§ 315.603 Appointment based on former incumbency of a position brought into the competitive service.

(a) Agency authority.—(1) Employee in military service. An agency may appoint a former incumbent of a permanent excepted position who was serving under an appointment not limited to 1 year or less, or of a position in public or private enterprise when the position was brought into the competitive service on a continuing basis and who left his position after June 30, 1950, to perform active military service when:

(i) The position was brought into the competitive service before or during his military service or during the period in which he had restoration rights thereto, and he left the position to enter military service before the end of the time limits set forth in §315.701(c).

(ii) He has been released from military service under honorable conditions;

(iii) The agency submits a recommendation for his appointment to OPM within 6 months after release from military service under honorable conditions or after hospitalization continuing after release for not more than 1 year; and

(iv) He performed 6 months of satisfactory service immediately before the date his position was brought into the competitive service in a position or positions brought into the competitive service, or in the civilian executive branch of the Government, unless OPM has excepted his particular type of case from this requirement.

(2) Employee separated. An agency may appoint a former incumbent of a permanent excepted position under an appointment not limited to 1 year or less or of a position in public or private enterprise when the position was brought into the competitive service on a continuing basis, and who was separated thereafter when:

(i) He is recommended for appointment within the time limits set forth in §315.701(c); and

(ii) He performed 6 months of satisfactory service immediately before the date his position was brought into the competitive service or in the civilian executive branch of the Government, unless OPM has excepted his particular type of case from this requirement.

(3) Employee recovered from compensable injury. An agency may appoint a former incumbent of a permanent excepted position who was serving under an appointment not limited to 1 year or less, when the position has been brought into the competitive service and when:

(i) The employee is entitled to restoration based on recovery from compensable injury in accordance with 5 U.S.C. 8151 and part 353;

(ii) The employee’s position was brought into the competitive service