3.9 VOLUNTARY REASSIGNMENTS

A. Purpose: This directive describes the three means by which Deputy United States Marshals (DUSM) and Detention Enforcement Officers (DEO) or Aviation Enforcement Officers (AEO) may make their request for voluntary reassignment known so that they may be considered in making decisions about staffing U.S. Marshals Service (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 (HRD), Law Enforcement Staffing Branch. Telephone: 202-307- 9616, Fax: 202-307-9455.

C. Policy:

1. It is the policy of the 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.

2. It is the policy of the USMS to consider DEO/AEO requests for reassignment to a non-supervisory DEO/AEO position (voluntary reassignment at no cost to the government in approved Districts or Divisions), and to provide a fair and equitable standard for considering individual employee requests.

   a. The USMS will also provide DEOs and AEOs with the opportunity to request transfers via the medical hardship process. DEOs and AEOs will only be able to hardship transfer to districts with current 1802 vacancies where a determination has been made that the vacancy will be filled with an 1802 series employee.

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.

A DEO/AEO (GS-1802), who meets eligibility requirements, may submit a request for reassignment by registering and selecting a desired duty location by utilizing the OPREF System set forth below.

Part 1: Office of Preference Referral System:

1. **System Description:** OPREF is an automated system designed to assist DUSMs 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.

   OPREF is also designed to assist DEO/AEOs (GS-1802), who have met their eligibility requirements, to submit their request for reassignment for vacant District/Division positions. 1802 series employees transferring via OPREF may only transfer or request a reassignment to positions for which he or she has met the career ladder requirements. For example, a DEO at the full performance grade GS-7 may only OPREF / transfer to another DEO position, with the full performance level at the GS 7 or below. Additionally, AEOs at the full performance level of a GS 9 who opt to transfer to a DEO position at the full performance level of a GS 7 must downgrade to the GS 7. Interested employees may only apply in one of the geographic areas listed on the OPREF website. Nothing in this policy prohibits an 1802 series employee from expressing interest directly with districts that do not have 1802 series positions, in the event that one is obtained in the future. The process matches lateral reassignment opportunities with employee interests, and provides District/Division 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.

   Districts having vacancies which they intend to fill through OPREF may proactively generate interest by completing USMS Form 181/ 182. This form will be sent electronically to the Executive Secretariat for dissemination to all. This form encourages interested employees to register under OPREF for that particular duty station location.

   Generally, a District must have an authorized and appropriate vacancy in order to utilize the OPREF system for DUSMs or for DEO/AEOs. As an exception, a process is established for DUSMs or DEOs / AEOs and management to ascertain 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.

   Annually, during the last pay period of the year, OPREF activity will temporarily cease. At this time, OPREF information will be archived for the prior year. All individuals, DUSMs, DEOs and AEOs, interested in being considered under OPREF must officially re-register for the duty station locations in which they have an interest.

2. **Registration Eligibility:** Some DUSMs have incurred a duty station obligation based on an OPREF selection or because of having been competitively promoted to their current positions. DUSMs who have met their current 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 either a GS-1811 or a GS-082 opening. A DEO/AEO (GS-1802) may register for either a DEO or an AEO position with the same career ladder.

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.

DUSMs, DEOs and AEOs are allowed to register for up to five (5) duty station locations at any time under OPREF.

Once registered, DUSMs, DEOs and AEOs will be able to be considered for the period of time until the last pay period during the calendar year. Upon completion of the archive, DUSMs, DEOs and AEOs will have to register for the locations in which they have interest for the next year.

3. **OPREF Consideration Process:** When a vacant District DUSM or DEO/AEO position is to be staffed through OPREF, HRD will generate a certificate which lists the OPREF candidates who wish to be considered for that location.

HRD will refer to the District for consideration candidates who have registered under OPREF and have selected that duty station location, provided that they are neither on a Performance Improvement Plan (PIP) or have an unacceptable performance rating at the time that the referral certificate is prepared.

HRD will send the certificate to the U.S. Marshal or Division Assistant Director 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 or Assistant Director.

If a candidate is on approved leave of more than 3 days, temporary duty (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 or Assistant Director. If the candidate submitted a USM-280 *(OPREF Resume*) when registering, HRD will forward this copy of the USM-280 *(OPREF Resume*) to the U.S. Marshal or Division Representative and will send an email to the candidate with an attached copy of the USM-280 *(OPREF Resume*).

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

HRD will post the locations for which OPREF certificates have been issued on its 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 / Division Administrative Officer to schedule a medical exam with the contract facility;

A current fitness-in-total assessment is required of DUSMs hired after 1984 (not a requirement for DEO/AEOs);

b. A current background investigation. HRD will check to see if the DUSM, DEO/AEO'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;

c. A current firearms qualification score.

d. An OPREF selectee must complete and sign the Memorandum of Understanding indicating that he/she is aware of the two year duty station obligation (not a requirement for DEOs / AEOs).

e. In rare circumstances, personnel who have transferred under OPREF may request and receive a waiver of the two year duty station requirement. These requests must be submitted in writing to the Assistant Director, HRD for approval from the Deputy Director or designee. All requests must be in writing, include signed approval memorandums from both the losing and gaining U.S. Marshals, and list the mitigating circumstances for the request and reason for the waiver.

f. Under normal circumstances, 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 or the Division Assistant Director. HRD will notify the selectee and will coordinate all transfer dates with the respective Districts and Divisions.

On a case-by-case basis, based on environmental concerns, districts may request the option to hold an OPREF selectee beyond the 90 day reporting period, up to 180 days. Requests to hold OPREF selectees past 90 days must be approved by the Deputy Director or designee. Requests must be made to the Assistant Director, HRD within 5 days of the OPREF Selection.

5. **Employee Mutual Transfer:** An employee mutual transfer (EMT) is a means by which individuals seeking reassignment to a location where there is no authorized vacancy may be considered. EMTs may be used by Deputy U.S. Marshals within the same occupational series (e.g., GS-1811 for another GS-1811). The EMT process may also be used by DEO / AEOs between two Districts / Divisions with 1802 series employees. 1802 series employees may only transfer into positions with the same career ladder as noted in Part 1 above. DUSMs, and DEO / AEOs 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-45), 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, DEOs and AEOs 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

   In certain cases, employees should explore other options 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 viable alternative solution were attempted and did not resolve their problem, they may request a reassignment to another duty station location.

5. 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 the condition diagnosis, treatment, if any, and expected recovery. Information should include:

      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.

6. **Medical Hardship Review Panel:** If an employee's only alternative is to seek a long-term solution to a medical situation, he or she should follow the steps in paragraph 5 above. The District/division will forward the complete package to HRD. HRD will provide the health-related information to a Reviewing Medical Officer (e.g., FOH), and within 10 business days of receiving the completed review with a recommendation, will provide the request to the three-member Medical Hardship Review Panel, consisting of USMS Management Personnel.
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 Associate Director for Administration.

   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 / Division requested.

E. Responsibilities: DUSMs, DEOs / AEOs, 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)

a. Register for OPREF using the appropriate series.

b. Select and maintain current district duty station preferences.

c. Keep current in background investigations, Fitness in Total, medical, and firearms.

d. Maintain an acceptable level of performance.

e. Make sure their conduct is appropriate.

f. Complete a USM-280 (*OPREF Resume)* and submit via e-mail to HRD law enforcement staffing branch.

g. Update USM-280 (*OPREF Resume)* as necessary and submit via e-mail to HRD.

h. E-mail the completed USM-280 (*OPREF Resume)* to the U.S. Marshal or Assistant Director by the deadline if on the certificate of names under consideration.

i. Update USM-280 (*OPREF Resume)* as necessary.

j. Place an automatic-reply message on e-mail in the event of approved leave of more than 3 days, TDY, or Special Assignment.

k. Leave contact information with the current District CDUSM or SDUSM so the employee may be reached about an OPREF opportunity.

l. 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 additional documentation HRD requests.

m. Report for duty within 90 days of being selected under OPREF unless there is a determination to delay the reporting date.

n. If approved for a medical hardship transfer, report within 90 days of notification of a district vacancy.

2. **Detention Enforcement/Aviation Enforcement Officers (DEO/AEO, GS-1802):**

a. Register under the OPREF System using the appropriate series.

b. Select and maintain current District of Division duty station preferences.

c. Maintain current BI, medical, and firearms forms.

d. Maintain an acceptable level of performance.

e. Make sure their conduct is appropriate.

f. Complete a USM-280 (*OPREF Resume)* and submit via e-mail to HRD.

g. Update USM-280 (*OPREF Resume)* as necessary and submit via e-mail to HRD.

h. E-mail the completed USM-280 (*OPREF Resume)* to the U.S. Marshal or Division Management by the deadline date provided their name is on the certificate of names under consideration.

i. Place an automatic-reply message on e-mail in the event of approved leave of more than three (3) days, TDY, or Special Assignment.

j. Provide contact information with the current District or Division Management so that the candidate may be reached concerning an OPREF opening.

k. Report for duty within ninety (90) days of being selected under OPREF unless there is a determination to delay the reporting.

3. **U.S. Marshals:**

a. Make sure vacancies to be filled are bona fide except in the case of employee mutual transfer, where no vacancy is required.

b. Submit completed SF-52s to fill vacancies.

c. Request a certificate of names for a specific duty station location from their HRD staffing specialist.

d. Review all the material provided by HRD and by the candidates on certificates and choose selectee(s).

e. Contact HRD in the event of a missing USM-280 (*OPREF Resume)*.

f. Return all material to their HRD staffing specialist.

g. Maintain privacy of submitted medical information.

4. **U.S. Marshals, Associate Directors for Administration and Operations, and Headquarters Assistant Directors:**

a. 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.

b. 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.

c. Maintain privacy of submitted medical information.

5. **Human Resources Division:**

a. Provide the U.S. Marshal or Division Assistant Director with a certificate of names of those who have requested a certain duty station location.

b. Post on the HRD website the dates and duty station locations of the certificates generated.

c. 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 or Division Representative. HRD will use an auto reply feature in order to be assured that individuals are notified of their consideration.

d. Submit backup USM-280 (*OPREF Resume)* if the U.S. Marshal or Division Representative indicates he/she did not receive a copy from a candidate.

e. Make sure selectees have met all the requirements for reassignment to their position in the new duty station.

f. Process personnel actions.

g. Issue quarterly reminders to DUSMs to update their preferred OPREF duty stations by making deletions or additions.

h. Provide information about alternatives to a medical hardship transfer and provide process and documentation information needed to make this type of request.

i. Determine adequacy and completeness of documentation submitted for a medical hardship transfer request; ensure all requirements met.

j. Submit requests to the Hardship Review Panel and notify individuals and districts of the outcome of this review.

k. Maintain privacy of submitted medical information.

l. Submit the decision of the Hardship Review Panel to the Deputy Director or designee in cases where no vacancy exists so that a final decision on a temporary allocation may be made.

6. **Medical Hardship Review Panel:**

a. Review employee requests for reassignment to another duty station. The panel may request additional information from an employee prior to making a recommendation.

b. 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.

c. Review the docket of cases HRD presents and, in general, issue a determination on each case within 30 days of receiving the request.

d. 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 **should not** be the result of an ongoing medical condition that existed and was known 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 USMS operational management personnel who review employee requests for medical hardship transfers and recommend actions to take on them.

By Order of:

/S/
John F. Clark
Director
U.S. Marshals Service

Effective Date:

8/26/08