



COMDTINST 12333.2
17 JUN 2021

COMMANDANT INSTRUCTION 12333.2

Subj: REEMPLOYMENT OF CIVILIAN RETIREES UNDER THE NATIONAL
DEFENSE AUTHORIZATION ACT (NDAA)

- Ref: (a) 5 U.S.C. §8344, Annuities and pay on reemployment
 (b) 5 U.S.C. §8468, Annuities and pay on reemployment
 (c) NDAA for Fiscal Year 2020, Pub. L. No.116-92 § 1117 (2019)
 (d) NDAA for Fiscal Year 2010, Pub. L. No. 11-845, § 1122 (2009)
 (e) 5 C.F.R. §316.401
 (f) Career Transition and Placement Assistance Program for Coast Guard and Other
 Federal Employees COMDTINST M12330.3 (series)

- PURPOSE. This Instruction establishes the Coast Guard’s policy to hire a limited number of reemployed annuitants to temporary positions without an offset of salary under the provisions of References (a) and (b). Individuals appointed using this authority are not considered “employees” for the purposes of References (a) - (c).
- ACTION. All Coast Guard unit commanders, commanding officers, officers in charge, deputy/assistant commandants, and chiefs of headquarters staff elements must comply with the provisions of this Instruction. Internet release is authorized.
- DIRECTIVES AFFECTED. None.
- SCOPE. This Instruction applies to appropriated funded Coast Guard civilian employees who are eligible for reemployment under References (a) and (b). Annuitants hired under the legal appointing authority serve on a temporary appointment, not-to-exceed one year but may be extended under certain conditions.
- DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally binding requirements on any party outside of the Coast Guard.

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NON-STANDARD DISTRIBUTION:

6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATION.

- a. The development of this Instruction and the general policies contained within it have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management, Commandant (CG-47). This Instruction is categorically excluded under current Department of Homeland Security (DHS) categorical exclusion (CATEX) A3 from further environmental analysis in accordance with “Implementation of the National Environmental Policy Act (NEPA), DHS Instruction Manual 023-01-001-01 (series).
- b. This Instruction will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policy in this Instruction must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Department of Homeland Security (DHS) and Coast Guard NEPA policy, and compliance with all other applicable environmental mandates.

7. DISTRIBUTION. No paper distribution will be made of the Instruction. An electronic version will be located on the following Commandant (CG-612) web sites. Internet: <http://www.dcms.uscg.mil/directives/> and CGPortal <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>.

8. RECORDS MANAGEMENT CONSIDERATIONS. Records created as a result of this Manual, regardless of format or media, must be managed in accordance with the records retention schedules located on the Records Resource Center CGPortal site: <https://cg.portal.uscg.mil/units/cg61/CG611/SitePages/Home.aspx>.

9. POLICY. Reference (d) extended the ability to reemploy retired civilian employees on a part-time basis. The appointment provisions in this Instruction end on 31 December 2024 unless otherwise extended.

10. CRITERIA. Dual compensation waivers may be approved when it is determined an appointment meets at least one of the following requirements:

- a. Fulfills functions critical to the mission of the Coast Guard;
- b. Assists in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5301et seq.);
- c. Assists in the development, management or oversight of agency procurement actions;
- d. Assists the Inspector General for the agency in the performance of the mission of that Inspector General;

- e. Promotes appropriate training or mentoring programs of employees;
- f. Assists in the recruitment or retention of employees; or
- g. Responds to an emergency involving a direct threat to life or property or other unusual circumstances.

11. LIMITATIONS.

- a. Appointments are limited to temporary appointments made in increments not-to-exceed (NTE) a year or less. Appointments may be extended up to a maximum of one additional year (24 months total). If employment totals are less than 1040 hours in a 12-month period (Reference (e)), then appointments can be extended beyond 24 months up to three years. Three years is the limit (Reference (e)). The hourly limitations described in paragraph 11.e. of this section still applies.
- b. Annuitant temporary positions involving intermittent and seasonal work may be extended without regard to the limitations outlined in paragraph a. above, if:
 - (1) Appointments are made in increments of one year or less.
 - (2) The employment totals less than 1040 hours for one individual within a 12-month period.
 - (3) NOTE: The lifetime hourly limit of 3120 hours applies and may not be exceeded even when the exception rule is met and used unless working in a mixed purpose position.
- c. The lifetime hourly limit of 3120 hours applies and may not be exceeded even when the exception rule is met and used unless working in a mixed purpose position.
- d. Paid leave (e.g. annual and/or sick leave) counts against the hourly limit and should be tracked.
- e. Use of term, indefinite or other appointments types are not permitted.
- f. Annuitants cannot serve more than 520 hours during the period ending 6 months after retirement; more than 1,040 hours during any 12-month period; or more than a total of 3,120 hours. The 3,120 hour limit is a lifetime limit for annuitants. After a threshold is reached, annuitants are ineligible for dual compensation waivers.
- g. If the annuitant is re-employed for a mixed purpose that includes training and mentoring, the time an annuitant spends training and mentoring employees is not counted toward the time limits described in paragraph 11a; however, an annuitant cannot spend more than a total of 520 hours in training and mentoring activities during all of his or her reemployment when the purpose of the work is mixed. If the annuitant is re-employed for a mixed purpose and uses the total 520 hours for training and/or

mentoring, the new lifetime hourly limit becomes 3,640 hours (3,120 hours + 520 training mentoring hours = 3,640 new lifetime limit).

- h. Annuitants rehired under this authority before the law's expiration on 31 December 2024 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.
- i. Requests to extend the hourly limitations for appointments will not be approved.
- j. Requests to reemploy annuitants into Senior Executive Service (SES), Senior Leader (SL), Supervisory, or Team Lead positions will be approved on a case-by-case basis. In most instances, selecting officials will be advised to reemploy annuitants within the General Schedule pay system and in a non-supervisory position description.
- k. The total number of reemployed annuitants appointed under 2020 NDAA is limited to one percent of the Coast Guard full-time workforce, approximately 82 reemployed annuitants. Exceptions to this limit made by a Coast Guard requesting office must be in writing and must be approved by the DHS, Office of the Chief Human Capital Officer (OCHCO).
- l. This authority expires on 31 December 2024 unless otherwise extended by legislation.

12. REQUIREMENTS FOR CONSIDERING DISPLACED/SUPLUS EMPLOYEES.

- a. Even though typically annuitants are appointed noncompetitively, the provisions of the Career Transition Assistance Plan (CTAP) and the Interagency Career Transition Assistance Plan (ICTAP) must be applied to ensure that displaced and surplus employees are given priority consideration when applicable (Reference (f)).
- b. Appointments for 120 days or less: CTAP/ICTAP provisions do not apply if the appointment is for a period of 120 days or less. If a request is received to extend an appointment beyond the initial 120-day period, then the instructions below must be followed before the appointment can be extended.
- c. Appointments for 121 days or more: CTAP/ICTAP must be cleared if the appointment is for a period of 121 days or more. If the annuitant being reinstated is a 10-point veteran, ICTAP provisions do not apply.

13. PROBATIONARY PERIOD REQUIREMENTS. A probationary or trial period may be required depending on the annuitant's prior Federal service and the type of appointment to which they are being appointed.

14. PROCEDURES.

a. Commandant (CG-12) must:

- (1) Approve or disapprove requests for NDAA in a fair and equitable manner. Disapproved requests will contain an explanation of the basis for the disapproval.
- (2) Ensure requests do not exceed one percent of the Coast Guard's full-time workforce, approximately 82 employees.
- (3) Request approval from the DHS OCHCO if the number of dual compensation requests exceeds 82 employees.

b. Commandant (CG-122) must:

- (1) Develop and disseminate policies governing the use of the NDAA and provide technical guidance to employing offices concerning its administration;
- (2) Coordinate policy changes and program modifications;
- (3) Manage NDAA reports and DHS reporting requirements.

c. Commandant (CG-123) must:

- (1) Conduct the appropriate recruitment actions to clear CTAP/ICTAP for a temporary position and package the tentative selection for a reemployed annuitant;
- (2) If the certificate is closed and an additional vacancy occurs within 90 days after the job opportunity announcement closes, for a similar position, same title, same series, grade, geographical location, and employing organization, the original closed vacancy announcement can be used to document the clearance of the CTAP and the ICTAP. A different vacancy announcement may be used to document the clearance of the CTAP and the ICTAP when a position is similar i.e., same title, same series, grade, geographical location and employing organization.
- (3) Ensure the requesting organization completes the Request for Dual Compensation Waiver, [REQUEST FOR A DUAL COMPENSATION WAIVER \(defense.gov\)](https://www.defense.gov) before appointment.
 - (a) Submit dual compensation request(s), (CG-12352A and CG-12352B) through Commandants (CG-122) to (CG-12) for approval.

- (b) If approved, verify retirement type and notify the Office of Personnel Management (OPM) of the annuitant's reemployment based on the 2020 NDAA provisions.
 - (c) Document the SF-50 in accordance with OPM's Guide to Processing Personnel Actions at: <http://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/#url=Processing-Personnel-Actions>.
 - (d) Ensure specific remarks on the action are included based on Reference (e).
- d. Supervisors must:
- (1) Complete the NDAA Request/Condition of Employment, [NDAA Request/Condition of Employment \(defense.gov\)](http://www.defense.gov/ndaa), including the certification information required by the selectee and send the form to their servicing Commandant (CG-123) Center or Field Human Resources Specialist via Federal Human Resource Navigator FedHR.
 - (2) Prepare NDAA request memo for CG-12 review and approval/disapproval.
 - (3) Establish a system for tracking, monitoring, and certifying the time worked by a reemployed annuitant does not exceed the maximum hours outlined in this Instruction.
 - (4) Monitor appointments to ensure the annuitant does not work beyond the applicable hours. NFC limits the number of hours that an annuitant can work and stops salary payout if the hours are exceeded.
 - (3) Periodically review the hours worked under this appointing authority with the reemployed annuitant.
 - (a) Ensure the hours certified on the time card are the official hours worked by a reemployed annuitant under this authority.
 - (b) If the annuitant works in a mixed purpose position, ensure training and mentoring hours are documented in the time and attendance system (e.g., WebTA). The number of hours spent training or mentoring should be documented each pay period in WebTA under the drop down transaction "training for employees with hourly limitations."
 - (c) Notify Commandant (CG-123) servicing Human Resource Specialist to request extension of appointment at least two pay periods before the hourly time limit is exceeded.

- e. Reemployed annuitants must:
 - (1) Monitor the hours worked under NDAA and ensure the total hours worked do not exceed the appropriate hour limitations.
 - (2) Keep a record of the dual compensation hours worked under NDAA authorities, in the event they need to furnish the number of hours worked.

15. BENEFITS IMPACT TO REEMPLOYED ANNUITANT UNDER NDAA.

- a. Retirement.
 - (1) There are no retirement contributions. Retirement coverage is Federal Insurance Contributions Act (FICA).
 - (2) Reemployed annuitants are not eligible to make a military service deposit.
 - (3) Reemployed annuitants are not eligible to contribute to Thrift Savings Plan (TSP).
 - (4) An annuitant who retired on an approved disability retirement and is receiving Office of Worker's Compensation Program (OWCP) benefits in lieu of an annuity from OPM is not considered a reemployed annuitant under the NDAA and does not qualify for the dual compensation waiver.
- b. Federal Employees Health Benefits (FEHB) and Federal Employees' Group Life Insurance (FEGLI).
 - (1) Reemployed annuitants retain health and life insurance servicing through OPM.
 - (2) Flexible Spending Accounts (FSA)
 - (a) Reemployed annuitants are not eligible for Health Care Flexible Spending Accounts (HCFSA).
 - (b) Reemployed annuitants are eligible for Dependent Care Flexible Spending Accounts if they have eligible dependents.
- c. Federal Long Term Care Insurance Program (FLTCIP). Reemployed annuitants are eligible to participate in the FLTCIP with the full underwriting.
- d. Lump sum payments for annual leave.
 - (1) If annuitants are reemployed in Federal service before the expiration of the period of annual leave (i.e. the lump-sum leave period), they must refund the portion of the payment that represents the period between the date of reemployment and the expiration of the lump-sum period.

- (2) This same time period is re-credited to their annual leave accounts.
- e. Sick Leave Credit. CSRS and FERS retirees' sick leave will not be re-credited upon reemployment.
 - f. Annual Leave Accrual. The service computation will include all prior creditable service. Regular leave accrual rates apply based on length of service and work schedule.
16. FORMS/REPORTS. The forms referenced in this Instruction are available in USCG Electronic Forms on the Standard Workstation or on the Internet:
<http://https://dcms.uscg.afpims.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/Forms-Management/> CGPortal at:
<https://cg.portal.uscg.mil/library/forms/SitePages/Home.aspx>.
17. REQUEST FOR CHANGES. Commandant (CG-122) is the sponsoring office. Any recommended changes should be submitted to the Office of Workforce Management Chief.

/MICHELLE R. GODFREY/
Director of Civilian Human Resources,
Diversity and Leadership

Encl: (1) Definition of Terms

DEFINITION OF TERMS

1. **Annuitant.** An individual receiving an annuity from any retirement system or who meets all requirements for entitlement to an annuity and has submitted a claim for retirement.
2. **Annuity.** The annual sum payable to a former employee who has retired.
3. **Appointment.** A personnel action that brings an individual onto the rolls of the Coast Guard (e.g., initial appointment, transfer into the Coast Guard from another Federal agency) or that converts a current employee to another appointment.
4. **Dual Compensation Waiver.** Retirees hired with a dual compensation waiver receive both full annuity and full salary.
5. **Indefinite Appointment.** One given a nonpermanent employee who is hired for an unlimited period of time.
6. **Temporary Appointment.** An appointment made for a limited period of time and with a specific not-to-exceed (NTE) date determined by the authority under which the appointment is made.
7. **Term.** Appointment to a position that will last more than one year but not more than four years and that is of a project nature where the job will terminate upon completion of the project.