

Phased Retirement Order Office of Human Resources

Order Number: 3110.23

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1.1 PURPOSE:

This Order establishes the U.S. Environmental Protections Agency's policy, guidelines and requirements for the Phased Retirement Program. The main purpose of the program to enhance the mentoring and training of the employees who may be filling the positions or taking on the duties of more experienced retiring employees, including *any* learning activities that would allow for the transfer of knowledge and skills from one retiring employee to others.

2.1. **DEFINITIONS**:

- (a) Full-time: An officially established recurring basic workweek consisting of 40 hours within the employee's administrative workweek; or an officially established recurring basic work requirement of 80 hours per biweekly pay period(as established for employees with a flexible or compressed work schedule).
- (b) Part-time: An officially established recurring basic work requirement of 40 hours per biweekly pay period (for the purpose of phased retirement).
- (c) Phased employment: The less-than-full-time employment of a phased retiree.
- (d) Phased retiree: A retirement eligible employee who, with the approval of the authorized agency official, enters phased retirement status and has not entered full retirement status.
- (e) Phased retirement period: The period beginning on the date which an employee becomes entitled to receive a phased retirement annuity and ending on the date on which the employee separates from phased employment.
- (f) Phased retirement status: A phased retiree is concurrently employed in phased employment and eligible to receive a phased retirement annuity.
- (g) Retiree: A former employee, including a phased retiree who has entered full retirement status.
- (h) Supervisor of Record: The supervisor of the phased retiree during the period which they serve in phased employment.

3.1. COVERAGE:

This order applies to agency retirement-eligible employees covered under the Civil Service Retirement System and the Federal Employees Retirement System. Employees in law enforcement positions are excluded by regulation from participation in phased retirement.

4.1. AUTHORITY AND REFERENCES:

This order is provided for agency use under the authority of the assistant administrator for OARM. Pertinent references are:

- (a) Title 5, United States Code, Sections 8336a and 8142a
- (b) Title 5, Code of Federal Regulations, Part 831, Subpart Q-Phased Retirement
- (c) Title 5, Code of Federal Regulations, Part 848-Phased Retirement

- (d) Title 5, Code of Federal Regulations, Part 610- Hours of Duty
- (e) Title 5, Code of Federal Regulations, Section 2301, Merit System Principles

5.1. ROLES AND RESPONSIBILITIES:

- (a) The assistant administrator for the Office of Administration and Resources Management will:
 - i. Manage and implement the Phased Retirement Program.
 - ii. Grant final concurrence to the request for participation in the Phased Retirement Program.

(b) The Office of Human Resources will:

- i. Monitor the use of the Phased Retirement Program;
- ii. Issue written policy guidance, including this Order;
- iii. Identify any technical and/or programmatic issues and recommend action to address these issues to the assistant administrator for the Office of Administration and Resources Management.
- iv. Review completed agency application (Appendix A) for participation in the Phased Retirement Program before forwarding for final concurrence by the assistant administrator for the Office of Administration and Resources Management.
- v. Ensure that effective systems and processes are in place for tracking the status of agency applications.
- vi. Report to the Office of Personnel Management, as appropriate if phased retirees return to regular employment status.
- vii. Provide required reports to OPM.

(c) Human Resources Shared Services Centers will:

- i. Provide and certify agency-required retirement counseling to phased retirement applicants.
- ii. Develop standard operating procedures for processing Phased Retirement applications.
- iii. Process required personnel actions for phased retirement participants.

(d) First Level Supervisors will:

- i. Review Phased Retirement Application (Appendix A) and provide initial recommendation (YES or NO) based on the selection criteria provided in Section 8.1 of this Order.
- ii. Move initial recommendation forward for concurrence by next level officials.

- iii. Notify applicant of final decision.
- iv. Meet and discuss expectations with employees who have been approved to take part in the Phased Retirement Program.
- v. If approved, ensure applicant adheres to the requirements outlined in the agency's service agreement.
- vi. Ensure the phased retiree meets the minimum mentoring requirement of 20% and properly records the time in the agency's timekeeping system.
- vii. Include mentoring as a critical element in the phased retiree's performance plan.
- viii. Initiate Request for Personnel Action (SF-52) upon receiving final approval.

(e) Concurring Officials

- i. Second level supervisor/manager review/evaluate and concur/non-concur with initial recommendation.
- ii. If the second level supervisor/manager concurs with the initial recommendation the DAA/DRA will provide concurrence/non-concurrence and forward to the National Benefits Officer.

(f) Phased Retirement Applicants will:

- i. Complete Phased Retirement Application (Appendix A), including fully addressing questions relating to mentoring.
- ii. Complete agency required retirement counseling;
- iii. Complete OPM and agency forms, including the service agreement for participation in the Phased Retirement Program; and
- iv. Acknowledge and adhere to the requirements outlined in the agency's service agreement for phased retirement.
- v. Ensures required OPM and agency forms are submitted to the servicing HR SSC for processing.

(g) Agency's National Benefits Officer in OHR will:

- i. Track submitted applications by assigning a tracking number after all concurrences have been received.
- ii. Return approved application/service agreement to the applicant and first line supervisor.
- iii. Notify the servicing SSC Employee Services Branch of the approved application.

6.1. POLICY:

The agency will promote the Phased Retirement Program in accordance with the applicable laws and regulations that govern phased retirement. The agency will ensure that any agency-specific requirements are implemented, and follow the applicable OPM provisions and regulations, and collective bargaining agreements.

7.1. ELIGIBILITY TO APPLY:

A retirement eligible employee may elect to apply for phased retirement status if the employee meets the following requirements:

- (a) Employed on a full-time basis for *not less* than the 3-year period ending on the effective date of phased retirement status.
- (b) Eligible for *immediate* retirement under the Civil Service Retirement System or the Federal Employees Retirement System.
 - ➤ CSRS employees must have at least 30 years of service and attained at least age 55 or have at least 20 years of service and have attained at least age 60.
 - FERS employees must have at least 30 years of services and attained at least their Minimum Retirement Age between ages 55-57, or have at least 20 years of service and have attained at least age 60.
- **8.1. SELECTION CRITERIA:** The decision to approve or disapprove submitted applications for participation in the Phased Retirement Program will be based on the criteria outlined below which follows Merit System Principles. Each application will be evaluated independently. Employees will be kept apprised of the status of their application throughout the process. Managers and supervisors will consider the following when reviewing applications:
 - (a) The agency's need for the employee to transfer his/her skill(s) or knowledge.
 - (b) The employee possesses the appropriate and specific skill(s) and the mentoring capacity to successfully ensure the transfer of knowledge.
 - (c) The employee's willingness and ability to meet the minimum mentoring requirement equivalent to 20% of the employee's biweekly work schedule (i.e., eight hours biweekly)
 - (d) The employee has submitted an adequate description of mentoring activities (per Appendix A, Section C) that will facilitate transfer of critical competencies to the mentee(s).
 - (e) There is payroll and a FTE available to support the phased retiree.
 - (f) The employee's performance level is at least "Fully Successful," or equivalent at the time of the application for phased retirement.
 - (g) The employee has not been subject to any misconduct-based action (e.g., adverse or disciplinary action) within the past 2 years from the date of the application for phased retirement.

9.1. MENTORING:

A mentor is an employee who will offer and transfer knowledge, advice and support to another employee(s). A phased retiree is required to spend a minimum of 20% or eight hours of their biweekly work schedule performing mentoring activities.

- (a) Mentoring activities may include, but are not limited to:
 - i. Knowledge transfer (e.g., sharing information through on- the- job training, developing Standard Operating Procedures, developing and providing training);
 - ii. Knowledge management (e.g., cataloging and storing information in databases shared with other employees, sharing strategies and processes used to conduct specific work tasks).
 - iii. Succession planning (e.g., identifying and developing potential leaders)
 - iv. Career development (e.g., one-on-one mentoring, giving advice and guidance to an individual).
- (b) Prior to the approval of the application, the first level supervisor of record and the phased retiree will work together to ascertain the mentoring activities to be performed, including when and how the mentoring will occur.
- (c) Mentoring hours will be recorded in the agency's timekeeping system with the appropriate code.
- (d) Mentoring will be a critical element added to the Performance Appraisal and Recognition System agreement for all employees approved to participate in the Phased Retirement Program.

10.1. PHASED RETIREMENT:

Phased retirement is a human resources tool that allows full-time employees to work a part-time schedule of 40 hours per pay period and receive partial retirement benefits during employment. Entry into phased retirement is strictly voluntary. Phased retirement is not an employee entitlement and requires approval by the agency. If an employee submits an application and is approved to enter phased retirement, the following apply:

- (a) The number of officially established hours per pay period to be worked by an employee in phased retirement status must equal one half the number of hours the phased retiree would have been scheduled to work had the phased retiree remained in a full time work schedule and not elected to enter phased retirement status (e.g., a full-time employee working 40 hours per week will work 20 hours per week as a phased retiree).
- (b) The effective dates for entering phased employment and for commencing a phased retirement annuity are the same and both begin on the first day of a biweekly pay period.
- (c) Performance standards for a phased retiree will include mentoring as a critical element.
- (d) A phased retiree may be reassigned to a position in the same series held prior to phased retirement or may be eligible for a detail subject to approval.
- (e) Phased retirees are subject to all applicable ethics rules and any restrictions including those pertaining to outside employment.

- (f) Phased retirees remain subject to the same performance and conduct requirements that apply to regular employment. Conduct and performance deficiencies will be addressed per agency policy, collective bargaining agreements, law and regulation.
- (g) Phased retirees may be eligible to telework subject to guidelines outlined in agency policies and collective bargaining agreements.
- (h) Phased retirees remain subject to the same work schedule and leave requirements that apply to regular employment consistent with agency policies and collective bargaining agreements.
- (i) An employee may only enter phased retirement status one time.

11.1. TIME LIMITS FOR PARTICIPATING IN PHASED RETIREMENT:

The employee is required to agree to a time limit stated in the phased retirement service agreement. The agency's established time limitations and requirements are as follows:

- (a) Phased Retirement agreements may be for up to one year renewable for a second year with management approval.
- (b) If the phased retiree is approved to participate in phased retirement for a second year, a new application and service agreement must be completed.
- (c) Requests to extend phased retirement participation beyond one year must have a recommendation from the first level supervisor and concurrence from agency officials (i.e., second level supervisor, DAA/DRA and AA/OARM) before the first year of phased retirement ends.
- (d) A phased retiree may enter into full retirement status at any time before the expiration date of the agreement.

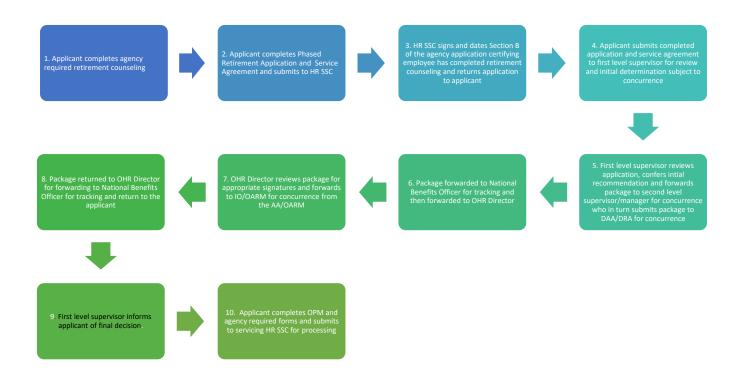
12.1. APPLICATION PROCEDURES AND APPROVALS:

Phased Retirement requests are accepted throughout the calendar year. Once a determination is made by the first level supervisor that an employee may participate in phased retirement, a Phased Retirement package must be completed in its entirety, including all required signature approvals *before* submitting for final processing by the servicing Human Resources Shared Service Center. See below for the required forms and the flow chart for application procedures and approvals (Figure 1).

The completed Phased Retirement package must include the following forms:

- (a) Phased Retirement Application (Appendix A);
- (b) Phased Retirement Service Agreement (Appendix B);
- (c) Office of Personnel Management's Phased Employment/Phased Retirement Status Elections Form located at: (https://www.opm.gov/forms/pdf_fill/sf3116.pdf).

Figure 1. Flow chart for phased retirement application procedures, recommendation and concurrence.



13.1. ENDING PHASED RETIREMENT STATUS TO RETURN TO REGULAR EMPLOYMENT:

An employee in phased retirement may submit a request to return to regular employment at the agency at any time and can *only* return to regular employment if approval is granted from the agency's final approving official. *A phased retiree is not guaranteed approval to return to regular employment.* The phased retiree's request is submitted to the first level supervisor and must include the following.

- (a) Form SF-3116, Part 2A, Election to End Phased Employment/Phased Retirement (https://www.opm.gov/forms/pdf_fill/sf3116.pdf);
- (b) Written determination from the first level supervisor that a return to regular employment would be beneficial to the agency and;
- (c) Written certification that full time employee and funding are available to allow a return to regular employment.

If the request is approved, OHR must notify OPM that the employee's phased retirement status has ended and must submit a copy of the completed election to end phased retirement status to return to regular employment status within 15 days of its approval.

If the phased retiree's request is disapproved, the phased retiree has the option to continue work as a phased retiree, transfer to a position with regular employment status at another agency or enter full retirement. A denial to approve a phased retiree's request to return to regular employment status is not an appealable adverse action under Title 5, United States Code, Chapter 75.

14.1. EFFECTIVE DATE FOR ENDING PHASED RETIREMENT STATUS TO RETURN TO REGULAR EMPLOYMENT STATUS:

Effective dates are as follows:

- (a) If a request is approved on any date *on or after the first day of a month through the fifteenth day of a month*, the phased retiree's resumption of regular employment status is effective the first day of the first full pay period of the month following the month in which the election to end phased retirement status to return to regular employment status was approved.
- (b) If a request is approved on any date *on or after the sixteenth day of month through the last day of a month*, the phased retiree's resumption of regular employment status is effective on the first day of the first full pay period of the *second month* following the month in which the election to end phased retirement status to return to regular employment status was approved.
- (c) Once an election to return to regular retirement status becomes effective, the employee may not reelect phased retirement status.

15.1. RECORDS:

Please see the agency's Record Schedules policies at: <a href="http://www.epa.gov/records/policy/schedule/index.htmhttp://www.epa.gov/records/policy/schedule/index.htmhttp://www.epa.gov/records/policy/schedule/index.htm for detailed retention instructions for the following:

- (a) EPA Records Schedule 553: Official Personnel Folders-Civilian; and
- (b) EPA Records Schedule 560: Notifications of Personnel Actions-Standard Form 50.

16.1. APPENDICES:

Appendix A: Environmental Protection Agency's Phased Retirement Application

Appendix B: Environmental Protection Agency's Phased Retirement Service Agreement



APPENDIX A

Environmental Protection Agency Phased Retirement Program Application

Section A – Criteria – To be eligible to apply for phased retirement, an employee must have been working a full-time work schedule for the 3-year period immediately before the effective date of a phased retirement election and must qualify for retirement under 5 U.S.C §8336(a) or (b), or 5 U.S.C §8412(a) or (b). The age and service requirements for those retirement provisions are as follows:

- CSRS:
 - · Age 55 with at least 30 years of creditable service, or
 - Age 60 with at least 20 years of creditable service.
- FERS:
 - Minimum Retirement Age (between age 55 and 57 depending on the date of birth) with at least 30 years of creditable service, or
 - Age 60 with at least 20 years of creditable service.

Employees in phased retirement status continue to work, but as a part-time employee, receiving 50 percent of their annual salary and drawing 50 percent of their retirement annuity for the purpose of facilitating knowledge transfer (e.g., training, mentoring, advising, etc.) to ensure seamless continuity of agency operations.

Employee Full Name		2.	2. Date of Application	
		C	Click here to enter a date.	
3. Official Position Title	4. Series	5.	. Grade	
6. Organization	7. Official Duty Location (7. Official Duty Location (City, state, zip code)		
8. Work Email	9. Work Phone Number	10. First Level Supervis	sor 11. Supervisor Phone Number	

Section B - Shared Service Center certification and counseling

By signing below both the applicant and the SSC agree that retirement counseling has been completed and the applicant has received a phased retirement estimate. The applicant has been advised that he/she will be paid 50 percent of his/her salary and will draw 50 percent of his/her retirement annuity while in phased retirement.

Note: Signature in section B does not constitute approval of the application.

Employee	Click here to enter a date.
Human Resources Specialists (Benefits Counselor)	Click here to enter a date.

Section C-Mentoring-A mentor is an experienced employee who provides and transfers knowledge, advice and support to another employee, often leading and guiding by example through his/her expertise.

As a Phased Retiree you are required to spend a minimum of 20% (8 hours) of your biweekly work schedule performing mentoring activities. Mentoring activities may include, but are not limited to:

- Knowledge transfer, (e.g., sharing information through on the job training, developing Standard Operating Procedures, developing and providing training);
- Knowledge management (e.g., cataloging and storage in databases, sharing strategies and processes);
- Succession planning (e.g., identifying and developing potential leaders);
- Career Development (e.g., one-on-one mentoring, providing advice and guidance to an individual).



<u>APPENDIX A</u> Environmental Protection Agency Phased Retirement Program Application

	Please describe the skills, competencies, and knowledge the character limit	at you believe qualify you for the	ne phased retirement program (500		
	Please describe how you will accomplish the transfer of sl (Refer to Section C above) (500 character limit)	kills, competencies, and knowle	dge to the mentee or mentees		
Sec	tion D - Employee acknowledgement and consent				
1.	. I have read the Phased Employment/Phased Retirement Status Highlights and certify that I am an employee that has been working a full-time work schedule for the 3-year period immediately before the effective date of entering into phased employment/phased retirement and that I meet the age and service requirements qualifying me for retirement under 5 U.S.C. 8336(a) or (b), or 5 U.S.C. 8412(a) or (b).				
2.	. ☐ I acknowledge that I will be required to work a part-time schedule equal to 50% of a full-time work schedule and that a minimum of 20% (8 hours) of my work schedule will be spent performing mentoring activities.				
3.	. I understand that I may request to end phased retirement and return to regular employment status with the consent of the agency. I also understand that should the agency consent to my request, the agency is not obligated to return me to the position of record held prior to entering phased retirement.				
4.	. \square I acknowledge management has full discretion to allow or disallow my request for participation in the Phased Retirement Program.				
5.	☐ I acknowledge that if my request for participation is allowed, mentoring will be a critical element added to my PARS.				
6.	5. I acknowledge that I have received counseling on military and civilian service deposits and redeposits prior to submitting this application.				
Em	Employee Signature Date: Proposed Effective Date of				
		Click here to enter a date.	Full Retirement Click here to enter a date.		
Section E - Completed by the first level supervisor - AA/Ship (Program Office)					
	How does this employee meet the selection criteria as described in ment of the selection criteria (500 character limit)	n section 8.1 of the Phased Reti	rement Order? Please address each		
	What is the employee's last summary rating of record? (Rating)				
Outstanding Exceeds Expectations Fully Successful Minimally Satisfactory Unacceptable					
3. Have there been any disciplinary actions within the past 2 years? (Yes/No) (If yes, please provide the dates)					
	Name Title		☐ Yes ☐ No		
I, (nmend this employee's applicat			
			Date Click here to enter a date.		
Section F – Completed by the second level supervisor - AA/Ship (Program Office)					
I, (Name Title	□ Concur □ Do N	fot Concur (Specify Reason(s)		
	ond Level Supervisor Signature		Click here to enter a date.		



<u>APPENDIX A</u> Environmental Protection Agency Phased Retirement Program Application

Section G - Completed by the Deputy As	sistant Administrator/Deputy I	Regional Ad	ministrator -	AA/Ship (Program Office)
Name Title		☐ Concur	☐ Do Not C	oncur (Specify Reason(s)
I,(), ()				
Signature				Click here to enter a date.
Section H – National Benefits Officer (NI	BO) – Assign a tracking numbe	r		
Tracking Number	Date Received From AA/Ship	(Program	Date Sent to	OHRClick here to enter a
	Office) Click here to enter a	date.	date.	
Section I – Director/Deputy Director, Off	fice of Human Resources			
Name Title	Review	wed		Date Returned to BO
I,(), ()	Click	here to ente	er a date.	Click here to enter a
				date.
Section J - Assistant Administrator, Offi	ce of Administration and Reso	urces Mana	gement	
Name Title	Date F	Returned to C	HR	
I,(), ()	Click	here to ente	er a date.	
☐ Concur ☐ Do Not Concur (Specify Rea	ason(s)			



Procedures for Completing Phased Retirement Program Application (EPA Form 3100-21 (07/2015)

All EPA employees are required to complete Sections A through D to apply for Phased Retirement. If approved, you must also submit Part I of the Phased/Employment/Phased Retirement Status Election Form, SF-3116 and a sign a Phased Retirement Service Agreement.

Instructions

Section A. Employee is required to complete the entire section. Employee is mandated to complete the agency's required retirement counseling.

Section B. To be signed and dated by employee and the servicing HR Shared Service Center certifying that the employee has completed retirement counseling.

Section C. To be completed by the employee. Employee must answer all questions.

Section D. Employee must check each box acknowledging his/her consent, and sign and date. Employee will forward the application to the first level supervisor.

Section E. To be completed by first level supervisor. All questions must be answered. Upon completion of the application, forward to the second level supervisor for concurrence.

Section F. Upon completion forward to Deputy Assistant Administrator/Deputy Regional Administrator - AA/Ship (Program Office for concurrence.

Section G. Completed by the Deputy Assistant Administrator/Deputy Regional Administrator - AA/Ship (Program Office) and forward to the Agency's National Benefits Officer (NBO)

Section H. Agency's NBO will assign a tracking number and forward the package to the Director/Deputy Director, Office of Human Resources.

Section I. The Director/Deputy Director, Office of Human Resources will review the package and forward the package to the Assistant Administrator, Office of Administration and Resources Management for concurrence.

Section J. To be completed by the Assistant Administrator, Office of Administration and Resources Management. Upon completion return to the Director, OHR. OHR will return the package to the NBO to return to the employee and notifies the servicing SSC Employee Services Branch of the approved application.



APPENDIX B

Environmental Protection Agency's Phased Retirement Service Agreement

Participation in phased retirement employment is strictly voluntary. Phased retirement requires approval by the employing agency. An employee may take part in phased retirement for one year, and may be extended for an additional year subject to management approval. This agreement establishes a mutual understanding between the agency and the phased retiree regarding the rules and requirements of the phased retirement program.

Note: Finalization of this agreement is subject to approval of Phased Retirement Application.

I, (Employee Name) mutually agree to enter into the agency's 12-month service agreement for phased retirement employment beginning mm/dd/yyyy (effective date for entry into phased retirement) and ending mm/dd/yyyy (not to exceed date for phased retirement employment).

The terms of the service agreement are as follows:

- 1. I certify I completed the agency's required retirement counseling on (mm/dd/yyyy).
- 2. As a phased retiree, I may only take part in phased retirement once during my career.
- 3. I acknowledge that I will be required to work a part-time schedule equal to 50% of a full-time work schedule and that a minimum of 20% (8 hours) of my work schedule be spent performing mentoring activities.
- 4. I may request permission to return to regular employment status at any time or within three days after the expiration of the agreement. I am not guaranteed a return to regular employment status upon a submitted request. A denial to approve a request to return to regular employment status is not an appealable adverse action under Title 5, United States Code, Chapter 75.
- 5. If a return to regular employment status is approved, rights to retirement benefits are determined based on the law in effect at the time of any subsequent separation from service and the phased retirement period will be treated as if it had been a period of part-time employment.
- 6. As a phased retiree, I may elect to fully retire at any time by submitting application SF-2801 (for CSRS employees) or SF-3017 (for FERS employees) to the servicing HR SSC.
- 7. The phased retirement annuity ends upon separation from federal service and the commencement date of the composite retirement annuity as a phased retiree entering full retirement is the day following separation from federal service.
- 8. As a phased retiree, I may accept a new appointment at another agency, with or without the new agency's approval of phased employment, at any time before the expiration of the agreement or within three days of the expiration of the agreement.
- 9. As a phased retiree, if I move from my current agency, which approved my phased retirement application, to another agency, and the authorizing official at the gaining agency does not approve a continuation of phased employment, my phased retirement status ends upon departing my current employing agency.
- 10. Upon the end of the agreed-upon term of phased employment, I will be separated from employment and the separation will be considered voluntary.

- 11. If I am separated from phased employment and not employed within three days (i.e., a break in service of greater than three days), I will be deemed to have elected full retirement.
- 12. The agency approving official(s) and I may rescind an existing agreement, or enter into a new agreement to extend or reduce the term of phased employment agreed to in an existing agreement, by entering into a new written agreement meeting the requirements of 5 CFR 848, before the expiration of the agreement currently in effect.

My signature indicates I fully understand and agree with the terms of the agency's phased retirent service agreement.			
Applicant Signature	Date		
First Level Supervisor	 Date		
Second Level Supervisor	 Date		
Deputy Assistant Administrator/Deputy Regional Administrator	Date		
Assistant Administrator, Office of Administration and Resources Management	 Date		

