



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Friday, July 10, 2015

MEMORANDUM FOR: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: KATHERINE ARCHULETA, DIRECTOR

Subject: Reemployment of civilian retirees under the National Defense Authorization Act for Fiscal Year 2010, as Amended

On December 19, 2014, the President signed the National Defense Authorization Act for Fiscal Year 2015 (NDAA). Section 1107 of the act amends sections 8344 (l)(7) and 8468 (i)(7) of title 5 to extend retroactively, the expiration date of the dual compensation waiver authority provided by the NDAA for Fiscal Year 2010. This waiver authority allows the head of an agency to grant their own dual compensation (salary off-set) waivers on a temporary basis under certain specified circumstances. The authority, as amended, expires on **December 31, 2019**. As a reminder, agencies must continue to adhere to the following conditions:

- Appointments are limited to 1 year or less;
- Hours worked by any annuitant reemployed under these provisions are limited to 520 during the first 6 months of retirement, 1,040 during any 12-month period, and 3,120 for total hours worked during any period; and
- Reemployment may not exceed 2.5 percent of the full-time workforce at any time, and if 1 percent is exceeded agencies are required to provide an explanation and justification to the Congress and OPM.

Because Congress extended these provisions retroactively to October 27, 2014, agencies cannot exceed the time restrictions specified by the statute for any individual who has received or is receiving a dual compensation waiver pursuant to these provisions.

At this time, OPM is suspending its requirement that agencies report on their use (or non-use) of the NDAA dual compensation (salary offset) waiver authority. The suspension of this OPM report does not impact the statutory requirement for an agency to report to Congress when the agency exceeds percentage cap associated with granting waivers under this authority (see 5 U.S.C. 8344 (l)(4) and 8468 (i)(4)).

For additional policy guidance on NDAA waivers, please visit:

<https://www.chcoc.gov/content/policy-guidance-reemployment-civilian-retirees-under-national-defense-authorization-act-ndaa>. If you have questions or need additional information, please contact Michelle T. Glynn, Human Resources Specialist, at (202) 606-1571.

cc: Chief Human Capital Officers, and Human Resources Directors