DEPARTMENT OF THE ARMY U.S. Army Corps of Engineers Washington, D. C. 20314-1000

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Regulation No. 690-1-1213 31 December 2004

Civilian Personnel RE-EMPLOYMENT RIGHTS FOR CORPS OF ENGINEERS EMPLOYEES

1. <u>Purpose</u>. This regulation contains guidance on, and establishes procedures for, granting and enforcing reemployment rights for U.S. Army Corps of Engineers (USACE) personnel.

2. <u>Applicability</u>. The provisions of the guidance apply only to Corps of Engineers employees whose reemployment rights are to Corps of Engineers activities.

3. <u>Distribution Statement</u>. Approved for public release. Distribution is unlimited.

4. <u>References</u>.

a. 10 U.S.C. § 1586.

b. 96 P.L. 600, 94 Stat. 3493.

c. AR 690-300, Chapter 352.

d. AR 690-300, Chapter 301.

e. AR 690-200, Chapter 213.

f. DA Memorandum, dated 4 September 2002, subject: Worldwide Individual Augmentation System (WIAS).

g. DA Memorandum, dated 6 November 2003, subject: Administrative Reemployment Rights.

5. <u>Responsibilities</u>. CONUS Commanders render as much support as possible to those Corps of Engineer activities engaged in foreign and non-foreign construction activities.

6. Statutory Re-Employment Rights.

a. A USACE career or career conditional employee in the competitive service who:

(1) Accepts an assignment with a DOD activity outside the United States. Assignment to Alaska and Hawaii is considered to be outside the United States for the purposes of 10 USC 1586.

(2) Occupies a position in Hawaii or Alaska and accepts an assignment with a DOD activity which is in a foreign area.

(3) Occupies a position in Hawaii and accepts an assignment to a position in Alaska or vice versa.

(4) Is a resident of Guam, the Virgin Islands, or the commonwealth of Puerto Rico and is recruited for assignment in a foreign area or in a U.S. territory or possession.

7. Administrative Reemployment Rights.

a. A USACE career or career conditional employee in the competitive service who:

(1) Is assigned to a position in Hawaii or Alaska and accepts an assignment with a USACE activity in CONUS.

(2) Accepts a position covered under a Temporary Change of Station (TCS) in support of programs of national interest, for example, humanitarian missions and restoring civil order in support of a military operation or USACE emergency mission and/or project, for example, disaster relief as a result of a natural or man-made event such as an earthquake or a terror incident.

b. Is an attorney serving with excepted or excepted-conditional status who accepts an assignment with a DOD activity outside the United States (including Hawaii and Alaska).

8. <u>Duration of Reemployment Rights</u>. When an employee is recruited for a position covered under the statutory or administrative reemployment right provisions of this regulation, reemployment rights must be granted to a former USACE position as follows:

a. 5 years in a position in a foreign overseas area.

b. 5 years in a position in Alaska.

c. 3 years in a position in Hawaii.

d. 3 years in a position in CONUS, when recruited from Hawaii or Alaska.

e. 30 months for a tour covered under a TCS.

9. <u>Extension of Reemployment Rights</u>. Except for TCS tours, employees may request an extension of reemployment rights beyond the periods identified in paragraph 8, to the Commander of the owning activity to which the employee has reemployments rights. Commanders may delegate this authority to grant reemployment rights to a Division Chief or equivalent.

a. To ensure the continued high caliber qualifications of employees of the Corps of Engineers, Commanders are encouraged to concur in any request for extension of reemployment rights of employees unless continued absences of the employee will have an adverse impact on the mission accomplishment.

b. If the Commander of that activity disapproves the reemployment rights extension, the employee must exercise their return rights within 30 days of the expiration of their current tour, otherwise their return rights will be forfeited.

(1) When an employee fails to obtain an extension of reemployment rights and elects to remain in the current position, return placement is through the DOD Priority Placement Program (PPP) or employee's own efforts.

(2) When an employee covered under 7a(1) or b above fails to obtain an extension of reemployment rights, future placement must be through employee's own efforts.

c. TCS tours beyond 30 months must be converted to Permanent Change of Station (PCS). If the TCS were to an overseas activity, then the statutory provisions governing reemployment rights would apply.

10. <u>Reemployment Rights Placement</u>. Employee reemployment rights will be to the CONUS or OCONUS USACE activity from which the employee was originally recruited. Employees who are serving in Alaska and Hawaii who have reemployment rights in CONUS will not be granted reemployment rights to Alaska or Hawaii upon subsequent acceptance of employment in another overseas activity. Reemployment rights remain with the last CONUS position. The following scenarios provide guidance in determining the reemployment rights placement:

a. An employee recruited from the Sacramento District who accepts a position in the Honolulu District will have reemployment rights to a position in the Sacramento District.

(1) If the employee subsequently accepts a position in the Alaska District, the employee's reemployment rights are to a position in the Sacramento District, not the Honolulu District.

(2) If the employee subsequently accepts a position in the Japan District, the employee's reemployment rights are still to a position in the Sacramento District.

(3) An employee recruited from the Sacramento District who accepts a position in the Japan District, will have reemployment rights to a position in the Sacramento District.

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b. If the employee subsequently accepts a position in the Far East District, the employee's reemployment rights are still to a position in the Sacramento District.

c. An employee recruited from the Honolulu District who accepts a position in the Sacramento District, will have reemployment rights to a position in the Honolulu District.

d. If the employee subsequently accepts a position in the Los Angeles District, the employee's reemployment rights are still to a position in the Honolulu District.

11. Travel and Transportation Funding When an Employee Exercise Re-employment Rights.

a. Transportation costs for employees exercising re-employment rights will be funded IAW with the Joint Travel Regulations, Volume 2, Department of Defense Civilian Personnel, Chapter 1, Para C1052.

b. For CONUS to OCONUS. The gaining activity must pay for the costs of transportation for the employee and dependents, including per diem and transportation of the employee's household goods and POV.

c. When an employee exercises their re-employment rights from Sacramento District to Honolulu District, the Honolulu District will be responsible for funding the transportation costs.

d. For OCONUS to CONUS. The losing activity must pay for the costs of transportation for the employee and dependents, including per diem and transportation of the employee's household goods and POV.

(1) When an employee assigned to Japan District exercises re-employment rights to the Sacramento District, the Japan District will be responsible for funding the transportation costs.

(2) When an employee assigned to Honolulu District exercises re-employment rights to the Sacramento District, the Honolulu District will be responsible for funding the transportation costs.

e. For OCONUS to OCONUS. The losing activity must pay for the costs of transportation for the employee and dependents, including per diem and transportation of the employee's household goods and POV.

When an employee assigned to the Honolulu District exercises re-employment rights to the Alaska District, the Honolulu District is responsible for funding the transportation costs.

12. Reemployment Rights Documentation.

a. The Civilian Personnel Advisory Center (CPAC) will have the employee sign the appropriate statutory, or reemployment rights agreement. The original of the agreement will be filed in the employees Official Personnel Folder (OPF) and a copy will be provided to the

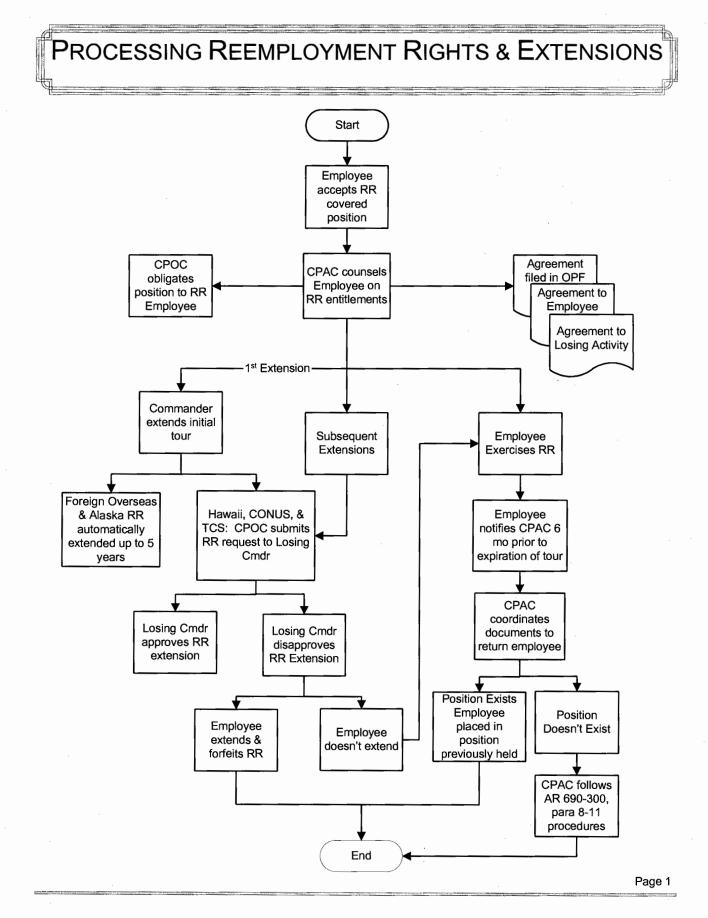
employee and the losing activity. The CPAC will be responsible for amending the appropriate agreement to document subsequently approved reemployment right extensions.

(1) The CPAC's failure to obtain or retain the agreement will not negate the conditions and entitlements. For example, if the employee moves to a USACE position in Europe without signing a reemployment rights agreement, reemployment rights will still be granted after 5 years.

12. <u>Tracking and Monitoring Reemployment Rights Entitlements</u>. The Civilian Personnel Operations Center (CPOC) will be responsible for updating the employees record and obligating the position in DCPDS.

13. <u>Effecting Employee Reemployment</u>. Return placement of the employee will be accomplished in accordance with the provision of AR 690-300, Chapter 352.

1 APPENDIX Appendix A – Process Flow Chart ROBERT H. GRIFFIN Major General, USA Deputy Commander



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