

## **Restructuring Information Handbook Module 10**

### **Voluntary Separation Incentive Payments**

#### **Unit G, Detailed Index to Module 10 (Draft April 2003 version)**

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#### **Introduction**

The U.S. Office of Personnel Management developed the **Restructuring Information Handbook** to assist Federal agencies in identifying the mandatory statutory and regulatory procedures that apply to restructuring situations.

The Handbook also offers agencies options for minimizing or even eliminating the disruption that often results from restructuring.

There is no requirement for Federal agencies to use this Handbook. Also, the United States Court of Appeals for the Federal Circuit stated in **James v. Von Zemenszky**, 284 F.3D 1310 (2002), that: ". . . OPM's Restructuring Information Handbook is not a formal regulation, but merely an informal statement of agency views."

The structure of the Handbook assists the user in locating as much or as little restructuring information as the user needs. Some Modules contain only one **Unit** in addition to the two index units, while other Modules have two or more Units.

For subjects with mandatory statutory or regulatory requirements, **Unit A (Mandatory Requirements)** provides the user with a crash course on the subject in Section 1, and also with detailed information, complete with citations of requirements contained in law and regulation.

When appropriate, **Unit B (Guidance)** provides the user with useful guidance, including key appeals decisions from appellate bodies such as the Merit Systems Protection Board.

The summaries of appeals decisions are guidance prepared by individual OPM employees. The appeals summaries do not represent official summaries approved by OPM, the Board, or other appellate organizations, and are not intended to provide legal counsel or to be cited as legal authority. Instead, the appeals summaries inform and help the user locate relevant appellate precedents on a specific downsizing subject.

**Unit F (Basic Index to Module)** and **Unit G (Detailed Index to Module)** help the user readily locate information within a specific Module.

Other Modules may contain additional Units, such as **Unit C (Appeals Index)**, and **Unit D (Samples)**.

Finally, Module 1 contains **Unit H, (Detailed Index to the Restructuring Information Handbook)**.

We welcome comments on the Restructuring Information Handbook.

Send any comments and suggestions to the Center for Talent and Capacity Policy at (202) 606-0960; FAX (202) 606-2329; or e-mail Thomas A. Glennon at [taglenno@opm.gov](mailto:taglenno@opm.gov).

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## **Restructuring Information Handbook Module 10**

### **Voluntary Early Retirement**

#### **Unit G, Detailed Index to Module 10 (Draft April 2003 version)**

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**Introduction** Restructuring Information Handbook Module 10 provides guidance on OPM's Voluntary Separation Incentive Payment (VSIP) regulations published in part 576 of title 5 of the Code of Federal Regulations (5 CFR part 576). Module 10 consists of five Units: (1) Unit A, "Required Procedures," (2) Unit B, "Guidance," (3) Unit C, "Voluntary Separation Incentive Payment Appeals," (4) Unit F, "Basic Index to Module 10," and (5) "Detailed Index to Module 10." This is the April 2003 version of Unit G.

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| 4                           |  |  | WHETHER AGENCY WILL OFFER VSIP UNDER AUTHORITY OTHER AN PL 107-296 | 10-A-4-5-(c)-(8) | A B |
| 4                           |  | INFORMATION IN VSIP REQUEST-   | WINDOW PERIOD(S) TO OFFER VSIP                                     | 10-A-4-5-(c)-(3) | A B |
| 4                           |  | INFORMATION IN VSIP REQUEST- IDENTIFY EXCESS POSITIONS AND FUNCTIONS | GEOGRAPHIC LOCATION(S)   | 10-A-4-5-(c)-(1) | A B |

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| 4                           | REQUESTING OPM APPROVAL OF VSIP | INFORMATION IN VSIP REQUEST-<br>IDENTIFY EXCESS POSITIONS AND<br>FUNCTIONS | GRADE LEVEL(S)   | 10-A-4-5-(c)-(1)    A    B |
| 4                           |                                 | KSA'S  | 10-A-4-5-(c)-(1)                                       | A    B                     |
| 4                           |                                 | OCCUPATIONAL CATEGORY  | 10-A-4-5-(c)-(1)                                       | A    B                     |
| 4                           |                                 | ORGANIZATIONAL UNIT(S)   | 10-A-4-5-(c)-(1)                                       | A    B                     |
| 4                           |                                 | INFORMATION IN VSIP REQUEST-<br>IDENTIFY PLANNED VSIP OFFERS               | GEOGRAPHIC LOCATION(S)                                 | 10-A-4-5-(c)-(2)    A    B |
| 4                           |                                 | GRADE LEVEL(S)   | 10-A-4-5-(c)-(2)                                       | A    B                     |
| 4                           |                                 | KSA'S  | 10-A-4-5-(c)-(2)                                       | A    B                     |
| 4                           |                                 | OCCUPATIONAL CATEGORY  | 10-A-4-5-(c)-(2)                                       | A    B                     |
| 4                           |                                 | ORGANIZATIONAL UNIT(S)   | 10-A-4-5-(c)-(2)                                       | A    B                     |
| 4                           |                                 | RETIREMENT ELIGIBILITY   | 10-A-4-5-(c)-(2)                                       | A    B                     |
| 4                           |                                 | MANAGEMENT RIGHT TO REQUEST  | DECIDE WHICH EMPLOYEES ARE<br>COVERED BY VSIP          | 10-A-4-1-(b)    A          |
| 4                           |                                 |  | NUMBER OF AVAILABLE VSIP OFFERS IN<br>AGENCY'S REQUEST | 10-A-4-1-(d)    A          |
| 4                           |                                 |  | TOTAL AMOUNT OF VSIP OFFERS IN<br>AGENCY'S REQUEST     | 10-A-4-1-(e)    A          |
| 4                           |                                 |  | WHETHER TO REQUEST VSIP<br>APPROVAL FROM OPM           | 10-A-4-1-(a)    A          |
| 4                           |                                 |  | WHETHER TO USE AN OPM APPROVED<br>VSIP AUTHORITY       | 10-A-4-1-(f)    A          |

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| 4                           | REQUESTING OPM APPROVAL OF VSIP          | MANAGEMENT RIGHT TO REQUEST                           | WINDOW PERIOD(S) TO OFFER VSIP                                     | 10-A-4-1-(c) | A |
| 4                           |  | OPM AND OMB REVIEW OF AGENCY'S VSIP PLAN              | AGENCY MAY NOT OFFER VSIP WITHOUT OPM APPROVAL                     | 10-A-4-4-(b) | A |
| 4                           |  |   | OPM CONSULTS WITH OMB ON AGENCY'S PROPOSED VSIP PLAN               | 10-A-4-4     | A |
| 4                           |  |   | OPM NOTIFIES HEAD OF AGENCY WHEN OPM APPROVES AGENCY'S VSIP PLAN   | 10-A-4-4-(a) | A |
| 4                           |  | SUBMITTING A VSIP REQUEST TO OPM                      | SUBMIT REQUEST TO OPM HUMAN CAPITAL PERFORMANCE OFFICER FOR AGENCY | 10-A-4-3     | A |
| 4                           |  | VSIP REQUEST FROM AGENCY-SIGNATURE                    | HEAD OF AGENCY   | 10-A-4-2-(a) | A |
| 4                           |  |   | SPECIFIC AGENCY DESIGNEE WITH DELEGATED AUTHORITY                  | 10-A-4-2-(b) | A |
| 3                           | TERMINOLOGY-VSIP                         | DEFINITION  | AGENCY   | 10-A-3-1     | A |
| 3                           |  |   | EMPLOYEE   | 10-A-3-2     | A |
| 7                           |  |   | EMPLOYMENT   | 10-A-7-1     | A |
| 8                           | WAIVER OF THE VSIP REPAYMENT REQUIREMENT | JUDICIAL BRANCH VSIP REEMPLOYMENT WAIVER              | WAIVER BY HEAD OF JUDICIAL BRANCH ORGANIZATION                     | 10-A-8-4     | A |
| 8                           |  |   | WAIVER BY JUDICIAL BRANCH APPOINTING OFFICIAL                      | 10-A-8-4     | A |
| 8                           |  | JUDICIAL BRANCH VSIP WAIVER-GENERAL BASIS FOR REQUEST | JOB CANDIATE HAS UNIQUE ABILITIES NEEDED BY HIRING ORGANIZATION    | 10-A-8-4-(a) | A |
| 8                           |  |   | JOB CANDIATE IS ONLY QUALIFIED APPLICANT FOR POSITION              | 10-A-8-4-(b) | A |

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| 8 WAIVER OF THE VSIP REPAYMENT REQUIREMENT | JUDICIAL BRANCH WAIVER OF VSIP REPAYMENT-EXCLUSIONS                | OTHER DIRECT CONTRACT  | 10-A-8-4-(c)     | A      |
| 8  |  | PERSONAL SERVICES CONTRACT   | 10-A-8-4-(c)     | A      |
| 8  |  | STATUTE COVERS PROCEDURE FOR WAIVER REQUEST                        | 10-A-8-5-(b)     | A      |
| 8  | LEGISLATIVE BRANCH VSIP REEMPLOYMENT WAIVER-OTHER WAIVER OPTIONS   | REEMPLOYMENT UNDER OTHER DIRECT CONTRACT                           | 10-A-8-3-(c)     | A      |
| 8  |  | REEMPLOYMENT UNDER PERSONAL SERVICES CONTRACT                      | 10-A-8-3-(c)     | A      |
| 8  | LEGISLATIVE BRANCH VSIP WAIVER-GENERAL BASIS FOR REQUEST           | JOB CANDIATE HAS UNIQUE ABILITIES NEEDED BY HIRING ORGANIZATION    | 10-A-8-3-(a)     | A      |
| 8  |  | JOB CANDIATE IS ONLY QUALIFIED APPLICANT FOR POSITION              | 10-A-8-3-(b)     | A      |
| 8  | OPM WAIVER OF VSIP REPAYMENT FOR EXECUTIVE BRANCH REEMPLOYMENT     | HEAD OF AGENCY MAY REQUEST OPM TO WAIVE REPAYMENT UNDER PL 107-296 | 10-A-8-1         | A      |
| 8  | OPM WAIVER OF VSIP REPAYMENT-BASIS FOR AGENCY REQUEST IN EMERGENCY | JOB CANDIATE HAS SKILLS DIRECTLY RELATED TO RESOLVING EMERGENCY    | 10-A-8-1-(b)-(1) | A      |
| 8  |  | JOB CANDIATE WILL WORK ON TEMPORARY BASIS UNTIL END OF EMERGENCY   | 10-A-8-1-(b)-(2) | A      |
| 8  | OPM WAIVER OF VSIP REPAYMENT-EXCLUSIONS                            | OTHER DIRECT CONTRACT  | 10-A-8-2         | A      |
| 8  |  | PERSONAL SERVICES CONTRACT   | 10-A-8-2         | A      |

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| 8 WAIVER OF THE VSIP REPAYMENT REQUIREMENT | OPM WAIVER OF VSIP REPAYMENT- EXCUTIVE AGENCIES EXCLUDED FROM WAIVER | GENERAL ACCOUNTING OFFICE  | 10-A-8-1-(c)-(1) | A      |
| 8  |  | POSTAL RATE COMMISSION   | 10-A-8-1-(c)-(3) | A      |
| 8  |  | POSTAL SERVICE   | 10-A-8-1-(c)-(2) | A      |
| 8  | OPM WAIVER OF VSIP REPAYMENT- GENERAL BASIS FOR AGENCY REQUEST       | JOB CANDIATE HAS UNIQUE ABILITIES NEEDED BY AGENCY                 | 10-A-8-1-(a)     | A      |
| 8  |  | JOB CANDIATE IS ONLY QUALIFIED APPLICANT FOR POSITION              | 10-A-8-1-(a)     | A      |
| 8  | SUBMITTING A VSIP REPAYMENT WAIVER REQUEST TO OPM                    | SUBMIT REQUEST TO OPM HUMAN CAPITAL PERFORMANCE OFFICER FOR AGENCY | 10-A-8-6         | A      |
| 8  | WAIVER OF THE VSIP REPAYMENT REQUIREMENT UNDER OTHER STATUTES        | STATUTE COVERS WHETHER REPAYMENT WAIVER IS OPTION                  | 10-A-8-5-(a)     | A      |
| 8  | WAIVER OF VSIP REPAYMENT FOR LEGISLATIVE BRANCH REEMPLOYMENT         | WAIVER BY HEAD OF LEGISLATIVE BRANCH ORGANIZATION                  | 10-A-8-3         | A      |
| 8  |  | WAIVER BY LEGISLATIVE BRANCH APPONTING OFFICIAL                    | 10-A-8-3         | A      |