


Approved for Release

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**DEPARTMENT OF COMMERCE
OFFICE OF HUMAN RESOURCES MANAGEMENT**

HUMAN RESOURCES (HR) BULLETIN #158, FY13

SUBJECT: The Reemployment Priority List (RPL)

EFFECTIVE DATE: Upon release of this HR Bulletin

EXPIRATION DATE: Effective until canceled or superseded

PURPOSE: This HR Bulletin supplements the Department of Commerce's (Department) RPL policy found in the Department's Career Transition Assistance Plan and Interagency Career Transition Plan; defines Servicing Human Resources Office (SHRO) roles and responsibilities; defines the Office of Human Resources Management (OHRM) roles and responsibilities; describes the RPL policy; describes a methodology for ranking employees on the RPL register; and describes the process for maintaining and viewing the RPL.

BACKGROUND: The RPL is one of the Department's placement programs, and provides employment/reemployment priority consideration to eligible employees who are being (and/or have been) involuntarily separated due to a reduction-in-force, or to those fully recovered from a compensable injury after more than one year. Employees who register for the RPL will be given priority consideration over applicants from outside the Department. Registering for the RPL does not guarantee employment. The regulations prescribed in Title 5, Code of Federal Regulations (CFR) § 330, Subpart B, are applicable to this HR Bulletin.

COVERAGE: This HR Bulletin applies to all Department bureaus, including the U.S. Patent and Trademark Office. SHROs do not have the flexibility to create bureau-specific RPL policies or bureau-specific RPL lists.

RPL eligibility is only for employees who occupy a career-conditional/career competitive service position (permanent, term, temporary) and meet all other eligibility requirements. The RPL applies to filling all competitive service vacancies, regardless of whether the position is being filled by a temporary, term, or permanent appointment.

DEFINITIONS:

Competitive Area – The geographic area within which employees are eligible for RPL registration (Title 5, CFR § 351.402), and defined in Department Administrative Order (DAO) 202-351, or any other applicable Department policy or handbook.

Competitive Service Appointment – Includes new appointments, reinstatement, reemployment, and transfers as defined in Title 5, CFR § 210.102, and conversions as defined in OPM’s “Guide to Processing Personnel Actions.”

Local Commuting Area – The geographic area that usually constitutes one area for employment purposes (Title 5, CFR § 351.203).

Qualified – Refers to an RPL registrant who:

- 1) Meets OPM-established or approved qualification standards and requirements for the position, including minimum educational requirements, as well as agency-established selective factors (as this term is used in OPM’s “Operating Manual: Qualification Standards for General Schedule Positions”);
- 2) Will not cause an undue interruption that would prevent the completion of required work by the registrant 90 days after being placed in the position (Title 5, CFR § 351.203);
- 3) Is physically qualified, with or without reasonable accommodation, to perform the duties of the position;
- 4) Meets any special OPM-approved qualifying conditions for the position; and
- 5) Meets any other applicable requirements for competitive service appointment.

Reemployment Priority List (RPL) – A list that provides employment/reemployment priority consideration to eligible employees who are being (and/or have been) involuntarily separated due to a reduction-in-force, or to those fully recovered from a compensable injury after more than one year. Employees who register with the RPL will be given priority consideration over applicants from outside the Department for positions on which they meet the required eligibility and qualifications.

RPL Eligible – A current or former employee of the Department who meets the conditions in Title 5, CFR § 330.203, (a) and (b).

RPL Placement Priority Candidate – An RPL registrant who is qualified and available for a specific vacancy.

RPL Registrant – An RPL eligible who has submitted a timely RPL application and is registered on the Department’s RPL.

Representative Rate of a Position – The grade or band level of a position.

Retention Standing Order – The method of selection for all RPLs. Eligibles are placed on each RPL in tenure group and subgroup in accordance with Title 5, CFR, Part 351, *Reduction in Force*.

Tentative Job Offer – An official offer of employment made by a SHRO.

Vacancy – A vacant and funded position to be filled by a competitive service appointment (either permanent or time-limited).

RPL ELIGIBILITY:

Due to Reduction-In-Force: Department employees are eligible for the RPL if they meet the following conditions:

- 1) Must be serving in an appointment in the competitive service in Tenure Group I or II;
- 2) Must have received either a specific reduction-in-force (RIF) separation notice or a Certificate of Expected Separation that has not been cancelled, rescinded, or modified so that the employee is no longer under notice of separation;
- 3) Must have received a rating of record of at least fully successful (Level 3) or equivalent as the most recent performance rating of record; and
- 4) Must not have declined an offer of a position with the same type of work schedule and with a representative rate at least as high as that of the position from which the employee will be separated.

Recovered from a Compensable Injury: Department employees or former employees are eligible for the RPL if they meet the following conditions:

- 1) Must be serving in, or be separated from, an appointment in the competitive service in Tenure Group I or II;
- 2) Must have either accepted a position at a lower grade or pay band in lieu of separation or were separated because of a compensable injury or disability;
- 3) Must have fully recovered more than one year after compensation began; and
- 4) Must have received notification from the Office of Workers' Compensation Programs, Department of Labor, that injury compensation benefits have ceased or will cease.

Time Limitation on Eligibles Submitting a RPL Registration Form: RPL eligibles must submit a completed RPL registration form, including their resume, to their SHRO **on or before** their RIF separation date, or if eligible under Title 5, CFR § 330.203(b), within 30 calendar days after the date that injury compensation benefits cease; or 30 calendar days after the date the Department of Labor denies an appeal for continuation of injury compensation benefits.

Eligible Positions

- 1) Have a representative rate no higher than the position from which they were, or will be, separated unless the eligible was demoted as a Tenure Group I or II employee in a previous RIF. If the eligible was so demoted, he or she can register for positions with a

rate up to the representative rate of the position held on a permanent appointment immediately before the RIF demotion was effective;

- 2) Have no greater promotion potential than the position from which they were, or will be, separated; and
- 3) Have the same type of work schedule as the position from which they were, or will be, separated (unless an individual working a full-time work schedule is willing to accept a part-time work schedule).

NOTE: Individuals must also meet the required qualifications of the position.

Local Commuting Area Restriction: RPL registration and priority consideration eligibility is limited to the local commuting area in which the individual was, or will be, separated. Individuals are not eligible to apply for the RPL in any other location.

Expiration of RPL Eligibility

- 1) Eligibility due to reduction-in-force (RIF) – RPL registration expires two years from the date of RIF separation, for both Tenure Group I and II. (Individuals must be registered by their RIF separation date.)
- 2) Eligibility due to recovery from a compensable injury – RPL registration expires two years from the date the individual is registered on the RPL, for Tenure Group I and II.
- 3) OPM may extend the registration period when an RPL eligible does not receive a full two years of placement priority because of an administrative or procedural error. Requests for such extensions must be sent to the Director, OHRM. Upon approval, OHRM will send the request to OPM.

CTAP, ICTAP, and RPL Eligibility: An eligible employee may simultaneously receive Career Transition Assistance Program (CTAP) and Interagency Career Transition Assistance Program (ICTAP) consideration, along with priority consideration from the RPL. CTAP eligibles must be selected over both RPL and ICTAP eligibles, and RPL eligibles must be selected over ICTAP eligibles.

Resume Bank Eligibility: Once an employee receives a specific RIF separation notice or a Certificate of Expected Separation, they are no longer eligible for the Department of Commerce's Voluntary Resume Bank Program. More information pertaining to the resume bank may be found in HR Bulletin FY12, #156, "Department of Commerce Voluntary Resume Bank."

RPL CLEARANCE POLICY:

Clearing the RPL: The RPL applies when filling all competitive service vacancies, regardless of whether the position is being filled by a temporary, term, or permanent appointment. The RPL must be cleared at the grade/band level at which the position is filled, regardless of the full performance level. If the position is advertised at multiple grade/band levels, the RPL must only be cleared at the grade/band level at which the position is ultimately filled. The recruitment case file must annotate the date that clearance was obtained at each point of the recruitment process.

SHROs must clear the RPL at the following points in the recruitment process:

- 1) Prior to posting a job opportunity announcement (JOA). (If there is an RPL eligible, then a JOA may only be posted if its area of consideration is “DOC-wide.”)
- 2) Prior to issuing a certificate of eligibles;
- 3) Prior to making a tentative job offer.

NOTE: RPL eligibles who meet the minimum qualification requirements of a position must be selected over an individual from outside the Department. However, current Department employees may be selected over an RPL eligible.

Exceptions to RPL Clearance Requirements: In accordance with Title 5, CFR § 330.211, SHROs may disregard RPL clearance requirements when they:

- 1) Fill a vacancy with a current employee of the Department’s permanent competitive service workforce through detail or permanent position change (i.e., reassignment, promotion);
- 2) Appoint a 10-point preference eligible appointed through an appropriate appointing authority;
- 3) Appoint a current or former Department employee exercising restoration rights under Title 5, CFR, Part 353 based on a return from military service or recovery from a compensable injury or disability within one year;
- 4) Appoint a current or former Department employee exercising other statutory or regulatory reemployment rights;
- 5) Fill a position when all RPL placement priority candidates decline an offer of the position or fail to respond to a written agency inquiry about their availability;
- 6) Convert a current Department employee serving under an appointment that provides noncompetitive conversion eligibility to a competitive service appointment;
- 7) Reappoint a current Department employee, without a break-in-service, to the same position currently held under a temporary appointment of one year or less, to another temporary appointment not to exceed one year or less;
- 8) Extend a current Department employee’s temporary or term appointment up to the maximum permitted by the appointment; or
- 9) Appoint an individual under an excepted service appointment.

WORKING WITH THE RPL:

Providing Information to Eligibles

SHROs – Upon issuing a RIF separation notice or a Certificate of Expected Separation; or if an employee accepts a position at a lower grade or pay level or is separated from the Department because of a compensable work-related injury, the SHRO must provide each RPL eligible:

- Information about the Department’s RPL program,
- The attached RPL registration form, and

- Information regarding their appeal rights to the Merit Systems Protection Board under Title 5, CFR § 330.21, or any applicable bargaining unit agreement.

In addition, SHROs must assist RPL eligibles who request help with completing the RPL registration form, and assist them with identifying and listing on the RPL registration form those positions within the Department for which they are qualified and interested.

RPL Registration Procedures

SHROs and OHRM – SHROs must provide eligible employees with the attached registration form and assist eligibles, as appropriate, with filling out the form. After receiving a registration form from an eligible, the SHRO must review and submit the completed registration form (including the eligible’s tenure group, and veterans’ preference subgroup), as well as the eligible’s resume, to OHRM within five calendar days of receiving the documents. OHRM will add the eligibles in retention standing order to the appropriate RPL, as well as the corresponding resumes, to the Office of Management and Budget (OMB) MAX Federal Community website at: <https://max.omb.gov/maxportal/home.do> within five calendar days of receiving the completed registration forms and resumes.

Complete RPL registration forms must, at a minimum, include the information below. (There is no limit on the number of positions an individual may list.)

- 1) Occupation(s), grade/band level(s), minimum hours of work per week, work schedule (full-time, part-time, etc.);
- 2) Appointment type (permanent, temporary, term); and
- 3) Retention standing order (tenure group and subgroup).

NOTE: Eligibles must be registered on the appropriate RPL no later than 10 calendar days after providing a completed registration form to the SHRO (Title 5, CFR § 330.204(c)).

Maintaining RPL Registers

- 1) OHRM is responsible for maintaining the RPL registers by geographic location, occupation, and grade/band level, based upon information provided by the SHRO.
- 2) SHROs are responsible for ensuring that hiring managers select qualified eligibles, if appropriate, from the RPL.
- 3) SHROs are responsible for communicating with each other the status of RPL eligibles, when appropriate. The SHRO who placed an eligible on the RPL is responsible for notifying OHRM when the eligible should be removed from the register due to accepting another position, for declining a job offer, declining an interview, or not responding to a written request for an interview or inquiry of availability.

Viewing the RPL Register: OHRM will maintain a list of eligible RPL registrants by geographic location, in retention standing order, on the OMB MAX Federal Community website. SHROs must access the MAX site in order to clear the RPL and to view registrants’ resumes.

RPL registers will be maintained by:

- 1) Geographic location
- 2) Occupational series, grade/band level
- 3) Work schedule (full-time, part-time, seasonal, intermittent)
- 4) Type of appointment (permanent, time-limited)

Accessing the OMB MAX Federal Community Website:

- Step 1: <https://max.omb.gov/maxportal/home.do>.
- Step 2: Register for a MAX account through the “register here” block, if applicable
- Step 3: Access “Go to MAX Federal Community” block
- Step 4: Access “Department of Commerce”
- Step 5: Access “Commerce-Only Collaborations”
- Step 6: Access “Reemployment Priority Lists”
- Step 7: Access the appropriate geographic area for the RPL and corresponding resumes

Rating and Selection Procedures

Retention Standing Order – RPL eligibles will be placed on each RPL in retention standing order on the basis of their tenure group and subgroup in descending order as follows: Tenure Group I, Tenure Group II, and within each tenure group by veterans preference subgroup AD, subgroup A, subgroup B, in accordance with Title 5, CFR § 351.501(a)(1),(2). Definitions of each group are provided in Title 5, CFR § 351.501(b),(c),(d).

In making a selection, an eligible in Tenure Group I may not be passed over to select from an eligible from Tenure Group II and, within a tenure group, an eligible in a higher subgroup may not be passed over to select an eligible from a lower subgroup. However, within a subgroup, any eligible can be selected without regard to retention standing order.

Determining Qualifications: SHROs will make qualification determinations on each RPL eligible listed in the geographic area for the title, series, grade/band level of the position being advertised, based on an analysis of the registrant’s resume (obtained from the OMB MAX Federal Community website), and the qualification requirements for the vacancy.

RPL registrants will receive priority consideration for the following positions:

- 1) Positions in the same occupational series and grade/band level as their current position or the position occupied immediately before RPL registration, and
- 2) Any position outside of their current series and grade/band level for which the RPL registrant has stated interest in his/her application and for which he/she is qualified.

Removal from the RPL: In accordance with Title 5, CFR § 330.209 (a), § 330.209 (b) and § 330.209 (c) individuals may be terminated from the program and removed from the RPL for these reasons:

- 1) Declines an offer, or fails to reply to the SHRO's inquiry, or declines or fails to appear for a scheduled interview, about an RPL offer of a career, career-conditional, or excepted appointment without time limit for a position having the same type of work schedule and a representative rate (grade/band level) equivalent to the position from which the registrant was, or will be, separated. The eligible is removed from the RPL for **all** of the grade/band levels for which registered.
- 2) Declines and offer, or fails to reply to the SHRO's inquiry, or declines or fails to appear for a schedule interview, about an RPL offer of a career, career-conditional, or excepted appointment without time limit for a position having the same type of work schedule shown on the RPL registrant's application, for registered grades/band levels with a representative rate (grade/band level) below the position from which the registrant was, or will be, separated. The eligible is removed from the RPL for the grade/band level of the offered or inquired position, as well as all lower grade/band level positions. **However, the eligible remains on the RPL for positions with a grade/band level higher than the offered position, up to the grade/band level last held, unless registration expires or otherwise terminates.**
- 3) Receives a written cancellation, rescission, or modification of the RIF separation notice or the Certification of Expected Separation from the SHRO so that the employee no longer meets RPL eligibility;
- 4) Receives a notification of cessation of injury compensation benefits so that injury compensation benefits continue;
- 5) Separates from the Department for any reason (such as retirement, resignation, or transfer) before the RIF separation effective date. **Note:** Registration continues if the eligible retires on or after the RIF separation effective date.
- 6) Makes a written request for removal from the RPL;
- 7) Is placed in a position without time limit at any grade/band level within the Department;
- 8) Is placed in a position under a career, career-conditional, or excepted appointment without time limit at any grade/band level outside of the Department; or
- 9) Leaves the area covered by an overseas RPL (see Title 5, CFR, Part 301) or is ineligible for continued overseas employment because of previous service or residence.

NOTE: The inquiry, or scheduled interview, must have been made in writing via both certified and regular mail, and clearly state that failure to respond will result in removal from the RPL for that grade/band level and for lower grade/band levels for which the eligible is registered. The eligible will remain on the RPL for positions at a higher grade/band level than the position for which the inquiry is based upon.

Removing an Eligible from the RPL: SHROs must provide written notification via both certified and regular mail to an eligible when he/she is being removed from the RPL, including expiration of eligibility. The notification must indicate the reason for the removal and the effective date. SHROs must submit a written request (via e-mail) to OHRM to remove an RPL eligible when an RPL registrant meets any of the above criteria for removal, or upon the expiration of the appropriate two-year eligibility date. The written request must state the reason for the requested removal and appropriate justification and/or documentation. In accordance with Title 5, CFR § 330.205(f), requests for removals based upon number 1 above, must contain evidence (such as a Postal Service return receipt signed by addressee only) showing that the offer, inquiry, or

scheduled interview was made in writing. Upon receipt of request and appropriate documentation, OHRM will remove the eligible from the appropriate RPL(s).

MAINTAINING RPL RECORDS AND DOCUMENTATION:

In addition to annotating each recruitment case file with the dates that the RPL was cleared, SHRO's are required to maintain the following documentation in each individual case file indefinitely, as well as in a consolidated SHRO RPL file for a period of five years from the effective date of the RIF:

- eligibles found to be “not minimally” qualified for a specific position and the reason(s);
- eligibles found to be minimally qualified, but not selected because a current DOC permanent competitive service employee was selected;
- eligibles found to be minimally qualified, but not selected due to one of the “Exceptions to RPL Clearance Requirement”; and
- eligibles removed from an RPL and the reason (i.e., declination, received another Federal government, requested removal, etc.)

DETERMINING GRADE/BAND LEVELS ELIGIBILITY:

Movement from an Alternative Personnel System Position to a General Schedule (GS) Position

- 1) An employee in a pay band corresponding to a single GS grade is eligible for the corresponding GS grade. The employee's salary is set at the step within the grade that fits closest to the employee's current salary without being less than the current salary.
- 2) An employee in a band corresponding to two or more grades is eligible for one of those grades according to the following rules:
 - a) The employee's basic rate of pay is compared with step 4 rates in the highest applicable GS rate range. If the series is a two-grade interval series, only odd-numbered grades are considered below GS-11 (i.e., 201– HR Specialist series, compare step 4 rates in the GS-9, GS-7, etc., rate range).
 - b) If the employee's pay rate equals or exceeds the applicable step 4 rate of the highest GS grade in the band, the employee is converted to that grade.
 - c) If the employee's pay rate is lower than the applicable step 4 rate of the highest grade, the pay rate is compared with the step 4 rate of the second-highest grade in the employee's pay band. If the employee's pay rate equals or exceeds step 4 of the second-highest grade, the employee is converted to that grade. This process is repeated for each successively lower grade in the pay band until a grade is found in which the employee's rate of basic pay equals or exceeds the applicable step 4 of the grade. The employee is then eligible for that grade.
 - d) If the employee's rate of pay is below step 4 of the lowest grade in the pay band, the employee is eligible for the lowest grade.
 - e) If the employee's pay rate falls between steps, the rate must be set at the higher step.

EXCEPTION: If the employee's pay rate exceeds the maximum rate of the grade assigned under the above-described "step 4" rule but fits in the rate range for the next higher applicable grade in the band (i.e., between steps 1 and 4), then the employee shall be converted to that next higher applicable grade.

Movement from a General Schedule (GS) Position to an Alternative Personnel System

- 1) The employee's GS grade will translate directly to the alternative personnel system's career-path/pay-band structure, even when the current GS grade is the lowest GS grade covered by the pay band.
- 2) The employee's rate of basic pay will remain the same. Employees may not be given a higher salary.

APPEAL RIGHTS: In accordance with Title 5, CFR § 330.214, a Department RPL employee who believes the Department violated his or her reemployment rights under Title 5, CFR § 330, Subpart B, by employing another person who otherwise could not have been appointed properly, may appeal to the Merit Systems Protection Board, or grieve under the applicable negotiated grievance procedure, as appropriate.

REFERENCES: *Federal Register*, Volume 75, No. 212, November 3, 2010; Title 5, Code of Federal Regulations, Part 330, Subpart B; Department of Commerce Alternative Personnel System; National Institute of Standards and Technology Alternative Personnel Management System

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