

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON 25, D. C.

June 27, 1956
PRI:SCS:jmr

DEPARTMENTAL CIRCULAR NO. 870

TO HEADS OF DEPARTMENTS AND INDEPENDENT ESTABLISHMENTS

SUBJECT: Termination of Reemployment Rights Acquired by Defense Transfer

A. Purpose. The current system of reemployment rights incident to defense transfers has resulted in administrative and staffing complications because of the large and increasing number of positions which must be reserved for former employees who transferred with reemployment rights. Also, there is evidence that the current system grants rights to persons who are not necessarily interested in reemployment with their former agency, and whose transfer with reemployment rights does not necessarily promote the defense effort. The current system is therefore being replaced by a new program as announced in Departmental Circular 869. This circular terminates the authority of defense activities, listed in Departmental Circular 676 and supplements, to grant reemployment rights incident to defense transfer, effective July 31, 1956, and prescribes procedures for the exercise, forfeiture, and expiration of reemployment rights now existing.

B. Exercise and termination of reemployment rights granted under previous regulations. Reemployment rights granted upon defense transfer under Executive Order 10,180 or 10,577 are terminated as of January 31, 1957, except as provided below. Previously, employees possessing such rights could apply for reemployment, only when reached for involuntary separation or demotion. Beginning on August 1, 1956, they may apply at any time prior to February 1, 1957. Reemployment rights will be forfeited unless exercised by February 1, 1957, except as follows:

- (1) Employees restored under Part 35 of these Regulations (either past or future) must exercise their reemployment rights by February 1, 1957, or at the end of any statutory retention period, whichever is later.
- (2) Employees serving outside the continental United States under a transportation agreement must exercise such rights by February 1, 1957, or three (3) months after the date they become eligible for return transportation at Government expense, whichever is later.
- (3) Employees who are notified that they cannot be restored under Part 35 to the grade or level in the agency they left to enter active military duty must apply for exercise of defense transfer reemployment rights within forty (40) calendar days after receipt of such notification.

- (4) Employees who enter upon active military duty on or after August 1, 1956, must apply for reemployment at least thirty (30) calendar days in advance of their scheduled entry upon active military duty. In such cases, these persons will be reemployed and separated or furloughed for military service by the reemploying agency.
- (5) Employees who were involuntarily separated by a defense activity prior to August 1, 1956, must apply for reemployment within forty (40) calendar days after the date of separation or their reemployment rights shall be terminated.

C. Agency's obligation to honor reemployment rights. The responsible agency shall effect reemployment as promptly as possible, and within a period of not more than thirty (30) calendar days after receipt of an application therefor. As a minimum, reemployment must be in the occupational field and at the same geographical area as the position which the applicant last held in that agency. If the reemployment would cause the separation or demotion of another employee, the applicant shall then be considered an employee for the purpose of applying the Retention Preference Regulations to determine to what, if any, position he is entitled. The reemploying agency may reemploy the employee in a position of higher grade than that to which he is entitled, but not if such reemployment would cause the displacement of another employee. Upon reemployment in the Postal Service, the employee shall be given the seniority he would have attained had he remained in the Postal Service. An agency may refuse action to reemploy under this section only when the applicant was last separated for serious cause evidencing his unsuitability for reemployment.

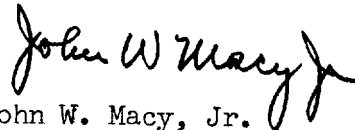
D. Employee appeals to the Commission. Any employee whose application for reemployment is denied must be informed of the reasons in writing. In the same notice, the agency must inform him of his right to appeal to the Commission within ten (10) calendar days after receipt of the notice. The time limit may be extended upon a showing by the employee that circumstances beyond his control prevented him from filing his appeal within the time limit. Final decision of his right to reemployment shall be made by the Commission.

E. Notice To employees. In order that employees having outstanding reemployment rights incident to previous defense transfers may make timely application for the exercise of those rights, it is important that they receive notification of this revision in the reemployment rights program. The agencies to which such reemployment rights apply will not necessarily know the current location or status of their previous employees. Therefore, each defense activity having components currently listed under Departmental Circular 676 and supplements thereto will promptly issue general notices to all of their current employees. This notice will include the information contained in preceding paragraphs of this circular. In addition, it should advise that the current existence of reemployment rights may be established as follows: (a) reemployment rights exist only when the SF 50 moving an employee from one agency to another contained a statement regarding such reemployment rights under "remarks". (b) the rights so established are currently in effect only if the employee has not subsequently had a break in service, declined reemployment or moved to another agency without reemployment rights.

F. Elimination of "defense transfer vacancies." Heretofore, agencies have had to earmark positions reserved for the reemployment of persons possessing defense transfer reemployment rights. Such position controls, and restrictions on manner of filling such positions, may be eliminated on February 1, 1957 with the exception of positions which may be needed for the reemployment of persons whose applications are then pending with the agency. It is expected that valid reemployment rights of individuals identified in paragraphs B, (1), (2), and (3) above can be adequately satisfied through the retention preference procedures, even though their applications are received subsequent to February 1, 1957. It will be necessary to continue the earmarking of all positions involving statutory reemployment rights of persons absent in military service.

G. Inquiries. Inquiries regarding this Departmental Circular from agencies in the metropolitan area of Washington, D. C. may be made in the Central Office to the Bureau of Programs and Standards, Regulations and Instructions Division, Code 171, Extension 3275, and in the field to the appropriate regional office.

H. Rescissions. Departmental Circular 676 and Supplements 1 and 2 thereto are rescinded effective July 31, 1956.



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Executive Director