

3 FAM 2130 REEMPLOYMENT UNDER SECTION 308 OF THE FOREIGN SERVICE ACT

*(CT:PER-533; 05-04-2005)
(Office of Origin: HR/REE)*

3 FAM 2131 REAPPOINTMENT OF FOREIGN SERVICE GENERALISTS AND SPECIALISTS

3 FAM 2131.1 General Policy

*(CT:PER-533; 05-04-2005)
(State Only)
(Applies to Foreign Service Employees Only)*

Former career members of the Service may be reappointed to a salary class, which is appropriate in light of the qualifications and experience of the individual being reappointed. The reappointment of any such person shall be governed by the following requirements:

- (1) On the date of application, such applicant shall be a citizen of the United States;
- (2) No applicant will be considered who has previously been separated from the Foreign Service under sections 607, 608, 610, or 612 of the Foreign Service Act of 1980, as amended, or who resigned or retired in lieu of separation under these provisions;
- (3) In addition, no applicant will be considered who has previously been separated for failure to receive a career appointment under Section 306 of the Foreign Service Act of 1980, as amended, or who resigned or retired in lieu thereof;
- (4) Generalists separated pursuant to these provisions may not be reappointed to the Foreign Service even on the basis of candidacies initiated by re-passing the Foreign Service Written examination or through consideration under an alternative entry program, although they may apply for appointment as a specialist; and
- (5) Specialists separated pursuant to these provisions may not re-apply

to be a Foreign Service specialist in the same skill code, but may apply for another skill code (or to be a Foreign Service generalist). In examining an application for reappointment, HR/REE shall certify an existing Service need for officers and specialists in the career track or skill code at the grade for which they are qualified to be reappointed.

3 FAM 2131.2 Exceptions

(CT:PER-533; 05-04-2005)

(State Only)

(Applies to Foreign Service Employees Only)

Section 2131.1(2) shall not apply where one of the following has been determined:

- (1) By the Foreign Service Grievance Board under 3 FAM 4400, or by the Director General of the Foreign Service and Director of Human Resources, or delegate, that reappointment is an appropriate means to remedy a wrongful separation, including those employees who retired or resigned in lieu of the separation;
- (2) By the Director General of the Foreign Service and Director of Human Resources or delegate that reappointment is an appropriate means to settle a grievance or complaint on a mutually satisfactory basis; or
- (3) That reappointment is ordered as a remedy in an administrative or judicial proceeding.

3 FAM 2132 RECALL OF FOREIGN SERVICE GENERALISTS AND SPECIALISTS

(CT:PER-533; 05-04-2005)

(State Only)

(Applies to Foreign Service Employees Only)

- a. Pursuant to authority delegated under section 308 of the Foreign Service Act of 1980, as amended, ("the Act") the Director General of the Foreign Service and Director of Human Resources may recall any retired career member of the Service for active duty whenever he or she determines that the needs of the Service so require.
- b. A retired career member may be recalled to any appropriate salary class

or rate, except that a retired career member of the Senior Foreign Service may not be recalled to a salary class higher than the one in which the member was serving at the time of retirement unless appointed to such higher class by the President, by and with the advice and consent of the Senate.

- c. Any annuitant recalled under this section shall be entitled to the salary of the class in which serving and not to an annuity under the Foreign Service Retirement and Disability System or the Foreign Service Pension System. During recall service, the recalled member of the Service shall make employee contributions to the Foreign Service Retirement and Disability Fund in accordance with the relevant provisions of the Act as determined by HR/RET. Retirement benefits after termination of recall service shall be determined by HR/RET in accordance with section 823 of the Act.

3 FAM 2133 THROUGH 2139 UNASSIGNED