Question: If an employee accepts a Federal DoD Civil Service position overseas what are his/her reemployment rights? What is an obligated position? What fill options does a Manager have when their employee takes an overseas position?

The Federal Government has many overseas employment opportunities. These positions are usually in the competitive Federal service, and as vacancies occur, are typically filled by transferring career Federal employees from the United States to serve a specified tour of duty.

Title 10, United States Code, Section 1586, authorizes a rotation program for the interchange of Department of Defense (DoD) civilian employees between posts of duty in the United States and posts of duty outside the United States. Accordingly, a Civil Service position may be “obligated”, meaning that an employee who accepts an overseas assignment has statutory return rights to his/her position back in the United States, if that employee is career, career conditional and has completed his/her probationary period, or a non-temporary excepted service employee. In the case of non-DoD agency employee accepting an overseas position, return rights are discretionary, to be granted or not granted by the non-DoD agency. If not granted, these employees may return via the DoD Priority Placement Program (PPP), through their own efforts, or through applicable DA Career Programs.

Employees who accept overseas tours are generally assigned an initial two or three year tour; however, at the request of their overseas manager, these employees may extend their tours up to five years. Under the aforementioned statute, return right entitlements are in place for 5 years. As such, if employees return within this time frame, they may
reclaim their old positions. In rare instances, return rights may be granted for more than five years. For this to occur, the losing agency/activity must consent; otherwise, rights back to a position [in the United States] after 5 years, are through the PPP, appropriate DA career program or the employee's own efforts.

During the time the employee is overseas, a manager may fill obligated positions on a temporary/term or permanent basis. If the position is filled on a permanent basis, the selectee will be required to sign a statement acknowledging the fact that should the employee entitled to the job return, he/she may be displaced under reduction in force procedures.

Upon verification [thru the CPAC] that an employee will return to his/her old job, the current employee of the obligated position must vacate the position. If there is no vacancy for assignment, then reduction in force (RIF) procedures are used to determine job placement entitlements. The overseas employee exercising return rights is not included in the RIF. However, if during the absence of the overseas employee, the obligated position was cancelled/abolished or changed to a lower grade, the overseas employee on return to the installation may be required to compete in a RIF. If the position was restructured to a higher grade, the employee is entitled to consideration. If not selected the activity still retains responsibility for placement.

For additional information pertaining to Reemployment Rights, please see AR690-300/chapter352/chapter352.html - Reemployment Rights.

BLANCHE D. ROBINSON
Human Resources Officer
Fort Benning CPAC
Phone: 545-1203 (Coml.); 835-1203 (DSN)
E-Mail: blanche.d.robinson@us.army.mil