

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

Directive

AMS 4335.3

11/01/2013

GEOGRAPHIC MOBILITY

1. PURPOSE

This issuance revises AMS Directive 327.1 dated 09/16/94 which establishes the Agricultural Marketing Service (AMS) policy on geographic mobility as a condition of employment for specified positions identified herein.

2. AUTHORITIES

[5 United States Code Section 7103 \(a\) \(14\)](#)
[5 United States Code Section 7106 \(a\) \(2\)](#)
[Title 5, Code of Federal Regulations, Part 335.102](#)
[Title 5, Code of Federal Regulations, Part 831.503\(b\) \(3\) \(ii\)](#)
[Title 5, Code of Federal Regulations, Part 550.704](#)

3. DEFINITIONS

Conditions of Employment

means 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 –

- relating to political activities
- relating to the classification of any position;
or
- specifically provided for by Federal statute.

Directed Reassignment

A management initiated reassignment of an employee to another position within the same program/unit or between programs/units. A management directed reassignment may be within or outside the employee's local commuting area.

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 enhancing career progression and/or improving mission effectiveness.

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.

Official Duty Station

The official duty station is the city/town, county, and state in which the employee works.

4. POLICY

- a. Geographic mobility is a condition of employment for the designated permanent positions listed in Attachment 1.
- b. Position descriptions and job opportunity announcements for covered positions should be annotated to reflect mobility requirements.
- c. The Memorandum of Understanding (MOU)-Geographic Mobility Agreement (Attachment 2) should 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 a covered position are required to be available for geographic relocation 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.

5. RESPONSIBILITIES

a. Agency managers/supervisors shall:

- (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 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.
- (4) Inform employees entering into positions that are subject to geographic mobility as a condition of employment of the effect of refusal to honor the obligation on severance pay entitlement and discontinued service retirement eligibility.
- (5) Advise employees that failure to sign the MOU does not terminate the obligation to meet geographic mobility requirements.
- (6) Ensure that job candidates are informed of the geographic mobility requirements of designated positions.
- (7) Forward the original of the MOU to HRO for filing in the employee's Official Personnel File (OPF).
- (8) Provide a copy of the signed MOU to the employee.

b. Human Resources Division is responsible for:

- (1) Ensuring that position descriptions and job opportunity announcements reflect geographic mobility requirements.
- (2) Providing managers and supervisors with information on directed reassignment regulations and procedures.
- (3) Maintaining 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 good of the service and/or to enhance their own career development.
- (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 such an employee.

6. APPLICABILITY

In the interest of enhancing career progression and/or improving mission effectiveness, geographic mobility requirements are established for the positions and grade levels as specified in Attachment 1.

7. PROCEDURES

- a. Current employees selected for assignment to a position subject to a geographic mobility requirement will be required to execute a MOU as a condition of employment prior to appointment to the position.
- b. Current 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.

8. 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.

9. CONTACTS

- a. Direct general inquiries on procedural matters to the servicing Human Resources Operations Office, MRP Human Resources Division.
- b. Direct requests for policy interpretations on complex issues to the Human Resources Policy Branch.
- c. Direct program specific questions to the appropriate program administrative office.
- d. This Directive is available at <http://www.ams.usda.gov/AMSV1.0/HRManagement>

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