

UPDATED 17 June 2013

- Added Reference g. (highlighted in yellow)
- Updated Q18 (annotated as “Revised”)
- Added Q23 (annotated as “New”)

Subject: Frequently Asked Questions on the Hiring Freeze and the Release of Terms and Temporary Civilian Personnel

References:

- a. Memorandum, Deputy Secretary of Defense, Subject: Handling Budgetary Uncertainty in Fiscal Year 2013, dated 10 January, 2013
- b. Memorandum, Secretary of Army, Subject: Risk Mitigation in the Face of Fiscal Uncertainty, dated 16 January, 2013
- c. Memorandum, ASA (M&RA), Subject: Department of Army Hiring Freeze and Release of Terms and Temporary Civilian Personnel, dated 22 January, 2013
- d. Memorandum, ASA (FM&C), Subject: Fiscal Planning Guidance for Budgetary Uncertainty, dated 16 January, 2013
- e. Memorandum, DCS-G1 , Subject: Coordinating Announcement of Reductions in the Civilian Workforce, 6 March 2012
- f. Memorandum, DCS-G1, Subject: Exception to Minimum Area of Consideration on Merit Promotion Announcements, 18 April 2012.
- g. Memorandum, ASA (M&RA), Subject: Additional Guidance to Backfill Vacancies During the Army-wide Hiring Freeze, dated 12 June 2013

General: The information set forth within this document pertains to Army positions only and is subject to revision based upon receipt of future guidance from either the Office of the Secretary of Defense or the Office of the Secretary of the Army. The following is based on OSD and Secretary of the Army guidance issued as of this date. Should OSD or the Office of the Secretary of the Army subsequently issue new guidance that alters the content of this document, the guidance set forth herein will be modified accordingly.

Note: Commands must make all hiring freeze decisions in full consideration of budgetary and manpower guidance and, if they have further questions about availability of funds for permanent change of station moves, training, or other non-hiring issues, they should coordinate through Command G-8, or equivalent, channels.

Q1: What is the congressional notification requirement for release of temporary and term employees? What information is needed at HQDA for the Congressional notification?

A1: The expiration of a time-limited appointment is not considered an "involuntary separation action" under RIF regulatory guidance. However, allowing large numbers of time-limited appointments to expire at a given location is likely to impact the local economy and therefore may be of significant interest to Congress. Refer to reference e. above for further information.

The Assistant Secretary of the Army (Manpower and Reserve Affairs) plans to provide a consolidated report to Congress in accordance with reference e. Commands have been tasked in reference b to report the number of time limited appointments (temps/terms) that will be allowed to expire and the number of temporary employees that are expected to be released prior to their not-to-exceed dates. Commands should therefore send an email notification to AG-1 CP indicating the number of time limited appointments (temps/terms) that are scheduled to expire and/or the number of temporary employees that are expected to be released prior to their not-to-exceed dates. The email should also include the organization, geographic locations and the general time period. ASA (M&RA) intends to send a consolidated report to Congress.

Note: Commands should NOT extend temporary or term employees for the sole purpose of allowing time for Congressional notification to be made prior to the termination or release of the employees. Further, Commands should continue to adhere to provisions outlined in law and local labor agreements, where applicable.

Q2: What is the impact to Career Program requirements/minimum area of Consideration (local commuting area/Army)?

A2: Reference c. provides guidance that suspends the use of DA-wide areas of consideration in favor of local commuting areas for the duration of the hiring freeze; it takes precedence over AR 690-950 and reference f relative to the duration and/or area of consideration of open vacancy announcements.

Q3: Are Army temporary and term employees "precluded" from being selected in response to announcements that are limited to internal Army employees?

A3: Yes. Internal Army vacancies announced in accordance with paragraph 5.b., of reference c. above, must be limited to "current" (that is, permanent) Army employees. However, if the Commander approves an exception (IAW the authority granted in para 4. of reference c.), or the position is covered by one of the Army-wide exceptions in paragraph 6, then the area of consideration may be expanded to include additional categories of applicants (e.g., Reinstatement Eligible, VRA, 30% Disabled Veteran, etc).

Q4: May I backfill a position that was vacated by an employee who deployed to a Civilian Expeditionary Workforce position with a temporary hire?

A4: The position may be filled only if it is excluded from the ASA (M&RA)'s hiring freeze. If the position is not covered by the exceptions listed in reference c. (paragraph 5. b., or paragraph 6.), you may request an exception to the hiring freeze from the Commander in accordance with paragraph 4 of reference c.

Q5: What constitutes the area of consideration for the overseas commands? Are overseas activities restricted to local commuting area?

A5: The ASA (M&RA) guidance (reference c.) does not make a distinction between the non-foreign areas and foreign areas. However, in accordance with paragraph 4 of reference c., the Commander may approve an exception from the hiring freeze for specific vacancies.

Q6: Is the filling of reimbursable positions excluded from the hiring freeze?

A6: The hiring freeze makes no exceptions for reimbursable positions. There are a number of organizations that receive funding on a reimbursable basis from various departments and/or Federal entities. Guidance in reference d. should be followed; consideration must be given to the position to be filled, hiring freeze guidance, and the requirements of the reimbursable agreement.

Q7: Will Army request a blanket Priority Placement Program (PPP) exception for Priority 3 (P3) matches?

A7: Not at this time. Non-displaced overseas returnees are considered P3 for purposes of PPP registration. A blanket exception would impede the return of these employees back to CONUS.

Q8: May the authority to approve exceptions be delegated?

A8: No. Paragraph 4 of reference c., states that the authority may not be further delegated.

Q9: Do Commanders have the discretion to expand the area of consideration so that it is greater than the local commuting area when selections could result in the requirement for permanent change of station (PCS) costs?

A9: If the position is an approved exception in paragraph 6 of reference c., or if the Commander approves an exception in accordance with reference c., paragraph 4 , the area of consideration may be expanded beyond the local commuting area. Positions being filled under the provisions of paragraph 5.b. may not be announced beyond the local commuting area without an appropriate command exception.

Q10: I need to fill positions that are identified by our Command as mission-critical occupations (MCO), but they are not considered Army MCOs; can the Commander authorize a blanket exception to fill these positions?

A10: Not all MCO's are excepted whether they are Army MCO's or locally identified MCO's; each position must be reviewed on a case by case basis and, if appropriate, an exception should be sought from the Commander.

Q11: If approval has been previously granted to fill in-sourced positions, does that approval constitute an exception to the freeze?

A11: The hiring freeze covers all types of appointments in all funded programs; therefore, unless the position is covered by one of the Army-wide exceptions identified in reference.c., Command approval, in accordance with the hiring freeze memorandum is required to fill the position.

Q12: Is there an Army-wide exception for hiring Wounded Warriors?

A12: There is not an Army-wide exception specific to the hiring of Wounded Warriors; however, Commanders may, in appropriate cases, exercise their authority to approve exceptions to the hiring freeze and Wounded Warriors may be placed in these positions.

Q13: How does this hiring freeze affect the filling of positions as the result of a negotiated grievance decisions, administrative grievance procedures, appellate decisions, EEO decisions, or written settlement agreements?

A13: There is no pertinent exception in the ASA(M&RA)'s hiring freeze memorandum; for those actions that do not otherwise fall under an Army-wide exception, Commanders should consider exceptions in appropriate cases.

Q14: May Commands continue to offer and pay recruitment, retention, and relocation incentives?

A14: The use of incentives is not affected by the hiring freeze. However, Commands must fully consider the impact of payment of these incentives on their budget reduction requirements.

Q15: May upgrades due to accretion of duties and promotions continue?

A15: Internal movements, within the commuting area, of current Army employees may continue. Additionally, other Army-wide exceptions may apply. However, Commands must fully consider the impact of associated cost increases on budget reduction plans.

Q16: Are foreign national positions covered by the hiring freeze?

A16: Foreign national positions with salaries fully paid from host country funds are excluded from the hiring freeze guidance. For foreign national positions paid partially or fully with U.S. funds, the hiring freeze guidance should be followed in a way that aligns with international and other relevant agreements, and should be applied in consultation with local labor attorneys.

Q17: Does the Commander have the authority to approve blanket exceptions to the freeze?

A17: In accordance with paragraph 5.a. of reference c., the Commanders should review positions to determine whether exceptions to the hiring freeze are warranted.

****REVISED** Q18: What happens to positions under recruitment that had tentative offers made as of the date of the memo?**

A18: CHRA is currently holding all such recruit actions until the Command notifies the CPAC whether such positions are approved to continue recruitment, either under an Army-wide exception or with a Command-approved exception. Visit the CHRA Hiring Freeze/Release of Temp and Terms Toolkit for more details, <http://www.chra.army.mil/hr/tools/gps/view.asp?ID=756> .

Q19. What procedures are required to terminate temporary employees who are within tenure group 3?

A19. Early release of temporary employees within tenure group 3 will require Reduction in Force (RIF). Managers should consult with the servicing CPAC for these actions. For early release of DCIPS temporary employees refer to DoDI 1400.25, Volume 2005.

Q20. Are employees on Defense Civilian Intelligence Personnel System (DCIPS) Temporary and DCIPS Term Appointments (DTA) covered by reference c.?

A20. Yes. Employees on Temporary or DTAs may be released prior to or at expiration of their appointments in accordance with DoDI 1400.25, V2005, Subject: DCIPS Employment and Placement.

Q21. Does the Army-wide exception pertaining to return rights (paragraph 6.b. of reference c.) apply to employees who are exercising their rights to a position other than the one they left (i.e., return rights position was abolished)?

A21. Yes, if the prior position in the United States does not exist, then in accordance with 10 U.S.C. § 1586 (c) the employee shall be placed in a vacant existing position or in a new continuing position for which he or she is qualified; in the same geographical area as; with rights and benefits equal to the rights and benefits of; and in a grade equal to the grade of the position which he or she held immediately before his or her assignment to duty outside the United States. *Note: Title 10, Excepted Service DCIPS employees do not have statutory but rather administrative return rights as prescribed in DoDI 1400.25, Volume 2005.*

Q22. If an employee offers to move, can the employee be hired and move without permanent change of station (PCS) payment?

A22. No. Absent some other exception to the hiring freeze, pursuant to para 5b reference c., only those internal recruitment actions that are limited to current Army employees, with an area of consideration no wider than the local commuting area associated with the position in question, may continue. Moves necessitating a PCS or involving an employee currently assigned outside the commuting area do not fall within this exception.

***NEW*Q23. What happens to a temporary or term employee who is on worker's compensation and is released in accordance with Army hiring freeze guidance?**

A23. A temporary or term employee who is not working, but is drawing compensation through FECA, and is released because of budget reductions, will continue to receive FECA benefits, including compensation (salary replacement), through the Department of Labor. The cost of those benefits will be charged back to the Army, just as they currently are done. The benefits do not cease when the employee is separated/released.

One of the exceptions to the Army hiring freeze and limit on extension of temporary and term appointments allows for a worker's compensation claimant to return to work. Every effort should be made to return the temporary or term employee to work prior to the NTE date of the appointment, or consideration should be given to extending the

NTE date, if possible, until the employee can be returned to work. If the appointment expires and the employee is still receiving FECA compensation, he/she will continue to receive that compensation indefinitely until he/she returns to work. Returning the employee to work after the appointment expires will require a new appointment.