



HQBOR/20.1-C

March 23, 2023

MEMORANDUM FOR: All Chief Patrol Agents
All Directorate Chiefs

FROM: Kathleen Scudder KATHLEEN A
Executive Director SCUDDER
Mission Support Directorate

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SCUDDER
Date: 2023.03.23 15:35:34 -04'00'

SUBJECT: Employee Care Reassignment Program Internal Operating
Procedure

Attached please find U.S. Border Patrol's (USBP) Employee Care Reassignment Program Internal Operating Procedure (IOP). This document is a procedural guide for all USBP employees who process, review, approve, or request an Employee Care reassignment.

This IOP serves as a guide for eligible USBP employees who are seeking non-competitive reassignments because an immediate family member within the household requires special educational facilities not available near the employee's current duty station, or when an employee requests preference for living in a particular area to facilitate court-ordered child custody obligations. This IOP is effective immediately. The following summary is provided:

1. Reassignment eligibility is extended to employees in Not-To-Exceed temporary positions, provided the employees previously held permanent positions in the competitive service that were not lost because of performance or conduct reasons, in accordance with 5 C.F.R. § 335.103(c)(3)(v) and CBP Directive No. 51335-015B, *CBP Merit Promotion Plan*, Appendix 1, October 8, 2009;
2. For approved cases, employees would be eligible to compete for competitive job opportunities immediately after entrance on duty at the new station; and
3. The terms of any active relocation incentive service agreements would still apply since the reassignment would be based on the employee needs.

The Workforce Management Division of USBP Headquarters Mission Support Directorate provides oversight and periodic revisions for this IOP.

Staff may address questions to our Spousal Reassignment Program Coordinator, Ezeikel Allen at ezeikel.allen@cbp.dhs.gov or Workforce Management Division's mailbox address at gmb.hqsusbpwfm@cbp.dhs.gov.

Attachment

**U.S. BORDER PATROL
INTERNAL OPERATING PROCEDURE
EMPLOYEE CARE REASSIGNMENT PROGRAM**

SHORT TITLE: IOP 2140-002-ECRP

EFFECTIVE DATE: March 23, 2023

RESPONSIBLE OFFICE: U.S. Border Patrol (USBP)/Mission Support Directorate (MSD)/Workforce Management (WFM) Division

SUPERSEDES: N/A

1. PURPOSE

1.1. This publication implements the USBP Employee Care Reassignment Program. It provides guidance and procedures on creating and processing Employee Care reassignment requests.

1.2. This publication applies to permanent USBP non-bargaining unit employees and bargaining unit employees that are represented by the National Border Patrol Council (NBPC) who are seeking reassignment because an immediate family member within the household requires special educational facilities not available near the employee's current duty station, or when an employee preference for living in a particular area to facilitate court-ordered child custody obligations. Bargaining unit employees who are represented by the National Treasury Employees Union (NTEU) should refer to the Collective Bargaining Agreement between U.S. Customs and Border Protection (CBP) and NTEU or applicable local agreement. Contractors are not eligible to apply.

1.3. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with: CBP Directive No. 2110-040, *Records and Information Management Directive*, June 3, 2019; Internal Operating Procedure (IOP) 2110-033 Volume 1, *Internal Operating Procedure Management System*, April 7, 2014; and *USBP Correspondence Manual*, July 2020.

1.4. Refer recommended changes and questions about this publication to the USBP Headquarters (HQ) Responsible Office listed at the top of this page.

1.5. This publication may be supplemented by field units with Standard Operating Procedures (SOP).

1.6. Waivers regarding any of the procedures or requirements outlined in this IOP are not authorized.

2. ROLES AND RESPONSIBILITIES

2.1. Chief, USBP

2.1.1. Responsible for ensuring compliance with Employee Care reassignment guidance and procedures in accordance with this IOP.

2.2. Executive Director, MSD

2.2.1. Executive Administrator for the Employee Care Reassignment Program;

2.2.2. Provides the Chief, USBP reasonable assurance of compliance with this publication; and

2.2.3. Approving Official for this IOP and Employee Care reassignment requests.

2.3. Director, WFM

2.3.1. Provides the Executive Director, MSD reasonable assurance of compliance with current guidance, procedures, and other internal controls to ensure nationwide Employee Care Reassignment Program effectiveness and accountability;

2.3.2. Establishes performance measures to monitor the effectiveness and efficiency of the Employee Care Reassignment Program; and

2.3.3. Appoints an Employee Care Reassignment Program Coordinator.

2.4. Employee Care Reassignment Program Coordinator, WFM

2.4.1. Oversees the Employee Care Reassignment Program, ensuring compliance with the procedures in this IOP;

2.4.2. Reviews all Employee Care reassignment requests for procedural compliance;

2.4.3. Serves as the subject matter expert on Employee Care reassignment guidance and ensures the process is being conducted in accordance with this IOP;

2.4.4. Assists employees, as appropriate, to address their comments, questions, or concerns;

2.4.5. In coordination with the receiving sector's Division Chief, Mission Readiness Operations Division, identifies non-competitive vacancies to accommodate cases being considered for approval; and

2.4.6. Prepares the appropriate memorandum endorsements for Executive Director, MSD.

2.5. Branch Director, Career Path, and Rotations Branch, WFM

2.5.1. Responsible for Tier 3 final approval of personnel actions for approved Employee Care reassignment requests.

2.6. Directorate Chiefs/Executive Directors, Chief Patrol Agents, and Supervisors

2.6.1. Responsible for ensuring compliance with the procedures in this IOP; and

2.6.2. Reviews requests to ensure all required paperwork is included. Recommendations for approval or disapproval are not required but may be included. If appropriate documentation is not provided, returns request to USBP employee.

2.7. Division Chiefs, Mission Readiness Operations Division (Headquarters and Sector)

2.7.1. Provides the Directorate Chiefs/Executive Directors and Chief Patrol Agents reasonable assurance of compliance with current guidance, procedures, and other internal controls to ensure nationwide Employee Care Reassignment Program effectiveness and accountability;

2.7.2. Oversees the implementation of the Employee Care Reassignment Program within the sectors, ensuring compliance with the procedures in this IOP;

2.7.3. Reviews all Employee Care reassignment requests for completeness and prepares memorandum endorsement for the Chief Patrol Agent. Recommendations for approval or disapproval are not required, but may be included;

2.7.4. Serves as the subject matter expert on Employee Care reassignment procedures for the sectors and ensure the process is being conducted in accordance with this IOP;

2.7.5. For cases being considered for approval, provides the Employee Care Reassignment Program Coordinator available positions that have not been competitively announced to accommodate the request;

2.7.5.1. For circumstances requiring vetting (i.e., moving from a non-designated position to a designated position), conduct vetting procedures in accordance with CBP Directive No. 51000-002, *Vetting Program Directive*, January 25, 2021.

2.7.5.2. Qualification analyses may be required for reassignments into a different occupational series or within the same series but a different line of work.

2.7.6. For approved cases, establish the USBP employee's Enter-on-Duty (EOD) date to the new station in coordination with the appropriate Human Resources Specialist, Recruitment and Consulting Staffing Services, CBP Hiring Center (HC); and

2.7.7. Assist and/or refer employees, as appropriate, to address their comments, questions, or concerns.

2.8. Human Resources Specialist, Recruitment and Consulting Staffing Services, CBP HC

2.8.1. As applicable, conducts qualifications review for reassignments to a different occupational series or within the same series with a different line of work; and

2.8.2. Processes the Human Resources Business Engine (HRBE) SF-52 Request for Personnel Action.

2.8.3. Sends notification to employees when the retirement is changing, as the employee is required to acknowledge the change for records purposes.

2.9. Eligible USBP Employees

2.9.1. Review guidance and procedures that govern Employee Care reassignments within this IOP; and

2.9.2. Ensure all requests are complete, correct, and submitted in compliance with this IOP.

3. PROGRAM GUIDELINES

3.1. An Employee Care reassignment is a non-competitive, lateral reassignment to a USBP permanent position with no promotion potential beyond the employee's current position or previously held

permanent position in the competitive service that was not lost because of performance or conduct reasons. Eligible employees must be on a current permanent appointment or previously held a permanent appointment for non-competitive consideration, in accordance with 5 C.F.R. § 335.103(c)(3)(v) and CBP Directive No. 51335-015B, *CBP Merit Promotion Plan*, Appendix 1, October 8, 2009. Reassignments requested under the Employee Care Reassignment Program are not guaranteed.

3.2. Eligible USBP employees may apply for Employee Care reassignments if one of these circumstances exist:

3.2.1. When the employee's immediate family member within the household (as defined in Title 41 CFR 300-3) requires special educational facilities not available within 50 miles commuting distance of the employee's current duty station; or

3.2.2. When the employee desires to relocate to a particular area to facilitate court-ordered child custody obligations. The employee must have sole physical custody or joint physical custody with a visitation schedule for the other parent. The court-ordered custody obligations must occur after the employee reported for duty at their current permanent duty station.

3.3. The requesting USBP employee's performance must be at an acceptable level of competence, and they must be fully qualified for the available vacant position.

3.4. An Employee Care reassignment cannot be made to a position in the direct supervisory chain of the employee's spouse (i.e., supervised by or supervising the spouse) or to a vacancy that has been announced under competitive procedures.

3.5. If vacant positions are not available, approved cases will remain valid for a period of one year from the date of the notification correspondence. After one year, the employee must resubmit a request for an Employee Care reassignment.

3.6. The determination of a suitable vacant position will be made at the discretion of management. If a vacant position is available and reassignment is offered to the employee, the employee must accept reassignment to the position or withdraw from program consideration. To facilitate placement, an employee may be advised of available lower-graded positions. However, if the employee does not wish to be considered for the lower-graded positions, the employee will remain eligible for consideration for future vacancies. Should the employee wish to be placed at a lower grade, eligibility for further consideration is terminated and the employee will not be entitled to grade and/or pay retention.

3.7. If an Employee Care reassignment is granted:

3.7.1. The employee is responsible for all travel, transportation, and relocation expenses associated with reporting for duty at the new duty station, per DHS Instruction No. 253-01-001, *Relocation Allowances*, Section VI.C.2.c, October 11, 2016;

3.7.2. The terms of any active relocation incentive service agreement or service period requirements would still apply since the Employee Care reassignment would be based on the employee needs;

3.7.3. In accordance with HB 51600-01B, *CBP Leave Handbook*, February 2007, Chapter 8, paragraph 1, administrative leave is not authorized for Employee Care reassignments because these reassignments are for the personal convenience or benefit of the employee and not initiated in the interest of CBP; and

3.7.4. In accordance with 5 C.F.R. § 330.502, the Agency must ensure Employee Care reassignments do not occur until at least 90 days after an employee's latest non-temporary competitive appointment.

3.8. At any time in the approval process, insufficient documentation will result in return of the request to the employee.

4. PROCEDURES

4.1. Request Submission

4.1.1. To apply for an Employee Care reassignment, eligible USBP employees must submit a memorandum and supporting documents, through their chain of command, to the Executive Director, MSD, stating in detail, the circumstances warranting a reassignment. Additional required information includes:

4.1.1.1. If applicable, a copy of the employee's active relocation incentive service agreement;

4.1.1.2. For cases when an immediate family member within the household requires special educational services not available within 50 miles commuting distance of the employee's current duty station:

4.1.1.2.1. Official memorandum from the local school facility, confirming inadequate support for the student's needs, along with the local facility's address and contact information; and

4.1.1.2.2. Official memorandum from accepting school facility, confirming adequate support for the student's needs, along with the accepting school facility's address and contact information.

4.1.1.3. For cases when an employee with sole or joint physical custody desire to relocate to a particular area to facilitate court-ordered child custody obligations:

4.1.1.3.1. Copy of court-ordered child custody agreement. Please redact unnecessary personally identifiable information (e.g., financial information, etc.) as appropriate; and

4.1.1.3.2. The employee's EOD at current duty station.

4.1.1.3.3. The home addresses of the employee and other parent with court-ordered child custody obligations. Supportive documentation is required to confirm other parent's address.

4.1.1.4. List of possible duty stations for reassignment (at least two). If the employee is limiting their request to one duty station, the employee must provide complete documentation as to why only that duty station will meet the needs of the employee;

4.1.1.5. If applicable, a copy of the employee's active relocation incentive service agreement;

4.1.1.6. Current SF-50 for the employee. This is necessary to confirm pay plan, series, grade, bargaining unit status, tenure group, and position occupied of the USBP employee.

4.1.1.7. Completed Statement of Understanding Form for Employee Care Reassignment Request (Attachment 3 of this IOP). This document certifies the employee's understanding that all costs involved in the reassignment will be at their own expense; the terms of any active relocation incentive service agreement would still apply since the reassignment would be based on the employee needs; and administrative leave is not authorized for Employee Care reassignments.

4.1.1.8. The employee's resume. The resume is not a criterion for Employee Care Reassignment Program eligibility. The resume is utilized after the approval process to identify suitable vacant positions for the employee; and

4.1.1.9. Appropriate officials' endorsement, verifying completeness. Recommendations for approval or disapproval are not necessary but may be included. If any of the required documentation has not been included within the request, the local officials will return the request to the employee to add the missing documentation.

4.1.2. The Division Chief, Mission Readiness Operations Division (Headquarters or Sector), will electronically submit the request with global password protection to WFM mailbox address, gmb.hqsusbpfm@cbp.dhs.gov.

4.1.3. The Employee Care Reassignment Program Coordinator may request supplemental information for consideration when reviewing the employee's case.

4.2. Adjudication

4.2.1. The Employee Care Reassignment Program Coordinator will review the request and endorsement memorandums, ensuring compliance with this IOP. Requests not meeting the criteria or missing appropriate documentation will be returned through official channels to the employee.

4.2.2. If the request is complete and in compliance with this IOP, the Employee Care Reassignment Program Coordinator will contact the receiving Division Chief, Mission Readiness Operations Division, to identify vacant positions and prepare the endorsing memorandum response from the Executive Director of MSD.

4.2.2.1. The Employee Care Reassignment Program may not be used to reassign an employee to a position with an open Job Opportunity Announcement, and the vacant position must possess no known promotion potential beyond what is currently or previously held by the employee.

4.2.2.2. For circumstances requiring vetting (i.e., moving from a non-designated position to a designated position), the gaining Division Chief, Mission Readiness Operations Division, conducts vetting procedures in accordance with CBP Directive No. 51000-002, *Vetting Program Directive*, January 25, 2021.

4.2.2.3. The Human Resources Specialist, CBP HC, may need to conduct qualifications reviews for reassignments to different occupational series or within the same series with different lines of work. When this occurs, the Employee Care Reassignment Program Coordinator may need the losing Division Chief, Mission Readiness Operations Division, to provide additional information (i.e., employee's transcripts) for placement consideration purposes.

4.2.2.4. If vacant positions are not available, approved cases will remain valid for a period of one year from the date of the notification correspondence. Approved cases pending reassignment after one year must be resubmitted by the employee if the circumstances still support an Employee Care reassignment.

4.2.3. If the request is not in compliance with this IOP, the Employee Care Reassignment Program Coordinator will prepare the appropriate memorandum response from the Executive Director of MSD.

4.2.4. The Employee Care Reassignment Program Coordinator will disseminate the signed endorsing memorandum to the applicable Division Chiefs, Mission Readiness Operations Division.

4.2.5. The Division Chief, Mission Readiness Operations Division (Headquarters and Sector), will inform the employee that his/her request has been adjudicated. If the request was approved, the receiving Division Chief, Mission Readiness Operations Division, will initiate a SF-52 request and coordination of the employee's EOD date. Note: The Human Resources Specialist, Recruitment and Consulting Staffing Services, CBP HC, must receive the SF-52 prior to the effective date of the reassignment.

KATHLEEN A SCUDDER Digitally signed by
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Kathleen Scudder
Executive Director
Mission Support Directorate

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

DHS No. Instruction 253-01-001, *Relocation Allowances*, October 11, 2016.

HB 51600-01B, *CBP Leave Handbook*, February 2007.

CBP Directive No. 2110-040, *Records and Information Management Directive*, June 3, 2019.

CBP Directive No. 51000-002, *Vetting Program Directive*, January 25, 2021.

CBP Directive No. 51335-015B, *CBP Merit Promotion Plan*, October 8, 2009.

IOP 2110-033 Volume 1, *Internal Operating Procedure Management System*, April 7, 2014.

USBP Correspondence Manual, July 2020.

5 C.F.R. §§ 210.102(b)(8), (12), *Definitions* (“noncompetitive action” and “reassignment”).

5 C.F.R. § 330.502, *General restriction on movement after competitive appointment*.

5 C.F.R. § 335.103(c)(3)(v), *Agency promotion programs: Discretionary actions*.

41 C.F.R. § 300-3 *What do the following terms mean?* (Immediate Family Members).

Abbreviations and Acronyms

CBP – U.S. Customs and Border Protection

EOD – Enter-on-Duty

HC – Hiring Center

HQ – Headquarters

IOP – Internal Operating Procedure

MSD – Mission Support Directorate

NBPC – National Border Patrol Council

NTEU – National Treasury Employee Union

SOP – Standard Operating Procedure

USBP – U.S. Border Patrol

WFM – Workforce Management

Terms

Joint physical custody. Means that the child spends substantial time living with both parents, and both have equal responsibility to physically care for the child. Joint physical custody does not mean that parents have equal time with the child. Rather, both parents have substantial and frequent time. Joint physical custody is also called shared physical custody, shared residential custody, or shared parenting time.

Executive Administrator. Senior executive at the USBP HQ division-level, who is delegated authority to provide administrative, support, and coordination responsibilities from the Chief, USBP.

Guidance and Procedures. Specific instructions and rules that implement/extend policy and establish a process to complete a task or project or execute a program.

Internal Operating Procedure (IOP). An official USBP HQ publication that provides national guidance and procedures for implementing CBP and higher-level directives (policies) throughout USBP.

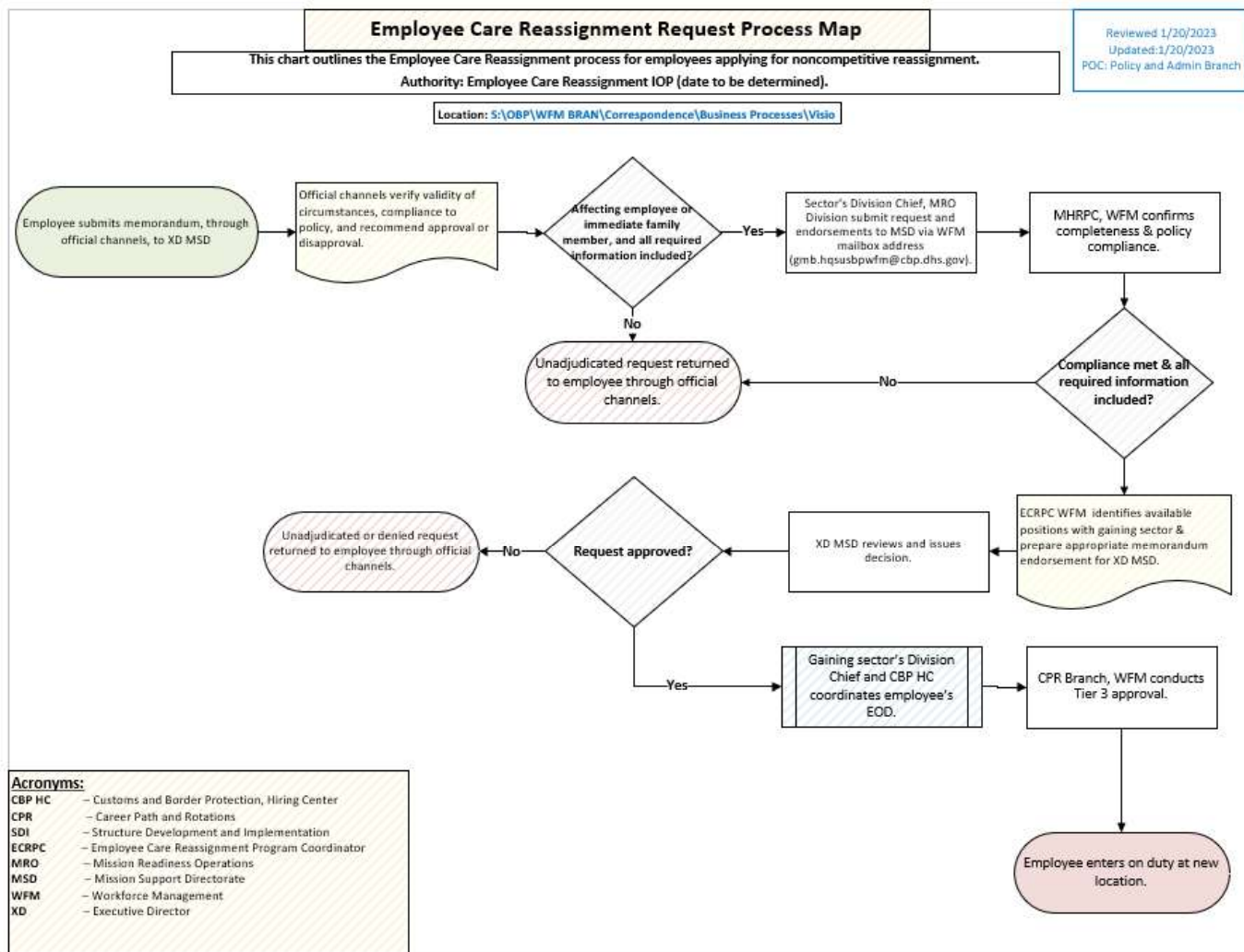
Non-competitive action. A promotion, demotion, reassignment, transfer, reinstatement, or an appointment based on prior service.

Publication. An officially produced, published, and distributed document issued for compliance, implementation, and/or information.

Reassignment. A change of an employee, while serving continuously within the same agency, from one position to another without promotion or demotion.

Sole Physical Custody. Child custody includes both physical and legal custody. Physical custody encompasses where the child lives and who cares for them. Sole physical custody means that the child lives with one parent, called the custodial or residential parent. In almost all cases, the other parent — called the noncustodial or nonresidential parent — gets regular visits with the child. Sole physical custody is also called sole residential custody, or sole parenting time.

Attachment 2



Attachment 3

**STATEMENT OF UNDERSTANDING
FOR EMPLOYEE CARE REASSIGNMENT REQUEST**

I am requesting an Employee Care reassignment from my current duty station to:

1. First choice:
2. Second choice:

I accept the following conditions if my request is approved:

1. I understand that I am responsible for all travel, transportation, and relocation expenses associated with reporting for duty at the new duty station, per DHS Instruction No. 253-01-001, *Relocation Allowances*, Section VI.C.2.c (Oct. 11, 2016);
2. The terms of any active relocation incentive service agreement or service period requirements would still apply since the reassignment would be based on my needs; and
3. I understand administrative leave is not authorized for an Employee Care Reassignment, as it is for my personal convenience or benefit and not initiated in the interest of CBP.

Print Name

Signature

Date