
Reduction In Force

The U.S. Office of Personnel Management's (OPM) Reduction In Force (RIF) regulations are derived from the Veterans' Preference Act of 1944 and are presently codified in sections 3501-3503 of Title 5, United States Code. The law provides that OPM's RIF regulations must give effect to four factors in releasing employees: (1) tenure of employment (e.g., type of appointment); (2) veterans preference; (3) length of service; and (4) performance ratings. The law does not assign any relative weight to the four factors, or require that the factors be followed in any particular order. OPM implements the laws through regulations published in part 351 of title 5, Code of Federal Regulations.

Use of RIF Procedures

An agency is required to use the RIF procedures when an employee is faced with separation or downgrading for a reason such as reorganization, lack of work, shortage of funds, insufficient personnel ceiling, or the exercise of certain reemployment or restoration rights. A furlough of more than 30 calendar days, or of more than 22 discontinuous work days, is also a RIF action. (A furlough of 30 or fewer calendar days, or of 22 or fewer discontinuous work days, is an adverse action.)

Management Responsibility

The agency has the responsibility to decide whether a RIF is necessary, when it will take place, and what positions are abolished. However, the abolishment of a position does not always require the use of RIF procedures. The agency may reassign an employee without regard to RIF procedures to a vacant position at the same grade or pay, regardless of where the position is located.

Applying RIF Regulations

Competitive Area. First, the agency defines the competitive area, which identifies the geographical and organizational limits within which employees compete for retention. A competitive area may consist of all or part of an agency. The minimum competitive area is a subdivision of the agency under separate administration within a local commuting area. An agency must obtain approval from OPM before changing a competitive area within 90 days of a RIF.

Competitive Level. Next, the agency groups interchangeable positions into competitive levels based upon similarity of grade, series, qualifications, duties and working conditions. Positions with different types of work schedules (e.g., full-time, part-time, intermittent, seasonal, or on-call) are placed in different competitive levels. Because of differences in duties and responsibilities, positions of supervisors and management officials are placed in competitive levels comprised only of those positions. Finally, competitive and excepted service positions are placed in separate competitive levels.

Retention Registers. Then, the four retention factors are applied and the competitive level becomes a retention register listing employees in the order of their retention standing:



United States Office of Personnel Management



USAJOBS[®]

"WORKING FOR AMERICA"

Federal Employment Information Fact Sheets

EI-31

1) Tenure

Employees are ranked on a retention register in three groups according to their types of appointment:

Group I - Career employees who are not serving on probation. (A new supervisor or manager who is serving a probationary period that is required on initial appointment to that type of position is not considered to be serving on probation if the employee previously completed a probationary period.)

Group II - Career employees who are serving a probationary period, and career-conditional employees.

Group III - Employees serving under term and similar non-status appointments. (An employee serving under a temporary appointment in the competitive service is not a competing employee for RIF purposes and is not listed on the retention register.)

2) Veterans' Preference - Each of these groups is divided into three subgroups reflecting their entitlement to veterans' preference:

Subgroup AD – Veterans with a compensable service-connected disability of 30% or more.

Subgroup A - Veterans not included in subgroup AD.

Subgroup B - Non-veterans.

Not all employees who served in the armed forces are entitled to veterans' preference for RIF purposes. A retired member of the armed forces is considered to be a veteran for RIF purposes only if one of the following conditions is met: (i) The armed forces retired pay is directly based upon a combat-incurred disability or injury; (ii) The armed forces retirement is based upon less than 20 years of active service; or (iii) The employee has been working for the Government since November 30, 1964, without a break in service of more than 30 days. (If the individual meets condition (iii) but retired at the rank of major or higher (or equivalent), he or she must also meet the general definition of disabled veteran in Section 2108(2) of Title 5, United States Code, in order to be a veteran for RIF purposes.)

3) Length of Service Employees are ranked by service dates within each subgroup. The service dates include creditable civilian and military services and additional service credit for certain performance ratings.

4) Performance Employees receive extra RIF service credit for performance based upon the average of their last three annual performance ratings of record received during the 4-year period



United States Office of Personnel Management



prior to the date the agency issues RIF notices. The 4-year period is the earlier of the date the agency issues RIF notices, or the date the agency freezes ratings before issuing RIF notices.

An employee is given additional service credit based on the mathematical average (rounded in the case of a fraction to the next whole number) of the value of the employee's last three annual ratings. If an employee received more than three annual ratings during the 4-year period, the three most recent annual ratings are used. If an employee received fewer than three annual ratings during the 4-year period, the actual ratings received are averaged and rounded up to a whole number. If an employee has received no ratings of record, they are given performance credit based on the most frequently assigned performance rating in their agency or organization.

When all employees in the competitive area have ratings earned under the same type of performance rating pattern, then the standard formula for assigning performance credit is:

- Additional years for an "Outstanding" rating;
- 16 Additional years for an "Exceeds Fully Successful" rating;
- Additional years for a "Fully Successful" rating.

For example, an employee with two years of Federal service has one annual rating of "Outstanding" (20) and one of "Exceeds Fully Successful" (16). The employee would receive additional RIF service credit based upon the two actual ratings, or $20 + 16 = 36$, divided by $2 = 18$ years of RIF credit for performance.

There are specific rules for using other crediting formulas when employees have performance ratings from different types of performance rating patterns.

5) Release Employees are released from the retention register in the inverse order of their retention standing (e.g., the employee with the lowest standing is the individual who is actually reached for a RIF action). All employees in Group III are released before employees in Group II, and all employees in Group II are released before employees in Group I. Then within 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. Any employee reached for release out of this regular order must be notified of the reasons.

Rights to Other Positions

Employees in Groups I and II with current performance ratings of "Unsuccessful," and all employees in Group III, have no assignment rights to other positions. Employees holding excepted service positions have no assignment rights unless their agency, at its discretion, chooses to offer these rights.

Employees in Groups I and II with current performance ratings of at least "Minimally Successful" are entitled to an offer of assignment if they have "bumping" or "retreating" rights to an available position in the same competitive area.



USAJOBS[®]

"WORKING FOR AMERICA"

Federal Employment Information Fact Sheets

EI-31

An "available" position must: (1) last at least 3 months; (2) be in the competitive service; (3) be one the released employee qualifies for; and (4) be within three grades (or grade-intervals) of the employee's present position.

Bumping means displacing an employee in the same competitive area who is in a lower tenure group, or in a lower subgroup within the released employee's own tenure group. Although the released employee must be qualified for the position, it may be a position that he or she has never held. The position must be at the same grade, or within three grades or grade-intervals, of the employee's present position.

Retreating means displacing an employee in the same competitive area who has less service within the released employee's own tenure group and subgroup. The position must be at the same grade, or within three grades or grade-intervals, of the employee's present position. However, an employee in retention subgroup AD has expanded retreat rights to positions up to five grades or grade-intervals lower than the position held by the released employee. The position into which the employee is retreating must also be the same position (or an essentially identical position) previously held by the released employee in any Federal agency on a permanent basis.

An employee with a current annual performance rating of "Minimally Successful" only has retreat rights to positions held by employees with the same or lower ratings.

Grade Intervals

The grade limits of an employee's assignment rights are determined by the grade progression of the position from which the employee is released. The difference between successive grades in a one-grade occupation is a grade difference, and the difference between successive grades in a multi-grade occupation is a grade-interval difference. The grade limits are based upon the position the employee holds at the time of the RIF. For example, an employee released from a GS-11 position that progresses GS-5-7-9-11 has bump and retreat rights to positions from GS-11 through GS-5. An employee released from a GS-9 position that progresses GS-6-7-8-9 has bump and retreat rights to positions from GS-9 through GS-6.

Use of Vacant Positions

An agency is not required to offer vacant positions in a RIF, but may choose to fill all, some, or none of them. When an agency chooses to fill a vacancy with an employee reached for a RIF action, it must follow subgroup retention standing. A RIF offer of assignment to a vacant position can only be in the same competitive area, and must be within three grades (or grade-intervals) of the employee's present position. At its discretion, the agency may offer employees reassignment, or voluntary change to a lower-graded position, in other competitive areas in lieu of a RIF.

RIF Notices

An agency must give each employee at least 60 days specific written notice before he or she is reached for a RIF action. In unforeseeable circumstances, an agency may, with OPM approval, give an employee 30 rather than 60 days specific written notice of a RIF action.



United States Office of Personnel Management



RIF Appeals and Grievances

Right to Appeal. An employee who has been separated, downgraded, or furloughed for more than 30 days by a RIF has the right to appeal to the Merit Systems Protection Board (MSPB) if he or she believes the agency did not properly follow the RIF regulations. The appeal must be filed during the 30-day period beginning the day after the effective date of the RIF action.

Right to Grieve. An employee in a bargaining unit covered by a negotiated grievance procedure that does not exclude a RIF must use the negotiated grievance procedure and may not appeal the RIF action to MSPB unless the employee alleges the action was based upon discrimination. The time limits for filing a grievance under a negotiated grievance procedure are set forth in the collective bargaining agreement.

Career Transition Assistance And Special Selection Priority

Competitive service employees in Groups I and II who have received a specific notice of separation by a RIF are eligible for placement assistance in finding other positions.

In 1995, OPM issued career transition regulations to provide displaced employees with intra- and interagency selection priority for other positions.

Two types of career transition programs are available. One is for employees before they separate, called the Career Transition Assistance Plan (**CTAP**). The other is for interagency assistance before and after separation, called the Interagency Career Transition Assistance Plan (**ICTAP**).

Under CTAP, if an employee receives a reduction in force separation notice, a certificate of expected separation (CES), or notice of proposed removal for declining geographic relocation to a different local commuting area, the employee is considered a displaced employee, which entitles the individual to selection priority for vacancies within his/her agency. At its option, an agency can designate an employee's position as surplus to provide the same selection priority within the agency.

Selection priority extends only to positions which are at or below the grade level from which the employee is being separated. As a surplus or displaced employee, if the employee is found well-qualified for a job they apply for in the local commuting area, the agency is required to select the employee for the vacant position. CTAP eligibility ends on the earliest of either the RIF separation date, the cancellation of the RIF notice, or subsequent Federal employment (in another career, career conditional or excepted appointment without a time limit, in any agency).

ICTAP covers displaced Federal employees who are seeking employment in other Federal agencies. Individuals are eligible for selection priority under ICTAP if they were separated from a career or career conditional position by reduction in force or because the employee declined a geographic relocation to a position in a different local commuting area. Eligibility for special selection priority ends one year after separation, or when the employee receives a career-conditional, career or



United States Office of Personnel Management





excepted appointment with no time limit. Displaced employees may exercise selection priority only in the local commuting area from which they were separated.

For selection priority under either program, when an employee identifies a vacancy announcement advertised by the agency for a position in the present local commuting area, the employee must apply by the closing date of the announcement. The employee must also provide proof attached to the application that he/she is a surplus or displaced employee.

For CTAP, proof is a RIF separation notice, notice of proposed removal for declining a directed reassignment or transfer of function outside the local commuting area, certification of expected separation; or other official notice from the agency indicating that the employee is surplus or eligible for discontinued service retirement.

For ICTAP, proof is a RIF separation notice, notice of proposed removal for declining a directed reassignment or transfer of function outside the local commuting area, or documentation showing separation occurred as a result of reduction in force. The Standard Form 50, Notification of Personnel Action, would also be acceptable proof/documentation which shows any of the above actions. In addition, both programs require proof of the most recent performance rating at fully successful or better. It is incumbent upon the applicant to supply this information with his or her application.

Reemployment Priority List (RPL). The RPL is a post-RIF program that provides separated employees first opportunity for positions within their former agency that would otherwise be filled from outside the agency. Provided that the separated employee submits a timely RPL application and did not refuse a RIF offer of assignment to a position at the same grade, the separated Group I employee is placed on the RPL for 2 years from the date of registration; a separated Group II employee is placed on the list for 1 year.

Excepted service employees who are eligible for veterans' preference and who are separated by a RIF are eligible to have their names placed on a reemployment list that gives them future consideration for excepted positions filled by their former agency. Further information on the reemployment list for excepted employees is found in part 302 of title 5, Code of Federal Regulations.

Department of Defense (DoD), Priority Placement Program (PPP). DoD administers an internal agency Priority Placement Program for its displaced employees. As this is an internal DoD program, information regarding the PPP may be obtained through an employee's local civilian personnel office, the appropriate DoD PPP Zone Coordinator, or the DOD Civilian Assistance in Re-Employment (CARE) Office.

Transfer of Function. A Transfer of Function takes place when a function ceases in one competitive area and moves to one or more other competitive areas which do not perform the function at the time of transfer. The gaining competitive area may be in the same or a different



United States Office of Personnel Management



USAJOBS[®]

"WORKING FOR AMERICA"

Federal Employment Information Fact Sheets

EI-31

agency. An employee who is identified with the transferring function has the right to transfer only if faced with separation or downgrading in the competitive area that is losing the function. The losing competitive area may use adverse action procedures to separate any employee who chooses not to transfer with his or her function to a different local commuting area. If the transfer of function results in a surplus of employees in the gaining competitive area, all employees who elected to transfer with the function compete under RIF regulations for positions in the gaining organization.

USAJOBS

USAJOBS, the Federal Government's Employment Information System, is easily accessible Federal employment information. USAJOBS provides worldwide job vacancy information, employment information fact sheets, job applications and forms, and has on-line resume development and electronic transmission capabilities. In many instances, job seekers can apply for positions on-line. USAJOBS is updated every business day from a database of more than 20,000 worldwide job opportunities.

USAJOBS is available to job seekers in a variety of formats, ensuring access for customers with differing physical and technological capabilities. It is convenient, user friendly, accessible through the computer or telephone and available 24 hours-a-day, 7 days-a-week.

USAJOBS consists of:

INTERNET - The official World Wide Web site for jobs and employment information, may be accessed at <http://www.USAJOBS.gov> .

On the web site, job seekers can access worldwide current job vacancies, employment information fact sheets, applications and forms, and in some instances, apply for jobs online. Complete job announcements can be retrieved from the web site. The USAJOBS web site also has an Online Resume Builder feature. Using the resume builder, job seekers can create online resumes specifically designed for applying for Federal jobs. Resumes created on the USAJOBS resume builder can be printed from the system for faxing or mailing to employers; and saved and edited for future use. For many of the vacancies listed on the site, job seekers can submit resumes created through USAJOBS directly to hiring agencies through an electronic submission process.

AUTOMATED TELEPHONE SYSTEM - An interactive voice response telephone system which can be reached at 1-703-724-1850 or TDD 1-978-461-8404.

By telephone, job seekers can access worldwide current job vacancies, employment information fact sheets, and applications and forms, and in some instances, apply for jobs by phone.

Information on what additional outplacement assistance is available to you can be obtained by contacting your servicing personnel office.



United States Office of Personnel Management



USAJOBS[®]

"WORKING FOR AMERICA"

Federal Employment Information Fact Sheets

EI-31

Federal Employment Info Line, EI-32, "Reduction In Force Benefits Guide," provides information on the benefits that are provided to employees who have been reached for reduction in force (RIF) actions. This fact sheet can be requested using any of the USAJOBS components mediums listed above.



United States Office of Personnel Management

