

**United States Department of Agriculture
Marketing and Regulatory Programs
Agricultural Marketing Service**

Agency

AMS 4335.3

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GEOGRAPHIC MOBILITY

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Attachment 1 – Permanent Positions Subject to Geographic Mobility Requirements

Attachment 2 – Memorandum of Understanding

1. PURPOSE

This Directive establishes Agricultural Marketing Service (AMS) policy on geographic mobility as a condition of employment for specified positions identified herein.

2. SPECIAL INSTRUCTIONS AND REPLACEMENT HIGHLIGHTS

a. This Agency Directive has been revised from the original version published on 10/30/2013. The revisions to this Agency Directive are as follows:

- (1) Page 2, Paragraph 3, update of authorities and references.
- (2) Page 6, Paragraph 11, added records management.

- (3) Updated Attachment 1
- b. This Agency Directive is in force until canceled or superseded.

3. AUTHORITIES AND REFERENCES

This Agency Directive must be applied in conjunction with:

- a. 5 United States Code, Government Organization and Employees, Part III, Subpart F, Chapter 71, Subchapter I,
 - (1) Section 7103 (a) (14), [General Provisions, Definitions](#)
 - (2) Section 7106 (a)(2), [Management Rights](#)
- b. 5 Code of Federal Regulations, Volume 1, Chapter I, Subchapter B,
 - (1) Part 335 Subpart A, Section 335.102, [Agency Authority to Promote, Demote, or Reassign](#)
 - (2) Part 550, Subpart G, Section 550.704, [Eligibility for Severance Pay](#)
- c. 5 Code of Federal Regulations, Volume 1, Chapter I, Part 831, Subchapter E, Section 831.503, [Retirement Based on Involuntary Separation](#)

4. DEFINITIONS

- a. Conditions of Employment. Personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, affecting working conditions, except that such term does not include policies, practices, and matters:
 - (1) Relating to political activities,
 - (2) Relating to the classification of any position, or
 - (3) Specifically provided for by Federal statute.
- b. Geographic Mobility. A formal predetermined arrangement that prescribes mandatory relocation requirements as a condition of employment for designated positions within AMS. Geographic mobility provides for an employee's directed reassignment outside of the local commuting area of the official duty station of an employee, when necessary, in the interest of improving mission effectiveness.

- c. Local Commuting Area. The geographic area that usually constitutes one area for employment purposes as determined by the Agency. It includes any population center (or two or more neighboring ones) and the surrounding localities in which people live and can reasonably be expected to travel back and forth daily from home to work in their usual employment.
- d. Official Duty Station. The official duty station is the city/town, county, and State in which the employee works.
- e. Memorandum of Understanding. The mobility agreement employees and selectees are required to sign to qualify for employment in the covered positions listed at Attachment 1.

5. SCOPE

This policy applies to positions that are subject to geographic reassignment as a condition of employment that must be fulfilled for an individual to qualify for appointment to, or to retain a position that is specified in the list of [Permanent Positions Subject to Geographic Mobility Requirements \(Attachment 1\)](#).

6. POLICY

It is MRP, AMS policy to:

- a. Geographic mobility is a condition of employment for the designated permanent positions listed in the Attachment 1.
- b. Job opportunity announcements for covered positions must be annotated to reflect mobility requirements.
- c. The Memorandum of Understanding (MOU)-Geographic Mobility Agreement (Attachment 2) must be signed by the appointee/employee prior to assignment to a covered position. The purpose of the MOU is to confirm that the employee understands that geographic mobility is a condition of employment.
- d. All employees in covered positions are required to be available for geographic relocation at government expense as necessary to meet mission requirements.
- e. Any employee who fails to accept a directed reassignment from a position that requires geographic mobility as a condition of employment is subject to removal from the Federal Service.

7. ROLES AND RESPONSIBILITIES

The implementation of the policy and procedures as established by this Agency Directive requires the responsibilities of the following individuals and/or groups:

a. AMS managers/supervisors will:

- (1) Ensure compliance with this geographic mobility policy within their respective programs/work units.
- (2) Provide information on the geographic mobility requirements to employees in covered positions.
- (3) Ensure that job candidates are informed of the geographic mobility requirements of covered positions.
- (4) Advise applicants that failure to sign the MOU means that they have rejected a condition of employment and they will not be selected for the covered position.
- (5) Ensure employees selected for appointment to a covered position are informed of the details and operation of the geographic mobility requirements prior to execution of the MOU.
- (6) Inform employees entering positions that are subject to geographic mobility as a condition of employment that failure to sign the MOU does not terminate the obligation to meet geographic mobility requirements.
- (7) Inform employees of the effect of refusal to honor the obligation to accept a directed reassignment as it pertains to severance pay entitlement and discontinued service retirement eligibility.

b. Human Resources Division/HR Operations/Classification and Staffing will:

- (1) Ensure that job opportunity announcements reflect geographic mobility requirements.
- (2) Provide managers and supervisors with information on directed reassignment regulations and procedures.
- (3) Maintain the signed copy of the MOU in the employee's Official Personnel File (OPF).

c. Employees:

- (1) Are expected to understand the purpose of the geographic mobility requirement in covered positions and the consequences of declining a directed reassignment outside of the local commuting area.
- (2) Have an obligation to accept directed reassignments for the effective delivery of service by the Agency.
- (3) Are expected to understand that they will remain subject to geographic mobility as a condition of employment if they are assigned to another covered position within AMS.
- (4) Who occupy positions that are subject to geographic mobility as a condition of employment, and who decline a directed reassignment outside of the local commuting area, are not entitled to severance pay or discontinued service retirement whether they have signed the MOU or not.
- (5) Will execute the MOU with the understanding that they will be expected to be geographically mobile at management's request.
- (6) Are expected to understand that any failure or refusal to sign the MOU does not affect the management's right to reassign them.

8. PROCEDURES

The following procedures have been established by this directive:

- a. Current Federal employees selected for assignment to a position subject to a geographic mobility requirement will be required to execute an MOU as a condition of employment prior to appointment to the position.
- b. Current Federal employees who are candidates for assignment or promotion to positions subject to a geographic mobility requirement who refuse to execute the MOU have rejected a condition of employment and will not be selected or assigned to the covered position.
- c. Applicants for employment who refuse to execute the MOU have declined to accept a condition of employment which must, therefore, result in withdrawal of any offer of employment in the position.

9. EFFECT ON SEVERANCE PAY AND DISCONTINUED SERVICE RETIREMENT

- a. An employee who enters a position covered by geographic mobility requirement on or after the date the requirement became effective (as shown in Attachment 1), and who subsequently resigns or separates as a result of declining a directed reassignment outside the local commuting area is not entitled to severance pay benefits nor eligible for a discontinued service retirement annuity.
- b. Employees who occupied a covered position prior to the date shown in Attachment 1 are subject to geographic mobility but will not lose entitlement to severance pay or discontinued service retirement by virtue of declining a reassignment outside the local commuting area. However, once such an employee accepts a directed reassignment outside the local commuting area, he/she is considered to have accepted geographic mobility as a condition of employment and if he/she declines a subsequent geographic reassignment, his/her separation will be considered a voluntary separation and will not be qualifying for severance pay or discontinued service retirement purposes.

10. FORMS

The Memorandum of Understanding Geographic Mobility Agreement referenced and required for use as established by this Agency Directive can be accessed at AMS Administrative Issuances, [AMS 4335.3 Geographic Mobility, Attachment 2](#).

11. RECORDS MANAGEMENT

Federal records created by this Agency Directive must be maintained in accordance with the established [General Records Schedule \(GRS\)](#) and/or the [AMS](#) Records Management Handbook when applicable. If employees are named in an active litigation hold, Freedom of Information Act (FOIA) request, and/or other action, those records, regardless of media, must be preserved and maintained in their native format until otherwise notified by your Agency Records Officer and/or the Office of General Counsel.

- a. MRP-IT IMB is the official record-keeper of this Directive, which is to be preserved permanently, per Paperwork and Data Management (PDM) 4-1
- b. The Human Resources Division, Human Resources Operations office is the official record-keeper of the records documenting reduction in force which will be maintained in accordance with GRS 2.1, Employee Acquisition Records, items

020, 021 and 022; GRS 2.2, Employee Management Records, items 040, 041; and GRS 2.5, Employee Separation Records, item 011, 020, 040.

12. INQUIRIES AND ADDITIONAL INFORMATION

- a. Direct inquiries on procedural matters to the MRP Human Resources Division, [Human Resources Operations Service Provider](#).
- b. Direct requests for policy interpretations on complex issues to the MRP Human Resources Division, [Human Resources Policy Branch](#).
- c. For records management inquiries contact your Program Records Management Liaison for [AMS](#).
- d. This Directive is available on the following Web site: [AMS Administrative Issuances](#).

/s/

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