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# 5 U.S. Code § 3521 - Definitions

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In this subchapter, the term—

**(1)** “agency” means an Executive agency as defined under section 105 (other than the Government Accountability Office); and

**(2)** “employee”—

**(A)** means an employee as defined under section 2105 employed by an agency and an individual employed by a county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) who—

- (i) is serving under an appointment without time limitation; and
- (ii) has been currently employed for a continuous period of at least 3 years; and

**(B)** shall not include—

- (i) a reemployed annuitant under subchapter III of chapter 83 or 84 or another retirement system for employees of the Government;
- (ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or 84 or another retirement system for employees of the Government;
- (iii) an employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance;
- (iv) an employee who has previously received any voluntary separation incentive payment from the Federal Government under this subchapter or any other authority;
- (v) an employee covered by statutory reemployment rights who is on transfer employment with another organization; or
- (vi) any employee who—
  - (I) during the 36-month period preceding the date of separation of that employee, performed service for which a student loan repayment benefit was or is to be paid under section 5379;
  - (II) during the 24-month period preceding the date of separation of that employee, performed service for which a recruitment or relocation bonus was or is to be paid under section 5753; or
  - (III) during the 12-month period preceding the date of separation of that employee, performed service for which a retention bonus was or is to be paid under section 5754.

(Added Pub. L. 107-296, title XIII, § 1313(a)(1)(A), Nov. 25, 2002, 116 Stat. 2291; amended Pub. L. 112-74, div. G, title I, § 1401(b), Dec. 23, 2011, 125 Stat. 1134.)