



Department of Defense INSTRUCTION

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USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: Civilian Assistance and Re-Employment (CARE) Program

- References:
- (a) Assistant Secretary of Defense for Force Management and Personnel Memorandum, "Civilian Assistance and Re-Employment (CARE) Program Implementing Instructions," June 1, 1993 (hereby canceled)
 - (b) Sections 3502, 5595, 5724, 9902, and chapter 71 of title 5, United States Code
 - (c) Parts 330, 351, and 842 of title 5, Code of Federal Regulations
 - (d) Public Law 105-220, "Workforce Investment Act," August 7, 1998, as amended (codified in various sections of titles 20 and 29, United States Code)
 - (e) Section 2902 of Public Law 101-510, "The Base Closure and Realignment Act of 1990," November 5, 1990, as amended
 - (f) Part 37 of title 48, Code of Federal Regulations

1. PURPOSE

a. Instruction. This Instruction is composed of several volumes, each containing its own purpose. The purpose of the overall Instruction is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the Department of Defense.

b. Volume. This Volume of this Instruction:

(1) Assigns authority and responsibility and prescribes procedures for implementation of the DoD CARE Program. The purpose of the Program is to accomplish the reduction and realignment of the Department's workforce with minimum employee and organizational disruption and in a humane and effective manner. During such reduction and realignment actions, the CARE Program achieves its objective through the use of mandatory employee placements (Volume 1800 of this Instruction), civilian separation incentives, early retirements, retraining initiatives, transition entitlements and benefits, and continuity of operations tools described in the 1700 series of Volumes of this Instruction.

(2) Cancels and supersedes Assistant Secretary of Defense for Force Management and Personnel Memorandum (Reference (a)).

2. APPLICABILITY

a. Unless specifically excepted from one or more elements of the CARE Program by DoD policy, this Volume applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the “DoD Components”). The term “Military Departments” as used in this Volume refers to the Army, the Navy, the Air Force, and the Marine Corps (including their applicable National Guard and Reserve Units).

b. Unless otherwise stated herein, this Volume does not apply to nonappropriated fund employees or non-U.S. citizen employees.

3. DEFINITIONS. See Glossary.

4. RESPONSIBILITIES. See Enclosure.

5. RELEASABILITY. UNLIMITED. This Volume is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

6. EFFECTIVE DATE. This Instruction is effective immediately.

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RESPONSIBILITIES

1. DEPUTY UNDER SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY (DUSD(CPP)). The DUSD(CPP), under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, shall:

- a. Issue, implement, and monitor CARE Program policies and CARE procedures.
- b. Consult with appropriate national labor organizations when issuing changes to CARE policies.

2. UNDER SECRETARY OF DEFENSE (COMPTROLLER)/CHIEF FINANCIAL OFFICER (USD(C)/CFO) AND DIRECTOR, DEFENSE FINANCE AND ACCOUNTING SERVICE (DFAS). The USD(C)/CFO and the Director, DFAS, under the authority, direction, and control of the USD(C)/CFO, shall prescribe implementing financial instructions consistent with the guidelines and procedures outlined in the 1700 series of Volumes of this Instruction.

3. DIRECTOR OF ADMINISTRATION AND MANAGEMENT (DA&M) AND THOSE ORGANIZATIONS FOR WHICH THE DA&M EXERCISES APPOINTING AUTHORITY, DIRECTORS OF THE DEFENSE AGENCIES AND OF THE DoD FIELD ACTIVITIES HAVING INDEPENDENT APPOINTING AUTHORITY, AND SECRETARIES OF THE MILITARY DEPARTMENTS. The DA&M and those organizations for which the DA&M exercises appointing authority, the Directors of the Defense Agencies and of the DoD Field Activities having independent appointing authority, and the Secretaries of the Military Departments shall:

- a. Comply with the provisions of the CARE Program.
- b. Issue internal guidance implementing this Volume.
- c. Direct the development and issuance of operating procedures as necessary to carry out personnel management authorities outlined in the 1700 series of Volumes of this Instruction within their organizations.

4. HEADS OF THE DoD COMPONENTS WITH ORGANIZATIONS HAVING COLLECTIVE BARGAINING OBLIGATIONS. The Heads of the DoD Components with organizations having collective bargaining obligations shall ensure those organizations satisfy those obligations as specified in chapter 71 of title 5, United States Code, (Reference (b)) prior to issuing local operating procedures.

GLOSSARY

DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of the 1700 series of Volumes of this Instruction.

CARE Program. A program designed to assist DoD civilian employees during Departmental downsizing and realignment actions. The overall program includes but is not limited to:

Voluntary Separation Incentive Pay (VSIP).

Voluntary Early Retirement Authority (VERA).

Voluntary Reduction in Force (VRIF).

Priority Placement Program (PPP).

Outplacement Subsidy.

Temporary Continuation of Health Insurance.

Job Exchange.

Unlimited Annual Leave Accrual and Leave Restoration.

Annual Leave Use for Retirement and Health Benefits Coverage.

caretaker workforce. A cadre of temporary and/or term employees at a closed DoD activity performing security, fire protection, maintenance, environmental restoration, or other post-closure related functions.

Certificate of Expected Separation (CES). A notice issued to employees when it is determined with a reasonable degree of certainty that the employees shall be separated by reduction in force (RIF) procedures in accordance with part 351.807 of title 5, Code of Federal Regulations, (CFR) (Reference (c)). The CES enables employees to apply for the Reemployment Priority List (RPL) and participate in dislocated worker programs administered by the U.S. Department of Labor (DOL) pursuant to Public Law 105-220 (commonly known and hereafter referred to as the “Workforce Investment Act” (WIA) (Reference (d))).

Defense Base Realignment and Closure (BRAC) Commission. Pursuant to section 2902 of Public Law 101-510 (Reference (e)), an independent Commission that reviews recommendations from the Secretary of Defense regarding the closure and realignment of military installations in the United States and makes recommendations regarding the same to the President.

discontinued service retirement. A form of retirement based on reduced service and age requirements that provides an immediate reduced annuity for employees facing involuntary separation from Federal employment. (This is not the same as VERA. See definition of “VERA.”) Employees separated for cause on charges of misconduct or delinquency are ineligible for a discontinued service annuity (part 842.206 of Reference (c)).

displaced employee. A current permanent employee serving under an appointment in the competitive or excepted service in tenure group I (career) or group II (career-conditional) at grade level GS-15 or equivalent and below who is scheduled for separation or has been involuntarily separated due to RIF. It also includes an employee without a mobility agreement who is facing separation or has been separated due to declining a transfer of function or directed reassignment outside the commuting area, or a National Guard or military reserve technician who is or has been involuntarily separated due to loss of dual status without personal cause.

Interagency Career Transition Assistance Plan (ICTAP). Pursuant to subpart G of part 330 of Reference (c), a special interagency transition assistance program specifically established for Federal employees affected by severe Federal downsizing. Through ICTAP, employees having RIF separation notices receive selection priority when they apply and are well qualified for vacancies in other Federal agencies. Activities must notify affected employees of this program when RIF notices are issued.

involuntary separation. A separation action initiated by an agency against the will and without the consent of the employee other than separation based on misconduct or performance. The most common source of involuntary separation is RIF.

job exchange. Specific authority provided in Volume 1705 of this Instruction authorizing an exchange of jobs between an employee at a closing activity and an employee from an activity unaffected by closure action.

leave service computation date. An employee’s service computation date for leave accrual purposes.

lump sum severance pay. Pursuant to section 5595(i) of Reference (b), an option of an eligible employee upon separation to receive immediate payment of severance pay benefits in a lump sum. An employee must apply for this option and receive approval from the DoD activity to receive lump sum payment.

outplacement subsidy. Pursuant to section 5724(e) of Reference (b), discretionary authority provided to a DoD activity to pay up to \$20,000 in permanent change of station relocation expenses when another Federal agency hires and relocates a surplus DoD employee. The employee must be in a surplus skill category and have received a RIF separation notice to be eligible.

personal services contract. An employment contract that creates an employer-employee relationship between contractor personnel and the Federal Government. An employer-employee

relationship exists when contractor personnel are subject to the relatively continuous supervision and control of a Government officer or employee (part 37.104 of title 48, CFR (Reference (f))).

PPP. An automated system that provides placement assistance within the Department of Defense to DoD employees adversely affected by RIF, transfer of function, realignment, or base closure and to those eligible for placement consideration in accordance with related DoD policy in Volume 1800 of this Instruction.

RPL. Pursuant to subpart B of part 330 of Reference (c), provides reemployment consideration to:

Eligible competitive service employees who receive a specific notice of RIF separation or a CES pursuant to part 351 of Reference (c), or who have been separated by RIF; and

Eligible employees fully recovered from a compensable injury or disability after more than 1 year.

severance pay. Pursuant to section 5595 of Reference (b), payment made to eligible separating employees. (See definition of “lump sum severance pay.”) The total amount is determined by a formula that considers years of Federal service, basic pay at the time of eligibility, and an adjustment for employees over age 40.

surplus position. A position identified for elimination when formal RIF procedures are initiated.

VERA. Pursuant to section 9902(g) of Reference (b), allows eligible employees to retire early and receive a reduced annuity. This authority may be used to reduce the number of personnel employed by the Department of Defense or to restructure the workforce to meet mission objectives without reducing the overall number of personnel. Employees are eligible for VERA based on reduced age and service requirements (age 50 with 20 years of service and any age with 25 years of service).

VRIF. Pursuant to section 3502(f) of Reference (b), allows a volunteer to be separated in place of an employee facing RIF involuntary separation. VRIF is authorized only during a formal RIF when specific separation notices are being issued.

VSIP. Pursuant to section 9902(g) of Reference (b), may be used to encourage certain employees to separate voluntarily by resignation or retirement to avoid an involuntary separation and specified workforce-restructuring actions but does not include employees declining transfer of function. The authority may be used to reduce the number of personnel employed by the Department of Defense or to restructure the workforce to meet mission objectives without reducing the overall number of personnel. VSIP is a cash payment that may be made in lump sum or in approved installments. VSIP is based on the severance pay formula. It currently may not exceed \$25,000 before taxes.

VSIP Phase II. Separation incentive payments offered to employees at non-downsizing activities creating placement opportunities for employees facing separation at downsizing locations.

WIA. Administered by DOL, provides employment and training assistance to displaced and dislocated workers usually 6 months prior to their expected separation or 2 years prior to a base closure.