

MEMORANDUM OF CONSULTATION WITH USFK KOREAN EMPLOYEES UNION (KEU)
CONCERNING CHANGES TO USFK KOREAN NATIONAL (KN) EMPLOYEES
REAPPOINTMENT POLICY

주한미군 한국인 직원의 재임용 방침 변경에 관한 전국주한미군한국인노동조합과의 협의 각서

1. Pursuant to the USFK Chief of Staff endorsement, USFK (management) decided to continue to reappoint employees reaching age 60 to 68 without the "not to exceed" (NTE) date if they satisfy all four criteria currently established, i.e., position continues, no performance or conduct problem, no health problem, and passing a physical test if required of the position. For further reappointment after age 68, however, management decided to reestablish the NTE date for a one year or less term to ensure continuity of operations before positions of these highly skilled employees need to be vacated. Decisions for further reappointment after age 68 will be carefully made on a case-by-case basis and supported by mission-related requirements.

주한미군 참모장의 승인에 따라 주한미군 (사용자)은 60 세에 도달하는 직원이 현재 제정된 4 개 조건들을 다 충족하면 계속해서 68 세까지 고용한도 (NTE) 날짜를 표시하지 않고 재임용하기로 결정하였다. 4 개 조건은 직책 존속, 업무 또는 품행에 문제없고, 건강에 문제없고, 체력 검사가 필요한 직책이면 검사에 합격해야 한다는 것이다. 그러나 68 세 이후의 재임용에 관하여 사용자는 1 년 혹은 1 년 미만의 기간단위로 NTE 날짜를 다시 표기함으로써 재임용하기로 결정하였는데 이는 이와같은 전문 기술을 가진 직원들의 보직이 공식이 되기 전에 업무수행의 지속성을 보장하기 위해서다. 68 세 이후의 재임용에 관한 결정은 개별적으로 신중하게 또한 임무수행과 관련한 요구사항에 따라 이루어질 것이다.

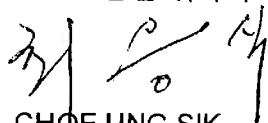
2. In accordance with the Labor Management Agreement (LMA), Article 8 (Rights of Employer), management retains the right to hire, assign, retain and separate employees. Reappointment of retirees directly relates to the right to hire, assign, retain and separate employees. Article 8 further prescribes that the impact of decisions resulting from the exercise of management's rights shall be subject to consultation if requested. In accordance with Article 8 of the LMA, management engaged in consultation with union and resulted in the decision stated in paragraph 1, above.

단체협약 제 8 조 (사용자의 권리)에 따라 사용자는 직원을 채용, 배치, 유임하거나 해직하는 권리를 가진다. 정년퇴직자를 재임용하는 것은 사용자의 권리인 직원을 채용, 배치, 유임하거나 해직하는 권리에 직접적으로 해당된다. 제 8 조는 또한 사용자의 권리행사로 발생하는 후유 영향은 노동조합의 요청이 있으면 협의의 대상이 된다 라고도 규정하고 있다. 단체협약 제 8 조에 근거하여 사용자는 노동조합과 협의과정을 거쳤으며, 위 1 항의 결정에 도달하였다.

3. Attached is the full text of the USFK reappointment policy for KN employees to be effective 1 December 2017.

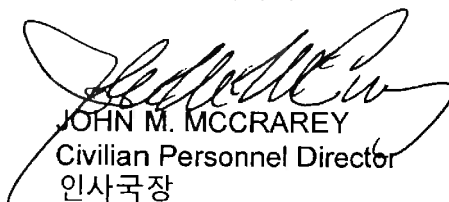
첨부한 것은 2017 년 12 월 1 일부터 시행되는 주한미군 한국인 직원의 재임용 방침 전문이다.

FOR THE KEU
노동조합을 위하여



CHOE UNG SIK
President
위원장

FOR THE USFK
주한미군을 위하여



JOHN M. MCCRAREY
Civilian Personnel Director
인사국장

Attachment
첨부물

22 November 2017

**FULL TEXT OF REAPPOINTMENT POLICY OF KN EMPLOYEES
USFK REG 690-1, PARA 2-17, EFFECTIVE 1 DECEMBER 2017**

a. A permanent employee reaching age 60 must be reappointed until age 68 without a "not to exceed" (NTE) date to the position from which retired when the employee meets all four criteria outlined in subparagraph 2-17c below. Reappointed employees under age 68 shall not be considered "term" or "temporary" employees because they are "permanent reappointed employees" who occupy permanent positions with no NTE date.

b. Decisions to disapprove reappointments will be made by the activity commanders or staff principals considering the criteria outlined below.

c. Criteria considered for reappointment for employees reaching age 60 are:

(1) The position continues. A position is considered to be continuing even if there is a change in tour of duty, e.g., from part time to full time, full time to part time, or from part time or full time to intermittent. Reappointment of an employee to a different tour of duty is to be made because the same basic function that was performed by the employee prior to retirement continues to be performed. A position is considered to be continuing until it is officially abolished by the servicing civilian personnel office or human resources office with a Request for Personnel Action approved by the appropriate activity commander. See definition of activity commander in paragraph 2-17h(2).

(2) The employee has had no recent performance or conduct problems within the past one year. The annual performance appraisal for the past year immediately prior to the mandatory retirement may be used to determine whether performance has been satisfactory or better. Satisfactory conduct and performance can also be assumed in the absence of any documented counseling statements during the past one year from the point when the deciding official makes a reappointment decision. Supervisors are responsible for making records checks to include the Provost Marshal and CPAC/HRO/CPO to ensure an employee has had no performance or conduct problems for the past year.

(3) The employee has no physical or health problems which would directly interfere with the successful performance of the work.

(4) Employees in a job category for which a physical fitness test is required under USFK Reg 690-118 must pass the fitness test.

d. Wages and all other monetary entitlements that the employee earned up to the mandatory retirement date, including severance pay, prorated bonuses, and lump sum payment for unused annual leave will be paid off. The employee's creditable service for severance pay purposes will include accrued sick leave with the exception of 40 hours to be carried forward for use after the mandatory retirement date. The reappointed retiree starts a new service period for severance pay and bonuses.

e. Reappointed retirees continue to receive the benefits for which they were eligible at the time of retirement, except as provided in Chapters 1, 2, 4, 7, 8 and 10.

f. Reappointed retirees under age 68 may be terminated with 30 days advance notice in writing when the employee is to be displaced under RIF procedures, when any of the four criteria in subparagraph 2-17c are not met, or when one of the following conditions applies:

(1) The reappointed retiree does not provide training as directed to the designated individual(s).

(2) Termination of a reappointed retiree saves a permanent employee from separation by RIF as determined by the respective service component or independent servicing operating civilian personnel office, e.g., CHRA Far East Region for employees serviced by the CHRA. Placement offers of employees identified for separation by RIF to positions occupied by reappointed retirees will be accomplished in the following order after exhausting application of all available normal RIF procedures: 1st: in the same CA; 2nd: in the same U.S. force determined area, e.g., Area I; 3rd: other areas. If there are two or more retired employees who can be displaced through the same procedure, the oldest reappointed retiree will be displaced first.

g. Pay for a reappointed employee will be set at pay step 3 of the employee's pay grade of the position to which reappointed or at the current step if the employee's pay step is below step 3. Reappointed employees will not receive within grade increases.

h. Procedures for Reappointment at Age 60.

(1) A permanent employee reaching age 60 will be reappointed until age 68 without an NTE date to the position from which retired when the employee meets all four criteria prescribed in subparagraph 2-17c.

(2) A review and decision is required not to reappoint employees reaching age 60. The decision authority is at the activity commander/staff principal level. Activity commanders are defined as commanders or civilian equivalent who report directly to a major subordinate commander. Staff principals are defined as the assistant chiefs of staff or civilian equivalent who report directly to the USFK or the Major Subordinate Command (MSC) Command Group. This authority may be delegated to one level lower to personnel reporting directly to the activity commander or the staff principal.

(3) The employee will receive a written notice of decision at least 60 calendar days prior to the retirement date if the decision is not to reappoint the employee reaching age 60.

(4) Management is responsible for conducting an annual periodic review of fulfillment of criteria specified above for continuous employment. This review may be conducted in conjunction with annual performance appraisal as provided in Chapter 14, Performance Appraisal.

(5) The union has the right to request consultation when management has incorrectly applied any of the above provisions on reappointment of retirees. The commander or his/her representative will meet with the union to consult in good faith within 30 days after the commander receives the union's request for consultation. The consultation must take place prior to the employee's retirement date.

i. USFK management may exercise an option to reappoint further after age 68 with an NTE date for a one year or less term. Decisions to reappoint employees after age 68 will be carefully made on a case-by-case basis and supported by mission-related requirements. Temporary reappointments after age 68 are exempt from the two-year limit on temporary appointments provided in paragraph 2-15b. Management decisions not to reappoint after age 68 are not grievable or appealable.

j. A review and decision is required to reappoint employees after reaching age 68. The decision authority for approved reappointment after age 68 will be at the activity commander/staff principal level. (See paragraph 2-17h(2) for definition and delegations of the authority.) The following examples of reasons may be used as a guide to help supervisors justify their requests for continued reappointment after age 68:

(1) The continued need for an employee's skills or knowledge when there is a documented history of difficulty filling the position.

(2) The need to maintain an employee with no RIF placement right due to the upcoming organizational staff reductions.

(3) A requirement to keep an employee to complete a special project.

k. Procedures for Reappointment at Age 68.

(1) CPAC/HRO/CPO will advise management officials and supervisors in writing at least 6 months in advance of an employee's 68th birthday.

(2) Supervisors will inform the employee of their decisions not to reappoint after age 68 no later than 2 months prior to the employee's 68th birthday.

(3) If reappointment after age 68 is deemed required, requests for further reappointment after age 68 should be initiated no later than 3 months prior to the employee's 68th birthday. Approval/disapproval decisions will be provided to the servicing CPAC/HRO/CPO no later than 2 months prior to the employee's 68th birthday.

(4) Supervisors will submit RPAs to effect the termination of employees at the end of the month the employee reaches age 68 or to convert the employees to temporary appointment with NTE dates as soon as the required process is completed.

(5) All employees will receive a written notice of termination at least 30 calendar days prior to the end of the month the employee reaches age 68 if the decision is not to reappoint the employee after age 68.

l. Supervisors will be required to obtain the approval from the appropriate authority level

for any further temporary reappointment. Supervisors are responsible for providing justifiable reasons for further reappointment and ensuring sound and objective management practices. CPAC/HRO/CPO will advise management officials and supervisors in writing at least 3 months in advance of an employee's NTE date. An employee will receive a written notice of termination at least 30 days prior to the NTE date.

m. Reappointed retirees at age 68 and older may be terminated prior to the expiration of their appointment with 30 days advance notice in writing. Termination actions of reappointed retirees at age 68 and older are not grievable or appealable.

n. For all reappointed retirees at age 67 and older as of 30 November 2017, the NTE date of 30 November 2018 will be established to provide at least one year of advance notice until the expiration of their temporary appointment. Procedures for further reappointment after age 68 will be applied if these employees are required to be reappointed after the NTE dates. Reappointed retirees in this category may be terminated prior to the expiration of their appointment with 30 days advance notice in writing.