

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

The Employee's Guide to Career Transition (CTAP, ICTAP, RPL)



Table of Contents

<i>Description</i>	<i>Page</i>
(1) Introduction	p. 3
(2) Where Can I Go for More Information?	p. 4
(3) Placement Priority--Reduction in Force or Out-of-Area Reassignment	p. 5
(A) Selection Priority in Your Agency (CTAP)	p. 5
(B) Agency Reemployment Priority Lists (RPL)	p. 13
(C) Selection Priority in Other Agencies (ICTAP)	p. 15
(4) Reemployment after Disability or Injury	p. 22
(A) Reemployment after Recovery from Job-Related Injury	p. 22
(B) Reemployment after Termination of Disability Annuity	p. 23
(C) Former Military Reserve/National Guard Technicians Receiving Special Disability Annuity	p. 23
(5) Veterans In Certain Positions	p. 23
(6) Career Transition Services	p. 24
(7) Job Information	p. 25
(8) Glossary of Terms	p. 26

(1). Introduction

As the Federal Government continues to restructure and downsize, some employees may find themselves having to "transition" to new jobs--sometimes even to occupations in the private sector. Making major career changes, perhaps for the first time in many years, can be a frightening and frustrating experience that raises many questions.

The Office of Personnel Management (OPM) recognizes the difficulties this kind of change can bring. We developed this guide to inform and prepare you to take charge of your career. Your transition is more likely to be successful if you see this as an opportunity to move to an exciting new job or career in the Federal government or the private sector.

Background

During the 1990's, transition and placement in the Federal government underwent a dramatic transformation. In 1995, OPM issued regulations requiring Executive Branch agencies to provide career transition assistance to employees affected by downsizing or restructuring. These agencies developed Career Transition Assistance Plans for their surplus and displaced employees.

Agency Career Transition Assistance Plans (CTAPs)

Agency plans must consist of three parts:

(1) Agency Career Transition Services

Each agency provides career transition services to surplus employees, giving them skills and resources to help them find other employment. These services might include skills assessment, resume preparation, counseling, or job search assistance. Agencies must also develop policies on retraining their surplus employees.

(2) Agency Special Selection Priority under the Career Transition Assistance Plan (CTAP)*

Agencies must give selection priority to their own well-qualified surplus employees who apply for vacancies in agency components in the local commuting area. Agencies must notify their surplus or displaced employees when they plan to fill these jobs. With a few exceptions, the agency must select those who apply and are eligible and well qualified before any other candidate from within or outside the agency.

(3) Agency Reemployment Priority Lists (RPL)

Each agency must also maintain a Reemployment Priority List (RPL) for each local commuting area where it separates employees by reduction in force. Employees can register for the RPL to tell their former agency that they want to return if the agency has vacancies. Employees can register for their agency's RPL as soon as they receive a reduction in force (RIF) separation notice. Before the agency can select a candidate outside its workforce, it must first check the RPL for that location. With a few exceptions, the agency must select a qualified employee from the RPL before hiring anyone from outside the agency.

Interagency Career Transition Assistance Plan (ICTAP)

OPM also changed the way displaced Federal workers receive priority for jobs in other agencies (besides the one they worked in before involuntary separation). In 1996, OPM suspended the Interagency Placement Program (IPP) and replaced it with the Interagency Career Transition Assistance Plan (ICTAP). The IPP was a centralized list of displaced employees referred by OPM to hiring agencies. ICTAP is very different from the IPP and has placed more employees. ICTAP is not a list--instead, employees must apply for positions in the local commuting area and include proof that they were displaced. ICTAP gives an eligible, well-qualified employee selection priority over almost any other applicant from outside the agency. Under ICTAP, for example, a DoD employee with a RIF separation notice could apply for a competitive service vacancy in the local commuting area at the Department of Education. In most cases, Education must select this well-qualified person for the position before choosing another applicant from outside the agency.

** Note to DoD Employees:* The Department of Defense (DoD) does not provide agency selection priority through CTAP. Instead, DoD uses the Priority Placement Program (PPP) to help place its surplus employees. DoD also provides career transition services to its employees to the extent possible. Displaced DoD workers can also register for their local RPL, and request selection priority for jobs in non-DoD agencies using the ICTAP.

(2). Where Can I Go for More Information?

The rest of this Guide explains CTAP, ICTAP and RPL and how they work. Your human resources office should have information on your agency's specific services and programs, including agency career transition services, CTAP selection priority, and RPL. Agency human resources representatives should also be able to answer your questions about ICTAP selection priority.

OPM's website at www.opm.gov provides access to information on various human resources

topics, including lists of Federal job opportunities worldwide. You should also visit DOL's link to state employment and retraining services at: www.careeronestop.org.

OPM has information on worldwide Federal job opportunities available at www.usajobs.gov.

(3). Placement Priority--Reduction in Force (RIF) or Out-of-Area Reassignment

(A). Selection Priority in Your Agency (CTAP)

CTAP is designed to improve your chances of finding a new job in your agency through selection priority. OPM's regulations establish the minimum requirements agencies must meet in providing their employees with transition services and selection priority for vacancies. Each agency has a specific Career Transition Assistance Plan containing detailed information about the agency's transition policies. Your human resources office should be able to explain the specifics for your agency.

Note for Department of Defense (DoD) Employees: CTAP special selection priority does not apply to DoD employees. DoD uses the Priority Placement Program (PPP) to help place its surplus employees. You can get more information on the PPP from the DoD Civilian Transition Programs Office at (478) 926-3706 or from their web site at <http://www.cpms.osd.mil/Subpage/Library>. DoD also provides career transition services to its employees to the extent possible. In addition to the PPP, displaced DoD employees can register for their local RPL, and request selection priority for jobs in non-DoD agencies using the ICTAP.

1. How do I get selection priority for vacancies in my agency?

You must:

- be "surplus" or "displaced" (in other words, you must meet the definitions in either 2. or 3. below);
- have a current performance rating of at least "fully successful" (Level III) or equivalent;

- occupy a position in the same local commuting area of the vacancy;
- apply for a specific vacancy at or below your current grade level with no greater promotion potential than your current position;
- meet the application deadline in the announcement; and
- be found "well qualified" for the job.

2. *What is a "surplus" employee?*

You are "surplus" if you:

- are in the competitive service**;
- are in tenure group I (career) or tenure group II (career-conditional); and
- have an official notice from your agency saying that your position is no longer needed. This notice could be:
 - a "Certificate of Expected Separation" (CES);
 - an agency certification that you are in a surplus organization or occupation;
 - a notice that your position is being abolished; or
 - a letter saying you are eligible for discontinued service retirement.

** Agencies can extend the definition of a "surplus" employee to include employees in the excepted service if they are on Schedule A or B appointments without time limit and have received an appropriate notice (see above). Selection priority for these employees is limited to other permanent Schedule A or B positions in the same agency and local commuting area. **Note:** Excepted Service employees are not eligible for selection priority in other agencies under the Interagency Career Transition Assistance Plan.

3. *What is a "displaced" employee?*

You are "displaced" if you:

- are in the competitive service**;
- are in tenure group I (career) or tenure group II (career-conditional); and

- have an official notice from your agency saying you will be separated by reduction in force. This notice could be:
 - a specific reduction in force separation notice; or
 - a notice of proposed removal because you declined a directed reassignment or transfer of function out of the local commuting area.

** Agencies can extend the definition of a "displaced" employee to include employees in the excepted service if they are on Schedule A or B appointments without time limit and have received an appropriate notice (see above). Selection priority for these employees is limited to other permanent Schedule A or B positions in the same agency and local commuting area. **Note:** Excepted Service employees are not eligible for selection priority in other agencies under the Interagency Career Transition Assistance Plan.

4. *Who is not eligible for selection priority?*

You are generally not eligible for selection priority if you are:

- in the excepted service (unless your agency gives special selection priority to excepted employees);
- downgraded or reassigned due to reduction in force, but not separated;
- in a different local commuting area from the vacancy;
- in a temporary or term position in the competitive service;
- in an agency that is not in the Executive branch;
- in an agency that does not follow OPM hiring procedures (this includes Postal Service, legislative and judicial branch agencies); or
- in the Senior Executive Service (SES).

5. *I meet all the requirements for CTAP priority. How does this selection priority in my agency work?*

With few exceptions, if your agency plans to fill a vacancy in the local commuting area lasting more than 120 days, it must give CTAP eligibles the opportunity to apply. Agencies can advertise vacancies to surplus and displaced agency employees using OPM's USAJOBS, email, bulletin boards, etc. If you are interested in an advertised vacancy,

you must apply within the time frame given and attach proof of your CTAP eligibility (see below).

If the agency finds you well qualified for the vacancy, you have priority over other candidates from within or outside your agency. If you are among two or more well-qualified CTAP eligibles, the agency may select any one of you. Agencies may select candidates from other agency components only after giving priority to eligible CTAP candidates within the component. An example of a component might be the National Park Service within the Department of the Interior. Check with your human resources office to see how your agency defines “component.”

6. *When does my eligibility begin?*

Your eligibility begins when you receive one of these notices or documents:

- a reduction in force (RIF) separation notice;
- a notice of proposed removal for declining a directed reassignment or transfer of function to another local commuting area;
- a Certificate of Expected Separation (CES); or
- your agency's certification that you are in a surplus organization or occupation (this could be a position abolishment letter, a notice of eligibility for discontinued service retirement, or similar notice).

Whichever notice or document you receive is your proof of eligibility for CTAP priority.

7. *When does my eligibility expire?*

Your eligibility expires when:

- your agency separates you by RIF;
- you resign, retire or otherwise separate from the agency;
- your agency separates you for declining a directed reassignment or transfer of function to another local commuting area;
- your agency cancels or rescinds the notice that made you eligible;

- you move to another position in the agency, time-limited or permanent, that is not affected by the RIF;
- you receive a career, career-conditional, or excepted service position without time limit in any agency; or
- you are no longer being separated by RIF.

8. *What are the steps in the process?*

Step One: Application

If you are eligible, you request CTAP selection priority by:

1. applying for a vacancy in your agency in the local commuting area; and
2. attaching proof of eligibility (for example: your RIF separation notice, CES, surplus notification, or notice of proposed removal). Make sure you attach any other documentation requested by the agency in the vacancy announcement.

Step Two: Qualifications Review

The agency reviews your application, comparing your background to the required qualifications, selective factors, knowledge, skills, abilities and competencies to determine if you are well qualified for the job. The agency must define "well qualified" on vacancy announcements so you know the criteria they are using.

If your agency finds that you are not well qualified, they must conduct a second review of your application and tell you the results in writing.

Step Three: Selection

If your agency finds you well qualified for the vacancy, in most cases they must select you before hiring another candidate from either inside or outside the agency.

If two or more well-qualified CTAP applicants request selection priority, the agency may choose among them. Some agencies have a specific policy on selection order (for example, they may always select "displaced" employees before "surplus" employees).

If no well-qualified CTAP eligibles apply, the agency can fill the position through other means.

9. What does "vacancy" mean?

Under CTAP, a vacancy is a competitive service position lasting 121 days or more. It is a "vacancy" if the agency plans to fill the position, even if they originally intended to do so without posting a competitive announcement.

10. What is my "local commuting area"?

Your local commuting area is based on the duty station of your position of record when you receive your notice. Agencies determine the local commuting area for jobs they announce. It is the geographic area usually considered a single area for employment purposes. It includes any population center and the surrounding localities where people live and routinely travel back and forth daily to their jobs. You can only get selection priority for vacancies announced in your local commuting area.

11. What does "well qualified" mean?

"Well qualified" means that you:

- meet the qualification standards and eligibility requirements for the position, including any medical qualifications, suitability, and minimum educational and experience requirements;
- meet all selective factors;
- either meet quality ranking factor levels at the level set by the agency, or are rated above minimally qualified in accordance with the agency's specific rating and ranking process;
- are physically qualified, with reasonable accommodation where appropriate, to perform the essential duties of the position;
- meet any special qualifying condition(s) for the position (such as the ability to speak a specific language or other selective factor); and
- are able to satisfactorily perform the duties of the position upon entry.

If your agency finds that you are not well qualified, they must conduct a second review of your application and tell you the results in writing.

12. Can "well qualified" vary between positions or agencies?

Yes. Each position has its own qualification requirements, selective factors, knowledge, skill, ability and competency requirements. Since each job is different, you should relate your background and experience directly to the position.

13. *Can I get priority for higher-graded positions?*

No. Selection priority only applies to vacancies at your same (or a lower) grade, and with no higher promotion potential than your current position.

You can still apply for jobs at higher grades or those with greater promotion potential, but you won't receive selection priority when you compete for those jobs.

14. *What about lower-graded jobs?*

If you are thinking about applying for lower-graded jobs, you should ask your agency about its pay-setting policies. They could offer the job at a lower salary than you had before. Don't apply for a job you won't accept, because turning down any permanent offer may end your selection priority.

15. *Is my priority limited to certain job series?*

No. You can apply for any position, but you only get selection priority if you are well qualified for the job.

16. *I'm not sure whether I'm well qualified for a particular position. How can I find out?*

You can probably tell by reviewing the requirements in the vacancy announcement and comparing them to your credentials. If you are having trouble, ask your human resources office or career transition center for help in determining your qualifications.

17. *What happens if I decline a job offer? Do I lose my eligibility?*

Your agency may end your selection priority if you apply for a permanent vacancy and are selected, but decline the offer. Check your agency's policies for specifics. If you decline a temporary or term position, you keep your selection priority for permanent positions until you separate or your eligibility ends for some other reason.

18. *I am full-time, but I might apply for a part-time job. What happens if I accept?*

Accepting another position--even part-time--ends your eligibility for agency selection priority. As we said before, don't apply for a job you won't accept because turning down a

permanent position will end your selection priority.

19. *If I take a temporary or term job, will I lose my CTAP eligibility?*

Yes. Accepting another position, even time-limited, means you are no longer faced with RIF separation, so you no longer get agency selection priority.

20. *What if I accept a position outside the Federal Government? Am I still eligible for selection priority?*

Your eligibility for CTAP selection priority in your agency ends when you separate, whether you leave involuntarily (such as by RIF) or voluntarily (such as by resignation). However, if you separated involuntarily, you might still have selection priority in other agencies (see Section 3 (C) of the Guide).

21. *What if I move? Am I eligible for selection priority for agency vacancies in a different geographic area?*

No, not unless your agency's policy expands the area for CTAP priority. You can still apply for jobs in your new location, but you will not receive selection priority for those jobs.

22. *My agency says I wasn't well qualified for a job. I disagree. Where can I go with my complaint?*

Each agency should have a problem resolution coordinator to handle these types of situations. Ask your human resources office for the person or office to hear your grievance or complaint.

23. *I am not eligible for CTAP selection priority. Is there any other assistance available to me?*

See Section 6 of this Guide for information on services that may be available to surplus or displaced employees. All employees, including those in the competitive, excepted, and Senior Executive Service (SES), are eligible for some type of career transition assistance or services.

SES employees are eligible for placement assistance through a special SES placement program. If you are an SES employee facing RIF separation, check with your agency human resources office for information about this program.

Agencies that do not follow OPM hiring procedures (this includes Postal Service, legislative and judicial branch agencies) are not required to provide career transition services to their

employees, but many still do. Consult your human resources office for details.

(B). Agency Reemployment Priority Lists (RPL)

Agencies must maintain a Reemployment Priority List (RPL) for competitive service employees facing RIF separation, those who have already been RIF'd, and employees recovered from work-related (compensable) injuries.

24. What is a Reemployment Priority List (RPL)?

The RPL is a list agencies use to give reemployment priority to any career and career-conditional competitive service employees they separated by RIF or due to compensable injury. Under OPM regulations, each agency must establish an RPL for each local commuting area where competitive service employees have either been RIF'd or have recovered from work-related injury.

25. Can I get hiring preference in other agencies by getting on the RPL?

No. The RPL only provides hiring priority for jobs in your current/former agency in the same local commuting area. It does not give you priority for jobs in any other agency. The ICTAP (see section 3(C) below) gives you selection priority for jobs in other agencies.

26. When am I eligible for the RPL? When does my eligibility expire?

You can register for your agency's RPL when you receive either a specific reduction in force separation notice or a Certificate of Expected Separation (CES). You must have a rating of least a "minimally successful" or equivalent (Level II) for your current performance rating.

You can also register if you separated more than one year ago due to a work-related injury, you have fully recovered, and your worker's compensation benefits have ended.

The registration deadline is 30 calendar days after RIF separation, or 30 calendar days after worker's compensation benefits terminate.

Career (tenure group I) employees get two years of rehiring priority starting from the date your name is put on the agency RPL. Career-conditional (tenure group II) employees get one year of priority.

Your eligibility also ends if you:

- ask the agency to remove your name from the RPL;

- receive a career, career-conditional, or excepted service appointment without time limit in any agency;
- decline a permanent job offer at your current or former grade;
- decline an interview;
- don't respond to an offer or an availability inquiry, or fail to appear for a scheduled interview; or
- separate for some other reason (such as retirement or resignation) before the RIF date.

27. *How do I apply for the RPL?*

Ask your agency for an RPL application form. You should specify the grade(s), occupation(s), minimum hours of work per week you would accept, and whether you are interested in temporary and/or term jobs.

You can register for as many positions as you like. Your agency human resources specialist should help you determine which positions you qualify for and answer any questions you have about the RPL application.

28. *Am I limited to certain series or grades?*

You can list any position on your application, but you only get priority for jobs you qualify for at the same (or lower) grade with no higher promotion potential than your current (or last) position.

If you are thinking about listing lower-graded jobs, you should ask your agency about its pay-setting policies. They could offer a job at a lower salary than you had before. Don't list a job you don't think you would accept because turning down a permanent offer could limit or terminate your RPL consideration, depending on the grade level and type of offer.

29. *When does the agency have to consider me through the RPL?*

You get priority when your agency fills competitive service jobs from outside its workforce. This includes temporary and term positions if you indicated interest in time-limited jobs on your RPL application.

If you qualify for the vacant job, your agency may not fill the position by:

- a new appointment (unless they appoint a veteran with at least 10-point hiring preference);
- transferring someone from another Federal agency; or
- reinstating a former Federal employee (unless they appoint someone with restoration or reemployment rights).

30. *Can the agency fill positions without having to choose someone from the RPL?*

Yes, agencies may fill positions without considering RPL registrants under certain circumstances. These situations include:

- selecting someone from the agency's current workforce;
- no qualified RPL registrants are available at the grade level of the position being filled; or
- filling the position through a 30-day special needs appointment, an appointment for persons with disabilities, or another excepted appointment.

(C). Selection Priority in Other Agencies (ICTAP)

31. *Who is eligible?*

To receive selection priority in other agencies through the Interagency Career Transition Assistance Plan (ICTAP), your current or last position must be/have been career (tenure group I) or career-conditional (tenure group II) in the competitive service, and you must fall under one of these categories:

- *RIF*--you have been (or are being) involuntarily separated from an Executive branch agency through reduction in force;
- *Transfer of Function/Directed Reassignment*--you have been (or are being) separated under adverse action procedures because you declined a transfer of function or directed reassignment to another local commuting area;
- *Injury Compensation*--you were separated due to work-related injury, your worker's compensation benefits have stopped because you recovered, and your former agency is

unable to place you through its RPL (see Section 3 B of this Guide);

- *Disability Annuitant*--you retired with a disability and your annuity has been /will be terminated because OPM considers you recovered;
- *RIF--Retired*--you received a RIF separation notice and elected either optional retirement on the RIF effective date, or discontinued service retirement on or before the RIF date;
- *Military/National Guard Technician*--you were a Military Reserve or National Guard Technician and now receive a special OPM disability retirement annuity.

32. I am in one of the categories you just described. How do I get selection priority for vacancies in other agencies?

You must:

- have a current performance rating of at least "fully successful" (Level III) or equivalent*** ;
- occupy (or have been separated from) a position in the same local commuting area of the vacancy;
- apply for a specific vacancy at or below the grade level you are being (or have been) separated from that does not have greater promotion potential than your last position;
- meet the application deadline; and
- be found "well qualified" for the job.

****Note:* This requirement does not apply if you qualify for ICTAP due to injury compensation or disability annuity.

33. Who is not eligible for selection priority?

You are generally not eligible for selection priority if you are:

- in the excepted service (unless you are covered under a separate law that gave you ICTAP eligibility);
- downgraded or reassigned involuntarily, but not separated;

- in a different local commuting area from the vacancy;
- in a temporary or term position in the competitive service;
- in an agency that is not in the Executive branch;
- in an agency that does not follow OPM hiring procedures (this includes Postal Service, legislative and judicial branch agencies); or
- in the Senior Executive Service (SES).

34. *If I took a buyout, am I eligible for selection priority?*

Voluntary separation incentives, or buyouts, are given to employees who volunteer to leave the Federal service. Placement assistance is for employees who are involuntarily separated. So, if you retired or resigned with a buyout, you are not entitled to placement assistance. You can apply and compete for Federal jobs, but you would not receive selection priority--and you might have to pay back the full buyout amount if reemployed.

35. *When does my eligibility begin?*

Your eligibility begins when you receive one of the following documents:

- a reduction in force (RIF) separation notice;
- a notice of proposed removal for declining a directed reassignment or transfer of function to another local commuting area;
- an OPM notice that your disability annuity has been (or will be) terminated;
- certification from your former agency that it cannot place you after your recovery from a compensable injury; or
- certification from the National Guard Bureau or Military Department that you are eligible for a disability retirement and will receive the special OPM annuity.

Whatever notice you receive is your proof of eligibility for ICTAP priority.

36. *When does my eligibility expire?*

Your ICTAP eligibility expires:

- one year after your RIF separation;
- one year after your agency separates you for declining a directed reassignment or transfer of function to another local commuting area;
- one year after your agency certifies that they cannot place you after your recovery from a compensable injury;
- one year after you are notified that your disability annuity has been or is being terminated;
- when you receive a career, career-conditional, or excepted service position without time limit in any agency;
- when your agency cancels or rescinds your RIF or removal notice;
- if you move to another position, time-limited or permanent, before the RIF date;
- if you separate by resignation or non-discontinued service retirement before the RIF effective date; or
- with a specific agency, if you decline a permanent offer from that agency.

37. What are the steps in the process?

When an agency plans to hire an outside candidate, they must post the vacancy on OPM's USAJOBS systems. The announcement will contain all requirements well qualified candidates must possess--selective factors, qualifications, education, knowledge, skills, abilities, and competencies. See the last section of this Guide for information on how to access USAJOBS.

Step One: Application

If you are eligible, you request ICTAP selection priority by:

1. applying for a vacancy in the local commuting area; and
2. attaching proof of eligibility (your RIF separation notice, notice of proposed removal for failure to relocate, notice of disability annuity termination, an SF-50--Notification of

Personnel Action--documenting RIF separation, agency certification of inability to place you through the RPL, etc.). Make sure you attach any other documentation requested by the agency in the vacancy announcement.

Step Two: Qualifications Review

The agency reviews your application, comparing your background to the required qualifications, selective factors, knowledge, skills, abilities, and competencies to determine if you are well qualified for the job. They must include their definition of "well qualified" on vacancy announcements so you know the criteria they are using.

If the agency finds that you are not well qualified, they must conduct a second review of your application and tell you the results in writing.

Step Three: Selection

The agency must first select its own surplus or displaced employees under its Career Transition Assistance Plan (CTAP). If there are no well-qualified CTAP eligibles, the agency may fill the job from within its current workforce or select an employee from its Reemployment Priority List (RPL).

After the agency clears its CTAP and RPL, they must consider ICTAP candidates before selecting most other outside candidates. If the agency finds you well qualified for the vacancy, in most cases they must select you before hiring another applicant from outside the agency.

At any time during the recruitment process, the agency may choose not to fill the vacancy, or to select one of its own employees.

If two or more well-qualified ICTAP applicants request selection priority, the agency may choose among them.

If no well-qualified ICTAP eligibles apply, the agency is free to fill the position through other means.

38. Do I get priority for every Federal job?

No, there are some exceptions. Under ICTAP, you may request selection priority for vacancies that are:

- in the local commuting area;

- in any Executive Branch agency (Note: the Postal Service, courts, etc., are NOT Executive Branch agencies);
- at or below your current (or last) grade level, with no greater promotion potential than the position from which you were (or are being) separated; and
- being filled from outside the agency's workforce.

39. *When can an agency fill a position without having to select an ICTAP eligible?*

Well-qualified ICTAP eligibles have priority over most other candidates from outside the agency. Agencies must give ICTAP eligibles priority before filling a competitive service position through competitive examining, noncompetitive appointment, transfer, or reinstatement.

There are situations where agencies can fill positions without selecting a well-qualified ICTAP eligible. These exceptions include: vacancies lasting less than 121 days; reemployment of former agency employees with reemployment rights; employees moved due to formal reorganization or transfer of function; selection of internal agency employees; appointments of veterans with 10 point or greater hiring preference; and conversions of specific excepted appointments.

40. *What does "local commuting area" mean?*

Local commuting area is defined in the CTAP section of this Guide (section 3 (A), Question 10).

41. *What does "well qualified" mean?*

"Well qualified" is defined in the CTAP section of this Guide (section 3 (A), Question 11).

42. *Can I get priority for higher graded positions?*

No. Selection priority applies only to vacancies at your same (or lower) grade and with no greater promotion potential than your current or last position.

You can apply for jobs at higher grades or with greater promotion potential, but you won't receive selection priority when you compete for those jobs.

43. *What about lower-graded jobs?*

If you are thinking about applying for lower-graded jobs, you should ask the agency about its pay-setting policies. They could offer the job at a lower salary than you had before. Don't apply for a job you won't accept, because turning down any permanent offer may end your right to selection priority, at least with that agency.

44. *Is my priority limited to certain job series?*

No. You can apply for any position, but you only get selection priority if you are well qualified for the job.

45. *I'm full-time, but I might apply for a part-time job. What happens if I accept?*

Accepting any permanent position--even part-time--ends your selection priority. As we said before, don't apply for a job you won't accept because turning down any permanent offer may end your selection priority with that agency.

46. *If I take a temporary or term job, do I lose my selection priority?*

It may depend on when you accept the position. If you receive a separation notice, but accept a temporary or term job before the involuntary separation occurs, your selection priority ends because you are no longer being involuntarily separated. However, if you accept a temporary or term job after your involuntary separation, you still have selection priority for permanent jobs. If you receive a career, career-conditional, or excepted appointment without time limit in any agency, your selection priority ends. Before accepting any employment offer, permanent or time-limited, you should check with a human resources specialist about the effect it would have on your eligibility.

47. *What if I accept a position outside of the Federal Government? Am I still eligible for selection priority?*

If you resign or retire before RIF or other involuntary separation, you lose your ICTAP eligibility. Otherwise, accepting employment outside the Federal Government after involuntary separation does not affect your ICTAP eligibility. You can continue to request ICTAP priority when applying for Federal jobs for one year after your separation, or until you accept a permanent Federal position, whichever comes first.

48. *What if I move? Am I eligible for selection priority for Federal vacancies in a different geographic area?*

No, ICTAP selection priority only applies in the local commuting area from which you were (or are being) separated. You can apply for jobs in your new location, but you will not receive selection priority for them.

49. *I applied for a job, but the agency says I am not well qualified for it. I disagree. Where can I go with my complaint?*

Each agency should have a problem resolution coordinator to handle these types of situations. Ask the human resources office for the person or office to hear your grievance or complaint.

50. *I'm not eligible for ICTAP selection priority. Is there are other assistance available to me?*

See Section 6 of this Guide for information on services that may be available to surplus or displaced employees. All employees, including those in the competitive, excepted, and Senior Executive Service (SES), are eligible to receive some type of career transition assistance or services.

SES employees are eligible for placement assistance through a special SES placement program. If you are an SES employee facing RIF separation, check with your agency human resources office for more information about this program.

Agencies that do not follow OPM hiring procedures (this includes Postal Service, legislative and judicial branch agencies) are not required to provide career transition services to their employees, but many still do. Consult your human resources office for details.

(4). Reemployment after Disability or Injury

(A). Reemployment after Recovery from Job-Related Injury

Career or career-conditional competitive service employees who left the Government due to job-related illness or injury, were eligible for Workers' Compensation benefits (OWCP), and recovered within one year, are eligible for immediate restoration to their former agency. You should contact your former agency's human resources office to request restoration.

If it has been more than one year since you left with OWCP benefits, you may be eligible for your former agency's Reemployment Priority List (RPL). You must apply for the RPL within 30 days of the date your workers' compensation benefits end. If your agency is unable to place you in your former job or local commuting area, you may be entitled to broader consideration for other jobs and/or locations.

For general information on the RPL, read section 3(B) of this Guide.

If your former agency is unable to place you through their RPL (for example, the types of jobs you are qualified to do no longer exist in the agency), you may be eligible for ICTAP selection priority. This will allow you to request priority for jobs in other agencies in the local commuting area you were in when you separated. You must ask your former agency to certify that they cannot place you through the RPL. This certification is your proof of ICTAP eligibility and you must submit it with all job applications. Your ICTAP eligibility ends one year from the date of the agency's certification. You are not required to include your current or last performance appraisal. For more information on ICTAP, see section 3(C) of this Guide.

(B). Reemployment after Termination of Disability Annuity

Former employees who retired with a disability may lose their annuity if they exceed earnings limitations or have medically recovered. If OPM's Retirement Office notifies you that your annuity has been or will be terminated, you should first check with your former agency to see if they can re-employ you. You can also request ICTAP selection priority for jobs in agencies other than your former agency if you retired as a career or career-conditional employee in the competitive service. Your ICTAP priority is limited to jobs in the local commuting area you were in when you separated. Your annuity termination notice from OPM is your proof of ICTAP eligibility and you must submit a copy of it with all job applications. Your ICTAP eligibility ends one year from the date of the notification. You are not required to include your current or last performance appraisal. For more information on ICTAP, including eligibility requirements, see section 3(C) of this Guide.

(C). Former Military Reserve/National Guard Technicians Receiving Special Disability Annuity

Career or career-conditional competitive service employees receiving a special disability annuity from OPM as a former Military Reserve Technician or National Guard Technician are eligible for ICTAP selection priority. This allows you to apply for jobs in other agencies besides your former agency in the local commuting area you were in when you separated. The special disability annuity notice is your proof of ICTAP eligibility and you must submit a copy of it with all job applications. Unlike other ICTAP eligibles, your selection priority does not have a one-year time limit. You need not include the current or last performance appraisal required for other ICTAP candidates. For more information on ICTAP, see section 3(C) of this Guide.

(5). Veterans in Certain Positions

Preference eligible veterans displaced from "restricted" Federal positions due to "A-76 contracting out" (outsourcing under Office of Management and Budget Circular A-76

procedures), may be eligible for selection priority under ICTAP. “Restricted” positions include Custodians, Elevator Operators, Guards, and Messengers. Specific regulations covering these veterans are in title 5, Code of Federal Regulations, Part 330, Subpart D. The Code of Federal Regulations is available through the Government Printing Office web site at <http://www.ecfr.gov>.

This ICTAP eligibility lasts two years from the date of the separation. All other ICTAP provisions are the same. For more information on ICTAP, read section 3(C) of this Guide.

(6). Career Transition Services

51. What types of services are available to me to help me find another job?

Ask your agency what services it offers. Depending on employees' needs and budget constraints, agency services will vary. Some examples of career transition services include: skills assessment, resume and cover letter preparation, networking and interviewing techniques, counseling, job search assistance, and retraining (if necessary).

52. When am I eligible to use agency career transition services? When does this eligibility expire?

Career transition services are available to surplus or displaced employees. You can use these services until separation. Some agencies also provide services after separation.

53. How will these services help me find another job, including employment in the private sector?

Career transition services can be valuable. Agency services can help you develop or improve your resume--the most widely used tool in both public and private sector employment. They can help you locate job opportunities through State and local government employment information services. Agencies can also help you practice interviewing techniques and conduct skills assessments to help identify occupations best suited to your talents.

54. Besides my agency, are there other services available to me?

You can visit DOL's link to state employment and retraining services at: www.careeronestop.org. This page provides a link to resources established under the Workforce Investment Act of 1998 including re-training, career counseling, and other local, state-run services available to you.

(7). Job Information

55. How do I find out about other Federal vacancies?

Job seekers can find out about Federal career opportunities on USAJOBS at **www.USAJOBS.gov**

USAJOBS provides Federal employment information and access to current job opportunities across the world each day. On the site, you can search and apply for jobs, create saved search notifications and check the status of your recently submitted job applications. The USAJOBS Help Center provides information on Federal employment, unique hiring paths, and how to apply for Federal positions. The USAJOBS Resume Builder will help you to create online resumes specifically designed for Federal jobs.

56. How do I find out about vacancies in State and local Governments or the private sector?

Your agency's career transition center will have information on local job information networks which can help you locate employment in your particular area.

For more information on training or retraining opportunities, contact your local State employment services department and ask about training/retraining possibilities under the Workforce Investment Act of 1998. The U.S. Department of Labor administers a dislocated worker program to assist laid off workers who are unlikely to return to their previous industry or occupation. The dislocated worker program authorizes a wide range of services to help individuals obtain meaningful re-employment. These services may include assessments of skills and interests, job development, counseling, job search assistance, career exploration, and occupational skills retraining, like computer training. States and local substate grantees decide on the particular mix and availability of services. The program is funded by U.S. Department of Labor, Employment & Training Administration. The web site address is www.doleta.gov.

(8). Glossary of Terms

An agency that does not follow OPM hiring procedures: Any agency exempt from title 5, United States Code, the law covering certain government organizations and employees. This includes legislative and judicial branch agencies as well as the Federal Aviation Administration, U.S. Postal Service, General Accounting Office, Tennessee Valley Authority, Federal Bureau of Investigation, Central Intelligence Agency, State Department's Foreign Service, Federal Reserve System-related agencies, and others.

Agency component: The first major subdivision of the agency, separately organized and clearly distinguished from other components in work function and operation. An example of a component might be the National Park Service within the Department of the Interior. Each agency decides what is or is not a “component” within their particular agency organizational structure.

Competitive Service: Executive branch positions covered by civil service merit system laws. These jobs are normally filled through an open competitive civil service examination (but this does not necessarily mean taking a test). You should be able to tell from your Standard Form 50 (Notification of Personnel Action), block 34, if your position was/is in the competitive service.

Displaced Employee: See question 3 (section 3(A)).

Excepted Service: Civil service positions specifically excluded from the competitive service by law, executive order, or OPM action. These jobs are usually not covered by the same hiring/appointment, pay, and classification rules as competitive service jobs. Excepted service positions include attorneys, most security/intelligence positions, and most student appointments.

Executive Branch: Agencies under the direct authority of the President of the United States. These include Cabinet level agencies such as the Departments of Defense, Justice, Transportation, Energy, Education, Health and Human Services, Agriculture, Interior, etc., and smaller agencies such as the Office of Personnel Management, National Aeronautics and Space Administration, Small Business Administration, etc. The Senate, House of Representatives and the Library of Congress are part of the Legislative Branch, and all U.S. courts are part of the Judicial Branch.

Local Commuting Area: See question 10 (section 3(A)).

Promotion Potential: Also sometimes called a "career ladder." This is the highest grade or level of work established for a position. A person selected for a GS-5 position with promotion potential to the GS-12 can be promoted to each intervening grade level from GS-5 to GS-12 as his/her knowledge and experience increases without competing with others. The position description and job announcement should indicate the position's promotion potential, if any.

Surplus Employee: See question 2 (section 3(A)).

Ten point veterans' preference eligible: Applicants can receive extra points (preference) in hiring if their armed forces service meets certain requirements. Only veterans with a service-connected disability (and the widows, mothers or spouses of certain deceased or disabled veterans) are generally eligible for 10 point veterans' preference.

Vacancy: See question 9 (section 3(A)).

Well-Qualified: See question 11 (section 3(A)).



U.S. Office of Personnel Management

Employee Services

1900 E Street, NW, Washington, DC 20415

OPM.GOV

<p>U.S. DEPARTMENT OF EDUCATION</p> <p>HUMAN CAPITAL POLICY</p>	<p>HCP: 351-1</p> <p>DATE: <u>9/6/19</u></p> <p>APPROVED:</p> <p><u>/s/ Wanda Davis</u> DIRECTOR, OFFICE OF HUMAN RESOURCES</p>
--	---

This Human Capital Policy (HCP) supersedes Personnel Manual Instruction (PMI) 351-1, Reduction in Force (RIF), dated 10-30-03.

SUBJECT: REDUCTION IN FORCE (RIF)/TRANSFER OF FUNCTION (TOF)

Table of Contents

Section	Page
I. PURPOSE	2
II. APPLICABILITY	2
III. AUTHORITY	3
IV. REFERENCES	4
V. POLICY	4
VI. DEFINITIONS.....	4
VII. RESPONSIBILITIES	7
VIII. GENERAL REQUIREMENTS	11
A. Transfer of Function	11
B. Scope of RIF Competition	13
C. Retention Standing.....	15
D. First Round of Competition: Release from Competitive Level	23
E. Second Round of Competition: Assignment Rights	30
F. Notice to Employees	38
G. Placement Assistance and Employee Benefits.....	42
H. RIF Appeals	42
I. Records	43
APPENDIX A: COMPETITIVE AREAS	1
APPENDIX B: RELEASE STATEMENT	3
APPENDIX C: MULTIPLE RATING PATTERN EQUIVALENT TABLE	4

I. PURPOSE

This Human Capital Policy (HCP) sets forth the Department of Education's (ED's) policy and procedures concerning reduction-in-force (RIF).

II. APPLICABILITY

- A. RIF procedures must be used when ED releases an employee by furlough, separation, demotion, or reassignment requiring displacement when the release is required because of reorganization, lack of work, shortage of funds, insufficient personnel ceiling, the exercise of certain reemployment or restoration rights, or reclassification of an employee's position due to erosion of duties (when such action will take effect after ED has formally announced a RIF in the employee's competitive area and when the RIF will take effect within 180 days).

NOTE: RIF furlough regulations are not applicable to emergency shutdown furloughs because the ultimate duration of an emergency shutdown is unknown at the outset and is dependent entirely on Congressional action, rather than ED action.

- B. RIF procedures may not be used to take performance- or conduct-based actions.
- C. ED has the right to avoid a RIF action by reassigning an employee to a vacant position at the same grade or pay, without regard to the employee's rights under the RIF regulations. The vacant position may be in the same or in a different classification series, line of work, and/or geographic location.
- D. This policy applies to all ED employees in the competitive and excepted service, except those listed below:
1. Members of the Senior Executive Service;
 2. Schedule C employees;
 3. Employees whose appointments are required by Congress to be confirmed by, or made with, the advice and consent of the Senate; and
 4. Reemployed civil service annuitants, unless ED determines an annuitant may compete in the RIF (NOTE: A reemployed annuitant serves at the will of ED and may be separated at any time at the discretion of ED, but, if not separated prior to a RIF, competes in the RIF based on the retention standing of the annuitant's appointment in the same manner as other competing employees).

- E. Modifications to General Coverage:
 - 1. Administrative Law Judges (ALJs) are subject to the modified RIF procedures in 5 CFR Part 930, Subpart B.
 - 2. Employees in positions covered by Indian preference are subject to the modified RIF procedures in 25 U.S.C. 5117.
- F. This policy does not apply to the following personnel actions:
 - 1. Termination of a temporary or term promotion or the return of employee to the position held before the temporary or term promotion or to one of equivalent pay and grade level;
 - 2. Change to lower grade based on the reclassification of an employee's position due to the application of new classification standards or the correction of a classification error;
 - 3. Change to lower grade based on reclassification of an employee's position due to erosion of duties, except that this exclusion does not apply to such reclassification actions that will take effect after ED has formally announced a RIF in the employee's competitive area, and when the RIF will take effect within 180 days (this exception ends at the completion of the RIF);
 - 4. Placement of an employee serving on an on-call, part-time, intermittent or seasonal basis in a non-pay and non-duty status in accordance with conditions established at time of appointment; and
 - 5. A change in an employee's work schedule from other than full-time to full-time. A change from full-time to other than full-time for a reason cited in Section II. A. is covered by RIF procedures.
- G. For information on obligations with the Union, please contact your servicing Labor and Employee Relations Specialist.

III. AUTHORITY

- A. Title 5, United States Code (U.S.C.), Chapter 35, Sections 3501-3503;
- B. Title 5, Code of Federal Regulations (CFR), Part 351;
- C. Title 5, CFR, Part 302;
- D. Title 5, CFR, Part 330;
- E. Title 5, CFR, Part 353;
- F. Title 5, CFR, Part 536; and

G. Title 5, CFR, Part 550, Subpart G.

IV. REFERENCES

A. United States Office of Personnel Management Workforce Reshaping Operations Handbook, March 2017.

V. POLICY

It is ED's policy to ensure that RIFs are recommended and administered equitably and in accordance with all applicable laws, policies, and procedures and that alternatives to RIFs, where appropriate, are considered.

VI. DEFINITIONS

Adjusted Service Computation Date – Refers to an employee's service computation date (SCD) plus additional service credit for performance.

Annual Performance Rating of Record – An official written annual appraisal of an employee's performance which is issued under ED's performance appraisal system in accordance with ED's policy PMI 430-2 titled "Results Achieved: REACH."

Assignment Right – The right of an employee to be assigned (by bump or retreat) in the second round of competition to a position in a different competitive level held by an employee with a lower standing on the retention register.

Bump – The assignment of an employee to a position in a different competitive level that is held by another employee in a lower tenure group, or in a lower subgroup within the same tenure group.

Certification of Expected Separation – The official notice to an individual employee informing him or her that ED has determined, with a reasonable degree of certainty, that he or she will be separated by RIF.

Competing Employee – An employee in Tenure Group I, II, or III in either the competitive or the excepted service (i.e., the employee was not on detail, term or temporary promotion, or temporary appointment in the position).

Competitive Area – The organizational and geographical boundaries in which employees compete in a RIF. Employees of one competitive area may not compete with those of another area. ED's competitive areas are listed in Appendix A.

Competitive Level – A group of positions in the same grade and classification series that have similar enough duties, qualification requirements, pay schedules, and working conditions that the incumbent of one position can successfully perform the critical elements of any other position in the competitive level.

Current Rating of Record – The rating of record for the most recently completed appraisal period as provided by 5 CFR 351.504(b)(3).

Days – Refers to calendar days.

Function – Refers to all or a clearly identifiable segment of an agency’s mission (including all integral parts of that mission), regardless of how it is performed.

Furlough – The placement of an employee in a temporary non-duty and non-pay status for more than 30 consecutive calendar days, or more than 22 workdays if done on a non-continuous basis, but not more than one year when the action is based on one of the RIF reasons and is not in accordance with pre-established conditions of employment.

Local Commuting Area – The geographic area that usually constitutes one area for employment purposes as determined by ED and may include 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 to their usual employment.

Modal Rating – The summary rating level assigned most frequently among the actual ratings of record that are (1) assigned under the summary level pattern that applies to the employee’s position of record on the date of the RIF, (2) given within the same competitive area or agency-wide, and (3) on record for the most recently completed appraisal period prior to the date of issuance of RIF Notices after which no new ratings will be put on record.

Rating of Record – Carries the same definition as cited in 5 CFR 430.203. For an employee not subject to 5 U.S.C. Chapter 43 or 5 CFR 430, it means the officially designated performance rating, as provided by ED’s appraisal system, that is considered to be an equivalent rating of record under the provisions of 5 CFR 430.201(c).

Remote Employee – Refers to an employee with an approved agreement to work most or all of the time from a different geographic area beyond the local commuting area of the worksite of the employee’s position of record.

Reorganization – Is the planned elimination, addition, or redistribution of functions or duties in an organization.

Representative Rate – Refers to the fourth step of the grade for a position covered by the General Schedule, the prevailing rate for a position under a wage-board or similar wage-determining procedure, and for other positions, the rate designated by the agency as representative of the position, including any applicable locality payment.

Release (from Competitive Level) – Occurs when an agency identifies the positions on a retention register that will be eliminated, and employees having the

lowest retention standing on the register are released for RIF assignment rights in accordance with 5 CFR Part 351, Subparts F and G.

Retention Register – A list of competing employees within a competitive level that are listed in the order of their relative retention standing.

Retention Standing – An employee’s relative standing on a retention register based on tenure, veterans’ preference, and length of service augmented by performance rating credit.

Retreat – The assignment of an employee to a position held by another employee with lower retention standing in the same subgroup in a different competitive level.

RIF Notice – The official communication to the individual employee informing him or her of the specific RIF action to be taken.

Rounds of Competition – The different stages of competing for retention. In the first round of competition, employees compete to stay in the competitive level. In the second round of competition, employees compete for assignment to positions in different competitive levels based upon “bump” and “retreat” rights.

Service Computation Date (SCD) – Includes all actual creditable service allowable under 5 CFR Part 351, including both civilian and active duty military service.

Strategic Plan – The document used to communicate ED’s organizational goals and objectives in order to achieve the agency mission.

Tenure Group – The retention group in which an employee is placed based on the employee’s type of appointment.

Transfer of Function – The transfer of the performance of a continuing function from one competitive area (losing competitive area) and its addition to one or more other competitive areas (gaining competitive area), except when the function involved is virtually identical to functions already being performed in the other competitive area(s) affected; or the movement of the competitive area in which the function is performed to another commuting area.

Undue Interruption – A degree of interruption that would prevent the completion of required work by the employee 90 days after the employee has been placed in a different position under this policy. The 90-day standard should be considered within the allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands. A work program probably would be unduly interrupted if an employee needed more than 90 days after the RIF to successfully perform the critical elements of a position. However, a work program would generally not be unduly interrupted even if an employee needed more than 90 days after the RIF to perform the optimum quality or quantity of

work. Assignments to lower priority programs or to vacant positions might tolerate a longer interruption.

Vacant Position (Vacancy) – An unencumbered position in the competitive area that management approves to fill.

VII. RESPONSIBILITIES

- A. The Secretary and Deputy Secretary of U.S. Department of Education are responsible for:
1. Setting the overall RIF objective to include a finalized workforce plan outlining how the agency or organization(s) affected and will be structured once the RIF is accomplished; and
 2. Concurring in the request to make changes to existing competitive areas or to establish new competitive areas when the changes are made less than 90 days before the effective date of a RIF.
- B. The Assistant Secretary, Office of Finance and Operations is responsible for:
1. Determining the need for a RIF in ED before RIF procedures are implemented by the Office of Human Resources (OHR) staff;
 2. Presenting the overall RIF objective to include a finalized workforce plan outlining how the agency or organization(s) affected and will be structured post RIF to the Secretary and Deputy Secretary for approval;
 3. Designating in writing the specific duties and responsibilities of all parties involved in RIF; and
 4. Ensuring dedicated and/or designated staff members are selected to serve on RIF Teams, as well as collaborating with Budget Services in authorizing additional resources needed to conduct the RIF.
- C. Assistant Secretaries, Senior Officials for each Principal Office, Executive Officers, and the Chief Administration Officer at Federal Student Aid are responsible for:
1. In coordination with the Director, Office of Human Resources (OHR) or FSA HR Director, considering alternative measures in lieu of executing a RIF;
 2. In coordination with the Director, OHR or FSA HR Director, providing input into the overall RIF objective and workforce plan outlining the post RIF organizational structure;

3. Coordinating with Talent, Recruitment, and Hiring (TRH) or Federal Student Aid (FSA) HR to identify positions/functions which need to be eliminated;
4. In consultation with TRH or FSA HR, recommending whether reemployed annuitants will be terminated prior to the RIF or retained to compete in the RIF;
5. Signing and issuing the Certification of Expected Separation (CES) notice, if/when prepared by TRH or FSA HR, for employees who may be affected by the RIF within six months in the Principal Office (PO);
6. Signing the RIF Notices, prepared by TRH or FSA HR, for employees affected by the RIF within the PO;
7. Providing copies of all signed RIF letters to TRH or FSA HR, prior to issuance of letters to the affected employees;
8. Working to effectively implement the agency's Strategic Plan;
9. Helping employees maximize use of the agency's career transition services; and
10. Referring employees to the appropriate RIF-related team for assistance on specific issues, as needed.

D. The Chief Human Capital Officer (CHCO) and the HR Director at FSA are responsible for:

1. Notifying the Assistant Secretary for Management or the Chief Administration Officer (at FSA) of the need to implement RIF procedures;
2. Prior to recommending a RIF, ensuring alternative measures have been considered in lieu of executing a RIF;
3. In coordination with Assistant Secretaries, Senior Officials for each affected PO, or, in the case of FSA, the Executive Officers and the Chief Administration Officer, provide the Assistant Secretary, Office of Finance and Operations, the recommendation to conduct a RIF to include an overall objective, a workforce plan outlining the post RIF organizational structure, as well as a summary of the alternative RIF measures taken or reviewed in lieu of conducting the RIF;
4. Deciding if reemployed annuitants will be released prior to the RIF or retained for competition in the RIF;

5. Obtaining the Office of Personnel Management (OPM) approval when changing or establishing new competitive areas less than 90 days before a RIF;
6. Coordinating RIF matters that affect more than one PO;
7. Approving exceptions to release from retention standing order;
8. Establishing an effective date, at least 90 days in advance of a potential RIF, (depending upon the size of the potential RIF and number of employees affected), where all pending personnel actions may be temporarily “frozen” (held and not processed until the RIF process has been completed);
9. Determining if a cut-off period needs to be established, prior to retention register preparation, for the acceptance of any annual performance ratings of record, with a specified period of notice provided to employees;
10. Providing HR advice and guidance to the Assistant Secretary for Management and the Executive Officers; and
11. Communicating the agency’s Strategic Plan to all levels of management, RIF teams, and all other employees.

E. Talent, Recruitment, and Hiring (TRH) Division and Federal Student Aid HR are responsible for:

1. Recommending the basis for RIF in writing to the CHCO or FSA HR Director to include an overall RIF objective and post-RIF organizational structure;
2. Prior to recommending a RIF, providing the Director, Office of Human Resources or FSA HR Director with a list of all possible actions that can be taken in lieu of the RIF (e.g., Voluntary Early Retirement Authority and Voluntary Separation Incentive Program Authority (VERA/VISP), reassignments, etc.);
3. Based on consultation with Assistant Secretaries, Senior Officials for each PO, Executive Officers, or the CAO at FSA, recommending to the CHCO or FSA HR Director whether to release or retain reemployed annuitants;
4. Establishing and maintaining a list of competitive levels for each competitive area (see definitions in Appendix A) using regulatory requirements in accordance with 5 CFR 351.403, as well as ensuring codes are appropriately assigned to all positions through the position classification process;

5. Recommending exceptions to release from retention standing order;
6. Preparing CES notifications for employees who may be affected by a RIF (see Section VIII. F. 3. for additional information);
7. Conducting pre-RIF planning and electronic Official Personnel Folder (eOPF) data review (i.e., verify veterans' preference, SCDs, accuracy of competitive level codes on official Position Descriptions (PDs) and in the personnel payroll system, etc., to ensure all necessary employment information has been verified and updated);
8. Conducting RIF in accordance with regulations and ED policies and instructions to include establishing a retention register for the area(s) included in the RIF;
9. Making qualification decisions for determining employee assignment rights to include requesting an updated resume from affected employees;
10. Preparing RIF Notices for affected employees, forwarding notices to appropriate Assistant Secretary or official designee within the PO for signature and distribution;
11. Carrying out the requirements and objectives of the Reemployment Priority List (RPL) and other placement assistance efforts;
12. Assuring employees are kept informed of the need for and causes of RIF, the regulations governing RIF actions, the option to review their personnel records, placement assistance which is provided, and regulations regarding reemployment policies and employee appeal rights;
13. Maintaining appropriate RIF data (See Section VIII. I. for actual record requirements); and
14. Processing corrections to personnel records.

F. Employees are responsible for:

1. Keeping informed of RIF activity by attending meetings, reading informational letters/notifications, and asking questions pertinent to the RIF process;
2. Reviewing information in their eOPFs for accuracy and consulting with TRH or FSA HR to correct errors where appropriate;

3. Taking advantage of transition assistance programs (see Section VIII. G.);
1. Ensuring that they have a current resume available for priority placement programs and/or review for assignment rights;
2. Requesting retirement counseling, as appropriate; and
3. Informing supervisory and HR staff of any changes in personal status (e.g., decision to retire, acceptance of another job, etc.)

VIII. GENERAL REQUIREMENTS

A. Transfer of Function

1. A transfer of function occurs when the work of one or more employees is moved from one competitive area (losing competitive area) to another competitive area (gaining competitive area), except when the function is virtually identical to functions already being performed in the gaining competitive area, regardless of whether the movement is made under authority of a statute, Executive Order (E.O.), reorganization plan, or another authority.
2. In a transfer of function, the function must cease in the losing competitive area and continue in an identical form in the gaining competitive area (i.e., in the gaining competitive area, the function continues to be carried out by competing employees rather than by non-competing employees).
3. A transfer of function also takes place when an entire competitive area moves to a different local commuting area without any additional organizational change.
4. Agency Responsibility
 - a. ED has the right and responsibility to determine whether the transfer of function regulations apply to the movement of work from one competitive area to another, or to the movement of the entire competitive area to a different local commuting area.
 - b. A transfer of function does not suspend management's right to take other personnel actions before, concurrent with, or after the transfer of function.
 - c. The losing and gaining competitive areas must refer to relevant documents in determining whether the transfer of function regulations apply. These documents include the

organizational manual and delegations of authority for the losing and gaining competitive areas, as well as the enabling legislation and other implementing instructions that serve as the basis for the performance of the function, as necessary. These documents provide evidence regarding whether the work that is being transferred meets the definition of a function. If the work meets the definition of a function, these documents then serve as the basis for a decision on whether the transfer of function regulations apply to the movement of work to one or more gaining competitive areas.

5. Procedures

- a. The losing competitive area is responsible for identifying the positions of competing employees with the transferring function. A competing employee is identified with the transferring function on the basis of the employee's official position. The transfer of function regulations provide two methods to identify employees with the transferring function. *See*, 5 CFR 351.303.
- b. An employee has no right to transfer with his or her function unless the alternative in the losing competitive area is separation or demotion by RIF.
- c. For planning purposes, competing employees occupying positions with a transferring function will be asked in writing if they are interested in transferring and will be given one full pay period to respond. Employees who decline the offer to transfer will be separated through adverse action procedures in 5 CFR Part 752. Alternatively, ED may include declining employees as part of a concurrent RIF in the losing competitive area. Declining employees may not be separated any sooner than the transfer date of employees who accept the offer to transfer.
- d. If a RIF is necessary at the gaining competitive area as a result of the transfer of function, employees occupying positions in the transferring function will first be transferred to the gaining competitive area and will be placed in the appropriate consolidated competitive levels without any change in the tenure of their employment. They will not be physically moved to the new commuting area until a specific assignment is determined.

- e. An employee whose position is transferred solely for liquidation, i.e., an employee who is not identified with a function that is specifically authorized at the time of transfer to continue in operation for more than 60 days, does not have a right to compete for any continuing positions in the gaining competitive area.
- f. Appropriate notices will be issued by the losing competitive area and will include information on specific assignments, pay and grade retention, and payment for travel and transportation costs. If there is a RIF involved in the transfer of function, the gaining competitive area will issue the RIF Notices. Separation actions that may result will be processed by the losing competitive area.

B. Scope of RIF Competition

Prior to affecting a RIF, ED must determine which competitive area(s) will be affected and ensure the competitive levels within that area are appropriately assigned. Additionally, ED must determine whether reemployed annuitants within the affected competitive areas will be released prior to the RIF or retained for competition in the RIF.

1. Competitive Areas

- a. Competitive areas are the geographical and organizational boundaries within which employees compete for retention under RIF procedures. Competitive areas must be defined solely in terms of the ED's organizational units and geographical location and must include all employees within the defined boundaries. Remote employees are assigned to a competitive area based on the geographical location of their position of record.
- b. A competitive area must be in effect at least 90 days prior to the effective date of a RIF. If any change is made to a competitive area less than 90 days before the effective date of the RIF, OHR staff will obtain the prior approval of OPM before the RIF is conducted. Descriptions of all competitive areas must be made readily available for review. Accordingly, ED's competitive areas are listed in Appendix A.
- c. Each installation of the Office of Inspector General (OIG) will be designated as a separate competitive area under which only employees of OIG may compete in the event of a RIF.

- d. During a RIF process, ED must use the same competitive areas for the first and second rounds of competition.

2. Competitive Levels

- a. Competitive levels are the levels that consist of all positions within a competitive area that are in the same grade (or occupational level) and classification series, and that are similar enough in duties, qualification requirements, pay schedules, and working conditions so that the incumbent of one position may be reassigned to any of the other positions in the level without undue interruption.
- b. Competitive level determinations are based on each employee's official position of record (including the official PD), not the employee's personal qualifications.
- c. ED will establish separate competitive levels according to the following categories:
 - (1) By service: ED will establish separate competitive levels for positions in the competitive service and in the excepted service;
 - (2) By appointment authority: ED will establish separate competitive levels for different appointing authorities in the excepted service;
 - (3) By pay schedule: ED will establish separate competitive levels for positions under different pay schedules;
 - (4) By work schedules: ED will establish separate competitive levels for positions filled on a full-time, part-time, intermittent, seasonal, or on-call basis. No distinction may be made among employees in the competitive level on the basis of the number of hours or weeks scheduled to be worked; and
 - (5) By trainee status: ED will establish separate competitive levels for positions filled by employees in a formally designated trainee or developmental program (e.g., Pathways Program participants).
- d. ED may not establish competitive levels solely based upon the following:

- (1) Sex or gender, except when OPM has determined that certification of eligibles by sex or gender is justified;
- (2) The requirement to serve a probationary period for initial appointment to a supervisory or managerial position;
- (3) A difference in the number of hours or weeks scheduled to be worked by other-than-full-time employees who would otherwise be in the same competitive level;
- (4) A requirement to work changing shifts;
- (5) The grade promotion potential of the position;
- (6) A difference in the local wage areas in which wage grade positions (as applicable) are located; or
- (7) A difference in locality payments under 5 U.S.C. 5304 and 5 CFR Part 531, Subpart F when a competitive level includes more than one locality pay area listed in 5 CFR 531.603.

C. Retention Standing

1. Establishing Retention Registers

The retention register lists all competing employees in a single competitive level in the order of their relative retention standing. Retention standings are determined by applying the retention standards: (1) tenure of employment, (2) veterans' preference, and (3) length of service, as augmented by credit for performance ratings.

- a. ED will list competing employees on a retention register in order of their retention standing, as follows:
 - (1) By tenure group: Tenure Group I is listed first, followed by Tenure Group II, and then Tenure Group III;
 - (2) By Veterans' Preference: Within each tenure group, employees are listed by veterans' preference subgroup. Subgroup AD is listed first, followed by Subgroup A, and then Subgroup B; and

- (3) Length of Service, as augmented by credit for Performance Ratings. Within each veterans' preference subgroup, employees are listed by years of service as augmented by credit for performance ratings. The employee with the earliest adjusted SCD is listed first.
- b. The retention register includes the name of each competing employee in the order of retention standing who is:
 - (1) Officially assigned to a position in the competitive level;
 - (2) Temporarily promoted from the competitive level by temporary or term promotion; or
 - (3) Detailed from the competitive level under 5 U.S.C. 3341 or other appropriate authority.
- c. Employees holding certain positions in a competitive level do not compete for retention in that competitive level. ED will identify these employees by entering their names on a separate list, including:
 - (1) Employees serving in the competitive level under a temporary, time limited appointment;
 - (2) Employees serving in the competitive level under a temporary or term promotion;
 - (3) Employees who hold an official position in that competitive level who have received a final, written decision of removal under 5 CFR Part 432 or 5 CFR Part 752. These employees must be listed at the bottom of the list of non-competing employees; and
 - (4) Employees who hold an official position in that competitive level who have received a final, written decision of demotion under 5 CFR Part 432 or 5 CFR Part 752. These employees compete from the position they will be, or have been, demoted to.
- d. The retention register does not include the names of competing employees on military duty with restoration rights to the competitive level. Such employees do not compete for retention under the RIF regulations. Instead, they have restoration rights under 5 CFR Part 353.

2. Tenure Groups

a. Competitive service tenure groups are as follows:

- (1) Tenure Group I includes each career employee who is not serving a probationary period for appointment to a competitive position. Serving a supervisory or managerial probationary period does not affect tenure group designation. Tenure Group I also includes the following employees, as soon as they complete the required probationary period for initial appointment:
 - (a) An employee for whom substantial evidence exists of eligibility to immediately acquire status and career tenure, and whose case is pending final resolution by OPM (including cases under E.O. 10826 to correct certain administrative errors);
 - (b) An employee who acquires competitive status and satisfies the service requirement for career tenure when the employee's position is brought into the competitive service;
 - (c) An ALJ;
 - (d) An employee appointed under 5 U.S.C. 3104, or similar authority, which provides for the employment of specially qualified scientific or professional personnel; and
 - (e) An employee who acquires status under 5 U.S.C. 3304(c) on transfer to the competitive service from the legislative or judicial branches of the Federal Government.
- (2) Tenure Group II includes each career conditional employee, and every employee serving a probationary period as required by 5 CFR Part 315, Subpart H. Tenure Group II also includes an employee when substantial evidence exists of the employee's eligibility to immediately acquire status and career conditional tenure, and the employee's case is pending final resolution by OPM (including

cases under E.O. 10826 to correct certain administrative errors).

- (3) Tenure Group III includes employees serving under indefinite appointments, temporary appointments pending establishment of a register, status quo appointments, term appointments, and any other non-status, non-temporary appointments which meet the definition of provisional appointments contained in 5 CFR 316.401 and 316.403.

b. Excepted service tenure groups are as follows:

- (1) Tenure Group I includes each permanent employee whose appointment carries no restriction or time limitation (such as conditional, indefinite, specific time limit, or trial period).
- (2) Tenure Group II includes each employee serving a trial period, or whose tenure is equivalent to a career-conditional appointment in the competitive service. This category includes employees serving under the two-year Presidential Management Fellow (PMF) program.
- (3) Tenure Group III includes each employee serving on an indefinite appointment (i.e., without specific time limit, but not actually or potentially permanent); on a time limited appointment of more than one year; or who is currently employed under a temporary appointment limited to one year or less, but has completed one year of current continuous service under a temporary appointment with no break in service of one workday or more.

3. Veterans' Preference Subgroups

- a. Within each of the three tenure groups on a retention register, employees are listed in subgroups by veterans' preference. These subgroups are the same for both the competitive and excepted service, and are as follows:
 - (1) Subgroup AD – Preference eligibles with a compensable service connected disability of 30 percent or more.
 - (2) Subgroup A – Preference eligibles not included in Subgroup AD, including all employees eligible for

“Derived Preference” under 5 U.S.C. 2108(3)(D) – (G).

(3) Subgroup B – Employees not eligible for veterans’ preference.

b. A retired member of a uniformed service is considered a preference eligible for RIF purposes only if the member meets at least one of the conditions listed in paragraphs (1), (2), or (3) below, except as limited by paragraphs (4) and (5).

(1) The employee’s military retirement is based on disability that either: (i) resulted from injury or disease received in the line of duty as a direct result of armed conflict; or (ii) was caused by an instrumentality of war incurred in the line of duty during a period of war as defined by 38 U.S.C. 101 and 301.

(2) The employee’s retired pay from a uniformed service is not based upon 20 or more years of full-time active service, regardless of when performed but not including periods of active duty for training.

(3) The employee has been continuously employed in a position covered by 5 CFR Part 351 since November 30, 1964, without a break in service of more than 30 days.

(4) An employee who retired at the rank of major (pay grade 04) or above (or equivalent) is considered a preference eligible for RIF purposes, if such employee is a disabled veteran as defined in 5 U.S.C. 2108(2), and meets one of the conditions covered in paragraphs (1), (2), or (3) cited above.

(5) An employee who is eligible for retired pay under of 10 U.S.C. Chapter 67 and who retired at the rank of major (pay grade 04) or above (or equivalent) is considered a preference eligible for RIF at age 60, only if such employee is a disabled veteran as defined in 5 U.S.C. 2108(2).

4. Length of Service

a. Within each subgroup, competing employees are ranked by total creditable service. The employee with the most

service is listed at the top of the subgroup, and the employee with the least service at the bottom of the subgroup. Service includes total Federal civilian service and creditable military service, augmented by additional service credit for satisfactory performance ratings documented within a specified period.

- b. All civilian service as a Federal employee, as defined in 5 U.S.C. 2105(a), is creditable. Civilian service performed in employment that does not meet the definition set forth in 5 U.S.C. 2105(a) is creditable only if specifically authorized by statute as creditable for retention purposes.
 - c. All active duty uniformed service (i.e., the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration) is creditable, except as provided in paragraphs (d) and (e) below.
 - d. A retired member of the uniformed service covered by Section VIII. C. 3. b. is only entitled to credit for:
 - (1) The length of time in active service in the Armed Forces during a war, or in a campaign or expedition for which a campaign or expedition badge has been authorized; or
 - (2) The total length of time in active service in the Armed Forces if the employee is considered a preference eligible under 5 U.S.C. 2108 and 5 U.S.C. 3501(a), as implemented in Section VIII. C. 3. b.
 - e. An employee may not receive dual service credit for service performed on active duty in the Armed Forces that was performed during concurrent civilian employment as a Federal employee, as defined in 5 U.S.C. 2105(a).
 - f. ED will establish the SCD and the adjusted SCD for each employee competing for retention under RIF in accordance with 5 CFR 351.503(d).
5. Credit for Performance
- a. Employees shall receive extra service credit for acceptable levels of performance based upon the average of their last three (most recent) annual performance ratings of record received during the four-year period prior to the date that

ED either issues RIF Notices or freezes ratings before issuing RIF Notices.

- b. Only performance ratings of record shall be used as the basis for granting additional retention service credit in a RIF.
 - (1) As stated in Personnel Manual Instruction 430-2, “Results Achieved: REACH Policy,” for RIF purposes, “Ratings of Record” are the ratings given at the end of the established annual appraisal periods, or the improved ratings following opportunity periods to demonstrate acceptable performance (“Successful” or equivalent) as provided in 5 U.S.C. 4302(b)(6).
 - (2) The rating of record must have been issued to the employee, with all appropriate reviews and signatures, and must also be on record (i.e., the rating of record is available for use by the office responsible for establishing retention registers).
- c. Prior to a RIF, in order to permit adequate time to determine employee retention standing, the CHCO may establish a cutoff date, consisting of a specified number of days prior to the issuance of RIF Notices, after which date no new ratings of record will be put on record and used for RIF purposes. When a cutoff date is used, an employee will receive performance credit for the three most recent ratings of record that meet the conditions in paragraph 5. b. (above), and were received during the four-year period prior to the cutoff date.
- d. ED employees will receive the following additional service credit towards their adjusted SCD for acceptable levels of performance:
 - (1) Level 5, “Exceptional Results” – 20 years
 - (2) Level 4, “High Results Achieved” – 18 years; and
 - (3) Level 3, “Results Achieved” – 16 years.
 - (4) Level 1, “Unsatisfactory Results” – Ratings below “Successful” (i.e., “Minimally Successful”, or “Unacceptable”) will not receive any additional service credit.

- e. Employees who have received performance ratings from other agencies will receive up to 20 additional years of service credit for any rating equivalent to “Results Achieved” or above (i.e., levels 3, 4, or 5). Ratings below “Successful” (or equivalent) will not receive any extra service credit. Refer to Appendix C for specific amounts of credit from other performance management systems.
- f. If an employee has received only two actual ratings of record during the four-year period, the value of the ratings is added together and divided by two (and rounded in the case of a fraction to the next higher whole number) to determine the amount of additional retention service credit. If an employee has received only one actual rating of record during the period, that value is the amount of additional service credit provided.
- g. If an employee has not received any rating of record during the four-year period, he or she shall receive credit for performance based on the modal rating for the employee’s official position of record at the time of the RIF.
- h. An employee with a current annual performance rating of record of “Unsatisfactory Results” (or equivalent) who has not received a final written decision of removal or demotion under 5 CFR Part 432 due to performance deficiencies is listed on the retention register in the appropriate group and subgroup and receives credit for his or her years of service. The employee also receives any additional service credit to which entitled for the other two previous performance ratings of record.
- i. If, because of performance improvement during the notice period of a proposed removal or demotion action because of unacceptable (or equivalent) performance, an employee is not demoted or removed and the employee’s performance continues to be acceptable for one year after the notice, any record of the unacceptable performance is removed from ED’s records. In this situation, no record of the unacceptable rating would exist. An employee who has received an improved rating following an opportunity to demonstrate acceptable performance under authority of 5 CFR Part 432 shall have the improved rating credited as the current annual performance rating of record.
- j. There is no authority for management to issue a retroactive annual performance rating of record for RIF purposes.

- k. Employees will be placed in retention standing order based on their adjusted SCD.
6. Effective Date of Retention Standing
- a. ED determines each employee's retention standing as of the effective date of the RIF. The effective date is the date the employee is released from a competitive level, except for the application of service credit for performance as provided in Section VIII. C. 5. of this policy.
 - b. Retention standing for all competing employees must be determined by the official date for issuing RIF notices established for each competitive level. See Section VIII. F. 1.
 - c. An employee who, as of the effective date of a RIF, has received a proposed, but not a final, written decision of removal or demotion because of unacceptable performance is not penalized in the first round of competition and is listed on the retention register with other employees. However, the employee has no rights to positions in the second round of competition.
 - d. An employee who, as of the effective date of a RIF, has received a proposed, but not a final, written decision of removal or demotion because of an adverse action is not penalized solely on that basis in the first or second round of competition and is listed on the retention register with other employees.
 - e. The retention standing of an employee retained in his or her competitive level as an exception under Section VIII. D. 3. a., b., or c., is determined as of the date the employee would have been released from the competitive level had the exception not been used. The retention standing of each employee retained under any of these provisions remains fixed until completion of the RIF action which resulted in the temporary retention.
 - f. If ED discovers an error in determining an employee's retention standing, the error must be corrected and any erroneous RIF actions must be adjusted with the employee's proper retention standing as of the effective date of the RIF.

D. First Round of Competition: Release from Competitive Level

1. Release of Non-Competing Employees
 - a. Once an employee's position has been identified for abolishment, ED must first release from that competitive level each non-competing employee, as noted in Section VIII. C. 2. a. (3), including:
 - (1) Employees serving in the competitive level under a temporary, time-limited appointment;
 - (2) Employees serving in the competitive level under a temporary or term promotion (these employees are returned to their permanent positions of record, or equivalent); and
 - (3) Employees in the competitive level who have received a final, written decision of removal or demotion under 5 CFR Part 432 or 5 CFR Part 752 (employees who have received a written decision of demotion compete from the position to which they have been, or will be, demoted).
2. Regular Order of Release from Competitive Level
 - a. After all non-competing employees have been released from a competitive level, competing employees are reached for release from their competitive levels in the inverse order of their retention standing, beginning with the employee having the lowest retention standing on the retention register. In other words, the first employee released is the employee who has the lowest retention standing on the retention register.
 - (1) All employees in Tenure Group III are released before employees in Tenure Group II, and all employees in Tenure Group II are released before employees in Tenure Group I.
 - (2) Within veterans' preference subgroups, all employees in Subgroup B are released before employees in Subgroup A, and all employees in Subgroup A are released before employees in Subgroup AD.
 - (3) Within each subgroup, employees are released in the order of his or her adjusted SCDs beginning with the most recent adjusted SCD.

- b. Except as provided in section VIII. D. 3., ED may not release a competing employee from a competitive level while retaining in that level an employee with lower retention standing.
- c. Any employee reached for release out of this regular order must be notified of the reasons for the exception.
- d. Occasionally, employees will have identical retention standings. In such cases, ties will be broken in the following order:
 - (1) By length of time spent in the grade presently held.
 - (2) By length of service in ED, including service in the former Department of Health, Education, and Welfare for employees who transferred to ED without a break in service when ED was established on May 4, 1980.
- e. Furlough of Employees
 - (1) ED may furlough a competing employee only when it intends within one year to recall the employee to duty in the position from which he or she is furloughed.
 - (2) ED may not separate a competing employee under RIF procedures while an employee with lower retention standing in the same competitive level is on furlough.
 - (3) ED may not furlough a competing employee for more than one year.
 - (4) When employees are recalled to duty in the competitive level from which furloughed, ED shall recall them in the order of their retention standing, beginning with the highest standing employee.

3. Exceptions to Regular Order of Release

A competing employee may be released from a competitive level while retaining another employee with a lower retention standing only if the action is authorized as a mandatory or permissive exception.

- a. Mandatory exceptions:

- (1) Armed Forces restoration rights
 - (a) ED must give retention priorities over other employees in the same subgroup to each Tenure Group I or II employee who is entitled to retention upon being re-employed after military service, as provided under 5 CFR Part 353.

- (2) Use of annual leave to reach initial eligibility for retirement or continuance of health benefits
 - (a) ED must make a temporary exception to retain an employee who is being involuntarily separated under RIF procedures, and who elects to use annual leave to remain on the rolls after the effective date the employee would have been separated by RIF in order to establish initial eligibility for immediate retirement and/or to establish initial eligibility to continue health benefits coverage into retirement.

 - (b) ED must make a temporary exception to retain an employee who is being involuntarily separated because of the employee's decision to decline relocation (including transfer of function), and who elects to use annual leave to remain on ED's rolls after the effective date the employee would otherwise have been separated by adverse action in order to establish initial eligibility for immediate retirement, and/or to establish eligibility to continue health benefits into retirement.

 - (c) ED may not retain an employee under this exception past the date that the employee first becomes eligible for immediate retirement, or for continuation of health benefits into retirement, except that an employee may be retained long enough to satisfy both retirement and health benefits requirements.

- (d) Annual leave that may be used for the purposes described in this exception includes all accumulated, accrued and restored annual leave to the employee's credit prior to the effective date of the RIF, and annual leave earned by the employee while in a paid leave status after the effective date of the RIF.
 - (e) Annual leave that is advanced to the employee, under 5 U.S.C. 6302(d), including any advanced annual leave credited to the employee's account after the effective date of the RIF, may not be used for purposes of establishing initial retirement eligibility or for continuation of health benefits.
 - (f) ED may not approve an employee's use of any other type of leave after the employee has been retained under this exception.
- (3) There is no statutory or regulatory authority to use sick leave to retain employees on the rolls in order to reach initial eligibility for retirement or continuance of health benefits.
- (4) Documentation
- (a) ED shall record on the retention register, for inspection by each employee, the reasons for any deviation from the order of release required by Section VIII. D. 2. (regular order of release) or Section VIII. D. 3. d. (liquidation provisions).

b. Permissive Continuing Exceptions

- (1) ED may make an exception to the regular order of release and actions subsequent to release when it is necessary to keep an employee in a position that cannot be taken over within 90 days and without undue interruption by an employee with a higher retention standing. ED shall notify in writing each higher-standing employee reached for release from the same competitive level of the reasons for the exception.

c. Permissive Temporary Exceptions

- (1) ED may make a temporary exception (not more than 90 days) to the regular order of release and actions subsequent to release when needed to retain an employee after the effective date of a RIF for the following reasons:
 - (a) To continue an activity without undue interruption;
 - (b) To satisfy a Government obligation to the retained employee (this exception is made without regard to the 90-day limit);
 - (c) To retain on sick leave a lower standing employee who is on sick leave on the effective date of the RIF, for a period not to exceed the date the employee's sick leave is exhausted. Besides the mandatory exception under Section VIII. D. 3. a. 2., no other type of leave may be approved after the employee is retained under this paragraph;
 - (d) To retain on accrued annual leave a lower standing employee who is being involuntarily separated under a RIF, is covered by a leave system other than one authorized under 5 U.S.C. Chapter 63, and will attain first eligibility for an immediate retirement benefit and/or establish eligibility to carry health benefits coverage into retirement during the period represented by the amount of the employee's accrued annual leave. No other type of leave may be approved after the employee is retained under this paragraph. This exception may not exceed the date the employee first becomes eligible for immediate retirement or for continuation of health benefits into retirement, except that an employee can be retained long enough to satisfy both retirement and health benefits requirements. Accrued annual leave includes all accumulated, accrued, and restored annual leave, in addition to annual leave earned and available to the employee after the effective

date of the RIF. When approving a temporary exception under this provision, an agency may not advance annual leave or consider any annual leave that might be credited to an employee's account after the effective date of the RIF other than annual leave earned while in an annual leave status; or

(e) To extend an employee's separation date beyond the effective date of the RIF when the temporary retention of a lower standing employee does not adversely affect the right of any higher standing employee who is released ahead of the lower standing employee.

(2) For exceptions greater than 30 days, ED must notify in writing each higher standing employee in the same competitive level reached for release of the reasons for the exception and the date the lower standing employee's retention will end, and list opposite the employee's name on the retention register the reasons for the exception and the date the employee's retention will end.

d. Liquidation Provisions

(1) When all positions within a competitive area will be abolished within 180 days, ED will release employees in group and subgroup order consistent with the regular order of release but may release the employees without regard to their retention standing within a subgroup, except when an employee must be retained under a mandatory exception. ED may also apply permissive continuing exceptions and permissive temporary exceptions in a liquidation.

(2) When ED releases an employee under liquidation provisions, the notice to the employee must cite 5 CFR 351.605 and give the date the liquidation will be completed.

4. Actions Subsequent to Release from Competitive Level

- a. An employee reached for release from a competitive level may have a right to a position in a different competitive level. These rights are discussed below in section VIII. E.
- b. ED may use RIF procedures to separate or furlough an employee released from his or her competitive level only if the employee:
 - (1) Has no assignment right to another position; or
 - (2) Declines an offer of assignment to another position that would have satisfied the employee's assignment right.

E. Second Round of Competition: Assignment Rights

1. Basic Rights

- a. During the second round of competition, employees compete for available jobs in other competitive levels that are held by employees with a lower retention standing.
- b. An employee's rights to be assigned to an available position after being released from a competitive level are called Assignment Rights.
- c. The following employees have Assignment Rights:
 - (1) Each competitive service employee in Tenure Group I or II who has a current annual performance rating of at least "Minimally Successful" (Level 2) or equivalent.
 - (2) Each excepted service employee in Tenure Group I or II within a single appointing authority.
- d. Employees in Tenure Group III or those with a current rating of "Unacceptable" or equivalent do not have Assignment Rights.
- e. Upon being released from his or her competitive level, ED must make an offer of assignment to an employee with Assignment Rights to an available position, rather than furlough or separate the employee.
- f. In order for a position to be considered an available position that satisfies a qualified employee's Assignment Rights, the position must:

- (1) Be in the competitive service (or, for excepted service employees, the position must be in the excepted service);
- (2) Be in the same competitive area;
- (3) Last at least three months;
- (4) Be one for which the employee qualifies;
- (5) Have a representative rate no higher than the representative rate of the position from which the employee was released;
- (6) Be occupied by another employee in a different competitive level subject to displacement by the released employee; and
- (7) Have the same type of work schedule as the position from which the employee was released.

2. Qualification for Assignment

- a. An employee is qualified for assignment if he or she:
 - (1) Meets the OPM standards and requirements for the position, including any minimum educational requirement, and any selective placement factors established by ED;
 - (2) Is physically qualified, with reasonable accommodation where appropriate, to perform the duties of the position;
 - (3) Meets any special qualifying condition which OPM has approved for the position; and
 - (4) Has the capacity, adaptability, and special skills needed to satisfactorily perform the duties of the position without undue interruption. This determination includes recency of experience, when appropriate.
- b. The sex of an employee may not be considered in determining whether an employee is qualified for a position, except when OPM has determined that certification of eligibles by sex is justified for specific positions.

- c. An employee who is released from a competitive level during a leave of absence because of a compensable injury may not be denied Assignment Rights solely because the employee is not physically qualified for the duties of the position, if the physical disqualification resulted from the compensable injury. Such an employee must be afforded appropriate assignment rights subject to recovery as provided by 5 U.S.C. 8151 and 5 CFR Part 353.
- d. An employee may not be returned to an equivalent position when written notification has been provided that the equivalent position will be affected by a RIF, if the employee's previous position is not affected by a RIF.
- e. According to the Family and Medical Leave Act (FMLA), ED's obligation to maintain health benefits during an employee's leave, and to restore the employee to the same or an equivalent position under FMLA, ceases if and when the employment relationship would have terminated, if the employee had not taken the FMLA. For example, ED's obligation to maintain health benefits ceases if the employee's position is eliminated as part of a nondiscriminatory RIF and the employee would not have been transferred to another position. See 29 CFR 825.209(f).
- f. If it is determined that a preference eligible employee who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of a position to which the employee would otherwise have been assigned during a RIF, ED officials must notify OPM of this determination. At the same time, ED must notify the employee of the reasons for the determination, and of the right to respond to OPM, within 15 days of the notification. ED must document that notification was sent timely to the employee's last known address. OPM will make a final determination concerning the physical ability of the employee to perform the duties of the position. This determination must be made before ED may select any other person for the position. When OPM has completed its review, it will send its finding to both ED and the employee. ED must comply with the findings of OPM.
- g. ED may formally designate as a trainee or developmental position a position in a program with all of the following specific characteristics:

- (1) The program must have been designed to meet ED's needs and requirements for the development of skilled personnel;
- (2) The program must have been formally designated, with its provisions made known to employees and supervisors;
- (3) The program must be developmental by design, offering planned growth in duties and responsibilities, and providing advancement in recognized lines of career progression; and
- (4) The program must be fully implemented, with the participants chosen through standard selection procedures.
- (5) To be considered qualified for assignment under this section to a formally designated trainee or developmental position, an employee must meet all of the conditions required for selection and entry into the program.

3. Offers of Assignment: Bump Rights

- a. A released employee with Assignment Rights can bump to a position in a different competitive level when that position:
 - (1) Is held by another employee in a lower tenure group, or in a lower subgroup within the same tenure group; and
 - (2) Is no more than three grades (or appropriate grade intervals or equivalent) below the position from which the employee is released.
- b. An eligible employee is entitled to bump to an available position that requires no reduction or the least possible reduction in representative rate.

4. Offers of Assignment: Retreat Rights

- a. A released employee with Assignment Rights can retreat to a position in a different competitive level when that position:

- (1) Is held by an employee with a lower retention standing in the same tenure group and subgroup;
 - (2) Is no more than three grades (or appropriate grade intervals or equivalent) below the position from which the employee is released, except for the limit for a preference eligible employee with a compensable service-connected disability of 30 percent or more is five grades (or appropriate grade intervals or equivalent); and
 - (3) Is the same position or is essentially identical to a position previously held by the released employee on a permanent basis in any Federal agency.
- b. An eligible employee is entitled to retreat to an available position that requires no reduction or the least possible reduction in the representative rate.
- c. When determining retreat rights, ED will consider the following:
- (1) A position is considered essentially identical to one previously held if the employee held the previous position as a competing employee in a Federal agency, and it is determined that the two positions are similar enough that they would be placed in the same competitive level if they were in the same competitive area, but not necessarily in regard to the respective grade, classification series, type of work schedule, or type of service, of the two positions.
 - (2) An employee with a current annual performance rating of “Minimally Successful” or equivalent has the right to retreat only to a position that is held by another employee who has a current performance rating of “Minimally Successful” or equivalent, or a lower performance rating.
 - (3) When determining applicable grades (or grade intervals), ED will use the grade progression of only the released employee’s position of record to determine the grade (or interval) limits of the employee’s assignment rights. ED does not consider the grade progression of the position to which the employee has a retreat right.

6. Offers of Assignment: Vacant Positions

- a. ED may satisfy an employee's Assignment Rights by offering assignment to a vacant position that:
 - (1) Is in the same competitive area;
 - (2) Has a representative rate at least equal to a position that the employee is entitled to on the basis of bump or retreat rights; and
 - (3) Is within the same grade or grade interval limits that apply to offers of assignment based on bump and retreat rights.
- b. If more than one vacancy is available for an employee released from his or her competitive level, the employee will be offered the vacancy that results in no reduction or the least possible reduction in the representative rate. If there is more than one vacancy with that rate, an HR Representative will decide which vacancy to offer.
- c. Qualifications may be waived when making an offer of assignment to a vacant position, if it is determined that the employee has the capacity, adaptability, and special skills needed to satisfactorily perform the duties and responsibilities of the position. However, any minimum educational requirements of the position may not be waived.
- d. ED may, at its discretion, choose to offer a vacant position that is not full-time to a full-time employee, or to offer a vacant full-time position to an employee who has not been working on a full-time schedule in lieu of separation by RIF.

7. Offers of Assignment: Temporary Positions

- a. If an employee does not have assignment rights to another position as described in this section, he or she will be assigned to a vacant temporary position in lieu of immediate separation as a result of a RIF, provided a temporary position is available and:
 - (1) Will last at least three months from the date beyond the RIF separation date;
 - (2) Is in the employee's competitive area;

- (3) Is within three grades below the employee's current permanent grade level; and
 - (4) The employee is qualified to perform the duties of the temporary position.
 - b. An employee's assignment to a temporary position will be based on his or her retention standing. This does not preclude management from separating some or all temporary employees prior to a RIF regardless of whether the competitive level for the temporary position(s) was affected by the RIF.
- 8. Extent of Offers of Assignment
 - a. When more than one available position will satisfy an employee's Assignment Rights, the employee is entitled to the position with the highest representative rate.
 - b. An employee is entitled to only one proper offer and is not entitled to a further offer when he or she accepts an offer, rejects an offer, or fails to reply to an offer within the specified time. However, if a position with a higher representative rate becomes available on or before the effective date of the RIF, ED must offer such a position to the employee.
 - c. Employees released from their competitive level do not have assignment rights to positions occupied by temporary employees in another competitive level.
 - d. Promotion potential is not a consideration in filling a position under RIF. An offer of assignment may have less, more, or the same promotion potential.
 - e. Upon accepting an offer of assignment, or displacing another employee, an employee retains the same status and tenure in the new position.
- 9. Consideration of Grades, Grade Intervals, and Equivalent
 - a. ED will use the grade progression of the released employee's position of record to determine the grade (or interval) limits of the employee's assignment rights.
 - (1) For positions covered by the General Schedule, ED must determine whether a one-grade, two-grade, or

mixed grade interval progression is applicable to the position of the released employee.

- (2) For positions not covered by the General Schedule, ED must first determine the normal line of progression for each occupational series and grade level, in order to determine the grade (or interval) limits of the released employee's assignment rights. If it is determined that there is no normal line of progression for an occupational series and grade level, ED will provide the released employee with assignment rights to positions within three actual grades lower on a one-grade basis. The normal line of progression may include positions in different pay systems.
 - (3) For positions where no grade structure exists, ED will determine a line of progression for each occupation and pay rate, and provide assignment rights to positions within three grades (or grade intervals) lower, on that basis.
 - (4) If the released employee holds a position that is less than three grades above the lowest grade in the applicable classification system, ED will provide the released employee with assignment rights up to three actual grades lower on a one-grade basis in other pay systems.
- b. Employees have assignment rights to positions at the same grade or down to three grades (or grade intervals or equivalent) below the position from which they are released. Employees who are eligible for veterans' preference in RIF and are receiving a service-connected compensable disability of 30% or more have retreat rights to positions at the same grade, or down to five grades or grade-intervals (or equivalent) below the position from which the employee is released.
 - c. Employees released from two-grade interval positions have assignment rights to positions at all grade levels within the grade limits, including one-grade interval positions that are not part of the two-grade progression.
 - d. The use of grade intervals extends only to the entry level of the position having a two-grade interval progression.

Determinations of grade limits below entry level are made on a one-grade basis.

- e. When two positions are in different pay schedules, representative rates are used to determine equivalent grade levels and the best offer of assignment. The highest grade permitted in the other pay schedule is the highest grade with a representative rate that does not exceed the representative rate of the employee's current position.

F. Notice to Employees

1. Requirements

- a. A single, official date for issuing RIF Notices must be established for each competitive area. The date is the same for determining retention standing for all competing employees (see Section VIII. C. 6.) even when circumstances require the issuance of some individual RIF Notices after the uniform date.
- b. ED is required to give all employees at least 60 days specific written notice prior to the effective date of a RIF action. If a RIF is caused by circumstances not reasonably foreseeable, ED may give a RIF Notice of less than 60 days with the prior approval of OPM. However, OPM will not authorize a notice period of less than 30 days. There is no maximum notice period.
- c. The notice period begins the day after the employee receives the RIF Notice. Neither the date the employee receives the RIF Notice, nor the effective date of the RIF action, may be counted in computing the notice period. Saturday, Sunday, or legal holidays cannot be counted as the last day of the minimum notice period.
- d. When ED issues a specific RIF notice to an employee, it must, at the employee's request, provide the employee with a copy of the RIF regulations.
- e. When 50 or more employees in a competitive area receive RIF Notices of separation, ED must notify the appropriate State dislocated worker unit, the chief elected official of the local governmental jurisdictions, and OPM at the same time it issues notices of separation to employees. Such notice must include:

- (1) The number of employees to be separated by RIF (broken down by geographic area or other basis specified by OPM);
 - (2) The effective date of the separations; and
 - (3) Any other information specified by OPM, including information needs identified from consultation between OPM and the U.S. Department of Labor to facilitate delivery of placement and related services.
- f. A RIF notice expires when followed by the action specified, or by an action less severe than specified, in the RIF Notice or in an amendment made to the RIF Notice before ED takes the action. ED may not take the action before the effective date in the RIF Notice. Instead, ED may cancel the RIF Notice and issue a new notice.
- g. The employee must be given an amended RIF Notice if the RIF is changed to a later date. A RIF action taken after the date specified in the RIF Notice is not invalid for that reason, except when it is challenged by a higher-standing employee within the competitive level who has been reached out of order due to the change in dates.
- h. An employee must be given a new RIF Notice and notice period of at least 60 days (or 30 days if ED has obtained OPM's approval for a shorter period) if a more severe RIF action is taken than stated in the prior RIF Notice to the employee.
- i. An amended RIF Notice must be given to an employee if he or she is given a better offer of assignment under Section VIII. E. of this policy, regardless of whether he or she has accepted or rejected the previous offer of assignment, provided that the employee has not voluntarily separated from his or her official position. However, a new notice period is not required when the same or less severe RIF action is taken.
- j. When possible, ED must retain an employee on active duty status during the notice period. However, during an emergency, if there is a lack of work or funds during all or part of the notice period, ED may place the employee on annual leave or nonpay status with or without the employee's consent, or place the employee on leave without pay (LWOP) with the employee's consent.

2. Content of RIF Notice

- a. A RIF Notice to the employee must contain the following information:
- (1) The action being taken, i.e., separation, demotion, or furlough for more than 30 days, etc.;
 - (2) The reasons for the action;
 - (3) The effective date of the action (if ED retains an employee under a permissive continuing exception or a permissive temporary exception, the RIF Notice will cite the date on which the retention period ends as the effective date);
 - (4) The employee's competitive area, competitive level, retention subgroup, service date, and three most recent annual performance ratings of record received during the last four years;
 - (5) The place where the employee may inspect the regulations and records pertinent to his or her case;
 - (6) If applicable, the reasons for retaining a lower standing employee in the same competitive level under a mandatory exception, a permissive continuing exception, or a permissive temporary exception;
 - (7) Information on reemployment rights;
 - (8) If applicable, the reasons that employees are being separated under the liquidation procedures without regard to retention standing within the subgroup, as permitted by 5 CFR 351.605, and the date the liquidation RIF will be completed;
 - (9) If applicable, the employee's right to appeal the RIF action to the Merit Systems Protection Board (MSPB);
 - (10) If applicable, and in accordance with 5 CFR Part 536, explain employee's entitlement to pay and grade retention as a result of being demoted as a result of RIF procedures; and

- (11) If an employee is receiving a RIF Notice of separation, he or she must also receive:
- (a) Information on the RPL, the Career Transition Assistance Plan (CTAP), and the Interagency Career Transition Assistance Plan (ICTAP);
 - (b) Information on applying for unemployment insurance through the appropriate State program and benefits available under the State's Workforce Innovation and Opportunity Act of 2014 (WIOA) programs;
 - (c) Information on continuing health benefits enrollment, or converting life insurance coverage; and an estimate of severance pay, if eligible, and
 - (d) A form to authorize ED, at his or her option, the release of his or her resume and other relevant employment information for employment referral to the State unit or entity established under Title I of WIOA and potential public or private sector employers. See Appendix B.

3. Certification of Expected Separation

- a. At its option, ED may issue an employee a Certification of Expected Separation (CES) to assist the employee in pre-RIF placement assistance and early outplacement assistance. A CES allows otherwise eligible employees to participate in dislocated worker programs under WIOA. ED may issue a CES to a competing employee who it believes, with a reasonable degree of certainty, will be separated from Federal employment by RIF procedures.
- b. ED may issue a CES up to six months prior to the effective date of a RIF.
- c. The CES may be issued to a competing employee only after the following has been determined:
 - (1) There is a good likelihood that the employee will be separated by RIF;

- (2) Employment opportunities in the same or similar position in the local commuting area are limited or nonexistent;
- (3) Placement opportunities within the employee's own or other Federal agencies in the local commuting area are limited or nonexistent; and
- (4) If eligible for optional retirement, the employee has not filed a retirement application or otherwise indicated in writing their intent to retire.

- d. A CES is to be addressed to each individual eligible employee and must be signed by the appropriate ED official (see Section VII. C. 5.).
- e. A CES must contain the expected date of RIF, a statement that each factor in Section VIII. F. 2. c. above has been satisfied, and a description of WIOA programs, ICTAP, and the RPL.
- f. A CES may not be used to satisfy any of the written notice requirements mandatory under the RIF process, and cited in this section.
- g. A CES is not a RIF Notice. Therefore, an employee cannot appeal an agency determination of eligibility for a CES to OPM or MSPB.
- h. ED will enroll an employee who has received a CES in ED's RPL and CTAP up to six months in advance of a RIF.

G. Placement Assistance and Employee Benefits

1. Competitive service employees in Tenure Groups I and II and excepted service employees serving on an appointment without time limit who have received a RIF Notice of separation are eligible for placement assistance under ED's Reemployment Priority and Career Transition Assistance Programs. This policy is accessible on ConnectED via the Human Capital webpage or by contacting HCPAD Policy Staff.

H. RIF Appeals

1. An employee who has been separated, demoted, or furloughed for more than 30 days by RIF has the right to appeal to MSPB. The appeal must be filed during the 30-day period beginning the day after the effective date of the RIF action being appealed.

I. Records

1. ED is responsible for maintaining correct personnel records that are used to determine the retention standing of employees competing for retention under a RIF.
2. Access to retention registers and related records is permitted only as consistent with the Privacy Act (5 U.S.C. 552a), the Freedom of Information Act (FOIA) (5 U.S.C. 552), OPM regulations, and Federal Service Labor-Management Labor Relations Statute, Title 5 U.S.C., Chapter 71. Retention records may be inspected by an authorized representative of OPM, an ED employee who has received a RIF Notice, and/or the employee's representative if the representative is acting on behalf of the individual employee.
3. An ED employee receiving a RIF Notice has the right to review any completed records used in the RIF action that is/was to be taken against the employee, including:
 - a. The complete retention register with the released employee's name and other relevant retention information (including the names of all other employees listed on that register, their individual SCDs, and their adjusted SCDs), so that the employee may consider how ED constructed the competitive level, and how the relative retention standing of the competing employees was determined; and
 - b. The complete retention registers for other positions that could affect the composition of the employee's competitive level, and/or the determination of the employee's assignment rights.
4. An ED employee who has not received a RIF Notice does not have any right to review ED's retention registers and related records.
5. All registers and records related to a RIF (i.e. retention registers, RIF Notices, etc.) must be retained for one year from the date a RIF Notice is issued.

APPENDIX A: Competitive Areas

DEPARTMENT OF EDUCATION (ED) COMPETITIVE AREAS

Each of the following offices within the Washington Metropolitan Area:

1. Office of the Secretary and Deputy Secretary (OS & ODS)
2. Office of the Under Secretary (OUS)
3. Office of Planning, Evaluation, and Policy Development (OPEPD)
4. Office of Communications and Outreach (OCO)
5. Office for Civil Rights (OCR)
6. Office of the General Counsel (OGC)
7. Office of the Chief Information Officer (OCIO)
8. Office of Legislation and Congressional Affairs (OLCA)
9. Office of Finance and Operations (OFO)
10. Office of English Language Acquisition (OELA)
11. Institute of Education Sciences (IES)
12. Office of Elementary and Secondary Education (except Office of Indian Education) (OESE)
13. Office of Indian Education (OIE)
14. Office of Postsecondary Education (OPE)
15. Office of Special Education and Rehabilitative Services (OSERS)
16. Office of Career, Technical, and Adult Education (OCTAE)
17. Office of Inspector General (OIG)
18. Federal Student Aid (FSA)

Each of the following offices within the Departmental Regional Offices, established within each local commuting area:

1. Office for Civil Rights (OCR)
2. Office of Inspector General (OIG)
3. Federal Student Aid (FSA)

APPENDIX B: Release Statement

RELEASE STATEMENT

To assist separating personnel in securing employment, the Department wishes to convey qualifications information to interested employers. The qualifications information, provided by you may be in the form of a resume, curriculum vitae, or other format. The information provided will be disclosed to public and private employers (including Federal, State, and local employment agencies and outplacement agencies and public and community service agencies). Provision of this information is voluntary. In order to have your qualification information conveyed to potential employers, you must read the following statement; sign and date it; and attach to your application.

PRIVACY ACT NOTICE

I authorize the Department of Education to disclose information regarding my employment qualifications to public and private employers. I will provide/have provided this information to the Department of Education prior to my separation date, either through submission of new materials or prior application form. I understand that this authorization is voluntary. If I choose to rescind this authorization in the future, I will notify the Department of Education in writing.

PRINTED NAME: _____

SIGNATURE: _____

Date: _____

APPENDIX C: Multiple Rating Pattern Equivalent Table

MULTIPLE RATING PATTERN EQUIVALENT TABLE

(How to Credit Performance for Mixed Rating Systems)

This table is to be used for employees who transfer to ED from other Federal agencies and whose performance history includes ratings of record under more than one pattern of summary levels, as set forth in 5 CFR 430.208(d). The table shows that, within the Federal Government, there are eight different types of rating systems (A through H).

Common Descriptive Titles for Traditional 5 Level Rating System

Rating System Type	No. of Levels	Fails/ Unacceptable/ Unsuccessful	Minimally Successful	Meets/ Fully Successful/ Proficient	Exceeds Fully Successful/ Meritorious	Exceeds/ Outstanding/ Distinguished
A	2 (Pass/ Fail)	Treated as Level 1 (0 Yrs Credit)		Treated as Level 5 (20 Yrs Credit)		
B	3	Treated as Level 1 (0 Yrs Credit)		Treated as Level 3 (16 Yrs Credit)		Treated as Level 5 (20 Yrs Credit)
C	3	Treated as Level 1 (0 Yrs Credit)		Treated as Level 3 (16 Yrs Credit)	Treated as Level 5 (20 Yrs Credit)	
D	3	Treated as Level 1 (0 Yrs Credit)	Treated as Level 2 (0 Yrs Credit)	Treated as Level 3 (16 Yrs Credit)		
E	4	Treated as Level 1 (0 Yrs Credit)		Treated as Level 3 (16 Yrs Credit)	Treated as Level 4 (18 Yrs Credit)	Treated as Level 5 (20 Yrs Credit)
F	4	Treated as Level 1 (0 Yrs Credit)	Treated as Level 2 (0 Yrs Credit)	Treated as Level 3 (16 Yrs Credit)		Treated as Level 5 (20 Yrs Credit)
G	4	Treated as Level 1 (0 Yrs Credit)	Treated as Level 2 (0 Yrs Credit)	Treated as Level 3 (16 Yrs Credit)	Treated as Level 5 (20 Yrs Credit)	
H	5	Treated as Level 1 (0 Yrs Credit)	Treated as Level 2 (0 Yrs Credit)	Treated as Level 3 (16 Yrs Credit)	Treated as Level 4 (18 Yrs Credit)	Treated as Level 5 (20 Yrs Credit)

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Workforce Reshaping Operations Handbook

A Guide for Agency Management
and Human Resource Offices



Table of Contents

Purpose of the Workforce Reshaping Operations Handbook	3
Audience	3
Materials needed	3
How the handbook is organized.....	3
Chapter I: <i>Management's Role and Responsibilities</i>	4
Section A: Developing, Reviewing, and Analyzing Mission Requirements	4
Section B: Identifying Critical Management Considerations When Reshaping	5
Section C: Minimizing the Need for Reduction in Force as a Result of Reshaping	6
Section D: Deciding Whether to Implement a RIF	12
Section E: Communicating the Reshaping Effort	12
Chapter II: <i>Human Resource's Role and Responsibilities</i>	13
Section A: Establishing the Human Resources Office's RIF Team	13
Section B: Taking Preliminary Actions	19
Section C: Preparing and Using Retention Registers	19
Section D: Determining Rights to Other Positions	19
Section E: Issuing RIF Notices	20
Section F: Counseling Employees on Procedures and Options	21
Chapter III: <i>Reduction in Force</i>	22
Section A: Management Rights	22
Section B: Compliance with the RIF Regulations	23
Section C: Coverage of the RIF Regulations	23
Section D: Reorganization, Misclassification, and Job Erosion	28
Section E: Competitive Area	29
Section F: Competitive Level	33
Section G: Establishing Retention Registers	38
Section H: Determining Employees' Retention Standing	39
Section I: Retention Tenure Groups	40
Section J: Veterans' Preference in RIF	42
Section K: RIF Service Credit	44
Section L: Additional RIF Service Credit for Performance	45
Section M: Personnel Records in RIF	51
Section N: Release From the Competitive Level	52
Section O: Actions Following Release From the Competitive Level	58
Section P: Determining Employees' Assignment Rights	58
Section Q: Bump and Retreat for Assignment	62
Section R: Vacancies for Assignment	64
Section S: Vacant Temporary Positions as Placement Offers	68
Section T: Consideration of Grades in Assignment	69
Section U: Consideration of Representative Rates in Assignment	73
Section V: Consideration of Qualifications in Assignment	74
Section W: Trainee and Developmental Positions for Assignment	78
Section X: Consideration of Security Clearances in Assignment	80
Section Y: Administrative Assignment Options	81
Section Z-1: RIF Notices to Employees	82

Section Z-2: <i>Additional Notice Requirements for RIF Separations</i>	86
Section Z-3: <i>Requesting an Exception to the Minimum RIF Notice Period</i>	87
Section Z-4: <i>Certification of Expected Separation</i>	88
Section Z-5: <i>RIF Appeals</i>	89
Section Z-6: <i>RIF Grievances</i>	91
Chapter IV: <i>Post-RIF Actions</i>	92
Section A: <i>Career Transition Assistance Plan (CTAP)</i>	92
Section B: <i>Interagency Career Transition Assistance Plan (ICTAP)</i>	95
Section C: <i>Reemployment Priority List</i>	97
Section D: <i>Retraining Options Under the Workforce Investment Act of 1998</i>	98
Chapter V: <i>Transfer of Function</i>	99
Section A: <i>Applicability</i>	99
Section B: <i>Agency Responsibility</i>	101
Section C: <i>How to Apply the Regulations</i>	101
Section D: <i>Identification of Employees and Positions With a Transferring Function</i>	102
Section E: <i>Identification Method One</i>	103
Section F: <i>Identification Method Two</i>	104
Section G: <i>Employees of Losing Competitive Area</i>	106
Section H: <i>Employees of Gaining Competitive Area</i>	107
Section I: <i>Transfer for Liquidation</i>	108
Section J: <i>Canvass Letters</i>	109
Section K: <i>Volunteers for Transfer</i>	110
Section L: <i>Appeals and Grievances</i>	111
Chapter VI: <i>Glossary of Terms</i>	112

Purpose of the Workforce Reshaping Operations Handbook

OPM is issuing this Workforce Reshaping Operations Handbook to provide assistance to agencies that are considering and/or undergoing some type of reshaping (e.g., reorganization, management directed reassignments, furlough, transfer of function, reduction in force). This handbook provides agencies with guidance, options, and, where necessary, specific operational procedures designed to ensure that reshaping efforts comply with merit system laws and regulations.

Audience

This handbook is designed for any agency leader or manager and human resources office staff that is considering or undergoing workforce reshaping, especially those who find their reshaping efforts will result in a reduction in force.

Materials needed

Agencies should use this handbook in conjunction with:

- Specific authorities cited in the agency's policy
- Applicable articles contained in the agency's collective bargaining agreement(s)
- Applicable laws in title 5, United States Code; and
- Regulations published in title 5, Code of Federal Regulations (CFR).

(While the information in this handbook is current as of the date of issue, any changes in regulation or law will supersede the information in this handbook.)

How the handbook is organized

OPM has organized this handbook in a manner that corresponds to the reshaping process, starting with developing, reviewing and analyzing mission requirements and finishing with post-RIF tools such as the Career Transition Assistance Plan. These major steps fall into two areas of responsibility—management and human resources:

- Management's Role and Responsibilities (Chapter I);
 - Developing, Reviewing and Analyzing Mission Requirements (Section A);
 - Identifying Critical Management Considerations When Reshaping (Section B);
 - Minimizing the Need for RIF as a Result of Reshaping (Section C);

- Deciding Whether to Implement a RIF (Section D); and
- Communicating the Reshaping Effort (Section E)
- Human Resource’s (HR) Role and Responsibilities (Chapter II)
 - Establishing a RIF Team (Section A);
 - Taking Preliminary Actions (Section B);
 - Preparing and Using Retention Registers (Section C);
 - Determining Rights to Other Positions (Section D);
 - Issuing RIF Notices (Section E); and
 - Counseling Employees on Procedures and Options (Section F)

Readers can find guidance on conducting a reduction in force in Chapter III. Post-RIF actions are discussed in Chapter IV, and transfer of function is covered in Chapter V. The Appendixes outline specific, step-by-step guidance on topics ranging from assigning responsibilities to facilitate the RIF to implementing voluntary early retirement authority.

Chapter I: *Management’s Role and Responsibilities*

Chapter I provides guidance to managers on:

- Developing, reviewing, and analyzing mission requirements (Section A)
- Identifying critical management considerations when reshaping (Section B)
- Minimizing the need for reduction in force (RIF) as a result of reshaping (Section C)
- Deciding whether to implement a RIF (Section D)
- Communicating the reshaping effort (Section E)

Section A: *Developing, Reviewing, and Analyzing Mission Requirements*

The first step management must take to prepare for workforce reshaping is to develop, review, analyze, and prioritize mission requirements. Overlooking this essential step will undermine the effectiveness of the workforce reshaping process.

Some areas management should consider when developing, reviewing and analyzing mission requirements include:

- Current and emerging mission requirements, including technology.
- Knowledge, skills, and abilities needed for current and future positions.
- Positions (by series, grade and location) that are required to perform the current and emerging mission.
- Current and projected education levels, training, and/or cross-training required for current and future positions that will perform the mission.
- Positions (by series, grade, and location) that do not support the reshaped, reorganized, reduced, or unfunded mission.
- Current and projected attrition and turnover rates (including retirement eligibles over at least the next one to five years).
- Current and projected accession rates.

Section B: *Identifying Critical Management Considerations When Reshaping*

Top Leadership Commitment. Do the organization’s top leadership and line management support the proposed reshaping effort, to include any management-directed reassignments or reductions in force (RIF) that may occur? The commitment of the agency’s top leadership to the reshaping effort is critical to its overall success.

Purpose of Reshaping. What is the principal reason for the reshaping effort (e.g., budgetary shortfall, privatization of work, change in program priorities, mission transferred to another organization)? Sometimes the purpose is both mission-related and budget-driven.

Scope. What is the size of the reshaping effort in terms of the number of positions affected by management’s actions? The size and reasons for the reshaping effort will directly affect the agency’s options for minimizing the impact on employees. For example, closure of a large activity will result in more disruption to the organization and may require more extensive outplacement efforts than a reorganization within a division, which may result in a few involuntary reductions in grade.

Timing. How much time does management have to implement the workforce reshaping effort? Typically, the more time an organization has to implement its workforce reshaping, the less likely the need to conduct a formal reduction in force (RIF).

General versus Specific. Does management need to reduce whole numbers as in “across the board cuts,” or is there the possibility of reshaping specific functions within the

organization? There is typically less disruption to an organization when specific functions are reshaped than when entire operations are closed.

Strategies. Is management prepared to offer a variety of strategies (e.g., voluntary and management-directed reassignments, cross-training, voluntary early out retirement authority (VERA), and voluntary separation incentive pay (VSIP)) to avoid a RIF? These decisions should be considered well in advance of the announcement of the reshaping effort, and should take into account the costs of such strategies.

Communication. Does management have an effective communication strategy for all parts of the organization? It is important to address all levels of the organization (i.e., leadership, unions, and employees). There are several ways this can be accomplished—“town halls,” staff meetings, email, agency website, and letters mailed to employees’ homes.

Labor-Management Relations. Does management have union support for the reshaping effort? While management has the right to reshape its workforce, including running a RIF, many aspects of the impact and the implementation of such efforts are negotiable. Management must fulfill any collective bargaining obligations and should consult with labor relations staff prior to announcing a reshaping effort.

Other Considerations

- Are agency personnel records current and readily available?
- Is the human resources staff ready to support reshaping efforts? If not, are more resources needed to conduct the reshaping efforts?
- What is the status of performance appraisals? Are they going to be issued in the near future? Are they filed properly in the Official Personnel File? Does the agency plan to freeze ratings prior to the reshaping effort, in particular if a RIF is conducted?
- Does the agency have the budget available to support VERA/VSIP or other outplacement services?
- What is the current RIF competitive area? Is it based on geographic location and organizational elements? RIF competitive areas should be clearly defined and published (e.g. Departmental manuals, agency policy statements) for all employees and managers.

Section C: Minimizing the Need for Reduction in Force as a Result of Reshaping

There are numerous ways to minimize the need for a RIF as a result of management’s reshaping efforts. This section describes different options to minimize or even avoid RIF

separations, reassignments and downgrades as a result of reshaping. They are not in order of preference.

Detail Employees to Other Agencies on a Reimbursable Basis. A reimbursable detail to a different agency allows management to retain its skilled workforce even though the employees may temporarily be surplus. The employee on an interagency detail retains the same rights and benefits based on the employee's official position of record in the agency from which the employee was detailed because a detail does not change the employee's official position of record. This option works well when another agency has a temporary need for the specific skills of the surplus employees. An interagency reimbursable detail may also assist the agency in permanently placing the surplus employee in the different agency. An interagency reimbursable detail may not be a viable option if the employee's present agency is faced with budgetary constraints, an immediate downsizing (such as a closure), or finds that the employee's position will likely continue to be surplus in the future.

Freeze Hiring and Promotion Actions. If the agency finds that its reshaping plan will result in surplus or displaced employees, the agency may freeze personnel actions to best fit its individual situation rather than automatically adopting a blanket freeze on all personnel actions. In a mid- or long-term implementation of its reshaping plan, the agency may adopt a freeze on a ratio or a percentage basis, such as filling one position for every two vacated positions.

In general, a freeze on internal promotions (if the agency adopts that option) requires more attention from the human resources office than a blanket freeze on external or even internal hires. For example, the agency will need to determine whether to freeze:

- All promotions, only promotions for certain positions, only promotions at certain grade levels, or some combination of these;
- All career ladder promotions; and
- Optional promotions based on accretion of duties.

If budgetary factors are driving the reshaping effort, an immediate freeze on filling all new positions is one way to stabilize personnel costs. When combined with continuing attrition within the agency, a freeze on filling new positions will reduce personnel costs, particularly over a longer period of time, thereby potentially avoiding the need for a RIF.

On the down side, a freeze on filling new positions may eventually restrict the capacity of the agency to perform its work, especially if continuing attrition reduces the number of available employees below a critical mission level. Further, the agency should consider whether freezing promotions will affect the morale of the workforce. The agency may be required to implement at least a partial freeze of personnel actions since the Career Transition Assistance Plan (CTAP) provides the agency's surplus or displaced competitive service employees with intra-agency non-promotion selection priority to competitive service vacancies in the employees' local commuting areas.

Regardless of the extent of a freeze on personnel actions, the agency policy should include a “safety valve” policy permitting exceptions to the freeze. This allows the agency to fill essential positions if an unexpected situation develops (e.g., additional reimbursable work unexpectedly is available, or a natural disaster occurs), while still maintaining the general intent of the agency’s freeze. The agency’s freeze policy should specify the agency official with authority to approve an exception to the freeze.

Furlough. An agency may temporarily reduce personnel costs by furloughing employees. A furlough is the placement of an employee in a temporary nonduty, nonpay status because of lack of work or funds, or other nondisciplinary reasons.

A furlough that is expected to last more than 30 continuous calendar days or 22 discontinuous workdays (e.g., one workday per week for 25 weeks) is effected under 5 CFR part 351 (RIF) procedures. A furlough expected to last less than 30 continuous calendar days or 22 discontinuous workdays (e.g., one workday per week for 25 weeks) is carried out under 5 CFR part 752 (adverse action) procedures.

The agency should discuss its furlough plans with employees, managers, supervisors, and union officials to explain that the temporary measure of a furlough is a better alternative for both the agency and its employees than involuntarily separating employees by RIF. In general, an agency must give each covered employee a written notice at least 30 days before the effective date of an adverse action furlough. When some but not all employees in a given competitive level are being furloughed, the notice must state the basis for selecting a particular employee for furlough, as well as the reasons for the furlough. A shorter notice period is an option in an emergency situation (e.g., a natural disaster such as hurricane or tornado). An agency must give each competing employee a minimum 60-day specific written notice before the effective date of a RIF furlough. The same notice periods apply whether the furlough is continuous or discontinuous.

Furlough is not a viable option if the agency finds it is faced with a continuing, rather than temporary, lack of work and/or funds. For example, an agency may furlough an employee under RIF regulations only when the agency plans to recall the employee to duty within 1 year in the position the employee held when furloughed.

OPM’s website at: <https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/> contains additional information on furloughs.

Modify or Waive Qualifications. An agency may modify or even waive minimum qualification requirements if the agency finds an employee has the capacity, adaptability, and special skills needed to perform the duties of a vacant position. An agency may modify or waive qualification requirements when reassigning an employee to another position, or when offering an employee a voluntary change to lower grade.

OPM’s Operating Manual, *Qualification Standards for General Schedule Positions* contains general information on waiving or modifying qualification requirements when placing employees as in-service placement actions apart from the RIF regulations. The

agency may not waive minimum positive education requirements under the RIF regulations or under *Qualification Standards for General Schedule Positions*.

The Operating Manual is available on OPM's website at: <http://www.opm.gov/qualifications/index.asp>. See Section II.E.8.(c) of the Operating Manual for additional information on modifying or waiving qualifications.

Reassign Surplus Employees to Other Positions. An agency may reassign an employee to another position at the same grade, as long as the agency has a legitimate management need for the employee in the position to which reassigned. This option is often the best tool for avoiding involuntary separations and downgrades. If the agency has a pool of vacancies (particularly after freezing positions), the agency may be able to maintain continuity of operations and retain its investment in its current employees by using the reassignment option when possible.

An agency may reassign an employee without regard to the RIF regulations when the vacant position is at the same grade or rate of pay (i.e., if the movement is between pay systems) as the employee's present position. The position to which the employee is reassigned may be located in the same or a different competitive level, competitive area, or local commuting area. An agency may not reassign an employee to a position with more promotion potential unless the agency fills the position through merit competition.

The agency may make the reassignment without regard to the employee's RIF retention standing, including veterans' preference status. At its discretion, an agency may limit its basic right to reassign by using impartial considerations such as retention standing, creditable service with the agency or within the organization (such as a division or branch), length of service in the present position, length of service in the present organization, etc.

An employee has no right to be in RIF competition unless the employee is faced with separation or downgrading for a reason such as reorganization, lack of work, shortage of funds, etc. Reassignment to a position in a different local commuting area does not provide the right to compete for a position in the present competitive area under the RIF regulations even if the employee declines the reassignment and the agency subsequently separates the employee under the adverse action regulations.

If an agency separates an employee for declining reassignment to a position in a different local commuting area, the employee qualifies for most of the benefits available to an employee who is separated by RIF (e.g., severance pay or discontinued service retirement, certain placement assistance programs). However, the employee is not eligible for the agency's Reemployment Priority List (RPL).

Separate Temporary Employees. A competitive service temporary employee serves at the will of the agency and can be terminated without regard to the RIF regulations.

Separate Reemployed Annuitants. A reemployed annuitant serves at the will of the agency and, regardless of type of appointment, can be terminated without regard to the RIF regulations. In some situations the termination of a reemployed annuitant will both reduce the agency's payroll costs and free up a continuing position for a surplus employee. If the agency does not separate the reemployed annuitant prior to the RIF effective date, the reemployed annuitant competes in the RIF on the same basis as other employees holding the same type of appointment.

Train Employees for Other Positions. An agency may train (or retrain) employees for placement into vacant positions as an alternative to minimize involuntary separations and downgrades by RIF. An agency may train its employees for placement in another agency, if the head of the agency determines that this is in the Government's interest. Such a determination should be part of an agency's training policy. An agency may use its appropriated funds for training or retraining surplus or displaced employees for positions outside the Federal Government only when specifically authorized by legislation.

Training helps employees better perform their current positions, while retraining prepares employees for different careers, or teaches them how to perform in other occupational fields.

Retraining as a tool to increase the voluntary attrition of employees in excess positions to other positions includes training and development to close skills gaps and to give an employee the knowledge and skills leading to another occupation. By retraining these proven employees into a related or even a new line of work, the agency may be able to most efficiently resolve significant present or projected skills gaps in its workforce. Added retraining benefits include minimizing disruption to the work environment and building workforce morale, particularly when the agency uses retraining as an alternative to involuntary separations and demotions from downsizing.

Retraining programs generally concentrate on the basic competencies an employee needs to successfully perform a new or redesigned position. Retraining generally does not aim to provide advanced-level technical skills in a new line of work.

Voluntary Change to Lower Grade. An agency may offer an employee a voluntary change to lower grade without using RIF procedures. Employees have the right to compete for retention under the RIF regulations before involuntary separation or downgrade due to a reason such as reorganization, lack of work, or shortage of funds. In some situations, a voluntary change to lower grade allows an agency to staff a vacancy with a proven employee, while providing continued employment to a surplus employee without forcing RIF actions. Most organizational changes meet the definition of "reorganization," which can affect one position, many positions, and/or reporting relationships in an organization. An agency may provide an otherwise eligible employee with grade retention when making a management-initiated offer of a lower-graded position to an employee during a reorganization announced in writing. The agency has

three potential options, which include offering (1) grade retention, (2) pay retention, or (3) neither grade retention nor pay retention.

Voluntary Early Retirement Authority. Voluntary Early Retirement Authority (VERA) allows permanent employees to retire early if their organization is undergoing a RIF, reorganization, transfer of function or other workforce shaping. VERA is a valuable tool that helps an agency create placement opportunities for employees who would otherwise be involuntarily separated or downgraded, and by avoiding displacements in actual RIFs.

Agencies, except for the Department of Defense (DoD), must request approval from OPM for VERA authority. DoD components must request approval from the Secretary of Defense. Agencies may make decisions relative to which employees will be covered by VERA, how long to open the window for VERA, and how many employees may retire under VERA. The agency decides which employees are covered by VERA, based on nonpersonal factors related to the employee's position (e.g., grade, series, title, organization, duty location).

Before requesting VERA from OPM, agencies should consider other RIF avoidance alternatives such as furlough, hiring freezes, reassignments, etc. An agency should not use VERA as a quick fix for a short-term problem, such as to achieve short-term budgetary savings for the remainder of the fiscal year.

An agency may submit a VERA request to OPM once it is signed by the head of the agency, or by a specific agency designee with delegated authority. After OPM approves a VERA authority, the agency, based on management considerations, may subsequently modify the closing date for the VERA window period and/or revise the number of employees who may retire under the authority. OPM's approval letter to the agency authorizing VERA covers options to manage the early retirements.

OPM's website at <http://www.opm.gov> provides additional information on VERA.

Voluntary Reduction of Hours. The agency may consider a policy that allows employees to voluntarily reduce their scheduled work hours for a period of time (e.g., take one day a week or one day a pay period in a voluntary nonpay status), or even to convert from a permanent full-time to a permanent part-time work schedule. A reduction in an employee's scheduled work time will result in an immediate reduction in personnel costs, but may also result in a loss of organizational productivity.

A temporary or permanent change in work schedule will provide an employee with greater flexibility to participate in non-work-related needs (e.g., family, educational, volunteer groups, medical, elder care). When considering this option, the agency should survey employees to determine the level of interest, particularly if the agency is faced with a short-term shortage of work or funds. However, before adopting this option, the agency should first consider whether a formal policy is needed covering how to select

employees while maintaining continuity of agency operations. This option may depend on the scope of the agency's reshaping efforts

The agency should advise employees concerning the implications of the reduction in hours. For example, an employee who converts from a permanent full-time to a permanent part-time schedule follows a different formula to calculate health benefit costs and retirement deductions. Similarly, an employee who is in a voluntary or involuntary leave without pay status may have a reduction in the leave credit that the employee would have earned had the employee been in a full-time pay and duty status. The agency should advise its employees to consult with the agency's human resources office when considering a change to work schedule.

Voluntary Separation Incentive Payment. The VSIP (or buyout) option allows an agency to offer a permanent employee a lump-sum payment up to \$25,000 if the employee voluntarily retires or resigns. An agency must have specific legislative authority in order to offer a buyout. Many agencies are covered under the buyout authority provided for in the Chief Human Capital Officers (CHCO) Act of 2003. Agencies covered under the Act must have OPM approval before paying any buyouts. Agencies with prior VSIP authority reported that buyouts were a successful tool that notably increased voluntary attrition, particularly for VERA retirements of employees in excess positions.

OPM's website at <http://www.opm.gov/> contains additional information on VSIP.

Section D: *Deciding Whether to Implement a RIF*

When agency management makes the decision to run a RIF, the first step should be to consult with the agency Human Resources Officer (HRO) or servicing HR staff before finalizing the timing and scope of the RIF. The HRO can advise managers regarding the current competitive areas, creation of retention registers, any labor relations obligations, a timeline for running a RIF, and can provide technical guidance on the impact of decisions that the agency must make before issuing RIF notices to employees. This is a critical step, and the importance of it cannot be emphasized enough.

See Appendix G, Management's Decision to Implement RIF Checklist, for a complete listing of all actions management should consider when they have made the decision to implement a RIF.

Section E: *Communicating the Reshaping Effort*

Agency management should consult with their HR, public affairs, Congressional relations and communications offices to establish an effective communication strategy. The agency's goal should be to develop a coordinated communication plan that will provide timely, accurate, and complete information to all parties on issues relating to

organizational change and the RIF. Effective, open communication with immediate supervisors, nonsupervisors, and other affected parties (including the union(s)) can minimize losses to organizational productivity.

The HRO, with direct support of agency management, should, to the extent possible, provide employees with access to pertinent information concerning RIF procedures, programs available to surplus or displaced employees, and employee benefits such as retirement, health benefits, and life insurance. Potential methods of communication include:

- Written communication, which is the best way to provide a record of accurate information; options include scheduled bulletins, as-needed bulletins, brochures, pamphlets, newsletters, and e-mail;
- Direct personal communication, which provides a personal approach to disseminating the information and answering a diverse range of questions; options include large groups, small groups, and organization or subject-based groups;
- Information by video; options include live television broadcasts, videotapes, CDs, and streaming video accessed through personal computers; and
- Audio information; options include taped telephone messages to work phones and CDs to listen to at home.

Chapter II: *Human Resource's Role and Responsibilities*

Chapter II provides guidance to Human Resource (HR) offices on:

- Establishing the HR office's RIF team (Section A)
- Taking preliminary actions (Section B)
- Preparing and using retention registers (Section C)
- Determining rights to other positions (Section D)
- Issuing RIF notices (Section E)
- Counseling employees on procedures and options (Section F)

Section A: *Establishing the Human Resources Office's RIF Team*

Establishing the RIF Team. Both the size and the composition of the HRO's RIF team depend on factors relative to the agency's RIF situation, such as size (e.g., two excess positions, 160 excess positions), location (e.g., one duty site, multiple duty sites), and reason (e.g., reorganization, closure, consolidation). Most RIF actions require some employees to work full-time on personnel actions related to the RIF. For example,

agencies need to ensure their personnel records are up to date, because a Federal employee's rights and benefits are based upon the employee's official position of record.

Even with an automated personnel records system, a RIF requires the agency to manually verify all relevant information, such as each employee's official position description, three most recent performance ratings of record, retention service computation date, and veterans' preference status. A RIF team allows the HRO to successfully perform the temporary increased workload that is required to prepare for and implement the RIF.

If possible, at least one person on the team should have prior RIF training or experience. Appendix N includes a skills inventory that an agency may use to identify HRO employees with prior RIF or other downsizing experience. The agency may use the downsizing skills inventory in deciding whether some or all members of the team need training related to the RIF (e.g., training on the mechanics of the RIF regulations, career transition options, benefits for displaced employees). Appendix O also has additional guidance on subjects that should be included in a RIF training skills program for members of the team.

When establishing the HRO's RIF team, the agency should immediately designate a leader of the team to coordinate all aspects of the team's work. This may include:

- Recommending other staff with specific technical skills to serve on the team;
- Requesting any training needed by the team;
- Developing the agency's own RIF action checklist;
- Ensuring that the team meets all deadlines required by either agency managers or the checklist;
- Requesting any support staff needed to assist the team;
- Requesting any additional resources, facilities, or equipment needed to assist the team; and
- Providing other needed support and assistance to team members as the RIF progresses.

The RIF team usually includes human resources specialists with skills in staffing, classification, and position management. As needed, the team should include employees with other skills, such as employee benefits, labor and employee relations, and automated systems, especially if the agency will use an automated RIF system (e.g., "AutoRIF") to prepare retention registers used to determine how the RIF will affect the agency's employees. See Appendix O for information on the Department of Defense's AutoRIF software package, which is also available to non-Defense agencies. See Appendix C for information on counseling employees.

Even a mid-size RIF (e.g., 10 to 49 actions) may require team members to perform some overtime work. The agency should include possible overtime as an estimated RIF cost. Finally, each member of the RIF team must be able to cope with additional stress and pressure associated with implementing a RIF. The team leader should always be

available to offer assistance to a team member who is experiencing stress as a result of the RIF.

RIF Team Leader. The RIF team leader is responsible for coordinating the team's work with both the HRO and with agency management, as appropriate. The leader of the RIF team must play many roles as the agency first prepares for a RIF, then actually carries out RIF actions, and finally manages post-RIF issues (e.g., selection priority programs for displaced employees, appeals and grievances filed by employees).

The RIF team leader is responsible for accurately determining employees' retention rights under OPM's RIF regulations. This includes implementing all of management's decisions relating to the RIF, and coordinating the team's actions with the HRO. In addition, the team leader is responsible for providing technical assistance to the RIF team.

Support Staff. For maximum effectiveness, the agency should provide the HRO's RIF team with sufficient staff and the skills needed to support the team. The skills needed by an individual agency's RIF team and its RIF support team may differ from one agency to another. For example, one agency may have a need for a labor-management specialist on the principal team, while a second agency may need its labor-management specialist to serve only as a member of the support team.

The RIF support team may include employees with a wide range of skills, such as:

- **Staffing Assistants.** Tasks may include making service credit determinations, calculating service computation dates, making veterans' preference determinations, and downloading data from the agency's personnel data files.
- **Clerical Support Staff.** Tasks may include copying RIF notices and other downsizing documents, assembling informational packets for employees, preparing final copies of slides used for briefings, scheduling meetings involving the RIF team, reserving rooms needed by the team for meetings and briefings, and coordinating any travel by team members to other duty sites.
- **Benefits Specialists.** Tasks may include advising both team members and displaced employees concerning entitlements such as retirement benefits, health benefits, life insurance, and the Thrift Savings Plan.
- **Computer Specialists.** Tasks may include downloading personnel data needed by the team to prepare RIF registers and making the data available for use by the team in an automated program such as DoD's AutoRIF.

Facilities. The agency should provide the HRO's RIF team with one or more secure rooms that are appropriate to the situation. The RIF team needs secure space with restricted access. Because of the sensitivity of RIF actions and the need to secure personnel records, which contain personally identifiable information, the agency should

limit entry to the space to members of the RIF team (including support team members) and others with a specific need for access. If necessary, the agency should provide extra security for the facilities used by the RIF team. If possible, the agency should also provide the team with access to a conference room that can include all members of the RIF teams.

Equipment and Supplies. The agency should provide the HRO's RIF team with necessary equipment and supplies. Necessary equipment and supplies for the RIF team may include:

- Desks and/or tables, as appropriate. Some agencies prefer to have the RIF team work at a large table rather than at individual desks. In some situations, the team may find that extra tables are useful to temporarily hold material such as Official Personnel Folders, employees' RIF notices and benefits packages, and similar materials.
- Telephones. The agency should ensure that the team's telephones have voice mail, call-forwarding capability, and TDY capability for the hearing impaired.
- Fax machines. Fax machines are especially important if the RIF involves different geographic locations, or if the agency maintains its personnel records at different sites.
- Computers and printers. The number of computers, printers, and related equipment that the team needs depends on the situation. At a minimum, the agency should use only one computer for the employee database, and another only for RIF software such as DoD's AutoRIF. The agency should provide password protection for each of the team's computers, along with e-mail and internet access for team members.
- Copy machines. The team needs at least one copy machine and a backup that are always maintained in working condition.
- File Folders. The team needs a file folder for each employee involved in the RIF to compile and verify RIF data, correspondence, RIF notices, RIF counseling documentation, and similar material.
- Other office supplies, as needed. The team needs a steady supply of related material such as paper in the appropriate formats (e.g., plain white paper, letterhead paper for RIF notices and possibly for internal memos, tinted paper for posted announcements), notepads, binders, dividers, large and small envelopes, pens, staples, paper clips, and tape. The team also needs a place to store material in an organized manner.
- Shredder. The team needs a shredder and disposal bags (possibly including burn bags) to dispose of excess paper related to the team's work.

- File cabinets. In the team's secure area, the team needs one or more lockable file cabinets, as appropriate to the situation.
- Erasable marker board and/or large paper flip charts. The team needs the board and flip charts to cover team assignments, timelines, priorities, specific items on RIF or downsizing procedures, etc.

Personnel Records. The agency should provide the HRO's RIF team with secure access to the Official Personnel Folders (OPF) and other records (e.g., official position descriptions) of agency employees who are competing in the RIF. The agency must ensure that the team's actions are consistent with the requirements covering access and maintenance of personnel records in part 293 of title 5, Code of Federal Regulations (Personnel Records) and the agency's policy pertaining to safeguarding personally identifiable information.

The agency's responsibility includes actions involving application of the Privacy Act and the Freedom of Information Act (FOIA) to requests for access to personnel records. The agency's responsibility also includes actions involving other records associated with the RIF (e.g., qualifications updates submitted to determine employees' retention rights to other positions).

Reference Materials. The agency should provide the HRO's RIF team with access to other information needed to conduct the RIF. Additional information needed by the RIF team may include:

- Personnel rosters of the organizations both before and after the RIF. The organization's personnel rosters document occupied and vacant positions in both the present organization, and in the organization after the RIF is completed. As necessary, the team should also have timely access to agency management at the appropriate level if the team needs clarification of issues related to the personnel rosters (e.g., timing of the RIF, available vacancies in the new organization, subsequent actions in a phased reorganization, impact of new legislation).
- Title 5, United States Code (U.S.C.). The text of the United States Code is available at <http://uscode.house.gov>. Governmentwide regulations are derived from the statutory provisions of title 5, United States Code.
- Title 5, Code of Federal Regulations (CFR). OPM publishes its regulations in title 5, Code of Federal Regulations. The current text of the CFR is available at <http://www.ecfr.gov>.
- Agency's internal personnel manual. The team should also have a copy of documents related to the agency's RIF policies, such as the agency's policy on freezing performance ratings of record and providing retention service credit for performance in situations where the agency has flexibility, using vacant positions

as offers to employees reached for RIF actions, and repromotion priority for employees demoted by RIF.

- Collective bargaining agreements that cover employees competing in the RIF. If a collective bargaining agreement is revised during the process of preparing for the RIF, the agency should provide the team with a copy as soon as possible.
- Applicable OPM manuals, handbooks, and guides. For example, the team should have copies of relevant OPM issuances such as *Introduction to the Position Classification Standards*, *Qualification Standards for General Schedule Positions*, *CSRS and FERS Handbook for Personnel and Payroll Offices*, *Guide to Processing Personnel Actions*, *VetGuide*, and other relevant material available from the OPM website.
- Applicable appeals and grievance decisions. The team should have timely access to appeals decisions of the Merit Systems Protection Board (www.mspb.gov), the United States Court of Appeals for the Federal Circuit (<http://www.ca9.uscourts.gov/>), and the Federal Labor Relations Authority (<http://www.FLRA.gov>). When not directly available from the internet or the team's own files, the team should have an agency contact (e.g., in the agency's legal office) who can provide a copy of a requested decision.

Support for Other RIF-Related Teams. The agency should provide similar support for other specialized teams involved in preparing for and carrying out the RIF. As needed, the agency often establishes other teams to supplement the core RIF and RIF support teams. These other teams may be comprised of employees other than those on the basic teams. For example, an agency may find a need to establish a team solely devoted to reviewing employees' personnel records for accuracy, to calculate employees' service computation dates, to deal with fiscal matters associated with the RIF, etc.

When an agency will actually separate employees by RIF, the agency should establish and implement a separate outplacement team even before the agency issues RIF notices. This will maximize outplacement assistance available to displaced employees. Usually voluntary attrition will increase, reducing the number of involuntary RIF separations. Especially in a mid-size (i.e., 10 to 49 actions) or large (i.e., over 50 actions) RIF, the agency should establish a separate team to develop and implement its outplacement program. Otherwise, the priorities involved in conducting the RIF may significantly reduce the time available to assist employees in exploring available career options.

Skills Update. Appendix N, RIF Team Skills Inventory Checklist, provides a means to document the current skills of the RIF team members. Appendix O, RIF Team Skills Update, summarizes subject areas that should be included in training members of the agency's RIF team.

Section B: *Taking Preliminary Actions*

The RIF team should:

- Identify all positions in each RIF competitive area
- Document noncompeting employees on nonpermanent assignments
- Document other noncompeting employees
- Document employees in a nonpay status
- Document employees away on active armed forces duty with a restoration right
- Document employees who have returned from the armed forces with a current restoration right
- Document employees receiving injury compensation payments from the Department of Labor
- Review position descriptions
- Review competitive levels for accuracy
- Determine employees' veterans' preference rights for retention
- Determine employees' basic RIF service computation dates
- Verify employees' performance ratings of record that are used for retention
- Determine employees' adjusted RIF service computation dates
- Review essential retention data for each employee

For further information pertaining to the RIF team preliminary actions, see Appendix M, RIF Team Preliminary Actions.

Section C: *Preparing and Using Retention Registers*

The first step for the RIF team is to prepare retention registers, determine which employees are released from these registers because of position abolishments, and determine whether the released employees have a right to a continuing position on a different retention register.

See Appendix J, *Preparing and Using Retention Registers*, for additional information on preparing retention registers, projecting employee retention data to the RIF effective date, separating noncompeting employees before releasing competing employees from the competitive level, and identifying employees released from the competitive level in first-round competition.

Section D: *Determining Rights to Other Positions*

After the RIF team determines which employees are released from the agency's retention registers in first-round RIF competition, the team then proceeds with second-round RIF competition to determine whether each released employee has an assignment right to a position on a different retention register (i.e., a different competitive level).

Competitive service employees in tenure group I or II with current performance ratings of at least Minimally Successful (or equivalent) who are reached for release from the

competitive level are entitled to an offer of assignment if they have bump or retreat rights to an available position in the same competitive area, and they would otherwise be separated or demoted by RIF.

The existence of an available position establishes the employee's right to be offered a position at that grade level. However, agencies retain the discretion to determine which position is offered to an employee when more than one available position exists.

An employee with an excepted service appointment has no assignment rights under OPM's RIF regulations. However, at its discretion an agency may elect to provide its excepted service employees with RIF assignment rights.

Appendix D, Determining Rights to Other Positions, provides additional information on determining employees' representative rates, normal line of progression for each position, identification of vacancies available for assignment and other placement offers, released employees' qualifications for assignment, released employees' assignment rights, and running a mock RIF and reviewing results for accuracy.

Section E: *Issuing RIF Notices*

When agency management gives final approval for RIF actions, the RIF team, in coordination with the HRO, uses the official date of the RIF to determine the retention rights of each competing employee before preparing specific written notices and related materials for distribution to individual employees.

The team should alert the HRO if the planned effective date of the RIF may compromise the team's ability to provide complete information to employees who receive specific written RIF notices. The HRO should then advise agency management of the situation so they may consider whether to revise the RIF effective date, given the timeframe for implementing the agency's strategic plan. If the RIF team previously completed a mock RIF, the team may be able to use some results of the mock RIF in determining the retention rights of employees in a subsequent RIF.

For further information regarding determining each released employee's eligibility for benefits, preparing specific written RIF notices and mandatory attachments, sending notices to other organizations if 50 or more employees receive separation notices, notifying bargaining unit representatives, determining how to deliver RIF notices, preparing packages for separating employees, delivering RIF notices, and re-running RIF to reflect changes to the personnel roster in the competitive area, see Appendix F, Issuing RIF Notices.

Section F: *Counseling Employees on Procedures and Options*

The HRO should emphasize to agency management and members of its RIF-related teams that effective counseling is critical to minimize disruption resulting from the agency's RIF. When possible, the HRO should offer counseling that is appropriate to the situation. For example, if the agency implemented an effective communications policy covering implementation of the agency's strategic plan and the need for a RIF, the office may find that released employees will focus more on RIF mechanics or benefits rather than questioning the need for the agency's actions.

Under the communication plan the HRO may have opted to provide general RIF and benefits briefings to all employees in the agency based on the possibility of a RIF. Even if the agency simply provided summaries of OPM's RIF procedures and/or RIF benefits to all employees before issuing RIF notices, many released employees will have a working knowledge of the subjects and will use the counseling sessions to clarify specific rather than general issues. OPM provides agencies and employees with current electronic summaries of RIF procedures, RIF benefits, and career transition assistance programs. Individual agencies or activities may also develop their own summaries that include agency-specific policies or placement programs.

In a small RIF (i.e., fewer than 10 actions), the HRO may choose to use members of a single team to provide counseling to released employees at small group or individual sessions. In a large RIF (i.e., 50 or more actions), the office should have more options, including individual counseling sessions, as well as small and/or large group counseling sessions. Whichever approach the agency chooses, the counselors must have accurate information concerning each respective subject area. Also, the counselors must be able to obtain accurate information on exceptional situations that may require clarification from a higher level of the agency or from OPM.

See Appendix C for additional information on planning for effective counseling, and effective outplacement counseling.

Chapter III: *Reduction in Force*

Chapter III provides guidance on the Governmentwide reduction in force (RIF) regulations:

- Management Rights (Section A)
- Compliance with OPM's RIF Regulations (Section B)
- Coverage of the RIF Regulations (Section C)
- Reorganization, Misclassification, and Job Erosion (Section D)
- Competitive Area (Section E)
- Competitive Level (Section F)
- Establishing Retention Registers (Section G)
- Determining Employees' Retention Standing (Section H)
- Retention Tenure Groups (Section I)
- Veterans' Preference in RIF (Section J)
- RIF Service Credit (Section K)
- Additional RIF Service Credit for Performance (Section L)
- Personnel Records in RIF (Section M)
- Release From the Competitive Level (Section N)
- Actions Following Release From the Competitive Level (Section O)
- Determining Employees' Assignment Rights (Section P)
- Bump and Retreat for Assignment (Section Q)
- Vacancies for Assignment (Section R)
- Vacant Temporary Positions as Placement Offers (Section S)
- Consideration of Grades in Assignment (Section T)
- Consideration of Representative Rates in Assignment (Section U)
- Consideration of Qualifications in Assignment (Section V)
- Trainee and Developmental Positions for Assignment (Section W)
- Consideration of Security Clearances in Assignment (Section X)
- Administrative Assignment Options (Section Y)
- RIF Notices to Employees (Section Z-1)
- Additional Notice Requirements for RIF Separations (Section Z-2)
- Requesting an Exception to the Minimum RIF Notice Period (Section Z-3)
- Certification of Expected Separation (Section Z-4)
- RIF Appeals (Section Z-5)
- RIF Grievances (Section Z-6)

Section A: *Management Rights*

Right to Reorganize the Workforce. The agency has the responsibility to determine its mission-based workforce requirements, define its priorities, and apply available resources in order to best meet mission requirements.

RIF Decisions. Each agency is responsible for deciding what positions are abolished, whether a RIF or transfer of function is necessary, and (if applicable) when a RIF will

take place. This also includes the right of the agency to decide which positions are required after a reorganization or other organizational change, where the positions are located, and when the positions are to be filled, abolished, or vacated.

Right to Take Other Personnel Actions. An agency's need to apply RIF procedures does not suspend the agency's authority and responsibility to take other personnel actions such as reassignment, promotion, change of duty station, or demotion for cause or unacceptable performance. An agency may effect other personnel actions before, during, or after a RIF.

Section B: *Compliance with the RIF Regulations*

Agency Responsibility. An agency, in taking RIF actions, must comply with all applicable laws, regulations, formal agency policies, and the terms of any applicable negotiated bargaining agreements. Also, the agency is responsible for uniformly and consistently applying the retention regulations in any RIF. The use of RIF procedures to avoid required procedures for other situations is improper (for example, conducting a RIF rather than using adverse action procedures to release an employee with a history of conduct problems).

OPM Review of Agency's RIF Plans. OPM may examine an agency's preparation for RIF at any stage. If OPM finds that an agency's RIF preparations are contrary to the express provisions, or the spirit and intent, of the applicable regulations or would violate employee rights or equities, OPM may recommend corrective action with respect to those preparations.

Section C: *Coverage of the RIF Regulations*

Employees Covered by the RIF Regulations. Except as noted elsewhere in this section, unless excluded by statute, the RIF regulations cover each Federal civilian employee in:

1. The executive branch of the Federal Government; or
2. A position outside the executive branch that is subject by statute to competitive service requirements or is determined by the appropriate legislative or judicial administrative body to be covered by the retention regulations.

Modifications to General Coverage of the RIF Regulations.

1. Administrative law judges are subject to the modified RIF procedures in part 930 of title 5, Code of Federal Regulations, that do not consider performance in determining retention standing.
2. Certain positions covered by Indian preference laws are subject to modified RIF procedures pursuant to section 472a of title 25, United States Code.

3. Employees of the U.S. Postal Service who are eligible for veterans' preference in retention are covered by part 351 of title 5, Code of Federal Regulations, under authority of section 1005(a)(2) of title 39, United States Code.

Postal Service employees who are not eligible for veterans' preference are not covered by the RIF regulations.

4. "Hybrid" health care personnel of the Department of Veterans Affairs, as provided under title 38, United States Code, compete as excepted service employees under the RIF regulations.

"Non-hybrid" health care personnel of the Department of Veterans Affairs whose employment is governed in significant part by chapter 74 of title 38, United States Code, are covered by the RIF regulations. (Part-time health care professionals of the Department of Veterans Affairs who are appointed under authority of section 7405(a)(1) of title 38, United States Code, are not covered by part 351 of title 5, Code of Federal Regulations.)

Employees Excluded From Coverage of the RIF Regulations. The RIF regulations do not apply to:

1. A National Guard Technician;
2. A member of the Senior Executive Service;
3. An employee in a position outside the executive branch, except for a position that is subject by statute to competitive service requirements, or is determined by the appropriate legislative or judicial administrative body to be covered by the RIF regulations;
4. An employee whose appointment is required by Congress to be confirmed by, or made with the advice and consent of, the United States Senate;
5. A reemployed annuitant, unless the appointing officer determines that an annuitant may compete under the RIF regulations (an annuitant serves at the will of the appointing officer and may be separated at any time at the discretion of the appointing officer, but if the agency does not separate the annuitant prior to a RIF, the agency determines the annuitant's retention standing on the basis of the employee's actual appointment; the annuitant then competes in the RIF in the same manner as other competing employees);
6. A foreign national employee appointed under programs authorized by section 408 of the Foreign Service Act of 1980 (22 U.S.C. 3968), which may include special plans for RIF (in these plans an agency may give effect to local labor laws and

7. A member of the Public Health Service (PHS) (Note—A member of the PHS is a member of a “uniformed service” and is not a civilian employee covered by the RIF regulations);
8. A Department of Defense Nonappropriated Fund (NAF) employee, who competes for retention with other NAF employees on the basis of agency-specific RIF procedures);
9. Some employees included in an alternative personnel system authorized as a demonstration project or similar alternative personnel system (Note—The implementing regulations and related implementing issuances covering the demonstration project or alternative personnel system document any applicable modified RIF procedures); and
10. A part-time health care professional of the Department of Veterans Affairs who is appointed under authority of section 7405(a)(1) of title 38, United States Code, is excluded from civil service laws, rules and regulations, including the RIF regulations.

RIF Actions and Reasons. A personnel action must be effected under RIF procedures when both the action to be taken and the reason for the action are covered by the RIF regulations. An action that meets one, but not both, conditions, is not a RIF action and must be taken under other appropriate authority. “Action to be taken” is the release of an employee from a RIF competitive level by:

1. Separation;
2. Demotion;
3. Furlough for more than 30 continuous days or more than 22 discontinuous workdays; or
4. Reassignment requiring displacement in first-round RIF competition (i.e., competition to remain in the same competitive level) or in second-round competition (i.e., competition to displace a lower-standing employee in a different competitive level).

“Reason for the action” is:

1. Lack of work;
2. Shortage of funds;

3. Insufficient personnel ceiling;
4. Reorganization;
5. An individual's exercise of reemployment rights or restoration rights; or
6. Reclassification of an employee's position due to erosion of duties when this action will take effect after an agency has formally announced a RIF in the employee's competitive area, and the RIF will take effect within 180 days.

The RIF regulations do not allow an agency to conduct a RIF retroactively unless an intervening event has occurred (such as a RIF action that followed a retroactive restoration).

Actions Excluded From RIF Coverage. The RIF regulations do not apply to:

1. The termination of a temporary or term promotion, or the return of an employee to a position held before the temporary or term promotion or to a position of equivalent grade and pay;
2. A change to lower grade based on the reclassification of an employee's position due to the application of new classification standards or the correction of a classification error;
3. A change to lower grade based on the reclassification of an employee's position due to erosion of duties, except that this exclusion does not apply to reclassification actions that will take effect after an agency has formally announced a RIF in the employee's competitive area and when the RIF will take effect within 180 days (this exception ends at the completion of the RIF);
4. Placement of an employee serving on an on-call or seasonal basis in a nonpay, nonduty status in accordance with conditions established at time of appointment;
5. A change in an employee's work schedule from part-time to full-time (Note—An involuntary change from full-time to part-time is covered by the RIF regulations);
6. A reduction in the number of scheduled hours within a part-time tour of duty (for example, from 32 to 16 scheduled hours per week);
7. A reduction in rank (for example, a reassignment of an employee from a supervisory position to a nonsupervisory position);
8. A constructive demotion (for example, an employee's position is reclassified to a higher grade because of a new classification error and the employee is not

promoted even though the employee is qualified for the higher-graded position);
or

9. A furlough of 30 or fewer continuous days, or of 22 or fewer discontinuous workdays.

Agency Authority to Reassign. At its discretion, an agency may reassign an employee, without regard to RIF procedures, to a vacant position at the same grade and rate of pay. The position may be in the same, or in a different:

1. Competitive level;
2. Competitive area; or
3. Local commuting area.

A reassignment to a position in a different pay schedule (e.g., GS to FWS or vice versa) must not involve either a promotion or a demotion.

Optional Use of RIF or Reassignment. At its discretion, an agency may provide an offer of a position at the same grade and pay to an employee who is reached for a RIF action by either:

1. Offering the employee assignment under the RIF regulations to an encumbered or a vacant position; or
2. Reassigning the employee to a vacant position.

An agency is required to use the RIF regulations only if the employee is separated, downgraded, or placed in a nonpay status as a RIF furlough, because of an action and reason described in “RIF Actions and Reasons” above.

No Special RIF Rights From Compensable Injury. An employee absent because of a work-related compensable injury has no special protection in a RIF. An employee is separated by RIF while the employee is receiving injury compensation benefits has no restoration rights based upon the injury.

Employees May Volunteer for RIF Only if Authorized by Statute. The abolishment of a position and a subsequent RIF are agency-initiated actions. Without specific statutory authority, an employee may not volunteer for a RIF action.

For example, section 3502(f) of title 5, United States Code, authorizes potential voluntary RIF actions in the Department of Defense (DoD) if the voluntary separation results in the retention of a DoD employee in a similar position who will otherwise be separated by RIF. Similarly, section 3136 of Public Law 106-398 authorizes potential voluntary RIF

separations for Department of Energy employees at closure projects if the voluntary separation results in the retention of an Energy employee in a similar position who would otherwise be separated by RIF.

Section D: *Reorganization, Misclassification, and Job Erosion*

Reorganization Basics. “Reorganization” means the planned elimination, addition, or redistribution of functions or duties in an organization.

Use of RIF Procedures in Reorganization. If a reorganization results in an employee being reached for separation or downgrading, the agency must follow the RIF regulations, but only at the time of actual separation or downgrading. The agency may implement a reorganization when organizational changes actually take place, or at a later date such as during a classification survey.

Most RIF actions are actually reorganizations, resulting from lack of work, shortage of funds, or reduction in personnel ceiling. Also, an agency decision to privatize work under Office of Management and Budget (OMB) Circular A-76 or other authority (including a Most Efficient Organization (MEO) decision) is a reorganization covered by the RIF regulations for any employee separated or demoted as a result of the agency’s action.

The agency has the right to conduct a reorganization and a RIF at any time, not just in direct response to an event such as a reduction in available funds. For example, the agency may decide to reorganize its workforce or reporting relationships to accommodate a shortage in available funds. As explained in Section C, under “Agency Authority to Reassign,” an agency may reassign an employee to another position at the same grade without regard to relative retention standing, and avoid the use of RIF procedures in a reorganization.

Misclassification Due to New Classification Standard or Correction of Classification Error. If the grade of a position must be reduced because of the application of new OPM classification standards or the correction of a classification error, the agency does not use RIF procedures. In these situations, the duties of the position do not change; the grade of the position changes because of new classification standards or the correction of the classification error.

Reclassification Due to Job Erosion. “Job erosion” describes a situation where the grade of a position must be reduced because duties have gradually drifted away through an extended erosion process. In job erosion cases, there is no record of:

1. The reason why the grade-supporting duties of a position are no longer being performed; and
2. The time frame when the change to grade-controlling duties actually occurred.

Job erosion contrasts with a reclassification due to reorganization, where the agency carries out a planned change in duties when the record shows:

1. A direct or indirect management decision resulting in the deletion of the grade-supporting duties of a position; and
2. The time frame when management made this decision.

Use of RIF in Job Erosion. The RIF regulations apply to job erosion reclassification actions when:

1. The job erosion downgrading action will take effect after an agency has formally announced a RIF in the employee's competitive area; and
2. The RIF will occur within 180 days after the effective date of the downgrading action.

In deciding whether job erosion is an option, the agency must consider whether a RIF has been announced, and will take effect within 180 days, in the employee's competitive area.

Accretion of Duties. At its option, an agency may promote an employee without the usual competitive procedures if the agency reclassifies the position on the basis of additional duties and responsibilities. If the agency noncompetitively promotes employees on the basis of accretion of duties and responsibilities, the agency is responsible for establishing its formal policies to document that each promotion is legitimate.

Section E: *Competitive Area*

Competitive Area Basics. Each agency must establish competitive areas that are the boundaries within which employees compete for retention under the RIF regulations. The competitive area includes all employees within the organizational unit(s) and geographical location(s) that are included in the competitive area definition. In any one RIF, an agency may not use one competitive area for the first round of competition, and a different competitive area for the second round of competition.

Employees in a competitive area compete for retention under the RIF regulations only with other employees in the same competitive area. Employees do not compete for retention with employees of the agency who are in a different competitive area.

There is no minimum or maximum number of employees in a competitive area. An employee who teleworks competes in RIF on the basis of the duty station or work site documented for the employee's official position of record.

Basis for Competitive Area. Generally, an agency must define each competitive area solely in terms of organizational unit(s) and geographical location(s). Agencies have the option of establishing a competitive area comprised only of pay band positions when the competitive area would otherwise include pay band positions and other positions not covered by a pay band.

An agency may not define a competitive area on the basis of other considerations (such as bargaining unit membership, grade, occupation, etc.).

The same competitive area standard applies to both headquarters and field activities:

- A minimum headquarters or field activity competitive area is any organizational unit under separate administration (which is explained below) within the local commuting area.
- The agency uses the same general minimum standard of separate administration within the local commuting area to establish competitive areas for both headquarters and field components.

If two or more field activities are grouped at the same field installation, but are organizationally independent and separate from each other in operation, work function, staff, and personnel management, each activity may properly be designated a competitive area.

Inspector General Competitive Areas. An agency must establish a separate competitive area for an Inspector General activity established under authority of the Inspector General Act of 1978 (Public Law 95-452, as amended). This competitive area consists of only employees of the Inspector General activity.

Separate Administrative Management Authority in Competitive Area

Determinations. As used for purposes of establishing a minimum competitive area, “separate administration”:

1. Is the administrative authority to take or direct personnel actions (including the authority to establish positions, abolish positions, assign duties, etc.) rather than the issuance or processing of the documents by which these decisions are effected;
2. Means that the organizational unit is separately organized and clearly distinguished from other organizational units within the same local commuting area in regard to operation, work function, staff, and personnel management;
3. Recognizes that individual organizational components may be under separate administration even though many agencies reserve final approval of certain personnel actions to a higher level in the agency (including classification of

positions, filling of higher-graded positions, processing of personnel actions, etc.); and

4. Is evidenced by the agency's organizational manual and delegations of authority that document where, in the organization, final authority rests to make decisions such as establishing positions, abolishing positions, assigning duties, etc. This is the standard for a minimum competitive area in a local commuting area, in either a headquarters organization or field component.

The fact that the same personnel office services several activities does not constitute "separate administration" and does not, of itself, require that they be placed in the same competitive area. The personnel office merely processes personnel actions rather than having final responsibility to make decisions on whether to establish positions, abolish positions, assign duties, etc.

Size of Competitive Area. An agency has considerable flexibility in defining a competitive area that is consistent with the RIF regulations. The RIF regulations do not require:

1. A competitive area that is larger than the minimum standard covered in the "Basis for Competitive Area" paragraph above (a competitive area may not be smaller than the minimum standard covered in that paragraph);
2. A minimum or maximum number of employees to be included in a competitive area; or
3. A minimum or maximum organizational or geographic size for the competitive area.

Local Commuting Area. The geographic area that usually includes one area for employment purposes, as determined by the agency. The local commuting area includes any population center (or two or more neighboring centers) and the surrounding localities in which people live and can reasonably be expected to travel back and forth every day to their usual employment. Each agency has the right and the responsibility to define local commuting areas and apply this definition. OPM has not established a mileage standard to determine when two local duty stations would be included in the same local commuting area.

Local Commuting Area and Competitive Area. When an organization has components in more than one local commuting area, the agency may designate each local commuting area as a separate competitive area. When two or more different organizations of the same agency are located in the same local commuting area, to determine a minimum competitive area, the agency should refer to its controlling documentation to determine whether the organizations are under separate administration as described in the above paragraph, "Separate Administrative Management Authority in Competitive Area Determinations."

Record of Competitive Area Definitions. When an agency establishes or changes competitive areas, it must publish descriptions of the areas or otherwise make them readily available for review by employees and OPM. The agency usually includes its competitive area definition(s) in its internal personnel manual, or with similar documents relating to the agency's specific RIF procedures.

Restriction on Changing Competitive Area Definitions Within 90 Days of the RIF Effective Date. An agency must establish competitive areas at least 90 days prior to a RIF effective date unless, at its option, the agency requests an OPM exception to the usual 90-day competitive area requirement. A new competitive area does not result from changes within an existing competitive area such as the transfer of a function from another competitive area prior to the RIF effective date, or the updating of the competitive area definition to document other organizational changes that have taken place since the competitive area definition was last updated.

Request to OPM for Exception to 90-Day Requirement. The agency should submit the request to OPM as soon as possible, and should include the following information:

1. Identification of the proposed competitive area, including the organizational segment, geographic location, and limits of the local commuting area;
2. A description of how the proposed area differs from the one previously established for the same unit and geographic area;
3. An organizational chart of the agency showing the relationship between the organizational components within the competitive area and other components in the commuting area;
4. The number of competing employees in the proposed competitive area;
5. A description of the operation, work function, staff, and personnel administration of the proposed area and, where appropriate, a description of how the area is distinguished from others in these respects; and
6. A discussion of the circumstances that led to the proposed changes less than 90 days before a proposed reduction.

OPM Address to Send Request. The agency should send its competitive area request to:

Deputy Associate Director
Recruitment and Hiring
U.S. Office of Personnel Management
1900 E Street NW, Room 6500
Washington, DC 20415