

FDA STAFF MANUAL GUIDES, VOLUME III - GENERAL ADMINISTRATION

PERSONNEL

PERSONNEL RELATIONS AND SERVICES

ROTATIONAL ASSIGNMENT OF FDA EMPLOYEES TO AND FROM
OVERSEAS DUTY STATIONS

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1. PURPOSE

This guide outlines and implements policy and prescribes procedures for the rotational assignments of FDA employees to overseas duty stations.

2. BACKGROUND

The FDA has had a long-standing policy-in-practice that employees, particularly those who accepted assignments outside the continental United States, would be subject to transfer or reassignment to the United States at the conclusion of a five-year tour. These appointments were usually reserved for hard-to-fill professional positions, but no written policy was ever formalized.

3. DEFINITIONS

For the purpose of this guide, the following definitions will be used:

- A. Overseas Duty Station** - duty stations outside the continental United States including, but not limited to, Puerto Rico, Guam, the United States Virgin Islands, Alaska, and Hawaii.
- B. Approving Official** - Center Directors; Associate Commissioner for Regulatory Affairs; Director, Office of Management, CDER; Director, Office of Management, CBER; Associate Director for Management and Systems, CDRH; Director, Office of Management and Communications,

CVM; Director, Office of Management, Facilities, and Research Support, NCTR; Director, Office of Resource Management, ORA; Director, Office of Human Resources and Management Services.

4. STATEMENT OF FDA POLICY

FDA employees (GS-9 or above or Public Health Services (PHS) Commissioned Corps equivalent) assigned to an overseas duty station shall be eligible for reassignment to comparable or available positions within the agency for which they are qualified, upon completion of the maximum five-year tour of duty at the overseas duty station.

- A. Coverage. This policy applies to FDA GS-9 or above employees (under career or career conditional appointments made through merit promotion procedures) and equivalent PHS Commissioned Corps personnel selected from, transferred to, or who are currently assigned to a United States or overseas duty station.

5. PROCEDURES

- A. New Appointees/Transfers/Hires.** Within 30 calendar days after an employee is selected for an overseas duty station, the employee must, as a condition of employment, sign the appropriate "Employment Agreement for Transfers and Appointments Overseas - Form HHS-355A" (Attachment A). Form HHS-355A shall be submitted to the immediate supervisor for forwarding, with recommendations, through normal supervisory channels to the approving official for final approval. An approved agreement 1) documents the employee's intent to volunteer for reassignment to another position at the same grade for which the employee may be qualified and 2) establishes the agency's obligation to offer such reassignment after completion of the prescribed tour of duty.
- B. Current Employees.** Employees, at the GS-9 grade level or above, who are currently assigned to an overseas duty station five or more years may apply for reassignment rights within 30 calendar days of the effective date of this guide. Employees at the GS-9 level or above with less than five years at an overseas duty station have two options. Option 1 - an employee may apply for reassignment rights within 30 calendar days of completion of their five year tour. Option 2 - an employee may begin counting their five year tour on the effective date of this policy. Employees choosing Option 2 need to apply for reassignment rights within 30 calendars days after the fifth anniversary of the effective date of this guide. An employee interested in volunteering for reassignment at the termination of his/her tour shall submit a Form HHS-355A through the normal supervisory channels to his or her respective approving official.

C. Request for Reassignment Upon Completion of Tour of Duty.

Employees who wish to exercise their right for voluntary reassignment must do so in writing within 90 calendar days after completion of their normal tour of duty.

1. A written request (memorandum) must be submitted through normal supervisory channels to the appropriate approving official for concurrence and certification of funding.
2. Attached to the request should be:
 - a. a copy of the previously approved Form HHS-355A and;
 - b. a current resume, SF-171 - "Personnel Qualifications Statement", or OF-612 - "Optional Application for Federal Employment".

D. Termination of Reassignment Rights. An employee who has an approved Form HHS-355A may forfeit these rights if he/she:

1. Fails to submit a reassignment request as outlined in c. above, or;
2. Fails to accept an FDA offer of reassignment within 30 calendar days after receipt; or
3. Declines to transfer to a new duty station and position as offered by the FDA.

E. Exceptions. Covered employees who wish to seek an extension of reassignment rights beyond the normal five-year period or otherwise seek an exception to the provisions of this guide should submit a written request through normal supervisory channels explaining the reason for seeking an exception at least 90 days before the end of their five-year tour.

F. Home Leave Benefits and Travel Expenses Reimbursement.

Employees who accept assignments outside the 50 United States shall receive home leave benefits and travel expense reimbursement under 5 U.S.C. 6305 and 5 U.S.C. 5728 (a), respectively.

6. RESPONSIBILITIES

A. Employees. Employees shall submit all necessary documentation required under this guide. Nothing in this guide shall preclude an employee from applying for any position under the Department of Health and Human Services or other merit promotion plans.

B. Approving Official. Responsibilities of the approving official include:

1. Offering eligible employees reassignments to positions at the same grade level for which the employee is qualified and when necessary, serving as a broker to locate other positions within the FDA for which the employee may be qualified;
2. Granting exceptions in response to individual employee requests and/or needs when extenuating circumstances warrant as in the best interest of the FDA's mission;
3. Forwarding appropriate paperwork to the servicing personnel office (SPO); and
4. Taking prompt action on pending Employment Agreements (Form HHS-355A). Note: An approved agreement shall be returned to the employee, or if disapproved, the reason for disapproval shall be provided to the employee in writing. A copy of the approved agreement shall be forwarded to the servicing personnel office for inclusion in the employee's official personnel folder.

7. EFFECTIVE

This guide was approved by the Deputy Commissioner for Management and Systems effective March 7, 2001.