Location \_\_\_\_\_

Appointing Authority \_\_\_\_\_ Appointment Date \_\_\_\_\_ Not-to-Exceed Date \_\_\_\_\_

Work Schedule:  Full-Time  Part-Time  Intermittent

Work Hour Limit (if any): \_\_\_\_\_

Annuitant's statement declining employment without a waiver (quoting annuitant's words is acceptable):  
\_\_\_\_\_  
\_\_\_\_\_

**REQUESTING OFFICE**

BASIS FOR WAIVER: (Please check **AND** attach a detailed JUSTIFICATION explaining the basis for the waiver, as well as other pertinent documentation such as efforts to fill the position).

- Unique or Unusually High Qualifications of an Individual  Exceptional Difficulty in Recruiting a Qualified Individual
- Exceptional Difficulty in Retaining Qualified Employees  Temporary Emergency Hiring Need

**METHOD USED TO FILL THIS POSITION**

- Recruit \_\_\_\_\_ Vacancy Announcement Number \_\_\_\_\_
- Reinstatement
- Retention \_\_\_\_\_ Was a Retention Incentive Offered?  Yes  No

\_\_\_\_\_  
Name of Program Office Approving Official \_\_\_\_\_ Title \_\_\_\_\_

\_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

**OFFICIAL APPROVAL**

- Approve  Disapprove

\_\_\_\_\_  
Deputy Chief Human Capital Officer and Director for Human Resources Management \_\_\_\_\_ Date \_\_\_\_\_