

104TH CONGRESS
2D SESSION

H. R. 3649

To provide for a demonstration project to assess the feasibility and desirability of temporarily placing Federal employees with another agency or other potential employer so as to facilitate the reemployment of individuals facing separation pursuant to a reduction in force.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 1996

Mrs. MORELLA introduced the following bill; which was referred to the
Committee on Government Reform and Oversight

A BILL

To provide for a demonstration project to assess the feasibility and desirability of temporarily placing Federal employees with another agency or other potential employer so as to facilitate the reemployment of individuals facing separation pursuant to a reduction in force.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Retraining and
5 Outplacement Opportunity Act”.

6 **SEC. 2. DEMONSTRATION PROJECT.**

7 (a) **DEFINITIONS.**—For purposes of this Act—

1 (1) the terms “agency” and “employee” have
2 the respective meanings given those terms by section
3 3581 of title 5, United States Code; and

4 (2) the term “detail”, as used with respect to
5 an employer other than an agency, means the as-
6 signment or loan of an employee, without a change
7 of position from the agency by which he or she is
8 employed, to such employer.

9 (b) **AUTHORITY.**—The Office of Personnel Manage-
10 ment shall take such steps as may be necessary in order
11 to provide for a demonstration project, the purpose of
12 which shall be to determine the feasibility and desirability
13 of allowing any employee who has been specifically identi-
14 fied for separation, pursuant to a reduction in force, to
15 be detailed to another agency or any other qualified poten-
16 tial employer, in order to afford a trial period of service
17 based on which an assessment could be made as to such
18 employee’s suitability for employment with such employer,
19 following the upcoming separation.

20 (c) **QUALIFIED POTENTIAL EMPLOYER.**—For pur-
21 poses of this Act, the term “qualified potential employer”,
22 in the case of an employer other than an agency, means
23 any continuing concern that—

24 (1) meets such qualification requirements as
25 the Office shall by regulation prescribe; and

1 (2) enters into an agreement with the Office
2 which is described in subsection (d).

3 (d) AGREEMENTS.—An agreement described in this
4 subsection is an agreement under which the employer
5 agrees, under terms acceptable to the Office—

6 (1) to provide a meaningful trial period of
7 work;

8 (2) to make a final written evaluation (as well
9 as any interim evaluations which may be required)
10 of the individual's work;

11 (3) if the individual's work is satisfactory,
12 then—

13 (A) to offer employment to such individual
14 (under terms specified in the agreement); or

15 (B) in the event that an offer under sub-
16 paragraph (A) is not made, to reimburse the
17 Government for the costs incurred by the Gov-
18 ernment in connection with such trial period;
19 and

20 (4) if the individual becomes employed by such
21 employer (under terms specified in the agreement)
22 and thereafter remains continuously employed by
23 such employer for 2 years (disregarding any break
24 in service of 5 days or less), to make the reimburse-
25 ment described in paragraph (3)(B).

1 Any amount owed to the Government under paragraph
2 (3)(B) or (4) shall be treated as a debt due the United
3 States.

4 (e) TREATMENT OF EMPLOYEES WHILE DETAILED
5 OUTSIDE THE GOVERNMENT.—An employee detailed to a
6 position outside the Federal Government remains an em-
7 ployee of his agency. The Federal Tort Claims Act and
8 any other Federal tort liability statute shall apply to an
9 employee so detailed.

10 (f) LIMITATION.—An employee may, in connection
11 with any upcoming separation, be detailed under this Act
12 for a cumulative period totalling not more than 90 work-
13 days.

14 (g) DETAILS ARE NONREIMBURSABLE.—Except as
15 provided in subsection (d), a detail under this Act shall
16 be nonreimbursable.

17 **SEC. 3. PROJECT TO BE CONDUCTED UNDER SECTION 4703**
18 **OF TITLE 5.**

19 (a) IN GENERAL.—Except as provided in subsection
20 (b), the demonstration project shall be governed by section
21 4703 of title 5, United States Code.

22 (b) EXCEPTIONS.—The demonstration project—
23 (1) shall not be counted for purposes of the
24 limit specified in subsection (d)(2) of such section
25 4703; and

1 (2) upon request of the Secretary of Energy,
2 shall permit participation by any employee of the
3 Department of Energy who is regularly assigned to
4 its facility in Germantown, Maryland.

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