

SEC. 1122. PART-TIME REEMPLOYMENT.

(a) Civil Service Retirement System- Section 8344 of title 5, United States Code, is amended--

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

(2) by inserting after subsection (k) the following:

`(l)(1) For purposes of this subsection--

`(A) the term `head of an agency' means--

`(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

`(ii) the head of the United States Postal Service;

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

`(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

`(B) the term `limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

`(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to--

`(A) fulfill functions critical to the mission of the agency, or any component of that agency;

`(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

`(C) assist in the development, management, or oversight of agency procurement actions;

`(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

`(E) promote appropriate training or mentoring programs of employees;

`(F) assist in the recruitment or retention of employees; or

`(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

`(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant--

`(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

`(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

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

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

` (B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management--

` (i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

` (ii) not later than 180 days after submitting the report under clause (i), a succession plan.

` (5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

` (B) Any regulations promulgated under subparagraph (A) may--

` (i) provide standards for the maintenance and form of necessary records of employment under this subsection;

` (ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

` (iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

` (iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

` (v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

` (6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

` (B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

` (7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010.'; and

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

*(A) in paragraph (1), by striking `(k)' and inserting `(l)';
and*

*(B) in paragraph (2), by striking `or (k)' and inserting
`(k), or (l)'.*

(b) Federal Employee Retirement System- Section 8468 of title 5, United States Code, is amended--

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

(2) by inserting after subsection (h) the following:

` (i)(1) For purposes of this subsection--

` (A) the term `head of an agency' means--

` (i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

` (ii) the head of the United States Postal Service;

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

*` (iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office;
and*

` (B) the term `limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

` (2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to--

` (A) fulfill functions critical to the mission of the agency, or any component of that agency;

` (B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

` (C) assist in the development, management, or oversight of agency procurement actions;

` (D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

` (E) promote appropriate training or mentoring programs of employees;

` (F) assist in the recruitment or retention of employees; or

` (G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

- ` (3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant--
 - ` (A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;*
 - ` (B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or*
 - ` (C) for more than a total of 3120 hours of service performed by that annuitant.**
- ` (4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.*
- ` (B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management--
 - ` (i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and*
 - ` (ii) not later than 180 days after submitting the report under clause (i), a succession plan.**
- ` (5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.*
- ` (B) Any regulations promulgated under subparagraph (A) may--
 - ` (i) provide standards for the maintenance and form of necessary records of employment under this subsection;*
 - ` (ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);*
 - ` (iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);*
 - ` (iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and*
 - ` (v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.**
- ` (6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.*

` (B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

` (7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010.'; and

(3) in subsection (j) (as so redesignated)--

*(A) in paragraph (1), by striking `(h)' and inserting `(i)';
and*

*(B) in paragraph (2), by striking `or (h)' and inserting
`(h), or (i)'.*

(c) Rule of Construction- Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) Technical and Conforming Amendments- Section 1005(d)(2) of title 39, United States Code, is amended--

(1) by striking `(l)(2)' and inserting `(m)(2)'; and

(2) by striking `(i)(2)' and inserting `(j)(2)'.