§ 930.206 Performance rating and awards.

(a) An agency may not rate the job performance of an administrative law judge.

(b) An agency may not grant any monetary or honorary award or incentive under 5 U.S.C. 4502, 4503, or 4504, or under any other authority, to an administrative law judge.

§ 930.207 Details and assignments to other duties within the same agency.

(a) An agency may detail an administrative law judge from one administrative law judge position to another administrative law judge position within the same agency in accordance with 5 U.S.C. 3341.

(b) An agency may not detail an employee who is not an administrative law judge to an administrative law judge position.

(c) An agency may assign an administrative law judge to perform non-administrative law judge duties only when:

(1) The other duties are consistent with administrative law judge duties and responsibilities;

(2) The assignment is to last no longer than 120 days; and

(3) The administrative law judge has not had a total of more than 120 days of such assignments or details within the preceding 12 months.

(d) OPM may authorize a waiver of paragraphs (c)(2) and (c)(3) of this section if an agency shows that it is in the public interest to do so. In determining whether a waiver is justified, OPM may consider, but is not restricted to considering, such factors as unusual case
load or special expertise of the
detailee.

§ 930.208 Administrative Law Judge
Loan Program—detail to other
agencies.
(a) In accordance with 5 U.S.C. 3344,
OPM administers an Administrative
Law Judge Loan Program that coordi-
nates the loan/detail of an administra-
tive law judge from one agency to an-
other. An agency may request from
OPM the services of an administrative
law judge if the agency is occasionally
or temporarily insufficiently staffed
with administrative law judges, or an
agency may loan the services of its ad-
ministrative law judges to other agen-
cies if there is insufficient work to
fully occupy the administrative law
judges' work schedule.
(b) An agency’s request to OPM for
the services of an administrative law
judge must:
(1) Identify and briefly describe the
nature of the cases(s) to be heard;
(2) Specify the legal authority for
which the use of an administrative law
judge is required; and
(3) Demonstrate, as appropriate, that
the agency has no administrative law
judge available to hear the case(s).
(c) The services of an administrative
law judge under this program are made
from the starting date of the detail
until the end of the current fiscal year,
but may be extended into the next fis-
cal year with OPM’s approval. Deci-
sions for an extension are made by
OPM on a case-by-case basis.
(d) An agency wishing to temporarily
reemploy an administrative law judge
must submit a written request to OPM.
The request must:
(1) Identify the statutory authority
under which the administrative law
judge is expected to conduct pro-
ceedings;
(2) Demonstrate the agency’s tem-
porary or irregular workload require-
ments for conducting proceedings;
(3) Specify the tour of duty, location,
period of time, or particular cases(s)
for the requested reemployment; and
(4) Describe any special qualifica-
tions the retired administrative law
judge possesses that are required of the
position, such as experience in a par-
ticular field, agency, or substantive
area of law.
(e) OPM establishes the terms of the
appointment for a senior administra-
tive law judge. The senior administra-
tive law judge may be reemployed ei-
ther for a specified period not to exceed
1 year or for such time as may be nec-
essary for the senior administrative
law judge to conduct and complete the
hearing and issue decisions for one or
more specified cases. Upon agency re-
quest, OPM may reduce or extend such
period of reemployment, as necessary,
to coincide with changing staffing re-
quirements.
(f) A senior administrative law judge
serves subject to the same limitations
as any other administrative law judge
employed under this subpart and 5
(g) A senior administrative law judge
is paid the rate of basic pay for the pay
level at which the position has been
classified. If the position is classified

§ 930.209 Senior Administrative Law
Judge Program.
(a) OPM administers a Senior Admin-
istrative Law Judge Program in ac-
cordance with 5 U.S.C. 3323(b)(2). The
Senior Administrative Law Judge Pro-
gram is subject to the requirements
and limitations in this section.
(b) A senior administrative law judge
must meet the:
(1) Annuitant requirements under 5
U.S.C. 3323;
(2) Professional license requirement
in §930.204(b); and
(3) Investigations and suitability re-
quirements in part 731 of this chapter.
(c) Under the Senior Administrative
Law Judge Program, OPM authorizes
agencies that have temporary, irreg-
ular workload requirements for con-
ducting proceedings in accordance with
5 U.S.C. 556 and 557 to temporarily re-
employ administrative law judge annu-
itants. If OPM is unable to identify an
administrative law judge under §930.208
who meets the agency’s qualification
requirements, OPM will approve the
agency’s request.
(d) An agency wishing to temporarily
reemploy an administrative law judge
must submit a written request to OPM.
The request must:
(1) Identify the statutory authority
under which the administrative law
judge is expected to conduct pro-
ceedings;
(2) Demonstrate the agency’s tem-
porary or irregular workload require-
ments;