



Department of Energy
Washington, DC 20585

FEB 10 2015

MEMORANDUM FOR HUMAN RESOURCE DIRECTORS

FROM:

Kenneth T. Venuto
KENNETH T. VENUTO, DIRECTOR
OFFICE OF HUMAN CAPITAL MANAGEMENT

SUBJECT:

POLICY MEMORANDUM # 11A: APPROVAL PROCESS FOR
DUAL COMPENSATION WAIVERS FOR REEMPLOYED
ANNUITANTS

This memorandum provides policy guidance on how to request dual compensation waivers for positions within the Department and is effective immediately and supercedes Policy Guidance Memorandum #11: "Approval Process for Dual Compensation Waivers for Reemployed Annuitants" dated August 27, 2010.

Background: Section 1122 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84 (Pub. L 111-84) allows the head of an agency to grant dual compensation (salary-offset) waivers to reemployed annuitants who work on a limited basis without reduction to their retirement annuity. This provision in the law has been extended and expires December 31, 2019. Secretary Moniz has delegated the authority to approve all dual compensation waiver requests to the Department's, Chief Human Capital Officer (CHCO). This authority can be used to:

- a) Fulfill functions critical to the mission of the agency (or any subcomponent of the agency);
- b) Assist in the development, management, or oversight of agency procurement actions;
- c) Promote appropriate training and mentoring programs of employees;
- d) Assist in the recruitment or retention of employees; or
- e) Respond to an emergency involving a direct threat to life or property or other unusual circumstances.

Authorities:

- 1) 5 U.S.C. 8344 – Annuities and pay on reemployment
- 2) 5 U.S.C. 8468 – Annuities and pay on reemployment
- 3) Section 1122 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84 (Pub. L 111-84)
- 4) 5 CFR 553 – Reemployment of Civilian Retirees to meet Exceptional Employment Needs

- 5) 5 CFR 837 - Reemployment of Annuitants
- 6) Office of Personnel Management (OPM) Memorandum for Chief Human Capital Officers, Policy guidance on the reemployment of civilian retirees under the National Defense Authorization Act (NDAA) for Fiscal Year 2010, dated December 9, 2011, available at <http://www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=4481>
- 7) OPM Memorandum for Heads of Executive Departments and Agencies, Reemployment of civilian retirees under the National Defense Authorization Act for Fiscal Year 2010, dated January 8, 2010, available at <http://www.chcoc.gov/Transmittals/TransmittalDetails.aspx?TransmittalID=2778>
- 8) OPM Hiring Authorities - Dual Compensation Waivers available at <http://www.opm.gov/policy-data-oversight/hiring-authorities/dual-compensation-waivers/#url=Guidance> and <http://www.opm.gov/policy-data-oversight/hiring-authorities/dual-compensation-waivers/#url=Dual-Compensation-Waiver-Templates>

Requirements:

Under this authority, the following restrictions apply to individuals appointed as reemployed annuitants:

- a) The annuitant must be reemployed on a temporary basis not to exceed one year or less and appointments must be renewed every year;
- b) Annuitants are employed on a part-time basis (generally no more than 40 hours a pay period);
- c) Hours worked by any annuitant reemployed under these provisions are limited to 520 hours during the first six months of retirement; 1,040 hours during any 12-month period, and a total of 3,120 hours during any period of reemployment;
- d) Waiver requests must be approved prior to appointments and submitted to HC-11 in a timely manner (15 days prior to proposed effective date);
- e) Waivers only apply while the employee is performing the work of the position for which the waiver is granted and only for the period during which the waiver is granted; and
- f) Offices may not reassign annuitants to other parts of DOE. A dual compensation approval is required prior to reassignments to other positions.

Responsibilities:

Servicing Human Resources Offices (SHRO) must submit requests for waivers based on a determination that the waiver is necessary to meet a specific organizational need under one or more of the criteria authorized above. Each request **must** indicate if it is the first (new appointment), second, or third request; if second or third request, provide the initial appointment date and any subsequent appointment dates, along with the number of hours of service performed in each 12-month period. Each request should only address the criteria most applicable for the organization's specific need and include the following:

- a) The name of the individual for whom the waiver is being requested;
- b) The appointing authority that will be used;
- c) The occupational title, series, grade or level and step of the annuitant;
- d) Duties to be performed; and
- e) The expected length of reemployment.

Requests for approval to use this authority should be addressed to the Chief Human Capital Officer (HC-1) through the Human Capital Policy Division (HC-11). HC-11 will review each request for compliance with applicable laws and regulations and transmit them to the CHCO for approval.

If you have any questions, please contact Jennifer Ackerman at 202-586-3860 or by e-mail at jennifer.ackerman@hq.doe.gov or Ahtora Brooks at 202-586-1239 or by e-mail at ahtora.brooks@hq.doe.gov or Tiffany Wheeler at 202-586-8481 or by email at tiffany.wheeler@hq.doe.gov.

Attachments:

Dual Compensation Checklist/Request Form
Sample Dual Compensation Request Memo

DEPARTMENT OF ENERGY
REQUEST/CHECKLIST FOR DUAL COMPENSATION WAIVER OR EXTENSION UNDER THE NATIONAL
DEFENSE AUTHORIZATION ACT (NDAA)

DATE OF REQUEST: _____

FULL NAME OF ANNUITANT: _____

DATE OF RETIREMENT: _____

Also, a copy of retirement SF-50 must be submitted with this request

CIVIL SERVICE ANNUITANT (CSA) NUMBER: _____

Is this an initial (new appointment) request or an extension request? _____

***If second or third request, please provide the initial appointment date and any subsequent appointment dates, along with the number of hours of service performed in each 12-month period in the justification memorandum.**

TITLE/PAY PLAN/SERIES/GRADE OR LEVEL OF POSITION: _____

PROPOSED APPOINTMENT DATE: _____

***Waivers must be approved by HC-1 prior to appointments and submitted to HC-11 at least 15 days prior to proposed effective date).**

TYPE OF APPOINTMENT AUTHORITY (e.g. Term, Temp NTE, emergency): _____

DURATION OF APPOINTMENT: _____

NOT-TO-EXCEED DATE: _____

THIS AUTHORITY WILL BE USED TO (PLEASE CHECK ALL THAT APPLY):

- a) Fulfill functions critical to the mission of the agency (or any subcomponent of the agency). ____
- b) Assist in the development, management, or oversight of agency procurement actions. ____
- c) Assist the Department's Inspector General. ____
- d) Promote appropriate training and mentoring programs of employees. ____
- e) Assist in the recruitment or retention of employees. ____
- f) Respond to an emergency involving a direct threat to life or property or other unusual circumstances. ____

CONCURRENCE/SIGNATURE

Typed or Printed Name and Signature of Human Resources Director or Designee	Title	Date
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SAMPLE REQUEST FOR DUAL COMPENSATION WAIVER MEMO FORMAT

Department of Energy
Washington, DC 20585

[DATE]

MEMORANDUM TO: ROBERT C. GIBBS
CHIEF HUMAN CAPITAL OFFICER (HC-1)

THRU: JENNIFER ACKERMAN
DIRECTOR, HUMAN CAPITAL POLICY DIVISION (HC-11)

FROM: [MANAGER'S NAME/TITLE]
[ORGANIZATION/OFFICE]

SUBJECT: REQUEST FOR DUAL COMPENSATION WAIVER FOR
[SELECTEE'S NAME]

The [Office/Division Name] requests to reemploy Mr./Mrs. [annuitant's name] as a [enter pay plan or level, position series, and grade] EX: GS-2210-15, Position Title at [\$Salary] per annum for a period of [enter expected length of reemployment here]. This information is being provided in accordance with Section 1122 of the National Defense Authorization Act and Policy Guidance Memorandum #11A, Approval Process for Dual Compensation Waivers for Reemployed Annuitants.

[INSERT DETAILED JUSTIFICATION HERE]. Please reference Policy Guidance Memorandum #11A that outlines the mandatory criteria that must be addressed when seeking approval under this authority. Each request **must** indicate if it is the first (new appointment), second, or third request; if second or third request, provide the initial appointment date and any subsequent appointment dates, along with the number of hours of service performed in each 12-month period. Additionally, each request should only address the criteria most applicable for the organization's specific need and **must** include the following:

- a) The name of the individual for whom the waiver is being requested;
- b) The appointing authority that will be used;
- c) The occupational title, series, grade or level and step of the annuitant;
- d) Duties to be performed; and
- e) The expected length of reemployment.

If you have any questions, please contact me at [enter manager's telephone number] or via email at [enter manager's email address].

This approval is limited to 1,040 hours during the one year appointment, but may not exceed 520 hours during the first six months following the individual's annuity commencing date. Appointments must be on part-time basis, no more than 40 hours a pay-period. The Managers/supervisors are responsible for monitoring the number of hours worked by the annuitants.

Approval of dual compensation waiver will be submitted annually.

Approve _____

Disapprove _____

Robert C. Gibbs
Chief Human Capital Officer

DATE

ATTACHMENTS:

1. Selectee's Resume
2. Position Description
3. Dual Compensation Request Form/Checklist