



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
5720 INTEGRITY DRIVE  
MILLINGTON, TN 38055-0000

BUPERSINST 12300.1A  
BUPERS-05  
21 Sep 2017

BUPERS INSTRUCTION 12300.1A

From: Chief of Naval Personnel

Subj: EMPLOYMENT OF RETIRED MILITARY PERSONNEL

Ref: (a) 5 U.S.C.  
(b) DoD Instruction 1402.01 of 9 September 2007  
(c) OCHR FACT SHEET "Waivers to Appoint Retired Military Members to Civilian Positions within 180 days of Retirement", Issued Jan 2017

Encl: (1) Request for Approval to Appoint Retired Member of the Military Services Within 180 Days of Retirement

1. Purpose. To provide policy and guidance on employment of retired military members seeking civilian positions within the Bureau of Naval Personnel (BUPERS) and its field activities. This instruction has been revised to update procedures for managing employment of retired military personnel. The instruction is a complete revision and should be read in its entirety.

2. Cancellation. BUPERSINST 12300.1.

3. Scope and Applicability. This instruction is applicable to all BUPERS commands and subordinate activities.

4. Background and Discussion

a. Reference (a), section 3326, provides conditions under which a retired member of the Armed Forces may be appointed to an appropriated fund or non-appropriated (NAF) position in Department of Defense (DoD), during the 180 days immediately following retirement. Reference (a), section 3326, specifically states a request by appropriate authority for the authorization shall be accompanied by a statement(s), which shows the actions taken to ensure:

(1) Full consideration, per placement and promotion procedures of activity concerned, was given to eligible career employees.

(2) When selection is by other than certification from an established civil service register, the vacancy has been publicized to give interested candidates an opportunity to apply.

(3) Qualification requirements for the position have not been written in a manner designed to give advantage to a retired member.

(4) The position has not been held open pending retirement of a current Service member who is a prospective applicant.

5. Definitions

a. Position. A civilian position (including permanent, temporary, term, part-time, or intermittent position as these terms are defined by the Office of Personnel Management (OPM)) in the competitive and excepted service to be filled, with or without compensation, under appointment from appropriated or non-appropriated funds, provided an employer-employee relationship exists.

b. Retired Military Member. A member or former member of the military is one who is entitled to retired, retirement, or retainer pay.

6. Procedures

a. If internal and external recruitment efforts fail to produce the best qualified candidates and a retired military member is the best available candidate, a manager may use procedures in enclosure (1) to request a waiver of the 180-day restriction. Waiver requests must contain documentation supporting that the retired member selected for the position is better qualified than any in-service candidate. Requests to waive the 180-day restriction will only be forwarded for approval when there is evidence that a sufficient recruitment was conducted to seek highly qualified candidates and the retired member's knowledge, skills, and abilities (KSA) are clearly superior to other available candidates. Documentation supporting the retired member's superior qualification should clearly define the differences in KSA possessed by the retired member and those held by other candidates, including reason(s) other candidates fall short of the selectee.

b. A waiver request must be approved **before** a selectee can be appointed. Requests within BUPERS must be submitted to Director of Total Force Human Resources and Manpower (BUPERS-05).

7. Reporting Requirements. The requesting activity must maintain records of approval of request to waive the 180-day restriction. A copy of approval must be filed in employees' electronic official personnel folders (eOPF). BUPERS will forward waiver requests complying with program guidance and the spirit and intent of the law to the Office of the Deputy Assistant Secretary of the Navy (DASN) for consideration.

8. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed per Secretary of the Navy (SECNAV) Manual 5210.1 of January 2012.

9. Review and Effective Date. Per OPNAVINST 5215.17A, BUPERS-05 will review this instruction annually on the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, DoD, SECNAV, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will automatically expire 5 years after its issuance date unless reissued or canceled prior to the 5-year anniversary date, or an extension has been granted.

A handwritten signature in black ink, consisting of the letters 'R', 'A', and 'B' in a stylized, cursive font, followed by a long horizontal stroke.

R. A. BROWN  
Deputy Chief of Naval Personnel

**Releasability and distribution:**

This instruction is cleared for public release and is available electronically only via BUPERS/NAVPERSCOM Web site [www.npc.navy.mil](http://www.npc.navy.mil)

REQUEST FOR APPROVAL TO APPOINT RETIRED MEMBER OF THE  
MILITARY SERVICES WITHIN 180 DAYS OF RETIREMENT

1. Information about proposed appointee.
  - a. Effective date (YYMMDD) of retirement.
  - b. Rank at time of retirement.
  - c. Pay grade and Uniformed Service, at time of retirement, (whether regular or non-regular).
  - d. Attach resume submitted to apply for the position.
2. Information about position involved.
  - a. Date (YYMMDD) position was established.
  - b. Date (YYMMDD) position was last occupied.
  - c. Was position converted from military to civilian status?
  - d. Date (YYMMDD) of conversion (if converted).
  - e. Reason for conversion.
  - f. Was proposed appointee the last military occupant?
  - g. Attach current position description.
  - h. Is position continuing or temporary?
  - i. Identify the qualification requirements and any selective placement factors applied to the position.
  - j. Identify efforts used to fill the position (continuous or reasons for delay).
3. Consideration of employees and applicants (to ensure full consideration was given to eligible employees and applicants, include the following information):
  - a. A copy of any notices used to publicize vacancy to interested employees and applicants.

b. Documentation on how proposed appointee is superior to all qualified employees given consideration (e.g., number of applicants, series and grade, number of highly and best-qualified applicants and a general description of experience related to the vacant position.) This section should document how and why the retired military member is better qualified than other candidates. Length of experience may not always be a decisive factor.

c. A statement as to whether appropriate placement and promotion procedures were followed; if these procedures were not followed, reasons therefore.

d. Under what authority (OPM regulation) will the retired member be appointed.

e. Copy of certificate of eligibles on which proposed appointee's name appears, including selective factors used.

f. Copies of any notices publicizing vacancy and any contacts with recruiting sources.

4. To avoid appearance of any violation of fair and open competition the request must be accompanied by a signed statement, which shows:

a. Selectee has not been involved in establishment of the civilian position, writing of the (civilian) position description, establishment of the unit or department in which the civilian position exists, or any advisory board or committee responsible for the conversion of a military position to a civilian position.

b. Conversion of a military billet to a civilian billet in question must not appear to have been done to coincide with retirement of selectee. Since all military personnel are subject to rotation, proper position management, such as anticipation of a vacancy, should be considered prior to granting of a waiver. Eleventh hour conversions that appear to be timed to coincide with a military retirement may be subject to allegations of impropriety.