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DUAL EMPLOYMENT (More than 1 Job)

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Dual Employment (More Than 1 Job)

Generally Federal employees, civilian and military, are prohibited from receiving pay from more than one Federal Government source. The laws on dual employment apply to agencies in the executive, legislative and judicial branches, corporations owned or controlled by the Government, and nonappropriated fund organizations under the jurisdiction of the armed forces.

Can Civilian Federal Employees Hold More Than One Government Job?

[Refer to section 5533 of title 5, United States Code* (U.S.C), and subpart E of part 550 of title 5, Code of Federal Regulations* (CFG).1]

In some limited situations, yes. An individual may have more than one Federal appointment, but may receive pay from more than one civilian job only when:

- the jobs total no more than 40 hours of work a week, Sunday to Saturday (excluding overtime); or
- there is an authorized exception.

This means an employee on leave without pay (LWOP) from one position may be paid for another position. Paid leave, however, counts toward the 40-hour-per-week limitation unless there is an authorized exception.

Authorized Exceptions to the limitation on pay for more than 40 hours a week include:

- exceptions in law, e.g., with agency approval Federal employees can work for the U. S. Postal Service [Refer to section 1001 of title 39, U.S.C.];
- emergency services relating to health, safety, protection of life or property, or national emergency;
- expert and consultant jobs when working different hours as an intermittent employee; and
- fee paid on other than a time basis (lump-sum pay for a report, research product or service not based on the number of hours or days worked).

Also, in unusual circumstances, Federal agencies can make exceptions to obtain required personal services when they cannot be readily obtained otherwise.

[Refer to section 550.504(a) of title 5, CFR.]

Can Civilian Federal Employees Work in Outside (Nonfederal) Jobs?

[Refer to part 2635 of title 5, CFR.]

Federal employees shall not engage in outside employment or activities that conflict with official duties and responsibilities. Many Federal agencies have written policies that allow outside employment, especially when it is not related to the Federal work and will not result in, or create the appearance of a conflict of interest.

[For example: see section 1001.735-203 of title 5, CFR.]

Agency policies may require employees to receive prior approval for outside employment even when co-workers have similar outside jobs.

[See section 2635.803 of title 5, CFR.]

Ask your supervisor, agency ethics official, and agency personnel office for further information.

Can Members of a Uniformed Service Hold Civilian Government Jobs?

Members of a Uniformed Service (Army, Navy, Marines, Air Force, etc.) on active duty may not receive pay from another Government position, except during terminal leave, or unless specifically authorized by law.

[Refer to section 5534(a) of title 5, U.S.C.]

Enlisted personnel may be employed part-time during off-duty hours in Department of Defense nonappropriated fund activities.

[Refer to DOD 1401.1-M, Personnel Policy Manual for Nonappropriated Fund Instrumentalities.]

Members of the Armed Forces Reserves and members of the National Guard may receive military pay and allowances in addition to pay from another Government position.

[Refer to section 5534 of title 5, U.S.C.]

* Note: With appropriate agency approval, Federal employees may work for the District of Columbia (DC) government.

[Refer to section 22 of Public Law 93-198 and DC Law 2-139 as amended by DC Law 3- 109, which ended the U.S.C. and CFR prohibition.]

Employment of Retirees (Dual Compensation Issues)

RETIREES CAN WORK FOR THE FEDERAL GOVERNMENT!

HOWEVER:

FEDERAL CIVILIAN RETIREES WILL HAVE THEIR SALARY REDUCED BY THE AMOUNT OF THEIR ANNUITY UNLESS AN EXCEPTION IS APPROVED; and

RETIREES UNDER AGE 70 MAY HAVE THEIR SOCIAL SECURITY CHECK REDUCED IF THEIR ANNUAL EARNINGS EXCEED THE ESTABLISHED LIMIT.

Federal Retirees under CSRS and FERS

Most retirees under the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS) will have their hourly pay reduced by the hourly rate of the annuity when reemployed by the Federal government. This reduction is required by dual compensation laws 5 U.S.C. 8344 (www.law.cornell.edu/uscode/5/8344.html) and 8468 (www.law.cornell.edu/uscode/5/8468.html). These laws apply to Federal jobs in the legislative, executive, and judicial branches (including Government corporations, nonappropriated fund instrumentalities under the jurisdiction of the armed forces, and the U.S. Postal Service). Generally, the law requires that the employing agency reduce the retiree's hourly pay by the hourly rate of their annuity. This reduction equals the retiree's annual annuity divided by 2087. For example, if a job's gross pay is \$15.80 per hour and a retiree's hourly annuity rate is \$5.80, then the retiree's gross pay is reduced to \$10.00 per hour. If a retiree works for a year, his/her retirement is recalculated with this added service. For details, see CSRS and FERS Handbook, C100 (<http://www.opm.gov/asd/htm/hod.htm>).

Note: If retirement was due to involuntary separation or disability, the annuity may terminate upon reemployment. These retirees should check with the employing agency or call the Retirement Information Office at 1-888-767-6738.

Military Retirees

Retirees of U.S. Uniformed Services are now treated as other retirees (see next heading). Prior reductions in military retired pay were repealed by P.L. 106-65 in October 1999. For details, see OPM's Memorandum to Directors of Personnel (www.opm.gov/veterans/html/repeal_memo.htm).

Other Retirees - Private Sector, State, and Local Government

Generally, when other retirees become a Federal employee there is NO reduction in their Federal pay or in their retirement pay or annuity. However, paid work may reduce Social Security retirement, survivors or disability benefits if earnings exceed the established limits. For details, contact the Social Security Administration at 1-800-772-1213 or see Social Security - How Work Affects Your Benefits (www.ssa.gov/pubs/10069.html).

Exceptions for CSRS and FERS Retirees

Federal agencies may request authority to waive the salary reduction in special and unusual circumstances. The law limits waivers to "positions for which there is exceptional difficulty recruiting or retaining a qualified employee" and to temporary employment while "the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances." Agencies can use criteria and procedures in 5 CFR part 553 (www.opm.gov/cfr/vol_1/5cfr553.htm) to request exceptions. Generally, to qualify for an exception, a retiree must be the only qualified applicant available or be uniquely qualified for the job. Generally, the USAJOBS (www.usajobs.gov) vacancy notice will indicate when an agency has waiver authority or anticipates requesting it.

Do Retirees Retain Reinstatement Eligibility?

Yes. Retirees who obtained Federal reinstatement eligibility (www.usajobs.gov/ei2.asp) before they retired do NOT lose it because they retire.