



HUMAN RESOURCES

3.1 REASSIGNMENTS

Voluntary Reassignments

- A. **Purpose:** Describe the three (3) means by which a Deputy United States Marshal (DUSM) in the 082 or the 1811 series may make their request for voluntary reassignment known so that it may be considered in making decisions about staffing USMS Offices:
1. **Part I:** Office of Preference
 2. **Part I: (5)** Employee Mutual Transfer
 3. **Part II:** Medical Hardship Transfer
- B. **Proponent:** Human Resources Division, (202) 307-8678, Fax: (202) 307-9455.
- C. **Policy:** It is the policy of the United States Marshals Service (USMS) to consider DUSM requests for reassignment (voluntary reassignment at no cost to the government) as one of several means of staffing DUSM positions in District Offices and to provide a standard, fair and efficient means of considering individual employee requests.
- a. The USMS will also provide a separate method for DUSMs and Headquarters 1811s, who are facing an immediate, serious, and continuing personal medical situation or one involving a family member, to make a special request for reassignment consideration.
- D. **Procedure:** A DUSM (082 or 1811), who meets eligibility requirements, may make a request for reassignment by registering and selecting desired duty locations utilizing the Office of Preference (OPREF) system established for that purpose and described in Part 1 of this section.

DUSMs and Headquarters 1811s with a serious continuing, personal or family medical situation may make a request for transfer consideration utilizing the separate medical hardship process established for that purpose and described in Part 2 of this section.

Part 1: Office of Preference Referral System

1. **System Description:** OPREF is an automated system designed to assist Deputy U.S. Marshals (GS-1811 and GS-082) who have satisfactorily met their duty station obligation, to register their interest in reassignment to district positions at GS grades 12 and below in one or more geographic locations. The process matches lateral reassignment opportunities with employee interests and provides district managers, at their request, with referral lists of current eligible employees for consideration.

Participation under OPREF is voluntary. If an employee decides not to accept an offered reassignment, he or she must inform the U.S. Marshal and the Human Resources Staffing Specialist within five business days so that another selection may be made.

Generally, a District must have an authorized and appropriate vacancy in order to utilize the Office of Preference referral system. As an exception, a process is established to consider the interests of employees desiring reassignment to a district where no vacancy exists. Management in the affected Districts may, in such circumstances, agree to an inter-district exchange. Such inter-district transfers may not result in an increased staffing level where no authorized operational vacancy exists. This process is referred to as the Employee Mutual Transfer process and is explained in Part 1, paragraph 5.

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2. **Registration Eligibility:** Deputy U.S. Marshals who have met their duty station obligation or are within 90 days of meeting that obligation are eligible to register under OPREF.

A Deputy in the GS-1811 series may register for GS-1811 openings, while a Deputy in the GS-082 series may register for GS-082 openings. The registration and duty station election process are detailed on the HRD website. Candidates will submit *USM-280 (OPREF Resume)* as a back-up copy via email to HRD.

3. **OPREF Consideration Process:** When a vacant district DUSM position is to be staffed through OPREF, the Human Resources Division (HRD) will generate a certificate which lists the OPREF candidates who wish to be considered for that location.

HRD will refer candidates to the district for consideration who have registered under OPREF and have selected that duty station location, provided that they are neither on a performance improvement plan nor have an unacceptable performance rating at the time that the referral certificate is prepared.

HRD will send the certificate to the U.S. Marshal and will electronically notify each candidate, whose name appears on the certificate, that they are required to submit a *USM-280 (OPREF Resume)* to the U.S. Marshal.

If a candidate is on approved leave of more than 3 days, TDY, or Special Assignment he or she must leave an automatic reply message on email indicating his/her return date. This will alert HRD that the candidate is unavailable to send an updated *USM-280 (OPREF Resume)* to the U.S. Marshal. If the candidate submitted a *USM-280 (OPREF Resume)* when registering, HRD will forward this backup copy of the *USM-280 (OPREF Resume)* to the U.S. Marshal and will send an email to the candidate with a copy of the *USM-280 (OPREF Resume)* attached.

Should the U.S. Marshal not receive the *USM-280 (OPREF Resume)* from a candidate within 3 days of the established date, he or she should contact the district's Operational Staffing Specialist for assistance.

HRD will post the locations for which OPREF certificates have been issued on its Web site.

4. **Transfer Prerequisites for Selectees:** Selected candidates must satisfy the following prerequisites before they may transfer to their new duty location:

- a. A current completed medical examination. HRD will check and, if necessary, the candidate will be required to contact the District Point-of-Contact (Administrative Officer) to schedule the medical exam with the contract facility;
- b. A current fitness-in-total assessment is required of DUSMs hired after 1984;
- c. A current background investigation. HRD will check to see if the DUSM's background investigation (BI) is current. If the individual's information is out of date, he or she will have to complete and submit the paperwork needed for a new background investigation. The completed submission must be sufficient to allow the BI to be scheduled by OPM, and
- d. A current firearms qualification score.

A selectee must be released and must report to the new duty station within 90 days of being selected; failure to meet the prerequisites is not a basis for extending this timeframe. Another 30 days may be allowed in cases where the employee has a specific need and has requested and been granted an exception. Selectees who are in need of additional time, up to 30 days, should submit their request via e-mail to HRD. A decision on the additional time will be made in consultation with both U.S. Marshals. HRD will notify the selectee of the determination. HRD will coordinate all transfer dates with the gaining and losing districts.

5. **Employee Mutual Transfer:** An employee mutual transfer (EMT) is a means by which

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individuals seeking reassignment to a location where there is no authorized vacancy may be considered. Employee mutual transfers may only be used by Deputy U.S. Marshals within the same occupational series (e.g., GS-1811 for another GS-1811). Deputies must register for their desired location under OPREF and meet all of the registration and transfer eligibility requirements as well as all transfer prerequisites listed above.

Where no authorized operational vacancy exists, District management may request that HRD review OPREF to determine if there are any matches in candidate preferences, which would facilitate an inter-district exchange of personnel. Where such a match can be identified, HRD will notify both/all of the Districts involved and provide the Marshals with certificates of eligible candidates who may be considered for an EMT.

HRD will also complete this review periodically, and notify Districts which may be interested in considering EMT candidates.

Employees seeking an EMT, who become aware of others interested in an EMT, may bring this to the attention of their district management for consideration. However, in order to ensure that all interested and eligible employees are considered for such an EMT opportunity, HRD will review OPREF and provide the district with a certificate of eligible candidates.

All other aspects of EMT consideration, selection, and transfer follow normal OPREF procedures.

Part II: Medical Hardship Transfer Consideration Process

1. **Process Description:** The USMS will attempt to assist employees who are facing an immediate, serious, personal medical situation or one involving a family member by providing a number of options which provide support and assistance to the employee in a variety of situations. If a situation is temporary, the USMS will attempt to provide employees with short-term solutions. Employees may seek assistance through their district management or avail themselves of USMS-wide resources such as the Employee Assistance Program.

If it is a long-term medical situation and all other means of addressing it have been considered, employees may request a medical hardship transfer. When sufficient information and documentation have been provided (see Part II, paragraph 4), a Hardship Review Panel of senior field management officials, composed of three (3) U.S. Marshals, will determine if the medical hardship transfer should be granted.

The medical hardship transfer consideration process is voluntary at the employee's request; transfers and temporary duty assignments, if authorized, are at no cost to the USMS.

2. **Eligibility:** All headquarters and field DUSMs are eligible for consideration provided they have an immediate, serious, personal medical situation or one involving a family member.
3. **Short-term Options/Solutions:** All employees are required to seek short-term or alternative solutions to a serious personal or family medical situation before seeking a long-term solution. The following options/solutions must be considered, documented, and reviewed by the employee's district management:
 - a. Employee Assistance Program
 - b. Leave through the Family and Medical Leave Act
 - c. Leave through the Family Friendly Leave Act
 - d. Leave without pay
 - e. Annual leave
 - f. Sick leave
 - g. Leave Bank assistance for a limited period

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Reassignments

In certain cases, employees may be able to address a temporary situation through a request to district/division management for approval of the following:

- a. Part-time employment
 - b. Short-term detail
 - c. Flexible workplace
 - d. Alternative work schedule
 - e. Job sharing
4. **Medical Hardship Transfer Request:** If employees have a compelling need to do so, and if all attempts to address a serious personal or family medical situation through a short-term or alternative solution were attempted and did not resolve their problem, they may request a reassignment to another duty station location.

To submit a request for a hardship transfer, employees must provide their HRD staffing specialist with the following:

- a. Complete medical documentation from a licensed physician describing the condition and how a transfer will help resolve the issue. The documentation must state whether this is a new or pre-existing condition.
 - (1) Information on the urgency and severity of the medical problem.
 - (2) Information on the relationship of the affected family member to the USMS employee.
- b. Complete information, in writing, on short-term measures taken and the outcome of each.
- c. Documentation from the division/district attesting that all viable short-term solutions/options were pursued.
- d. Complete information on how the transfer will address the employee's situation.

District/division managers must submit documentation on the assistance sought and that which the district/division provided, along with the employee's complete request package, to their HRD staffing specialist.

5. **Medical Hardship Review Panel:** Within 10 business days of receiving a completed package from an employee whose only alternative is to seek a long-term solution to a medical situation, HRD will provide the request to the three-member Medical Hardship Review Panel, consisting of three (3) U.S. Marshals.

After reviewing the facts, the panel will approve or reject the request. If the panel rejects the request, it will provide the employee with an explanation. The employee may seek an appeal of the decision from the Assistant Director for Operations Support.

Once a hardship transfer has been approved, the employee will be reassigned, as soon as reasonably possible, to a vacant position within his or her job series in the district/office requested.

- E. **Responsibilities:** Deputy United States Marshals, U.S. Marshals, and HRD have responsibilities under both the OPREF Referral System and the Medical Hardship Transfer Consideration Process. The Medical Hardship Review Panel has responsibilities under the Medical Hardship Transfer Consideration Process as do Headquarters Division Directors.

1. **Deputy U.S. Marshals** (GS-1811 and GS-082)

- Register for OPREF.
- Make sure he or she is registered for the appropriate series.
- Select and maintain current district duty station preferences.
- Keep current in BI, medical, FIT and firearms.
- Maintain an acceptable level of performance.
- Make sure their conduct is appropriate.
- Complete a USM-280(*OPREF Resume*) and submit via e-mail to HRD.
- Update USM-280 (*OPREF Resume*) as necessary and submit via e-mail to HRD.
- E-mail the completed *USM-280 (OPREF Resume)* to the U.S. Marshal by the deadline if on the certificate of names under consideration.
- Update *USM-280 (OPREF Resume)* as necessary.
- Place an automatic-reply message on e-mail in the event of approved leave of more than 3 days, TDY, or Special Assignment.
- Leave contact information with the current District CDUSM or SDUSM so that the away employee may be reached about an OPREF opportunity.
- Explore all solutions to a personal or family medical situation before requesting a medical hardship transfer and provide all the required documentation as well as any the HRD requests.
- Report for duty within 90 days of being selected under OPREF.
- If approved for a medical hardship transfer, report within 90 days of notification of a district vacancy.

2. **U.S. Marshals**

- Make sure vacancies to be filled are bonafide except in the case of employee mutual transfer, where no vacancy is required.
- Submit completed SF-52s to fill vacancies.
- Request a certificate of names for a specific duty station location from their HRD staffing specialist.
- Review all the material provided by HRD and by the candidates on certificates and choose selectee(s).
- Contact HRD in the event of a missing *USM-280 (OPREF Resume)*.
- Return all material to their HRD staffing specialist.
- Maintain privacy of submitted medical information.

3. **U.S. Marshals and Headquarters Division Directors**

- Review and consider employees' medical hardship transfer requests. To the degree possible, make adjustments to accommodate employees' requests to deal with their medical situation and to document steps taken to assist employees.
- Release employees who have been selected for another duty station so that they may assume their new position within 90 days of being selected or approved for a medical hardship transfer.
- Maintain privacy of submitted medical information.

4. **Human Resources Division**

- Provide the U.S. Marshal with a certificate of names of those who have requested a certain duty station location.
- Post on the HRD Web site the dates and duty station locations of the certificates generated.
- Inform the individuals on the certificate by e-mail that they are being considered for a position and that they should e-mail their *USM-280 (OPREF Resume)* to the U.S. Marshal. HRD will use an auto reply feature in order to be assured that individuals are notified of their consideration.
- Submit backup *USM-280 (OPREF Resume)* if the U.S. Marshal indicates

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he/she did not receive a copy from a candidate.

- Make sure selectees have met all the requirements for reassignment to their position in the new duty station.
- Process personnel actions.
- Issue quarterly reminders to DUSMs to update their preferred OPREF duty stations by making deletions or additions.
- Provide information about alternatives to a medical hardship transfer and provide process and documentation information needed to make this type of request.
- Determine adequacy and completeness of documentation submitted for a medical hardship transfer request; ensure all requirements met.
- Submit requests to the Hardship Review Panel and notify individuals and districts of the outcome of this review.
- Maintain privacy of submitted medical information.

5. **Medical Hardship Review Panel**

- Review employee requests for reassignment to another duty station. The panel may request additional information from an employee prior to making a recommendation.
- When necessary, seek counsel from the Employee Assistance Program and any other individual from a division/district whose input will aid the panel in making a recommendation.
- Review the docket of cases HRD presents and, in general, issue a determination on each case within 30 days of receiving the request.
- Maintain privacy of submitted medical information.

F. **Definitions**

1. **Personal or Family Medical Situation:** A seriously debilitating or life-threatening medical condition affecting an employee or a family member that the employee must address. A personal or family medical situation **may not** be the result of an ongoing medical condition that existed before the employee was appointed to his or her current position.
2. **Family Member:** For the purpose of this policy, a family member is:
 - a. A spouse and his or her parents
 - b. Children, including adopted children, stepchildren and grandchildren, and their spouses
 - c. Parents
 - d. Brothers and sisters and their spouses
 - e. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
3. **Hardship Review Panel:** A panel of volunteer U.S. Marshals, consisting of three (3) U.S. Marshals, who review employee requests for medical hardship transfers and recommend actions to take on them.

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