

STATE OF WEST VIRGINIA  
THE ADJUTANT GENERAL'S DEPARTMENT  
CHARLESTON, WEST VIRGINIA 25311

WV Human Resource Office Regulation  
575-2

20 November 2008

**RELOCATION INCENTIVE**

**Summary of Changes:** This regulation supersedes WVHROR 575-2, dated 10 August 2007. The purpose of this change is to clarify the approval procedures for Relocation Incentives.

**1. Introduction:** The West Virginia National Guard may pay a relocation incentive to a current employee who must relocate to accept a position in a different geographic area if the West Virginia National Guard determines that the position is likely to be difficult to fill in the absence of an incentive. A relocation incentive may be paid only when the employee's rating of record under an official performance appraisal or evaluation system is at least "Fully Acceptable" or equivalent. The employee must sign an agreement to fulfill a period of service with the agency to receive a relocation incentive. This relocation incentive plan applies uniformly across the West Virginia National Guard. Reference: 5 CFR 575 Subpart B.

**2. Definitions:**

**Aggregate Pay Limitation** – An executive branch employee may not receive any basic salary, locality payment, incentive, allowance, differential, bonus, award, premium pay, or similar cash payment that would cause the employee's aggregate compensation to exceed the rate for level I of the Executive Schedule on the last day of that calendar year. (Reference 5 CFR 530.201)

**Current Employee** – An individual in the civil service (as defined in 5 USC 2101) who is relocated without a break in service upon appointment to a position in the West Virginia National Guard in a different commuting area; or a civil service employee (as defined in 5 USC 2101) of the West Virginia National Guard whose duty station is changed permanently or temporarily to a different commuting area.

**Geographic Area** - The area surrounding a work site that encompasses the localities where people live and can reasonably be expected to travel back and forth daily to work. When an employee's residence is within the standard commuting area for a work site, the work site is within the employee's commuting area. When an employee's residence is outside the standard commuting area for a proposed new work site, the employee's commuting area is deemed to include the expanded area surrounding the employee's residence and including all destinations that can be reached via a commuting trip that is not significantly more burdensome than the current commuting trip. This excludes a commuting trip from a residence where the employee planned to stay only temporarily until he or she could find a

more permanent residence closer to his or her work site. For this purpose, a commuting trip to a new work site is considered significantly more burdensome if it would compel the employee to change his or her place of residence in order to continue employment, taking into account commuting time and distance, availability of public transportation, cost, and any other relevant factors.

**Involuntary Separation** - A separation initiated by the West Virginia National Guard against the employee's will and without his or her consent for reasons other than cause on charges of misconduct or delinquency. An involuntary separation includes a separation resulting from the employee's inability to do the work following genuine efforts to do so, but does not include a separation under TPR 752 for reasons that involve culpable wrongdoing on the part of the employee.

**Rate of Basic Pay** - For the purpose of calculating a relocation incentive, an employee's rate of basic pay includes a special rate under 5 CFR part 530, subpart C, a locality payment under 5 CFR part 531, subpart F, or similar payment under other legal authority, but excludes additional pay of any other kind. A relocation incentive is not part of an employee's rate of basic pay for any purpose.

**Separation for Cause** – A separation initiated by the West Virginia National Guard for reasons of misconduct or delinquency. A separation for cause is covered under TPR 752 for reasons that involve culpable wrongdoing on the part of the employee, but does not include separation resulting from the employee's inability to do the work following genuine efforts to do so.

**Service Agreement** - A written agreement between the West Virginia National Guard and a newly appointed employee under which the employee agrees to a specified period of employment with the appointing agency in return for payment of a recruiting incentive. The WV HRO Form 575-2B will serve as the service agreement for the purpose of a relocation incentive.

**3. Covered Positions:** A relocation incentive may be paid to an eligible individual who relocates to another geographic area in a General Schedule (GS) or prevailing rate (FWS) position. Employment status may be permanent or indefinite. Relocation may be on a permanent basis or on a temporary basis (temporary relocations must be for a minimum of 6 months).

**4. Excluded Positions:** Temporary technicians are excluded from consideration for a relocation incentive. Temporary relocations of permanent or indefinite employees for less than 6 months are also excluded from consideration of a relocation incentive.

**5. Relocation to Different Geographic Area:** Relocation incentives may be paid to an employee of the Federal Government who must relocate to a different geographic area without a break in service to accept a position in the West Virginia National Guard or to an employee of the West Virginia National Guard who must relocate to a different geographic area (permanently or temporarily) to accept a position. A position is considered to be in a

different geographic area if the worksite of the new position is 50 or more miles from the worksite of the position held immediately before the move. If the worksite of the new position is less than 50 miles from the worksite of the position held immediately before the move, but the employee must relocate (i.e., establish a new residence) to accept the position, the Director for Human Resources may waive the 50-mile requirement and pay the employee a relocation incentive. In all cases, an employee must establish a residence in the new geographic area before the agency may pay the employee a relocation incentive.

**6. Approval Authority:** Relocation incentives are requested by the nominating supervisor using the WV HRO Form 575-2A (Relocation Incentive Nomination/Justification) and require coordination and certification of the appropriate Commander or Director. These certifications may not be delegated. Additionally for Air National Guard funded positions, the appropriate wing comptroller must certify the availability of funds. Actions without the appropriate certifications will be returned without action. Approval authority for relocation incentives is delegated by The Adjutant General to the Human Resource Officer or the Deputy Human Resource Officer. In the event of their absence, a Supervisory Human Resources Specialist may approve time critical relocation incentive actions. In all circumstances relocation incentives must be in made accordance with statutory and regulatory requirements and this implementation plan. The HRO determination on Relocation Incentive approval will be established prior to requesting hiring approval from the Adjutant General.

**7. Approval Criteria:** For each determination to pay a relocation incentive, the requesting supervisor must document, on the WV HRO Form 575-2A; 1) the basis for determining that the position is likely to be difficult to fill in the absence of a relocation incentive; 2) the amount and timing of the incentive payments; and 3) the length of the service period. The determination to pay a relocation incentive **must be made before the prospective employee enters on duty** in the position for which selected. A relocation incentive will be considered prior to offering a Superior Qualifications Appointment, under WV HRO 531-212, Superior Qualifications Advanced In-Hiring Rates. Requests for a relocation incentive received after appointment will be returned without action. The West Virginia National Guard may determine that a position is likely to be difficult to fill if the agency is likely to have difficulty recruiting candidates with the competencies (i.e., knowledge, skills, abilities, and other characteristics) required for the position (or group of positions) in the absence of a relocation incentive based on various consideration of factors.

**8. Groups of Employees:** West Virginia National Guard determinations to pay a relocation incentive must generally be made on a case-by-case basis. The West Virginia National Guard may waive the case-by-case approval requirement when the employee is a member of a group of employees subject to a mobility agreement or when a major organizational unit is being relocated to a new duty station. Under such a waiver, the West Virginia National Guard must specify the group of employees covered, the conditions under which the waiver is approved, and the period of time during which the waiver may be applied. Groups of employees must be approved for relocation incentives using the same criteria that apply to individuals.

**9. Payment:** A relocation incentive may not exceed 25 percent of the employee's annual rate of basic pay in effect at the beginning of the service period multiplied by the number of years (including fractions of a year) in the service period (not to exceed 4 years). The incentive is to be paid as an initial lump-sum payment at the beginning of the service period. In the event that payment of a relocation incentive would exceed the aggregate limitation in pay, an alternate payment method will be determined. The West Virginia National Guard may not pay a relocation incentive until the employee establishes a residence in the new geographic area.

**10. Documentation of Justification:** The WV HRO Form 575-2A, Relocation Incentive Nomination/ Justification will be used to document the justification for payment of a relocation incentive by the West Virginia National Guard. Requests which are not supportable will be returned without action. Specifically, nominating supervisors must document that the position is hard to fill by addressing all of the following criteria:

- a. Criteria used to establish the percentage of the Relocation Incentive;
- b. Unsuccessful efforts to recruit candidates for the position or similar positions;
- c. Turnover in this position or similar positions; and
- d. Labor market factors and special qualifications needed for the position.

**11. Service Agreement:** The WV HRO Form 575-2B, Employment Agreement for Relocation Incentive, has been developed to document the service agreement. Before receiving a relocation incentive, an employee must sign WV HRO Form 575-2B, which is a written agreement to complete a specified period of employment with the agency. The service agreement must specify the length, commencement, and termination dates of the service period; the amount of the incentive; the method and timing of incentive payments; the conditions under which an agreement will be terminated by the agency; any agency or employee obligations if a service agreement is terminated (including the conditions under which the employee must repay an incentive); and any other terms and conditions for receiving and retaining a relocation incentive. The WV HRO Form 575-2B must be signed by the employee and accompany the WV HRO Form 575-2A, Relocation Incentive Nomination/ Justification. Requests without a properly executed service agreement will be returned without action.

**12. Service Period:** The employee's required service period may not be less than 6 months and may not exceed 4 years. The service period must begin upon the commencement of service at the new duty station and end on the last day of a pay period. An employee serving under a service agreement for a relocation incentive is not eligible for consideration of a retention incentive. However, an employee already receiving a retention incentive *may* receive a relocation incentive if the conditions described in the retention incentive justification still apply and are documented.

**13. Aggregate Pay Limitation:** Payment of a relocation incentive is subject to the aggregate limitation on pay under 5 CFR 203.201

**14. Calculating Incentive Amounts:** The incentive amount is calculated by multiplying the employee's annual rate of basic pay at the beginning of the service period) × recommended incentive percentage × length of the service period. The maximum relocation incentive the West Virginia National Guard may authorize is 25 percent. Service periods exceeding one year may not exceed 25 percent for each year or portion thereof. As an example: with a two year service agreement the maximum incentive amount authorized will be 50 percent of the employee annual rate of basic pay. In no event may a relocation incentive exceed 100 percent of the employee's rate of basic pay.

The maximum relocation incentive amounts shown in the table below are based on a GS-11, step 1, employee in Charleston, West Virginia with an annual rate of basic pay of \$51,563 at the beginning of the service period, including locality pay. Note that the amounts shown are the *maximum* incentive amounts the West Virginia National Guard may pay for the stated period of service. The West Virginia National Guard may always choose to pay a lower incentive rate for the same period of service.

<b>Length of Service Agreement</b>	<b>Maximum Incentive Amount</b>	<b>Formula (annual rate x maximum incentive percentage x years in service period)</b>
<b>½ year</b>	\$6,445	$\$51,563 \times 25\% \times .5 \text{ years}$
<b>1 year</b>	\$12,890	$\$51,563 \times 25\% \times 1 \text{ year}$
<b>1 ½ years</b>	\$19,336	$\$51,563 \times 25\% \times 1.5 \text{ years}$
<b>2 years</b>	\$25,781	$\$51,563 \times 25\% \times 2 \text{ years}$
<b>2 ½ years</b>	\$32,226	$\$51,563 \times 25\% \times 2.5 \text{ years}$
<b>3 years</b>	\$38,672	$\$51,563 \times 25\% \times 3 \text{ years}$
<b>4 years</b>	\$51,563	$\$51,563 \times 25\% \times 4 \text{ years}$

**15. Termination of Service Agreement:**

*Discretionary-* The West Virginia National Guard may unilaterally terminate a relocation incentive service agreement based solely on management needs, in which case the employee is entitled to relocation incentive payments attributable to completed service and to retain any incentive payments already received that are attributable to uncompleted service.

*Mandatory* – The West Virginia National Guard will terminate a service agreement if an employee is demoted or separated for cause (i.e., conduct), involuntarily separated (i.e.,

unacceptable performance), receives a rating of record lower than "Fully Successful" or equivalent during the service period, or otherwise fails to fulfill the terms of the service agreement. In such cases, the employee may retain any relocation incentive payments attributable to completed service, but must repay any portion of the incentive attributable to uncompleted service. The West Virginia National Guard will notify an employee in writing when it terminates a relocation incentive service agreement prior to the expiration date of the service agreement. The termination of a service agreement is not grievable or appealable.

## **16. Payment and Termination Calculations:**

### ***Payment options***

A relocation incentive, once approved, will be paid as an initial lump-sum payment after the employee has relocated to the new geographic area. However if the payment will make the employee exceed the aggregate limitation on pay, the "excess" payment amount will be paid on the first full pay period at the beginning of the following calendar year.

### ***Payment calculation***

The West Virginia National Guard must determine the total amount of the relocation incentive that will be paid to an employee for a service period when authorizing the incentive. The total amount of the relocation incentive payment received during the service period may not exceed 25 percent of the employee's annual rate of basic pay in effect at the beginning of the service period multiplied by the number of years (including fractions of a year) in the service period (not to exceed 4 years).

For the purpose of computing an annual rate for an employee who does not have a scheduled annual rate of basic pay, multiply the applicable hourly rate in effect at the beginning of the service period by 2,087.

### ***Rate of basic pay***

For the purpose of calculating a relocation incentive, a rate of basic pay includes a special rate under 5 CFR part 530, subpart C, a locality payment under 5 CFR part 531, subpart F, or similar payment under other legal authority, but excludes additional pay of any other kind. For example, a rate of basic pay excludes night shift differentials under 5 USC 5343(f) and environmental differentials under 5 USC 5343(c)(4) for Federal Wage System employees.

### ***Determining the number of years in a service period***

To determine the number of years in a service period, divide the total number of calendar days in the service period by 365 and round the result to two decimal places. For example, a service period covering 39 biweekly pay periods equals 546 days, and 546 days divided by 365 days equals 1.50 years.

A relocation incentive service period must begin on the first day of a pay period and end on the last day of a pay period and may not exceed 4 years. A relocation incentive service period may not be less than 6 months.

***Recovering or waiving a debt owed the Government***

If an employee must repay a portion of a relocation incentive and fails to reimburse the West Virginia National Guard for the full amount owed, the amount outstanding must be recovered from the employee under the Department of Defense regulations for collection by offset from an indebted Government employee under 5 USC 5514 and 5 CFR part 550, subpart K, or through the appropriate provisions governing Federal debt collection if the individual is no longer a Federal employee.

**17. Documentation and record keeping requirements:** The WV HRO Form 575-2A, Relocation Incentive Nomination/Justification, and WV HRO Form 575-2B, Employment Agreement for Relocation Incentive have been created to document the requirements, justification, certifications, service agreement, and approval of a relocation incentive. The approved forms will be filed on the left side of the OPF for a minimum of the period of time covered by their service agreement. The Directorate of Human Resources will also maintain a separate record of each approved relocation incentive.

FOR THE GOVERNOR:

  
ALLEN E. TACKETT  
Major General, WVARNG  
The Adjutant General

# RELOCATION INCENTIVE NOMINATION/JUSTIFICATION

## I. INDIVIDUAL INFORMATION

Name		SSAN	Proposed Technician Report Date
Pay Plan-Series-Grade	Position Title	Name and Location of Technician Organization	
Last Appraisal Rating	Length in Months of Service Agreement	Duty Station	

## II. DETERMINATION OF THE AMOUNT OF RELOCATION INCENTIVE

Requested Percentage	Criteria Used to Establish the Percentage (Technical Schools have been completed, applicant is AFSC/MOS qualified, skill level meets the criteria for the technician grade. EXAMPLE: Technical School completed and applicant is AFSC qualified/MOSQ in the Aircraft serving 5%, one year experience 2%, each additional year experience 2%)
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## III. JUSTIFICATION

Describe in detail all of the following criteria. Failure to address all items will result in the request being returned without action. Information regarding the following areas may be continued on additional pages.

1. Unsuccessful efforts to recruit candidates for this or similar positions.

2. Turnover in this or similar positions.

3. Labor market factors and special qualifications needed for this position.

**IV. NOMINATING SUPERVISOR CERTIFICATION**

I certify that in the absence of a Relocation Incentive, difficulty would be encountered in filing this position. The applicant has signed the WV HRO Form 575-2B, Relocation Incentive Service Agreement, and it is attached.

Name/Title	Signature	Date	Telephone

**V. COMMANDER/DIRECTOR CERTIFICATION**

I concur with this request.

Name	Signature	Date	Telephone

**VI. COMPTROLLER CERTIFICATION OF FUNDING AVAILABILITY (ANG ONLY) EMPLOYEE DEVELOPMENT SPECIALIST (ARNG ONLY)**

I certify that funds are available for this action.

Name	Signature	Date	Telephone

**VII. DIRECTORATE OF HUMAN RESOURCES USE ONLY**

Nature of Action	Authority	Relocation Incentive Amount	Effective Date
816 RELOCATION INCENTIVE	VPF 5 USC 5733	\$	

Remarks

Member has signed a service agreement valid through \_\_\_\_\_.

Current Year Aggregate Limitation on Pay \$ \_\_\_\_\_ (5 CFR 530.203) Level I Executive Schedule

Annual Rate of Basic Pay x Relocation Incentive % x Length of Service Agreement = Incentive Amount

\$ \_\_\_\_\_ X \_\_\_\_\_ % X \_\_\_\_\_ years = \$ \_\_\_\_\_

NOTE: Relocation Incentive cannot be paid until the member has established a new residence at the new duty location. Address of New Residence:

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
 Address State ZIP Code

**REVIEWS/APPROVAL**

I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

HUMAN RESOURCES STAFFING SPECIALIST	Signature	Date
SUPV HUMAN RESOURCES SPECIALIST	Signature	Date
HUMAN RESOURCE OFFICER	Signature	Date

**DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
WEST VIRGINIA NATIONAL GUARD  
EMPLOYMENT AGREEMENT FOR RELOCATION INCENTIVE**

Information to Employee: If you are appointed to a position in the Federal Government, you may be authorized payment of a Recruitment Incentive. Title 5 USC 5753 authorizes the payment of this incentive and the collection of the information requested on this form. The information you disclose will be used to determine whether payment of a Relocation Incentive may be authorized. The information may also be used a) by a Federal, state or local agency when there is an indication of a violation or potential violation of law; b) by the Office of Personnel Management in carrying out its functions; and c) for other routine uses published in accordance with 5 USC 552a. Your failure to provide the information requested and sign the agreement set forth will result in your Relocation Incentive not being paid/approved by the West Virginia National Guard.

NAME (LAST, FIRST, MI)	POSITION TITLE	OFFICIAL DUTY STATION (CITY AND STATE)
_____	_____	_____
<p>I hereby understand and agree that:</p> <ol style="list-style-type: none"> <li>1. I will remain in the Government Service for a period of _____ months from the date I report for duty at my official duty station, unless separated for reasons beyond my control and acceptable to the West Virginia National Guard.</li> <li>2. Payment of Relocation Incentive will be lump sum payable only after I have established a home of record at the new geographic location. It is my responsibility to inform the Human Resources Office of my new address. Method of payment may be modified if it exceeds the Aggregate Limitation on Pay.</li> <li>3. If before the expiration of the agreed period specified above, I fail to fulfill the terms of this agreement, I will repay to the West Virginia National Guard, on a prorated basis for each complete month of service, any monies expended from Federal funds for a Relocation Incentive, unless separated for reasons beyond my control and acceptable to the West Virginia National Guard.</li> <li>4. If I voluntarily seek and accept outside employment, an AGR tour, Counter-Drug Tour, or Regular Active Duty Tour position during the period covered by this agreement, I will repay the West Virginia National Guard as described in paragraph 3 above.</li> </ol>		
_____ SIGNATURE OF EMPLOYEE	_____ DATE SIGNED	

Instructions: Attach this signed form to the WV HRO FORM 575-2A, Relocation Incentive Nomination/Justification and forward through the appropriate chain of command to the Directorate for Human Resources. By regulation a Relocation Incentive must be approved prior to employment.

**FOR HUMAN RESOURCES OFFICE USE ONLY**

Date scheduled to report for duty: \_\_\_\_\_

Amount of Incentive: \$ \_\_\_\_\_

Termination Date of Service Period: \_\_\_\_\_