



ORDER

Classification No.: 3110. 10D

Approval Date: 9/18/86

REDUCTION-IN-FORCE PROCEDURES

1. PURPOSE. This Order supplements Office of Personnel Management (OPM) regulations governing reduction-in-force and establishes the policy and procedures of the Environmental Protection Agency (EPA) to be applied in the event of a reduction-in-force. This Order also incorporates recent OPM changes in the reduction-in-force regulations.

2. BACKGROUND. From time to time, the Environmental Protection Agency, as well as other organizations, must make adjustments in the workforce or changes in the organization in order to meet its changing program needs. These changes may require realignment of functions and responsibilities, restructuring of various organizations, transferring entire functions, or phasing out certain programs. When these changes occur, employees are often affected, and reduction-in-force procedures may be required to afford proper rights to the affected employees.

3. POLICY. Based on the recognition that EPA's most valuable resource is its employees, it is the policy of this Agency to provide continuing employment for its employees to the fullest extent possible. EPA will keep employees as fully informed as possible regarding any impending reductions-in-force in order to prevent adverse effects on morale and to provide employees optimum opportunities to plan for their future. To the extent possible, reduction-in-force will only be used as a final alternative after all other feasible options have been exhausted.

4. COVERAGE. This Order applies to career and career-conditional employees; employees serving under indefinite competitive appointments, temporary appointments pending establishment of a register (TAPER), term appointments, status quo appointments, and temporary

appointments with a specific time limitation of more than one year; and to employees on excepted appointments who have competitive status and whose tenure of employment in the excepted service is similar to that of career and career-conditional employees in the competitive service. Temporary employees with time limitations of one year or less and employees on limited or indefinite excepted appointments are excluded. Employees in the Commissioned Corps of the U.S. Public Health Service and employees of the Senior Executive Service are also excluded.

5. DEFINITIONS.

a. Competitive Area. Organizational and geographical boundaries within which employees compete in a reduction-in-force.

b. Competitive Level. A group of positions in the same grade and classification series that have similar duties, qualification requirements, pay schedules and working conditions so that the incumbent of one position can successfully perform the critical elements of any other position in the group without any loss of productivity beyond that normally expected in the orientation of a new employee.

c. Furlough. Placement of an employee in a temporary non-duty and non-pay status on a continuous basis (for example, 10 consecutive days) or a discontinuous basis (for example, one day a week), when the action is based on a reason for RIF and is not in accordance with pre-established conditions of employment. RIF procedures must be used when the furlough will be for more than 30 consecutive days or more than 22 workdays, if done on a discontinuous basis. Furloughs must not last longer than a year.

d. Local Commuting Area. The geographic area that usually constitutes one area for employment purposes and includes 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.

6. USE OF REDUCTION-IN-FORCE REGULATIONS. RIF regulations will be used when employees are released from their competitive levels by furlough for more than 30 consecutive days or 22 workdays, separation, change to lower grade, or reassignment requiring displacement when the release is due to lack of work, shortage of funds, insufficient personnel ceiling, reorganization, an individual's exercise of re-employment or restoration rights, or reclassification of an employee's position due to erosion of duties when such action will take effect within 180 days after a formal agency announcement of a RIF in the employee's competitive area.

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7. COMPETITIVE AREAS. The minimum competitive areas established in EPA are as follows:

a. In EPA Headquarters, each organizational element headed by an Assistant Administrator, or equivalent position (e.g., Inspector General or General Counsel) comprises a separate competitive area. The Office of the Administrator and those organizational elements whose heads report to the Administrator or Deputy Administrator (i.e., Office of Civil Rights, Office of Executive Support, Associate Administrators, etc.) together constitute one competitive area.

b. In the field, all positions within the same local commuting area and under the same administrative authority (i.e., Regional Administrators or equivalent positions) constitute one competitive area. For example, all positions which are within the same local commuting area and under the administrative authority of the same Regional Administrator comprise one competitive area; all positions within the same local commuting area and under the administrative authority of the Assistant Administrator for Research and Development comprise another competitive area. This means that all employees in the Office of Research and Development labs within the same local commuting area compete in the same competitive area, regardless of the number of labs in that local commuting area. Regional Counsel positions within the local commuting area and under the administrative authority of the General Counsel at Headquarters comprise a separate competitive area within each region.

c. An exception to paragraph 7.b. above is Research Triangle Park, (RTP) where, in accordance with a local union agreement, all employees compete in the same competitive area despite the fact that they may be under different administrative authorities.

d. Competitive areas smaller than those described in paragraphs a thru c above will not be established since OPM regulations preclude establishment of competitive areas smaller than the minimum described areas. Competitive areas larger than the minimum described areas may be established. However, any office which wishes to broaden its competitive area must receive the prior approval of the EPA Director of Personnel. This is especially important since any changes made to competitive areas within 90 days of a reduction-in-force must be approved by OPM.

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8. PROCEDURES.

a. Reductions-in-force involving the release of five or more employees from their competitive levels will be initiated only after specific written approval has been received from the EPA Director of Personnel. Requests for approval should explain the circumstances which warrant exercising reduction-in-force procedures.

b. Contingency planning by management and personnel offices which includes an organizational assessment, staffing assessment, functional assessment, budget assessment, and staff consultation, should begin at the earliest stage possible.

c. When a servicing personnel office determines that a reduction is to take place, it should begin to collect information on placement possibilities immediately. This information should be used to effect placement to the extent possible to avoid or minimize the necessity to issue RIF notices.

9. NOTICE TO EMPLOYEES. Servicing personnel offices should, whenever possible, issue a written notice of reduction-in-force to affected employees 60 calendar days before the effective date of a reduction-in-force to provide employees a maximum advance notice period. However, if this is not possible, each employee must be issued a specific notice at least 30 days before the effective date of the reduction-in-force.

Reduction-in-force notices may not be issued more than 90 days prior to the effective date of a reduction-in-force without OPM approval. Any requests to issue notices to employees more than 90 days before the effective date of a reduction-in-force must be submitted to the EPA Director of Personnel for review before the request is submitted to OPM and must clearly specify: (1) the reason why a longer notice period is required; and (2) how employee rights will be protected or administrative hardships will be avoided.

10. REPORTING REQUIREMENTS.

a. Each Servicing Personnel Officer shall submit a quarterly report to the EPA Director of Personnel which includes the following information:

(1) Listing of the individual reductions-in-force of fewer than five employees which includes the title, series, grade, type of appointment, and minority status of each employee; along with the reason for each action; and

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(2) Outplacement information for each displaced employee.


b. Personnel offices will be notified of any other required reports by separate memorandum as the need arises.

c. Quarterly reports (including negative reports) should be submitted to the Personnel Management Division no later than 10 calendar days after the close of the quarter, i.e., October 10, January 10, April 10, and July 10.

11. REFERENCES.

FPM letter 351-20, New Interim FPM Chapter on Reduction in Force

Title 5 U.S. Code 3502



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