

**DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

IN REPLY REFER TO
BUPERSINST 12300.1
PERS-08
24 Jul 01

BUPERS INSTRUCTION 12300.1

From: Chief of Naval Personnel

Subj: EMPLOYMENT OF RETIRED MILITARY PERSONNEL OF THE ARMED FORCES

Ref: (a) 5 U.S.C., Section 3326
(b) DODD 1402.1 of 21 Jan 82
(c) DASD (CPP) Memo of 31 Aug 00 (NOTAL)
(d) DASN (CP/EEO) Memo of 23 Mar 01 (NOTAL)

Encl: (1) Request for Approval to Appoint Retired Member of the
Armed Forces within 180 Days of Retirement

1. Purpose. To provide policy and guidance on employment of retired members of the Armed Forces seeking civilian positions within Chief of Naval Personnel (CHNAVPER) claimancy.

2. Objective. Objective of this instruction is to ensure compliance with merit system principles of open competition and to avoid both the practice and appearance of preferential treatment. This is essential to the public and career employees, but it also protects retired members from unwarranted allegations they obtained their positions through influence based upon prior military service. Retired military personnel must receive the same consideration as other job applicants for civil service positions; however, any action which gives preferential treatment, or appearance of preferential treatment to the retiree must be avoided in all instances.

3. Background

a. Reference (a) provides conditions under which a retired member of the Armed Forces may be appointed to a civil service or nonappropriated (NAF) position in Department of Defense (DOD), during the 180 days immediately following retirement. Reference (a) specifically states a request by appropriate authority for the authorization shall be accompanied by a statement(s), which shows the actions taken to assure

(1) full consideration, per placement and promotion procedures of activity concerned, was given to eligible career employees.

(2) when selection is by other than certification from an established civil service register, the vacancy has been publicized to give interested candidates an opportunity to apply.

(3) qualification requirements for position have not been written in a manner designed to give advantage to a retired member.

(4) position has not been held open pending retirement of a current servicemember who is a prospective applicant.

b. Reference (b) delegate's approval authority for category "B" positions at the component headquarters level. Reference (c) modified reference (b) to provide flexibility to delegate authority to approve waivers of the 180-day waiting period for employment of retired military members to the major command level. Reference (d) implemented this delegation within Department of the Navy (DON).

4. Definitions

a. The term "Armed Forces" as used herein refers to the Army, Navy, Air Force, Marine Corps, and Coast Guard.

b. Position. A civilian position (including a temporary, part-time, or intermittent position as these terms are defined by the Office of Personnel Management (OPM)) to be filled, with or without compensation, under appointment or personal service contract from appropriated or nonappropriated funds, provided an employer-employee relationship exists.

c. Category A Positions. All wage system positions paid from appropriated funds; all general schedule (GS) positions, GS-7 and below, paid from appropriated funds; and GS positions, GS-8 and above, paid from appropriated funds for which payment of travel expenses to first duty station has been authorized.

d. Category B Positions. All positions paid from appropriated funds not covered in category A, above.

e. Retired Member of the Armed Force. A retired member or former member of the Armed Forces is one who is entitled to retired, retirement, or retainer pay.

5. Procedures

a. If internal and external recruitment efforts fail to produce the best qualified candidates and a retired military member is the best available candidate, you may use procedures in enclosure (1) to request a waiver of the 180 day restriction. Waiver requests must contain documentation supporting the retired member selected for the position is better qualified than any in-service candidate. Requests to waive the 180-day restriction will only be approved when there is evidence sufficient recruitment was conducted to seek highly qualified candidates and the retired member knowledge, skills, and abilities (KSA's) is clearly superior to other available candidates. Documentation supporting the retired member's superior qualification should clearly define the differences in KSA's possessed by the retired member and those held by other candidates, including reason(s) other candidates fall short of the selectee.

b. A waiver request must be approved **before** a selectee can be appointed. Requests within CHNAVPERs claimancy shall be submitted to Bureau of Naval Personnel (BUPERS) (PERS-08). Approximately 2 weeks will be required for processing.

6. Reporting Requirements. Requesting activity must maintain records of approval of request to waive the 180-day restriction. A copy of approval must be filed in employee's official personnel folder (OPF). BUPERS (PERS-08) will forward copies of all waiver approvals to Office of the Deputy Assistant Secretary of the Navy (DASN) (CP/EEO), Staffing and Classification Division.

G. L. HOEWING
Rear Admiral, U.S. Navy
Deputy Chief of Naval Personnel

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**REQUEST FOR APPROVAL TO APPOINT RETIRED MEMBER OF THE
ARMED FORCES WITHIN 180 DAYS OF RETIREMENT**

1. Information about proposed appointee.
 - a. Effective date of retirement.
 - b. Rank at time of retirement.
 - c. Pay grade and Uniformed Service, at time of retirement, (whether regular or non-regular).
 - d. Attach a current Personal Qualifications Statement (SF-171), OF-612, or resume.
2. Information about position involved.
 - a. Date position was established.
 - b. Date it was last occupied.
 - c. Was position converted from military to civilian status?
 - d. Date of conversion (if converted).
 - e. Reason for conversion.
 - f. Was proposed appointee the last military occupant?
 - g. Attach current position description.
 - h. Is position continuing or temporary?
 - i. Identify OPM X-118 Standards applied to position.
 - j. Identify efforts used to fill position (continuous or not).
3. Consideration of career employees (to ensure full consideration was given to eligible career employees, include the following information):
 - a. A copy of any notices used to publicize vacancy to interested career employees.

b. Documentation on how proposed appointee is superior to all qualified employees given consideration (e.g., number of applicants, series and grade, number of highly/best-qualified applicants and a general description of experience related to the vacant position.) This section should document how/why the retired military member is better qualified than other candidates. Length of experience may not always be a decisive factor.

c. A statement as to whether appropriate placement and promotion procedures were followed; if these procedures were not followed, reasons therefor.

d. Under what authority (OPM regulation) will the retired member be appointed.

e. Copy of certificate of eligibles on which proposed appointee's name appears, including selective factors used. If name request involved, provide documentation.

f. Copies of any notices publicizing vacancy and any contacts with recruiting sources.

4. To avoid appearance of any violation of fair and open competition the request shall be accompanied by a statement, which shows

a. selectee has not been involved in establishment of the civilian position, writing of the (civilian) position description, establishment of the unit or department in which the civilian position exists, or any advisory board or committee responsible for the conversion of a military position to a civilian position.

b. conversion of a military billet to a civilian billet in question must not appear to have been done to coincide with retirement of selectee. Since all military personnel are subject to rotation, proper position management, such as anticipation of a vacancy, should be considered prior to granting of a waiver. Eleventh hour conversions that appear to be timed to coincide with a military retirement may be subject to allegations of impropriety.