

July 7, 2003

Subject: FY2004 Buyout/Early Out Interest

To All Office of Science Federal Employees:

The purpose of this message is to give all Office of Science Federal employees an opportunity to express an interest in a buyout (voluntary separation incentive pay) and/or early retirement in the first quarter of FY 2004, i.e., through January 2, 2004 under the Homeland Security Act (HSA) of 2002.

The Process: All requests from SC Headquarters and field employees will be reviewed by the SC principals in August in the context of the SC restructuring and reengineering goals. Each Associate/Office Director, Operations Office Manager, Director of OSTI, and Berkley and Stanford Site Office Managers will provide input and a recommendation about each of the requests from his/her respective organization (e.g., the impact if the employee is approved for a buyout; how the organization will operate without the person/position; whether and how the position will be restructured; skills, knowledge and abilities needed in the organization; etc.).

Effective Date: The time period will be open from October 1, 2003, or the date SC's plan is approved by the Office of Personnel Management (OPM), whichever is later, to January 2, 2004.

Early Retirement Authority: SC will request early retirement authority from OPM. This authority will be used in conjunction with the buyout authority.

Submit Your Request (see attached form) by COB Friday, August 8, 2003:

- Please use the attached form to provide consistent information across SC.
 - E-mail this form to Aracely Nunez-Mattocks in the Office of Resource Management, Human and Administrative Resources, and cc: your supervisor and Kathy Yarmas.
 - Include in the SUBJECT line of the e-mail the words "FY 2004 Buyout/Early Out Interest"
 - Please remember to state on the form whether or not you would also require early retirement authority.
- An expression of interest or request at this time does not obligate you to accept a buyout/early retirement, nor is SC management making a commitment that such a request will be approved.
- It is hoped that you will be informed of a decision by sometime in October, depending on when OPM approves SC's plan.

Eligibility Requirements:

1. **BUYOUTS** (Amendment to Title 5, United States Code - Chapter 35)

- a. Eligibility. The following are the statutory requirements regarding eligibility of employees for a buyout.

An eligible employee is one who is employed by an Executive agency (e.g., the Department of Energy), is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least three years.

Ineligible employees are:

- reemployed annuitants under subchapter III of chapter 83 or chapter 84 or another retirement system for employees of the Government;
- an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or chapter 84 of title 5, USC, or another retirement system for employees of the Government;
- an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;
- an employee who has previously received any voluntary separation incentive payment from the Federal Government under this subchapter or any other authority;
- an employee covered by statutory reemployment rights who is on transfer employment with another organization; or
- any employee who, during the 36-month period preceding the date of separation of that employee, performed service for which a student loan repayment benefit was or is to be paid under section 5379; during the 24-month period preceding the date of separation of that employee, performed service for which a recruitment or relocation bonus was or is to be paid under section 5753; or during the 12-month period preceding the date of separation of that employee, performed service for which a retention bonus was or is to be paid under section 5754.

- b. Amount of Buyout. The amount of the buyout payment is limited by law to **the lesser of \$25,000 or the amount of severance pay** an employee would receive, if eligible. Severance pay is an amount of money equal to one week of basic pay for each of the first 10 years of creditable Federal service plus two weeks of basic pay for each year of creditable service over 10 years. In addition, an age factor applies which increases the amount of severance pay by 10 percent for every year an employee's age exceeds 40 years. The buyout is paid out in a lump sum (less Federal income tax withholding, applicable state and local taxes, and FICA/Medicare taxes) in the year in which the employee retires or resigns from Federal service.

- c. Payback Obligation on Reemployment. An individual who has received a voluntary separation incentive payment and accepts any employment for compensation with the Government of the United States, including entering into a personal services contract (or other direct contract) with the Federal Government, within 5 years after the date of the separation on which the payment is based shall be required to pay, before the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

2. EARLY RETIREMENTS.

- a. Eligibility. Normally, an employee is eligible to retire from Federal service when he or she has at least 30 years of service at age 55, has at least 20 years of Federal service at age 60, or has at least 5 years of Federal service at age 62. Under the voluntary early retirement authority, the basic age and service requirements are reduced to 20 years of Federal service at age 50, or 25 years of service at any age. Please be reminded that your annuity may be reduced by two percent for each year you are under the age of 55, depending on regulations of the retirement system you are under.

Ineligible employees are:

- employees who **have not** been continuously on the Department of Energy's rolls since at least 31 days before the date of the Department's request for early retirement authority;
- employees serving under time-limited appointments; and
- employees in receipt of a decision of involuntary separation for misconduct or unsatisfactory performance.

SC Headquarters employees may direct any technical questions to Aracely Nuñez-Mattocks (3-3141); field employees may direct technical questions to their respective Human Resources point of contact.

James F. Decker
Principal Deputy Director
Office of Science

**FY 2004 Expression of Interest Form
For a Buyout and/or Early Retirement
Office of Science**

NOTE – This is only an expression of interest. It is not binding.

Name: _____

Office: _____

Job Series & Grade: _____

Please check all that applies:

_____ **I am interested in a buyout and would separate under:***

_____ Regular (Voluntary) Retirement (Includes MRA+ 10 under FERS)

_____ Early (Voluntary) Retirement

_____ Resignation

_____ **I am interested in Early (Voluntary) Retirement only and NOT in a buyout.***

* The anticipated effective date will be open from October 1, 2003, or the date SC's plan is approved, whichever is later, to January 2, 2004.

Submit this form to Aracely Nunez-Mattocks (aracely.nunez-mattocks@science.doe.gov),

**SC-622/Germantown
No Later Than (NLT) August 8, 2003**

Include in the SUBJECT line of the e-mail, the words: "FY 2004 Buyout/Early Out Interest"

Please provide cc's to: Your supervisor and Kathy Yarmas