

TRADOC 180-Day Waiver Request Package Process/Guidance

1. Purpose. To provide procedures for requesting a waiver for the appointment of retired members of the Armed Forces to civilian positions within 180 days immediately after retirement.
2. Scope. As of December 23, 2016, a waiver package must be submitted and approved for retired members of the Armed Forces who are within 180 days of retirement and began working after the NDAA FY17 was enacted (December 23, 2016).
3. Process. For proposed appointees with tentative job offers and no established entrance on duty (EOD), commands will seek waivers. Commands/hiring managers should **not delay an EOD rather than submitting a waiver package**. Request packages should be compiled and submitted for Command approvals within **14 days** of notification from the CPAC of the 180 day waiver requirement. Commands/hiring managers should work closely with their servicing Civilian Personnel Advisory Center (CPAC) to obtain documents for waiver packages. Packages should contain the following documents, in order, in PDF format:
 - a. Request Memo addressed to the CG (for GS-14/15 positions), EDCG (for GS-13 positions, and GS-12 & below non mission critical occupations), or local approving authority, GO/SES, (for mission critical occupations, GS-12 and below). Memo should contain name of proposed appointee and position for which selected (include title/series/grade and organization), and a comparison of the qualifications of the proposed appointee and other eligible candidates from other sources. **Explain why other available candidates could not be expected to satisfactorily perform the duties of the position within a reasonable amount of time.** If applicable, address the reasons for establishing the position, if the position is being filled for the first time. **If the proposed appointee previously held a military position in your organization before retiring, explain the relationship between the position to be filled and the proposed appointee's previously held military position.**
 - b. Local legal review memo;
 - c. 180 Day Waiver Worksheet;
 - d. Position Description;
 - e. Complete Vacancy Announcement;
 - f. Referral List issued by the servicing CPAC (not a screenshot of USAStaffing);
 - g. Panel Documents (to include resume panel criteria and scoring matrix, interview panel questions, individual panel members scores and scoring matrix, selection criteria, etc.);

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- h. Selectee's Resume; and
 - i. Selectee's DD214 and approved transition leave form (if applicable).
4. All waiver request packages should be reviewed by the organization's G1 (or equivalent) to ensure packages are complete and meet all requirements. ***If requests do not meet intent, they should be rejected at the local level.***
5. All packages requiring CG or EDCG approval should be forwarded to the HQ TRADOC G-1 POC, Bonny Supplee, at bonny.l.supplee.civ@mail.mil, (757) 501-6804, for review and staffing.

QUESTIONS AND ANSWERS

1. Q. Once a manager makes a selection of a retiree, will he/she be required to have the waiver in place prior to the tentative job offer (TJO) or before the firm job offer (FJO)?

A. Prior to a TJO the CPAC should verify that the selectee is within 180 days from retirement, informing management of the applicant's status and advising on the 180 day waiver process. If management wishes to pursue the waiver, CPAC should extend the TJO and, if the TJO is accepted, continue with the pre-employment process. The CPAC will inform management that TJO was accepted and that they should proceed with the waiver request. Once waiver is approved and all pre-employment requirements are completed, a FJO can be extended. No FJO can be extended without an approved waiver.

2. Q. Can managers still select retirees that are on terminal leave? Will they be required to wait until they retire to get the waiver or can they still do that during their terminal leave?

A. Yes, IAW 5 USC 5534a a member of the armed forces who has performed active duty and who is on terminal leave pending separation from, or release from active duty in, that service under honorable conditions may be selected and brought on board while on terminal leave. If the selectee requires a 180 day waiver, that must be approved prior to appointing the selectee.

3. Q. Can a selectee on terminal leave be brought on board once the waiver is approved prior to the retirement date?

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A. Yes. If the approved waiver is received, the employee can be brought on board prior to their retirement date from the Armed Forces as long as they have begun terminal leave. Reference: 5 USC 5534a.

4. Q. Is management required to submit for a waiver?

A. No. Management may elect to have the job offer withdrawn.

5. Q. Can management request a waiver for a non-competitive placement?

A. Yes and no. Yes, management can request a waiver for a non-competitive placement, **IF** all the requirements for supporting the 180 day waiver request have been met - for example, public notice announcements were used to publicize the vacancy.

6. Q. Can the retired military applicant's EOD be established after the 180 day requirement expires?

A. There should not be a perception that the position is being held for the retiree. If the retiree will meet the 180 day period within a couple of weeks, the EOD could be set out to that date, but the CPAC and management should review each action to determine if holding the position for a long period could be construed as holding the position open for the retired member.

7. Q. If management does not want to request a waiver, can they hold the position until the applicant is eligible to be appointed, i.e. meets the 180 day requirement without a waiver?

A. No. Per 5 USC 3326(c)(4) management should not give the appearance of holding the position pending the retirement. If management does not want to submit a waiver, they can request that the CPAC withdraw the job offer.

8. Q. How long does it normally take to get a waiver approved when submitted to HQs TRADOC?

A. Once a **complete** package is received, the TRADOC Staff Judge Advocate must render a legal opinion prior to staffing to the CG/EDCG for approval. Total staff time averages less than 30 days.

9. Q. Once waiver approval has been received, is there a certain timeframe an Entrance on Duty (EOD) date must be set?

A. Yes. Per legal advisement, after all pre-employment requirements have been met, the appointment should be within 30 days for CONUS positions and 45 days for

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OCONUS positions. This is to assure compliance with the statute that a position is not being held open pending retirement of the retired member.

**APPOINTMENTS OF RETIRED MEMBERS OF THE ARMED FORCES WITHIN 180
DAYS AFTER RETIREMENT WORKSHEET**

INFORMATION ABOUT PROPOSED APPOINTEE:

1. Name of proposed appointee:

2. Effective date of retirement from the Armed Forces:

3. Rank at time of retirement:

4. Pay grade at the time of retirement:

5. Armed Force served at time of retirement:

INFORMATION ABOUT THE POSITION:

1. Position Title/Series/Grade:

2. Position Location:

3. Date position established:

4. Date position was last occupied:

5. Was the position converted from military to civilian status:
 - a. Date of the conversion (if converted):

 - b. Reason for conversion (if converted):

 - c. Was the proposed appointee the last military occupant:

6. Type of position:

7. Qualification requirements and any selective placement factors used to qualify applicants for the position:

8. Have efforts to fill the position been continuous since it became vacant:

If efforts to fill the vacancy have not been continuous, please provide reasons for delay in recruitment: