

111TH CONGRESS
1ST SESSION

S. 629

To facilitate the part-time reemployment of annuitants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 2009

Ms. COLLINS (for herself, Mr. VOINOVICH, and Mr. KOHL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To facilitate the part-time reemployment of annuitants, and for other purposes.

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 “Part-Time Reemploy-
5 ment of Annuitants Act of 2009”.

6 **SEC. 2. PART-TIME REEMPLOYMENT.**

7 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
8 8344 of title 5, United States Code, is amended—

9 (1) by redesignating subsection (l) as subsection
10 (m);

1 (2) by inserting after subsection (k) the fol-
2 lowing:

3 “(1)(1) For purposes of this subsection—

4 “(A) the term ‘head of an agency’ means—

5 “(i) the head of an Executive agency;

6 “(ii) the head of the United States Postal
7 Service;

8 “(iii) the Director of the Administrative
9 Office of the United States Courts, with respect
10 to employees of the judicial branch; and

11 “(iv) any employing authority described
12 under subsection (k)(2); and

13 “(B) the term ‘limited time appointee’ means
14 an annuitant appointed under a temporary appoint-
15 ment limited to 1 year or less.

16 “(2) The head of an agency may waive the applica-
17 tion of subsection (a) or (b) with respect to any annuitant
18 who is employed in such agency as a limited time ap-
19 pointee.

20 “(3) The head of an agency may not waive the appli-
21 cation of subsection (a) or (b) with respect to an annu-
22 itane—

23 “(A) for more than 520 hours of service per-
24 formed by that annuitant during the period ending

1 6 months following the individual's annuity com-
2 mencing date;

3 “(B) for more than 1040 hours of service per-
4 formed by that annuitant during any 12-month pe-
5 riod; or

6 “(C) for more than a total of 3120 hours of
7 service performed by that annuitant.

8 “(4)(A) The total number of annuitants to whom a
9 waiver by the head of an agency under this subsection or
10 section 8468(i) applies may not exceed 2.5 percent of the
11 total number of full-time employees of that agency.

12 “(B) If the total number of annuitants to whom a
13 waiver by the head of an agency under this subsection or
14 section 8468(i) applies exceeds 1 percent of the total num-
15 ber of full-time employees of that agency, the head of that
16 agency shall submit a report with an explanation that jus-
17 tifies the need for the waivers in excess of that percentage
18 to the Committee on Homeland Security and Govern-
19 mental Affairs of the Senate, the Committee on Oversight
20 and Government Reform of the House of Representatives,
21 and the Office of Personnel Management.

22 “(5)(A) The Director of the Office of Personnel Man-
23 agement may promulgate regulations providing for the ad-
24 ministration of this subsection.

1 “(B) Any regulations promulgated under subpara-
2 graph (A) may—

3 “(i) provide standards for the maintenance
4 and form of necessary records of employment
5 under this subsection;

6 “(ii) to the extent not otherwise expressly
7 prohibited by law, require employing agencies to
8 provide records of such employment to the Of-
9 fice of Personnel Management or other employ-
10 ing agencies as necessary to ensure compliance
11 with paragraph (3);

12 “(iii) authorize other administratively con-
13 venient periods substantially equivalent to 12
14 months, such as 26 pay periods, to be used in
15 determining compliance with paragraph (3)(B);
16 and

17 “(iv) include such other administrative re-
18 quirements as the Director of the Office of Per-
19 sonnel Management may find appropriate to
20 provide for the effective operation of, or to en-
21 sure compliance with, this subsection.

22 “(6) The authority of the head of an agency under
23 this subsection to waive the application of subsection (a)
24 or (b) shall terminate 5 years after the date of enactment

1 of the Part-Time Reemployment of Annuitants Act of
2 2009.”; and

3 (3) in subsection (m) (as so redesignated)—

4 (A) in paragraph (1), by striking “(k)”
5 and inserting “(l)”; and

6 (B) in paragraph (2), by striking “or (k)”
7 and inserting “(k), or (l)”.

8 (b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—

9 Section 8468 of title 5, United States Code, is amended—

10 (1) by redesignating subsection (i) as subsection
11 (j);

12 (2) by inserting after subsection (h) the fol-
13 lowing:

14 “(i)(1) For purposes of this subsection—

15 “(A) the term ‘head of an agency’ means—

16 “(i) the head of an Executive agency;

17 “(ii) the head of the United States Postal
18 Service;

19 “(iii) the Director of the Administrative
20 Office of the United States Courts, with respect
21 to employees of the judicial branch; and

22 “(iv) any employing authority described
23 under subsection (h)(2); and

1 “(B) the term ‘limited time appointee’ means
2 an annuitant appointed under a temporary appoint-
3 ment limited to 1 year or less.

4 “(2) The head of an agency may waive the applica-
5 tion of subsection (a) with respect to any annuitant who
6 is employed in such agency as a limited time appointee.

7 “(3) The head of an agency may not waive the appli-
8 cation of subsection (a) with respect to an annuitant—

9 “(A) for more than 520 hours of service per-
10 formed by that annuitant during the period ending
11 6 months following the individual’s annuity com-
12 mencing date;

13 “(B) for more than 1040 hours of service per-
14 formed by that annuitant during any 12-month pe-
15 riod; or

16 “(C) for more than a total of 3120 hours of
17 service performed by that annuitant.

18 “(4)(A) The total number of annuitants to whom a
19 waiver by the head of an agency under this subsection or
20 section 8344(l) applies may not exceed 2.5 percent of the
21 total number of full-time employees of that agency.

22 “(B) If the total number of annuitants to whom a
23 waiver by the head of an agency under this subsection or
24 section 8344(l) applies exceeds 1 percent of the total num-
25 ber of full-time employees of that agency, the head of that

1 agency shall submit a report with an explanation that jus-
2 tifies the need for the waivers in excess of that percentage
3 to the Committee on Homeland Security and Govern-
4 mental Affairs of the Senate, the Committee on Oversight
5 and Government Reform of the House of Representatives,
6 and the Office of Personnel Management.

7 “(5)(A) The Director of the Office of Personnel Man-
8 agement may promulgate regulations providing for the ad-
9 ministration of this subsection.

10 “(B) Any regulations promulgated under subpara-
11 graph (A) may—

12 “(i) provide standards for the maintenance and
13 form of necessary records of employment under this
14 subsection;

15 “(ii) to the extent not otherwise expressly pro-
16 hibited by law, require employing agencies to provide
17 records of such employment to the Office or other
18 employing agencies as necessary to ensure compli-
19 ance with paragraph (3);

20 “(iii) authorize other administratively conven-
21 ient periods substantially equivalent to 12 months,
22 such as 26 pay periods, to be used in determining
23 compliance with paragraph (3)(B); and

24 “(iv) include such other administrative require-
25 ments as the Director of the Office of Personnel

1 Management may find appropriate to provide for ef-
 2 fective operation of, or to ensure compliance with,
 3 this subsection.

4 “(6) The authority of the head of an agency under
 5 this subsection to waive the application of subsection (a)
 6 shall terminate 5 years after the date of enactment of the
 7 Part-Time Reemployment of Annuitants Act of 2009.”;
 8 and

9 (3) in subsection (j) (as so redesignated)—

10 (A) in paragraph (1), by striking “(h)”
 11 and inserting “(i)”; and

12 (B) in paragraph (2), by striking “or (h)”
 13 and inserting “(h), or (i)”.

14 (c) RULE OF CONSTRUCTION.—Nothing in the
 15 amendments made by this section may be construed to au-
 16 thorize the waiver of the hiring preferences under chapter
 17 33 of title 5, United States Code in selecting annuitants
 18 to employ in an appointive or elective position.

19 (d) TECHNICAL AND CONFORMING AMENDMENTS.—
 20 Section 1005(d)(2) of title 39, United States Code, is
 21 amended—

22 (1) by striking “(l)(2)” and inserting “(m)(2)”;

23 and

24 (2) by striking “(i)(2)” and inserting “(j)(2)”.

1 **SEC. 3. GAO REPORT.**

2 (a) IN GENERAL.—Not later than 3 years after the
3 date of enactment of this Act, the Comptroller General
4 of the United States shall submit to the Committee on
5 Homeland Security and Governmental Affairs of the Sen-
6 ate and the Committee on Oversight and Government Re-
7 form of the House of Representatives a report regarding
8 the use of the authority under the amendments made by
9 section 2.

10 (b) CONTENTS.—The report submitted under sub-
11 section (a) shall—

12 (1) include the number of annuitants for whom
13 a waiver was made under subsection (l) of section
14 8344 of title 5, United States Code, as amended by
15 this Act, or subsection (i) of section 8468 of title 5,
16 United States Code, as amended by this Act; and

17 (2) identify each agency that used the authority
18 described in paragraph (1).

○