

CHAPTER 1. GENERAL PROVISIONS

- 1. INTRODUCTION:** The Department of Housing and Urban Development fully supports and values its employees. HUD recognizes that employees may experience unanticipated life-changing events necessitating a permanent change in duty location to address hardships. While a hardship reassignment is *not an employee entitlement*, the Department encourages supervisors and managers to support employees in their efforts.

The intent of these procedures is to support and encourage program offices to non-competitively reassign employees to vacant position in another location due to a hardship affecting family members (and not the employee who would be considered for reassignment under the Reasonable Accommodations policy referenced below). If this cannot be accomplished by the program office, these procedures allow employees to apply for advertised vacant positions within the Department and if qualified, their application will be considered under a noncompetitive referral process.

- 2. PURPOSE:** This document provides the Department procedures for considering Hardship Reassignment requests. It is not intended to circumvent:
 - a. The provisions found in HUD Handbook 7855.1, "Procedures for Reasonable Accommodations for Individuals with Disabilities", which is meant to accommodate an employee with disabilities.
 - b. The opportunity for employees to apply for vacant positions with promotion or promotion potential opportunities under merit promotion.

These procedures are intended to accommodate the employee, if possible, due to family difficulties and issues which would necessitate the permanent relocation of the employee. These procedures do not impede the program office's ability to make employee assignments. Additionally, this policy does not require program offices (or selecting officials) to place employees in vacant positions solely based on a hardship. The filling of vacant positions is always at management's discretion.

- 3. SCOPE:** These procedures apply to all HUD permanent employees who are in good standing, and are not currently serving under probationary or trial periods, and are not in training programs.
- 4. REFERENCE:** 5 CFR 335, Promotion and Internal Placement.

CHAPTER 2. COVERAGE

1. DEFINITIONS:

- a. Employee in Good Standing: An employee whose performance appraisal of record is fully successful or above; is not performing under a Performance Improvement Plan (PIP), Opportunity to Improve Plan (OIP), or a leave restriction; has not had a suspension within 12 months preceding the request for hardship, and who is not under a proposal for removal, suspension, or change-to-lower grade due to unacceptable performance or conduct.
- b. Hardship: Serious health condition or circumstance that affects the health and/or welfare of a family member, and requires the employee to permanently relocate to a vacant position in another geographical area. Examples include, but are not limited to:
 - (1) The employee's elderly parent is unable to care for him/herself and permanent relocation is needed to assist in routine daily care and assistance.
 - (2) The employee's child requires specialized care for a disability or illness in another location.
 - (3) The employee's spouse or domestic partner is involuntarily relocated to another locale.
- c. Hardship Reassignment: An employee-initiated reassignment (same grade) request to **permanently** relocate to a vacant position in another geographical location due to a hardship as defined in these procedures.

Although these procedures refer to a hardship reassignment to a vacant position in another geographical area, there may be circumstances where the employee may request a change-to-lower grade for hardship reasons in order to permanently relocate to a vacant position. For either type of request (to the same or a lower grade), the employee must be qualified for the new position and the new position cannot have promotion potential higher than that of the position the employee **currently** occupies (even if the employee previously held the higher grade).

- d. Family Member: An individual with any of the following relationships to the employee:
 - (1) Spouse or domestic partner.
 - (a) A domestic partner is considered a partner for which the employee is in a committed (same sex or opposite sex) relationship.
 - (2) Sons and daughters. This includes:

- (a) Biological, adoptive, step or any child for which the employee, spouse or domestic partner raised under a foster care or legal guardian situation.
- (3) Parents, grandparents and grandchildren. This includes:
 - (a) Biological, adoptive, step or foster parents, or legal guardian of the employee, spouse or domestic partner.
- (4) Brothers and Sisters. This includes:
 - (a) Biological, adoptive, step or foster brothers or sisters of the employee, spouse, or domestic partner.
- (5) Aunts, Uncles or any other blood relation for whom a close bond may be exist of the employee, spouse, or domestic partner.
 - (a) Living with an Aunt or Uncle could be considered as an example of a close bond.

2. ROLES AND RESPONSIBILITIES:

- a. The Assistant Secretary for Administration or equivalent or designee is responsible for the administration of these procedures. Approval to deviate from these procedures must be obtained in writing.

(1) The Office of Human Capital Services is responsible for the implementation of these procedures. The EAP, Health, and Wellness Division will designate a Departmental Hardship Reassignment Coordinator to provide departmental oversight.

i. The Departmental Hardship Reassignment Coordinator will:

- 1. Receive actions from the program office that were approved and the employee placed in a vacant position within the program office. Maintain data for departmental reporting.
- 2. Receive actions from the program office that were approved but could not be completed because a vacant position was not available within the program. The Coordinator will notify the employee that they may apply for consideration for vacant positions advertised within the Department and receive non-competitive consideration.

ii. Receive actions denied by the program office.

iii. Ensure all documents are secured and maintained in accordance with Privacy Act requirements in order to ensure the employee's privacy.

- iv. Develop annual reports on the usage of the procedures, and maintain records disposition.

(2) The Recruitment and Staffing Division, Human Resources (HR) Specialists will:

- i. Make minimum qualification determinations of employee resumes/applications submitted for Noncompetitive Eligible-Hardship Reassignment eligible consideration for specific vacant positions.
- ii. Verify the Notification of Eligibility was submitted with the resume/application.
- iii. Refer qualified employees under Noncompetitive Eligible-Hardship Reassignment eligibles to selecting officials for advertised vacant positions. If the candidate had previously declined an offer of reassignment to a vacant position, they may no longer be eligible for another non-competitive referral.
- iv. Extend job offers to selectees.
- v. Ensure all documents are secured and maintained in accordance with Privacy Act requirements in order to ensure the employee's privacy.

b. Supervisors/Managers will:

- (1) Support employees experiencing hardship with empathy and understanding.
- (2) Ensure employee requests are complete and forwarded to the Assistant Secretary.
- (3) Provide full consideration for employees referred for vacant positions on a Noncompetitive Eligible-Hardship Reassignment referral list.
- (4) Ensure all documents are secured and maintained in accordance with Privacy Act requirements in order to ensure the employee's privacy.

c. Assistant Secretaries or designee will:

- (1) Provide full consideration to requests for Hardship Reassignment received within the program office.
- (2) Determine if a hardship exists within the realm of this policy and notify the employee of the decision.

i. Hardship request approved:

1. Provide the employee with a copy the approved “Hardship Reassignment Application and Agreement”.
2. Notify the employee if a vacant position exists, and coordinate with the servicing HR Specialist to extend the reassignment offer to the employee; or
3. Notify the employee that there is not a vacant position available within the program office and advise the employee that they may apply for further consideration for vacant positions under the Departmental Hardship Reassignment process.
4. Forward a copy of all documents to the Departmental Hardship Reassignment Coordinator.

ii. Hardship request is not approved:

1. Notify the employee that the Hardship request has been denied.
2. Provide the employee with a copy the disapproved “Hardship Reassignment Application and Agreement.”
3. Advise the employee to request further consideration under the Departmental Hardship Reassignment process.
4. Forward the denied request to the Departmental Hardship Reassignment Coordinator.

d. The employee is responsible for :

- (1) Following the provisions of these procedures and for providing complete, accurate, and up-to-date information in support of a hardship reassignment request.
- (2) Upon receipt of a Notification of Eligibility from the Departmental Hardship Reassignment Coordinator, applying for advertised vacant positions within the Department.
- (3) Adhering to the requirements of the advertised vacancy announcement, providing supplemental or narrative statements with a complete resume/application. Additionally,

- i. The employee must be qualified for the vacant position;
 - ii. The position must be at the same or lower grade level of the position the employee currently occupies;
 - iii. The position must not have any further promotion potential than the position the employee currently occupies.
- (4) Monitoring the receipt of the Hardship Application and Agreement approval and the Notification of Eligibility from the Departmental Hardship Reassignment Coordinator.
- (5) Re-applying for continued consideration before the one-year expiration date.
- (6) Notifying the Departmental Hardship Reassignment Coordinator of changes to or termination of his/her Hardship request.

3. PROVISIONS:

- a. An employee may request a hardship reassignment to a vacant position for a situation or circumstance that meets the definitions set forth in these procedures. Such requests will receive full consideration, but there is no guarantee that the request will be approved, or the employee reassigned.
- b. Selecting officials will consider the needs of the organization and skill requirements when making a selection decision. Noncompetitive Reassignment-Hardship eligible candidates do **not** have priority for selection over any other candidates referred for the vacant position. Selections will be based on merit principles.
- c. Travel and relocation expenses may be paid if the published vacancy announcement specified that such expenses would be paid by the Department. Otherwise, the employee will be responsible for paying any travel or relocation costs to move to a vacant position with a new permanent duty location. Voluntary reassignments internal to the program office ***may not*** include travel and relocation expenses.
- d. Employees selected for a hardship reassignment to a vacant position will have their pay recomputed as of the reassignment effective date, based on the pay rates authorized at the employee's new permanent duty station. Employees voluntarily accepting lower graded positions will **NOT** be eligible for pay retention, but will have their pay set in accordance with highest previous rate (HPR) rules.
- e. Placements to vacant positions are considered permanent and the employee will not be approved to relocate back to his/her prior position.

- f. Employee hardship reassignment requests, and any related documentation, are covered by the Privacy Act and will be appropriately secured and kept confidential.

CHAPTER 3. HARDSHIP REASSIGNMENT PROCEDURES

1. SUBMITTING A REQUEST:

- a. The employee will submit a hardship reassignment request package, complete with the appropriate documentation, to the Assistant Secretary for the Program Office or equivalent, or designee through his/her immediate supervisor. The hardship package will consist of:
 - (1) A letter which explains the need for a permanent reassignment to a vacant position in another geographical location, and describes the hardship. It also includes a summary of his/her attempts to alleviate the hardship without permanently relocating to another geographical location.
 - (2) A Hardship Application and Agreement form.
 - (3) A current resume.
 - (4) Other documentation that supports the request. Requests based on a serious health condition of a family member will require medical documentation from a health care professional which includes, at a minimum, the medical reasons why the requested permanent reassignment to another geographical location is expected to resolve or alleviate the hardship. (An employee's serious medical health condition resulting in a change in duty status must be processed under the Reasonable Accommodation policy and is not appropriate to be processed under this policy.)
- b. The immediate supervisor will ensure all appropriate documents are included and forward the request to the Assistant Secretary or equivalent, or designee within three (3) business days.
- c. The Assistant Secretary or equivalent, or designee will review the request and approve/disapprove. If additional information is required, the employee will be advised in writing and will have 5 business days to obtain and submit the additional information. If not submitted, the Hardship Application and Agreement will be disapproved and a copy provided to the employee and the Departmental Hardship Reassignment Coordinator.
- d. The following actions will be taken in response to Hardship requests:
 - (1) The Hardship request is approved and the employee is placed in a vacant position within the program office. The program office will report placement to the Departmental Hardship Reassignment Coordinator within five (5) days of approval. The program office will complete coordination and processing of

required personnel action with servicing HR specialist. The employee will have three (3) business days to accept or decline the offered reassignment to a vacant position (under this policy); however, if the employee declines the placement, further consideration under hardship is forfeited.

(a) Upon declination of a position, the approved hardship application is forfeited and the employee will not receive consideration for any other positions within the program office under this policy.

(a) Reapplication can only be considered for changes in conditions or the expiration date of 1 year.

(2) The Hardship request is approved, and a vacant position does **not** exist within the program office. A copy of the agreement will be sent to the Department Hardship Reassignment Coordinator within five (5) days of the decision. The Coordinator will issue the employee a Notification of Eligibility within five (5) days so he/she can initiate their job search.

(3) The Hardship request is not approved. The employee request is denied because:

(a) The employee does not meet the eligibility for Hardship Reassignment. The employee is advised that he/she can not apply under the Departmental Hardship Reassignment process.

(b) The employee has not provided the appropriate documents to justify the request for hardship.

(4) A copy of the documented Hardship Application and Agreement will be sent to the Coordinator within five days of the decision.

e. The Departmental Hardship Reassignment Coordinator will:

(1) Review requests received from program office for tracking and reporting.

(2) Issue a Notification of Eligibility to the employee indicating the request was approved but unable to be placed within a vacant position in the program office, they may apply for vacant positions within the Department and receive non-competitive consideration. The Notification of Eligibility expires:

(a) After one year from the date of the issuance or;

(b) Upon accepting another position within the Department. or;

- (c) Upon declining a position offered in the program or through a non-competitive referral.
- (3) Inform the employee that he/she may resubmit a previously denied hardship reassignment request, if the circumstances surrounding the hardship change, or if new or additional information addressing the issues identified in the disapproval notification is obtained. A re-submission will be prepared and submitted as a new case through his/her program office.
- f. An employee may rescind his/her acceptance of an offered position at anytime before the effective date of the reassignment by sending a written notification to the Departmental Hardship Reassignment Coordinator.
 - a. The Coordinator will forward a copy of the withdrawal (rescission) to the current and gaining supervisor and the HR Specialist (as appropriate).
 - b. The losing program offices will **not** commit to fill the projected vacant position *before* the effective date of the reassignment.
 - c. Upon declining or withdrawing from an offered position, the employee's application approval status is forfeited and the employee may not submit another hardship request, unless his/her circumstances change.

2. VACANCY ANNOUNCEMENT CONSIDERATION:

- a. Upon receipt of the Notification of Eligibility from the Departmental Hardship Reassignment Coordinator, the employee:
 - (1) Is able to submit an application/resume for consideration for any advertised vacancy announcements that he/she would qualify for as a Noncompetitive Eligible-Hardship Reassignment candidate. The employee must comply with all instructions/directions within the vacancy announcement.
 - (2) Must attach a copy of the Notification of Eligibility with the application/resume, and appropriate documents.
 - (3) Cannot apply for vacant positions at a grade higher, or has promotion potential beyond the grade of the position he/she currently occupies as a Noncompetitive Eligible-Hardship Reassignment candidate (even if the employee previously held a higher grade level).
- b. The HR Specialist will make a qualification determination, and issue a referral list (Noncompetitive Eligible-Hardship Reassignment) to the selecting official for consideration. The specialist will retain a copy of all documents for the case file.

- c. Selecting official will review the Noncompetitive Eligible-Hardship Reassignment referral list, and annotate his/her selection/nonselection. **NOTE:** Noncompetitive Eligible-Hardship Reassignment eligibles will **not** receive priority consideration. The list will then be returned to the HR Specialist for further action.
- d. The servicing HR Specialist will review all returned referral lists for appropriate annotation and initiate further action.
 - (1) If the employee is selected from the Noncompetitive Eligible-Hardship Reassignment referral list, the HR Specialist will review and extend the job offer for the vacant position and follow normal processing procedures. A copy of the annotated referral list will be provided to the Departmental Hardship Reassignment Coordinator. The servicing HR Specialist will verify if travel and relocation expenses are approved **before** the job offer is extended based on how the vacancy was advertised. The employee will have three (3) work days to accept or decline the offer.
 - (2) The Noncompetitive Eligible-Hardship Reassignment Eligible referral list returned with no selection will be reviewed for proper annotation and appropriate final applicant notification issued. A copy of the annotated list will be provided to the Departmental Hardship Reassignment Coordinator.

CHAPTER 4. OTHER OPTIONS

1. MANAGEMENT OPTIONS: There are other avenues available while employees wait for a suitable vacant position to become available. While these options are not a part of this Hardship Reassignment process, they are subject to managerial discretion and provide a temporary solution:

a. Details.

(1) Within the program office. Up to 120 days for noncompetitive short-term assignments.

(2) To other program offices. Up to 120 days for noncompetitive short-term assignments on a reimbursable basis.

b. A temporary reassignment or temporary change-to-lower grade for noncompetitive short-term organizational needs, and the duration is less than one year within the program office. These assignments are accomplished through a noncompetitive process outside of this policy.

2. EMPLOYEE COUNSELING:

a. Career counseling – Available through the Office of Policy, Planning, and Training, Training and Employee Development Division.

b. Job search counseling – Available through the Office of Human Capital Services, Recruitment and Staffing Division.