

DEPARTMENT OF THE ARMY  
ST. LOUIS DISTRICT, CORPS OF ENGINEERS  
210 TUCKER BLVD, NORTH  
ST. LOUIS, MISSOURI 63101-1986

DR 690-1-352

LMSPO-R  
Regulation  
No. 690-1-352

3 June 1985

Civilian Personnel  
REEMPLOYMENT RIGHTS  
Supervisors should file this regulation under  
Section III of the Supervisor's Handbook

1. PURPOSE. This regulation contains guidance on, and establishes procedures for, granting and enforcing statutory and administrative reemployment rights for St. Louis District employees.
2. APPLICABILITY. This regulation applies to all organizational elements and field units of the St. Louis District.
3. REFERENCES.
  - a. Federal Personnel Manual 352
  - b. DOD Manual 1400.20-1-M, Part I, Chapter 2, paragraphs D and E
  - c. AR 690-300 (352.7 and 352.8)
  - d. ER 690-1-352
4. DEFINITIONS.
  - a. Statutory Reemployment Rights - Reemployment rights authorized by statute - Section 1586, Title 10, U.S. Code. This statute authorizes a rotation program for interchange of DOD Civilian Employees between posts of duty in the United States and posts of duty outside the United States. Alaska and Hawaii are considered to be outside the United States. However, "Statutory Reemployment Rights" as discussed in this regulation relate to employees serving in oversea rotational assignments.
  - b. Administrative Reemployment Rights - Reemployment rights, which are administratively approved, by the head of a major command (USACE) or military department (Army), when employees move from one activity to another within the continental United States. Administrative reemployment rights are provided for special circumstances, e.g. the MX Missile Program.
  - c. Foreign overseas area - any area outside the United States, outside the Commonwealth of Puerto Rico, and outside the territories and possessions of the United States. Also, the Trust Territory of the Pacific Islands and Panama are considered foreign areas.

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This regulation supersedes DR 690-1-352, 19 September 1984

d. Oversea command/activity - any command or activity outside the Continental United States.

e. Tour - A period of service requirement for a particular geographic area as specified in Chapter 4005 of the Joint Travel Regulations, Volume 2.

5. POLICY. It is the policy of this District to grant reemployment rights to eligible District employees. The intent of this provision in DA regulations is to provide an incentive to employees to accept assignments they would not otherwise find attractive by insuring that employees will be able to return to their normal long-range career employment after a reasonable period of time. The security offered in reemployment rights makes it possible for employees to devote themselves wholeheartedly to their special assignments without undue concern for their economic future.

6. RESPONSIBILITIES.

a. The Commander will review and act on all cases where the Division/Office Chief does not concur in extension of reemployment rights beyond 5 years.

b. Division/Office Chiefs will:

(1) Distribute or post vacancies for overseas or special assignments within their organization and assure employees that they have maximum freedom to apply for such vacancies.

(2) Respond promptly to requests from overseas/CONUS command for extension of reemployment rights. Furnish written justification through the Personnel Office to the Commander regarding denial of requests for extension of reemployment rights beyond 5 years.

(3) Notify the Personnel Office of organizational changes which affect the position to which the employee has reemployment rights.

(4) Initiate any SF 52, Request for Personnel Action, required in connection with reemployment-right actions.

c. Personnel Officer will:

(1) Publicize vacancies for overseas and special assignments and provide an informational service to the District work force and employees of other Federal agencies outside DOD.

(2) Register employees, as requested, in the Overseas Employment Program (OEP).

(3) Determine employee's eligibility for consideration; advise employee of his/her rights and responsibilities; and process the selected employee for the assignment.

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(4). Coordinate with gaining activity as required.

(5) Process placement actions required in connection with these activities.

d. Employees will:

(1) Apply for positions in which interested and for which they consider themselves qualified.

(2) Promptly comply with processing procedures for the assignment.

(3) Satisfactorily complete the initial tour and any approved extensions.

(4) Formally apply to exercise reemployment rights.

#### 7. EMPLOYEE ELIGIBILITY:

a. Statutory Reemployment Rights will be granted to:

(1) Career or career-conditional District employees in the competitive service who accept assignments with the Department of Army in overseas areas (including Alaska and Hawaii).

(2) Career or career-conditional District employees in the competitive service who accept assignments with any Department of Defense component in the United States territories or possessions, foreign areas or the Panama Canal Commission (this provision does not apply to assignments in Alaska or Hawaii).

b. Administrative Reemployment Rights will be granted to:

(1) Attorneys serving with excepted or excepted-conditional status who accept assignments with Corps of Engineers offices in overseas areas (including Hawaii and Alaska).

(2) Career or career-conditional employees in the competitive service who accept assignments with Department of Army activities within CONUS under special circumstances, e.g., the MX Missile Program.

8. FORFEITURE OF REEMPLOYMENT RIGHTS. Employees with an initial grant of statutory reemployment rights (paragraph 7a) forfeit these rights upon placement in any position in the United States. In addition, employees whose tours are extended beyond 5 years who do not obtain an extension of reemployment rights from this District, and employees who do not satisfactorily complete their tour of duty requirement also forfeit reemployment rights. Employees granted administrative reemployment rights (paragraph 7b) forfeit such rights upon return to the District or placement with another agency.

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9. EXTENSION OF REEMPLOYMENT RIGHTS.

a. Extension beyond initial tour. Reemployment rights may be extended beyond the initial tour if jointly agreed to by the overseas activity and employee. These extensions do not require the concurrence of the District Division/Office Chief.

b. Extension beyond 5 years. Extension of reemployment rights beyond 5 years requires the concurrence of the appropriate Division/Office Chief. If the Division/Office Chief does not recommend extension and the District Commander concurs, and the employee agrees to serve the additional tour, reemployment rights to his/her position in the District are forfeited.

10. FILLING THE VACATED POSITION. On a case-by-case basis, the Personnel Office, in coordination with the appropriate operating official, will decide the type of placement action to be used to fill the vacant position. Generally, the vacancy will be filled by temporary or term promotion in order to lessen the possible reduction-in-force effect when the former incumbent returns. However, some vacancies may be filled by permanent assignment, subject to the return of the employee who formerly occupied the position. The individual who accepts assignment to such a position will be advised, in writing, that on the return of the former incumbent, he or she will be:

a. Returned to his/her former position (if assignment to the position was by temporary or term placement action).

b. Terminated (if assignment to the position was by temporary or term appointment).

c. Reassigned to a vacant position for which qualified at the same grade, or placed or separated by Reduction-In-Force (if assignment to the position was permanent, "subject to the return of the former incumbent").

11. ACTIONS REQUIRED IN THE EVENT EMPLOYEE'S FORMER POSITION IS TRANSFERRED OR NO LONGER EXISTS. If the function in which the employee was engaged when he/she left has been moved to another locality, his/her rights follow the function. If this District is disestablished, responsibility for placement will be assumed by LMVD.

12. REQUIREMENTS FOR EXERCISING REEMPLOYMENT RIGHTS. To exercise reemployment rights, the employee must:

a. Apply within the time limits specified in the employee's rotational agreement, and;

b. Have satisfactorily completed the initial overseas tour and any approved extension of such tour. Application will be through the Personnel

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Office of the employee's local overseas activity and its major command to this District, and include:

- a. A letter of intent to exercise return rights;
- b. DA Form 2302 (Civilian Personnel Qualification Record), or SF-171 (Personal Qualifications Statement)
- c. Completed SF 75 (Request for Preliminary Employment Data) indicating in "Remarks" portion that the employee has (or will have) satisfactorily completed the tour of duty requirement.

### 13. OBLIGATION TO REEMPLOY.

a. Action prior to employee's return - Upon receipt of the application to exercise reemployment rights, the Personnel Office will notify the appropriate Division/Office Chief and arrange for the personnel actions necessary to effect reemployment, and notify the employee of the arrangements being made and the proposed Enter on Duty (EOD) date. The Personnel Office will also notify the employee being displaced of the former incumbent's intent to exercise reemployment rights and take appropriate action to place the person being displaced.

b. Effecting reemployment.- The Personnel Office will complete placement planning before the employee returns. Upon return:

(1) The employee will be placed in his/her former position, if the position exists. If the former position is now a higher grade without material change in duties, the employee is entitled to reemployment at the higher grade if otherwise qualified. If, however, the former position is now a lower grade, the employee will be placed in accordance with (2) or (3) below.

(2) If the position the employee left does not exist (or is lower grade), the employee will be placed in a vacant continuing position for which qualified in the same geographical area, with rights, benefits, and grade equal to the former position. Additionally, even if the employee's former position still exists, the employee may consent to placement in this manner.

(3) If placement cannot be accommodated as in (1) and (2) above, the employee will be placed in a new position which will be established for not more than 90 days. The employee will be placed in the position, given a Reduction in Force (RIF) notice, and if not placed at the same grade, immediately registered in the Priority Placement Program (PPP). The new position will be in the same geographical area with the rights, benefits, and grade equal to the position the employee left.

(4) If within the 90-day period specified in (3) above, placement in a vacant continuing position cannot be effected, RIF procedures will be

followed to effect the employee's reassignment, placement in a lower graded position, or separation at the end of the 90-day period. During the 90-day period, the employee will remain in the PPP and, if appropriate registered in the Office of Personnel Management's Displaced Employee Program.

(5) In the event two or more employees are entitled to return to the same position, the employee who left the position first has prior right to be restored to it. The subsequent employees will be placed in accordance with the applicable provisions in (2) through (4) above.

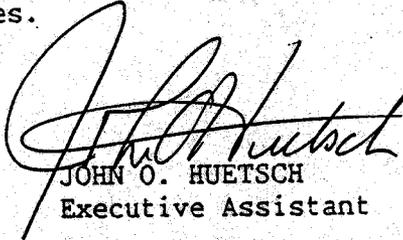
Examples:

(a) Employee A went overseas and the employee appointed to A's position (employee B) subsequently went overseas. Employee A returns first. When employee B returns, employee A does not compete in any RIF procedure which may be required to place or displace employee B;

(b) Employee A went overseas and the employee appointed to A's position (employee B) subsequently went overseas. Employee B returns first. Employee A returns later. Employee B must compete in any RIF necessary to accommodate the placement of employee A.

14. COLLECTIVE BARGAINING AGREEMENTS. Any provision(s) of this regulation in conflict with collective bargaining agreements negotiated with labor unions representing employees of this District will be superseded by those agreements unless such provision(s) of this regulation and their enforcement are required by law, Executive Order, or regulations, published policies, or directions of appropriate authorities.

FOR THE COMMANDER:



JOHN O. HUETSCH  
Executive Assistant

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