

**FISH AND WILDLIFE SERVICE
PERSONNEL**

Personnel

Part 225 Classification, Pay, and Allowances

Chapter 14 Part-Time Reemployment of Retirees under the National Defense Authorization Act

225 FW 14

14.1 What is the purpose of this chapter? This chapter describes the U.S. Fish and Wildlife Service's (Service) policy on reemploying individuals who are receiving an annuity.

14.2 What is the overall policy?

A. In accordance with the National Defense Authorization Act (NDAA), supervisors and managers may request approval to reemploy an individual who is receiving an annuity from the Civil Service Retirement System or the Federal Employees Retirement System without discontinuing or reducing the person's salary to offset the annuity he/she is receiving.

B. Unless the NDAA is extended, the authority for this program expires on December 31, 2019.

14.3 What are the authorities for this chapter?

A. National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2010 (Public Law 111-84) and the NDAA for FY 2015 (Public Law 113-291).

B. Office of Personnel Management's (OPM) Memorandum, "Reemployment of Civilian Retirees under the NDAA for Fiscal Year 2010," January 8, 2010.

C. Department of the Interior Personnel Bulletin (Amended) No: 10-01: Part-Time Reemployment of Civilian Retirees under the NDAA for FY 2010, as extended by NDAA for FY 2015.

14.4 Who is responsible for implementing the reemployment of annuitants under the NDAA? See Table 14-1.

Table 14-1: Responsibilities for the Reemployment of Annuitants Program	
These employees...	Are responsible for...
A. The Director	<p>(1) Administering hiring under the NDAA authority;</p> <p>(2) Approving requests that meet regulatory, policy, and procedural requirements on a case-by-case basis;</p> <p>(3) Ensuring that policy and procedures are in place for using the hiring authority; and</p> <p>(4) Ensuring that we do not fill more positions under NDAA than we have allotted slots.</p>
B. Directorate members at Headquarters (HQ) and in the Regions	<p>(1) Reviewing and certifying requests to reemploy annuitants under NDAA;</p> <p>(2) Consulting with their servicing Human Resources (HR) office to ensure that requests are properly documented and reasonably justified; and</p> <p>(3) Ensuring that staff:</p> <p style="padding-left: 40px;">(a) Send requests through their servicing HR office to the Headquarters (HQ) Division of HR;</p>

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Table 14-1: Responsibilities for the Reemployment of Annuitants Program	
These employees...	Are responsible for...
	<p>(b) Establish and maintain case files for NDAA appointments according to the requirements in section 14.9;</p> <p>(c) Track reemployed annuitants' hours so they don't exceed the maximum limitation; and</p> <p>(d) Maintain documentation that reflects which hours annuitants spend on training and mentoring.</p>
C. The Assistant Director - Budget, Planning and Human Capital, through the Chief, HQ Division of HR	<p>(1) Providing technical guidance to Service officials and Regional HR offices on the appropriate use of the NDAA authority,</p> <p>(2) Reviewing requests to appoint a reemployed annuitant under the NDAA authority for technical adequacy and compliance, and</p> <p>(3) Preparing the transmittal document and sending the request through the appropriate officials to the Director for approval.</p>
D. Regional HR Offices	<p>(1) Consulting with their Regional Directors' offices to ensure that requests are properly documented and justified, and</p> <p>(2) Reviewing packages before they are sent to the HQ Division of HR.</p>
E. Supervisors and Managers	Following the requirements in this chapter to request reemployment of an annuitant under the NDAA.

14.5 Is there a limit to the number of positions the Service can fill using the NDAA authority? Yes. The Department allocates a percentage of their full-time workforce to the bureaus to fill positions using the NDAA authority. We may have up to 83 NDAA appointments within a calendar year.

14.6 What are the criteria for using this authority? We may only use this authority when it is necessary to meet one of the following criteria:

- A.** Fulfill functions critical to our mission;
- B.** Assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or Troubled Asset Relief Program under Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);
- C.** Assist in the development, management, or oversight of Service procurement actions;
- D.** Assist the Office of the Inspector General (OIG) to perform OIG's mission;
- E.** Promote appropriate training or mentoring programs for employees;
- F.** Assist in the recruitment or retention of other employees; or

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G. Respond to an emergency involving a direct threat to life or property or other unusual circumstances.

14.7 What are the requirements and restrictions for using the NDAA authority?

A. Appointments under this authority are temporary and must comply with 5 CFR 316.401.

B. We cannot waive the salary offset provision in 5 U.S.C. 8344 and 8468 for an annuitant for more than:

(1) 520 hours of service he/she performs during the 6 months after he/she began getting an annuity;

(2) 1,040 hours of service he/she performs during any 12-month period; or

(3) A total of 3,120 hours of service he/she performs under this authority.

C. We must not include any hours the annuitant spends training or mentoring employees (up to 520 hours) in the hours of service performed when calculating the hour restrictions in section 14.7B unless that was the primary purpose of the appointment. As a result, it is possible for an annuitant to work 1,560 hours total during a 12-month period if 520 of the hours were for training/mentoring.

D. We must not make temporary appointments for periods of more than 1 year (see 5 CFR 316.401(c)(1) or 5 CFR 213.104 (a)(1)).

(1) We may extend an appointment up to a maximum of 1 additional year (for a total of 24 months of service).

(2) We may not fill a position (or its successor) by a temporary appointment under this authority if that position had previously been filled by temporary appointment(s) in either the competitive or excepted service for a total of 2 years, or 24 months, within the preceding 3-year period (see 5 CFR 316.401(c)(2) or 5 CFR 213.104(a)(1) and (b)(1) - (2)).

14.8 What documents does a supervisor need to prepare to request approval to reemploy an annuitant under NDAA authority? The requests must include the following documents:

A. A justification memorandum to the Director from the supervising Directorate member. Appropriate officials in the chain of command must surname the memorandum. The memorandum must include the following information:

(1) The criteria used to justify the annuitant's appointment (see [section 14.6](#)),

(2) An explanation of the recruitment process (e.g., announcement posted to clear displaced Career Transition Assistance Program (CTAP) and Interagency Career Transition Assistance Program (ICTAP) eligibles) and appointing authority used to reemploy the annuitant,

(3) The work schedule for the annuitant's appointment, and

(4) A statement about the potential of extending the appointment, if applicable.

B. A written statement from the annuitant confirming that he/she is not currently employed by any agency in the Federal Government;

C. The annuitant's current resume; and

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D. A copy of the annuitant's SF-50, Notification of Personnel Action, for the retirement action.

14.9 What are the requirements for maintaining documentation related to the appointment of the annuitant? The HQ Division of HR must keep a file separately from the annuitant's electronic Official Personnel Folder (eOPF). The annuitant's name and not-to-exceed date must be posted on the outside of the case file and clearly visible inside the file. The file must contain the following documents:

- A. The approval memorandum signed by the Director,
- B. The SF-50, Notification of Personnel Action, for the appointment of the reemployed annuitant, and
- C. The items listed in [subsections 14.8A through D](#).

14.10 What is the Service's policy about setting pay, leave, awards, and other benefits (e.g., retirement, Thrift Savings Plan, Social Security, etc.) for reemployed annuitants? With the exception of the hour and appointment limitations, the NDAA laws do not contain any special provisions, restrictions, or limitations on pay, leave, awards, and benefits for reemployed annuitants. We will apply our current HR policies and procedures and OPM's regulations to determine reemployed annuitants' eligibility and entitlement to pay, leave, awards, and other benefits and to monitor performance.

/sgd/ James W. Kurth
DEPUTY DIRECTOR

Date: October 20, 2015