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THE SERVICES OF CERTAIN INDIVIDUALS (U)

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13. SPECIAL CONSIDERATIONS IN HIRING OR USING THE SERVICES OF CERTAIN INDIVIDUALS (U)

SYNOPSIS. This regulation states policies and procedures for the hiring and extension of employment by Agency components of annuitants of the U. S. Government and details the restrictions on the employment of or contact with members of ACTION and the Peace Corps. This regulation pertains to the hiring of individuals as independent contractors under personal services contracts and the hiring of employees, but does not apply to the hiring of bona fide proprietorships, partnerships, or corporations. (U)

a. **AUTHORITY.** Section 8 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403i). (U)

b. RETIRED AGENCY EMPLOYEES, OTHER RETIRED U.S. GOVERNMENT CIVILIAN EMPLOYEES, AND RETIRED PERSONNEL OF THE UNIFORMED SERVICES



(1) **POLICY.** With the exception of those individuals who are selected for the Inactive Cadre of the Agency Civilian Reserve Program, the use of Central Intelligence Agency Retirement and Disability System (CIARDS) or Civil Service Retirement System annuitants is discouraged. As a general rule, the Agency does not wish to hire annuitants and will do so only where important intelligence activities will be adversely affected unless it has the services of such individuals, or when necessary to meet Agency requirements which cannot be satisfied in other ways. Specifically:

(a) Annuitants may be hired to meet only those requirements that cannot be filled either by the internal reassignment of Agency employees or by the recruitment of qualified individuals who are not annuitants and who may be expected to

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serve on a career basis with the Agency.

- (b) Annuitants may be hired by temporary or reserve appointment or by contract as independent contractors or as contract employees (see HR 20-2 , Categories of Personnel). Requests to hire annuitants as independent contractors or employees will include a statement as to why the requirement cannot be met through the use of an employee who is not an annuitant and will specify the action being taken to rectify the deficiency.
- (c) Annuitants who are utilized as independent contractors will not be placed in positions of line authority, nor will the use of annuitants as independent contractors or employees in any way interfere with the orderly career development of employees who are not annuitants.
- (Paragraph b(1)(d) is rescinded per AR  dated, 5 November 2001.)**
- ~~(d) An Agency annuitant generally will not be engaged as an independent contractor within 1 year of retirement.~~
- (e) An Agency annuitant independent contractor will not be engaged to perform the duties of the position from which he or she retired.
- (f) The salary paid an annuitant rehired as an employee will be based on the employee's qualifications and the requirements of the assignment.

(1) The annuity of a civilian retiree normally will be continued but the salary will be reduced by the amount of the annuity, using the hourly rate as the basis for the computation. The rules of this paragraph also apply to CIARDS retirees who are *reemployed* under the provisions of Section 272 of the Central Intelligence Agency Retirement (CIAR) Act of 1964. A CIARDS annuitant who is *recalled* under Section 271 of the CIAR Act of 1964 does not fall within the purview of this regulation.

(2) Rehired personnel of the uniformed services hired by the Agency as employees are subject to the provisions of Section 5532 of Title 5, U.S. Code, pertaining to dual pay. **(Paragraphs b(1)(f)(2) thru c(1)(c)(1) Reissued: 27 October 1989)**

(Paragraph b(1)(g) is rescinded per AR  dated, 5 November 2001.)

~~(g) For those annuitants engaged under contract as independent contractors, the following will apply:~~

~~(1) The fee(s) will be determined by the nature and value of the services to be rendered, except that a total remuneration paid to an individual during a contract year may not exceed the daily or per annum~~

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~~rate of the current authorized salary for the grade and step at which the individual retired. Exceptions to this policy must be approved by Heads of Career Services, and exceptions to exceed GS-15, step 10, must be approved by the Deputy Director for Planning and Coordination (DDP&C). Total remuneration means the individual's annuity plus all fees~~

~~(2) Operational expenses must be specifically authorized in advance by the appropriate authorizing official.~~

~~(3) An Agency official will be designated to monitor the performance of each independent contractor and to attest annually that the terms of the contract have been met and that full value has been received.~~

(h) Rehired annuitants are subject to the same medical, security, and administrative approvals as apply to Agency nonannuitant personnel.

(2) HIRING AND EXTENSION PROCEDURES

(a) All requests to hire or extend U.S. Government annuitants will be submitted to the Director of Personnel for his approval or referral to higher authority. Contracts to hire Agency annuitants as independent contractors within 1 year after the annuitant's retirement may not be executed without the approval of the DDP&C, except as provided in paragraph (d) below.

(b) A request to extend an annuitant's services must be submitted to the Director of Personnel at least 30 days prior to the expiration of the appointment or contract.

(c) The request to hire or extend an annuitant must contain a provision regarding the proposed period of Agency service. The following guidelines will be applied in both situations:

(1) The length of service for civilian annuitants hired or extended as contract employees and all annuitants being engaged as independent contractors will not exceed a 1-year period.

(2) The length of service for military annuitants hired or extended as contract employees and all annuitants hired by appointment normally will not exceed a 1-year period except that a 13-month period will be considered normal if major employee benefits are contemplated; i.e., Civil Service retirement, Federal health benefits, and FEGLI. In exceptional cases, where such an annuitant possesses unique qualifications, a hiring period of up to 2 years may be requested.

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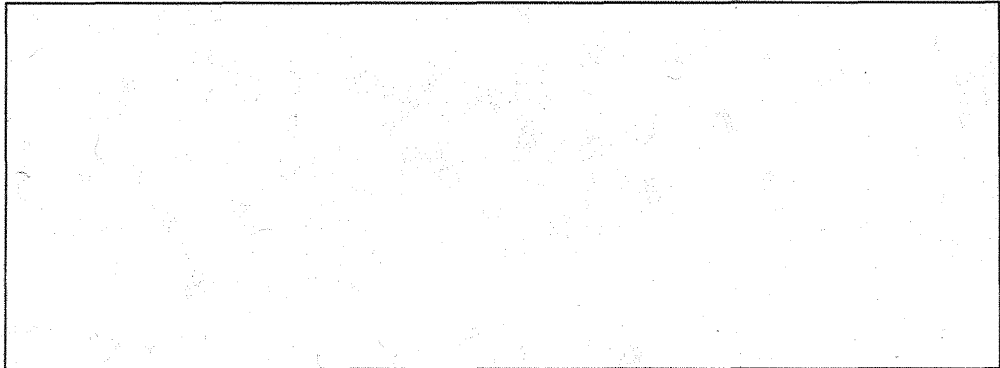
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(d) There are certain annuitants, who, because of the functional nature of their job skills, may be routinely considered and hired to meet Agency personnel needs, subject to Director of Personnel approval. These annuitants help meet Agency requirements which cannot be completely satisfied through the use of other personnel resources; they do not interfere with the orderly progression of employees; and they are, therefore, not required to meet the restriction that an Agency annuitant will not be hired within 1 year following retirement. The specific functional areas in which these annuitants are utilized are as follows:

- (1) Annuitants hired for clerical or technical positions through GS-08 or prevailing rate positions (e.g., Wage Board, Graphic Arts, and Government Printing).
- (2) Annuitants hired to review material relating to FOIA and Privacy Act requirements.
- (3) Independent contractors who serve as Clearance Support Specialists, construction monitors, or technical monitors for the Office of Security.
- (4) Independent contractors of FBIS/Joint Publications Research Service who are compensated on a fee basis for translation work.
- (5) Independent contractors who review OSS files.

(6) 

(7) Independent contractors who perform "one-time" services; e.g., addressing Agency training courses.

(8) 

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(3) **APPOINTMENT (CAREER STAFF EMPLOYEE).** An exception to the policy of appointing an annuitant as a temporary or reserve employee will be granted only when an individual possesses rare and outstanding qualifications needed by the Agency or is hired in a clerical status. A request for appointment as

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a career staff employee will be forwarded by the Head of the Career Service concerned to the Director of Personnel for approval. (C)

c. EMPLOYMENT OF MEMBERS AND FORMER MEMBERS OF ACTION AND THE PEACE CORPS. This regulation prescribes policy applicable only to the Peace Corps.

(1) POLICY

- (a) Although the Peace Corps is no longer a component of ACTION, the following provisions will apply to anyone employed by or associated with the international activities of ACTION during the period in which the Peace Corps was a component of ACTION, and will apply in the same manner as such provisions apply to anyone employed by or associated with the Peace Corps.
- (b) Members and trainees of the Peace Corps will not be employed or used in any capacity, with or without remuneration, by the Agency or by an Agency-controlled organization. The term "members of the Peace Corps" means anyone employed by or having a significant relationship with the Peace Corps, except trainees.
- (c) Former members of the Peace Corps may be employed or used by the Agency or by Agency-controlled organizations with the prior approval of the Deputy Director concerned and only in accordance with the following:
 - (1) Except as stated in paragraph (2) below, former members of the Peace Corps may be employed or used by the Agency only if 5 full years have elapsed since separation from the Peace Corps.
 - (2) An Agency-controlled organization may hire former members of the Peace Corps, but only for duties related to the overt purposes of such organization, if at least 24 months have elapsed since separation from the Peace Corps.
- (d) Former trainees whose Peace Corps service included duty or training overseas are subject to the rules governing employment or use of former members of the Peace Corps as stated in paragraph c(1)(b) above. Former trainees who did not serve at any time as members of the Peace Corps and whose Peace Corps service did not include duty or training overseas may be employed or used by the Agency or by organizations under its control at any time following separation from the Peace Corps only with the prior approval of the Deputy Director concerned.
- (e) Former members or trainees of the Peace Corps whose employment or use is

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permitted by paragraphs c(1)(b) or (c) above may not be assigned to or used in a country for which they had been trained or to which they had been assigned while with the Peace Corps.

- (f) Information may be received by the National Collection Division (NCD/DO) or another authorized component from private corporations, and other organizations employing former Peace Corps personnel, notwithstanding the fact that the information may originate with former Peace Corps personnel. However, any direct briefing or debriefing of or contact with former members or trainees of the Peace Corps is subject to the following:
- (1) Prior approval must be obtained from the Deputy Director or Head of Independent Office concerned.
 - (2) If the individuals are former members of the Peace Corps, or former trainees whose service included duty or training overseas, 5 years must have elapsed since separation from the Peace Corps.

If contact with former Peace Corps members or former trainees whose Peace Corps service included duty or training overseas should be unavoidable during the required 5-year waiting period, the Deputy Director or Head of Independent Office concerned may request an exception from the Executive Director (EXDIR). Among the possible reasons for such unavoidable contact would be the designation of a former member or trainee as the liaison officer to the NCD or other authorized Agency component. (Revised: 25 January 1994)

(2) RESPONSIBILITIES

- (a) Deputy Directors and Heads of Independent Offices are responsible for ensuring compliance with the policies stated in paragraph c(1) above. They will refer to the EXDIR for policy guidance any question not clearly covered by these policies concerning employment, use, or contact with an individual who is or was formerly a member or trainee of the Peace Corps.
- (b) The Director of Personnel will review any proposal for the employment of a former member or trainee of the Peace Corps in a staff, contract employee, or consultant capacity, or for the assignment of such an individual, and will ensure that the proposal is consistent with the policies set forth above. (U)

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