

SC330. SUBCHAPTER 330
REEMPLOYMENT PRIORITY LIST
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SC330. SUBCHAPTER 330
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- References: (a) [DoD Directive 1400.25](#), "DoD Civilian Personnel Management System," November 25, 1996
- (b) Title 5, Code of Federal Regulations, Parts 330, 351, 353
- (c) Section 101 of title 5, United States Code
- (d) [DoD Directive 1400.20](#), "DoD Program for Stability of Civilian Employment," June 16, 1981
- (e) [DoD 5025.1-M](#), "DoD Directives System Procedures," March 5, 2003
- (f) DoD Reemployment Priority List (RPL) Guide
- (g) Deputy Assistant Secretary of Defense (Civilian Personnel Policy), (DASD(CPP)) Memoranda, "Grade and Pay Retention," February 13, 1987; November 2, 1990; and June 16, 1992
- (h) Section 1701 of title 10, United States Code

SC330.1. GENERAL

This Subchapter implements Department of Defense (DoD) policy under references (a) through (c); prescribes procedures; assigns responsibilities; and defines eligibility and exceptions for the Reemployment Priority List (RPL) within the Department. Pursuant to reference (b), the RPL provides reemployment consideration for DoD career and career-conditional, competitive service employees who are separated by reduction in force (RIF) or have received a RIF separation notice or a Certificate of Expected Separation (CES), and those who are separated (or who accept a lower graded position instead of separation) due to compensable injury or disability and who fully recover more than 1 year from the date compensation is payable as described in 5 CFR parts 330 and 353 (reference (b)).

SC330.2. APPLICABILITY

This Subchapter applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter collectively referred to as "the DoD Components") when giving reemployment consideration to former competitive service employees of the Department for competitive service vacancies.

SC330.3. POLICY

It is DoD policy under reference (a) that:

SC330.3.1. Within the Department of Defense, eligible RPL applicants shall be provided priority consideration for reemployment in accordance with the provisions of this Subchapter. Eligible RPL applicants may be referred to DoD activities within their local commuting area and considered for appropriate vacancies. Referral shall be through automated procedures administered by the Civilian Assistance and Re-Employment (CARE) Division, Civilian Personnel Management Service (CPMS), Defense Human Resources Activity. This shall be the sole method for providing reemployment consideration to eligible RPL applicants.

SC330.3.2. Within the Department of Defense, the RPL shall be implemented in accordance with 5 CFR 330 Subpart B (reference (b)), subject to the restrictions and modifications contained in this Subchapter.

SC330.3.3. Eligible RPL applicants shall be referred for employment consideration based on their retention standing in tenure group and subgroup order. Within a subgroup, selections can be made without regard to the service computation date for RIF.

SC330.3.4. Tenure Group I applicants shall receive consideration for 2 years from date of entry on the RPL. Tenure Group II applicants shall receive consideration for 1 year from date of entry on the RPL. The consideration period begins when the applicant is enrolled on the RPL and may or may not coincide with the applicant's separation date or the date workers' compensation ceased.

SC330.3.5. Rights provided under the RPL, pursuant to this Subchapter and 5 CFR 330 Subpart B (reference (b)) including any right of appeal to the Merit Systems Protection Board regarding rights under the RPL established pursuant to reference (b), are separate and distinct from those provided pursuant to the DoD Priority Placement Program (PPP) (Subchapter 1800 of this Manual), which is an internal Department of Defense program established under the authority of the Secretary of Defense. The PPP and the RPL operate independently.

SC330.4. RESPONSIBILITIES

SC330.4.1. The Deputy Under Secretary of Defense (Civilian Personnel Policy), under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, shall provide policy direction and has final approval on all policy matters relating to the RPL.

SC330.4.2. The Heads of the DoD Components with independent appointing authority, including the Director, Washington Headquarters Services (WHS), on behalf of the Office of the Secretary of Defense and the DoD Components receiving civilian personnel support from WHS, shall support placement of eligible individuals through the RPL.

SC330.4.3. The Director, Civilian Personnel Management Service, shall establish, implement, and maintain the procedures for automation and operation of the RPL.

SC330.4.4. The CARE Program Coordinators for the Priority Placement Program (PPP) shall provide operational guidance to the DoD Components, resolve disputes between the DoD Components, and approve exceptions to the RPL referral area as prescribed in section SC330.15. of this Subchapter.

SC330.4.5. The DoD Component Coordinators for the PPP shall respond to their Component activities on RPL matters and resolving disputes regarding the RPL within their Components.

SC330.4.6. The Installation Commanders and Management Officials having delegated appointing authority must comply with RPL requirements and support placement of RPL eligibles at their installations or activities.

SC330.4.7. The Civilian Personnel Offices/Human Resources Offices shall:

SC330.4.7.1. Comply with regulations and policies governing the RPL.

SC330.4.7.2. Enroll applicants on the RPL within 10 calendar days of receipt of application.

SC330.4.7.3. Administer the RPL for supported installations or activities.

SC330.4.7.4. Counsel employees on RPL provisions.

SC330.4.7.5. Give each eligible RPL applicant information about the RPL, including appeal rights; and

SC330.4.7.6. Maintain and update enrollment information.

SC330.5. DEFINITIONS

SC330.5.1. Agency. For purposes of the RPL, an agency is defined as an Executive Department, as defined in section 101 of reference (c).

SC330.5.2. CARE Program Coordinators. Has the same meaning as in DoD Directive 1400.20 (reference (d)). Under the direction of the CARE Division, CARE Program Coordinators provide guidance, conduct formal training, and evaluate program administration on the operation of the program to the DoD Components, and approve limited exceptions to the RPL referral area for certain applicants.

SC330.5.3. DoD Components. Has the same meaning as in DoD 5025.1-M (reference (e)).

SC330.5.4. DoD Component Coordinators. Has the same meaning as in reference (d). Officials who are responsible for the proper operation of the PPP, the RPL, and other associated programs within a DoD Component. There are five DoD Component Coordinators: Army; Navy; Air Force; Defense Logistics Agency (DLA); and Washington Headquarters Services, which represent all fourth-estate agencies except DLA.

SC330.5.5. Local Commuting Area. Has the same meaning as in section 351.203 of reference (b). There is no mileage standard for a local commuting area.

SC330.5.6. Retention Standing Order. RIF retention group and subgroup order in accordance with 5 CFR 351 (reference (b)).

SC330.5.7. Tenure Group I. Career employees who are not serving a probationary period as defined in 5 CFR 351.501(b)(1) (reference (b)).

SC330.5.8. Tenure Group II. Career-conditional employees, and employees serving a probationary period, as defined in 5 CFR 351.501(b)(2) (reference (b)).

SC330.5.9. Undue Interruption. Has the same meaning as in section 351.203 of reference (b)).

SC330.6. ELIGIBILITY

Individuals who meet the following conditions, specified in 5 CFR 330.203 and 5 CFR 330.204 (reference (b)) may receive reemployment consideration under the DoD RPL:

SC330.6.1. Eligibility Due to RIF: Persons serving on competitive service appointments in Tenure Group I or II who have received a specific notice of RIF separation or a CES and have not declined a RIF offer under 5 CFR 351 Subpart G (reference (b)) of a position with a representative rate at least as high as the position from which the employee was or shall be separated; and who:

SC330.6.1.1. Submit a completed application to the HRO identifying conditions under which the employee shall accept employment (see section 330.202 of reference (b)). Procedures for submission of applications, which must be received by the HRO within 30 calendar days after the RIF separation date, are provided in the DoD RPL Guide (reference (f)); and

SC330.6.1.2. Received a performance rating above unacceptable (Level I), or equivalent, on the last annual performance rating of record for 5 CFR 351 (reference (b)) purposes; and

SC330.6.1.3. Have not separated for other reasons, e.g., resignation, retirement, transfer, before the effective date of the RIF action. However, an employee who retires on or after the RIF separation date retains eligibility for the RPL.

SC330.6.2. Eligibility Due to Compensable Injury or Disability: Persons serving on competitive service appointments in Tenure Group I or II who:

SC330.6.2.1. Are separated due to a compensable injury or disability and who are fully recovered more than 1 year from the date compensation was payable; or

SC330.6.2.2. Accept a lower grade in lieu of separation due to a compensable injury or disability and who are fully recovered more than 1 year from the date compensation was payable; and

SC330.6.2.3. Submit a request to the HRO for reemployment, including acceptable conditions for employment, which is received by the HRO within 30 calendar days after the date compensation ceases or within 30 calendar days following resolution of an appeal for continuation of compensation. Procedures for submission of applications are provided in reference (f).

SC330.7. EMPLOYMENT RESTRICTIONS

Activities must consider RPL applicants for competitive service vacancies when a position is filled on a temporary, term, or permanent basis by a new appointment, reinstatement, or transfer. The movement of DoD employees between the DoD Components is not considered a transfer for RPL purposes (i.e., RPL does not affect internal DoD movement).

SC330.8. SELECTION ORDER AND EXCEPTIONS

When a qualified RPL applicant is present on an activity's RPL, an activity may not make a new appointment unless the appointee is a qualified 10-point preference eligible. Also, an activity may not select a transfer (i.e., outside the Department of Defense) or reinstatement candidate unless the individual is a preference eligible or is exercising other statutory or regulatory reemployment rights. The placement of qualified DoD employees through detail, transfer between the DoD Components, or position change, including promotion, demotion, and reassignment are excepted from the RPL. RPL guidance on the required selection order and applicable exceptions are provided in 5 CFR 330, 351, and 353 (reference (b)); and reference (f).

SC330.9. RPL CLEARANCE

The applicants on the RPL shall be listed by series and grade, and in retention group and subgroup order. Subject to the conditions and exceptions outlined in this Subchapter, the RPL must be cleared before an offer can be made for the grade level at which the position is filled, regardless of the full performance level. If a vacancy is advertised at multiple grades, the RPL must be cleared at the grade at which the job is ultimately filled. When filling a position established in a pay band, the RPL must be cleared at the equivalent grade level within the pay band at which it is filled. However, registrants have no entitlement to positions with greater promotion potential than the position from which they were or shall be separated. Because of pay banding variations, there is no standard method for comparing these systems with each other or with conventional pay schedules. As a result, when clearing the RPL, comparison and conversion procedures for each pay band system shall be used to establish guidance for determining requisitioning requirements and matching procedures. Determinations are made on a case-by-case basis.

SC330.10. RPL SELECTIONS

SC330.10.1. Selection from the RPL shall be made in retention group and subgroup order as outlined in 5 CFR 330.207(b) (reference (b)), which specifies that, within a subgroup, an individual may be selected without regard to the order of retention standing.

SC330.10.2. When appropriate and subject to the requirements outlined therein, an activity may use the exception under 5 CFR 330.207(d) (reference (b)) and appoint a person who is not on the RPL, or has lower standing than others on the RPL. This exception pertains to selecting an individual for employment when the duties cannot be otherwise accomplished without undue interruption. Use of this exception requires that the activity notify, in writing, each individual on the RPL who is adversely affected by the exception and the right of that person to appeal to the Merit Systems Protection Board (MSPB).

SC330.11. PAY SETTING

Pay shall be set in accordance with the policies of the Department of Defense set forth in the DASD(CPP) Memoranda (reference (g)), and the policies of the DoD Components, and gaining organization policy, if any, as well as applicable statutory and regulatory requirements.

SC330.12. APPLICATION REQUIREMENTS

SC330.12.1. Activities may require that the RPL applicant submit a completed application, a resume, or other forms required to process the employee's application and determine the positions for which the employee is basically qualified.

SC330.12.2. RPL applicants must provide information specifying the conditions under which they shall accept employment (see section 330.202 of reference (b)).

SC330.13. OFFERS

All employment offers made under the RPL must be made in writing and contain information concerning an individual's right to appeal. Offers shall be based on qualification and educational requirements established by the Office of Personnel Management or the Department of Defense; Defense Acquisition Workforce Improvement Act (reference (h)) requirements, if appropriate; validated selective placement factors, including licensure, certification, and registration requirements; physical requirements, including consideration of reasonable accommodation; and other applicable requirements for competitive service appointment.

SC330.14. TERMINATION OF ELIGIBILITY

An individual loses RPL eligibility or has his or her referral limited, in accordance with the provisions of the Subchapter, when he or she:

SC330.14.1. Separates for some other reasons (e.g., retirement, resignation, or transfer) before the date the RIF separation would take effect. However, an employee who retires on or after the date of RIF separation does not lose RPL eligibility.

SC330.14.2. Requests removal from RPL consideration, in writing.

SC330.14.3. Declines or fails to respond within a reasonable period of time to a written employment offer or availability inquiry of a DoD position. Absent extenuating circumstances, 5 workdays shall be considered reasonable. The offer may be in the competitive or excepted service, and may not be time limited. RPL eligibility is terminated when an individual declines an offer or fails to reply to an inquiry, concerning a specific position having a representative rate at least as high, and with the same type of work schedule, as that of the position from which the person was or shall be separated. However, when an individual declines an offer or fails to reply to an inquiry for a lower graded position from which the person was or shall be separated, and the position meets the acceptable conditions shown in his or her application, he or she only loses RPL consideration for positions with a representative rate at or below that grade. The individual retains eligibility for positions with a higher representative rate up to the last grade held. Advance notice of these consequences must be provided and sufficient documentation retained to support the RPL removal or limitation.

SC330.14.4. Receives a career, career-conditional, or excepted appointment at any grade level, without time limit in any Federal Agency.

SC330.14.5. Leaves an overseas commuting area covered by an RPL or becomes ineligible for overseas employment because of previous overseas service or residence (e.g., DoD overseas rotation policy). Applicants may request approval from the CARE Program Coordinator for enrollment in another commuting area in the United States. (See paragraph SC330.15.3., below.)

SC330.14.6. Declines an interview for a position or fails to appear for a scheduled interview, after being notified that the declination or absence would result in termination of RPL consideration. The activity must clearly document that the candidate received written notification of the interview and the consequences of declining or failing to appear.

SC330.14.7. Cannot be contacted and/or reached. The activity must show clear documentation of efforts to contact the applicant. The individual can be re-registered upon submission of an updated RPL application, but the total enrollment period shall not be extended beyond the original expiration date.

SC330.15. REFERRAL AREA

SC330.15.1. An RPL eligible shall normally be considered only for DoD activities in the commuting area where the former position is or was located. However, if there are a number of DoD activities scattered over a large commuting area, the supporting HRO, upon request, may authorize the RPL eligible to limit consideration to a specific DoD Component, certain activities or installations, or a smaller area within the commuting area.

SC330.15.2. Consideration outside the commuting area from which separated shall not be authorized except in the following situations:

SC330.15.2.1. Employees who had agreed to transfer with their function, but were separated by RIF from the gaining competitive area are registered in the RPL of the gaining competitive area.

SC330.15.2.2. Employees eligible for the RPL on the basis of a RIF separation notice or CES in Alaska, Hawaii, Guam, or Puerto Rico, who leave that commuting area, may request referral consideration for the commuting area in the United States from which recruited, or another commuting area in the United States mutually acceptable to the individual and the Department of Defense, as approved by the CARE Program Coordinator.

SC330.15.3. RPL eligible employees in foreign areas may not be referred to other foreign area locations. Normally, persons eligible for the RPL on the basis of a RIF separation notice or CES in a foreign overseas area are referred only in the commuting area where separated except:

SC330.15.3.1. Employees who leave the commuting area after separation, may request RPL referral for the commuting area in the United States from which recruited or another commuting area in the United States mutually acceptable to the individual and the Department of Defense, as approved by the appropriate CARE Program Coordinator; or

SC330.15.3.2. Employees who cannot complete a renewal tour of duty due to the 5-year limitation on foreign employment may request referral in one other commuting area in the United States mutually acceptable to the individual and the Department of Defense, as approved by the appropriate CARE Program Coordinator.

SC330.15.4. Individuals with RPL entitlement based on recovery from a compensable injury or disability shall be referred for positions for which they qualify that are at no higher grade (or equivalent) than their last position. RPL eligibles who cannot be placed at their former or equivalent grade level in their commuting area are entitled to priority consideration for equivalent positions elsewhere within the Department of Defense, subject to the approval of the appropriate CARE Program Coordinator. Instead of expanded geographic consideration, an individual may elect to be considered for the next best available position in the former commuting area.

SC330.16. APPEALS

At the time of registration in the RPL and upon receipt of an employment offer, activities are responsible for notifying employees of their right of appeal to the MSPB. An employee who believes that his or her reemployment priority rights have been violated may appeal to the MSPB. Bargaining unit employees may file a grievance through the appropriate negotiated grievance procedure or may file an appeal with the MSPB, but not both.

SC330.17. RPL AUTOMATED SYSTEM

The RPL shall be provided through the Automated Stopper and Referral System WEB maintained and operated by the Priority Placement Support Branch-Dayton. Implementation instructions for the operation of the automated RPL are contained in the DoD RPL Guide (reference (f)).