

**Administrative Directive P-330**  
**NEH Reemployment Priority List (RPL)**

Contents

1. [Establishment of a Reemployment Priority List](#)
2. [Purpose of the RPL](#)
3. [Eligibility for the RPL Based on RIF](#)
4. [Eligibility Based on Compensable Injury](#)
5. [Application Procedures](#)
6. [Enrollment, Retention and Removal from RPL](#)
7. [Operation of the RPL](#)
8. [RPL Appeals](#)

**1. Establishment of a Reemployment Priority List**

The NEH is required to establish and maintain a reemployment priority list (RPL) when:

- a) separating eligible competitive service employees by reduction in force (RIF). (Separate procedures cover NEH excepted service employees. See Administrative Directive P-331.)
- b) a former employee recovers from a compensable injury after more than 1 year.

**2. Purpose of the RPL**

This Directive establishes policies and procedures for the NEH Reemployment Priority List. The purpose of the RPL is to give eligible present or former employees

registered on the list priority consideration over other individuals for competitive service vacancies filled by permanent, term, temporary, or other nonstatus appointment.

### **3. Eligibility for the RPL Based on RIF**

An employee separated because of reduction in force (RIF) must meet all of the following conditions in order to apply for entry onto the RPL:

- a. The employee must be serving or must have served, at the time of his or her separation under reduction in force procedures, under a competitive service appointment in tenure group I or II (career or career-conditional appointment).
- b. The employee must have received a rating higher than unacceptable as the current annual performance rating of record in reduction in force competition.
- c. The employee must have received a specific notice of separation under reduction in force or a Certification of Expected Separation.
- d. The employee must not have declined an offer of a position with both the same work schedule as the position that the employee held at the time of separation and the same representative rate as the position held by the employee at the time of separation.

An eligible employee is entitled to consideration for positions for which that employee is available, provided that all of the following conditions are met:

a. The employee must meet the qualification standard and requirements for the position, including any minimum educational requirements and any selective placement factors.

b. The position must be at no higher grade (or equivalent) and have no greater promotion potential than the position from which separated. This includes any higher graded position previously held on a non-temporary basis in the competitive service from which the employee was demoted under reduction in force procedures.

An employee who was previously downgraded by RIF, and has now received a notice of separation from a lower-graded position in a second reduction in force, is placed on the RPL for positions with a representative rate no higher than the rate of the former position that the employee held when downgraded. The employee is considered for positions having the same type of work schedule as the position from which separated

unless the employee requests consideration for other work schedules in addition to that formerly held.

#### **4. Eligibility for the RPL Based on Compensable Injury**

To be eligible for entry onto the RPL as a result of compensable injury or disability, the employee must have served, at the time of his or her separation, under a competitive service appointment in tenure group I or II and must have fully recovered more than 1 year after compensation began. An employee who accepted a lower-graded position in lieu of separation because of a compensable injury or disability is also eligible to be placed on the RPL provided that he/she meets the conditions in this section as well as application time limits set forth in Section 5.

#### **5. Application Procedures**

An employee eligible **due to RIF** must submit a written request to the Personnel Office to be included on the RPL. The request must be submitted on an NEH RPL Registration Form and must identify the position from which the employee was or will be separated, including its geographic location, and must also specify the minimum grade level(s), occupation(s) or job series, and minimum hours of work per week that the employee will accept as an offer of reemployment. The individual must also attach a current complete employment application. After registering, individuals are responsible for informing the Personnel Office in writing of any significant changes to this information. **The employee's written request must be submitted no later than 30 calendar days after the separation date; employees who fail to submit their requests within this time period are not entitled to be placed on the RPL.** Employees who receive a Certification of Expected Separation may be placed on the RPL up to 6 months in advance of a reduction in force.

An employee eligible **due to compensable injury** must request reemployment with the Personnel Office within 30 calendar days after the date compensation ceases, except that when an appeal for continuation of compensation is filed, the 30 day period begins the day after resolution is reached. No specific format for applying is required. When an employee files an appeal for continuation of compensation, the 30-day period for requesting reemployment begins the day after resolution of the appeal is reached.

#### **6. Enrollment, Retention and Removal from RPL**

**a. Enrollment**

The Personnel Office is required to enroll an eligible individual on the RPL no later than 10 calendar days after receipt of an application or request. The personnel office will assist an employee, when requested, in identifying and listing positions for which he/she is qualified and interested on the registration form.

**b. Retention**

A tenure group I employee is eligible for the RPL for 2 years, and a tenure group II employee is eligible for 1 year from the date the employee is entered on the RPL. The reason an employee became eligible for the RPL does not change the time period that the present or former employee is carried on the List. The appropriate 1 or 2 year period of eligibility begins on the date that the agency registers the employee on the RPL.

**c. Removal**

An individual is removed from the RPL when his/her period of eligibility expires as set forth in 6b as well as when the individual requests removal or receives a career, career-conditional, or excepted appointment without time limit in any agency. In addition, an individual is removed from the RPL before his/her period of eligibility expires:

- if on the list due to compensable injury, and he/she declines an offer or fails to respond to an inquiry about a specific position that is equivalent to the position from which separated;
- if on the list due to reduction in force and declines an offer of career, career-conditional or excepted appointment without time limit or fails to reply to an inquiry, by the NEH, about a specific position having a representative rate at least as high, and with the same type work schedule as the position from which he/she was or will be separated. In addition, an individual who declines an offer of a position from the RPL at a lower-graded position loses eligibility for other positions at that grade or at lower grades.
- if an employee accepts, or is placed in, any nontemporary competitive service position in any agency before the employee is separated by reduction in force or accepts or is placed in any excepted service appointment without time limit in any agency before separation by reduction in force.
- if the employee leaves the Federal service for a reason other than separation by reduction in force (for example, by retirement or resignation) before the employee is actually separated by reduction in force. An employee who retires on or after separation by reduction in force is still eligible for the RPL.

- if the employee declines an interview or fails to appear for a scheduled interview only if notified in advance of this requirement and the subsequent consequences.

An employee's declination of an offer of nonpermanent employment has no effect on the employee's future eligibility on the RPL, or future consideration of positions offered through the list.

## **7. Operation of the RPL**

When a qualified present or former employee is available on the RPL, the NEH may not fill a permanent or temporary competitive service position by:

- a. A new appointment, unless the individual is a qualified 10 point preference eligible;
- b. Transfer of an employee from another agency, or reinstatement of a former Federal employee not on the List, unless the individual is a preference eligible or has mandatory restoration rights, or recovery from a compensable injury or disability within 1 year, or is exercising other statutory or regulatory reemployment rights.

The NEH may fill vacant positions from its pool of present employees without regard to the Reemployment Priority List. This includes:

- selection of current qualified NEH employees through detail or position change (promotion, demotion, reassignment);
- the conversion of employees serving under appointments with eligibility for noncompetitive conversion;
- reappointment by temporary appointment of 1 year or less, without a break in service, to the same position currently held by an employee serving under a temporary appointment of 1 year or less;
- extension of an employee's temporary appointment to the maximum time period authorized by the appointment authority, or as authorized by OPM.

The restriction on selection from the RPL does not apply when all qualified individuals on the list decline an offer of a specific position or fail to respond to an inquiry about the position, nor does it apply to 700 hour appointments of handicapped individuals or 30-day special needs temporary appointments.

Individuals will be placed on the RPL in group and subgroup order in accordance with reduction in force provisions. In making a selection, an agency may not pass over an individual in group I (current or former employees with career tenure) to select from

group II (current or former employees with career-conditional status) and, within a group, may not pass over an individual in a higher subgroup (for example, a veteran) to select from a lower subgroup (for example, a nonveteran). Within a subgroup, an agency may select an individual without regard to RIF service computation dates.

An agency may appoint an individual who is not on the RPL or has lower standing than others on the RPL as an exception to this section. The exception may be granted only when necessary to obtain an employee for duties that cannot be taken over without undue interruption to the agency by an individual who is on the RPL or has higher standing than the one appointed. If this exception is used, each individual on the RPL who is adversely affected by appointment under this section will be notified in writing of the reasons for the exception and the right of appeal to the Merit Systems Protection Board.

The RPL is cleared only at the grade level of the filled position, regardless of the position's full performance level. If advertising at multiple grade levels, the RPL is only cleared at the grade level of the filled position. After the RPL has been cleared and once a final hiring commitment has been made to a person not on the list, a subsequent registration of another employee on the list does not block the agency's commitment to hire the employee from outside the agency.

RPL consideration must be suspended for any individual who cannot be contacted. The individual may later submit an updated application to restore consideration from the RPL but the employee's applicable eligibility period is not extended beyond the original time period set at the time of the employee's registration.

## **8. RPL Appeals**

An employee who believes that the agency violated the RPL in making a selection may file an appeal to the Merit Systems Protection Board (MSPB). The MSPB generally requires that an appeal be filed within 30 days of the date that the individual became aware that the violation occurred.