

Material Transmitted:

Department of Health and Human Services (HHS) Instruction 330-2, Career Transition Assistance Plan, dated January 29, 2009.

Material Superseded:

This Instruction supersedes HHS Instruction 330-1, Career Transition Plan, issued September 5, 1997.

Background:

This Instruction updates Career Transition Assistance Plan (CTAP). The following revisions were made:

- 1) 5 CFR Part 330, Subparts F and G require Federal agencies to establish a career transition plan for its own employees and a special interagency career transition program for Federal employees outside the agency during a period of severe downsizing. The proposed Instruction meets the foregoing requirements by creating an umbrella Plan for the Department to actively assist surplus and displaced employees within and outside the agency.
- 2) In order to effectively implement the requirements of 5 CFR Part 330, Subparts F and G, the roles and responsibilities of personnel charged with ensuring the success of the program should be clearly defined.
- 3) The Instruction establishes a requirement for the appointment of a Departmental Priority Placement Coordinator (PPC) to oversee all aspects of the agency's program, and the requirement for each operating Human Resource organization (OHRO) to appoint a PPC to administer the day-to-day aspects of the program for their serviced OPDIV.
- 4) The CTAP and ICTAP programs, while designed to assist employees who are adversely affected by a severe downsizing, do not replace existing programs for priority placement, reemployment, and repromotion of Federal employees. Consequently, the order of priority in selections must be clearly articulated when applying statutory, regulatory, and agency requirements in effecting placements.
- 5) The Instruction sets forth the requirement for the development and implementation of a web-based portal to enter, track, and monitor the effectiveness of the program. The portal should also facilitate program maintenance, more timely updates, responses to program inquiries, and preparation of reports.

- 6) The RPL program is related to career transition assistance and is a mandatory program predating CTAP. It is used regardless of whether a Federal agency is undergoing a major downsizing initiative. Unlike CTAP/ICTAP, RPL eligibles must be given the opportunity to register on the agency's RPL for priority consideration over certain outside job applicants. Selection of registrants must be made based on retention standing; and registrants have appeal rights to the Merit Systems Protection Board (MSPB).

This issuance is effective immediately. Implementation under this issuance must be carried out in accordance with applicable laws, regulations, bargaining agreements, and Departmental policy.

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INSTRUCTION 330-2

**Subject: CAREER TRANSITION ASSISTANCE PLAN (CTAP)**

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**330-2-00 PURPOSE**

This Instruction implements the President's memorandum of September 12, 1995, requiring agencies to establish Career Transition Assistance Plans for Federal employees adversely affected by Federal downsizing. Specifically, 5 CFR Part 330 Subparts F and G promulgate the specific regulatory requirements for these plans. The HHS plan covers services to be provided to surplus and displaced employees, consideration of surplus and displaced Department employees, and consideration of displaced employees from outside the Department. This instruction also outlines the Reemployment Priority List (RPL) Plan that provides reemployment consideration to competitive service employees separated by reduction in force (RIF) and former competitive service employees separated by a compensable injury.

The requirements in this plan form the foundation for assisting surplus and displaced employees. Operating Divisions (OPDIVs) are encouraged to take steps which go beyond these requirements to meet the needs of their employees.

**330-2-10 REFERENCES**

- A. President's Memorandum, September 12, 1995, Career Transition Assistance for Federal Employees
- B. 5 CFR Part 330, Subpart B (Reemployment Priority List)
- C. 5 CFR Part 330, Subpart F (Agency Career Transition Assistance Plans for Local Surplus and Displaced Employees)
- D. 5 CFR Part 330, Subpart G (Interagency Career Transition Assistance Plan for Displaced

Employees)

- E. 5 CFR Part 351 (Reduction in Force)
- F. 5 CFR Part 353.110(b) (Restoration to Duty from Uniformed Service or Compensable Injury)
- G. 5 USC § 8337, 8451, 8456 (Retirement; Federal Employees Retirement System)
- H. HHS Personnel Instruction 351-1 (Reduction in Force)
- I. HHS Personnel Instruction 337 (Category Rating and Selection Procedures)

### **330-2-20 COVERAGE AND EXCLUSIONS**

#### **A. Coverage**

The provisions of this Instruction apply to Department of Health and Human Services (HHS) surplus and displaced competitive and excepted service employees, including members of the Senior Executive Service (SES) (for CTAP services only) and Federal Wage System (FWS) employees who are facing separation due to downsizing, transfer of function, or reduction in force. This Instruction also covers ICTAP eligibles.

#### **B. Exclusions**

This Instruction is not applicable to Schedule C excepted service employees and employees on time limited appointments. The special selection priority provisions of CTAP do not apply to members of the SES.

When the provisions of this Instruction differ from the requirements contained in applicable collective bargaining agreement(s), the agreement takes precedence for bargaining unit employees.

### **330-2-30 DEFINITIONS**

- A. Career Transition Assistance Plan (CTAP). A plan each Federal agency (defined as HHS) is required to establish in order to assist employees find other employment during a period of severe Federal downsizing.
- B. Interagency Career Transition Assistance Plan (ICTAP). The provisions of 5 CFR Part 330, Subpart G requires agencies to establish a separate plan which provides special selection priority to displaced employees at other agencies when making selections from outside the hiring agency's workforce. ICTAP does not apply to internal movements within an agency (i.e. HHS). This plan is addressed separately under Section 330-2-130 of this policy.
- C. Displaced Employee (CTAP Only). A current career or career-conditional competitive service employee in Tenure Group I or II, at GS-15 or equivalent and below, who has

received a specific reduction-in-force (RIF) separation notice or notice of proposed removal for declining a directed reassignment or transfer of function (TOF) outside of the local commuting area; or a current HHS employee in the excepted service, serving on an appointment without time limitation, at grade level GS-15 or equivalent and below, who has been given noncompetitive appointment eligibility and selection priority by statute for positions in the competitive service, who is in receipt of a RIF separation notice or notice of proposed removal for declining a TOF or directed reassignment outside the local commuting area.

- D. Local Commuting Area. The geographic area that constitutes one area for employment purposes, in which individuals can reasonably be expected to travel back and forth daily to their official duty station, generally within a 50-mile radius. In consultation with OPDIVs, operating HR organizations (OHROs) will determine when exceptions are appropriate.
- E. Priority Placement (PPC) or Reemployment Priority List (RPL) Coordinator. A human resources professional who is designated by the head of an OHRO to be responsible for updating and maintaining the reemployment priority list (RPL) on the web-based Departmental system. The RPL Coordinator is responsible for the OHRO RPL only. The PPC may be responsible for all aspects of priority placement including CTAP, ICTAP and which may include the RPL.
- F. Repromotion Consideration. This consideration covers employees who were demoted through no fault of their own and not at their request, and who are not covered by grade/pay retention provisions.
- G. Retention Standing Order. The act of listing competing employees on a retention register based on their tenure group, length of service, veteran preference, and performance in descending order in order to determine assignment rights during a reduction in force.
- H. Special Selection Priority. Priority selection given to surplus and displaced employees who meet eligibility requirements, who must be selected over other candidates for vacancies in the local commuting area for which they apply and are deemed well qualified. A well qualified eligible employee must be selected before otherwise qualified internal and external candidates may be hired, except over veterans with 10-point veteran's preference and employees with Indian Preference in the Indian Health Service.
- I. Status Candidate. An employee who has satisfied all requirements for competitive status.
- J. Surplus Employee
  - 1. A current HHS employee serving under an appointment in the competitive service in Tenure Group I or II, at grade GS-15 or the equivalent and below, who has received a certificate of expected separation or other official certification issued by the Department/OPDIV indicating that the position is surplus for example, a notice of position abolishment, or a

notice that the employee is eligible for discontinued service retirement;

2. An employee serving on a Schedule A or B excepted appointment without time limit, at grade levels GS-15 or equivalent and below, who has been issued a certificate of expected separation or other official certification issued by the Department/OPDIV indicating that the position is surplus, for example, a notice of position abolishment, or an official notice stating that the employee is eligible for discontinued service retirement; or
  3. An employee at grade levels GS-15 or equivalent and below, who has received a RIF notice of separation, or a notice of proposed removal for declining a transfer of function or directed reassignment outside of the local commuting area.
- K. Tenure Group I. Career employees who are not serving a probationary period.
- L. Tenure Group II. Career-conditional employees, and employees serving a probationary period.
- M. Well Qualified. An eligible employee who meets any of the criteria using any of the methods provided below.
1. Method 1. The employee meets the qualification standard and eligibility requirements for the position, including any medical qualifications, minimal educational and experience requirements; meets all selective placement factors where applicable; is physically qualified, with reasonable accommodation where appropriate, to perform the essential duties of the position; meets any special qualifying conditions that OPM has approved for the position; and is able to satisfactorily perform the duties of the position upon entry.
  2. Method 2 or Key Item Category Rating Method. The employee is rated by the HR specialist based on the applicant's answers to predetermined questions. Applicants who have responded that they possess at least 50 percent or higher on the key responses meet or exceed the definition of well qualified.
  3. Method 3 or Numerical Score Based on Category Rating Method. The employee is considered well qualified if he/she a score between 85 and 94.99. Quality groups are defined by the prescribed score range. Accordingly, applicants scoring higher than the specified score range for well qualified and as such are covered.
  4. Method 4 or Manual Category Rating Method. The employee is considered well qualified based on experience that is similar to the duties of the position being filled as described in predetermined benchmarks for Quality Groups.

### **330-2-40 ROLES AND RESPONSIBILITIES**

- A. The Deputy Assistant Secretary for Human Resources (DASHR), Assistant Secretary for Administration and Management is responsible for:
1. Developing and administering policies and procedures for career transition assistance.
  2. Designating a Departmental Priority Placement Coordinator (PPC) to administer the

provisions of this Instruction, including resolving issues that apply to two or more OPDIVs.

3. Approving any waivers or exceptions to this Instruction.
4. Conducting accountability reviews of career transition activities at any time.
5. Maintaining an RPL.

B. OPDIV Heads or their designees are responsible for:

1. Planning, developing, and implementing a strategic plan that identifies current and long-term goals and objectives, responsibilities, deadlines, and resources for completion. This includes assessing workforce requirements and determining numbers, categories, and qualifications of personnel needed to perform assigned program(s). This also includes identifying skills imbalances, surplus employees, and what is needed to address the problems, such as training, retraining existing staff, reorganizing work, transferring functions, or conducting a RIF.
2. In consultation with the OHRO, deciding the funding and other resources that will be provided to assist employees adversely affected by a reorganization or RIF.
3. Ensuring employees are advised of the RIF or similar action contemplated as early as possible in the process so that the employee can use available resources to find continuing employment.
4. Ensuring employees receive all the rights and benefits that they are legally entitled to receive in conjunction with the OHRO.
5. Supporting the spirit and intent of the priority placement provisions including the RPL, CTAP and ICTAP by authorizing excused absence, to the extent practicable to enable affected employees to use career transition assistance that is available.
6. Consulting and negotiating with recognized labor organization(s) on the RIF or similar actions to the extent required by 5 USC Chapter 71.

C. OHROs and PPCs are responsible for:

1. Designating a PPC to administer the day-to-day aspects of the program and identify Coordinators for off-site serviced organizations as appropriate.
2. Providing a copy of their implementation plans to the Departmental PPC within the Office of Human Resources, as part of RIF planning activities.
3. Reporting on career transition activities and results as requested by the ASAM, Office of Human Resources.
4. Developing, implementing, and maintaining a career transition assistance program for surplus and displaced employees previously assigned to their servicing OPDIV.
5. Advising supervisors, managers, union representatives and affected employees on the importance of attending a mandatory orientation on career transition assistance services and eligibility for selection priority.

6. Providing an orientation program for surplus and displaced employees at the time they become eligible for services in accordance with this Instruction and OPM governing regulations, and providing reasonable accommodation to employees with disabilities, as appropriate.
7. Providing pertinent materials and resources to surplus and displaced employees and keeping them informed of program changes, placement opportunities, and available resources.
8. Verifying program eligibility and notifying displaced and surplus employees of eligibility and loss of eligibility.
9. Resolving qualifications disputes within their respective serviced population, and submitting requests for resolution of disputes between OHROs to the Departmental PPC, Office of Human Resources, for a decision. The request for a decision on a dispute may be submitted by the gaining or losing OHRO but the request must contain a written assessment of the issues, any relevant documentation, and a recommendation.
10. Coordinating career transition assistance program initiatives with other OHROs and other Federal, state, and local employers.
11. Working in conjunction with OPDIVs and the Employee Assistance Program Administrator to identify services for surplus and displaced employees who are having difficulties on the job.
12. Working with the Department of Labor to explore training and retraining opportunities for surplus and displaced employees.

D. Supervisors and managers are responsible for:

1. Ensuring employees receive oral and written notice of RIF or similar actions that may adversely affect them and that they are kept informed of any changes on a regular basis.
2. Supporting the career transition assistance program by promoting the spirit and intent of the program by excusing employees to take advantage of career transition assistance and to seek other employment consistent with the requirements of this Instruction and Departmental policies.
3. Cooperating fully in the placement of surplus and displaced employees, and assisting affected employees in finding continuing employment.

E. Employees are responsible for taking charge of their own careers by complying with this Instruction and exploring all available resources to maximize placement opportunities to include, but not limited to the following:

1. Attending an orientation on career transition assistance and priority selection;
2. Completing an application for registration in the Department's RPL program in a timely manner;
3. Advising the OHRO of any changes in address, phone number, etc.;



4. Applying for jobs for which qualified and providing documentation of status;
5. Responding to inquiries of availability within the specified timeframes;
6. Taking advantage of the career transition assistance that is made available by the OPDIV/OHRO;
7. Attending appropriate training or retaining opportunities available through the Department of Labor via state employment offices; and
8. Notifying the OHRO when they have received a valid job offer as indicated in Section 330-2-50, C.2.

### **330-2-50 CAREER TRANSITION ASSISTANCE GENERAL REQUIREMENTS**

#### **A. Program Eligibility**

The Career Transition Assistance Plan (CTAP) covers surplus and displaced HHS employees in the competitive service and excepted service (excluding Schedule Cs), including members of the SES for CTAP services only, unless otherwise noted. In order to receive priority selection consideration, an eligible employee must meet the following requirements:

1. Meet the definition of displaced or surplus employee as defined in this Instruction;
2. Have a current performance rating of record of at least fully successful or equivalent;
3. Apply for a vacancy that is at or below the grade level of the employee, and without greater promotion potential than the position from which the employee occupies or may be separated. However, at the discretion of the OHRO and the hiring manager, a current HHS CTAP eligible may be selected prior to announcing a vacant position;
4. Occupy a position in the same commuting area, unless an exception is authorized by the OPDIV and approved by the servicing OHRO Director;
5. Submit an application for a specific vacancy within the timeframes established by the hiring organization, and provide proof of eligibility; and
6. Be determined to be well-qualified for the specific vacancy.

**B. Period of Eligibility.** The period of eligibility begins on the date the notice of surplus or displaced status is issued to the employee and ends on the first date that one of the following occurs:

1. Employee is separated by RIF;
2. Employee resigns or retires;
3. Employee is separated under adverse action procedures for declining a directed reassignment or transfer of function to another commuting area;
4. Notice of eligibility is cancelled or expires;

5. Employee accepts a career or career conditional or excepted service appointment without time limitation in any agency at any grade; or
6. Employee fails to respond to an inquiry of availability within a reasonable period of time or fails to show up for a scheduled interview without sufficient justification.

C. Notification and Cancellation of Eligibility

1. Notification. Each OHRO shall establish a method of tracking surplus and displaced employees and documenting notification to each affected employee. The notification must include the employee's title, series, grade, geographic location, full performance level, and an HR point of contact for any questions in the event the employee is selected for another position. The notification shall also advise the employee of eligibility for special selection priority, procedures to apply for vacancies under CTAP and ICTAP, available career transition services, and how to obtain them.
2. Cancellation. The OHRO cancels the notification of eligibility when notified by the employee that he/she has received a valid job offer that makes him/her ineligible for priority selection; notifies the employee of cancellation; and documents the cancellation on the web-based Departmental system. Failure to respond to an availability inquiry, attend a scheduled interview without sufficient justification, or failure to maintain up-to-date contact information may result in the loss of eligibility for priority selection.

**330-2-60 CAREER TRANSITION STRATEGIES**

The following details the minimum level of services available to ALL employees affected by downsizing, streamlining, budget reductions, reorganization, or similar events:

- A. Use of Excused Absence: Each affected employee who requests excused absence will be granted no more than 40 hours of administrative leave for job interviews. Additional time may be provided, as warranted by individual situations, subject to supervisory approval and workload priorities. Interviews within HHS within the commuting area may be considered as other official functions. OPDIVs may reimburse individuals for travel expenses to CTAP activities the OPDIVs make available. In addition, supervisors should monitor the use of excused absences to ensure that time authorized is used for approved purposes.
- B. Use of Services and Facilities. To the extent practicable and within available funding, surplus and displaced employees will be provided the following career transition services including skills assessment, resume preparation, counseling, and job search assistance;
  1. Career transition services, equipment, facilities, materials and resources to maximize placement opportunities (i.e. access to computers and assistance in interviewing skills, etc.).
  2. Information on the availability of career transition services and facilities and how to access them, including any changes in the level and kind of services offered.
  3. Access to facilities and career transition assistance for employees who have been separated,

for at least 90 days after the date of separation.

C. Services Provided by the PPC and OHRO

1. Training for employees, managers, supervisors and union representatives (e.g., job search skills, resume writing, interview techniques, financial management, stress management, transition management, etc.).
2. Contact the Department of Labor (DOL), Dislocated Workers Units and local Private Councils for information on retraining options through the DOL Job Training Partnership Act (JTPA) and advise employees accordingly.
3. With OPDIV assistance, develop and implement retraining strategies to help the organization meet its future workforce needs. OPDIVs may provide funding for training/retraining to surplus employees to remedy skills deficiencies as a means of avoiding a RIF without DOL involvement.
4. Provide reasonable accommodation for employees with disabilities who are seeking career transition services.
5. Contact Federal, state, and local employers to request placement assistance for affected employees.
6. Work with the Employee Assistance Program Manager in tailoring services to affected employees.
7. Develop options for career transition strategies for various contingencies, i.e., when there are limited numbers of surplus or displaced employees, or when there are large numbers of surplus or displaced employees;
8. With OPDIV assistance, develop career transition strategies in partnership with local unions that represent employees.
9. Provide reports on local career transition activities and results requested by the Office of Human Resources.

D. Orientation Training. Provide training for employees, managers, supervisors and union representatives on the use of services and eligibility for selection priority. OHROs will coordinate the development of any shared-cost services for OHROs to the extent practicable and feasible. OHROs will provide information to employees on the use of transition services at the time they become eligible for services and selection priority. In addition, supervisors and managers will be provided an orientation on the meaning of selection priority. OHROs must ensure both training and materials are suitable for employees with disabilities and alternative formats and arrangements are made to accommodate persons with disabilities.

**330-2-70 DESIGNATION AND NOTIFICATION OF SURPLUS AND DISPLACED EMPLOYEES**

A. Designating Employees as Surplus

1. Employees who are designated as surplus must be provided a specific RIF notice of separation, certificate of expected separation, or other official document signed by the appropriate OPDIV official that advises them of their status, how to apply for vacancies, the career transition services that are available to them, an explanation of their special selection priority, and a CTAP orientation invitation.
2. Employees affected by reorganizations, realignments, organizational skills imbalances, outsourcing, stream-line studies and A-76 Contracting Out or outsourcing initiative may be designated as surplus. Accordingly, the appropriate OPDIV official, with the advice and assistance of the Director of the OHRO, must provide written documentation of the basis for the surplus status and provide a copy to the employee.
3. OPDIVs may designate employees as surplus without issuing RIF notices when there is a reasonable degree of certainty the designated employees will have to be separated by RIF within 6 months and when the precipitating event is outside the OPDIV's control, such as legislative action or a budget reduction imposed on the OPDIV .
4. If an OPDIV wants to designate surplus employees for longer than a 6 month period or wants to extend a designation beyond 6 months, prior approval is required from the DASHR. Prior approval from the DASHR is also required if the precipitating event is within the OPDIV's control, such as a reorganization recommended or approved by the OPDIV head or subordinate officials. However, this prior approval requirement does not apply in a situation where an OPDIV's designation of employees as surplus will permit the OPDIV to effect immediate placements of employees within the OPDIV .
5. Employees designated as surplus must be given written notice to that effect by the appropriate OPDIV. The notice must advise them to include the notice when they apply for positions. Employees who do not include the notice will not be entitled to the consideration provided in this plan.

**B. Notification and Certification of Displaced or Surplus Employees**

1. Certification and Notification of Eligibility. Prior to certifying employees and issuing notifications, OPDIVs will submit written notification of the RIF to the DASHR, including affected employees and dates the intended notices will go to employees. RIFs must always be the last resort. Employees who receive RIF separation notices are immediately covered by this plan, and any reference in this plan to surplus employees includes them.
2. Issuance of Certification to Employees. Each certification will be in writing and must include the title, series, grade, geographic location and full performance level of the employee's current position, and the identification of a contact to verify current eligibility and to notify in the event of their selection for another position. It must also be signed by an OHRO Human Resources Specialist. OPDIVs need to be judicious in issuing certifications based on organizational or series designations of surplus employees while simultaneously ensuring all affected employees who need career transition assistance and placement services receive them.

3. Notifications of Eligibility. Employees receiving a surplus certification, or a separation notice due to reduction in force or failure to accept relocation to a different commuting area, must be informed through that document of their eligibility for priority placement and career transition services. Similarly, when an OPDIV identifies a former employee as displaced, the OHRO will notify the employee of eligibility.
- C. Tracking of Affected Employees. OPDIVs will work with the designated official in their OHRO to ensure displaced separated employees are recorded in the OHR web-based application that will be utilized by all HHS when hiring personnel.
- D. Revocation of Certification. Upon receipt of a notice that an affected employee has been employed under conditions that make them ineligible for further priority consideration, the designated official for the OHRO will notify the affected employee of the revocation and the basis for it.

### **330-2-80 NOTIFICATION, ANNOUNCEMENT, AND FILLING VACANCIES**

- A. Notification of Vacancies. All CTAP employees must receive notification of vacancies in their local commuting area. In addition, vacancies will be posted on USAJobs, unless an exception is approved by an authorized HR official.
  1. Issuance of Announcements
    - a. Vacancy announcements must be issued for all vacancies covered by this Instruction, except when there are no CTAP eligible employees within HHS.
    - b. OHROs must verify that the Department-wide web listing is clear of any HHS CTAP employees before making internal hires utilizing the merit staffing or other appropriate procedures.
    - c. If the Department-wide web listing is not clear, a vacancy announcement must be posted HHS-wide for the specific geographic area only.
    - d. Vacancy announcements must contain the definition of well-qualified. The proper documentation will be kept in the Merit Promotion case file to document CTAP requirements were applied and remarks should be noted on the selected employee's Standard Form 50, Notification of Personnel Action.
  - B. Publicizing Vacancies
    1. OHROs with surplus employees shall advise Federal human resources offices outside of the Department in the commuting area that they have surplus employees, and request placement assistance of affected employees. At a minimum, this notification should include the names, titles, series, grades, and promotion potential of the surplus employees. OHROs with surplus employees must keep these lists up to date, and advise other human resource offices as soon as employees are no longer entitled to consideration under this plan.

2. OHROs shall publish vacancies via USAJobs in accordance with OPM and applicable labor agreements. Vacancy announcements, when used, must contain all information required by regulation and applicable HHS policies, including the definition of well-qualified.
3. OHROs servicing surplus employees shall keep surplus and displaced employees informed of internal vacancies and/or pertinent websites to apply for vacancies. Employees who are absent must provide their OHRO with information on how to contact them quickly or alternatively may leave copies of their application with their OHRO, and indicate for what type of vacancies they are interested in applying. Nothing in this plan prevents OHROs from developing other arrangements such as using electronic mail to receive notices of vacancies and to apply for them.

#### C. Filling Positions

1. When filling competitive service positions, surplus excepted service employees must be considered if they have competitive status or are serving under an appointment which can be used to fill the position. For example, an individual serving under Schedule A appointment for severely disabled individuals, if otherwise qualified, could be placed into a competitive service position while continuing to serve under the Schedule A appointment. Nothing in this plan confers competitive status upon excepted service employees or requires an OPDIV to attempt to hire an excepted employee through the competitive examining process.
2. When filling excepted service positions, surplus competitive service employees must be considered if they would qualify for positions under the excepted service appointing authority being used or if the position could be filled in the competitive service.
3. If a position is being filled under a formal HHS training program, surplus employees who apply must be considered for both the trainee and target positions except that a surplus employee does not have to be considered under this plan for a position which would involve a promotion or which has a greater promotion potential than the employee's current or most recently held position. An OPDIV selecting official may not bypass a surplus employee for selection who meets the requirements in this plan for either the trainee or target position by filling the other position. It is up to the OPDIV selecting official to decide which position (trainee or target) to offer the surplus employee.
4. OPDIVs must select their own surplus employees ahead of those from other OPDIVs.

#### D. Exceptions

1. OPDIVs may make internal reassignments as exceptions to this plan in instances where the reassignment does not result in a vacancy (for example, reassignments of employees to accomplish an official reorganization) or where the OPDIV's budget or FTE situation will not accommodate hiring from outside the OPDIV. There must be written documentation any time a vacancy is filled as an exception to this plan. The documentation must be signed by the official who has the authority to take the action causing the exception.
2. Written documentation is required any time a vacancy is filled as an exception to this plan. The documentation must be signed by the official who has the authority to take the action

causing the exception. For example, there is an exception if the placement of the surplus employee would cause another employee to be separated by RIF. If that exception is used, the documentation must be signed by an official who would have the authority to authorize the RIF.

3. No separate documentation is required when the action is clear. For example, if an employee receives a career promotion, that is an exception to this plan, no additional documentation is required.

### **330-2-90 EXCEPTIONS TO PRIORITY SELECTION UNDER CTAP**

There are thirty (30) regulatory exceptions to priority placement under CTAP, as listed in Appendix A.

### **330-2-100. SELECTION ORDER FOR FILLING VACANCIES**

- A. OPDIVs must select their own surplus and displaced employees in the local commuting area ahead of those employees from other OPDIVs inside or outside the commuting area.
- B. Selection priority must be given to well-qualified eligible HHS employees who apply for HHS vacancies within their local commuting area. Where feasible, qualifications should be modified prior to announcing the position to ensure displaced/surplus employees have an opportunity to qualify for the vacancy.
- C. If two or more eligible OPDIV employees apply for a vacancy in a specific OPDIV and are determined to be “well-qualified”, either of those HHS employees in the commuting area may be selected.
- D. If previous steps have not resulted in a placement, qualified HHS employees on grade and pay retention who are eligible for repromotion under the HHS repromotion program may be selected as an exception to merit staffing requirements. Promotions may not be made to positions at a higher grade or with greater promotion potential than an employee would otherwise be eligible.
- E. When the obligation to select employees covered under CTAP within the local commuting area has been met, priority selection may be provided to HHS surplus and displaced employees from another commuting area.
- F. If no eligible employees apply or none are deemed “well-qualified,” another agency employee may be selected without regard to this Section, consistent with 5 CFR Part 330.608(e).

### **330-2-110 QUALIFICATION DETERMINATIONS AND REVIEWS**

- A. Noncompetitive Actions. If a position is being filled by an action not requiring competitive promotion procedures, surplus employees must be selected if they meet the basic qualifications for the position, possess documented selective factors, and can perform the duties of the position without undue interruption. Surplus employees are not required to meet quality ranking factors for noncompetitive actions. If a surplus or

displaced employee is not found well-qualified, the employee must receive written notification of the results of an independent, second review conducted by the OHRO. If the employee is well-qualified and another well-qualified surplus or displaced employee is selected, the employee must be advised.

- B. Competitive Promotion Actions. If a position is being filled by a selection from a merit promotion certificate, the surplus employee must be rated and ranked under the same procedures as merit promotion applicants. If, after the rating and ranking process, the surplus employee is determined to be well qualified as defined and published on the vacancy announcement, s(he) must be selected. Each OHRO must define the term well qualified in each vacancy announcement that is issued in accordance with this Instruction.

### **330-2-120 PLACEMENT OF EMPLOYEES ON RETAINED GRADE AND PAY**

When an employee is placed in a lower grade resulting in grade and pay retention, the employee's name must be entered on the Department's web-based listing for those employees in the commuting area who are eligible for priority repromotion benefits as an exception to internal competitive procedures.

- A. The servicing OHRO shall notify the employee of his/her eligibility and inform the employee in writing that acceptance of the position is not required.
- B. As vacancies occur, OHROs shall review the names on the list of eligibles within the commuting area, and forward an application for each eligible who meets the position's qualification to the selecting official.
- C. Accordingly, the OHRO shall advise the employee of the vacancy and request an updated application. If an application is not available, the OHRO will forward the application on file in the employee's Official Personnel Folder (OPF). The names shall be referred to the selecting official before referring any non repromotion eligible employees.
- D. Each OPDIV may supplement Departmental policy to the extent practicable and feasible.

### **330-2-130 HHS INTERAGENCY CAREER TRANSITION ASSISTANCE PROGRAM (ICTAP) PLAN**

- A. Purpose

The ICTAP Plan implements the President's September 12, 1995 memorandum to establish a special interagency career transition assistance program for Federal employees.

- B. Coverage and Exclusions

- 1. Coverage. The ICTAP applies to other Federal agencies' competitive and excepted service employees in Tenure Groups I and II, including employees in the excepted service under Schedule A and B appointing authorities appointed to positions without time limitations.



2. Exclusions. The plan does not apply to members of the Senior Executive Service (SES), Schedule C employees, experts and consultants, and employees appointed outside of Title 5 of the United States Code.

C. Eligibility. To be eligible for the special selection priority, an individual must also meet all of the following conditions:

1. Is a displaced employee (as defined in D. below) and provides written proof of eligibility status;
2. Has a current (or last) performance rating of record of at least fully successful or equivalent (except for those eligible under 5 CFR Part 330.703(b) (2) and (b) (3));
3. Applies for a vacancy at or below the grade level from which the employee has been or is being separated, that does not have a greater promotion potential than the position from which the employee has been or is being separated;
4. Occupies or was displaced from a position in the same local commuting area of the vacancy;
5. Files an application for a specific vacancy within the timeframes established by the OHRO along with proof of eligibility; and
6. Is determined by the OHRO to be well qualified for the specific position as defined.

D. Definitions

1. Displaced employee. This differs from the CTAP definition of a displaced employee. A displaced employee under ICTAP is defined as a:
  - a. Current career or career-conditional competitive service employee, in Tenure Group I or II, at grade levels GS-15 or equivalent and below, who has received a specific RIF separation notice, or a notice of proposed removal for declining a directed reassignment or transfer of function outside of the local commuting area;
  - b. Former career or career-conditional competitive service employee, in Tenure Group I or II, at grade levels GS-15 or equivalent and below, who was separated through reduction in force, or removed for declining a directed reassignment or transfer of function outside of the local commuting area;
  - c. Former career or career-conditional employee who was separated because of a compensable injury or illness as provided under the provisions of subchapter I of chapter 81 of title 5, United States Code, whose compensation has been terminated and whose former agency is unable to place the individual as required by Sec. 353.110(b) of this chapter;

- d. Former career or career-conditional competitive service employee, in Tenure Group I or II, who retired with a disability under sections 8337 or 8451 of Title 5, United States Code, whose disability annuity has been or is being terminated;
  - e. Former career or career-conditional competitive service employee, in Tenure Group I or II, at grades GS-15 level or equivalent or below, who received a RIF separation notice, and who retired on the effective date of the reduction in force or under the discontinued service retirement option;
  - f. Former Military Reserve Technician or National Guard Technician who is receiving a special disability retirement annuity from OPM under section 8337(h) or 8456 of title 5 United States Code, as described in subpart H of this part;
  - g. Current Executive Branch agency employee in the excepted service, serving on an appointment without time limit, at grade levels GS-15 or equivalent and below, who has been given noncompetitive appointment eligibility and selection priority by statute for positions in the competitive service, and who is in receipt of a reduction in force separation notice or notice of proposed removal for declining a transfer of function or directed reassignment outside of the local commuting area; or
  - h. Former Executive Branch agency employee in the excepted service, who served on an appointment without time limit, at grade levels GS-15 or equivalent and below, who has been given noncompetitive appointment eligibility and selection priority by statute for positions in the competitive service, and who has been separated through reduction in force or removed for declining a transfer of function or directed reassignment outside of the local commuting area.
2. Eligible employee. A displaced employee who meets the conditions set forth in Part D.1. in this section.
  3. Well-Qualified employee. The same meaning as contained in section 330-2-30 Section M. of this Instruction.
  4. Vacancy. A competitive service position to be filled for a total of 121 days or more, including all extensions, regardless of whether or not a specific vacancy announcement is issued.
- E. Expiration of Eligibility
1. One year after an agency certifies that an individual under 5 CFR Part 330.703 (b) (3) cannot be placed;
  2. One year after an individual under 5 CFR Part 330.703 (b) (4) receives notification that his/her disability annuity has been or will be terminated;
  3. When the employee receives a career, career-conditional, or excepted appointment without time limit in the agency at any grade level;

4. When the employee no longer is being separated by RIF, or is under adverse action procedures for declining a transfer of function, or reassigned outside the local commuting area, or separates by resignation or non-discontinued service retirement prior to the RIF effective date;
  5. When the employee declines a career, career conditional or an excepted appointment (without time limit) for which the employee has applied and been rated well qualified; or upon the failure of the employee to respond within a reasonable period of time to an offer of official inquiry of availability.
- F. Order of Selection in Filling Vacancies from Outside HHS
1. Former OPDIV employees on the RPL.
  2. Former HHS employees eligible under the RPL.
  3. Any other former HHS employee displaced from the HHS.
  4. Any current or former Federal employee displaced from other Federal Agencies, who are covered under this plan.
  5. Any other candidate.
- G. Review of Qualifications. OHROs shall follow the same procedures outlined in the CTAP section 330-2-140 of this Instruction for review, documentation, and notification of ICTAP applicants.

### **330-2-140 REEMPLOYMENT PRIORITY LIST (RPL) PLAN**

A. Purpose

The Reemployment Priority List (RPL) provides reemployment consideration to: 1) current competitive service employees who are in the process of separation by reduction in force (RIF); 2) former competitive service employees separated by RIF; or 3) fully recovered employees from a compensable injury after more than 1 year. In filling vacancies, the Department will give RPL registrants priority consideration over certain outside job applicants. It also may consider RPL registrants before considering internal candidates.

The Department will establish and maintain a RPL for each commuting area in which it separates eligible competitive service employees by RIF or when a former employee recovers from a compensable injury after more than 1 year. All OPDIVs within the commuting area utilize a single RPL and are responsible for considering RPL registrants.

B. Coverage and Exclusions

1. Coverage. The plan applies to current and former competitive service HHS employees who meet eligibility requirements and register within the prescribed timeframes. At the discretion of the OPDIV head, reemployment consideration may be given to excepted service employees for positions in the Excepted Service with the same appointing authority as the

position they occupied.

2. Exclusions. Senior Executive Service (SES) members are not covered.

C. Reduction in Force (RIF) Eligibility

1. To apply for the RPL, an employee must:

- a. Be serving under an appointment in the competitive service in Tenure Group I or II;
- b. Have received a rating above unacceptable on the last annual performance rating of record for Part 351 purposes (except for employees in positions excluded from a performance appraisal system by law, regulation, or OPM administrative action);
- c. Have received a specific notice of separation or a Certification of Expected Separation in accordance with 5 CFR Section 351.807; and
- d. Have not declined an offer of a position with the same type of work schedule and a representative rate at least as high as that of the position from which the employee was or will be separated.

2. The OPDIV must provide RPL information to each eligible employee, including appeal rights, at the time it provides a specific RIF notice of separation or a Certification of Expected Separation.

3. A Tenure Group I employee is eligible for the RPL for 2 years, and a Tenure Group II employee is eligible for 1 year, from the date the employee is entered on the RPL.

When an individual declines an offer of career, career-conditional, or excepted service appointment without time limit or fails to reply to an inquiry and the position meets the acceptable conditions shown in his/her application, he/she loses RPL consideration for all positions with a representative rate at or below that grade. However, the individual retains eligibility for positions with a higher representative rate up to the last grade held.

4. An individual is removed from the RPL before the period of eligibility expires when the individual:

- a. Requests removal;
- b. Receives a career, career-conditional or excepted service appointment without time limit in any agency;
- c. Declines an offer of career, career-conditional, or excepted appointment without time limit 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 will be separated;

- d. Separates for some other reason (such as retirement, resignation, etc.) before the date the RIF separation would take effect. An employee who retires on or after the date of separation by RIF does not lose RPL eligibility; or
  - e. Declines an interview or fails to appear for a scheduled interview only if notified in advance of this requirement and the subsequent consequences.
5. When an individual is removed from the RPL because of a failure to reply to a specific permanent job offer or an inquiry of availability for a specific permanent vacancy, the Department must have documentation that shows a written offer or inquiry was made. The written offer or inquiry to the individual must clearly state that failure to respond will result in loss of RPL consideration for that grade or higher grades

D. Compensable Injury Eligibility

1. A competitive service employee in Tenure Group I or II who is separated (or who accepts a lower graded position in lieu of separation) because of a compensable injury or disability who has fully recovered more than 1 year after compensation began is entitled to be placed on the RPL. The employee must apply within 30 calendar days after the date compensation ceases. When an appeal for continuation of compensation is filed, the 30-day period begins the day after resolution is reached.
2. A former Tenure Group I employee is eligible to remain on the RPL for 2 years, and a former Tenure Group II employee is eligible for 1 year, from the date the individual is entered on the RPL. An individual is taken off the RPL before the period of eligibility expires when the individual:
  - a. Requests removal;
  - b. Receives a career, career-conditional, or excepted appointment without time limit in any agency; or
  - c. Declines an offer or fails to respond to an inquiry of availability about a specific position that is the same as or equivalent to the position from which separated.

E. Application

1. An eligible employee must complete an application to be placed on the RPL. The employee must specify the conditions under which (s)he will accept employment, including grade, occupation, and minimum hours or work per week, and positions at the same representative rate and type of work schedule (e.g., full-time, part-time, seasonal, intermittent, on-call, etc.) as the position from which the employee was or will be separated. Registration may take place as soon as a specific notice of separation or a Certification of Expected Separation has been issued. The employee must submit the application within 30 calendar days after the RIF

separation date. An employee who fails to submit a timely application is not entitled to be placed on the RPL. Employees must inform the Department of any significant changes in the information provided.

2. An eligible employee must request reemployment within 30 calendar days after the date compensation ceases. When an appeal for continuation of compensation is filed, the 30-day period begins the day after resolution is reached.
3. An eligible employee will be placed on the RPL no later than 10 calendar days after receipt of an application or request.
4. When requested, the Department will assist employees on the RPL by identifying those positions within the agency for which the employee qualifies and is interested.

#### F. Job Consideration

1. Within the commuting area, an eligible employee affected by RIF is entitled to consideration for positions for which qualified and available that are at no higher grade (or equivalent), have no greater promotion potential than the position from which the employee was or will be separated, and have the same type of work schedule. An employee is entitled to consideration for any higher grade previously held on a non-temporary basis in the competitive service from which the employee was demoted.
2. An eligible employee may be entered on the RPL only for the commuting area in which separated and may not apply for the RPL in any other location.
3. Eligible employees in a position in Alaska or overseas are entitled to apply for the RPL for the commuting area in which separated unless the employee leaves that area and makes a written request for entry on the RPL for the commuting area from which he/she was employed for Alaskan or overseas service, or in another area within the United States outside of Alaska.

#### G. Employment Restrictions

1. Priority Consideration for Status Candidates. Priority Consideration: Candidates who were not given proper consideration due to procedural error and/or regulatory violation must be given "*priority consideration*" on a one-time basis, for the next position to be filled having the same title, series, grade, duty location and promotion potential as the one for which proper consideration was not given. A person given priority consideration will be referred to the selecting official before any other effort is made to fill the vacancy. Priority consideration referral does not provide a candidate an entitlement to selection.
2. Repromotion Priority List: An employee who is on a Repromotion Priority List must be given priority consideration for repromotion to a vacant position for which he/she is qualified at the grade level formerly held and at any lower grade levels the employee agrees to accept in the commuting area of the position from which he/she was downgraded. An employee's

name will be removed from the Repromotion Priority List if the employee declines a valid job offer.

3. Priority Consideration for Non-Status Candidates. Refer to the Delegated Examining Operations Handbook for Delegated Examining Unit (DEU) procedures.
4. When a qualified individual is available on an RPL, jobs offer to an individual not on the RPL may not be made to fill a permanent or temporary competitive service position unless the individual appointed:
  - a. Is a qualified 10-point preference eligible;
  - b. Is a transfer or reemployment preference eligible exercising restoration rights based on return from military service or recovery from a compensable injury or disability within 1 year, or is exercising other statutory or regulatory reemployment rights;
  - c. Is a new appointee and a qualified current HHS employee:
    - i) Filling the position through a detail, position change, promotion, change to lower grade, or reassignment;
    - ii) Converted to competitive appointment while serving under an appointment which confers conversion eligibility;
    - iii) Reappointed without a break in service and serving under a temporary appointment of 1 year or less to another position and the appointment does not exceed 1 year;
    - iv) Who received an extension of an appointment up to the maximum permitted by the appointment authority; or
    - v) Selected for 30-day special needs appointment or 700-hour temporary appointment for a person with a severe mental or physical disability.

#### H. RPL Selection

1. Retention standing order. Selections from the RPL shall be made in retention group and subgroup order. Selecting Officials may not pass over an individual in Tenure Group I to select from Tenure Group II and may not pass over an individual in a higher subgroup to select an individual from a lower subgroup. Within a subgroup, an individual may be selected without regard to the order of retention standing.
2. Exceptions. A Selecting Official may make an exception and appoint an individual who is not on the RPL or has lower standing than others on the RPL. The exception may be granted only when necessary to obtain an employee for duties that cannot be performed without undue interruption. Use of this exception requires approval of the OHRO RPL Coordinator. The OHRO shall notify, in writing, each individual on the RPL adversely affected by the exception of the right to appeal to the Merit Systems Protection Board (MSPB).

I. Appeals

At the time of registration in the RPL, PPCs are responsible for notifying employees of their right of appeal to the MSPB. An individual who believes that his/her reemployment priority rights have been violated because of the employment of another person 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.

**330-2-150 DOCUMENTATION, ACCOUNTABILITY AND REPORTING**

A. Documentation.

1. The OHR is responsible for establishing and overseeing the implementation and maintenance of an automated system to enter, track, monitor, and account for registrants and placements via the aforementioned systems.
2. The OHRO PPCs shall be responsible for administering all aspects of the RPL and CTAP/ITAP programs and implementing the web-based system for their serviced population. This includes entering employees into the system, updating records, and assessing effectiveness.

B. Accountability. The OHRO shall ensure all aspects of the program are monitored and evaluated in accordance with OPM and Departmental requirements. The Departmental PPC will also be responsible for evaluating the effectiveness of the OHRO's RPL and CTAP/ICTAP for all serviced entities and providing technical assistance as needed.

C. Reporting. The Department will coordinate and finalize reports on program status and accomplishments.



## **Appendix A:**

### **Exceptions to CTAP Priority Selection**

The following list enumerates exceptions to the applicability of priority selection under CTAP:

1. Actions taken under 5 CFR Part 335, including reassignments, changes to lower grade, or promotions, when no employees eligible under this subpart apply;
2. Reemployment of a former agency employee exercising regulatory or statutory reemployment rights, including the reemployment of injured workers who have either been restored to earning capacity by the Office of Workers' Compensation Programs (OWCP), or who have received a notice that their compensation benefits will cease because of recovery from the disabling injury or illness;
3. Position changes resulting from disciplinary actions;
4. Temporary appointments of under 121 days (including all extensions);
5. Exchange of positions between or among agency employees, when the actions involve no increase in grade or promotion potential, i.e., job swaps;
6. Conversion of an employee of the same agency who is serving on an excepted appointment which confers eligibility for noncompetitive conversion into the competitive service, e.g., conversion of a veterans' recruitment appointee to a career conditional appointment under Sec. 315.705;
7. An action taken under Part 351 of this chapter;
8. Non-competitive placement of an employee into a different position as a result of a formal reorganization, when the former position ceases to exist, and no actual vacancy results;
9. Assignments made under the Intergovernmental Personnel Act (IPA) as provided in Part 334 of this chapter;
10. The filling of a position through an excepted appointment;
11. Details;
12. Time-limited promotions of under 121 days, including all extensions;
13. Noncompetitive movement of surplus or displaced employees within the agency, and within the same local commuting area;

14. Movement of excepted service employees within an agency;
15. A placement under 5 USC 8337 or 8451 to allow continued employment of an employee who has become unable to provide useful and efficient service in his/her current position because of a medical condition;
16. A placement that is a “reasonable offer” as defined in 5 USC 8336(d) and 8414(b);
17. Career ladder promotions or position changes resulting from reclassification actions, e.g., accretion of duties, or application of new position classification standards;
18. Recall of seasonal or intermittent employees from nonpay status;
19. The internal placement of an injured or disabled worker whose agency has identified a position for which he/she can be reasonably accommodated;
20. An action taken by the agency head or designee pursuant to the settlement of a formal complaint, grievance, appeal, or other litigation;
21. An action taken to return an employee to his/her original or similar position during a supervisory probationary period;
22. The retention of individuals whose positions are brought into the competitive service under Sec. 316.701 or Sec. 316.702 of this chapter and subsequent conversion, when applicable, under Sec. 315.701 of this chapter;
23. The retention of an employee for whom OPM has approved a rule 5.1 variation;
24. At the agency's discretion, the selection of an employee from within a component of an agency within the local commuting area, after all eligible surplus and displaced applicants of that component who are eligible under CTAP within the local commuting area have been accorded selection priority;
25. The reemployment of a former agency employee who retired under a formal trial retirement and reemployment program, and who seeks reemployment with that agency under the program's provisions, and within the program's applicable time limits;
26. Extensions of temporary or term actions, up to the full period allowed, provided that the original action, upon which the extension is based, was made on or before February 29, 1996; or for actions initially made after February 29, 1996, the original vacancy announcement must have specified that the position was open to CTAP candidates and that if they were found well-qualified, would be afforded selection priority. The original announcement must have stated that an extension was possible without further announcement;

27. Noncompetitive movement of employees between agencies as a result of interagency reorganization, interagency transfer of function, or interagency mass transfer;
28. The placement of a member of the Senior Executive Service under 5 USC 3594;
29. The voluntary transfer of employees from one agency to another under a Memorandum of Understanding or similar type of agreement when both agencies and the affected employees agree to the transfer; and
30. The reassignment of an employee whose position description or other written mobility agreement provides for reassignments outside the commuting area as part of a planned rotational program within the agency.