

U.S. NUCLEAR REGULATORY COMMISSION

DIRECTIVE TRANSMITTAL

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To: NRC Management Directives Custodians

Subject: Transmittal of Management Directive 10.2, "Staffing Assistance for International Organizations"

Purpose: Directive and Handbook 10.2 are being revised to address the elimination of equalization allowances for any employee transferring to an international organization after October 21, 1998.

Office and Division of Origin: Office of Human Resources

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Part: 1 Employment and Staffing

Directive: 10.2 Staffing Assistance for International Organizations

Availability: Rules and Directives Branch
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Staffing Assistance for International Organizations

Directive
10.2

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U. S. Nuclear Regulatory Commission

Volume: 10 Personnel Management

Part: 1 Employment and Staffing

HR

Staffing Assistance for International Organizations Directive 10.2

Policy (10.2-01)

It is the policy of the U.S. Nuclear Regulatory Commission to permit its employees to contribute to the missions of specified international organizations by participating in assignments to these organizations without loss of employment security in the NRC upon return.

Objectives (10.2-02)

- To encourage qualified NRC employees to accept details or transfers to international organizations within a context of positive management endorsement and as an opportunity for career development and advancement. (021)
- To assist international organizations in obtaining from among NRC employees highly qualified candidates who will contribute significantly to the successful operations of the organizations. (022)

Organizational Responsibilities
and Delegations of Authority
(10.2-03)

Chairman
(031)

Provides guidance regarding NRC participation in international organization activities, including staffing by NRC employees.

Executive Director for Operations (EDO)
(032)

- Approves assignments or transfers of NRC employees to international organizations. (a)
- Approves placement of returning employees upon completion of the international assignment. (b)

Director, Office of International Programs (OIP)
(033)

- Approves requests from international organizations for NRC staffing assistance and candidate referrals in coordination with the Department of State and, in some instances, the Department of Energy and the Arms Control and Disarmament Agency (ACDA). (a)
- Coordinates approved requests for staffing assistance with the Director, Office of Human Resources (HR). (b)
- Coordinates agencywide recruitment efforts with HR for staffing assistance to international organizations. (c)

Organizational Responsibilities
and Delegations of Authority
(10.2-03) (continued)

Chief Financial Officer (CFO)
(034)

- Bills and collects employee payments for retirement, Social Security, and insurance benefits from employees detailed or transferred to international organizations, and continues appropriate payments of the NRC's portion of these benefits. (a)
- Calculates and pays proper equalization allowances to eligible employees returning from service with international organizations. Service with such organizations must have begun before October 21, 1998. (b)
- Reviews and concurs on all reimbursable or non-reimbursable details. (c)

**Deputy Executive Director for
Management Services (DEDM)**
(035)

Advises the EDO on assignments, transfers, and return placements of NRC employees upon initiation or completion of international assignments.

Director, Office of Human Resources (HR)
(036)

- Provides technical support in assigning or transferring NRC employees to international organizations, and in returning employees to NRC employment upon completion of the international assignment. (a)

Organizational Responsibilities
and Delegations of Authority
(10.2-03) (continued)

Director, Office of Human Resources (HR)
(036) (continued)

- Provides program information regarding policies and procedures pertinent to staffing assistance for international organizations. (b)

**Office Directors and
Regional Administrators**
(037)

- Encourage employee interest in detail or transfer to international organizations as part of career development and training. (a)
- Recommend highly qualified candidates and, when appropriate, approve assignments of employees under their jurisdiction for transfer or detail to international organizations. (b)
- Assume primary responsibility for protecting the reemployment and/or assignment rights of employees transferred or detailed to international organizations consistent with the NRC's statutory reemployment obligations. (c)

Applicability
(10.2-04)

The policy and guidance in this directive and handbook apply to all NRC employees.

Handbook
(10.2-05)

Handbook 10.2 contains guidance and procedures for providing staffing assistance to international organizations.

Definitions
(10.2-06)

Transfer. Separation of an NRC employee from NRC rolls for the purpose of appointment to an international organization. (041)

Detail. Assignment or loan of an NRC employee to an international organization without the employee's separation from the NRC. (042)

References
(10.2-07)

Code of Federal Regulations—

5 CFR Part 352, Subpart C, "Detail and Transfer of Federal Employees to International Organizations."

5 CFR Part 1201, Subpart B, "Procedures for Appellate Cases."

NRC Management Directives—

4.2, "Administrative Control of Funds."

10.10, "Recruitment."

10.62, "Leave Administration."

14.1, "Official Temporary Duty Travel."

References

(10.2-07) (continued)

Office of Personnel Management (OPM) List of International Organizations Within the Meaning of the Federal Employees International Organization Service Act.

Omnibus Consolidated and Emergency Supplemental Appropriations Act (Pub. L. 105-277).

United States Code—

5 U.S.C. 3343, "Details; to International Organizations."

5 U.S.C. 3581-3584, "Reemployment After Service With An International Organization."

5 U.S.C. 3583, "Computations."

5 U.S.C. 6303, "Annual Leave; Accrual."

5 U.S.C. 6304, "Annual Leave; Accumulation."

5 U.S.C. 8101, "Compensation for Work Injuries, Definitions."

5 U.S.C. 8132, "Adjustment After Recovery From A Third Person."

18 U.S.C. 209, "Salary of Government officials and employees payable only by the United States."

Staffing Assistance for International Organizations

Handbook

10.2

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Staffing Assistance for International Organizations

General (A)

International Organizations Covered (1)

NRC may detail or transfer an employee to any designated public international organization as provided in 5 CFR 352.304. The Office of Personnel Management (OPM) publishes a list of international organizations that are within the meaning of the Federal Employees International Organization Services Act. This list includes the International Atomic Energy Agency and the Nuclear Energy Agency. Details or transfers (with reemployment rights) of NRC employees may be made to other public international organizations or international organization preparatory commissions only when OPM, after consultation with the Department of State, agrees that the organizations qualify for inclusion on the list.

Time and Travel for Interview (2)

NRC may approve excused absences up to 3 days for employees to be interviewed for a proposed detail or transfer to an international organization. NRC also may approve official travel within the United States for this purpose.

Limitations on Transfer or Detail to International Organizations (3)

A transfer or detail, or series of transfers or details, may not exceed more than 5 consecutive years unless the Secretary of State, at the request of NRC, determines that the extension is in the national interest. If the request is granted, the detail or transfer may be extended up to an additional 3 years. Time served under one or more details or transfers, or combinations thereof, may not exceed 8 years in the aggregate.

General (A) (continued)

Promotions (4)

An NRC employee transferred or detailed to an international organization will be considered for every promotion for which the employee would have been considered if present and on duty with NRC. If the employee's official position is upgraded during the employee's absence, the employee will be promoted in the position effective the date it would be made if the employee was present. If the employee's position is identified for downgrading during the incumbent's absence, the downgrading action will be withheld until the incumbent's return or the incumbent will be returned to a different position at his or her former grade level.

Within-Grade Step Increases (5)

Within-grade step increases for employees transferred or detailed to international organizations will be effected without NRC supervisory certification of acceptable level of competence. These actions will be processed upon the employee's return to duty. The effective dates of each action will be the earliest date of eligibility for the increase.

Employment by Transfer (B)

Eligibility (1)

Employees are eligible for transfer to an international organization with the exceptions as indicated in 5 CFR 352.307.

Required Consent (2)

Reemployment rights, retirement, health benefits, group life insurance coverage, and other rights and benefits attendant to transfer to an international organization are subject to prior written consent by the employee's office director before transfer of the employee. If an employee leaves without this consent, the action

Employment by Transfer (B) (continued)

Required Consent (2) (continued)

will be considered an abandonment of position or resignation by the employee. Refusal to consent to a request for transfer is a management decision and may not be appealed or grieved.

Letter of Consent (3)

The international organization will be notified in writing of NRC consent to the employee's transfer. The effective date of the transfer and any limitations will be specified. The effective date of transfer will be by mutual consent of NRC and the international organization concerned.

Rights and Benefits Retained by Transferred Employees (4)

Retirement, Health Benefits, and Group Life Insurance (a)

The Chief Financial Officer (CFO) will make appropriate payments to the employee's retirement, social security, health benefits, and group life insurance systems, or any of them, if the employee has elected, in writing, to retain coverage and makes continuing and current payments to the respective funds. Except for health benefits, payments and contributions to these funds are based on the rate of pay the employee would have received if he or she had not transferred. The CFO will notify the employee, in writing, as to the amounts of the payments and how, when, and where to make them to retain coverage. If the employee fails to make current payments, retirement, health benefits, and group life insurance coverage terminate on the last day of the pay period for which payments were currently deposited, subject to a 31-day extension of life insurance and health benefits coverages. Employee payments are considered currently deposited if received by the agency before, during, or within 3 months after the end of the pay period for which payment is due. (i)

Employment by Transfer (B) (continued)

Rights and Benefits Retained by Transferred Employees (4) (continued)

A transferred employee who elects to continue coverage for retirement, health benefits, and group life insurance and who continues to make required payments on a current basis is considered to remain an employee of NRC for such benefits. For retirement and group life insurance purposes, NRC will determine the applicable rate of pay in accordance with the provisions of 5 U.S.C. 3583. The Office of Human Resources (HR) will keep transferred employees informed on all developments which affect rates, coverage, and enrollments under the retirement, social security, life insurance and health benefits programs. (ii)

Service with an international organization, including the period required for reemployment (not to exceed 120 days), is considered creditable for all appropriate Federal employment purposes if the employee retained full retirement coverage. But the service is not creditable for retirement purposes if the service forms the basis, in whole or in part, for an annuity or pension under the retirement system of the international organization. (iii)

Terminated coverage may not be renewed before the employee actually reenters on duty in a pay status with NRC. Terminated retirement, health benefits, and life insurance coverage may be reinstated retroactively when, as approved by OPM, failure to make the required current deposits was the result of circumstances beyond the control of the employee and the payments were deposited at the first opportunity, pursuant to 5 CFR 352.309(c). (iv)

Leave (b)

An employee transferring to an international organization will be furnished a statement of sick and annual leave balances. The employee may receive a lump-sum payment, or elect to retain

Employment by Transfer (B) (continued)

Rights and Benefits Retained by Transferred Employees (4) (continued)

credit for all accumulated and accrued annual leave. Annual leave retained to the employee's credit may be paid to the employee by lump-sum payment at any time before reemployment on the request of the employee. If an employee receives a lump-sum payment and is reemployed within 6 months following the date of transfer, the amount of the lump-sum payment must be refunded to NRC. If the employee has any leave restored under 5 U.S.C. 6304(d)(1), a lump-sum payment must be made immediately for that leave. See Management Directive (MD) 10.62 for further details including requirements for refunds of lump-sum leave payments. An employee's sick leave balance, at the time of transfer, will be retained without increase or decrease in accumulation, until he or she returns to duty.

Compensation for Injury or Death (c)

An employee who transfers to an international organization is entitled during the transfer to retain all rights and benefits under 5 U.S.C. 8101. Any injury or death payments made by the international organization under its own system are credited against any benefits payable under 5 U.S.C. 8132.

Reemployment After Transfer (5)

A transferred employee is entitled to be reemployed in his or her former position (including a position to which promoted or upgraded in absentia) or one of like seniority, status, and pay within 30 days after an appropriate application for reemployment has been made. While the statutory obligation to reemploy rests with the agency, the primary responsibility for discharging the obligation will be assumed by the office consenting to the transfer. (a)

Employment by Transfer (B) (continued)

Reemployment After Transfer (5) (continued)

Reemployment rights granted in connection with a transfer to an international organization create an absolute right of employment. If an employee is separated for cause by an international organization and is otherwise entitled to exercise reemployment rights, NRC will effect reemployment of the employee without regard to the reasons for the separation. Thereafter, NRC will evaluate the reasons for the separation. If it is concluded that the reasons are of such nature that they establish the employee's unsuitability for Federal employment, the employee will then be separated under regular removal procedures. (b)

Upon reemployment, a transferred employee is entitled to— (c)

- The same rate of pay to which the employee would be entitled had the employee remained continuously in the Federal service (i)
- Recredit for all accumulated and accrued annual and sick leave at the time of separation, if any (ii)
- An equalization allowance if the employee transferred to the international organization on or before October 21, 1998 (iii)
- Have the period of service with the international organization counted as creditable for all Federal employment purposes, if the employee elected to make the appropriate payments into his or her retirement account (see Section (B)(4) of this handbook) (iv)

Equalization Allowance (6)

Entitlement (a)

Effective October 21, 1998, an employee transferring to an international organization is no longer entitled upon reemployment

Employment by Transfer (B) (continued)

Equalization Allowance (6) (continued)

to an equalization allowance. For an employee who transferred to an international organization before October 21, 1998, this is an amount equal to the difference between the pay, allowances, post differential, and other monetary benefits the employee received from the international organization and the amount the employee would have received had he or she been detailed by NRC to the international organization from his or her official position (i.e., promotions and within grade increases) pursuant to 5 CFR 352.310. (i)

An employee who transfers to an international organization for less than 1 year may be paid per diem in lieu of allowances. If so, the employee will be reimbursed by NRC at the end of the transfer for the difference, if any, between the gross salary and per diem allowance paid by the international organization and the gross salary and per diem allowance that would have been paid by NRC at the duty station to which the employee was assigned. (ii)

If the employee receives one or another of the above specified allowances from the international organization in addition to per diem, that sum will be added to the gross salary and per diem. At the end of the transfer, the employee will then be reimbursed by NRC for the difference, if any, between that total amount and the gross salary and per diem that would have been paid by NRC at the duty station to which the employee was assigned. (iii)

Employee Actions While on Transfer (b)

At the end of each calendar year, and at the end of the term of the employee's employment while on transfer, any employee who transferred to an international organization on or before October 21, 1998, will furnish the CFO a statement, certified by a competent official of the international organization, of all payments for pay, allowances, and other monetary benefits received from

Employment by Transfer (B) (continued)

Equalization Allowance (6) (continued)

the international organization; a statement of any changes in family status and the applicable dates; and the appropriate supporting evidence prescribed by NRC to substantiate the employee's claim for equalization amounts.

NRC Action While Employee Is on Transfer (c)

The CFO will record at the end of each calendar year the amount to which the employee eligible for an equalization allowance would have been entitled if on detail. A statement showing these amount(s) will be furnished to the employee as of the end of the calendar year and the employee may provide NRC a statement in writing of any disagreement with the amounts shown.

Application for Reemployment (7)

A transferred employee may apply for reemployment either before or after a voluntary or involuntary separation from the international organization. The employee is entitled to be reemployed in his or her former position or one of like seniority, status, and pay within 30 days of his or her application for reemployment. In all cases, an employee must apply for reemployment not later than 90 days after separation from the international organization.

Right of Appeal (8)

If NRC fails to reemploy an employee within 30 days of the employee's application, the employee will be notified in writing of the reasons and of the rights to appeal to the Merit Systems Protection Board under the provisions of the board's regulations. An appeal must be filed during the period beginning the day after the effective date of the action being appealed and ending 30 days after the effective date (5 CFR 1201, Subpart B, 1201.21 and 1201.22). (a)

Employment by Transfer (B) (continued)

Right of Appeal (8) (continued)

If NRC fails to reach and issue a decision to the employee within 30 days from the employee's application for reemployment, the employee is entitled to appeal the failure of NRC to the Merit Systems Protection Board under the provisions of the board's regulations. (b)

An appeal alleging that NRC failed to comply with any of the other provisions of 5 U.S.C. 3343 and 3581-3584, or of this directive, may be submitted to the Merit Systems Protection Board under the provisions of the board's regulations. (c)

Assignment by Detail (C)

An employee of NRC may be detailed on a reimbursable or nonreimbursable basis to an international organization in accordance with the following:

Eligibility and Authority (1)

All employees, including those serving under career appointments in the Senior Executive Service (SES), are eligible for detail to international organizations. Directors of offices may detail any employee of NRC to an international organization requesting services.

Length of Details (2)

A nonreimbursable detail will normally not exceed 6 months. All time spent on any series of details or combination of details and transfers will not exceed the limits stated in Section (A)(3) of this handbook.

Assignment by Detail (C) (continued)

Travel Authorization (3)

The provisions of MD 14.1, "Official Temporary Duty Travel," for overseas travel at the expense of NRC, apply to all details.

Status (4)

An employee on detail to an international organization remains an employee of NRC for all purposes. More specifically—

- The employee's pay, allowances, privileges, rights, seniority, and other benefits are preserved. The employee will continue to receive pay, allowances, and benefits from funds available to NRC. (a)
- The employee continues to earn leave under the NRC system and will have absence from duty with the international organization charged against that leave. When assigned overseas, the employee is entitled to travel time and the maximum leave accumulation benefits of 5 U.S.C. 6303(d) and 6304(b). (b)
- The employee will be considered for promotion and/or other positions for which qualified in accordance with Section (A) of this handbook. (c)

Attendance (5)

Directors of offices will arrange for periodic certification as to the attendance of employees under their jurisdiction from an appropriate supervisory official of the international organization concerned.

Reimbursement to Employee for Expenses (6)

An international organization may pay or reimburse a detailed employee for allowances and expenses incurred in the

Assignment by Detail (C) (continued)

Reimbursement to Employee for Expenses (6) (continued)

performance of duties required by the detail without regard to 18 U.S.C. 209. An employee may not accept reimbursement from both the international organization and NRC for the same expense. If, however, the reimbursement from the international organization is less than that to which the employee is entitled under applicable regulations of NRC, the employee will be reimbursed for the difference. The employee will furnish the CFO an itemized statement of all expenses paid or reimbursed by the international organization, certified by a competent official of the international organization. The U.S. Code, 18 U.S.C. 209, does not permit the employee to receive reimbursements, allowances, expenses and so forth, from a foreign government while on detail to an international organization.

Documentation (7)

Each detail authorized shall be documented in the employee's personnel file. Details of 30 days or more shall be documented on Standard Form 50, "Notification of Personnel Action."

Recruitment of Outside Candidates For Employment by International Organizations (D)

Recruitment Framework (1)

As provided in NRC MD 10.10, the NRC will provide staffing assistance to international organizations within the operational structure of the agencywide recruitment program. Efforts directed toward this end will be consistent with known immediate and projected staffing assistance requirements of international organizations. Within this framework, appropriate emphasis will be given to the recruitment of outside candidates for employment by

Recruitment of Outside Candidates
For Employment by International
Organizations (D) (continued)

Recruitment Framework (1) (continued)

international organizations, as well as recruiting from among NRC employees.

Recruitment Sources and Methods (2)

MD 10.10 contains information on the scope, nature, sources and methods of the NRC recruitment program. The recruitment of outside candidates for employment by international organizations fits suitably within this operational arrangement. Colleges and universities and professional, technical, and scientific societies and organizations deserve particular attention as recruitment sources.

Referral and Disposition of Applications From Outside Candidates (3)

Applications and/or inquiries of candidates interested in employment with an international organization that are received by NRC will be forwarded to HR for use in recruitment action on specific requests and for referral to international organizations for review and consideration in terms of existing and foreseeable staffing requirements.