

Reemployment of Retirees

CBP Guidance: Reemployment of Civilian Retirees Under the NDAA for FY 2015

Section 1107 of the National Defense Authorization Act (NDAA) for Fiscal Year 2015, Public Law 113-291, allows an Agency head to reemploy Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) annuitants on a limited basis with a waiver of salary offset (dual compensation waiver) under certain specified circumstances. Civilian retirees hired with a dual compensation waiver will receive both full annuity and full salary. In addition, these individuals will not be considered “employees” for the purposes of Title 5, U.S.C., Chapters 83 (CSRS) or 84 (FERS).

The authority may be used when it is necessary to:

- Fulfill functions critical to the mission of the Agency, or any component of that Agency;
- Assist 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. 5201 et seq.);
- Assist in the development, management, or oversight of Agency procurement actions;
- Assist the Inspector General for the Agency in the performance of the mission of that Inspector General;
- Promote appropriate training or mentoring programs of employees;
- Assist in the recruitment or retention of employees; or
- Respond to an emergency involving a direct threat to life or property or other unusual circumstances.

Time Limitations:

Appointments will be limited to one year or less. An individual may not serve more than 520 hours during the period ending six 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 the annuitant under the NDAA-specific appointment authority. Once the individual has worked 3,120 hours, he or she may no longer receive a dual compensation waiver under this authority.

Hiring limitations:

The total number of annuitants with waivers must not exceed one percent of the total number of full-time CBP employees. If one percent is exceeded, there is a requirement to provide an explanation and justification to Congress and the Office of Personnel Management (OPM).

Expiration of Authority:

December 31, 2019