

GENERAL SERVICES ADMINISTRATION  
Washington, DC 20405

HRM 9353.1  
December 19 2022

GSA ORDER

SUBJECT: Dual Compensation Waivers for Reemployed Annuitants

1. Purpose. This Order provides guidance and procedures for the General Services Administration (GSA) when requesting and approving the reemployment of individuals who are federal retirees and receiving annuities, without discontinuing or offsetting the retiree's pay.
2. Background. In general, retirees from the Civil Service who are reappointed are required to have their pay reduced by an amount equal to their pension (see, for example, 5 U.S.C. § 8344, dating to Section 13 of the Civil Service Retirement Act Amendments of 1956, 70 Stat. 757, as well as 5 U.S.C. § 8468 and 5 C.F.R. Part 837). In 1990, Congress addressed this general rule by creating a permanent authority known as a “dual compensation waiver” (see Section 108 of Public Law 101-509, the Federal Employees Pay Comparability Act of 1990, codified at 5 U.S.C § 8344(i) and 5 U.S.C. § 8468(f)). In 1991, the Office of Personnel Management (OPM) issued interim regulations which are today found codified within 5 C.F.R. Part 553. Final civil service regulations were issued on April 10, 1992 (57 FR 12405) and have been revised several times (in 2000 and 2007).

The purpose of this permanent waiver authority is to allow Federal agencies to hire retirees, without salary offset, when there is “exceptional difficulty in recruiting or retaining qualified candidates for particular positions” (56 FR 6205, February 14, 1991) or when a temporary appointment is needed to address an “emergency involving a direct threat to life or property or other unusual circumstances” (see for example 5 U.S.C. § 8344(i)).

This Order also incorporates a second, independent approval authority set forth in the National Defense Authorization Act (NDAA) for Fiscal Year 2010, Public Law 111-84, section 1122 (2009) covering reemployed annuitants on a temporary and part-time basis. This temporary law was extended under NDAA for Fiscal Year 2020, Public Law 116-92, section 1117 (2019) allowing usage by agencies within the executive branch through December 31, 2024. For more information, see the temporary codification at 5 U.S.C. § 8344(l) and 8468(i).

3. Scope and Applicability.

a. The provisions of this policy apply to the reemployment of annuitants who would be subject to annuity discontinuation or salary offset upon reemployment into the Federal service. "Annuitant" (or retiree) refers to a current or former civilian employee who is receiving an annuity under chapter 83 or chapter 84 of subpart G in Part III of Title 5, United States Code, based on his or her service, and to current employees who meet the legal requirements and are applying for, or have announced their intention to apply for, such annuity.

b. The Office of Inspector General (OIG) has independent personnel authority. See Section 6 of the Inspector General Act of 1978, (5 U.S.C. App.3), as amended (Inspector General is authorized "to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General") and GSA Order ADM 5450.39D CHGE 1, GSA Delegations of Authority Manual (Delegations Manual), Chapter 2, Part 1 ("the Inspector General has independent authority to formulate policies and make determinations concerning human capital issues within the [OIG]" and GSA determinations/delegations do not limit that authority). Similarly, GSA specifically recognizes that the Inspector General has independent authority to formulate policies and make determinations concerning training, employee development, and career management.

c. This Order applies to the Civilian Board of Contract Appeals (CBCA) to the extent that the CBCA determines it is consistent with the CBCA's independent authority under the Contract Disputes Act and it does not conflict with other CBCA policies or the CBCA mission.

4. Cancellation. Chapter 6 of the handbook, Pay Administration and Position Classification (CPO P 9550.1) is considered canceled and is replaced by the policy within this new GSA Order.

5. Implementation Action. Implementation under this issuance must be carried out in accordance with applicable laws, regulations, and bargaining agreements.

6. Signature.

\_\_\_\_\_/S/  
TRACI DIMARTINI  
Chief Human Capital Officer  
Office of Human Resources Management

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1. Introduction. It is GSA's policy that reemployed annuitants shall be used, as needed, to support mission requirements and to help meet the agency's workforce planning challenges. The authority to reappoint annuitants must not be used to solely benefit an annuitant. A request for a waiver of dual compensation restrictions for retirees (i.e., without a salary offset or temporary suspension of retirement benefits) is intended to be a rare exception and requires the approval of the Chief Human Capital Officer (CHCO).

#### 2. References.

a. Section 1117 of the National Defense Authorization Act for Fiscal Year 2020, Public Law 116-92.

b. Section 1122 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84.

- c. Title 5, United States Code, Section 8344, Annuities and pay on reemployment.
- d. Title 5, United States Code, Section 8468, Annuities and pay on reemployment.
- e. Title 5, Code of Federal Regulations, Part 553, Subpart B, Special Provisions for Reemployment Without Penalty to Meet Exceptional Recruiting or Retention Needs.
- f. Title 5, Code of Federal Regulations, Part 316, Subpart D, Temporary Limited Employment.
- g. OPM's *Guide to Processing Personnel Actions*.

### 3. Responsibilities.

a. Hiring Manager. The hiring manager must prepare the initial request for waiver of dual compensation restrictions in coordination with their [human resources service center](#). The hiring manager is responsible for ensuring that the request fully meets the established criteria and for obtaining the necessary coordination, review, and approvals.

b. Human Resources Service Centers (HRSCs). The HRSCs are responsible for advising management on all aspects of the policy for the reemployment of a federal retiree to meet an exceptional employment need. This includes providing information on the advantages and disadvantages of requesting a waiver. The HRSC will review proposed requests and provide any additional information that may affect the final decision.

c. Reviewing Official. Reviewing officials may be Heads of Services and Staff Offices (HSSO), Regional Administrators (RA), or other designated officials. The reviewing official is responsible for reviewing the initiated request and should provide their concurrence, or non concurrence, to the request package.

d. Human Capital Policy and Programs Division. The Office of Human Capital Policy and Programs (HCPP) is responsible for establishing the policies and overseeing the administration of this authority. HCPP will review the request to ensure that it meets the established requirements for the authority. If deemed appropriate, a staff member from HCPP will submit the waiver request to the Office of the Chief Financial Officer (OCFO) for consideration.

e. Office of Chief Financial Officer. The Chief Financial Officer (CFO) is responsible for reviewing the request and should provide their concurrence, or non-concurrence, to the request package.

f. Approving Official. The Chief Human Capital Officer (CHCO) serves as the "Approving Official" and is responsible for both the final review and the approval/disapproval of the dual compensation waiver request.

1. For requests under the permanent authority (i.e., 5 U.S.C § 8344(i) and 5 U.S.C.§ 8468(f) and 5 C.F.R. Part 553), the request, once approved by the GSA

CHCO, is submitted to OPM for consideration and is either approved or disapproved.

2. For requests pursuant to the temporary authority (i.e., 5 U.S.C. § 8344(l) and 8468(i)), the approval by the GSA CHCO is the final approval.

4. Approval Process. The approval process, identified in Appendix A, must be followed when requesting a dual compensation waiver.

5. Appointment Limitations Under the Permanent Authority. Appointments may be made under the permanent authority when either:

a. There is exceptional difficulty in recruiting or retaining a qualified employee. The appointment can be of any type, within the competitive or Title 5 excepted service, with or without time limitation, on a part-time, intermittent, or full-time tour basis.

b. There is an emergency involving a direct threat to life or property or other unusual circumstances. The appointment must adhere to the following:

1. Must be temporary limited appointments, not to exceed 1 year, under 5 C.F.R. Part 316, Subpart D.

2. May be associated with full-time, part-time, or intermittent work.

a. Full-time appointments are limited to a maximum of 2 years (see 5 C.F.R. § 316.401(c)) or the duration of the emergency or unusual situation (whichever comes first).

b. Part-time or intermittent tours are typically excluded from this specific time restriction (see exception under 5 C.F.R. § 316.401(d)(1)) but are still limited to the overall duration of the emergency or unusual circumstance.

6. Appointment Limitations Under the Temporary Authority.

a. Appointments may be made under the temporary authority (i.e., the NDAA of 2010, section 1122) when one of the conditions specified in that temporary statute (see 5 U.S.C. § 8344(l) and 8468(i)) are applicable. Appointments under the temporary authority are restricted to **only** temporary limited appointments, not to exceed 1 year (under 5 C.F.R. Part 316, Subpart D) which can be extended a maximum of twice, for a total of 3 service years (under the time limitation exception from 5 C.F.R. § 316.401(d)(1)). Common examples include to:

1. Fulfill functions critical to the mission of the agency, or any component of that agency;
2. Assist in the development, management, or oversight of agency procurement actions;

3. Facilitate appropriate training or mentoring programs of employees;
4. Assist in the recruitment or retention of employees; or
5. Respond to an emergency involving a direct threat to life, property, or other unusual circumstances.

b. Under the temporary authority, there are restrictions on work hours upon appointment, each year, and over the duration of the appointment (including extensions). Reemployed annuitants cannot:

1. Work more than 520 hours during the period ending 6 months after retirement;
2. Work more than 1,040 hours during any 12-month period; or
3. Work more than a total of 3,120 hours. The 3,120 hour limit is a lifetime limit for annuitants under the temporary authority.

a. **Caveat:** The appointee is permitted, however, to complete up to 520 hours of training and/or mentoring of employees that can be excluded from the annual and lifetime limits (see, for example, 5 U.S.C. § 8344(l)(6)(A)).

c. Once a threshold is reached, annuitants appointed under this authority are ineligible for the dual compensation waiver.

d. Throughout the duration of the appointment, it is the responsibility of the reemployed annuitant's supervisor to track the hours worked and ensure they do not exceed the hourly limitations. Hours of paid leave (e.g., annual leave, sick leave) are counted against the annual and lifetime limits.

e. Annuitants rehired under the temporary authority before the law's expiration on December 31, 2024 (unless amended) can work until the completion of their not-to-exceed (NTE) dates, even if their NTE dates extend beyond the law's expiration. New appointments or additional extensions cannot be made after an NDAA expiration date.

## 7. Request Requirements.

a. The hiring manager should work with their servicing HR specialist to prepare a dual compensation waiver request. Requests may be submitted in memorandum format (example in Appendix D) or corresponding GSA form, when available. Each request will include the following basic information related to the annuitant:

1. A completed cover page for dual compensation waiver request found in Appendix C.
2. A brief statement identifying whether the proposed reemployed annuitant:

- a. will be needed on a full-time, part-time, or intermittent basis; and
  - b. how long the individual's services are expected to be required.
- 3. A brief statement explaining why the annuitant should be reemployed and why a dual compensation waiver is appropriate.
  - a. Typical reasons for reappointment under the permanent authority are:
    - 1. Exceptional difficulty in recruiting or retaining qualified employees; or
    - 2. An emergency involving a direct threat to life or property or other unusual circumstances.
  - b. Under the temporary authority, typical reasons for reappointment include to:
    - 1. Fulfill functions critical to the mission of the agency, or any component of that agency;
    - 2. Assist in the development, management, or oversight of agency procurement actions;
    - 3. Facilitate appropriate training or mentoring programs of employees;
    - 4. Assist in the recruitment or retention of employees; or
    - 5. Respond to an emergency involving a direct threat to life or property or other unusual circumstances.
- 4. The annuitant's full name;
- 5. A statement confirming that the person is not currently a Federal employee, i.e., is already a Federal annuitant;
- 6. The date of retirement;
- 7. The type of retirement (voluntary, discontinued service, disability, etc.);
- 8. A current copy of the annuitant's resume; and
- 9. Certification by the individual that they will not accept an offer of reappointment if pay is reduced or the retirement pension payments are suspended.
  - b. The following information about the position must be provided by the hiring manager:

1. The proposed job title, occupational series, grade, and duty location; and
2. A current, classified position description (classified at the full performance level and not developmental) and description of the qualifications required, including any selective factors or other relevant job requirements.

8. Justification Criteria.

a. In determining whether a dual compensation waiver should be authorized, the hiring and reviewing officials should first consider the feasibility of filling the position with a highly qualified applicant under normal competitive procedures. Additionally, management must consider criteria described in this policy as well as the availability of funds.

b. Dual compensation waivers are considered on a case-by-case basis. All requests are proposed and evaluated independently. The decision to approve or deny a request for a waiver for any annuitant under these provisions is at the discretion of the agency and depending on the waiver authority utilized, OPM.

c. The following general factors, as well as any other specifically stated criteria, must be considered and addressed within the request, to the extent practicable:

1. The success of recent efforts to recruit highly qualified candidates for similar positions, including indicators such as:
  - a. offer and acceptance rates;
  - b. the proportion of positions filled; and
  - c. the length of time required to fill similar positions.
2. The recent turnover rate for similar positions.
3. Contributing labor-market factors that may affect the ability of GSA to recruit highly qualified applicants for similar positions now or in the future.
4. Special qualifications needed for the position that are possessed by the annuitant.
5. The practicality of authorizing a retention allowance to retain an employee through completion of a critical project.

d. In addition, the following justification requirements must be met for each of the following specific provisions, as applicable.

(1) For waivers based on the permanent authority, if due to an emergency hiring need (see 5 C.F.R. § 553.201(c)):

- a. A description of the emergency. The emergency must pose an immediate and direct threat to life or property (e.g., response to damage to federal buildings and facilities caused by a natural or man-made disaster, such as a hurricane or flood);
- b. The date it occurred;
- c. The need for the annuitant's services, including the specific tasks or duties to be accomplished by the annuitant (if not evident from the position description);
- d. The expected duration of the emergency hiring need; and
- e. A description of how the individual is uniquely qualified to meet the emergency hiring need.

(2) For waivers based on the permanent authority, if due to severe recruiting difficulty of qualified applicants (see 5 C.F.R. § 553.201(d)). Provide a description of the length, breadth, and results of the agency's recruiting efforts, including the following information where applicable:

- a. The number of vacancies in the series, grade, and location during the prior 3 years;
- b. The average length of time a particular position is usually vacant;
- c. The average annual turnover rate (as a percentage) for that occupational series and grade;
- d. A description of past recruiting efforts (type of publicity, sources contacted, geographic scope, etc.);
- e. The number of minimally qualified and best qualified applicants responding to those efforts;
- f. The number of job offer declinations based on pay or other factors, how many cited non-Federal job offers that would not require any salary reduction, and how many cited dissatisfaction with the combined compensation they would receive if no dual compensation waiver is approved; and
- g. Consideration of other staffing alternatives, including but not limited to the reengineering or redistribution of work, contracting, use of a recruitment bonus, and training (including formal education and cooperative education), used to increase the supply of qualified candidates.

(3) For waivers based on the permanent authority, if based on the need to retain a particular individual (see 5 C.F.R. § 553.201(e)). Reference [GSA Form 3693](#):

- a. A statement from the hiring manager stating that the individual will retire (or remain retired without reappointment) or resign from the position (if already reappointed) if a dual compensation waiver is not granted. Such documentation may include a bona fide offer of non-Federal employment or information about changes in or expiration of benefits (such as retirement, health benefits, or life insurance) or other circumstances that support the claim that the employee cannot, or will not, delay retirement;
- b. A statement from the requestor that the individual will be working on a specific project, rather than continuing to perform the broader duties of the position the individual occupied prior to retirement;
- c. A description of the critical nature and length of the project, including the importance of the project to the agency's mission; the potential costs of project failure or delay; any legislative or Presidential deadlines, or any other factors demonstrating that the project is unusually critical;
- d. A description of the knowledge, skills, and abilities possessed by the individual (i.e., unique qualifications) that are essential for successful completion of the project and that could not be acquired by another appointee within a reasonable time; and
- e. A description of other staffing options that were considered in completing the project, including why the work could not be assigned to other employees involved with the same project.

(4) For waivers based on the permanent authority, if based on other unusual circumstances (5 C.F.R. § 553.201(f)), Reference [GSA Form 3694](#):

- a. A description of the unusual circumstance. Unusual circumstances may include, but are not limited to, the need to conform to a congressional or other mandate to meet new or expanded mission requirements by a particular date, as well as other unforeseen developments that will adversely impact an agency's ability to carry out its mission. Describe the unusual circumstances (e.g., response to Congressional or Presidential mandates), how the waiver request directly supports the agency mission, and why the unusual circumstances could not be avoided or anticipated:
- b. The date it first occurred;
- c. The specific tasks or duties to be accomplished by the annuitant (if not evident from the position description).
- d. The expected duration of the unusual circumstances; and

- e. A description of how the individual is uniquely qualified to meet the hiring need.

## 9. Appointment Requirements.

a. Recruitment. Annuitants maintain reinstatement eligibility which allows for the consideration against other status candidates. When filling the position through competitive Merit Promotion procedures and the position is expected to last 120 days or more, displaced or surplus employees are entitled to priority consideration through the Career Transition Assistance Plan (CTAP) or the Interagency Transition Assistance Plan (ICTAP).

**NOTE:** Reemployed annuitants may be eligible for non-competitive reinstatement under 5 C.F.R. Part 335 and [GSA Order 9335.1 HRM GSA Merit Promotion and Placement Plan](#).

c. Final Offers. Final offers of employment cannot be made without prior approval of the dual compensation waiver by the CHCO and, depending on the waiver authority utilized, OPM.

d. Documentation. Reemployment, including the SF-52, *Request for Personnel Action*, and SF-50, *Notification for Personnel Action*, should be completed according to rules contained within OPM's *Guide to Processing Personnel Actions*. The SF-52 and SF-50 must include a remark that the annuitant serves at the will of the appointing officer, due to 5 U.S.C. § 3323(b)(1).

e. Benefits. If the annuitant has health, life, dental, vision, and/or long term care, they should contact a [Benefits and Retirements Specialist](#) to discuss the continuation of these benefits prior to their entry on duty date. If the annuitant does not have health, dental, vision, and/or long term care insurance, they may be eligible to enroll depending on their appointment type. They may also be eligible for the federal flexible spending program.

f. Annual Leave and Sick Leave Accrual. If the reemployed annuitant is hired on a full-time or part-time regular schedule, the employee will accrue annual and sick leave. Part-time employees' leave accrual will be prorated according to the scheduled work hours. Employees on an intermittent work schedule are not eligible to accrue leave.

g. Service Credit. Service performed under a reemployed annuitant appointment is not eligible for credit to increase their retirement annuity. Regardless of prior retirement coverage, Civil Service Retirement System (CSRS) or Federal Employees Retirement System (FERS), all appointees are required to pay into Social Security. For additional information, see 5 C.F.R. § 553.203.

## 10. Accountability and Recordkeeping.

a. Any appointments made for individuals with an approved dual compensation waiver into the GSA workforce may be subject to review by the OHRM, Office of Human Capital Policy and Programs Division as part of GSA's Human Capital Independent Audit Program (IAP).

b. The Office of Human Capital Policy and Programs will maintain information on requests for "waiver of dual compensation" restrictions for retired annuitants, as required by OPM. Upon approval or denial, these records will be maintained for 1 year. All case files must include the following information:

1. The complete waiver package and any supporting documentation;
2. The appointing authority used to reemploy the annuitant;
3. The position (including title, series and grade) to which the reemployed annuitant is to fill; and
4. The criteria used to reemploy the individual.

## **Appendix A**

### **GSA Dual Compensation Waiver Approval Process**

**NOTE:** Depending on the type of authority leveraged, dual compensation waivers, upon approval by the GSA CHCO, may have to be forwarded to the Office of Personnel Management (OPM) for final approval.

<b>Step</b>	<b>Who</b>	<b>Required Action</b>
<b>1</b>	<b>Hiring Manager</b>	<b>Submits Request</b> The Hiring Manager completes the justification request and provides any supportive documentation as referenced in <i>Section 8. Justification Criteria</i> of this order and submits the request through their chain of command for review/approval. The servicing HR Specialist must be copied on the correspondence.

		<p><b>NOTE:</b> It is strongly encouraged for the hiring manager to coordinate their draft with their servicing HR Specialist for a cursory review prior to submitting to their designated reviewing official.</p>
2	<p><b>Designated Reviewing Official (HSSOs)</b></p>	<p><b>Reviews Request</b> The designated reviewing official concurs and validates that the request meets required criteria and submits the package to the servicing HR Specialist for further coordination.</p> <p>If the Designated Reviewing Official does not concur, the request will be returned to the Hiring Manager with an explanation of why the request does not meet the adequate justification criteria.</p>
3	<p><b>HR Services</b></p>	<p><b>Reviews Request</b> The HR Service Center Director reviews the request for merit and feasibility.</p> <ul style="list-style-type: none"> <li>• <u>Concurrence:</u> The HR Service Center Director recommends approval and submits the request to the Compensation Program Manager in HCPP.</li> <li>• <u>Non-concurrence:</u> The HR Service Center Director returns the request with an explanation of why the request does not meet the adequate justification criteria.</li> </ul> <p><b>NOTE:</b> The HR Specialist will notify the Hiring Manager of the HR Service Center Director's decision.</p>
4	<p><b>Human Capital Policy and Programs Division</b></p>	<p><b>Reviews Request</b> The Compensation Program Manager in HCPP will review the request to ensure it meets all criteria as specified in this order and guiding regulations prior to forwarding to the Chief Financial Officer for final review.</p> <p>If it is determined that the request does not meet the necessary criteria, the request will be returned to the HR Specialist (cc reviewing official) with an explanation of why the request does not meet the adequate reasons criteria. The HR Specialist will notify the Hiring Manager of the decision.</p>
5	<p><b>Chief Financial Officer (CFO)</b></p>	<p><b>Reviews Request</b> The CFO reviews the request for merit and feasibility.</p> <ul style="list-style-type: none"> <li>• <u>Concurrence:</u> The Chief Financial Officer recommends approval and submits the request to the Chief Human Capital Office for final review.</li> <li>• <u>Non-concurrence:</u> The Chief Financial Officer returns the request with an explanation of why the</li> </ul>

		<p>request does not meet the adequate justification criteria.</p> <p><b>NOTE:</b> The HR Specialist will notify the Hiring Manager of the Chief Financial Officer's decision.</p>
6	<b>Chief Human Capital Officer (CHCO)</b>	<p><b>Renders Decision</b></p> <ul style="list-style-type: none"> <li>• The CHCO reviews the request and supporting documentation, and renders an appropriate decision based on the merits of the request.</li> <li>• Upon decision, submits a copy of the approval/disapproval to the Human Capital Policy and Programs Division for documentation. If necessary, HCPP will forward the request to OPM.</li> </ul>
7	<p><b>OPM</b></p> <p>*If the request falls under 5 C.F.R. § 553.201(c),(d),(e),(f) for a full time position</p>	<p><b>Renders Decision</b></p> <ul style="list-style-type: none"> <li>• OPM reviews the request and supporting documentation, and renders an appropriate decision based on the merits of the request.</li> <li>• Upon decision, submits a copy of the approval/disapproval to the Human Capital Policy and Programs Division for documentation.</li> </ul>
8	<b>Servicing HR Specialist</b>	<p><b>Action/Notification</b></p> <p>If the CHCO/OPM approves the dual compensation waiver request, the HR Specialist will:</p> <ul style="list-style-type: none"> <li>• Notify the Hiring Manager of the decision</li> <li>• Proceed with hiring action</li> </ul> <p>If the CHCO/OPM does not approve the dual compensation waiver request, the HR Specialist will:</p> <ul style="list-style-type: none"> <li>• Notify the Hiring Manager of the decision.</li> <li>• Advise hiring manager of next steps in recruitment process.</li> </ul>
9	<b>Hiring Manager</b>	<p><b>Decision/Action</b></p> <p>If the waiver is approved the Hiring Manager:</p> <ul style="list-style-type: none"> <li>• Proceeds with the selection decision.</li> </ul> <p>If the waiver is disapproved the Hiring Manager may:</p> <ul style="list-style-type: none"> <li>• Seek reconsideration by submitting additional documentation to the servicing HR Specialist; or</li> <li>• Consider/select other candidates.</li> </ul>

**Appendix B**

**Comparison Chart of Reemployed Annuitant Appointments**

<b>Type of Appointment</b>	<b>Reemployment of Civilian Retirees</b>	<b>Dual Comp Waiver for Full-Time Reemployment of Civilian Retirees</b>	<b>Dual Comp Waiver for Emergency Reemployment of Civilian Retirees</b>	<b>Dual Comp Waiver for Part-Time Reemployment of Civilian Retirees</b>
<b>Authority</b>	5 C.F.R. § 837	5 C.F.R. § 553.201(c),(d),(e),(f)	5 C.F.R. § 553.202	Section 1117 of the National Defense Authorization Act for Fiscal Year 2020, Public Law 116-92
<b>Expiration of Authority</b>	N/A			31 Dec 2024
<b>Dual Comp Waiver Approval Authority</b>	N/A	Office of Personnel Management (OPM)	Delegated from OPM in emergency situation to GSA's Chief Human Capital Officer	GSA's Chief Human Capital Officer
<b>Annuity Continues</b>	Yes			
<b>Effect on Salary</b>	Salary is Offset	Salary is not offset, full annuity and salary received		
<b>Offset to Salary</b>	Determine hourly retirement annuity amount and subtract from hourly salary	N/A		
<b>Criteria</b>	Specific mission needs determined by Staff Offices	<ul style="list-style-type: none"> <li>• Emergency involving a direct threat to life or property. Temporary basis.</li> <li>• Severe recruiting difficulty.</li> <li>• Need to retain a particular individual.</li> <li>• Other unusual circumstances.</li> </ul>	<ul style="list-style-type: none"> <li>• Emergencies posing immediate and direct threat to life or property. Temporary basis.</li> <li>• Other unusual circumstances. Temporary basis.</li> </ul>	<ul style="list-style-type: none"> <li>• Fulfill functions critical to the mission.</li> <li>• Facilitate appropriate training or mentoring programs for employees.</li> <li>• Assist in the recruitment or retention of employees.</li> </ul>

		Temporary basis.		<ul style="list-style-type: none"> <li>Respond to an emergency involving a direct threat to life or property or other unusual circumstances.</li> </ul>
<b>Appointment Types</b>	Permanent, Term, Temporary			Temporary
<b>Work Schedule</b>	Full-time, Part-time, Intermittent			Part-time, intermittent
<b>Hour Limitations</b>	None			<ul style="list-style-type: none"> <li>Initial 6 months: No more than 520 hours</li> <li>12 Months: No more than 1040 hours</li> <li>24 months: No more than 3,120 total hours total, Training or Mentoring**</li> </ul>
<b>Retirement Deductions</b>	FICA Only			
<b>Leave Accrual Eligibility</b>	Full-time and Part-time Employees are Eligible for Sick and Annual Leave <i><b>Note: Amount accrued dependent on work schedule, Intermittent employees are not eligible</b></i>			
<b>Overtime, Comp and Travel Comp time</b>	Eligible, if deemed necessary by supervisor			
<b>RIF</b>	Serves at the will of the appointing office			

\*\*Any hours of training or mentoring of employees by an annuitant shall not be included in the hours of service performed for the purposes above (unless that was the primary purpose of the appointment), but those hours of training or mentoring may not exceed 520 hours per year-thus, an annuitant could possibly work 1,560 hours total during a 12 month period. Staff offices may use this flexibility, but must ensure that the documentation reflects which hours are spent training and mentoring.

## Appendix C

### Cover Sheet for Dual Compensation Waiver Request

Authority Type	Who Approves?	Statutory Basis (Check one)	Regulatory Basis (Check one)
Permanent	OPM	For OPM Determination: <ul style="list-style-type: none"> <li>Waiver of dual compensation on a case-by-case basis for employees in positions for which there is exceptional difficulty in recruiting or retaining a qualified employee.</li> </ul>	Related to 5 C.F.R. § 553.201(c),(d),(e),(f): <ul style="list-style-type: none"> <li>Emergency involving a direct threat to life or property. Temporary basis.</li> <li>Severe recruiting difficulty.</li> <li>Need to retain a particular individual.</li> <li>Other unusual circumstances. Temporary basis.</li> </ul>
	GSA (Upon OPM delegation)	For GSA Determination (Upon OPM Delegation): <ul style="list-style-type: none"> <li>A grant of delegated authority to the GSA Administrator to waive dual compensation on a case-by-case basis, for employees serving on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances.</li> </ul>	Related to 5 C.F.R. § 553.202: <ul style="list-style-type: none"> <li>Emergencies posing immediate and direct threat to life or property. Temporary basis.</li> <li>Other unusual circumstances. Temporary basis.</li> </ul>
Temporary (Expires 12/31/2024 unless amended)	GSA	For GSA Determination: <ul style="list-style-type: none"> <li>Fulfill functions critical to the mission of the agency, or any component of that agency,</li> <li>Assist in the development, management, or oversight of agency procurement actions,</li> <li>Facilitate appropriate training or mentoring programs of employees,</li> </ul>	

		<ul style="list-style-type: none"> <li>• Assist in the recruitment or retention of employees,</li> <li>• Respond to an emergency involving a direct threat to life of property or other unusual circumstances.</li> </ul>	
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## Appendix D

### Sample Memorandum for Dual Compensation Waiver Request

**NOTE:** The memorandum must be in the acceptable GSA internal memorandum format on the requesting organization's letterhead.

(DATE)

MEMORANDUM FOR *(Insert CHCO Name)*  
CHIEF HUMAN CAPITAL OFFICER

FROM: *(Hiring Manager Name)*  
*(Title)*  
*(Office)*

SUBJECT: Dual Compensation Waiver Request for (Name of Annuitant)

This memorandum is a request that the Office of Human Resources Management (OHRM) request from the Office of Personnel Management (OPM) a dual compensation waiver that would allow our organization to temporarily reinstate a retired employee, *(Name of Annuitant)*.

The civil service regulation governing this request from GSA to OPM is under *(insert authority)*. Under this authority, a dual compensation waiver request is appropriate on a "case-by-case basis to meet temporary hiring needs based on an *(insert type of criteria)*."

*(Insert justification, written in a way that can be understood by coordinating offices, such as administrators or senior managers. Use the criteria from as referenced in Section 7. Justification Criteria of this order to create a narrative that addresses the required aspects.)*

*(Provide any other supporting information that further supports the rationale for requesting a dual compensation waiver.)*

If you have any questions, please feel free to contact me at *(Hiring Manager's Email)*.

Attachments:

Routing Sheet  
Retirement SF50  
Certified Summary of Federal Service  
Resume  
Statement from Annuitant on Declination if Waiver is Not Approved  
Position Description

Routing Sheet

\_\_\_\_\_  
(Insert Name)  
Reviewing Official (Management Official who serves as Head of Service or Staff Offices)  
Concur\_\_\_\_\_ Non Concur\_\_\_\_\_

\_\_\_\_\_  
(Insert Name)  
Director, Human Resources Service Center \_\_\_\_\_  
Office of Human Resources Services, OHRM  
Concur\_\_\_\_\_ Non Concur\_\_\_\_\_

\_\_\_\_\_  
(Insert Name)  
Director, Office of Human Resources Services  
Office of Human Resources Management  
Concur\_\_\_\_\_ Non Concur\_\_\_\_\_

\_\_\_\_\_  
(Insert Name)  
Chief Financial Officer  
Concur\_\_\_\_\_ Non Concur\_\_\_\_\_

\_\_\_\_\_ Date:

*(Insert Name)*

Chief Human Capital Officer

Approved\_\_\_\_\_ Disapproved\_\_\_\_\_