



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

17 SEP 2001



MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN, JOINT CHIEFS OF STAFF
DIRECTOR, ADMINISTRATION & MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES

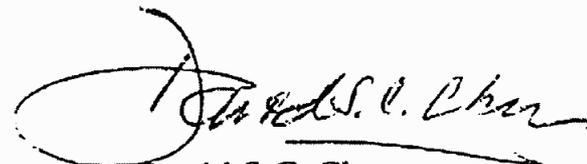
SUBJECT: Personnel Issues Related to Attacks on the World Trade Center and the
Pentagon — Appointment Authority and Policy Waivers

The Office of Personnel Management (OPM) has provided temporary excepted appointment authority for up to one year to reemploy former Federal employees or to hire new employees in support of rescue, recovery, investigation, military support and directly related functions (OPM letter and guidance attachment 1). The authority may be used to fill positions temporarily, including those at Senior Levels. Appointments are exceptions to Reemployment Priority List and Interagency Career Transition Assistance mandatory placement requirements. These actions are likewise excepted from the mandatory placement provisions of the Defense Priority Placement Program. For purposes of documentation, consistency and reporting, this temporary appointment authority will be used exclusively for temporary appointments of up to one year, regardless of the anticipated term of temporary employment.

In response to a Defense Department request, OPM has waived voluntary separation incentive pay (VSIP) repayment for temporary reemployment of former Federal employees who separated in the previous five years after receiving a buyout (OPM Director letter dated September 14, 2001, attachment 2). This is a blanket waiver for those temporary appointments in support of the functions described above and requires no delegation. It should be noted that some non-Defense buyout programs do not provide for repayment waiver; buyout recipients under such programs will be required to make full reimbursement if reemployed.

OPM has likewise delegated waiver authority for dual compensation limits
(OPM Director letter dated September 14, 2001, attachment 3).

Please ensure that personnel actions taken in accordance with this guidance comply with OPM direction and that all documentation and report requirements are fully met. My action officer is Ms. Ginger Groeber, Director, Civilian Personnel Management Service, (703) 696-2720.



David S.C. Chu

Attachments:
As stated



OFFICE OF THE DIRECTOR

UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, DC 20415-0001

SEP 14 2001

The Honorable David S. C. Chu
Under Secretary of Defense
for Personnel and Readiness
4000 Defense Pentagon
Washington, DC. 20301-4000

Dear Mr. Chu:

This responds to your request on behalf of the Secretary of Defense for authorities to help you rehire former Federal employees in the wake of attacks on the World Trade Center and the Pentagon. I am privileged to grant your request.

You may use the following delegation and waivers on a case-by-case basis when needed to fill temporary positions established to respond to the attacks of September 11, 2001. At your request, the Associate Director for Employment may extend the duration of these waivers, and may add coverage for any similar subsequent situations.

Delegation of Authority to Waive Dual Compensation Reductions

Relevant laws and regulations allow us to delegate authority to a headquarters official to waive dual compensation limits for temporary positions "only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life and property or other unusual circumstances" (5 U.S.C. 8344 and 8468; 5 C.F.R. part 553). Accordingly this delegated authority is subject to the following conditions:

- 1 You may redelegate this authority to senior officials of the Department of Defense familiar with problems in staffing temporary positions that execute security, rescue, investigative and directly related functions as required to take urgent actions and further protect our country.
- 2 You may approve requests for waivers on a case-by-case basis only for temporary positions with not-to-exceed dates of September 30, 2002.
- 3 The annuitant must have declined an offer to take the position without a waiver.

The Honorable David S. Chu

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Waiver of Repayment of Voluntary Separation Incentive Payments

For the effort to provide security, rescue, investigative, and directly related functions associated with the attacks on the World Trade Center and the Pentagon, you are also granted a waiver for the repayment of Voluntary Separation Incentive Payments (VSIP). This allows the Department of the Defense to temporarily rehire, without repayment of VSIP funds, those former Federal employees who perform critical specialized work in direct support of the situation described above.

Your waiver covers any former Federal employee who received a VSIP within the last 5 years under an authority that permits OPM to waive the VSIP repayment requirement under 5 CFR Part 576 of OPM's regulations. Please be aware that several non-Defense buyouts, such as buyouts under Public Law 104-208, did not provide the VSIP repayment waiver option.

Within 60 days after the expiration date of this waiver, you must submit a report to OPM identifying: (1) the name, grade, title, and classification series of each employee covered by this waiver; (2) the period the employee worked under this waiver; (3) the reason(s) why the employee was essential to this effort, and (4) the name and location of the agency that paid the VSIP to the employee, as well as the statute under which the VSIP was paid.

These delegations and waivers are effective on the date of this letter. Unless extended by OPM, these delegations and waivers expire September 30, 2002. Individual waivers apply only while the employee is in the position for which you grant the waiver. Please direct questions on the use of these authorities to Larry Lorenz at (202) 606-1143, for waiver of salary offset; or Charles Gray at 202-606-2174, for VSIP waiver.

Sincerely,



OFFICE OF THE DIRECTOR

UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, DC 20415-0001

SEP 14 2001

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: KAY COLES JAMES
Director

SUBJECT: Emergency Situation Hiring Flexibilities and Information

To deal with the aftermath of the tragic attacks against the United States, you may have an immediate need to hire additional staff. Attached is a list of hiring flexibilities agencies should consider when responding to emergency situations.

In addition, this memorandum authorizes you to make excepted appointments under 5 CFR 213.3102(i)(3) to fill, on a temporary basis for up to 1 year, positions affected by or needed to deal with the aftermath of the recent attacks. You may determine the qualifications required.

OPM's Offices of Employment Policy and Executive Resources Management are available to assist you and answer any questions you may have on these or other staffing matters. Contact the Office of Employment Policy at (202) 606-0960 or by fax at (202) 606-2329. Contact the Office of Executive Resources Management at (202) 606-2246 or by fax (202) 606-0557 for assistance with questions involving Senior Level and SES staffing flexibilities.

Attachment

cc: Directors of Human Resources

Emergency Situation Hiring Flexibilities and Information

The following information, not normally used in day-to-day staffing operations, is for your use in dealing with your agency's situation.

Excepted Appointments

Temporary Emergency Need (Up To 1 Year): Under 5 CFR 213.3102(i)(3), OPM has granted authority for agencies to fill, on a temporary basis, positions affected by or needed to deal with the September 11, 2001, attacks. You may appoint individuals for up to 1 year.

30-Day Critical Need: Under 5 CFR 213.3102(i)(2), you may make 30-day appointments and may extend them for an additional 30 days.

You determine what qualifications are required for these excepted appointments. The Career Transition Assistance Plan (CTAP), Reemployment Priority List (RPL) and Interagency CTAP (ICTAP) under 5 CFR Part 330 do not apply to excepted appointments.

The above flexibilities are available in filling Senior Level positions, as well as positions at lower levels. On a one for one basis, OPM is also authorizing agencies to use a Senior Level space allocation as required to effect immediate appointment of an individual using these flexibilities. Each senior level space allocation must be reported to OPM within 10 days of the appointment.

SES Limited Emergency Appointments

Under 5CFR 317.601 agencies have the authority to make SES Limited Emergency appointments of career employees. We will immediately process your requests to appoint individuals who are not current career employees, and will consider temporary space allocations for agencies who identify the need as essential to deal with the September 11, 2001, attacks.

Reemploying Annuitants

You may wish to consider bringing retirees back to work to deal with emergency situations or to supplement your workforce. Upon request, OPM is prepared to give agency heads authority to waive the dual compensation reduction (salary offset) otherwise required of reemployed Federal civilian annuitants. We cannot approve waivers retroactively.

Reemploying Buyout Recipients

You may also wish to rehire retirees or others who left the Federal Government with buyouts. Depending upon the specific statute under which they received the buyout, you may request a repayment waiver from us in truly unusual circumstances. Persons being considered for waivers must be the only qualified applicants available for the positions and possess expertise and special qualifications to replace persons lost in the tragedies or to provide direct support in the rescue, recovery, investigatory, and other phases related to the tragedies.

Other Resources

You may contract with private sector temporary firms for services to meet your emergency needs. These contracts may be for 120 days and may be extended for an additional 120 days subject to displaced employee procedures.

You may make competitive service appointments of 120 days or less without clearing your CTAP or the ICTAP. Clearing these programs for longer appointments may help you identify one or more previously unknown, well-qualified, displaced Federal employees available for immediate employment. (5 CFR 330 Subparts F and G).

Current/former employees on your agency RPL are another immediate source of qualified individuals available for temporary, term or permanent competitive service appointments. Conversely, in some cases, you may wish to make an exception to the RPL provisions to appoint someone else under 5 CFR 330.207(d).