

DEPARTMENT OF THE NAVY
MILITARY SEA TRANSPORTATION SERVICE
WASHINGTON, D.C. 20390

COMSTS 12310.1
M-22
12 July 1966

COMSTS INSTRUCTION 12310.1

From: Commander Military Sea Transportation Service
To: Distribution List

Subj: Reemployment Rights Program for MSTS civilian marine personnel

1. Purpose. This Instruction establishes the subject program.
2. Coverage. Employees serving in civilian marine positions in MSTS CONUS commands under Excepted Appointments or Excepted Appointments-Conditional who accept assignment to a civilian marine position in an MSTS Overseas command will be granted reemployment rights in the CONUS command. CONUS command as used in this Instruction applies only to Military Sea Transportation Service, Pacific Area, Military Sea Transportation Service, Atlantic Area and Military Sea Transportation Service, Gulf Sub Area. Overseas command is an MSTS command outside the District of Columbia and the 50 states.
3. Time Limits on Reemployment Rights. Reemployment rights will initially be granted for a one-year period and the employee will be employed under an Overseas Employment Agreement as prescribed by the CMPI. Reemployment rights may be extended unilaterally by the employee for an additional two overseas tours if the employee signs a renewal employment agreement. Extensions of reemployment rights beyond these overseas tours will be granted only upon mutual agreement between the employee and both commands concerned. Employment and Renewal Employment Agreements should be amended to reflect the granting of reemployment rights.
4. Exercising Return Rights. In order to exercise his reemployment rights, the employee must satisfactorily complete the overseas tour of duty required by the employment or renewal employment agreement. When the employee has decided that he wishes to exercise his reemployment rights, he should submit his request for employment to the Commander of the CONUS command, via the Commander of the Overseas command. The request may be submitted at any time, but must be submitted within 30 days after the employee completes the service required by the employment or renewal employment agreement. When warranted, this time limit may be waived by agreement between the commands concerned. If, through no fault of his own, the employee's services are not required by the Overseas command for the entire period of the employment agreement, he will be considered to have completed the agreement and entitled to exercise his reemployment rights. In such cases, the Overseas Commander will determine if the employee desires to exercise his reemployment rights and the date he will be available for reemployment and notify the appropriate COMUS Commander.

5. Special Consideration for Promotion. CONUS commands automatically will consider for promotion an employee having reemployment rights in the command. The employee must be given consideration for promotion to all vacancies for which he is qualified during his absence. An employee selected in absentia will remain in the Overseas command. When the employee is restored to the rolls of the CONUS command upon completion of his overseas tour or tours, as appropriate, restoration will be to the position for which he was selected in absentia. Local promotion programs may be amended to include the provisions of this paragraph.

6. Position Entitlement. An employee granted reemployment rights is entitled to reemployment in a position in the MSTs CONUS command which he left with title, salary, and other benefits equal to the permanent rating he held when he left for the overseas assignment. For example, an employee of COMSTSLANT having a permanent rating of 2nd Officer (A-1), but serving under a temporary promotion as 1st Officer (A-1), transfers to a 1st Officer position in COMSTSFE with reemployment rights. He is entitled to be reemployed by COMSTSLANT as a 2nd Officer (A-1). However, see paragraph 5 above for provisions governing the restoration of employees selected for promotion in absentia.

7. Responsibility for Effecting Reemployment. The CONUS command in which the employee has reemployment rights is responsible for reemploying him. When an employee who has requested reemployment under this Instruction is scheduled to return to CONUS, the employing Overseas command will notify the reemploying command of the date the employee is expected to be available for reemployment in the reemploying command. The reemploying command shall reemploy the individual within 30 days of the date the Overseas command has determined that he should be available. The final date of reemployment, within the above 30-day limit, will be determined by the reemploying command. The employee will be retained on the rolls of the Overseas command until notified of the employee's reemployment by the reemploying command. If the reemployment of employees under this Instruction results in surplus personnel in a command, a reduction-in-force will be conducted in accordance with CMPI 351.

8. Documentation of Reemployment Rights. When an employee covered by this Instruction is assigned to an Overseas Command with reemployment rights, the SF-50 effecting the change will include appropriate remarks advising the employee of his rights and responsibilities under this Program.

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