

CHAPTER 8

REASSIGNMENTS, TRANSFERS, REINSTATEMENTS, AND FURLOUGHS

INTRODUCTION 8.0	The SES provides for reassignments, transfers, reinstatements, and furloughs of senior executives within the system. This chapter discusses the nature of these actions.
Definitions 8.1	
Reassignment 8.1.1	A position change from one SES position to another SES position in the same agency. A reassignment does not change the status or tenure of an SES employee.
Transfer 8.1.2	The move of an SES career employee between agencies from one SES position to another without change in status or tenure. The move of a noncareer, limited term, or limited emergency SES employee between agencies is processed as a new appointment.
Reinstatement 8.1.3	The noncompetitive SES appointment of a non-probationary career SES employee.

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Reinstatement Right 8.1.4	Entitlement to a noncompetitive appointment which is granted to a former SES career employee following separation either from a Presidential appointment or under a reduction-in-force.
Furlough 8.1.5	<p>The placement of a senior executive in a temporary status in which the senior executive has no duties and is not paid. The placement action is because of insufficient work or funds, or for other nondisciplinary reasons.</p> <p>The Department may furlough senior executives in accordance with OPM regulations. A career employee who is furloughed may appeal to the Merit Systems Protection Board.</p>
Reassignment 8.2	
Career Employee 8.2.1	<p>A career employee may be reassigned to any general or career-reserved position for which qualified.</p> <p>A career employee must receive a written notice at least 15 days before the effective date of a reassignment to a position within the commuting</p>

area.

A career employee may not be reassigned to an SES position outside the employee's commuting area unless:

- o The agency consults with the career employee on the reasons for, and the employee's preferences with respect to, the proposed reassignment; and

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- o The career employee receives written notice of the reassignment, including a statement of the reasons for the reassignment, at least 60 days before the effective date of the reassignment. The 60-day notice of reassignment may be waived with the written consent of the employee.

At HUD, only the Secretary has the authority to reassign SES employees. A career employee may not be reassigned involuntarily within 120 days after the appointment of a new Secretary. This 120-day period does not apply in the case of a reassignment taken as a result of the career employee having received an unsatisfactory performance rating.

A career employee who is removed from the Federal service for failure to accept a reassignment to a position in a different commuting area may be entitled to receive either severance pay or discontinued service retirement.

Noncareer
Employee
8.2.2

A noncareer employee may be reassigned to any general SES position for which qualified.

A noncareer employee may be removed for failure to accept a reassignment in the same or different commuting area. A noncareer employee is not entitled to severance pay, but may be entitled to discontinued service retirement.

Limited Term
or Limited
Emergency
Employee
8.2.3

A limited term employee may be reassigned to another general SES position, provided the duties will expire at the end of a term of 3 years or less. However, an employee may not serve in one or more positions in the agency under such appointment in excess of 3 years.

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A limited emergency employee may be reassigned to another general SES position established to meet a bona fide unanticipated or urgent need. However, the employee may not serve in one or more positions in the agency under this appointment in excess of 18 months.

A limited term or limited emergency employee may be removed for failure to accept a reassignment. Generally, they are not eligible for either severance pay or discontinued service retirement.

Transfer
8.3

Career Employee
8.3.1

Except in a transfer of function, a transfer is a voluntary action negotiated between the career employee and the gaining agency.

A career employee involved in a transfer of function between agencies has the same rights as those of employees in the competitive service under 5 U.S.C. 3503.

Other Employees
8.3.2.

A noncareer, limited term, or limited emergency employee may also negotiate a new appointment with another agency.

Adverse Action
8.4

A career employee who declines to accept a directed reassignment or to accompany a position in a transfer of function may be removed from the civil service under adverse action procedures of 5 U.S.C. 7543.

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Reinstatement
8.5

Career Employee
8.5.1

A former SES career employee is eligible for reinstatement if he/she meets the following two conditions:

- o Has completed an SES probationary period; and
- o Was separated from the last appointment for reasons other than performance, misconduct, neglect of duty, or malfeasance.

Former
Presidential
Appointee 8.5.2

A former SES career employee is eligible for reinstatement if he/she:

- o Was appointed to a Presidential appointment without a break in service;
- o Left the Presidential appointment for reasons other than misconduct, neglect of duty, or malfeasance.

The application for reinstatement must be made to OPM within 90 days after his/her separation from the Presidential appointment.