

Chapter 3. General Instructions for Processing Personnel Actions

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Chapter 3. General Instructions for Processing Personnel Actions

Subchapter 1. General Instructions

1-1. Authority to Prescribe Reporting Requirements.

The Office of Personnel Management's authority to prescribe reporting requirements covering personnel actions is in section 2951, title 5, U.S. Code. Part 7.2, title 5, U.S. Code of Federal Regulations, is based on that statute, and extends this authority to all types of appointments and personnel actions.

1-2. Employee Name.

a. Name Used. The general rule on use of a name on an employee's records is consistency: show the employee's name in the same way on all Government records. The name to record on official personnel records for an appointee is the name commonly used in the community where the appointee resides, for example, the name entered on application papers and used for social security records, driver's license, income tax purposes, and bank accounts. If application papers reflect a nickname enclosed in parentheses or quotation marks, it is not considered part of the employee's name for personnel records.

b. Recording employee's name. The name is recorded on the Official Personnel Folder and on Notifications of Personnel Action in the following manner:

LAST NAME [comma] SUFFIX (Jr., Sr.)
 [comma] [space]
 FIRST NAME or INITIAL [space]
 MIDDLE NAME(s) or initial(s)

Examples:

DOE, Jr., JOHN NMN
 MARTIN, M. CATHERINE
 O'REILLY, JOHN F.X.
 MARTINEZ-SANDOVAL, MARIA
 ELENA

When a personnel document asks for a middle name or initial, and the employee has no middle name or initial, enter "NMN." Record apostrophes and hyphens of spaces between double names only as used by the employee. Do not use titles, such as "Mr." "Ms.," "Miss," "Dr.," and "Professor," on Notifications of Personnel Action or on the Official Personnel Folder.

1-3. Effective Dates.

a. Prior Approval. Except as explained in Table 3-A, no personnel action can be made effective prior to the date on which the appointing officer approved the action. That approval is documented by the appointing officer's pen and ink signature or by an approved electronic authentication in block 50 of the Standard Form 50, or in Part C-2 of the Standard Form 52. By approving an action, the appointing officer certifies that the action meets all legal and regulatory requirements and, in the case of appointments and position change actions, that the position to which the employee is being assigned has been established and properly classified.

b. Setting Effective Dates. Unless otherwise indicated on the Notification of Personnel Action, separations and actions to terminate grade and pay retention are

effective at the end of the day (midnight); all other actions are effective at the beginning of the day (12:01 a.m.).

Separations are actions that remove employees from the rolls of their agencies, for example, deaths, resignations, terminations, removals, and retirements. Any action whose nature of action code (NOAC) begins with a "3" is a separation.

(1) Follow instructions in Table 3-A to set dates in situations where approval of the appointing officer is required. Use Figure 3-1 to identify Comptroller General decisions that address effective dates and how they are set in specific situations.

(2) Follow instructions in Table 3-B to set dates in those situations where prior approval of the appointing officer is not required.

1-4. Approval of Personnel Actions.

a. Requirement for approval. As explained in paragraph 1-3a, most personnel actions must be approved by the appointing officer on or before their effective dates. An appointing officer is an individual in whom the power of appointment is vested by law or to whom it has been legally delegated. Only an appointing officer may sign and date the certification in Part C-2 of the Standard Form 52 or blocks 50 and 49 of the Standard Form 50 to approve an action.

b. Delegation of appointing authority. Under 5 U.S.Code 302, the head of an agency may delegate appointing authority to subordinates. Such delegations are generally made to the agency's director of personnel who then redelegates the authority to other members of the personnel staff, as necessary. A delegation of appointing authority may be made to a specific individual or to the incumbent of specific position. The delegation must be in

writing and define clearly the extent of the authority being granted, for example, authority to approve all within-grade increase actions.

c. Responsibilities of the appointing officer. The appointing officer is responsible for ensuring that each personnel action he or she approves meets all legal and regulatory requirements. He or she is responsible for approving determinations made by recruiters, staffing specialists, personnel assistants, and other personnel office staff with regard to legal authority for the action, including issues such as qualifications, pay, and suitability. The appointing officer makes final pre-appointment determinations regarding citizenship, veterans' preference, minimum and maximum age limits (where appropriate), suitability, qualifying experience and education. In the case of appointments and position change actions (for example, promotions), the appointing officer ensures that the position to which the employee is assigned has been established and properly classified.

d. Criteria for selection of appointing officers. Agencies must ensure that appointing authority, that is, the authority to approve and certify actions, is delegated only to persons whose training and experience enable them to review the background material on a proposed action and determine whether it meets the necessary legal and regulatory requirements. Approval of actions is a serious responsibility that should not routinely be assigned to clerical or other technical support personnel who may lack the necessary background and training to make the decision to approve or disapprove an action. A person who has not been a party to the recruitment, qualification, selection, and pay-setting processes on a

proposed action, and who lacks information as to how these determinations were reached, cannot and should not be expected

to decide whether the specific action meets legal and regulatory requirements.

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Subchapter 2. Cancellations and Retroactive Personnel Actions

2-1. Coverage

These instructions cover cancellations and retroactive actions to implement decisions, as defined below. These instructions also apply when the employing agency identifies, outside of the decision process, an erroneous or improper personnel action that needs corrective action. Nothing in these instructions, however, authorizes or permits an agency to enter into a settlement agreement that is contrary to the civil service laws or regulations.

2.2. Definitions.

a. A decision as referred to in this chapter is: (1) a Court Order; or (2) a decision or order or a settlement agreement reached under the rules and regulations of the Merit Systems Protection Board (MSPB), the Equal Employment Opportunity Commission (EEOC), the Federal Labor Relations Authority (FLRA), the Office of Personnel Management (OPM), or the agency; or (3) an arbitral award, or a decision of an agency head which adopts the recommendations of an agency fact finder; or (4) a settlement agreement between an individual and an agency under circumstances other than those above.

b. A cancellation cancels or rescinds an earlier action that was improper, that was proper but contained references to an improper action, or that contained remarks that are inappropriate or erroneous and that should not have been recorded.

c. A retroactive action is one which is prepared or processed after the pay period in

which it is to be effective. Retroactive actions may be either replacement actions or newly required actions.

d. A replacement action is one which takes the place of or replaces a canceled Standard Form 50 when:

- Another action is being substituted for the original action (for example, when a 15-day suspension is substituted for a 30-day suspension); or
- The original action was canceled because it contained erroneous information and/or inappropriate remarks, but was otherwise a valid action; or
- The original action was canceled because it in some way reflected the effects of another personnel action that was also canceled (for example, a change to career tenure that reflects the wrong grade because a previous change to lower grade was canceled).

e. A newly required action is a personnel action that is required as a result of a decision or as a result of a cancellation. For example, if a reassignment action was canceled and a replacement action issued for promotion, there might also be the need to issue an action for a within-grade increase for which the employee would have been eligible due to the retroactive effective date of the promotion.

f. Improper service or improper assignment is service or an assignment performed in a position or positions to which a decision says the employee should not have been assigned or non-Federal service performed during a period of improper separation from Federal service.

g. Void action is an action which should never have occurred because of an absolute statutory bar to it, such as appointment of a male who has not registered, as required, for Selective Service, or because the employee was guilty of fraud in regard to the action or deliberately misrepresented or falsified a material matter.

h. OPF (Official Personnel Folder). The official repository of records and reports of personnel actions effected during an employee's civilian government service and documents and papers required in connection with such actions.

i. EPF (Employee Performance File). Performance appraisals and related records maintained in either a separate envelope in the Official Personnel Folder, a separate folder (in whatever office the organization designates), in a supervisor's work folder, on microfiche, in an automated personnel record system, or in any combination of such records maintenance systems. Whatever system or combination of systems the agency chooses constitutes that agency's Employee Performance File System.

j. Subject File. A file, separate from the Official Personnel Folder or Employee Performance File, in which material is filed and retrieved by subject or topic, rather than by employee. Examples of subject files found in a personnel office include grievance files and adverse action files.

k. An Interim Appointment, Promotion, Within-grade Increase, or Other Interim Action provides relief for an employee who prevails in an initial action before the Merit Systems Protection Board (MSPB). It provides an employee with income during the continuation of the appeal process following the initial MSPB decision.

2-3. Reasons for Cancellations and Retroactive Actions.

Cancellations and retroactive actions are most frequently processed to implement decisions resulting from the settlement or resolution of a complaint, a grievance, or an appeal of an adverse action or an arbitral award. They may also be processed when an appointing officer discovers an action the current agency or another agency effected in error (for example, a within-grade increase for an employee who has not completed the required waiting period due to excess time in nonpay status) or an action which should have been processed and was not.

2-4. Implementation of Decision.

a. Decisions of the Merit Systems Protection Board (MSPB.) The Whistleblower Protection Act of 1989 (Public Law 101-12) authorizes interim relief for employees who prevail in their initial appeals of adverse actions, performance-based actions, or other appealable actions before MSPB. Any such interim relief ordered by MSPB is effective on the date the initial decision is issued (see 5 CFR 772.102, 5 CFR 531.414, and Figure 32-3 of this **Guide**). Stays of personnel actions (including retroactive stays) ordered by MSPB where an individual files an individual right of action (IRA) appeal under the Act, claiming reprisal for having engaged in protected activity, are not considered interim relief.

b. Other Decisions. An agency should not delay initiating corrective action in accordance with a decision unless it has sought and been granted a stay. Once the appeals, if any, have been exhausted, the decision must be implemented.

2-5. Decisions that Do Not Require Personnel Actions.

a. Whether it is prepared in paper or electronic format, a Notification of Personnel Action, Standard Form (SF) 50 is the official record that a personnel action has been effected. The employee's payroll records (including retirement, tax, and thrift savings records), are based on and reflect the salary or pay documented on the employee's SF 50. As a result, when an agency prepares a retroactive, a replacement, or a newly-required personnel action (SF 50), the employee who is the subject of the action is entitled to receive the salary or pay shown on that SF 50 (minus the appropriate deductions.) Therefore, when a decision states that an employee is to receive *no* salary or pay for a particular appointment, position or assignment, the agency should *NOT* prepare an SF 50. An SF 50 should be prepared *only* in those instances where the employee is to receive pay and benefits as a result of the action documented on that SF 50.

b. When a decision by a third party makes a monetary award to an employee but does not address personnel actions, or change the individual's appointment status, position, or pay (for example, if a decision merely awards a payment of damages but does not require reinstatement of the employee), no personnel actions are to be processed. Send a copy of the decision to the payroll office and place a copy in the appropriate appeal or other subject file. Do not place a copy of the decision in the employee's Official Personnel Folder.

2-6. Decisions That Require Preparation of Personnel Actions.

ABSENT AN APPEAL TO A FEDERAL COURT, THE DECISION OF A FINAL ADMINISTRATIVE AUTHORITY IS FINAL AND BINDING. An agency should make every effort, in complying with administrative and judicial decisions, to also comply with applicable civil service rules and regulations. For example, if a decision requires that a new position be established at a particular grade level, the agency establishes a position that would be justified under the position classification standards. In these cases, the employee's SF 50 shows the title, series, and grade directed by the decision and position description number assigned by the agency to that "position." A copy of the decision is placed in the agency's position classification files along with the position description itself. The position description should reflect duties and responsibilities which are in accord with the title, series, and grade directed by the decision. A copy of the decision is not placed in the employee's Official Personnel Folder; instead, it is placed in the appropriate subject file.

2-7. Responsibilities of the Agency That Prepares Personnel Actions to Implement a Decision or Take Corrective Action.

a. Determining the Agency That is Responsible for Preparing Personnel Actions. If the employee concerned is currently employed in the Federal Government, the current employing agency is responsible for preparing and distributing the Notification of Personnel Action (Standard Form 50) to implement a decision or take corrective action. The current

employing agency is also responsible for adding documents to or deleting documents from the employee's Official Personnel Folder in accordance with the instructions in this chapter. (When the decision orders the employee moved to another agency, the agency in which the employee is employed on the date of the decision is considered "the current employing agency" for the purposes of these instructions.) If the employee has left the Federal service or is employed in an agency which is not subject to title 5 of the United States Code, the agency against whom a decision is rendered or who is a party to the settlement agreement is responsible for preparing and distributing the personnel actions and taking the necessary actions to implement the decision. (The requirement that the current employing agency prepare the paperwork does not mean that the current employing agency must effect/pay a retroactive benefit.)

b. Responsibilities. The agency that prepares personnel actions to implement a decision or take corrective action is responsible for:

(1) Carrying out any specific instructions in a decision which require the addition or removal of specific documents from the employee's Official Personnel Folder or that direct the preparation and documentation of personnel actions. (Remember, when a decision by a third party awards a payment of damages but does not require a retroactive personnel action, such as a retroactive appointment or promotion, no personnel action is prepared and nothing concerning the payment or decision is placed in the employee's Official Personnel Folder.)

(2) Determining which actions must be canceled, which must be replaced, and what actions are newly required. Actions to be canceled and replace include those which

would have occurred anyway but which carry information regarding the improper assignment, for example a life insurance change which carries references to an organization to which the employee was improperly assigned.

(3) Insuring the reasons for cancellation are explained on the cancellation action and that the retroactive action and related documents in the Official Personnel Folder contain no reference to the reason the action is being processed retroactively - that is, no reference to the error, the grievance, or complaint that is the reason for the retroactive action being processed. The authority cited on a retroactive action is the authority that would have been cited if the action had been processed on or before its effective date. If, on the effective date of the action, the agency would not have had an appropriate authority to take the necessary action (for example, a decision orders the employee assigned to a position in a series for which standards were not issued until a year after the effective date), "Reg. 250.101" is cited as the authority. This is a general "do-what-the-decision-says" authority and its use avoids the need to cite a specific decision, Court Order, or other document which would identify more specifically the employee's original complaint and result in irrelevant information being placed on the action and in the Folder. This protects the employee's privacy and the usual intent of decisions.

(4) Distributing and filing copies of the actions prepared to implement a decision, or take corrective action including:

(a) Removing each canceled action and all its supporting documents (including Standard Forms 52) from the employee's Official Personnel Folder and filing them in the appeal or other appropriate subject file,

along with the Official Personnel Folder copy of the Cancellation action. Retain the actions as long as the subject file is retained; consult the National Archives and Records Administration (NARA) Records Schedule to determine how long a particular file must be kept.

(b) Sending to each prior Federal employer the payroll copies of cancellations, retroactive action, and replacement actions for the period during which the employee was on the rolls of that agency, along with a letter explaining why the actions were processed or a copy of the decision which required the actions. This will enable the prior employer to make appropriate pay adjustments and to take any other actions necessary to complete the corrective process or implement the decision.

(5) Advising the employee in writing that he or she may request a transcript of service be placed in his or her Official Personnel Folder to document the positions to which improperly assigned and any job-related performance awards earned. (See sample letter and transcript in Figure 3-3.)

(6) Counseling the employee on the steps the agency will take to implement the decision and counseling him or her on the advantages/disadvantages of placing in the Official Personnel Folder a record of the positions to which improperly assigned. (Figure 3-2 contains a chart showing the manner in which this service may be credited for various purposes.)

(7) Advising the employee whose Official Personnel Folder contains an application/resume documenting improper service of the need to prepare a new application/resume if he or she does not wish to have improper service documented in his or her Folder.

(8) Placing in the employee's Folder the transcript of service if he or she so requests (see paragraphs **(5)** and **(6)**) or a corrected

application/resume in lieu of one which describes improper service (see paragraph **(7)**.)

(9) Deleting all references to the improper service from the records of training and incentive awards earned during the period of improper assignment. (Follow agency instructions to correct the records. Copies of any erroneous records are filed with the decision and cancelled actions in the appropriate subject file.) Note that while references to improper assignments must be deleted, the employee keeps monies received for incentive awards (such as cash awards), as long as the improper assignment was not the result of fraud or a void action.

(10) Insuring that records of Federal Employees' Group Life Insurance and Federal Employees' Health Benefits Program enrollment agree with the employment record resulting from implementation of the decision.

(11) Insuring that any necessary changes to records in the agency's Employee Performance File (EPF) system are made, following the instructions in title 5 of the Code of Federal Regulations, part 293.

(12) Insuring that back pay awards are computed in accordance with title 5 of the Code of Federal Regulations, part 550, subpart H.

(13) Following instructions issued by the Office of Personnel Management's Retirement and Insurance Group to prepare/alter the employee's Standard Form 2806, Individual Retirement Record or Standard Form 3100, Individual Retirement Record.

(14) Following guidance in title 5 of the Code of Federal Regulations, part 630 to resolve questions regarding leave.

2-8. Counseling and Advising Employees on Documentation of Experience Gained During Period of Improper Assignment.

When the employee was improperly assigned or was employed outside the Federal Government as a result of the action addressed by the decision, the person who counsels the employee regarding implementation of the decision should discuss with him or her the potential value for qualifications and career advancement purposes of the experiences gained during the period of improper assignment.

For example, if a typist worked in another agency as a secretary while appealing a reduction-in force separation, the secretarial duties could be qualifying for other positions in the Federal Government, and it could be advantageous to have this experience noted in the Folder. On the other hand, if the typist worked as a cashier at a local variety store while appealing a separation, he or she might see no value to this experience being recorded in the Folder.

The employee may cite the experience on a future application whether it is recorded in the Official Personnel folder or not. The advantage of recording it in the Folder is that it will be a matter of record there if the Folder is used to identify job candidates or to rate or rank candidates. The disadvantage, of course, is that the presence of this record of service in the employee's Folder serves as a "flag" to a reviewer that the employee complained, grieved, or filed an appeal and may draw unwelcome attention to the original problem.

The decision as to whether or not to record the service in the Folder should be made by the employee on the basis of how valuable he or she feels the experience gained while improperly assigned will be to his or her career advancement plans. Use of dual Standard

Forms 50, those which were originally prepared as well as the ones prepared to implement the decision, provides a confusing record of the two periods of service. If the employee chooses to have the period of improper service recorded, the transcript of service provides the most practical means of doing so. The counsellor should explain to the employee that he or she is being asked to decide about the record at this time in order to establish a complete record of how the decision is implemented and to insure that after the decision is implemented the Official Personnel Folder reflects as nearly as possible the way in which the employee would like to have his or her service history recorded.

2-9. Advice to Employee Regarding Waiver or Overpayment of Pay.

Section 5584 of title 5, U.S. Code, provides for waiver of claim of overpayment of pay to an employee when collection of the overpayment would not be in the best interest of the United States. In the relatively few instances where implementation of a decision results in the employee having received an overpayment, he or she should be advised that the provisions of 5 U.S.C. 5584 may apply.

2-10. ADP Records and Systems.

The agency that implements a decision is responsible for taking whatever action is necessary to insure that its automated personnel records and systems reflect only the "corrected" employment history and that all references to cancelled actions have been deleted from those records and systems.

2-11. Questions Regarding Unusual Cases.

An agency's Human Resources Office may refer questions regarding the manner in which personnel actions should be processed to implement decisions to the Deputy Associate Director, Center for HR Systems

Requirements & Strategies at owi@opm.gov. Refer questions regarding legal issues that must be resolved before actions to implement a decision can be processed to the Office of Personnel Management's General Counsel for resolution.

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Subchapter 3. Electronic Forms and Signatures

3-1. Approvals to Use Electronic Personnel Forms

a. Definitions. An “electronic form” encompasses both the format and the data element content of a form when stored on a digitized computer processible medium, including magnetic and optical disks, magnetic tape, or any other computer accessible storage device. As used here:

(1) “Form” and “electronic personnel form” mean only personnel-related forms.

(2) “Electronic form” includes both forms originally created in an automated process as well as forms made digitally processible by the use of optical scanning equipment.

b. Using automated technology to create an electronic personnel form. The Federal Information Resources Management Regulation 201-9.202-1, Bulletin 3, Revision 1, “Exceptions to Standard and Optional Forms,” authorizes agencies to create electronic personnel forms without obtaining prior approval from the General Services Administration (GSA) or the Office of Personnel Management *provided* the electronic version is an exact reproduction of *and* is printed on the same size and color paper as the current approved edition. Additions to or deletions of data from the current form, changes in sequence or format of data require prior approval. Send requests for approval through your agency’s Standard and Optional Forms Liaison to:

**OPM Reports and Forms Manager
Office of the Chief Information Officer
U.S. Office of Personnel Management
Washington, DC 20415-7900**

The Office of Personnel Management's Deputy

Associate Director, Center for HR Systems Requirements & Strategies is the program official responsible for:

- Standard Form 50, Notification of Personnel Action;
- Standard Form 52, Request for Personnel Action;
- Standard Form 61, Oath of Office;
- Standard Form 75, Request for Preliminary Employment Data; and
- Standard Form 144, Statement of Prior Federal Service.

Agencies may expedite approvals by submitting a copy of any requests concerning these forms to:

**U.S. Office of Personnel Management
Division for Strategic Human
Resources Policy
Deputy Associate Director,
Center for HR Systems
Requirements & Strategies
1900 E Street, NW.
Washington, DC 20415-6000.**

Exception requests should include a sample copy of the form. Each request should also describe how the criteria and procedures in the remainder of this chapter will be met.

c. Approval to use electronic forms does not automatically include approval to destroy any paper records that are created. Destruction of source paper records that are converted to electronic media in advance of the disposition schedules in National

Archives and Records Administration General Records Schedule #1, Civilian Personnel Records, must be approved by the Office of Personnel Management and the National Archives and Records Administration prior to actual destruction. Destruction of electronic records covered by Office of Personnel Management authorities must be in accordance with General Records Schedule #1; or by specific agreement with the Office of Personnel Management. The National Archives and Records Administration is the final authority on records disposition schedules. Assistance in interpreting General Records Schedule #1, or in developing record disposition schedules for civilian personnel records not currently covered by a General Records Schedule, may be arranged by contacting:

**U.S. Office of Personnel Management
Division for Strategic Human
Resources Policy
Deputy Associate Director,
Center for HR Systems
Requirements & Strategies
1900 E Street, NW.
Washington, DC 20415-6000.**

3-2. Criteria for Use of Electronic Forms.

a. An agency that stores Official Personnel Folder, Employee Medical Folder, or Employee Performance File forms electronically must store them in such a way that, when a paper copy is needed, that copy looks essentially like the original approved Office of Personnel Management, standard, or agency form.

(1) The electronic reproduction must be complete, containing all instructions and questions that appear on the approved form. The wording and punctuation of all items and instructions must be exactly the same as the

current version of the form, and the sequence, format and spacing of each item on the form must be reproduced to the highest degree possible. For multi-page forms, each item must print on the same page in approximately the same location as on the original form, but each page may be printed on a separate sheet. The reproduced copy must be printed in black ink on letter size white paper.

(2) The agency must be able to produce a paper copy, regardless of the date on which it was originally prepared, when:

(a) an employee requests a copy of one or more records in his or her Official Personnel Folder, Employee Medical Folder, or Employee Performance Folder; or

(b) an employee separates from Federal service or moves to an agency that does not use electronic forms; or

(c) the Office of Personnel Management requests a copy for evaluation or other purposes.

(3) Electronic versions of Office of Personnel Management-controlled forms (for example, the Standard Form 50 and Standard Form 52) must use only the data element coding contained in [The Guide to Personnel Data Standards](#).

b. There must be strict controls on who may originate a document electronically, who may cancel or change it, and who has access to it.

c. The agency must certify that all National Archives and Records Administration disposition schedules are/will continue to be met by the electronic forms system.

d. Since automated media have vulnerabilities to inadvertent destruction not applicable to paper records, the agency must have a system (processable media or paper) to produce back-up records. The Office of

Personnel Management recommends that a back-up file be in a separate computer environment from the primary system — off-site if appropriate.

e. The system must be able to amend, delete, or add forms, and to add data to individual forms when required to respond to a Privacy Act amendment request or to comply with a settlement agreement or court order.

f. In addition to being able to produce paper copies of individual forms upon request (see paragraph 3-2a(2)), an agency must be able to list each existing, electronically-prepared Standard Form 52 and Standard Form 50, by data subject, for at least two years after the date that the electronic form was executed.

g. The agency must retain all original signed designation of beneficiary *paper* forms for the Civil Service Retirement System (CSRS), Federal Employees Retirement System (FERS), and Federal Employee's Group Life Insurance (FEGLI) program. (Under current procedures, only the signed originals are acceptable when a claim is filed.)

3-3. Authentication Procedures.

a. Electronic authentication codes must be unique to the individual and defined only for those whose positions authorize and require them to initiate, sign or clear a personnel action.

b. When a person leaves a position for which an authorization code has been issued, the authorization must be cancelled immediately.

c. For each form that was cleared or signed electronically, there must be an audit trail to show *when* and *who*:

- (1) signed/approved,
- (2) cleared,
- (3) input data to, and/or

(4) changed data on the form.

d. A complete list of authentication codes and the names and titles of the individuals to whom they have been assigned must be available to Office of Personnel Management evaluators for at least two years after the date of a personnel action. The list must include names, titles, and codes designating persons for whom authorizations have been cancelled, as well as current authorizations.

e. The individual with delegated appointing authority remains the responsible official for insuring that authentication procedures and the personnel actions to which they lead are proper and meet the requirements in law.

3-4. Electronic Signatures.

a. A personnel action is the official record of employment and authorization of pay to the employee. The action must be approved on or before its effective date; the approval may be documented by a “signature” in either Part C-2 of the Standard Form 52 or in block 50 of the Standard Form 50. Because effective dates and approvals of personnel actions must be able to withstand administrative and legal challenge, any electronic approval signature system used in Part C-2 of the Standard Form 52 or in block 50 of the Standard Form 50 ***must be approved by the Office of Personnel Management.***

b. To be approved, an electronic signature system must include the following features:

(1) The electronic signal or symbol adopted as the approving official's signature must be unique to the signer, that is, it must be initiated by methods that distinguish the specific approving official, and it must be under his or her sole control.

(2) The electronic signature must be capable of being verified and must be linked to the data being transmitted, including the approval date (block 49 of the Standard Form 50, Notification of Personnel Action). Control procedures must be in place to insure the authenticity of data on the form, including the electronic signature. Such controls must provide reasonable assurance that deliberate or inadvertent manipulation, modification, or loss of data on the electronically stored form is detected. (For additional information, see Federal Information Processing Standard (FIPS) 113, Computer Data Authentication, and FIPS 186, Digital Signature Standard, dated 12/1/94).

(3) The approving official's name and title must be printed on any paper document that is

generated for the employee or for the Official Personnel Folder.

c. Requests for prior approval to use an electronic signature, in lieu of a personally signed paper Standard Form 50, Notification of Personnel Action, or Standard Form 52, Request for Personnel Action, must be submitted to:

**U.S. Office of Personnel Management
Division for Strategic Human
Resources Policy
Deputy Associate Director,
Center for HR Systems
Requirements & Strategies
1900 E Street, N.W.
Washington, DC 20415-6000**

4-1. Appointments to Federal Civil Service Positions.

Except for those described in Table 3-B, appointments may not be effective prior to the date of approval by the appointing official. Additionally, appointments to positions in the civil service are effective only from date of acceptance and entrance on duty, unless a later date is stated on the Standard Form 52, Request for Personnel Action, or other approving document.

4-2. Date of Acceptance.

Acceptance may be shown by formal acceptance, by entry on duty, or by taking the oath of office. Date of acceptance is the date the applicant accepts, either orally or in writing, the appointment offer. When the employee reports for duty or takes the oath of office, acceptance of the position is acknowledged on that date even though a formal acceptance is not given by the employee.

4-3. Entrance on Duty (EOD).

a. Entrance on duty is the process by which a person completes the necessary paperwork and is sworn in as an employee.

b. Appointment Documents. The job aid, **Appointment Documents and Information**, lists materials that a new employee will need. Supplement that list with any documents required by your agency. If necessary, assist the appointee in completing the forms. Encourage the appointee to keep all copies of the personnel and payroll notices he or she receives from the agency.

c. Oath of Office.

As part of the entry-on-duty process, the employee takes the oath of office. The Standard Form 61, Appointment Affidavit, contains the oath of office (part A) required by 5 U.S.C. 3331, the affidavit on striking against the Federal Government (part B) required by 5 U.S.C. 7311, and the affidavit on purchase and sale of office (part C) that 5 U.S.C. 3332 requires officers to complete.

(1) The form is completed and filed on the right side of the Official Personnel Folder when the employee is first appointed in the Federal Government and for each subsequent new appointment in any agency (including appointment by transfer, reinstatement, and restoration). A Standard Form 61 is not required when there is a change in an employee's status (such as a conversion to a new appointment) as long as service is continuous in the same agency. A new Standard Form 61 is not required when the employing office or agency changes as a result of a transfer of function, either. However, an agency may request that the form be completed even if it is not required.

(2) The oath and affidavits are executed when the appointee enters on duty and are given by a notary or by a Federal official or employee of your agency who has, or has been delegated, responsibility to administer oaths (see 5 U.S.C. 2903). United States citizens must swear to or affirm the oath of office and the affidavit in part B; aliens must swear to or affirm the affidavit in part B. Persons appointed as "officers" must swear to or affirm the oath of office and the affidavits in parts B and C. ("Officers" are justices and judges of the United

States and individuals who are required by law to be appointed by the President, a court of the United States, the head of an Executive agency, or the Secretary of a military department; persons appointed as “officers” are invested by law with authority delegated from the heads of departments or independent establishments.)

(3) If the appointee objects to the form of the oath on religious grounds, certain modifications may be permitted pursuant to the Religious Freedom Restoration Act. Please contact your agency’s legal counsel for advice. The jurat at the bottom of the form must be signed by each appointee and completed by the person who administers the oath or affidavits.

(4) The Civil Service oath of office in part A contains the phrase “defend the constitution.” In the case of *Girouard vs. United States*, 328 U.S. 61 (1946), the U.S. Supreme Court held that the oath of allegiance to the United States of American (taken by all candidates for citizenship) “does not in terms require that they promise to bear arms.” Explain to any appointee who questions the meaning of, or objects to, that part of the oath that the “defend the Constitution” phrase in the Civil Service oath of office does not imply that the appointee would be expected to bear arms.

(5) Obtain an original and a copy of the Standard Form 61 when the oath and affidavits are executed by cabinet officers and heads of independent establishments, agencies, and offices. After the oath has been taken and the form executed, send the copy to the Department of State.

d. The Standard Form 144. The Statement of Prior Federal Service (Standard Form 144) should be completed by each employee new to your agency. It identifies any prior service for which records must be located.

e. Personnel Folders. Follow instructions in [The Guide to Personnel Recordkeeping](#) to establish a personnel folder for each new employee or to obtain the existing Folder for each employee with prior Federal Service. Use the **Guide** to file correctly the forms completed during the entry-on-duty process.

4-4. Obtaining Personnel Information from the Prior Employing Agency.

a. If the person is being appointed without a break in service from another Federal agency, certain information is needed to process the appointment action. However, the Official Personnel Folder is not usually available for immediate review by the gaining office. In such cases, the information needed for processing the personnel action may be obtained by using the Standard Form 75, Request for Preliminary Employment Data. Personnel information provided on the Standard Form 75 can help prepare an appropriate appointment package for when the candidate enters on duty.

b. When a Standard Form 75 is needed:

(1) Contact the personnel office that has the person’s Official Personnel Folder. To help you find the correct office, ask the appointee where the folder is kept. The information for completing the Standard Form 75 may be received through a telephone call or the form may be mailed to the prior employing office.

(2) Refer the completed Standard Form 75 to the personnel specialist for review and then copy any needed data from the Standard Form 75 onto the Standard Form 52, Request for Personnel Action.

(3) File the Standard Form 75 received from the losing agency according to agency instructions.

Job Aid

Appointment Documents and Information

Introduction Regardless of whether your agency uses a reappointment package, a type of electronic forms processing, or entry-on-duty orientation session, new employees must complete certain documents and should receive certain employment information.

**Documents
for all new
employees**

All new employees must complete the following:

- **Standard Form 61, Appointment Affidavit.**
Refer to section 4-3c of this chapter for instructions.
- **Optional Form 306, Declaration of Federal Employment.**
Check with your agency security office for requirements on completing this document.
- **Standard Form 144, Statement of Prior Federal Service.**
Since applications and resumes may include only that employment history relevant to the position for which appointed, information provided on the Standard Form 144 will help in determining whether personnel records need to be located.
- **Statistical data** for race, national origin, and handicapping conditions.

Standard Form 181, Race and National Origin Identification. Do not use the Standard Form 181 for employees in Hawaii; use the Office of Personnel Management Form 1468, Race and National Origin Identification, instead.

Standard Form 256, Self-Identification of Handicap.

Refer to Chapter 4 of this **Guide** for instructions on entering these data into your agency's automated personnel system.

Continued on next page

Job Aid**Appointment Documents and Information, continued**

As appropriate

When applicable, employees must complete certain documents from which employment eligibility is verified, including:

- **Form I-9, Employment Eligibility Verification.** Refer to the Immigration and Naturalization Service's Handbook for Employers and 8 CFR, part 274a for completing and retaining the Form I-9.
- **Applicant's statement of Selective Service registration status.** When candidate is a male whose year of birth is 1960 or later, failure to register may be basis for bar from civil service employment. Refer to 5 CFR 300.705 for instructions.
- **Statements of Employment and Financial Interests.** Appointees to positions at high grade levels in some agencies and appointees to some positions in agencies that have regulatory responsibilities, may be required to submit statements of financial holdings or of investments. Follow your agency's instructions.
- **Agency regulations regarding employee conduct.** Follow your agency's instructions for any requirements used to certify that new employees are familiar with the agency's regulations.

For certain appointments

Depending on the type of appointment, the employee may need to complete documents for the following.

- **Civil Service retirement coverage.** Refer to the [CSRS and FERS Handbook for Personnel and Payroll Offices](#) , supplemented by Benefits Administration Letters, for instructions.
- **Federal Employees Health Benefits Program.** Refer to the [Federal Employees Health Benefits Handbook for Personnel and Payroll Offices](#) and Benefits Administration Letters to determine the employee's eligibility for coverage and required documents.

Continued on next page

Job Aid**Appointment Documents and Information, continued**

For certain appointments continued

- **Federal Employees Group Life Insurance Program.** Refer to **The Federal Employees Group Life Insurance - A Handbook for Employees, Annuitants, Compensationers and Employing Offices** and Benefits Administration Letters to determine the employee's eligibility for coverage and required documents.

 - **Payroll related documents.** Contact your payroll office to determine what forms should be provided to new employees upon entry on duty for tax withholding, allotments, direct deposit of payroll check, and savings bonds. Provide an employee new to your agency with a copy of Standard Form 1152, Designation of Beneficiary, Unpaid Compensation of Deceased Civilian Employee.
-

About rights and benefits

Provide the new employee with information on his/her rights and benefits. Types of this information includes Office of Personnel Management or agency publications concerning:

- the Code of Ethics for Government Service,
 - employee obligations,
 - pay,
 - employee's job and performance,
 - promotion and incentive awards program,
 - leave,
 - rights and benefits (including the retirement system),
 - safety, and
 - health and life insurance.
 - reemployed annuitant responsibilities (see Figure 3-4, and the **CSRS and FERS Handbook for Personnel and Payroll Offices**).
-

Continued on next page

Job Aid

Appointment Documents and Information, continued

Other benefits

New employees should also be given information about the following benefits.

- **Unemployment Insurance benefits.** The Department of Labor requires that the following statement be given to each newly hired and rehired Federal employee:

“If you have applied for or have been receiving Unemployment Insurance benefit payments, it is your responsibility, under penalty of law, to notify the appropriate local office, in writing, to discontinue the issuance of Unemployment Insurance checks now that you are employed. Failure to notify the State agency can result in a penalty such as a fine, imprisonment, or both.”

- **Thrift Savings Plan**, including enrollment and designation of beneficiary forms, if employee will be eligible to participate in the plan.
 - **Designation of beneficiary** forms for any retirement system by which the employee will be covered.
-

Miscellaneous employment information

Employees should be given information about local benefits or activities that they may find interesting, for example:

- **Information regarding the employee recreation association.** This is particularly important if parking facilities or other services are available only to recreation association members.
- **Information regarding other agency-sponsored organizations** whose membership is open to all employees (Toastmasters, for example).
- **Pay and leave chart** or calendar showing Federal holidays and paydays for the year.
- **Information regarding credit union** and/or any banking facilities located at employee’s place of employment.

Job Aid

Appointment Documents and Information, continued

Miscellaneous employment information, continued

- **Information regarding health services** available to employees.
 - **Any form the agency uses to record** name of person(s) to be notified in the event of an emergency, and application for, or instructions regarding how to obtain application for, employee identification card.
-

When package becomes bulky

If you find that the appointment package is becoming too bulky, put in only the most important flyers and brochures (in addition to the forms the appointee must complete) and tell the employee about the others and where they can be obtained. This can be done by means of a list placed in the appointment package or through discussion during the entry-on-duty process.

Table 3-A. Setting Effective Dates

R U L E	<i>A</i>	<i>B</i>	<i>C</i>
	<i>If</i>	<i>And</i>	<i>Then Effective Date May Be</i>
1	A list form of notice is used to document the action		No earlier than the effective date specified in the document that authorized the action.
2	Action is a noncompetitive conversion to career or career appointment	Conversion does not require the prior approval of the Office of Personnel Management	No earlier than the date on which employee met all of the requirements for conversion.
3		Conversion does require the prior approval of the Office of Personnel Management	No earlier than the date on which the Office of Personnel Management approved the conversion.
4	Conversion is to an appointment under which the employee will have fewer rights and benefits	Conversion is from an appointment in the competitive service to one in the excepted service	Any date after employee has: (a) been informed that, because the position is in the excepted service, it cannot be filled by competitive appointment and that acceptance of the proposed appointment will take the employee out of the competitive service; <i>and</i> (b) submitted a written statement that the employee is leaving the competitive service voluntarily to accept an appointment in the excepted service.

Table 3-A. Setting Effective Dates (Continued)

R U L E	A	B	C
	<i>If</i>	<i>And</i>	<i>Then Effective Date May Be</i>
5	Conversion is to an appointment under which the employee will have fewer rights and benefits	Conversion is not described in Rule 4	Any date after employee has: (a) been informed in writing of the conditions of employment under the new appointment; and (b) submitted a written statement that the employee is leaving previous employment voluntarily to accept conversion to the new appointment (statement should specify the type of appointment employee is leaving and the type the employee is accepting).
6	Action which is not described in Rules 1-5 requires prior approval of the Office of Personnel Management		No earlier than the date on which the Office of Personnel Management approved the action unless that approval specifies an earlier effective date.
7	Conversion is to a career or career- conditional appointment when employee's position is brought into the competitive service		No earlier than the date on which the position was brought into the competitive service.
8	Action requires an advance notice to the employee (for example, 30-day advance notice of decision on a proposed adverse action)		No earlier than the expiration of the notice period

Table 3-B Effective Dates Set without Prior Approval of the Appointing Officer

<i>R U L E</i>	<i>A</i>	<i>B</i>
	<i>If Action is</i>	<i>Then Effective Date Is</i>
1	Required by law, Executive order, or regulation	The date specified in the law, Executive order, or regulation (see Note 1 of this table).
2	Required by court action, settlement agreement, or arbitral award	The date specified in the action, agreement, or award (see Note 2 of this table).
3	Required by an Office of Personnel Management (OPM), Merit Systems Protection Board (MSPB), Equal Employment Opportunity Commission (EEOC), or Federal Labor Relations Agency (FLRA) decision	The date specified in the decision.
4	A death	The date of death shown on the death certificate
5	A resignation	The date set by the employee. Unless employee specifies otherwise, a resignation is effective at midnight.
6	A disability retirement	See instructions in Chapter 60 of The CSRS and FERS Handbook .
7	A mandatory retirement	The last day of the month in which the employee reaches the age and completes any length-of-service requirements for the retirement system under which he or she is covered. When employee had an earlier exemption from mandatory retirement, the retirement is effected on the day following the NTE date of the Continuance NTE action documenting that exemption (see Note 3 of this table).
8	A retirement that is not described in Rules 6 or 7	The date set by the employee, provided that on that date employee meets age and length of service requirements for the retirement system under which he or she is covered.
9	Change in tenure or appointment based on completion of service requirements for career or permanent tenure	The day following that on which the service requirement is completed

**Table 3-B. Effective Dates Set without Prior Approval of the Appointing Officer
(Continued)**

RULE	A	B
	<i>If Action Is</i>	<i>The Effective Date Is</i>
10	Conversion to a competitive service appointment when an employee who has competitive status occupies an excepted service position that is brought into the competitive service	The date the position is brought into the competitive service.
11	Change in FEGLI	The date prescribed in 5 CFR part 87 and in The Federal Employees Group Life Insurance Handbook
12	Pay Adjustment to implement a new pay plan or to change the rates for an existing pay plan	The date set by the Executive order, Office of Personnel Management, or an agency issuance the established the plan or announced the rates.
13	Change to Lower Grade following a temporary promotion	The day following the NTE date of the temporary promotion <i>unless</i> the appointing officer approves another action.
14	Termination of Grade Retention	At the end of the two-year period of grade retention (for example, if grade retention begins 07-23-1994, the termination action is effective on 07-22-1996 at midnight).
15	Leave Without Pay (LWOP), <i>except</i> during a Reduction-in-Force notice period or for assignment to State or local government under the Intergovernmental Personnel Act	The date approved by the employee's supervisor (or other official designated by the agency) on the Standard Form 52.
16	Return to duty from LWOP or nonpay status	
17	Detail or Termination of Detail	
18	Change in Work Schedule	
19	Change in Hours for an employee with a part-time work schedule	

NOTES:

1. When an effective date is not specified, the effective date set by the agency may be on or after the effective date of the law, regulation or Executive order.
2. When an effective date is not specified, the effective date set by the agency may be on or after the effective date of the court action, agreement or award.
3. 5 U.S.C. 8335 and 8425 require that the employee be notified at least 60 days in advance of the separation date. When the notice is not issued 60 days in advance, the employee cannot be separated, without his or her consent, until the last day of the month in which the 60-day notice expires.

Figure 3-1. Comptroller General (GC) Decisions Concerning Effective Dates

Topic	Decision Number(s)
Prior approval for appointment	18CG907 and 20CG267
Oath of office to be taken before employee can be paid	21CG817
Holiday pay when conversion action is involved	30CG344
Move to another agency	34CG428
Transfers where travel and transportation expenses are concerned	26CG862
Relation of effective date to entry on duty date	24CG150 and 45CG660
Prior approval for promotion	3CG559 and 9CG20
Promotion that follows a detail	24CG563
Salary change resulting from allocation or reallocation of a position	30CG156
Compensation for services rendered prior to appointment	8CG582 and 20CG267
Compensation for service during an interval between appointments	17CG323

Figure 3-2. How and When to Credit Service for Qualifications and Civil Service Benefit Purposes

Proper for which credit is given	Period during which employee served improperly when the action is allowed to stand		Period in which person served but was not appointed (See Note 2 below)	Period covered by decision ordering person placed retroactively in a position/appt. In which they have not served
	Credit from effective date of improper action (See Note 1 below)	Credit from date the improper action is corrected		
Qualifications (experience)	yes	no	yes	Credit as if employee had actually served in the position/appointment
Reinstatement eligibility	no	yes	no	
Time-in-grade				
Career Tenure				
Completion of initial appointment or supervisory/managerial probation	yes	no		credit time employee actually served on the position/appt. for which the probation is required
Service Date-Leave				Credit as if employee had actually served in the position/appointment
Service Date-Reduction-in-Force				
Service Date-Retirement				
Within Grade Increase waiting period				
Leave Accrual				
Health Benefits				
Life Insurance				
Workers' Compensation				
Service - Severance Pay				

NOTES:

1. When the appointment is void (for example, made in violation of an absolute statutory prohibition or the employee was guilty of fraud in regard to the appointment or deliberately misrepresented or falsified a material matter). NO credit may be given for service in the appointment.
2. Person is entitled to be paid for service performed.

Figure 3-3. Sample Letter to an Employee Who is the Subject of a Decision

(Employee's address)

Dear (employee)

As part of the implementation of (cite settlement agreement, order, arbitral award or decision, and its date), we must cancel and remove from your Official Personnel Folder (OPF) the Notifications of Personnel Action and the related documents and /or records of non-Federal employment, for each affected personnel action or non-Federal job. This will leave you with a "clean OPF," one which contains no references to the period of improper service or non-Federal employment.

Even though the jobs, training courses completed, or awards earned during the period you were improperly assigned or employed outside the Federal Government are not shown in your OPF, you may, of course, list them on future applications when you think the experience, etc., will be benefit to you.

The enclosed transcript of service lists your service during the period when you were improperly assigned or employed outside the Federal Government. If you think you will want to have this service recorded in your OPF to use for qualifications and career advancement purposes in the future, you can authorize the placement of the transcript in your OPF.

Please review the transcript and decide whether you want it placed in your OPF; (Name and telephone) will discuss with you the advantages of recording this period of service in your OPF. After you have made your decision, sign and date the appropriate statement below, and return the signed original of this letter to me by (date). If you elect to have the transcript placed in your folder, the original copy should be returned along with the copy of this letter containing your signed statement.

Sincerely,

(name, title, and agency of appointing officer who will sign or authenticate the cancellation actions)

Enclosure: Transcript of Service

Figure 3-3. Sample Letter to an Employee Who is the Subject of a Decision (continued)

I have been counselled regarding the advantages and disadvantages of placing my Official Personnel Folder (OPF) a transcript of service covering the period from (date) to (date) when I was improperly assigned or employed outside the Federal Government, and

Q I believe that my work experience during the period when I was improperly assigned or employed outside the federal Government may be of value in the future. Therefore, I request that the enclosed transcript of service, which summarizes that service, be made a permanent part of my OPF.

Q I do not believe that my work experience during that period when I was improperly assigned or employed outside the Federal Government will be of value in the future. Therefore, I request that no record be placed in my OPF to describe my actual service during that period. I understand that if I change my mind in the future, records of the assignments on which I actually served may no longer be available to place in my OPF.

(name)

(date)

Figure 3-3. Sample Letter to an Employee Who is the Subject of a Decision (continued)

(agency letterhead)

TRANSCRIPT OF SERVICE

Through no fault of his (her) own, (name of employee) was improperly assigned to the position(s) listed below and/or employed as described below for the period(s) indicated.

Position (include title, series, and grade, if Federal service)	Agency/employer	Dates (From/To)
--	------------------------	---------------------------

This service will be credited for qualifications and civil service benefit purposes as described in Chapter 3, Figure 3-2, of **The Guide to Processing Personnel Actions**.

/S/

(name, title, agency, and Personnel Office Identification of appointing officer who will sign or authenticate the cancellation actions.)

(Type the following statement:)

THIS DOCUMENT IS TO BE FILED PERMANENTLY ON THE RIGHT SIDE OF THE EMPLOYEE'S OFFICIAL PERSONNEL FOLDER.

Figure 3-4. Notice Required for Appointment of a Civilian Retiree

R U	A	B
L E	If retirement was under	Then
1	Civil Service Retirement System or Federal Employees Retirement System	Send "Notification of Reemployment of an Annuitant," along with copy of appointment Standard Form 50, Notification of Personnel Action, to the Office of Personnel Management. See Job Aid #5 in chapter 100 of the CSRS and FERS Handbook for Personnel and Payroll Offices for copy of notification form and address to which it must be sent.
2	Central Intelligence Agency Retirement and Disability System	Send copy of appointment Standard Form 50 to Central Intelligence Agency Retirement and Disability System, Washington, DC 20 505.
3	Foreign Service	Send 2 copies of appointment Standard Form 50 to Retirement Division, Bureau of Personnel, Department of State, Washington, DC 20520.
4	Another retirement system	Contact the agency that administers the system to ask what notice is required.