

## **3 FAM 2130 REEMPLOYMENT**

### **3 FAM 2131 FOREIGN SERVICE OFFICERS**

#### **3 FAM 2131.1 General Policy**

*(TL:PER-287; 8-18-95)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

The President may, by and with the advice and consent of the Senate, reappoint to the Service a former Foreign Service Officer who is separated from the Service. The reappointment of any such person shall be governed by the following requirements:

(1) On the date of application, such applicant shall be a citizen of the United States; and

(2) No applicant will be considered who has previously been separated from the Foreign Service under sections 607, 608, 610, or 611 of the Foreign Service Act of 1980, as amended (or the predecessor sections 633, 635, or 637 of the Foreign Service Act of 1946, as amended) or who resigned or retired in lieu of separation under these provisions.

#### **3 FAM 2131.2 Exceptions**

*(TL:PER-287; 8-18-95)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

The restriction contained in section 2131.1(2) shall not apply where it has been determined:

By the Foreign Service Grievance Board under 3 FAM 4400, or by the Director General of the Foreign Service and Director of Personnel, or a Deputy Assistant Secretary for Personnel, that the separation or the resignation or retirement in lieu of selection-out or separation for cause was wrongful;

By the Director General of the Foreign Service and Director of Personnel or a Deputy Assistant Secretary for Personnel that reappointment is an appropriate means to settle a grievance or complaint of a former Foreign Service Officer on a mutually satisfactory basis; or

That reappointment is the indicated redress in a proceeding under 3 FAM 1500 regarding equal employment opportunity.

## **3 FAM 2132 OTHER FORMER MEMBERS OF THE FOREIGN SERVICE**

*(TL:PER-287; 8-18-95)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

Other former members of the Foreign Service may be appointed to fill vacancies in the Service in accordance with the provision of 3 FAM 2120. Such individuals may be given preference in consideration for appointment to vacancies for which they have the necessary qualifications when their previous performance in the Service justifies such preference.

## **3 FAM 2133 FOREIGN SERVICE ANNUITANTS**

### **3 FAM 2133.1 Recall to Service**

*(TL:PER-287; 8-18-95)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

a. The Chief, Employment Division (PER/REE/EMP) may recall any retired Foreign Service Officer temporarily to duty in the Service whenever he or she determines that such a recall is in the public interest.

b. While serving, a recalled Foreign Service Officer shall be entitled, in lieu of retirement annuity, to the full salary of the class in which serving.

c. A retired Foreign Service Officer recalled to duty shall make contribution to the Foreign Service Retirement and Disability Fund in accordance with 3 FAM 6000.

### **3 FAM 2133.2 Recovered Disability Annuitants**

*(TL:PER-287; 8-18-95)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

Whenever a determination is made pursuant to 3 FAM 6000 that a disability annuitant has recovered to the extent that the annuitant is no longer disabled or incapacitated for useful and efficient service and can return to duty in the Foreign Service, the annuitant may, within one year from the date recovery was determined, apply for reinstatement or reappointment in the Service. The procedures and guidelines which govern the application, reinstatement or reappointment, and class to which such individual shall be assigned are published in H-2130.

### **3 FAM 2133.3 Employment by a Government Agency**

*(TL:PER-287; 8-18-95)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

a. Any employee who has retired from the Service, who is receiving an annuity under the provisions of the Foreign Service Retirement and Disability System, and who is reemployed in the Federal Government in any appointive position either on a part-time or full-time basis, is entitled to receive the salary of the position in which the employee is serving plus so much of the annuity as when combined with such salary does not exceed during any calendar year the basic salary to which the employee was entitled to receive under sections 412 or 415 of the Foreign Service Act, as amended, on the date of retirement.

b. If the salary during any calendar year exceeds the salary at time of retirement, the employee shall be entitled to receive the salary of the position in which reemployed, but no annuity shall be payable.

c. When a retired employee is employed by the Federal Government, the employing agency shall send a notice to the Department of such reemployment, together with all pertinent information relating thereto, and shall pay directly to such employee the salary of the position in which the employee is serving.

d. In the event of any overpayment, such overpayment shall be recovered by withholding the amount involved from the salary payable to such reemployed employee, or from any other moneys, including annuity, payable in accordance with the Foreign Service Act.

e. FICA deductions are withheld from the salary of a Foreign Service annuitant who is reemployed under a type of appointment which excludes the annuitant from coverage under the Civil Service Retirement System.

### **3 FAM 2134 CIVIL SERVICE ANNUITANTS**

### **3 FAM 2134.1 Applicability**

*(TL:PER-287; 8-18-95)*

*(State Only)*

*(Applies to Retired Foreign Service and Civil Service Personnel)*

(a) This section applies to individuals who are receiving, or who meet the legal requirement and have applied for an annuity under the Civil Service Retirement System (CSRS) or the Federal Employees' Retirement System (FERS) based on service.

(b) A person retired under another retirement law may be reemployed only as provided by the particular act under which he or she is retired.

### **3 FAM 2134.2 Policy**

*(TL:PER-287; 8-18-95)*

*(State Only)*

*(Applies to Retired Foreign Service and Civil Service Personnel)*

Annuitants will be reemployed as their service is required and when their reemployment is determined to be in the best interest of the Service.

### **3 FAM 2134.3 Procedures**

*(TL:PER-287; 8-18-95)*

*(State Only)*

*(Applies to Retired Foreign Service and Civil Service Personnel)*

Procedures and guidelines governing the reemployment, pay, and separation of CSRS and FERS annuitants are published in 3 FAH-1 H-2130.

### **3 FAM 2135 THROUGH 2139 UNASSIGNED**