

Restructuring Information Handbook Module 2

Human Resource Responsibilities in Reduction in Force

Unit B, Guidance (March 2003 version)

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**, while other Modules have two or more Units.

For subjects with mandatory statutory or regulatory requirements, **Unit A (Mandatory Requirements)** provides the user with both a crash course on the subject, 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.

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
Restructuring Information Handbook Module 2
Human Resource Responsibilities in Reduction in Force
Unit B, Guidance (March 2003 version)

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.

Contents

OPM's Restructuring Information Handbook Modules contain the following topics:

Topic	Module	Unit(s)
Planning and Alternatives for Restructuring	1	B, F, G, H
Human Resource Responsibilities in Reduction in Force	2	B, F, G
Reduction in Force	3	A, B, C, D, E, F, G
Transfer of Function	4	A, B, C, F, G
Reduction in Force Furlough	5	A, B, C, F, G
Reemployment Priority List	6	A, B, C, F, G
Career Transition Assistance	7	A, F, G
Interagency Career Transition Assistance Plan	8	A, F, G
Voluntary Early Retirement	9	A, B, C, F, G
Voluntary Separation Incentive Payments	10	A, B, C, F, G

Using the Handbook

The Modules contain many cross-references to additional pertinent material. To assist in searches, each Module features a unique index system that assists the user in readily locating information in that Module or in the other Modules.

For example, a reference to "**3-A-15-3**" refers to:

- (1) Module 3 ("**Reduction in Force**"),
- (2) Unit A ("**Required Procedures**"),
- (3) Section 15 ("Credit for Performance in Reduction in Force"),
- (4) Paragraph 3 ("**Time Period Covered by Employees' Performance Ratings**").

For a second example, a reference to "**3-B-6-5-(b)**" refers to:

- (1) Module 3 ("**Reduction in Force**"),
- (2) Unit B ("**Guidance**"),
- (3) Section 6 ("**Reorganization and Job Erosion**"),
- (4) Paragraph 5 ("**Use of RIF Procedures in Job Erosion Situations**"),
- (5) Subparagraph (b).

All of the Modules use the same index system.

For example, a reference to "**4-A-4-3**" refers to:

- (1) Module 4 ("**Transfer of Function**"),
 - (2) Unit A ("**Required Procedures**"),
 - (3) Section 4 ("**Determining Whether the Transfer of Function Provisions are Applicable**"),
 - (4) Paragraph 3 ("**Basis for Transfer of Function Decisions**").
-

Restructuring Information Handbook Module 2
Human Resource Responsibilities in Reduction in Force

Unit B, Guidance
(March 2003 version)

Introduction Restructuring Information Handbook Module 2 provides guidance to help an agency conduct a reduction in force under OPM's 5 CFR Part 351 retention regulations. Module 2 consists of three Units: (1) Unit B, "Guidance," (2) Unit F, "Basic Index to Module 2," and (3) Unit G, "Detailed Index to Module 2." This is the March 2003 version of Unit B.

Contents This publication contains the following topics:

Topic	Begins at Page
Overview	1-1
The Human Resources Office's Reduction in Force Team	2-1
Downsizing Skills Update for the Reduction in Force Team	3-1
Assign Duties and Responsibilities to Facilitate the Reduction in Force	4-1
Management Decisions to Implement a Reduction in Force	5-1
Management-Human Resources Office Coordination on Discretionary Reduction in Force Decisions	6-1
Preliminary Actions by the Reduction in Force Team	7-1
Preparing and Using Retention Registers	8-1
Determining Rights to Other Positions	9-1
Issuing Reduction in Force Notices	10-1
Counseling Employees on Procedures and Options	11-1
Post-Reduction in Force Actions	12-1

Restructuring Information Handbook Module 2

Human Resource Responsibilities in Reduction in Force

Unit B, Guidance (March 2003 version)

Table of Contents

Section 1. Overview.....	1-1
1-1	Guidance in Module 2
1-2	Organization of Module 2
1-3	Related Guidance in Module 1
1-4	Downsizing Assistance From OPM
1-5	Sample Reduction in Force Action Items Checklist
Section 2. The Human Resources Office's Reduction in Force Team.....	2-1
2-1	Establishing the Reduction in Force Team
2-2	Support Staff for the Reduction in Force Team
2-3	Facilities for the Reduction in Force Team
2-4	Equipment and Supplies for the Reduction in Force Team
2-5	Personnel Records for the Reduction in Force Team
2-6	Reference Materials for the Reduction in Force Team
2-7	Support for Other Downsizing-Related Teams
2-8	Sample Skills Survey of Employees Working on the Reduction in Force-Related Teams
2-9	Using the Sample Downsizing Skills Survey
Section 3. Downsizing Skills Update for the Reduction in Force Team.....	3-1
3-1	Need to Assess Downsizing Knowledge of the Reduction in Force Team
3-2	OPM's Reduction in Force Regulations
3-3	Automated Reduction in Force Software v. Manual Retention Registers
3-4	Downsizing Pay Issues
3-5	Restoration Rights
3-6	Employee Benefits
3-7	Selection Priority Programs for Displaced Employees

Table of Contents (continued)

Section 4. Assign Duties and Responsibilities to Facilitate the Reduction in Force.....4-1

- 4-1 Importance of Assigning Duties and Responsibilities
- 4-2 Duties and Responsibilities of Agency Decisionmakers
- 4-3 Duties and Responsibilities of Immediate Supervisors
- 4-4 Duties and Responsibilities of the Human Resources Office
- 4-5 Duties and Responsibilities of the Reduction in Force Team(s)
- 4-6 Duties and Responsibilities of the Outplacement Team
- 4-7 Responsibilities of Displaced Employees

Section 5. Management Decisions to Implement a Reduction in Force.....5-1

- 5-1 Effective Management Reduction in Force Decisions Require Intra-Agency Coordination
- 5-2 Check List Action Item 1-Request Approval of Reduction in Force
- 5-3 Check List Action Item 2-Identify Positions to be Abolished
- 5-4 Check List Action Item 3-Identify Positions in the Post-Reduction in Force Organization
- 5-5 Check List Action Item 4-Establish Reduction in Force Effective Date
- 5-6 Check List Action Item 5-Freeze Discretionary Personnel Actions
- 5-7 Check List Action Item 6-Notify Collective Bargaining Representatives
- 5-8 Check List Action Item 7-Establish Reduction in Force Team(s)

Section 6. Management-Human Resources Office Coordination on Discretionary Reduction in Force Decisions.....6-1

- 6-1 Effective Management Decisions on Discretionary Procedures Require Coordination With the Human Resources Office
- 6-2 Check List Action Item 8-Define Competitive Area and its Local Commuting Area
- 6-3 Check List Action Item 9-Develop Communication Plan
- 6-4 Check List Action Item 10-Establish Policy on Discretionary Reduction in Force Procedures
- 6-5 Check List Action Item 11-Establish Policy on Discretionary Career Transition Options

Table of Contents (continued)

Section 7. Preliminary Actions by the Reduction in Force Team.....7-1

7-1 The Reduction in Force Team Leader Coordinates the Team’s Work

7-2 Check List Action Item 12: Account for All Positions in Each Competitive Area

7-3 Check List Action Item 13: Review Position Descriptions

7-4 Check List Action Item 14: Review Competitive Levels For Accuracy

7-5 Check List Action Item 15: Determine Employees’ Veterans’ Preference Rights for Retention

7-6 Check List Action Item 16: Determine Employees’ Basic Reduction in Force Service Computation Dates

7-7 Check List Action Item 17: Verify Employees’ Performance Ratings of Record That Are Used For Retention

7-8 Check List Action Item 18: Determine Employees’ Adjusted Reduction in Force Service Computation Dates

7-9 Check List Action Item 19: Review Essential Retention Data for Each Employee

Section 8. Preparing and Using Retention Registers.....8-1

8-1 Preparing Retention Registers-The First Steps

8-2 Check List Action Item 20: Project Employee Retention Data to the Reduction in Force Effective Date

8-3 Check List Action Item 21: Prepare Retention Registers

8-4 Check List Action Item 22: Separate Noncompeting Employees Before Competing Employees From the Competitive Level

8-5 Check List Action Item 23: Identify Employees Released From Competitive Level in First Round Competition

Section 9, Determining Rights to Other Positions9-1

9-1 Determining Employees’ Reduction in Force Assignment Rights

9-2 Check List Action Item 24: Determine Employees’ Representative Rates

9-3 Check List Action Item 25: Determine the Normal Line of Progression for Each Position

9-4 Check List Action Item 26: Identify Vacancies Available for Assignment and Other Placement Offers

9-5 Check List Action Item 27: Determine Released Employees’ Qualifications for Assignment

9-6 Check List Action Item 28: Determine Released Employees’ Assignment Rights

9-7 Check List Action Item 29: Run Mock Reduction in Force and Review Results for Accuracy

Table of Contents (continued)

Section 10. Issuing Reduction in Force Notices.....10-1

- 10-1 Issuing Notices to Employees
- 10-2 Check List Action Item 30: Determine Each Released Employee’s Eligibility for Benefits
- 10-3 Check List Action Item 31: Prepare Specific Written Reduction in Force Notices
- 10-4 Check List Action Item 32: Send Notices to Other Organizations if 50 or More Employees Receive Separation Notices
- 10-5 Check List Action Item 33: Notify Bargaining Unit Representative(s)
- 10-6 Check List Action Item 34: Determine How Agency Will Deliver Reduction in Force Notices
- 10-7 Check List Action Item 35: Prepare Packages for Separating Employees
- 10-8 Check List Action Item 36: Deliver Reduction in Force Notices
- 10-9 Check List Action Item 37: Rerun Reduction in Force to Reflect Changes to the Personnel Roster in the Competitive Area

Section 11. Counseling Employees on Procedures and Options.....11-1

- 11-1 Importance of Providing Effective Counseling to Employees
- 11-2 Check List Action Item 38: Planning for Effective Counseling
- 11-3 Check List Action Item 39: Effective Outplacement Counseling

Section 12. Post-Reduction in Force Actions.....12-1

- 12-1 Implementing the Strategic Plan After Completing the Reduction in Force
- 12-2 Check List Action Item 40: Review the Agency’s Planning and Implementation of the Reduction in Force
- 12-3 Check List Action Item 41: Respond to Reduction in Force Appeals, Grievances, and Other Third-Party Actions
- 12-4 Check List Action Item 42: Continue Outplacement and Rehiring Initiatives for Displaced Employees

Section 1, Overview

Introduction This section summarizes the guidance available in both Restructuring Information Handbook Modules 1 and 2. Together, these two Modules provide guidance on avoiding reduction in force actions, planning for a reduction in force and conducting a reduction in force.

Contents This section contains the following topics:

Topic	See Paragraph
Guidance in Module 2	2-B-1-1
Organization of Module 2	2-B-1-2
Related Guidance in Module 1	2-B-1-3
Downsizing Assistance From OPM	2-B-1-4
Sample Reduction in Force Action Items Checklist	2-B-1-5

B This symbol highlights where you can find additional material in Unit 2-B.

① This symbol guides you toward more general references on the subject in Module 2 or in other Modules.

Section 1, Overview

2-B-1-1

Guidance in Module 2

Restructuring Information Handbook Module 2 offers guidance for an agency's human resources staff that is preparing for a reduction in force.

- **Explanation**-Module 2 assumes that the agency is actively planning for a reduction in force in the known future. Module 2 also assumes that reduction in force is a last option after the agency first considered the potential reduction in force avoidance strategies covered in Restructuring Information Handbook Module 1 ("Restructuring Planning and Alternatives").

B

- Paragraph **2-B-1-3** below has related information on Module 1.

ⓘ

Module 2 includes proven guidance to assist an agency that is preparing for a likely reduction in force. For complete guidance on the mechanics of OPM's retention regulations, the agency should refer to Restructuring Information Handbook Module 3, "Reduction in Force."

2-B-1-2

Organization of Module 2

B

Paragraph **2-B-1-5** contains a "**Reduction in Force Action Items Checklist**."

- **Explanation**-The sample reduction in force checklist in Module 2 will assist an agency in both preparing a reduction in force timetable and subsequently monitoring the status of actions related to the reduction in force.

An agency may modify the Module 2 sample checklist to meet its individual requirements.

The reduction in force Action Items in Module 2 follow the same order as the individual topics in the checklist.

2-B-1-3 **Related Guidance in Module 1**

Restructuring Information Handbook Module 1 (“Restructuring Planning and Alternatives”) covers the human resources role in planning for restructuring actions.

- Module 1 helps a restructuring agency consider viable alternatives that will minimize, or even possibly eliminate, involuntary separations or downgradings.
-

2-B-1-4 **Downsizing Assistance From OPM**

OPM can provide a wide range of restructuring services.

- ①
 - Section **1-B-11** in Restructuring Information Handbook Module 1 contains additional information on downsizing-related reimbursable services available from OPM
 - OPM’s Restructuring Services Program at OPM’s San Francisco Service Center can provide specific information and pricing on restructuring services.
 - Contact OPM’s Restructuring Services Program at [415-281-7094](tel:415-281-7094), or by e-mail to SanFrancisco@opm.gov.
-

2-B-1-5 **Sample Reduction in Force Action Items Checklist**

- B** The sample “**Reduction in Force Action Items Checklist**” referenced in paragraph **2-B-1-2** above begins on the next page.
-

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
 Restructuring Information Handbook Module 2
 Human Resource Responsibilities in Reduction in Force
 Unit B, Guidance (March 2003 version)

Reduction in Force Action Items Checklist-page 1

Check List Action Items	Section or Paragraph
Management Decisions to Implement a Reduction in Force--	Section 2-B-5
Check List Action Item 1-Request Approval of Reduction in Force	2-B-5-2
Check List Action Item 2-Identify Positions to be Abolished	2-B-5-3
Check List Action Item 3-Identify Positions in the Post-Reduction in Force Organization	2-B-5-4
Check List Action Item 4-Establish Reduction in Force Effective Date	2-B-5-5
Check List Action Item 5-Freeze Discretionary Personnel Actions	2-B-5-6
Check List Action Item 6-Notify Collective Bargaining Representatives	2-B-5-7
Check List Action Item 7-Establish Reduction in Force Team(s)	2-B-5-8
Management-Human Resource Office Coordination on Discretionary Reduction in Force Decisions--	Section 2-B-6
Check List Action Item 8-Define Competitive Area and its Local Commuting Area	2-B-6-2
Check List Action Item 9-Develop Communication Plan	2-B-6-3
Check List Action Item 10-Establish Policy on Discretionary Reduction in Force Procedures:	2-B-6-4
--Check List Action Item 10-A: Use of Vacancies	2-B-6-4-(a)
--Check List Action Item 10-B: Waiving or Modifying Qualifications When Filling Vacancies	2-B-6-4-(b)
--Check List Action Item 10-C: Establish Procedures to Break Ties in Retention Standing	2-B-6-4-(c)
--Check List Action Item 10-D: Assignment Rights for Excepted Service Employees	2-B-6-4-(d)
--Check List Action Item 10-E: Assignment Rights for Tenure Group III Employees	2-B-6-4-(e)
--Check List Action Item 10-F: Same Subgroup Displacement in Bumping Rights	2-B-6-4-(f)
--Check List Action Item 10-G: Terminate Reemployed Annuitants Before the Reduction in Force	2-B-6-4-(g)
--Check List Action Item 10-H: Terminate Temporary Employees Before the Reduction in Force	2-B-6-4-(h)
--Check List Action Item 10-I: Using Discretionary Temporary Exceptions to the Usual Order of Release From the Competitive Level	2-B-6-4-(i)
--Check List Action Item 10-J: Freeze Date to Update Performance Ratings of Record Available for Reduction in Force Competition	2-B-6-4-(j)
--Check List Action Item 10-K: Define Modal Performance Rating for Reduction in Force Competition	2-B-6-4-(k)

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
 Restructuring Information Handbook Module 2
 Human Resource Responsibilities in Reduction in Force
 Unit B, Guidance (March 2003 version)

Reduction in Force Action Items Checklist-page 2

Check List Action Items	Section or Paragraph
Management-Human Resource Office Coordination on Discretionary Reduction in Force Decisions (continued)--	Section 2-B-6
--Check List Action Item 10-L: Define Performance Credit For Multiple Rating Patterns	2-B-6-4-(l)
--Check List Action Item 10-M: Request Employees to Provide Qualifications Updates	2-B-6-4-(m)
--Check List Action Item 11-Establish Policy on Discretionary Career Transition Options:	2-B-6-5
--Check List Action Item 11-A: Designate Employees as Surplus for Early Registration in the Career Transition Assistance Plan	2-B-6-5-(a)
--Check List Action Item 11-B: Issue Surplus Employees a Certification of Expected Separation	2-B-6-5-(b)
--Check List Action Item 11-C: Provide Additional Consideration to Displaced Employees on the Reemployment Priority List	2-B-6-5-(c)
--Check List Action Item 11-D: Request Voluntary Early Retirement Authority	2-B-6-5-(d)
--Check List Action Item 11-E: Request Buyout Authority	2-B-6-5-(e)
--Check List Action Item 11-F: Establish Agency Policy on Official Administrative Time for Released Employees	2-B-6-5-(f)
Preliminary Actions by the Reduction in Force Team	Section 2-B-7
Check List Action Item 12-Account for All Positions in Each Competitive Area:	2-B-7-2
--Check List Action Item 12-A: Identify All Positions in Each Competitive Area	2-B-7-2-(a)
--Check List Action Item 12-B: Document Noncompeting Employees on Nonpermanent Assignments	2-B-7-2-(b)
--Check List Action Item 12-C: Document Other Noncompeting Employees	2-B-7-2-(c)
--Check List Action Item 12-D: Document Each Employee in a Nonpay Status	2-B-7-2-(d)
--Check List Action Item 12-E: Document Each Employee Away on Active Armed Forces Duty With a Restoration	2-B-7-2-(e)
--Check List Action Item 12-F: Document Each Employee Who Has Returned From the Armed Forces With a Current Restoration Right	2-B-7-2-(f)
--Check List Action Item 12-G: Document Each Employee on Compensable Injury	2-B-7-2-(g)
Check List Action Item 13: Review Position Descriptions	2-B-7-3
Check List Action Item 14: Review Competitive Levels For Accuracy	2-B-7-4
Check List Action Item 15: Determine Employees' Veterans' Preference Rights for Retention	2-B-7-5

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
 Restructuring Information Handbook Module 2
 Human Resource Responsibilities in Reduction in Force
 Unit B, Guidance (March 2003 version)

Reduction in Force Action Items Checklist-page 3

Check List Action Items	Section or Paragraph
Preliminary Actions by the Reduction in Force Team (continued)--	Section 2-B-7
Check List Action Item 16: Determine Employees' Basic Reduction in Force Service Computation Dates	2-B-7-6
Check List Action Item 17: Verify Employees' Performance Ratings of Record That Are Used For Retention	2-B-7-7
Check List Action Item 18: Determine Employees' Adjusted Reduction in Force Service Computation Dates	2-B-7-8
Check List Action Item 19: Review Essential Retention Data for Each Employee	2-B-7-9
Preparing and Using Retention Registers	2-B-8
Check List Action Item 20: Project Employee Retention Data to the Reduction in Force Effective Date	2-B-8-2
Check List Action Item 21: Prepare Retention Registers	2-B-8-3
Check List Action Item 22: Separate Noncompeting Employees Before Competing Employees From the Competitive Level	2-B-8-5
Check List Action Item 23: Identify Employees Released From Competitive Level in First Round Competition	2-B-8-4
Determining Rights to Other Positions	Section 2-B-9
Check List Action Item 24: Determine Employees' Representative Rates	2-B-9-2
Check List Action Item 25: Determine the Normal Line of Progression for Each Position	2-B-9-3
Check List Action Item 26: Identify Vacancies Available for Assignment and Other Placement Offers	2-B-9-4
Check List Action Item 27: Determine Released Employees' Qualifications for Assignment	2-B-9-5
Check List Action Item 28: Determine Released Employees' Assignment Rights	2-B-9-6
Check List Action Item 29: Run Mock Reduction in Force and Review Results for Accuracy	2-B-9-7
Issuing Reduction in Force Notices	Section 2-B-10
Check List Action Item 30: Determine Each Released Employee's Eligibility for Benefits	2-B-10-2
Check List Action Item 31: Prepare Specific Written Reduction in Force Notices	2-B-10-3
Check List Action Item 32: Send Notices to Other Organizations if 50 or More Employees Receive Separation Notices	2-B-10-4
Check List Action Item 33: Notify Bargaining Unit Representative(s)	2-B-10-5

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
 Restructuring Information Handbook Module 2
 Human Resource Responsibilities in Reduction in Force
 Unit B, Guidance (March 2003 version)

Reduction in Force Action Items Checklist-page 4

Check List Action Items	Section or Paragraph
Issuing Reduction in Force Notices (continued)--	Section 2-B-10
Check List Action Item 34: Determine How Agency Will Deliver Reduction in Force Notices	2-B-10-6
Check List Action Item 35: Prepare Packages for Separating Employees	2-B-10-7
Check List Action Item 36: Deliver Reduction in Force Notices	2-B-10-8
Check List Action Item 37: Rerun Reduction in Force to Reflect Changes to the Personnel Roster in the Competitive Area	2-B-10-9
Counseling Employees on Procedures and Options	Section 2-B-11
Check List Action Item 38: Planning for Effective Counseling	2-B-11-2
Check List Action Item 39: Effective Outplacement Counseling	2-B-11-3
Post-Reduction in Force Actions	Section 2-B-12
Check List Action Item 40: Review the Agency's Planning and Implementation of the Reduction in Force	2-B-12-2
Check List Action Item 41: Respond to Reduction in Force Appeals, Grievances, and Other Third-Party Actions	2-B-12-3
Check List Action Item 42: Continue Outplacement and Rehiring Initiatives for Displaced Employees	2-B-12-4

Section 2, The Human Resources Office's Reduction in Force Team

Introduction This section offers guidance on how an agency creates and subsequently implements its Strategic Action Plan. After implementation, the Plan will produce positive change for the agency, its employees, and its "customer(s)."

Contents This section contains the following topics:

Topic	See Paragraph
Establishing the Reduction in Force Team	2-B-2-1
Support Staff for the Reduction in Force Team	2-B-2-2
Facilities for the Reduction in Force Team	2-B-2-3
Equipment and Supplies for the Reduction in Force Team	2-B-2-4
Personnel Records for the Reduction in Force Team	2-B-2-5
Reference Materials for the Reduction in Force Team	2-B-2-6
Support for Other Downsizing-Related Teams	2-B-2-7
Sample Skills Survey of Employees Working on the Reduction in Force-Related Teams	2-B-2-8
Using the Sample Downsizing Skills Survey	2-B-2-9

B This symbol highlights where you can find additional material in Unit 2-B.

i This symbol guides you toward more general references on the subject in Module 2 or in other Modules.

Section 2, The Human Resource Office's Reduction in Force Team

2-B-2-1 **Establishing the Reduction in Force Team**

Both the size and the composition of the human resources office's reduction in force team depend on factors relative to the agency's reduction in force situation, such as size (e.g., two excess positions, 160 excess positions, etc.), location (e.g., one duty site, multiple duty sites), and reason (e.g., a reorganization, a closure, a consolidation, etc.).

- **Explanation**-Most reduction in force actions require some employees to work full-time on personnel-related actions associated with the reduction in force. For example, in the Federal service an employee's rights and benefits are based upon the employee's official position of record. Even with an automated personnel records system, a reduction in force 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 reduction in force team allows the human resources office to successfully perform the temporary increased workload that is required to prepare for and implement the reduction in force.

If possible, at least one person on the team should have prior reduction in force experience.

B

- Paragraph **2-B-2-8** includes a skills survey that an agency may use to identify human resources office employees with prior reduction in force or other downsizing experience.

The agency should use the downsizing skills survey in deciding whether some or all members of the team should have additional training related to the reduction in force (e.g., training on OPM's retention regulations, career transition options, benefits for displaced employees, etc.).

B

- Section **2-B-3** has additional guidance on subjects that should be included in a reduction in force training skills program for members of the team.

When establishing the human resources office's reduction in force team, the agency should immediately designate a leader of the team. The team leader is responsible for coordinating all aspects of the team's work. This may include:

- (1) Recommending other staffers with specific technical skills to serve on the team;
- (2) Requesting any training needed by the team;
- (3) Developing the agency's own reduction in force action checklist;
- (4) Ensuring that the team meets all deadlines required by either agency managers or the checklist;
- (5) Requesting any support staff needed to assist the team;
- (6) Requesting any additional resources, facilities, or equipment needed to assist the team; and
- (7) Providing support to team members as the reduction in force progresses.

The reduction in force 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 employees' benefits, labor-management relations, and automated systems (especially if the agency will use an automated reduction in force system (e.g., "**AutoRIF**") to prepare retention registers used to determine how the reduction in force will affect the agency's employees.

- B**
- Paragraph **2-B-3-3** has additional guidance on the Department of Defense's "**AutoRIF**" software package.

Even a mid-size reduction in force may require team members to perform some overtime work. The agency should include possible overtime as an estimated reduction in force cost.

Finally, all members of the reduction in force team must be able to cope with additional stress and pressure associated with implementing a reduction in force. The team leader should always

be available to offer assistance to a team member who is stressed-out from the reduction in force.

2-B-2-2

Support Staff for the Reduction in Force Team

For maximum effectiveness, the agency should provide the human resources office's reduction in force team with sufficient support staff that is appropriate to the reduction in force situation.

- **Explanation**-The skills needed by an individual agency's reduction in force team and a reduction in force support team are relative to the situation. For example, one agency may have a need for a labor-management specialist on the principal team, while a second agency may have a need for its labor-management specialist only as a member of the support team.

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

(1) 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.

(2) Clerical Support Staffers.

- Tasks may include copying reduction in force notices and other downsizing documents, assembling informational packets for employees, preparing final copies of slides used for briefings, scheduling meetings involving the reduction in force team, reserving rooms needed by the team for meetings and briefings, and coordinating any travel by team members to other duty sites.

(3) Benefits Specialists.

- Tasks may include advising both team members and displaced employees concerning entitlements such as retirement, health benefits, life insurance, and the Thrift Savings Plan.

- (4) Computer Specialists.
 - Tasks may include downloading personnel data needed by the team to prepare reduction in force registers, and making the data available for use by the team in an automated program such as AutoRIF.
-

2-B-2-3

Facilities for the Reduction in Force Team

The agency should provide the human resources office's reduction in force team with one or more secure rooms that are appropriate to the situation.

- **Explanation**-The reduction in force team needs secure space with restricted access. Because of the sensitivity of reduction in force actions, the agency should limit entry to the space only to members of the reduction in force 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 reduction in force teams.

If possible, the agency should also provide the team with access to a conference room that can include all members of the reduction in force teams.

2-B-2-4

Equipment and Supplies for the Reduction in Force Team

The agency should provide the human resources office's reduction in force team with necessary equipment and supplies.

- **Explanation**-Necessary equipment and supplies for the reduction in force team may include:
 - (1) Desks and/or tables, as appropriate.
 - Some agencies prefer to have the reduction in force team work at a table setting rather than at individual desks.

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
Restructuring Information Handbook Module 2
Human Resource Responsibilities in Reduction in Force
Unit B, Guidance (March 2003 version)

- In some situations, the team may find that extra tables are useful to temporarily hold material such as Official Personnel Folders, employee's reduction in force notice and benefits packages, and similar materials.
- (2) Telephones.
- The agency should ensure that the team's telephones have voice mail or call forwarding capability.
- (3) Fax machine(s).
- Fax machines are especially important if the reduction in force involves different geographic locations, or if the agency maintains its personnel records at different sites.
- (4) Computers and printers.
- The number of computers, printers, and related equipment that the team needs is relative to the situation.
 - At a minimum, the agency should limit one computer for the employee database, and another the other to reduction in force software such as AutoRIF.
 - The agency should provide password protection for each of the team's computers, along with both e-mail and internet access for team members.
- (5) Copying machine(s).
- The team needs at least one copying machine and a backup that are always maintained in working condition.
- (6) File Folders.
- The team needs a file folder for each employee involved in

the reduction in force (e.g., to compile and verify reduction in force data, correspondence, reduction in force notices, reduction in force counseling documentation, and similar material).

(7) 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 reduction in force notices and possibly for internal memos, tinted paper for posted announcements, etc.), notepads, binders, dividers, large and small envelopes, pens, staples, paper clips, and tape.

(8) Shredder(s).

- The team needs a shredder and possibly burn bags to dispose of excess paper related to the team's work.

(9) File cabinet(s).

- In the team's secure area, the team needs one or more lockable file cabinets, as appropriate to the situation.

(10) Erasable marker board(s) and/or large paper flip chart(s).

- The team needs the board and flip charts to cover team assignments, timelines, priorities, specific items on reduction in force or downsizing procedures, etc.

2-B-2-5

Personnel Records for the Reduction in Force Team

The agency should provide the human resources office's reduction in force team with secure access to the Official Personnel Folders and other records (e.g., official positions descriptions) of agency employees who are competing in the reduction in force.



- **Explanation**-The agency must ensure that the team's actions are consistent with the requirements covering access and maintenance of personnel records covered in 5 CFR Part 293 ("Personnel

Records”) of OPM’s regulations.

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 reduction in force (e.g., qualifications updates submitted to determine employee’s retention rights to other positions).

2-B-2-6

Reference Materials for the Reduction in Force Team

The agency should provide the human resources office’s reduction in force team with access to other information needed to conduct the reduction in force.

- **Explanation**-Additional information needed by the reduction in force team may include:

(1) Personnel rosters of the organization(s) both before and after the reduction in force.

B

- The personnel rosters (i.e., the organization’s “**Personnel Rosters**”) document occupied and vacant positions in both the present organization, and in the organization after the reduction in force is completed.
- Paragraph **2-B-5-4** (“**Check List Action Item 3**”) provides additional guidance on “Personnel Rosters” in planning for organizational change.

①

- Section **1-B-2** in Restructuring Information Handbook Module 1 (“Planning and Alternatives for Restructuring”) provides additional guidance on the role of the agency’s human resources office as the agency plans for effective organizational change and develops personnel rosters based on proven principles of position management.
- As necessary, the team should also have timely access to agency decisionmakers at the appropriate level if the team needs clarification of issues related to the personnel rosters (e.g., timing of the reduction in force,

available vacancies in the new organization, subsequent actions in a phased reorganization, impact of new legislation, etc.).

- (2) A copy of title 5, United States Code (title 5 U.S.C.).
 - OPM's regulations are derived from the statutory provisions of title 5, United States Code.
- (3) A copy of title 5, Code of Federal Regulations (title 5 C.F.R.).
 - OPM publishes its regulations in title 5, Code of Federal Regulations.
- (4) A copy of the agency's internal personnel manual.
 - The team should also have a copy of documents related to the agency's reduction in force 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 reduction in force actions, and repromotion priority for employees demoted by reduction in force.
- (5) A copy of any collective bargaining agreement that covers employees competing in the reduction in force.
 - If the collective bargaining agreement is revised during the process of preparing for the reduction in force, the agency should provide the team with a copy as soon as possible.
- (6) 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," "Qualifications Standards Handbook," "CSRS/FERS Handbook," "Guide to Processing Personnel Actions," "Vet Guide," etc.
- (7) Applicable appeals and grievance decisions.

- The team should have timely access to appeals decisions of the Merit Systems Protection Board and the United States Court of Appeals for the Federal Circuit. 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.
 - The team should also have timely access to other relevant decisions, such as decisions issued by the Federal Labor Relations Authority and the Equal Employment Opportunity Commission. Again, the team should have an agency contact who can provide a copy of a requested decision.
-

2-B-2-7

Support for Other Downsizing-Related Teams

The agency should provide similar support for other specialized teams involved in preparing for and carrying out the reduction in force.

- **Explanation**-As needed, the agency often establishes other teams to supplement the core reduction in force and reduction in force 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 reduction in force, etc.

When an agency will actually separate employees by reduction in force, the agency should establish and implement a separate outplacement team even before the agency issues reduction in force notices. This will maximize outplacement assistance available to displaced employees. Usually voluntary attrition will increase, reducing the number of involuntary reduction in force separations.

Especially in a mid-size or large-size reduction in force, the agency should establish a separate team to and to develop and implement its outplacement program. Otherwise, the priorities involved in conducting the reduction in force may significantly reduce the time available to assist employees in exploring available career options.

- ①
 - Section **1-B-10** in Module 1 provides a case study on assigning outplacement team responsibilities in an actual reduction in force situation.
-

2-B-2-8 **Sample Skills Survey of Employees Working on the Reduction in Force-Related Teams**

- B** Paragraph **2-B-2-9** includes a sample skills survey that an agency may use to evaluate the current skills of potential members of the agency's reduction in force-related teams.
- **Explanation-**A downsizing skills survey will assist the agency in maximizing the present skills of potential members of the reduction in force teams. The skills survey assumes that all or most team members are part of the agency's human resources office.

A downsizing skills survey will also serve as a tool to help the agency plan for specific training needed by members of the reduction in force teams.

- B** The agency should modify this sample skills survey to meet its specific situation.

- For additional guidance, see Section **2-B-3** ("Downsizing Skills Update for the Reduction in Force Team.")
-

2-B-2-9 **Using the Sample Downsizing Skills Survey**

To complete the sample skills survey on the next two pages, sample entries include:

- (a) If the employee's downsizing skill is "**Current**," enter "Yes" or "No" in that box.
- (b) In the "**Source of Skill**" box, enter how the employee gained the skill:
 - (1) Formal Training = (**T**);
 - (2) Experience or On-the-Job Training = (**E**);

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
Restructuring Information Handbook Module 2
Human Resource Responsibilities in Reduction in Force
Unit B, Guidance (March 2003 version)

- (3) Both (Formal Training & Experience) = **(B)**; and
 - (4) Not applicable = **(NA)**.
- (c) In the “**Level of Competency**” box, enter the employee’s skill level:
- (1) **Expert (EX)** = The employee’s downsizing skill is current, and the employee can provide advise and assistance on both routine and complex issues in this subject area.
 - (2) **Intermediate (I)** = The employee can advise on routine questions in this subject area, and the employee’s advice is based primarily upon theoretical application.
 - (3) **Novice (N)** = The employee has basic knowledge, but no demonstrated ability, in this subject area, and needs further training and/or experience in this area.
 - (4) **None (O)** = The employee has no training or experience in this subject area, and the employee needs development in this area.
 - (5) **No Interest (NI)** = The employee has no training or experience in this area, but is interested in development in this area.
- (d) **Narrative** comments, if any.
-

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
 Restructuring Information Handbook Module 2
 Human Resource Responsibilities in Reduction in Force
 Unit B, Guidance (March 2003 version)

Reduction in Force/Other Downsizing Skills Inventory (page one):

Employee Name:

Date:

Who Completed this Inventory (e.g., employee, supervisor, other):

<u>Skill</u>	<u>Current Skill</u>	<u>Source of Skill</u>	<u>Skill Level</u>	<u>Comments</u>
RIF Avoidance Techniques				
Position Management				
Position Classification				
Organizational Development				
Workforce Forecasting				
Workforce Skills Assessment				
RIF Planning				
RIF requirements				
Automated RIF/personnel systems				
RIF Execution				
RIF procedures/requirements				
Creditable service determinations/SCD calculations				
Qualifications determinations				
Veterans' preference determinations				
RIF Benefits/Entitlements				
Placement Programs				
Benefits (FEHB, FEGLI, TSP)				
Retirement				
Severance Pay, Grade/Pay Retention				
Outplacement				
Program Development				
Career Counseling (Overall)				
Assessment Tools				
Identifying Career Objectives				
Retraining				
Employment Counseling (Overall)				
Federal Employment				
Other Public Sector				
Private Sector				
Resumes				

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
 Restructuring Information Handbook Module 2
 Human Resource Responsibilities in Reduction in Force
 Unit B, Guidance (March 2003 version)

Reduction in Force/Other Downsizing Skills Inventory (page two):

Employee Name:

Date:

<u>Skill</u>	<u>Current Skill</u>	<u>Source of Skill</u>	<u>Skill Level</u>	<u>Comments</u>
Outplacement (continued)				
Job Search Techniques				
Interviewing				
Self-Marketing				
Networking				
Salary/Benefits Negotiations				
Job Clubs				
Job Developers				
Self-Employment				
Career/Job Fairs				
Stress Management Counseling				
Crisis Management Counseling				
Relocation Counseling				
Retirement Counseling				
Outplacement Center (Designing and Running)				
Other:				
Designing Customer Surveying Instruments				
Sampling Techniques				
Conducting Focus Groups				
Instructor/Presentation Skills				
Marketing/Sales Skills				
Organizational Intervention Skills				
Contracting Skills				
Labor-Management Relations				
Employee Relations				
Agency Representative				

Section 3, Downsizing Skills Update for the Reduction in Force Team

Introduction This section summarizes downsizing subject areas that should be included in training members of the agency's reduction in force team.

Contents This section contains the following topics:

Topic	See Paragraph
Need to Assess Downsizing Knowledge of the Reduction in Force Team	2-B-3-1
OPM's Reduction in Force Regulations	2-B-3-2
Automated Reduction in Force Software v. Manual Retention Registers	2-B-3-3
Downsizing Pay Issues	2-B-3-4
Restoration Rights	2-B-3-5
Employee Benefits	2-B-3-6
Selection Priority Programs for Displaced Employees	2-B-3-7

B This symbol highlights where you can find additional material in Unit 2-B.

① This symbol guides you toward more general references on the subject in Module 2 or in other Modules.

Section 3, Downsizing Skills Update for the Reduction in Force Team

2-B-3-1 Need to Assess Downsizing Knowledge of the Reduction in Force Team

- B** Paragraph **2-B-2-1** suggests that the agency use the downsizing skills survey in paragraph **2-B-2-9** to both identify its human resources office employees with prior reduction in force or other downsizing experience, and if necessary, to update these skills for employees who will work in some capacity on the agency's reduction in force team.
-

2-B-3-2 OPM's Reduction in Force Regulations

All members of the human resources office's reduction in force core and support teams should have recent training in OPM's reduction in force regulations.

- **Explanation**-Besides reduction in force basics such as competitive areas, competitive levels, and employees' assignment rights, reduction in force training for the team should include material on topics such as:
 - (1) Computing reduction in force service computation dates;
 - (2) Eligibility for veterans' preference;
 - (3) Crediting performance in reduction in force competition;
 - (4) Determining employees' qualifications in reduction in force competition, including security clearance issues, and physical qualifications with accommodation when necessary;
 - (5) Action coverage of the reduction in force regulations (e.g., a reassignment is not a reduction in force action, a non-covered job erosion demotion may actually be covered by the regulations, etc.);
 - (6) Employee coverage of the reduction in force regulations (e.g., a member of the Senior Executive Service is not

covered by OPM's reduction in force regulations, but instead has retention rights under subpart 5 CFR 359-F, etc.);

- (7) Competition involving formally-designated trainee or developmental positions;
- (8) Procedures for filing a reduction in force appeal to the Merit Systems Protection Board (MSPB), and if applicable, for filing a reduction in force grievance under a collective bargaining agreement;
- (9) Significant reduction in force appeals decisions of MSPB and the United States Court of Appeals for the Federal Circuit, and reduction in force-related decisions of the Federal Labor Relations Authority (FLRA).

As an option in offering the team reduction in force training, some agencies also include a number of line managers, local union officials, staff attorneys, and other employees in the course. By the end of the course, all participants have a clearer understanding of both the mechanics of OPM's retention regulations, and the limited flexibility of agency managers to influence the outcome of a reduction in force after the managers provide a personnel roster listing positions of the post-reduction in force organization. (The personnel roster does not identify which individual employee will encumber each position; instead, OPM's retention regulations determine which employee holds each position after the reduction in force.)

For another option, in training the reduction in force team on OPM's retention regulations, the agency may elect to exclude other employees from those sessions to promote maximum communication among the human resource office employees on personnel issues relating to the reduction in force.

2-B-3-3

Automated Reduction in Force Software v. Manual Retention Registers

If the agency elects to use an automated reduction in force software program such as "AutoRIF," the agency should include this training as part of its basic reduction in force training course.

- **Explanation-“AutoRIF”** is one example of software available to help an agency conduct a reduction in force. The Department of Defense (DoD) developed AUTORIF. An agency may download the latest version of the AUTORIF software from:

http://www.cpms.osd.mil/regmod/index_enterprise.html

You should download and print information on the latest software release, which includes a section called “Things to Know About AutoRIF.”

The link also includes information on requesting an AutoRIF CD-ROM, and the User’s Guide.

The agency should also consider whether, as an option to a software program such as AutoRIF, to manually conduct the reduction in force. For example, depending on the timing, size, and complexity of the planned reduction in force, the agency may find that implementing an automated reduction in force program may take more time and resources than manually determining employees’ retention rights.

To manually conduct a reduction in force, an agency generally first prints basic competitive levels from its ongoing employee database, then completes competition (including bump and retreat rights) by manually annotating the printed retention registers.

2-B-3-4

Downsizing Pay Issues

As part of the reduction in force training or as supplemental training, as necessary members of the human resources office’s reduction in force team should have recent training on related subjects, including:

(a) OPM’s severance pay regulations; and,



- OPM’s publishes its severance pay regulations in subpart 5 CFR 550-G.

(b) OPM’s saved grade and pay regulations.

- OPM’s publishes its saved grade and pay regulations in

① part 5 CFR 536.

- **Explanation**-Some software packages include a severance pay calculator to assist the agency in making severance pay calculations for eligible employees who will be involuntarily separated.

①

- Paragraph 5 CFR 351.803 requires that an agency provide an eligible employee with a severance pay estimate.

In a reduction in force appeal, the Merit Systems Protection Board will consider whether an agency's erroneous severance pay information to a separated employee was a harmful error.

2-B-3-5

Restoration Rights

As part of the reduction in force training or as supplemental training, as necessary members of the human resources office's reduction in force team should have recent training on related subjects, including restoration rights, reinstatement, or reemployment rights based on:

- (a) Active service in the Armed Forces;
- (b) A compensable injury under the Department of Labor's Office of Workers Compensation Program (OWCP);

①

- OPM publishes its restoration regulations in part 5 CFR 353.
- (c) Program-specific legislation (e.g., Sections 233(d) and 625(b) of the Foreign Assistance Act of 1961); and
- (d) Agency-specific legislation (e.g., restoration within the Department of Defense after an overseas tour of duty authorized by Section 10 U.S.C. 1586).

- **Explanation**-A statutory restoration or reinstatement right may by itself require a reduction in force action for the agency to meet its obligation to an employee.
-

2-B-3-6 **Employee Benefits**

As part of the reduction in force training or as supplemental training, as necessary members of the human resource office's reduction in force team should have recent training on related subjects, including:

- (a) Retirement (optional, discontinued service, voluntary early, and deferred);
 - (b) Health benefits;
 - (c) Life insurance; and
 - (d) Thrift Savings Plan.
- **Explanation**-OPM's website at www.OPM.gov includes an automated retirement calculator to estimate an employee's annuity benefits. The retirement benefits specialists in most agencies will also have packages to estimate an employee's immediate or deferred annuity.

2-B-3-7 **Selection Priority Programs for Displaced Employees**

As part of the reduction in force training or as supplemental training, as necessary members of the human resources office's reduction in force team should have recent training on related subjects, including available selection priority programs available to displaced employees:

- (a) **"Reemployment Priority List (RPL)";**
 - (b) **"Career Transition Assistance Plan (CTAP)";**
 - (c) **"Interagency Career Transition Assistance Plan (ICTAP)";** and
 - (d) Agency-specific selection priority programs such as the Department of Defense's (DoD) **"Priority Placement Program (PPP),"** which is available to help place separated and demoted DoD employees in other positions within the agency.
- **Explanation**-Even if the agency establishes a separate outplacement team, the agency's reduction in force team members should have a working knowledge of all intra-agency and interagency selective placement programs available to displaced

employees. This should include the agency's policies when the agency implemented one or more of these discretionary options (e.g., the agency may have voluntarily implemented a policy of providing priority to formers employees on the Reemployment Priority List before filling a position with a current agency employee.

- ①
 - Section **1-B-6** in Restructuring Information Handbook Module 1 ("Planning and Alternatives for Restructuring") summarizes available intra-agency and interagency selection priority programs for displaced employees.
-

Section 4, Assign Duties and Responsibilities to Facilitate the Reduction in Force

Introduction This section covers the potential duties and responsibilities of agency managers, supervisors, employees, and others involved in the reduction in force. An agency may use this section for general reference in delegating reduction in force duties and responsibilities to its own employees.

Contents This section contains the following topics:

Topic	See Paragraph
Importance of Assigning Duties and Responsibilities	2-B-4-1
Duties and Responsibilities of Agency Decisionmakers	2-B-4-2
Duties and Responsibilities of Immediate Supervisors	2-B-4-3
Duties and Responsibilities of the Human Resources Office	2-B-4-4
Duties and Responsibilities of the Reduction in Force Team(s)	2-B-4-5
Duties and Responsibilities of the Outplacement Team	2-B-4-6
Duties and Responsibilities of Displaced Employees	2-B-4-7

B This symbol highlights where you can find additional material in Unit 2-B.

i This symbol guides you toward more general references on the subject in Module 2 or in other Modules.

Section 4, Assign Duties and Responsibilities to Facilitate the Reduction in Force

2-B-4-1

Importance of Assigning Duties and Responsibilities

In the first stages of planning for a reduction in force, decisionmakers at the highest levels of the agency (or the agency's activity, as appropriate) should designate in writing the specific duties and responsibilities of all parties involved in the reduction in force.

- B**
- **Explanation**-Section **2-B-2** recommends that the agency establish a core reduction in force team to actually carry out the reduction in force. In addition, Section **2-B-2** notes that, depending on the size of the reduction in force, the agency should consider establishing related teams, such as reduction in force support teams, and an outplacement team comprised of employees working solely on that team.

To avoid duplication of effort or miscommunication among these interrelated teams, the agency should clearly state the duties and responsibilities of each team. The agency should also provide for a mechanism to coordinate the respective teams (e.g., regular meetings among the teams to resolve key problems). Finally, the agency should provide for clear management direction to minimize time lost on questions of responsibility among the teams.

2-B-4-2

Duties and Responsibilities of Agency Decisionmakers

The agency's (or activity, if applicable) high level managers are generally responsible for decisions such as:

- (a) Identifying positions for abolishment;
- (b) Identifying which positions are carried on the personnel roster (i.e., the manning documents) after the agency conducts the reduction in force;
- (c) Communicating the agency's Strategic Plan goals to lower-level managers, supervisors, and all other employees, and any collective bargaining agents;

- (d) Authorizing the resources needed to conduct the reduction in force;
- (e) Approving major discretionary decisions related to the reduction in force and the agency's outplacement program (e.g., waiving qualifications for placement in certain vacancies, amount of official time available for employees to use available outplacement services, etc.);
- (f) Authorizing the agency's reduction in force-related teams;
- (g) Authorizing freeze dates when needed (e.g., for personnel actions, employees' qualifications updates, and placing performance evaluations on record); and
- (h) Developing policy for responses to interested parties from outside the agency (e.g., members of Congress, State and local politicians, the media, public interest groups, and employees' special interest groups.)

- B**
 - Paragraph **2-B-5** covers "Management Decisions to Implement a Reduction in Force."

2-B-4-3

Duties and Responsibilities of Immediate Supervisors

The agency's first and second level supervisors are generally responsible for decisions and actions such as:

- (a) Distributing reduction in force notices and other material to employees;
- (b) Working to effectively implement the agency's Strategic Plan;
- (c) Helping employees to maximize use of the agency's career transition services; and
- (d) Referring (as needed) employees to the appropriate reduction in force-related team for assistance on specific issues.

2-B-4-4

Duties and Responsibilities of the Human Resources Office

The agency's human resources office is generally responsible for decisions and actions such as:

- (a) Providing management's pre- and post-reduction in force personnel rosters to the reduction in force team;
- (b) Coordinating reduction in force-related information between involved parties (e.g., higher management, supervisors, the reduction in force teams, employees, and any unions);
- (c) Processing corrections to personnel records;
- (d) Helping the reduction in force team prepare notices (e.g., specific reduction in force notice, Certifications of Expected Separation, position abolishment notices for purposes of discontinued service retirement eligibility, etc.);
- (e) Helping the reduction in force team prepare career transition and other outplacement information;
- (f) Helping the reduction in force team prepare severance pay and retirement estimates; and
- (g) Helping the reduction in force team prepare provide guidance on benefits issues (e.g., retirement, health benefits, life insurance, and Thrift Savings Plan).

2-B-4-5

Duties and Responsibilities of the Reduction in Force Team(s)

The agency's core reduction in force team is generally responsible for actions such as:

- (a) Reviewing retention-related personnel records for accuracy, and requesting the human resource office to make corrections when necessary;
- (b) Keeping agency decisionmakers informed on issues related to the reduction in force;
- (c) Offering agency decisionmakers advice on discretionary reduction in force options (e.g., size of the competitive area,

- offering vacant positions in reduction in force, offering bump and retreat rights to excepted employees, etc.);
- (d) Using the personnel rosters established by agency decisionmakers to determine employees' relative retention standing under OPM's reduction in force regulations;
 - (e) Preparing reduction in force and related notices;
 - (f) Training supervisors on delivery of the reduction in force notices to employees;
 - (g) Briefing employees on reduction in force procedures and issues;
 - (h) Advising employees on reduction in force procedures, employee benefits, and severance pay;
 - (i) Working with the outplacement team to advise employees on career transition and reemployment selection priority;
 - (j) Assisting the agency in responding to any subsequent reduction in force appeals or grievances; and
 - (k) Preparing an after action report to document the reduction in force process for the agency.
-

2-B-4-6

Duties and Responsibilities of the Outplacement Team

The agency's outplacement team is generally responsible for actions such as:

- (a) Developing the agency's plan to provide displaced employees with maximum career transition assistance;
- (b) Training outplacement counselors who will meet with displaced employees;
- (c) Keeping agency decisionmakers informed of pertinent outplacement-related issues;
- (d) Providing employees with job search information;

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
Restructuring Information Handbook Module 2
Human Resource Responsibilities in Reduction in Force
Unit B, Guidance (March 2003 version)

- (e) Briefing employees on career transition subjects and options;
- (f) Helping employees make career decisions through—
 - (1) Skills assessment;
 - (2) Interests assessment;
 - (3) Resume assistance;
 - (4) Job search strategies;
 - (5) Interviewing techniques;
 - (6) Salary negotiations;
 - (7) Follow-up;
 - (8) Writing a personal action plan;
 - (9) Job search assistance (e.g., provide timely referrals to potential employers, and job leads to displaced employees);
 - (10) Job clubs for displaced employees, if appropriate;
 - (11) Community services and resources for displaced workers;
- (g) Maintaining and releasing the optional resume referrals that displaced employees may provide to their agency for sharing with potential employers;
- (h) Coordinating State-based training and retraining services available to displaced employees through an individual State's Workforce Investment Act (WIA) programs;
- (i) Working with the human resources office to conduct exit interviews for employees who voluntarily or involuntarily separate from the agency as a result of the reduction in force; and
- (j) Evaluating the agency's outplacement program after agency completes the reduction in force.

- **Explanation-** For maximize career transition effectiveness, the agency should have an outplacement team available as soon as the agency finds that some employees will likely be separated by reduction in force.

B

- Paragraph **2-B-2-7** suggests that, if possible, the agency should establish a separate team to and to develop and implement its outplacement program.

At the same time, the agency's decisionmakers should develop a policy on issues related to the work of the outplacement team. The human resources office would then communicate these policies to employees, including a displaced employee's use of:

- (1) Official time for career transition and job search opportunities; and
 - (2) Office equipment (e.g., fax machines, copy machines, computers, e-mail, scanners, telephones, modems, etc.) for personal career transition-related purposes.
- Subparagraph **2-B-6-5(f)** ("**Check List Action Item 11-F**") covers management's option to establish an agency policy on official administrative time for surplus and displaced employees.

2-B-4-7

Responsibilities of Displaced Employees

The agency should explain that displaced employees are generally responsible for actions such as:

- (a) Participating in the agency's career transition assistance programs;
- (b) Following agency procedures in requesting time to attend the agency's career transition center or similar outplacement initiatives;
- (c) Providing a resume to the agency that the agency's outplacement team may share with potential employers; and

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
Restructuring Information Handbook Module 2
Human Resource Responsibilities in Reduction in Force
Unit B, Guidance (March 2003 version)

- (d) Requesting counseling on reduction in force issues, and/or benefits questions.
-

Section 5, Management Decisions to Implement a Reduction in Force

Introduction This section covers issues that agency decisionmakers must finalize before an agency conducts a reduction in force.

Contents This section contains the following topics:

Topic	See Paragraph
Effective Management Reduction in Force Decisions Require Intra-Agency Coordination	2-B-5-1
Check List Action Item 1-Request Approval of Reduction in Force	2-B-5-2
Check List Action Item 2-Identify Positions to be Abolished	2-B-5-3
Check List Action Item 3-Identify Positions in the Post-Reduction in Force Organization	2-B-5-4
Check List Action Item 4-Establish Reduction in Force Effective Date	2-B-5-5
Check List Action Item 5-Freeze Discretionary Personnel Actions	2-B-5-6
Check List Action Item 6-Notify Collective Bargaining Representatives	2-B-5-7
Check List Action Item 7-Establish Reduction in Force Team(s)	2-B-5-8

B This symbol highlights where you can find additional material in Unit 2-B.

① This symbol guides you toward more general references on the subject in Module 2 or in other Modules.

Section 5, Management Decisions to Implement a Reduction in Force

2-B-5-1 Management Reduction in Force Decisions Require Intra-Agency Coordination

When an agency finds that a reduction in force is likely, agency decisionmakers have final responsibility for choices that determine the timing and scope of the agency's restructuring actions.

- **Explanation-**Before finalizing decisions that implement reduction in force actions, agency managers should first consult with the agency's human resources professionals before finalizing the timing or scope of the reduction in force. For example, the human resources office staffers can advise the managers whether the agency can create retention registers and complete all the reduction in force actions in the time frame forecast by the managers. The human resources office staffers can also provide agency managers with technical guidance on the impact of decisions that the agency must make before issuing reduction in force notices to employees. Finally, the human resources office staffers should be available to consult with the managers on the broader issue of how the reduction in force will impact on the broad organizational goals that are the basis for the agency's Strategic Plan.



- Section **1-B-2** of Restructuring Information Handbook Module 1 ("Planning and Alternatives for Restructuring") provides related guidance on "Developing the Restructuring Plan."



- Section **1-B-4** of Module 1 ("Planning and Alternatives for Restructuring") provides related guidance on "Critical Management Considerations in Downsizing."

2-B-5-2 Check List Action Item 1-Request Approval of Reduction in Force

Agency decisionmakers have responsibility to approve or obtain approval for the reduction force.

- **Explanation-** When the agency finds that a reduction in force is

likely, the agency should review its delegations of authority to determine which individual or organization in the agency's chain of command has authority to approve the reduction in force actions. The approval process may vary depending on the number of employees who may be separated by reduction in force (i.e., a large number of separations may require a higher level of approval than a small reduction in force).

A long approval process could change management's planned effective date for the reduction in force.

2-B-5-3

Check List Action Item 2-Identify Positions to be Abolished

Agency decisionmakers have responsibility to decide which positions are abolished from the personnel roster in the reduction in force.

- **Explanation-** An agency's decisionmakers are responsible by both statute and regulation for decisions concerning whether a reduction in force is necessary, what positions are abolished, when the reduction in force will take place, and how the organization will be staffed after the reduction in force.



- Section **3-A-2-2** of Restructuring Information Handbook Module 3 ("Reduction in Force") provides additional guidance on management's right to make reduction in force decisions.
-

2-B-5-4

Check List Action Item 3-Identify Positions in the Post-Reduction in Force Organization

Agency decisionmakers have responsibility to decide which positions will be carried on the personnel roster after the reduction in force (including grade, series, component, location, etc.).

- **Explanation-** Management's first step in the actual reduction in force process is identifying both the positions to be abolished in the present organization, and the positions that will remain in the new or restructured organization after the reduction in force. Management records these decisions on "personnel rosters"(i.e., some agencies refer to these listings as "workforce planning documents," "personnel staffing plans," "manning documents," or similar terms).

The personnel rosters are essential in defending the reduction in force action if a separated or demoted employee subsequently alleges on appeal or in a grievance that the position abolishment was not bona fide. For example, a former employee may allege that the job abolishment was based on personal consideration or reprisal rather than a nonpersonal organizational reason.

At a minimum, the personnel rosters should identify positions by title, series, grade, position number, organization, and name of incumbent. Some organizations also additional information such as work schedule, (e.g., full-time, part-time, seasonal, or intermittent), type of service (e.g., competitive or excepted), and other pertinent information.

The reduction in force team needs this written documentation to prevent any misunderstandings on management's plans. For example, when a competitive level is unique to an organization, some managers prefer to identify only the competitive level only to avoid targeting a specific incumbent for position abolishment.

The human resources office should remind agency decisionmakers that after management decides which positions are abolished, reduction in force competition under OPM's regulations is based on four retention factors, which determine whether or not an individual employee is reached for a reduction in force action. After management identifies the personnel roster for the post-reduction in force organization, the human resources office and its reduction in force team then apply OPM's regulations to actually staff the new organization. The agency's decisionmakers should understand both that, without establishing retention registers and applying the four retention factors, the human resources office is unable to determine how the reduction in force will affect each employee. Finally, the agency's decisionmakers should understand that the human resources office will not conduct a reduction in force that is based upon a reason that is inconsistent with OPM's retention regulations.



- Paragraph **3-A-2-1** of Module 3 provides additional guidance on management's general right to plan work, and to organize the workforce to accomplish agency objectives.

2-B-5-5 **Check List Action Item 4-Establish Reduction in Force Effective Date**

Agency decisionmakers have responsibility to establish the effective date for the reduction in force.

- **Explanation**-If the agency finds that a reduction in force is necessary, as soon as possible the agency's decisionmakers should set a planned effective date for the reduction in force actions. This will greatly assist the human resources office and its reduction in force team in determining employee's retention rights and subsequently issuing reduction in force notices to employees who are reached for actions.

2-B-5-6 **Check List Action Item 5-Freeze Discretionary Personnel Actions**

Agency decisionmakers have responsibility to, at their option, establish an effective date to freeze some or all discretionary personnel actions before, during, and/or after the reduction in force effective date.

- **Explanation**-As a discretionary personnel practice, an agency may freeze any discretionary personnel actions designated by the agency. Neither OPM's controlling statutory authority nor OPM's regulations require a freeze of discretionary personnel actions in a reduction in force situation. However, some agencies as a matter of internal policy require a freeze concurrent issuing with reduction in force notices.

If an agency adopts a freeze on discretionary personnel actions, the agency's policy should always include a "safety valve" that allows an exception to the freeze policy in a high priority or unexpected situation. In all situations, the freeze policy should designate the highest available possible level of management to both support the freeze, and to approve any exceptions to the freeze.

A freeze on discretionary personnel actions assists the agency in:

- (1) Determining employees' retention standing; and
- (2) Providing maximum placement opportunities for surplus or displaced employees in both the competitive area conducting the reduction in force, and in other competitive

areas.

For example, the “**Career Transition Assistance Plan**” provides a surplus or displaced employee with intra-agency selection priority throughout all agency components in the local commuting area where the agency is conducting the reduction in force.

- ①
 - Section **1-B-6** of Restructuring Information Handbook Module 1 (“Planning and Alternatives for Restructuring”) has additional guidance on career transition assistance programs to help the agency increase voluntary attrition.
- ①
 - Restructuring Information Handbook Module 7 provides additional guidance on the “Career Transition Assistance Plan”.

At least in the competitive area where the agency will conduct the reduction in force, a discretionary freeze of personnel actions generally covers:

- (1) New hires (e.g., new appointments to the Federal service, transfers, reinstatements, and time-limited appointments of 121 days or more, etc.) in the local commuting area where the reduction in force will take place;
- (2) Permanent position changes (e.g., scheduled promotions, other promotions, reassignments, etc.);
- (3) Permanent work schedule changes;
- (4) Reclassification actions (e.g., changes to classification series and/or grade, accretion of duties promotion, etc.); and
- (5) Optional conversion actions.

Even with a freeze on discretionary personnel actions, the agency must continue processing personnel actions:

- (1) Unrelated to employee’s final retention standing (e.g., termination of a temporary promotion, detail, separation, etc.); or

- (2) Required by law or regulation (conversion to career tenure, change in veterans' preference, etc.).

A discretionary freeze on personnel actions does not include other freezes, such as a freeze after a specified date that prohibits the human resources office from accepting:

- (1) Additional employees' performance ratings of record for purposes of reduction in force competition; or
- B**
- Subparagraph **2-B-6-4-(j)** ("**Check List Action Item 10-J**") covers establishing a discretionary date to freeze performance ratings of record available for reduction in force competition.
- (2) Qualifications updates from employees competing under OPM's reduction in force regulations.
- B**
- Subparagraph **2-B-6-4-(m)** ("**Check List Action Item 10-M**") covers establishing a discretionary date to freeze qualifications updates for purposes of determining employees' retention rights.

2-B-5-7

Check List Action Item 6-Notify Collective Bargaining Representatives

Agency decisionmakers have responsibility to notify any unions with a right to bargain on the impact of the possible reduction in force.

- **Explanation**-The agency's managers should consult with the human resources office and the agency's labor-management specialists to coordinate its notice to the union(s) of the planned reduction in force actions. The agency's human resources office and labor-management specialists should review all applicable collective bargaining agreements early in the planning process to determine any impact on the proposed reduction in force.

Management has the basic right to make decisions such as whether a reduction in force is necessary, what positions are abolished, and when the reduction in force will take place.

- B**
- For additional guidance on management's general right to

decide the scope of a reduction in force, see paragraphs **2-B-5-2** through **2-B-5-5**.

The union has the statutory right to bargain on any change in a working condition, including a reduction in force. For example, the agency must generally bargain over related impact and implementation issues, such as:

- (1) Using reduction in force procedures only after maximum outplacement and cost reduction alternatives;
 - (2) Freezing discretionary personnel actions;
- B**
- For additional guidance on management’s general right to freeze discretionary, see paragraph **2-B-5-6**.
- (3) Requesting authority for voluntary early retirement authority and buyouts;
 - (4) Authorizing administrative leave to use the agency’s career transition center;
 - (5) Designating employees as “surplus” for purposes of early intra-agency selection priority through the agency’s “Career Transition Assistance Plan”;
- i**
- Restructuring Information Handbook Module 7 provides additional guidance on the “Career Transition Assistance Plan”.
- (6) Issuing surplus employees a “Certification of Expected Separation” to provide maximum outplacement options;
- i**
- Section **3-A-32** of Module 3 provides additional guidance on Certification of Expected Separation.”
- (7) Offering vacancies in the same or in other competitive areas to place surplus and displaced employees;
 - (8) Waiving or modifying qualification requirements (except minimum education requirements) to offer displaced employees a continuing vacancy in lieu of separation by reduction in force;

- (9) Retraining surplus or displaced employees for intra- or interagency placement; and
- (10) Implementing discretionary reduction in force options (e.g., offering bump or retreat rights to excepted employees, offering bump rights to term employees, etc.).

Bargaining unit employees have a key role in implementing the agency's Strategic Plan. The union's role may or may not be positive, depending on the agency-union relationship and the underlying reasons for the reduction in force. If agency-union relations were strained before the reduction in force, employee cutbacks will not improve the situation. However, if both employees and their union recognize that the agency has legitimate reasons for the reduction in force, ideally both will find a common ground for the bargaining process.

Making concerted efforts to assist affected employees through outplacement, counseling, benefits assistance, etc., may reduce the union's concerns and increase their understanding and support.

Consistent with the collective bargaining agreement, the agency should notify local union officials that the reduction in force may potentially impact their bargaining unit. When possible, offer the union updated information regularly. If the union believes that the agency failed to meet its notice and bargaining obligations under the contract, the union may potentially file for a third party appellate decision from the Federal Service Impasses Panel ("FSIP"), the Federal Labor Relations Authority ("FLRA"), or a Federal court.

Decisions of the Federal Labor Relations Authority are available at www.flra.gov.

2-B-5-8

Check List Action Item 7-Establish Reduction in Force Team(s)

Agency decisionmakers have responsibility to establish the reduction in force team.

- **Explanation**-When the agency's decisionmakers reach the stage of setting an effective date for reduction in force actions, the decisionmakers, in coordination with the human resources office,

should establish reduction in force core and support teams (e.g., as needed, an outplacement team, a records cleanup team, and other teams to perform tasks related to the reduction process such as records cleanup or employee benefits teams).

- B**
- Section **2-B-2** provides additional guidance on establishing a reduction in force team.
-

Section 6, Management-Human Resource Office Coordination on Discretionary Reduction in Force Decisions

Introduction This section covers discretionary restructuring procedures permitted by OPM's retention and career transition regulations. Agency decisionmakers should consult with the human resources staff before finalizing policy on any of these discretionary procedures.

Contents This section contains the following topics:

Topic	See Paragraph
Effective Management Decisions on Discretionary Procedures Require Coordination With the Human Resources Office	2-B-6-1
Check List Action Item 8-Define Competitive Area and its Local Commuting Area	2-B-6-2
Check List Action Item 9-Develop Communication Plan	2-B-6-3
Check List Action Item 10-Establish Policy on Discretionary Reduction in Force Procedures	2-B-6-4
Check List Action Item 11-Establish Policy on Discretionary Career Transition Options	2-B-6-5

B This symbol highlights where you can find additional material in Unit 2-B.

i This symbol guides you toward more general references on the subject in Module 2 or in other Modules.

Section 6, Management-Human Resource Office Coordination on Discretionary Reduction in Force Decisions

2-B-6-1

Effective Management Decisions on Discretionary Procedures Require Coordination With the Human Resources Office

Agency decisionmakers should consult with the human resources staff before finalizing discretionary procedures permitted by OPM's reduction in force regulations and related selection priority programs for surplus and displaced employees.

- **Explanation**-OPM's retention regulations provide an agency with limited discretion in defining the scope of the reduction in force competition, and in expanding the range of positions that are potentially available to an employee reached for a reduction in force action.

OPM's regulations covering selection priority programs for surplus and displaced employees similarly provide an agency with limited discretion in offering additional vacancies in a restructuring situation.

Both the agency's decisionmakers and the human resources office staff should refer to the agency's internal delegations of authority to determine which management official has responsibility for these discretionary decisions.

The human resources office staff should be available to consult with agency decisionmakers on the agency's present policies concerning these discretionary decisions, and the impact of any potential changes to present policy.

Agency decisionmakers should also consult with both the human resources staff and possibly with selected line managers to develop a comprehensive communication policy that is specifically designed to help implement the reduction in force.

2-B-6-2

Check List Action Item 8-Define the Competitive Area and its Local Commuting Area

Agency decisionmakers should consult with the human resources staff

before revising the agency's definition of "**Competitive Area**" for the reduction in force.

- **Explanation**-The "**Competitive Area**" defines the geographic and organizational boundaries for reduction in force competition. Once defined, the competitive area includes all employees in the geographic and organizational definition. (For example, within the same geographic boundaries and organizational structure, an agency may not define separate competitive areas for supervisors and nonsupervisors.) A minimum competitive area is a subdivision of the agency under separate administration within a "**Local Commuting Area**." OPM's regulations do not limit the maximum size of a competitive area.



- Section **3-A-7** of Restructuring Information Handbook Module 3 ("Reduction in Force") contains additional guidance on "Competitive Area."

Most agencies have a continuing or default definition of competitive area. The human resources staff should first determine the agency's present competitive area definition(s). The human resources staff should also verify that each organization is included in a competitive area.

The human resources staff should then determine whether the agency's headquarters policy allows subdivision or activity components any flexibility to implement a competitive area definition that is different from the present definition.

If agency decisionmakers are considering a change in the present competitive area definition, the human resources office staff should explain possible results of the new definition.

For example, a larger competitive area potentially provides more employees with job placement rights under OPM's reduction in force regulations. However, the greater number of reduction in force displacements results in more disruption to the agency and will ultimately still result in the same number of employees being separated by reduction in force actions. The increased disruption also includes additional reduction in force demotions, which generally provides a demoted employee with retained grade and pay benefits after the agency completes the reduction in force.

A larger competitive area that includes different local commuting areas will greatly increase the costs of the reduction in force. The agency must pay relocation costs for each employee who is reached for a geographic move.

A smaller competitive area may result in additional severance pay costs for the agency if higher-graded employees have no retention rights to lower-graded positions and are subsequently separated by reduction in force.

A competitive area change within 90 days of the reduction in force date requires OPM approval. An update of a present competitive area definition to include other organizational changes does not require OPM approval.

- ①
 - Section **3-A-8** of Module 3 contains additional guidance on requesting OPM approval of a competitive area change within 90 days of the reduction in force effective date.

While defining the competitive area, the human resources office should also provide agency decisionmakers with information on the agency's definition of "**Local Commuting Area**." Besides the definition of competitive, the agency uses the same definition of Local Commuting Area in determining released employees' eligibility for benefits (e.g., reemployment hiring priority, severance pay, discontinued service retirement, etc.).

On appeal, the Merit Systems Protection Board will consider whether the agency proved by substantial evidence that its definition of Local Commuting Area applicable was a reasonable interpretation of OPM's regulations relative to the situation where the reduction in force occurred.

- ①
 - Paragraph **3-A-7-8** in Module 3 contains additional guidance on "Local Commuting Area."

2-B-6-3

Check List Action Item 9-Develop Communication Plan

Agency decisionmakers should consult with both the human resources staff and appropriate line managers to effectively communicate information relating to both the agency's Strategic Plan and the

resultant reduction in force that will implement the plan.

- ①
 - Section **1-B-3** of Restructuring Information Handbook Module 1 (“Planning and Alternatives for Restructuring”) contains guidance on both communication issues and effective communication in a restructuring situation.

- **Explanation**-The agency’s goal should be developing a coordinated communication plan that will provide timely, accurate, and complete information to all parties on issues relating to organizational change and the reduction in force. Effective, open communication with immediate supervisors, nonsupervisors, and other affected parties (including the union(s) can minimize losses to organizational productivity. An effective communication plan is also essential to expedite implementation of the agency’s Strategic Plan after the reduction in force.

The human resource office, with direct support of agency decisionmakers, should ensure as best possible that employees will have access to pertinent information concerning reduction in force procedures, programs available to surplus or displaced employees, and employee benefits such as retirement, health benefits, and life insurance.

Potential methods of communication include:

- (1) Written communication, which is the best procedure to provide a record of accurate information;
 - Options include scheduled bulletins, as-needed bulletins, brochures, pamphlets, newsletters, and e-mail.
- (2) Direct personal communication, which is best in providing a personal approach to the information and to answer a diverse range of questions;
 - Options include large groups, small groups, and organization or subject-based groups.
- (3) Information by video; and
 - Options include live television broadcasts, videotapes, CD’s, and streaming video accessed through personal

computers.

- (4) Information by audio.
- Options include taped telephone messages, cassette tapes, and CDs.
-

2-B-6-4

Check List Action Item 10-Establish Policy on Discretionary Reduction in Force Procedures

Agency decisionmakers should consult with the human resources staff in reviewing and possibly modifying the agency's policy on the thirteen specific options in this paragraph that are permitted under OPM's reduction in force regulations.

- **Explanation**-The human resources staff should first determine whether the agency's present policy implements any of the thirteen options. The human resources staff should then determine whether the agency's headquarters policy allows subdivision or activity components any flexibility to implement to adopt these options. If agency decisionmakers are considering a policy change to adopt or to eliminate any of these procedural options, the human resources office staff should explain possible results of the new definition.

(a) **Check List Action Item 10-A: Use of Vacancies.**

Before agency decisionmakers choose a policy to offer vacancies in a reduction in force situation, the human resources office should consult with the decisionmakers to ensure that the agency's policy will assist the agency in meeting its restructuring goals.

- **Explanation**-An agency is not required to fill vacant positions in a reduction in force. At its option, the agency may decide to fill all, some, or no vacant positions as either reduction in force offers to displaced employees, or as offers in lieu of a reduction in force action.

An employee reached for a reduction in force action does not have a right to a vacant position unless the employee first has a right to an equivalent occupied position.



- Section **3-A-21** of Module 3 contains additional guidance on “Using Vacancies in Meeting Employees’ Assignment Rights.”

Most agencies will not implement a policy requiring that the agency will offer all vacant positions in a reduction in force. Instead, to maintain maximum flexibility in a changing organizational environment, as an alternative the agency is more likely to adopt a policy of offering vacant positions for which the agency has a current and continuing need.

Within the competitive area that is conducting the reduction in force, the agency may offer a vacancy as a:

- (1) Reduction in force offer of assignment to satisfy a right of assignment to an occupied position held by an employee with lower retention standing;
- (2) Reduction in force offer of assignment in lieu of reduction in force separation when the released employee does not have a right of assignment to an occupied position;
- (3) A voluntary change to lower grade in lieu of a reduction in force action; or
- (4) Directed reassignment to another position in lieu of a reduction in force action.

In filling a position in a competitive area that is different from the reduction in force, the agency may offer vacancies as a:

- (1) Voluntary change to lower grade in lieu of a reduction in force action; or
- (2) Directed reassignment to another position in lieu of a reduction in force action.

An agency may also offer a vacant temporary position as a voluntary conversion in lieu of a reduction in force action.



- Section **3-A-22** of Module 3 contains additional guidance on “Using Vacant Temporary Positions as Placement Offers.”

Finally, in some situations an agency may have the option of offering a vacant position as an alternative second offer for an employee reached for a reduction in force action. The alternative may allow the employee to remain at the same duty station or in the same line of work.

- ①
 - Paragraph **3-A-19-12** of Module 3 contains additional guidance on alternatives offer in reduction in force.

(b) **Check List Action Item 10-B: Waiving or Modifying Qualifications When Filling Vacancies.**

When considering a policy on offering vacant positions under paragraph **2-B-6-4(a)** above (“**Check List Action Item 10-A**”), agency decisionmakers should also consider whether or not adopt a policy to waive qualification requirements for offers of reduction in force assignments to vacant positions.

- **Explanation**-OPM’s retention regulations allow an agency, at its option, to waive most qualifications requirements in making a reduction in force offer of a vacancy to a released employee. The agency may waive qualifications if the agency finds that the employee has the capacity, adaptability, and special skills needed to perform the duties and responsibilities of the offered position. However, even with this option the agency may not waive positive education requirements for the position.

- ①
 - Paragraph **3-A-21-6** in Module 3 has additional guidance on waiving qualifications in offering a vacant position under OPM’s reduction in force regulations.

Most agencies that consider waiving qualifications in offering vacant positions will limit the waiver only to situations where the qualifications are waived as a final effort to avoid a reduction in force separation, and when placement with the waiver would not provide a better offer to another employee.

An agency may also waive or modify qualifications in offering a vacant position as an inservice placement action in lieu of reduction in force through a:

- (1) Directed reassignment in the same or in a different

competitive area; or

- (2) Voluntary change to lower grade in the same or in a different competitive area.



- Paragraph **3-A-21-6** in Module 3 has additional guidance on waiving or modifying qualifications in offering a vacant position as in inservice placement action in lieu of a reduction in force action.

Before implementing a policy of waiving or modifying qualifications for placements in a reduction in force situation should as best possible quantify the guidelines that specify the extent to which the agency will waive or modify qualifications. For example, the agency could implement a policy that it will consider waiving or modifying qualifications for placement in a vacancy only if the employee will likely satisfactorily perform the critical elements of the offered position within a specified time period.

Without a quantitative standard, the agency has no benchmark to determine which waiver or modification actions will compromise the organization's ability to implement the Strategic Plan after the agency completes the reduction in force.

(c) **Check List Action Item 10-C: Establish Procedures to Break Ties in Retention Standing.**

Agency decisionmakers in consultation with the human resources office should consider procedures to break ties in employee's retention standing.

- **Explanation**-Employees rarely have ties in retention standing. A tie results when two or more competing employees have the same standing under OPM's reduction in force regulations (including identical service computation dates). However, the agency should still adopt one or more procedures to break a tie.

An automated reduction in force system often includes a random default tie-breaking procedure, such as the highest or lowest sum of the respective employees' Social Security or employee identification numbers.

For both an automated or manual retention procedure, agency

decisionmakers should implement a tie-breaking procedure.

Three examples of potential tiebreakers include each employee's total creditable:

- (1) Federal civilian and Armed Forces service;
- (2) Federal civilian service;
- (3) Service with the agency;
- (4) Service in the present organization; or
- (5) Service in the employee's present position.



- Paragraph **3-A-17-4** in Module 3 has additional guidance on breaking ties in employees' retention standing.

(d) **Check List Action Item 10-D: Assignment Rights for Excepted Service Employees.**

Agency decisionmakers should consult with the human resources office in considering whether to provide released excepted service employees with mandatory reduction in force assignment rights to other positions.

- **Explanation**-An employee serving under an excepted service appointment who is released from the competitive level by reduction in force has no bump or retreat rights to other positions unless the agency, at its option, chooses to provide this right. Instead, the agency may separate the employee from the agency by reduction in force regardless of the released employee's retention standing relative to employees retained on other excepted service competitive levels.

As a discretionary procedure, an agency may implement a policy to provide bump and retreat rights to released employees on excepted service appointments. The potential bump and retreat rights are only to excepted positions under the same appointing authority (e.g., a released Schedule A attorney could bump only another Schedule A attorney on a different competitive level).

The agency may not provide excepted employees with bump and retreat rights to competitive service positions. The agency may

also not provide excepted service employees with only partial assignment rights (e.g., the agency may not provide bump rights without providing retreat rights).

In no situation may an agency provide an excepted service employee with an assignment right to a competitive service position.

- ① Most agencies do not offer bump and retreat rights to excepted service employees because of the increased disruption to the organization that results from displacement into different competitive levels.
- Paragraph **3-A-28-4** in Module 3 has additional guidance on optional assignment rights for excepted service employees.

(e) **Check List Action Item 10-E: Assignment Rights for Tenure Group III Employees.**

Agency decisionmakers should consult with the human resources office in considering whether to provide released retention tenure group III employees with reduction in force bump rights to positions in other competitive levels held by group III employees.

- **Explanation**-In the competitive service, reduction in force retention tenure group III includes each employee who serves in a term or other nonstatus appointment. (Competitive service reduction in force retention tenure group III does not include an employee who holds a temporary appointment.)

In the excepted service, reduction in force retention tenure group III includes each employee who holds a temporary appointment of one year or more, or who has worked more than 1 year in a temporary appointment.

- ①
- Paragraph **3-A-12-2-(d)** in Module 3 has additional guidance on reduction in force retention tenure group III in the competitive service.

- ①
- Paragraph **3-A-12-3-(c)** in Module 3 has additional guidance on reduction in force retention tenure group III in the excepted service.

An employee serving under a retention tenure group III appointment who is released from the competitive level by reduction in force has no bump or retreat rights to other positions unless the agency, at its option, chooses to provide the employee with a bump right. The agency may not provide the retention tenure group III employee with a retreat right. Also, the agency may not offer a retention tenure group III employee reduction in force assignment to a vacant position.

Without the optional bump right, the agency may separate the retention tenure group III employee from the agency by reduction in force regardless of the released employee's retention standing relative to retention tenure group III employees retained on other competitive levels.

Most agencies do not offer bump and retreat rights to retention tenure group III employees because of the increased disruption to the organization because of displacement into different competitive levels.

- ①
 - Paragraph **3-A-28-3** in Module 3 has additional guidance on optional assignment rights for tenure group III employees.

(f) **Check List Action Item 10-F: Same Subgroup Displacement in Bumping Rights.**

Agency decisionmakers should consult with the human resources office in considering whether to provide employees released from the competitive with same subgroup bumping rights to positions in different competitive levels.

- **Explanation**-An employee released from a competitive level has potential bump rights to positions in different competitive levels held by employees with lower standing in the same tenure group (e.g., a released tenure subgroup I-A employee can bump an employee in tenure group I-B), or in a lower tenure group (e.g., a released tenure subgroup I-A employee can bump an employee in tenure groups II or III regardless of subgroup).

- ①
 - Paragraph **3-A-20-1** in Module 3 has additional guidance on the bump right.

① The same subgroup bumping option is similar to the retreat right. Same subgroup bumping allows a released employee to displace another employee with lower standing in the same subgroup as the released employee if the same subgroup bumping results in a better bump offer than the usual procedure. In retreat, the same subgroup displacement is restricted to positions formerly held by the released employee. With the same subgroup bumping option, the released employee may have a bump right to a position that the released employees never actually held.

- Paragraph **3-A-20-2** in Module 3 has additional guidance on the retreat right.

The same subgroup bumping option maximizes the impact of total creditable service (i.e., seniority) on final retention rights. However, the option also results in much more disruption than the default bump right in OPM's regulations. Several agencies that have considered the same subgroup bumping option estimate that over one-third additional displacement actions would result without changing the final number of employees actually separated by reduction in force.

Because of the increased massive disruption to both employees and the organization, agencies rarely use the same subgroup bumping option.

①

- Paragraph **3-A-28-2** in Module 3 has additional guidance on same subgroup bumping rights.

(g) **Check List Action Item 10-G: Terminate Reemployed Annuitants Before the Reduction in Force.**

Agency decisionmakers should consult with the human resources office in considering whether to terminate any reemployed annuitants who would otherwise compete for retention in the reduction in force.

- **Explanation**-A reemployed annuitant serves at the will of the appointing officer. The agency may separate the reemployed annuitant at any time regardless of the type of appointment held by the individual.

Unless the agency terminates the reemployed annuitant by the effective date of the reduction in force, the reemployed annuitant

competes for retention on the basis of the employee's appointment and may even displace permanent employees with lower retention standing.

To minimize disruption to the workforce and to provide maximum placement opportunities for displaced employees, agencies rarely retain a reemployed annuitant if the individual's position is involved in reduction in force competition.

- ①
 - Subparagraph **3-A-5-8-(e)** in Module 3 has additional guidance on reemployed annuitants in reduction in force competition.

(h) **Check List Action Item 10-H: Terminate Temporary Employees Before the Reduction in Force.**

Agency decisionmakers should consult with the human resources office, line managers, and the fiscal staff, in considering whether to terminate any temporary employees before or at the same time as the reduction in force.

- **Explanation**-OPM retention regulations require the agency to release all temporary employees before releasing a competitive employee from the same competitive level. However, the regulations do not require that the agency must automatically terminate all temporary employees across competitive levels.

- ①
 - Subparagraph **3-A-17-2-(a)** in Module 3 has additional guidance on releasing temporary employees in reduction in force competition.

Provided that the agency's program managers and fiscal staff agree, one option for the agency is to terminate temporary employees both to reduce operating expenses for cost savings, and to provide potential placement opportunities for permanent employees reached for release by reduction in force. The agency has the basic right to separate competitive service temporary employees before, during, or after the reduction in force.

- ①
 - Section **3-A-22** in Module 3 has additional guidance on using temporary positions as placement offers in reduction in force competition.

(i) **Check List Action Item 10-I: Using Discretionary Temporary Exceptions to the Usual Order of Release From the Competitive Level.**

Agency decisionmakers should consult with the human resources office and line managers in considering whether to temporarily retain a released employee past the effective date of the reduction in force.

- **Explanation**-OPM's retention regulations allow an agency discretion, under limited conditions, to retain a released employee past the reduction in force date under a:
 - (1) Permissive continuing exception to the regular order of release; or
 - (2) Permissive temporary exception to the regular order of release.

An exception does not cancel the reduction in force action, but only postpones the implementation date of the action. The employee's retention standing is still frozen as of the effective date of the reduction in force even though the employee is retained.

When using an exception, the agency may not displace a lower-standing employee until the retained employee actually encumbers the position of the employee with lower retention standing.

Because of the potential impact of a discretionary exception on both the organization and employees involved in reduction in force competition, agency decisionmakers should reserve approval of an exception on a case basis consistent with OPM's retention regulations.

- ①
 - Paragraph **3-A-17-9** in Module 3 has additional guidance on using a permissive continuing exception to retain a released employee.
- ①
 - Paragraphs **3-A-17-12** to **-14** in Module 3 have additional guidance on using a permissive temporary exception to retain a released employee.

(j) **Check List Action Item 10-J: Freeze Date to Update Performance Ratings of Record Available for Reduction in Force Competition.**

Agency decisionmakers should consult with the human resources office in considering whether to set a date that freezes available performance ratings of record used to determine employee's retention standing.

- **Explanation**-OPM's retention regulations by default provide that an agency freezes performance ratings of record effective on the day before the agency issues specific reduction in force notices. At its option, the agency may choose an earlier cutoff date based upon a specified number of days before the agency will issue reduction in force notices.

For example, many agencies freeze ratings of record 30 to 60 days before issuing reduction in force notices. The additional time greatly assists the reduction in force team in accurately determining employees' retention rights, and to prepare the resultant reduction in force notices.

The human resources office should review the agency's performance management plan or other policy for an established cutoff date for performance ratings.

The agency then uses each competing employee's three most recent performance ratings that were entered on record within the four-year window period extending back from the default or the discretionary freeze date for ratings of record.



- Paragraph **3-A-15-9** in Module 3 has additional guidance on freezing performance ratings of record in reduction in force competition.

(k) **Check List Action Item 10-K: Define Modal Performance Rating for Reduction in Force Competition.**

Agency decisionmakers should consult with the human resources office in considering how to define the "**Modal Rating**" for employees who do not have any available performance ratings of record for purposes of determining retention standing.

- **Explanation**-An employee who has not received any performance

ratings of record within the 4-year window period receives retention service credit for performance based upon the “**Modal Rating**” for the summary level pattern that applies to the employee’s official position of record at the time of the reduction in force.

The agency may define a Modal rating on the basis of ratings from:

- (1) The entire agency;
- (2) A subdivision of the agency; or
- (3) The reduction in force competitive area.

- ①
 - Subparagraph **3-A-15-10-(a)** in Module 3 has additional guidance on Modal Ratings.

(l) **Check List Action Item 10-L: Define Performance Credit For Multiple Rating Patterns.**

Agency decisionmakers should consult with the human resources office in considering how to define the amount of retention service credit when the competitive area includes employees with available performance ratings of record under more than one pattern of summary levels.

- **Explanation**-If an agency has employees in a competitive area with ratings of record under more than one pattern of summary levels, the agency must consider the mix of patterns and provide additional retention service credit for performance. An agency has a “**Mixed Pattern**” only if the mixed ratings are among the three most recent ratings of record that the agency actually uses to determine employees’ retention standing.

Within a competitive area that includes a mixed pattern of summary levels, the agency has the option to vary from the standard reduction performance credit values. However, the agency may provide additional retention credit only for performance ratings of record at Level 3 (“fully successful or equivalent), or higher. Also, the minimum credit for a single rating is 12 years additional credit, and the maximum is 20 years additional credit.

- ①
 - Paragraph **3-A-15-12** in Module 3 has additional guidance on additional retention service credit for Multiple Rating Patterns.

(m) **Check List Action Item 10-M: Request Employees to Provide Qualifications Updates.**

Agency decisionmakers should consult with the human resources office before the office formally asks employees to submit a qualifications update by a specific cutoff date to assist the agency in determining employees' reduction in force rights.

- **Explanation**-The agency has the option of setting a specific cutoff date for employees to submit updated qualifications statements that the reduction in force team will use to determine the qualifications of released employees for other positions. Once the agency establishes the cutoff date for qualifications updates, the agency may only consider updates received prior to the cutoff date.

Without the cutoff date, the agency must consider any qualifications updates provided by employees through the actual effective date of the reduction in force.



- Paragraph **3-A-25-4** in Module 3 has additional guidance on asking employees for a qualifications update as part of a reduction in force.

2-B-6-5

Check List Action Item 11-Establish Policy to Reduce the Impact of the Reduction in Force

Agency decisionmakers should consult with the human resources staff in reviewing and possibly modifying the agency's policy on the six specific transition options in this paragraph that are authorized under OPM's regulations.

- **Explanation**-The human resources staff should first determine whether the agency's present policy implements any of the career transition options in this paragraph. The human resources staff should then determine whether the agency's headquarters policy allows subdivision or activity components any flexibility to implement to adopt these options. If agency decisionmakers are considering a policy change to adopt or to eliminate any of these procedural options, the human resources office staff should explain possible results of the new definition.

(a) **Check List Action Item 11-A: Designate Employees as Surplus for Early Registration in the Career Transition Assistance Plan.**

Agency decisionmakers should consult with the human resources office in considering whether to provide surplus employees with early intra-agency selection priority through the agency's Career Transition Assistance Plan.

- **Explanation-**The “**Career Transition Assistance Plan**” (CTAP) requires an agency to select a well-qualified surplus or displaced employee who applies for a vacancy before selecting any other candidate from within the agency, or from outside the agency. The CTAP eligibility covers the agency's positions that:

- (1) Are in the same local commuting area;
- (2) Are in the same executive branch agency;
- (3) Are at the same or lower grade as the position of the surplus or displaced employee; and
- (4) Have no higher promotion potential than the position of the surplus or displaced employee.

An employee who has received a specific notice of separation by reduction in force, or by adverse action for declining relocation, is a “**Displaced Employee**” who is eligible for intra-agency selection priority under CTAP. At its option, an agency may provide the same CTAP intra-agency selection priority by giving an employee in an excess position a notice that designates the employee eligible for CTAP as a “**Surplus Employee**” before the employee receives a specific notice of separation.

- ① • Paragraph **7-A-4-3** in Restructuring Information Handbook Module 7 (“Career Transition Assistance Plan”) has additional guidance on the definition of “Displaced Employee.”
- ① • Paragraph **7-A-4-9** in Module 7 has additional guidance on the definition of “Surplus Employee.”
- ① • Section **7-A-10** in Module 7 has additional guidance on the

qualifying conditions for CTAP eligibility.

(b) **Check List Action Item 11-B: Issue Surplus Employees a Certification of Expected Separation.**

Agency decisionmakers should consult with the human resources office in considering whether to provide surplus employees with early intra-agency selection priority by issuing potentially displaced employees a “**Certification of Expected Separation**” (CES).

- **Explanation**-At its option, an agency may issue a CES to an employee who is likely to be reached for reduction in force separation within 6 months. The CES provides a potentially displaced employee with intra-agency selection priority within the employee’s present local commuting area through both the “Reemployment Priority List” (RPL), and the “Career Transition Assistance Plan” (CTAP).

An agency may not issue a CES to an employee who may be separated by adverse action procedures for declining relocation to a different local commuting area.

- ① • Section **3-A-32** in Module 3 has additional guidance on the “Certification of Expected Separation.”
- ① • Restructuring Information Handbook Module 6 (“Reemployment Priority List”) has additional guidance on the RPL.
- ① • Restructuring Information Handbook Module 7 (“Career Transition Assistance Plan”) has additional guidance on CTAP.

(c) **Check List Action Item 11-C: Provide Additional Consideration to Displaced Employees on the Reemployment Priority List.**

Agency decisionmakers should consult with the human resources office in considering whether to provide displaced employees on the “**Reemployment Priority List**” (RPL) with additional intra-agency selection priority.

- **Explanation**- An agency must give its eligible present or former

employees who are registered on its "Reemployment Priority List" (RPL) priority consideration for permanent competitive service vacancies over applicants who do not work for the agency. A permanent employee who is separated by reduction in force is eligible for the RPL beginning on the date that the employee receives a notice of reduction in force separation and registers for the RPL.

The RPL restricts the agency's hiring in the local commuting area where the agency separated an otherwise eligible employee by reduction in force. When a qualified present or former employee is available on the agency's RPL, the agency may not fill a permanent or temporary competitive service position by :

- (1) A new appointment, unless the individual appointed is a disabled veteran; or
- (2) The transfer of an employee from another agency, or the reinstatement of a former Federal employee not on the agency's RPL, unless the individual is a preference eligible, or has mandatory restoration rights.

At its option, the agency may provide additional intra-agency selection priority by considering RPL registrants before considering internal candidates who are not surplus.

For another option, through its own internal placement program, an agency may offer a displaced employee selection priority in a different local commuting area (or areas) to employees eligible for the RPL, provided that:

- (1) The agency has first met its obligation under the "**Career Transition Assistance Plan**" (CTAP) to place surplus and displaced employees in the different competitive area; (5 CFR 330.606(b), and
 - ① • Restructuring Information Handbook Module 7 covers the "Career Transition Assistance Plan."
- (2) The agency has first met its obligation to provide RPL rights to employees eligible for the List in the different competitive area.
 - ① • Restructuring Information Handbook Module 6

("Reemployment Priority List") has additional guidance on the RPL.

(d) **Check List Action Item 11-D: Request Voluntary Early Retirement Authority.**

Agency decisionmakers should consult with the human resources office in considering whether to offer employees the "**Voluntary Early Retirement**" (**VERA**) option to increase voluntary attrition.

- **Explanation**-The "**Voluntary Early Retirement Authority**" (**VERA**) option allows permanent employees to retire early if their organization is undergoing a major reduction in force, a major reorganization, a major transfer of function, or other substantial workforce restructuring and reshaping.

VERA is a valuable proven tool to directly increase voluntary attrition both by creating placement opportunities for employees who would otherwise be involuntarily separated or downgraded, and by avoiding displacements in actual reduction in force competition.

- ①
 - Section **1-B-7** in Restructuring Information Handbook Module 1 ("Planning and Alternatives for Restructuring" summarizes the VERA option as a tool to increase voluntary attrition in a restructuring situation.
 - ①
 - Restructuring Information Handbook Module 9, "**Voluntary Early Retirement**," has additional guidance on requesting, managing, and reporting, the VERA option.
-

(e) **Check List Action Item 11-E: Request Buyout Authority.**

Agency decisionmakers should consult with the human resources office in considering whether to offer employees "**Voluntary Separation Incentive Payments**" (**VSIP**) to increase voluntary attrition.

- **Explanation**-The "**Voluntary Separation Incentive Payment**" (**VSIP**) (or "buyout") option allows an agency in a restructuring situation to offer many of its permanent employees a lump sum payment up to \$25,000 if the employee voluntarily retires or

resigns.

The Homeland Security Act of 2002 (Public Law 107-296, approved November 25, 2002) provides additional buyout options for an agency that is restructuring.

- ①
 - Section **1-B-8** in Module 1 summarizes the new VSIP options of the Homeland Security Act as a tool to increase voluntary attrition in a restructuring situation.
-

(f) **Check List Action Item 11-F: Establish Agency Policy on Official Administrative Time for Released Employees**

Agency decisionmakers should consult with the human resources office in establishing the agency's policy on the amount of administrative official time allowed for employees who may be or will be reached for reduction in force actions.

- **Explanation-**OPM's Career Transition Assistance Plan (CTAP) regulations require that an agency allow excused absences for surplus or displaced employees to use the agency's career transition services. CTAP also provides that the agency must provide at least one orientation session on selection priority for surplus and displaced employees.

- ①
 - Subparagraph **7-A-3-3-(a)** in Module 7 provides additional guidance on excused absences to use the agency's career transition services and facilities.

- ①
 - Subparagraph **7-A-3-3-(c)** in Module 7 provides additional guidance on excused absences to attend an orientation session on reemployment selection priority.

Besides the minimum excused absences under the agency's Career Transition Assistance Plan, agency decisionmakers should consider implementing a formal policy covering excused absences to attend orientation sessions and counseling on related subjects (e.g., reduction in force mechanics, retirement, health benefits, life insurance, etc.).

- B**
 - Paragraph **2-B-11-2** provides additional guidance on planning effective counseling on reduction in force topics.

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
Restructuring Information Handbook Module 2
Human Resource Responsibilities in Reduction in Force
Unit B, Guidance (March 2003 version)

The agency's discretionary policy on excused absences may require notification or negotiation under a collective bargaining agreement.

Section 7, Preliminary Actions by the Reduction in Force Team

Introduction This section covers actions of the reduction in force team beginning with formation of the reduction in force team through actually preparing retention registers.

Contents This section contains the following topics:

Topic	See Paragraph
The Reduction in Force Team Leader Coordinates the Team's Work	2-B-7-1
Check List Action Item 12-Account for All Positions in Each Competitive Area	2-B-7-2
Check List Action Item 13: Review Position Descriptions	2-B-7-3
Check List Action Item 14: Review Competitive Levels For Accuracy	2-B-7-4
Check List Action Item 15: Determine Employees' Veterans' Preference Rights for Retention	2-B-7-5
Check List Action Item 16: Determine Employees' Basic Reduction in Force Service Computation Dates	2-B-7-6
Check List Action Item 17: Verify Employees' Performance Ratings of Record That Are Used For Retention	2-B-7-7
Check List Action Item 18: Determine Employees' Adjusted Reduction in Force Service Computation Dates	2-B-7-8

<p>B This symbol highlights where you can find additional material in Unit 2-B.</p>
--

<p>i This symbol guides you toward more general references on the subject in Module 2 or in other Modules.</p>

Section 7, Preliminary Actions by the Reduction in Force Team

2-B-7-1 The Reduction in Force Team Leader Coordinates the Team's Work

The reduction in force team leader is responsible for coordinating the team's work with both the human resources office, and with agency decisionmakers as appropriate.

- B** • Section **2-B-2** provides guidance on establishing both the core reduction in force team, and other related teams as needed.

- B** • Paragraph **2-B-5-8** covers “**Check List Action Item 7**,” and the specific responsibility of agency decisionmakers to establish the reduction in force team.

- **Explanation**-The leader of the reduction in force team must play many roles as the agency first prepares for a reduction in force, then actually carries out reduction in force actions, and finally manages post-reduction in force issues (e.g., selection priority programs for displaced employees, appeals and grievances filed by employees reached for actions, etc.).

The reduction in force team leader is responsible for accurately determining employees' retention rights under OPM's reduction in force regulations. This includes implementing all of management's decisions relating to reduction in force, and coordinating the team's actions with the human resources office. In addition, the team leader is responsible for providing technical assistance to the reduction in force team. Finally, the team leader should provide emotional support (when needed) to members of the team who may become personally stressed-out from implementing the reduction in force.

- B** • Paragraph **2-B-4-5** covers duties and responsibilities of the agency's reduction in force teams.

- B** • Section **2-B-5** covers management decisions to implement a reduction in force.

- B** • Section **2-B-6** covers management decisions on

discretionary reduction in force procedures.

2-B-7-2

(a) **Check List Action Item 12-A: Identify All Positions in Each Competitive Area**

The reduction in force team, in coordination with the human resources office, should document each position (both occupied and vacant) in any competitive area that will conduct reduction in force actions.

- Concurrently, the team in a coordinated effort with the human resources office should verify the location of each employee's Official Personnel Folder.
- **Explanation-**The reduction in force team first reviews the personnel roster (i.e., also calling "manning documents," workforce staffing rosters," etc.) for each competitive area to verify that every position listed as "encumbered" will actually be staffed on the reduction in force effective date by a permanent employee. If the position will not be encumbered on the effective date of the reduction in force, the team flags the position as a vacancy that the agency may possibly fill after the reduction in force on the personnel roster of the restructured organization. Finally, the team flags other vacancies listed on the personnel roster of each competitive area, again for possible filling by as part of the reduction in force.

B • Paragraph **2-B-5-3** covers management's right to decide which positions are abolished in a reduction in force.

B • Paragraph **2-B-5-4** covers management's right to decide which positions are filled after the reduction in force in the restructured organization.

In identifying occupied and vacant positions in each competitive area, the reduction in force team should when necessary coordinate with the human resources office to reconcile any discrepancies between actual employees and positions carried on the personnel roster. For example, the agency's "on-board count" may omit employees in a nonpay status. For another example, the agency's Full-Time-Equivalency (FTE) count might not accurately reflect employees on part-time or intermittent positions.

When the agency has multiple worksites, the team should also

identify each employee's duty station within a competitive area. When a local commuting area includes agency employees in different organizations with multiple competitive areas, the team should match each employee with the proper competitive area. For example, the agency may have headquarters personnel assigned to a field office site in a different local commuting area. Depending on the agency's definition of competitive area, the headquarters employee could be included in one of several possible competitive areas in the local commuting area of the headquarters or the field activity.

- ①
 - Section **3-A-7** of Restructuring Information Handbook Module 3 ("Reduction in Force") provides additional guidance on competitive area.
- B**
 - Paragraph **2-B-6-2** covers management's right to define the competitive area(s).

(b) **Check List Action Item 12-B: Document Noncompeting Employees on Nonpermanent Assignments.**

In accounting for positions in each competitive area, the team should document each employee whose position of record is in the competitive area, but who is currently performing a different position through a nonpermanent action.

- **Explanation**-An employee's rights and benefits are always based upon the employee's official position of record, not a position performed by the employee on a nonpermanent basis such as a:
 - (1) Detail;
 - (2) Temporary promotion;
 - (3) Term promotion; or
 - (4) Any other nonpermanent basis.

OPM's retention regulations require that before releasing an employee from a competitive level by reduction in force, the level (which is also called a "**Retention Register**") must not include an employee serving on a detail or a nonpermanent promotion.

- ①
 - Paragraph **3-A-17-2** of Module 3 provides additional guidance on the release of noncompeting employees from a competitive level.

(c) **Check List Action Item 12-C: Document Other Noncompeting Employees.**

In accounting for positions in each competitive area, the team should also document each employee in the competitive area who is a noncompeting employee under OPM's reduction in force regulations because of other exclusions from the retention regulations.

- **Explanation-** OPM's retention regulations require that before releasing an employee from a competitive level (which is also called a "**Retention Register**") by reduction in force, the level must also not include other noncompeting employees, such as an employee who:
 - (1) Holds a competitive service temporary appointment to a position in that competitive level;
 - (2) Received a written decision of removal or demotion under 5 CFR Part 432 ("**Performance Based Reduction in Grade and Removal Actions**") because of "**Unacceptable**" (or equivalent) performance from a position in that competitive level; or
 - (3) Received a written decision of removal or demotion under 5 CFR Part 752 ("**Adverse Actions**").
 - An employee who has received a written decision of demotion under 5 CFR Part 432, or under 5 CFR Part 752, competes for retention from the position to which the employee will be, or has been, demoted.
- ①
 - Paragraph **3-A-17-2** of Module 3 provides additional guidance on the release of noncompeting employees from a competitive level area.

(d) **Check List Action Item 12-D: Document Each Employee in a Nonpay Status.**

In accounting for positions in each competitive area, the team should document each employee covered by OPM's retention regulations in the competitive area covered who is in a leave-without-pay (LWOP) status.

- An employee covered by OPM's retention regulations competes in the reduction in force even if the agency carries the employee in a LWOP status.

(e) **Check List Action Item 12-E: Document Each Employee Away on Active Armed Forces Duty With a Restoration Right.**

In accounting for positions in each competitive area, the team should document each employee covered by OPM's retention regulations in the competitive area covered who on the reduction in force effective is on active Armed Forces duty with a restoration right.

- **Explanation-**The retention register does not include the name of a competing employee on Army Forces duty with a restoration right to the competitive level.

The employee does not compete for retention under OPM's reduction in force regulations. Instead, the employee has a restoration right under 5 CFR Part 353 based on the Armed Forces Service.

(f) **Check List Action Item 12-F: Document Each Employee Who Has Returned From the Armed Forces With a Current Restoration Right.**

In accounting for positions in each competitive area, the team should document each employee covered by OPM's retention regulations in the competitive area covered who on the reduction in force effective date has a 6 months or 1 year restoration right has based upon active service in the Armed Forces.

- **Explanation-**An employee who returns to the agency after active duty in the Armed Forces generally has additional retention rights for 6 months or 1 year after the restoration. OPM's retention regulations provide this additional protection through a "Mandatory Exception to the Regular Order of Release" from the competitive level.

An employee with an Armed Forces restoration right still competes for retention under OPM's regulations, but competes in the competitive level from the top of the employee's respective retention tenure group and subgroup.

- ①
 - Paragraph **3-A-17-5** of Module 3 provides additional guidance on mandatory exceptions to the regular order of release based upon restoration rights from active service in the Armed Forces.

If the agency releases the employee from the competitive level, before reduction in force separation the agency must determine whether the employee has additional restoration rights under 5 CFR part 353 of OPM's regulations.

(g) **Check List Action Item 12-G: Document Each Employee on Compensable Injury.**

In accounting for positions in each competitive area, the team should document each employee covered by OPM's retention regulations in the competitive area covered who on the reduction in force effective date is receiving workers' compensation benefits (OWCP) based on a job-related, compensable injury.

- **Explanation**-An employee carried on an agency's rolls because of a compensable injury has no special reduction in force protections and is generally subject to release on the same basis as other employees.

If the employee has requested a return to duty by the effective date of the reduction in force action, the agency refers to 5 CFR part 353 and determines whether the employee:

- (1) Has recovered from the compensable injury; and
- (2) Is entitled to restoration.

- ①
 - Subparagraph **3-A-5-6-(c)** of Module 3 provides additional guidance on the retention rights of an employee who is receiving OWCP benefits.

In determining the bump or retreat rights of an employee receiving

OWCP, the agency may not deny reduction in force assignment rights to an employee who is reached for release from a competitive level during a leave of absence that resulted from a compensable injury solely because the employee is physically disqualified as a result of the compensable injury.

- ①
 - Subparagraph **3-A-25-6-(d)** of Module 3 provides additional guidance on determining the qualifications for assignment of an employee who is receiving OWCP benefits.

If the agency separates the employee by reduction in force while the employee is on OWCP, the employee loses all restoration rights under 5 CFR part 353 based upon the compensable injury.

2-B-7-3

Check List Action Item 13: Review Position Descriptions

In accounting for positions in each competitive area, the team should review the position description of each employee covered by OPM's retention regulations in the competitive area.

- **Explanation-**The team should first verify that each employee competing under the reduction in force regulations has a position description available for the employee's official position of record. If the team finds that no position description is available, the team should advise the human resources office that a position description is required in order to determine both the retention standing of a released employee as well as the potential bump or retreat rights of a higher-standing employee to that position.

If time and resources allow, the team may coordinate with the human resources office to update employee's position descriptions prior to the reduction in force. With this option, the human resources office would possibly work with the reduction in force team to document that each position description accurately describes each position's qualifications, duties, and responsibilities. However, any change in the duties and responsibilities of a position by itself is a reorganization even when the grade of the position does not change.

The agency will generally not update position descriptions prior to the reduction in force if all positions will be abolished in a reorganization. The agency will also generally not consider updating position

descriptions when faced with a short lead time prior to the reduction in force. Instead, the agency's finding that it plans to perform its work different from the position descriptions simply supports the fact that the agency is undertaking a bona fide reorganization.

If the agency does update position descriptions prior to a reduction in force that changes employee's entitlements under the retention regulations, the agency's employees may also perceive even a good-faith updating effort as a management plan to target individuals for separation, even if the outcome of the reduction in force would be the same whether or not the agency updated the position descriptions.

Rather than rewriting the position descriptions of positions that will be abolished in a restructuring situation, most agencies focus on writing accurate position descriptions for the personnel roster of the organization after the agency completes the reduction in force.

2-B-7-4

Check List Action Item 14: Review Competitive Levels For Accuracy

The reduction in force team has primary responsibility to determine accurate competitive levels based on the official position description of each employee competing for retention.

- **Explanation**-In establishing competitive levels, when necessary the reduction in force team will coordinate with the human resources office for additional expertise on purely classification issues. Also when necessary, the team will coordinate input from a line program office to clarify the content of the position description.

Neither agency decisionmakers nor the reduction in force team has any administrative discretion in establishing competitive levels (e.g., narrow competitive levels versus broad competitive levels). Instead, the team establishes competitive levels solely upon the record (i.e., the team compares each position description as written with the standard for competitive levels in OPM's retention regulations).

Even when an agency uses an automated system to determine employees' retention standing, the burden of proof if the employee appeals is the paper documents that served as the basis for the agency's decision, including the establishment of competitive

levels.

- ①
 - Section **3-A-9** of Module 3 provides additional guidance on reduction in force competitive levels.
-

2-B-7-5

Check List Action Item 15: Determine Employees' Veterans' Preference Rights for Retention

The reduction in force team has primary responsibility to accurately determine the veterans' preference rights of each employee competing for retention.

- **Explanation**-The reduction in force team should review the records of each employee who may be eligible for retention preference. This includes employees who may be eligible for derivative preference (e.g., an eligible spouse of certain deceased veterans).

When necessary, the team should request employees to submit current certification of eligibility for veterans' benefits. For example, a preference eligible must submit documentation dated within 1 year to document eligibility for a 30% or more compensable disability from the Department of Veterans Affairs (VA).

The team should also carefully the records of retired members of the Armed Forces to determine if the Dual Compensation Act of 1964 bars preference in reduction in force competition.

Finally, the team should review the records of all reservists who will reach age 60 on or before the effective date of the reduction in force. For example, an otherwise eligible reservist may lose eligibility for veterans' preference at age 60 when the individual begins to receive retired pay based upon the rank of major higher.

- ①
 - Section **3-A-13** of Module 3 provides additional guidance on veterans' preference issues in reduction in force competition.

- ①
 - OPM's website contains "**Vet Guide**," which is a comprehensive discussion of veterans' preference entitlements in the Federal service.
-

2-B-7-6

Check List Action Item 16: Determine Employees' Basic Reduction in Force Service Computation Dates

The reduction in force team has primary responsibility to accurately determine the respective service computation dates of each employee competing for retention.

B

- **Paragraph 2-B-7-7 (“Check List Action Item 17”)** provides guidance on determining employees’ adjusted service computation dates that include additional retention service credit for performance ratings of record.
- **Explanation**-Possibly the most time-consuming step in preparing for reduction in force actions is computing the **“Service Computation Date”** (SCD) for each competing employee.

Here again, even when an agency uses an automated system to determine employees’ retention standing, the burden of proof if the employee appeals is the paper documents that served as the basis for the agency’s decision, including employees’ retention service computation dates.

Depending on the size of the reduction in force, the agency may establish a separate service computation date support team to both review the material in each employee’s Official Personnel Folder and to compute individual employees’ service computation dates.

B

To ensure accurate computations, the agency should use the Sample Downsizing Skills Survey in paragraphs **2-B-2-8** and **2-B-2-9**. Based on the survey, the agency may find a need to provide specific training to team members on the computation of civilian and Armed Forces Service for purposes of OPM’s reduction in force regulations. For example, the team may find that calculating the service computation dates of employees with leave-without-pay (LWOP) status may be especially complex. The team should always double-check any changes before entering the service computation date into the employee’s official record.

As necessary, the team should document its decisions on retention service credit issues in the employee’s Official Personnel Folder. The team should also ensure the each Folder contains appropriate documentation on both civilian and Armed Forces service.

The team should also note that the service computation dates for reduction in force, leave, retirement, and severance pay may be different. If possible, the agency should verify all applicable service computation dates for each employee reached for a reduction in force action.

- ①
 - Unit **3-E** in Module 3 (“Reduction in Force Service Credit”) provides specific guidance on calculating civilian and Armed Forces service for credit under OPM’s reduction in force regulations.
-

2-B-7-7

Check List Action Item 17: Verify Employees’ Performance Ratings of Record That Are Used For Retention

The reduction in force team has primary responsibility to verify the performance of ratings of record that it uses to calculate the adjusted retention service computation dates that provide many competing employees with additional service credit based upon their performance ratings of record.

- B**
 - **Paragraph 2-B-7-6 (“Check List Action Item 16”)** provides guidance on determining employees’ basic service computation dates that include all creditable civilian and Armed Forces service.
- B**
 - **Paragraph 2-B-7-8 (“Check List Action Item 18”)** provides guidance on computing the adjusted service computation dates that include additional retention service credit for performance.
 - **Explanation-**The first step for the reduction in force team in verifying employees’ retention performance ratings of record is to note the applicable 4-year period for crediting in the competitive area where the agency will conduct the reduction in force. OPM’s retention regulations provide that an agency freezes performance ratings of record effective on the day before the agency issues specific reduction in force notices. However, at its option, the agency may choose an earlier cutoff date based upon a specified number of days before the agency will issue reduction in force notices.
- B**
 - Subparagraph **2-B-6-4-(j)** (“**Check List Action Item 10-J**”) provides additional guidance on the agency’s option

of freezing the date for accepting performance ratings of record used to determine employees' retention standing.

The second step for the reduction in force team is to review all ratings of record that fall within the applicable 4-year window for crediting employees' performance ratings of record. The team must identify the three most recent ratings in the 4-year window period for each employee in the competitive area.

The team may be able to download this information from the agency's automated human resource data system. Otherwise, the team must manually document this information. Specially, the team must document both each rating of record, and the effective date for each rating.

In this second step, the reduction in force team should also review the agency's performance management plan (or other policy) and document what effective date to use when putting a rating "on record". Most agencies simply use the date that it enters each employee's rating of record is into the agency's human resource data system. This common procedure used by most agencies may affect which ratings are included in the 4-year window period for retention service credit even when the actual rating cycle ends on a single date.

For example, Agency X's rating cycle ended on September 30, 2002. Agency X has a policy of using the date a rating is finalized in its performance management system as the date the rating is on record and available for all purposes, including reduction in force. The agency enters the rating of record of Employee A in its data system on October 15, 2002, the rating of Employee B on November 1, 2002, and Employee C on November 15, 2002. In this example, the agency uses the actual dates of the three ratings in determining both which ratings of record are included in the applicable 4-year window period, and whether a rating of record is not used for retention purposes because of a freeze.



- Subparagraph **3-A-15-(d)-(1)** in Module 3 has additional guidance on the agency's responsibility to document its policy concerning when a rating of record is available for purposes of OPM's reduction in force regulations.

In the third step, the reduction in force team should document:

- (1) What performance ratings of record for each employee are included in the agency's human resource;
- (2) Whether the agency has a paper copy of each employee's rating of record;
- (3) Whether each paper copy of a rating of record is complete with all appropriate signatures on the document;
- (4) Whether each paper copy of a rating of record is included in each employee's performance file;
- (5) The date that the agency put each rating on record if the rating is included in the applicable 4-year window;
- (6) The employee's summary level rating (e.g., Level 3, Level 5, etc.);
- (7) The rating pattern for the summary level (e.g., Pattern A-pass/fail, Pattern H-five-level, etc.); and
- (8) Each employee's current rating of record.

An employee's current performance ratings of record may modify an employee's potential bump and retreat rights to other positions in reduction in force competition. For reference, the reduction in force team should "flag" the records of any employee competing employee with a current rating of record of Level 2 ("Minimally Successful" or equivalent), or Level 1 ("Unsuccessful" or equivalent).

For example, an employee with a current Level 2 performance rating of record may only retreat to a position held by another employee with a current rating of Level 2 or Level 1. A current Level 2 rating of record does not affect a released employee's potential bump rights.

- ①
 - Paragraph **3-A-20-2** in Module 3 has additional guidance on employees' reduction in force retreat rights.

For a second example, an employee with a current Level 1 rating performance rating of record has no potential bump or retreat rights.

- ①
 - Paragraph **3-A-19-3** in Module 3 has additional guidance

on employees' with no reduction in force assignment rights.

However, an employee with a current Level 1 performance rating of record still competes for retention in the competitive level during first round reduction in force competition, unless the employee receives a final decision of separation under because of poor performance or adverse action. If the agency issues a final separation letter, the employee does not compete in the reduction in force.

2-B-7-8

Check List Action Item 18: Determine Employees' Adjusted Reduction in Force Service Computation Dates

After computing employees' basic reduction in force service dates, the reduction in force team has primary responsibility to accurately determine the respective adjusted retention service computation dates that provide many competing employees with additional service credit based upon their performance ratings of record.

- **Explanation**-The amount of additional retention service credit for performance ratings of record within a competitive area may include:
 - (1) The default values in OPM's reduction in force regulations;
 - (2) A "**Modal Rating**" with the value defined by the agency; and
 - (3) Mixed values defined by the agency when the competitive area includes "**Multiple Summary Level Rating Patterns.**"

After computing the adjusted retention service computation date, the reduction in force team will use the data in preparing retention registers with the name of each competing employee in the competitive area.

- B**
 - Paragraph **2-B-8-3** ("**Action Check List Item 21**") has additional guidance on preparing retention registers.
- i**
 - Paragraph **3-E-7-6** in Module 3 provides additional guidance on computing the reduction in force service credit to include additional retention service credit for

performance ratings of record.

Default Values. The reduction in force team uses the default values when all the ratings actually used for retention in the competitive area are under the same summary pattern. For example, every rating on record that the team uses for retention is Pattern A-“Pass/Fail”. The default values are:

- (1) 20 years for each Level 5 rating ("Outstanding" or equivalent);
- (2) 16 years for each Level 4 rating ("Exceeds Fully Successful" or equivalent); and
- (3) 12 years for each Level 3 rating ("Fully Successful" or equivalent).
- (4) The team does not provide any additional years of retention credit are given for a Level 2 ("Minimally Successful" or equivalent), or Level 1 ("Unsuccessful" or equivalent) rating.

If an employee has two or three ratings of record, the team averages the two or three actual ratings. The team adds the value of the ratings, and then divides by the number of the employee's actual ratings of record. If the result is not an even number, the agency always rounds up the result.

If an employee has only one rating of record, the team provides additional retention service credit based solely on that rating.

The result is the amount of the employee's additional retention service credit for performance ratings of record.

- ①
 - Paragraph **3-A-15-11** in Module 3 has additional guidance on additional retention service credit based upon a single summary level rating pattern.

Modal Rating. The reduction in force team uses the agency's policy on "**Modal Ratings**" to provide additional retention service credit to an employee who has no available ratings of record in the 4-year period prior to the applicable date for freezing ratings of record.

- B**
 - Subparagraph **2-B-6-4-(k)** ("**Check List Action Item 10-**

K) provides additional guidance on the agency's decision to define a modal rating.

- ①
 - Subparagraph **3-A-15-10-(a)** in Module 3 has additional guidance on additional retention service credit based upon a single summary level rating pattern.

Multiple Summary Level Rating Patterns. The reduction in force team refers to the agency's policy on additional retention service credit when the team actually uses ratings of record under "**Multiple Summary Level Rating Patterns**" to determine employees' retention standing within a competitive area.

- B**
 - Subparagraph **2-B-6-4-(I)** ("**Check List Action Item 10-L**") provides additional guidance on the agency's decision to define a modal rating.

- ①
 - Paragraph **3-A-15-12** in Module 3 has additional guidance on additional retention service credit based upon a multiple summary level rating patterns.

2-B-7-9

Check List Action Item 19: Review Essential Retention Data for Each Employee

The reduction in force team has primary responsibility to review, and if necessary correct, the records the team uses to determine employees' retention standing.

- **Explanation**-The reduction in force team should provide the agency's employees who are competing for retention with confidence that the team's reduction in force information is accurate.

For example, the team should verify the accuracy of information in each employee's Official Personnel Folder (OPF) before offering the employee access to the folder. Without accurate information, most employees will question both the agency's motives and actions in conducting the reduction in force. Possible results of inaccurate information include a large number of appeals or grievances, additional stress upon employees, and lowered productivity for the agency both before and after the reduction in force.

One option for the agency is to send an individual letter or memo to each employee listing all relevant retention data the agency has on record. After reviewing the information, employees may then question the agency on the material, and when necessary provide the agency with additional documentation. This option is particularly useful after a briefing on reduction in force procedures, when employees better understand how the agency uses the information.

When possible, the reduction in force team through the human resources office should encourage employees with questions to review their Official Personnel Folders to help the each employee understand how the agency determined competitive levels, and assignment rights to other positions. In an especially large competitive area or with remote worksites, this option may require a significant allocation of personnel and resources from both the human resources office and the reduction in force team.

For a solution, the human resources office may consider transporting the reduction in force team and relevant retention records to distant worksites where the reduction in force will occur. This option allows employees to review their records, and to ask retention-related questions. If possible, the agency should allow employees to review their Official Personnel Folder before a discretionary cutoff date for accepting qualifications updates.

- B**
- Subparagraph **2-B-6-4-(m)** (“**Check List Action Item 10-M**”) provides additional guidance on the agency’s option of asking employees for a qualifications update prior to a designated cutoff date.

To assist the reduction in force team, the human resources office should actively encourage employees to review and update their resume, Form OF-612, or similar material in the Official Personnel Folder. The human resources office should emphasize to each employee the importance of submitting a current, complete resume or similar qualifications update that includes current material on all academic courses, job-related training, job skills, relevant licenses, and training certification.

The agency adhere to the cutoff date for accepting qualifications updates. The agency should date stamp any material submitted for consideration. The agency should also date stamp any updates

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
Restructuring Information Handbook Module 2
Human Resource Responsibilities in Reduction in Force
Unit B, Guidance (March 2003 version)

submitted after the cutoff date; however, the agency is unable to consider this material and should clearly file the material apart from employee's official retention records.

Finally, although agency decisionmakers may (and should) establish a discretionary cutoff date for performance appraisals of records and qualifications updates, the agency may not freeze other information affecting retention standing (e.g., eligibility for veteran's preference, creditable service, copies of missing performance ratings, etc.).

Section 8, Preparing and Using Retention Registers

Introduction This section covers actions of the reduction in force team in constructing retention registers, and identifying employees for release from the registers by reduction in force.

Contents This section contains the following topics:

Topic	See Paragraph
Preparing Retention Registers-The First Steps	2-B-8-1
Check List Action Item 20: Project Employee Retention Data to the Reduction in Force Effective Date	2-B-8-2
Check List Action Item 21: Prepare Retention Registers	2-B-8-3
Check List Action Item 22: Identify Employees Released From Competitive Level in First Round Competition	2-B-8-4
Check List Action Item 23: Separate Noncompeting Employees Before Competing Employees From the Competitive Level	2-B-8-5

B This symbol highlights where you can find additional material in Unit 2-B.

i This symbol guides you toward more general references on the subject in Module 2 or in other Modules.

Section 8, Preparing and Using Retention Registers

2-B-8-1

Preparing Retention Registers-The First Steps

The reduction in force team is now ready to prepare retention registers, determine which employees are released from registers because of position abolishments, and determine whether the released employees have a right to a continuing position on a different retention register.

B

- **Explanation**-At this time the reduction in force team begins to implement management's decisions covered in "**Check List Action Items 1 through 10.**" Management's decisions define the structure of both the pre- and the post-reduction in force organizations. The team also applies management's decisions on the discretionary reduction in force procedures that define the scope of reduction in force competition, and management's plan to effectively implement the agency's Strategic Plan.

①

- Section **1-B-2** in Restructuring Information Handbook Module 1 ("Planning and Alternatives for Restructuring") provides additional guidance on developing the agency's Strategic Plan.

①

- Section **1-B-3** in Module 1 provides additional guidance on implementing the agency's Strategic Plan.

When the team begins preparing retention registers, the team is confident that its employee data is accurate, including each competing employee's:

- (1) Title, series, and grade as documented in the employee's official permanent position of record;
- (2) Position description number and competitive level assignment;
- (3) Eligibility for veterans' preference eligibility under OPM's reduction in force regulations;
- (4) Performance ratings of record within the applicable 4-year window period;

- (5) Work schedule on the official position of record;
 - (6) Appointment authority (especially for excepted service employees);
 - (7) Tenure;
 - (8) Basic reduction in force service computation date that includes creditable civilian and Armed Forces service; and
 - (9) Adjusted service computation date (i.e., the employee's basic reduction in force service computation date augmented by any additional retention service credit based upon the employee's three most recent ratings of record in the applicable 4-year period before the agency froze the ratings).
-

2-B-8-2

Check List Action Item 20: Project Employee Retention Data to the Reduction in Force Effective Date

The reduction in force team projects its available employee data to the effective date of the reduction in force, except for new performance ratings of record which are frozen under authority of OPM's retention regulations or the agency's own discretionary policy.

- ①
 - Paragraph **3-A-17-1** in Restructuring Information Handbook Module 3 ("Reduction in Force") provides additional guidance on the effective date of reduction in force actions.
- B**
 - Subparagraph **2-B-6-4-(j)** ("**Check List Action Item 10-J**") covers management's option to freeze available performance ratings of record used to determine employees' retention standing.
 - **Explanation**-In preparing retention registers, the reduction in force team projects all employee data to the effective date of the reduction in force, except for frozen performance ratings of record. The team does not determine the retention standing of an employee on a different date (e.g., the team does not determine employees' retention data as of the date the agency issues specific reduction in force notices).

For example, the reduction in force team uses the effective date of the reduction in force to project items, including:

- (1) The basic reduction in force service computation date (e.g., adjustments for excess Leave Without Pay LWOP), work performed on an intermittent work schedule, etc.);
 - (2) A change in tenure (e.g., conversion from career-conditional to career);
 - (3) Other conversions (e.g., conversion from excepted service Veterans Readjustment Act (VRA) appointment to a competitive service appointment);
 - (4) Career ladder promotions (unless a freeze applies); and
- B**
- Paragraph **2-B-5-6** (“**Check List Action Item 5**”) covers freezing discretionary personnel actions.
- (5) Change in preference eligibility (e.g., certain reservists begin receiving Armed Forces retired pay at age 60, an employee qualifies for derivative preference after the agency issues specific reduction in force notices, etc.).
-

2-B-8-3

Check List Action Item 21: Prepare Retention Registers

B The reduction in force team uses the information summarized in Section **2-B-8-1** to prepare retention registers consistent with OPM’s reduction in force regulations.

- **Explanation**-The “**Retention Register**” applies to a competitive level the four retention factors required by law:
 - (1) Tenure (i.e., type of appointment;
 - (2) Veterans’ preference;
 - (3) Total creditable Federal service (i.e., civilian and uniformed); and
 - (4) Performance ratings of record.

- ①
 - Section **3-A-10** in Module 3 provides additional guidance on establishing a retention register.

After the agency applies the four retention factors to a competitive level, a retention register lists employees covered by OPM's reduction in force regulations in the order of their relative retention standing in a single competitive level.

- ①
 - Section **3-A-11** in Module 3 provides additional guidance on determining an employee's standing on a retention register.

The agency should continue to review each retention register for accuracy. Even when an agency uses an automated program such as "AutoRIF" to help construct a retention register, in an employee's reduction in force appeal to the Merit Systems Protection Board the agency's burden of proof is still based on the paper documents that document the employee's retention standing.

- B** For example, the reduction in force team should refer to the "**Reduction in Force Action Items Check List**" in paragraph **2-B-1-2**, and to the team's related notes, to document items such as:

- (1) The identification of all individuals in the competitive area;
- (2) The identification of all positions in the competitive area, including all vacancies available for possible offers (i.e., including vacancies in a competitive level with an abolished position);
- (3) The identification of positions abolished by management;
- (4) The basis for establishing competitive levels;
- (5) The identification of each official position of record included in a competitive level;
- (6) Each employee's official position description;
- (7) Any meetings, correspondence, disputes, or agreements with the agency's collective bargaining unit(s);

- (8) The agency's policy on placing a performance rating on record for purposes of OPM's reduction in force regulations;
- (9) Performance crediting decisions where mixed patterns occurred;
- (10) The cutoff date for submitting accepting new performance ratings of record; and
- (11) Any documents that support each employee's retention standing (e.g., each competing employee's performance ratings of record, SF-50's documenting positions held, DD-214's documenting Armed Forces Service, letters from the Veterans' Administration documenting a compensable service-connected injury, etc.);

Finally, in reviewing the retention register for accuracy, the agency should verify that the register is based solely upon employees' official positions of record rather than upon a nonpermanent action such as a detail or a temporary promotion.

- B**
 - Subparagraph **2-8-7-2-(b)** ("**Checklist Action Item 12-B**") provides additional guidance on the importance of documenting which employees hold positions based upon a nonpermanent assignment.
- i**
 - Section **3-A-16** of Restructuring Information Handbook Module 3 ("Reduction in Force") provides guidance on access to retention records under OPM's reduction in force regulations.

2-B-8-4

Check List Action Item 22: Separate Noncompeting Employees Before Competing Employees From the Competitive Level

- B** Before actually releasing an employee from the competitive level in paragraph **2-B-8-4** ("**Check List Action Item 22**"), the reduction in force team in coordination with the human resources office separates all "**Noncompeting Employees**" from that level.
 - **Explanation**-The reduction in force team uses "**Check List Action Item 12-B**" to identify each employee in the competitive area who on the effective date of the reduction in force would be performing a

position other than the employee's official position of record.

- B**
- Subparagraph **2-B-7-2-(b)** includes “**Check List Action Item 12-B.**”

Before releasing a competing employee from the competitive level in first round reduction in force competition, the agency must by the effective date of the reduction in force terminate all noncompeting employees from that level.

- B**
- Paragraph **3-A-17-2** of Module 3 provides additional guidance on the release of noncompeting employees from a competitive level.

2-B-8-5

Check List Action Item 23: Identify Employees Released From the Competitive Level in First Round Competition

The reduction in force team applies the list of abolished positions summarized in Section **2-B-8-1** and then determines which employees are reached for release from each retention register in “**First Round Reduction in Force Competition.**”

- Section **3-A-17** in Module 3 provides additional guidance on releasing employees from a competitive level by reduction in force.
- **Explanation-**In “**First Round Reduction in Force Competition,**” an employee competes on the basis of the four retention factors to retain the present position (or a very similar interchangeable position), and remain in the competitive level. In “**Second Round Reduction in Force Competition,**” an employee competes on the basis of the four retention factors for assignment into a position on a different competitive level.

Subparagraph **3-A-4-1-(r)** in Module 3 includes the reduction in force definition of “**Round of Competition.**”

Section 9, Determining Rights to Other Positions

Introduction This section covers actions of the reduction in force team in determining whether employees reached for release from the competitive level have assignment rights to other positions.

Contents This section contains the following topics:

Topic	See Paragraph
Determining Employees' Reduction in Force Assignment Rights	2-B-9-1
Check List Action Item 24: Determine Employees' Representative Rates	2-B-9-2
Check List Action Item 25: Determine the Normal Line of Progression for Each Position	2-B-9-3
Check List Action Item 26: Identify Vacancies Available for Assignment and Other Placement Offers	2-B-9-4
Check List Action Item 27: Determine Released Employees' Qualifications for Assignment	2-B-9-5
Check List Action Item 28: Determine Released Employees' Assignment Rights	2-B-9-6
Check List Action Item 29: Run Mock Reduction in Force and Review Results for Accuracy	2-B-9-7

B This symbol highlights where you can find additional material in Unit 2-B.

① This symbol guides you toward more general references on the subject in Module 2 or in other Modules.

Section 9, Determining Rights to Other Positions

2-B-9-1 Determining Employees' Reduction in Force Assignment Rights

After the reduction force team in "**Check List Action Item 22**" determines which employees are released from the agency's retention registers in "**First Round Reduction in Force Competition**," the team then proceeds with "**Second Round Reduction in Force 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).

- B** • Paragraph **2-B-8-4** includes "**Check List Action Item 22**."
- ① • Subparagraph **3-A-4-1-(r)** in Restructuring Information Handbook Module 3 ("Reduction in Force") includes the reduction in force definition of "**Round of Competition**."
- **Explanation-** Competitive service employees in tenure groups I or II with current performance ratings of at least "**Minimally Successful**" 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 reduction in force.
- ① • Paragraph **3-A-19-2** in Module 3 provides additional guidance on the definition of "**Available Position**."
- ① • Paragraph **3-A-20-1** in Module 3 provides additional guidance on the definition of "**Bump**" rights.
- ① • Paragraph **3-A-20-2** in Module 3 provides additional guidance on the definition of "**Retreat**" rights.

The existence of an "Available Position" does not oblige an agency to offer an employee a particular position. However, the available position does establish the employee's right to be offered a position at the same grade of the available position.

An employee with an excepted service appointment has no assignment rights under OPM's reduction in force regulations.

However, at its discretion an agency may elect to provide its excepted service employees with reduction in force assignment rights.

- B**
- Subparagraph **2-B-6-4-(d)** (“**Check List Action Item 10-D**”) covers discretionary reduction in force assignment rights for excepted service employees.
-

2-B-9-2 **Check List Action Item 24: Determine Employees’ Representative Rates**

The reduction in force team begins “**Second Round Reduction in Force Competition**” by determining the “**Representative Rate**” for each position in the competitive area.

- **Explanation-** When two or more positions are in different pay schedules, the reduction in force team uses the “**Representative Rate**” of the individual positions to determine equivalent grade levels and the best offer of assignment for a released employee. A released employee may not have an offer of assignment higher than the representative rate of the employee’s official position of record.

The team does not use representative rates when the positions are in the same pay schedule. With one pay schedule, the team directly compares the grades or levels of the individual positions.

- ①
- Section **3-A-24** in Module 3 provides additional guidance on using representative rates to determine employees’ reduction in force offers of assignment.

The reduction in force team compares the employees’ representative rates that are in effect on the date the agency issues specific reduction in force notices, unless the agency officially knows that new pay rates are officially approved, and will be implemented by the effective date of the reduction in force.

- ①
- Paragraph **3-A-24-6** in Module 3 provides additional guidance on which representative rate the team should use to determine employees’ assignment rights.

If the team finds that the competitive area includes prevailing rate

employees (i.e., FWS wage grade employees) on different rate schedules, the team should verify that any automated reduction in force program used by the team will accept more than one rate schedule for the same pay plan.

2-B-9-3

Check List Action Item 25: Determine the Normal Line of Progression for Each Position

The reduction in force team then determines the “**Normal Line of Progression**” for each position in the competitive area.

- **Explanation-** The reduction in force determines the “**Normal Line of Progression**” on the basis of the official position an employee holds on the effective date of the reduction in force, regardless of how the employee progressed to the position.

To determine the Normal Line of Progression for each position, the team should have access to references such as the:

- (1) “Introduction to Position Classification Standards”;
- (2) The agency’s (or activity’s) merit staffing and promotion plans;
- (3) The agency’s (or activity’s) position management plan; and
- (4) The agency’s (or activity’s) personnel rosters and organization.

A released employee has potential bump and retreat rights to positions at the same grade, or down to three grades or grade-intervals (or equivalent) below the position from which the employee is released. A released employees who is eligible for veterans' preference in reduction in force and is receiving a service-connected compensable disability of 30% or more has potential retreat rights to positions at the same grade, and down to five grades or grade-intervals (or equivalent) below the position from which the employee is released.



- Section **3-A-23** in Module 3 provides additional guidance on considering grades and grade-intervals to determine employees’ reduction in force assignment rights.

The same grade limits apply to a reduction in force offer of assignment to a vacant position. The grade limits do not apply to an offer of a lower-graded position in lieu of a reduction in force action (e.g., an offer of a voluntary change to lower grade in the same or in a different competitive area in lieu of separation by reduction in force).

- ①
 - Section **3-A-21** in Module 3 provides additional guidance on using vacancies to provide released employees with assignment rights.

2-B-9-4

Check List Action Item 26: Identify Vacancies Available for Assignment and Other Placement Offers

For the next step, the reduction in force team determines whether a released employee will receive a vacant position as either a reduction in force offer of assignment, or as an in-service placement action (e.g., reassignment, offer of a voluntary change to lower grade, a position in a different competitive area, etc.).

- B**
 - Paragraph **2-B-5-4** (“**Check List Action Item 3**”) covers the responsibility of agency decisionmakers to decide which vacant positions will be staffed in the organization after the agency completes the reduction in force.
 - **Explanation**-After management decides which positions will be staffed on the personnel roster for the post-reduction in force organization, the reduction in force team applies OPM’s retention regulations to determine which employees will actually encumber these positions.

OPM’s retention regulations require consideration of employees’ retention standing only in the competitive area that is conducting the reduction in force. For positions in a different competitive area, the team, in coordination with the human resources office, offers positions consistent with the agency’s merit staffing plan.

When identifying positions available for placement offers, to prevent any misunderstanding the reduction in force team should identify each position in an automated system or manually by:

- (1) Position title, series, and grade (including any promotion potential);
- (2) Position description number;
- (3) Competitive level;
- (4) Organization;
- (5) Duty station;
- (6) Tenure—temporary, term or permanent; and
- (7) Work schedule.

- ①
 - Section **3-A-21** in Module 3 provides additional guidance on using vacancies to provide released employees with assignment rights.
- ①
 - Paragraph **3-A-21-6** provides additional guidance on in-service placement offers in lieu of separation or other reduction in force actions.

2-B-9-5

Check List Action Item 27: Determine Released Employees' Qualifications for Assignment

The reduction in force team then evaluates each released employee's qualifications for assignment to a position on a different retention register that is held by an employee with lower retention standing.

- **Explanation**-An employee released from a competitive level by reduction in force has bump or retreat rights to another position held by an employee with lower retention standing only if the released employee is qualified for assignment.

The reduction in force team reviews available records with information on the released employee's education, training, and experience.

Besides the employee's Official Personnel Folder, the team reviews any employees' qualifications updates requested by the human resources office.

- B**
- Subparagraph **2-B-6-4-(m)** (“**Check List Action Item 10-M**”) covers submission of employees’ qualifications updates by a cutoff date determined by agency decisionmakers.

The team then determines whether the released employee is qualified for assignment to an occupied or vacant position in a different competitive level.

Some automated reduction in force programs allow the team to make qualification determinations up front and enter the results in the system, or to make individual qualification determinations on each employee as potential placements are available.

If the reduction in force team uses the "front-loading" method, the team makes qualification determinations by competitive level for all possible placements within the competitive area. Under this method, the team must decide if the released employee:

- (1) Is qualified for the position;
- (2) Is both qualified for the position and previously held the position (i.e., the team determines whether a possible retreat right exists for the released employee); or
- (3) Would only qualify under more the liberal qualification requirements that apply to a vacant position.

If the team chooses the second option, the team will make fewer individual qualification determinations. However, the process of running the reduction in force may take longer as the team stops to determine qualifications for each potential placement.

Whichever method the team chooses, the team will probably save time by gathering as much qualifications information as possible before beginning second round reduction in force competition. Many agencies prepare a worksheet on each employee for quick reference, with the worksheet identifying each released employee’s education, all prior positions, and any special qualifications (e.g., licenses, certificates, documented special skills, etc.).

If more than one member of the reduction in force team or other

human resource office staffers reviews the qualifications of released employee, the team leader must ensure that the decisions are consistent throughout the reduction in force process. The team should document all qualifications determinations, including background notes when appropriate. The human resource office should then retain this documentation for future reference in defending the agency's decisions in reduction in force appeals or grievance. The same information will often help the human resource office's outplacement in providing employees with career transition options.

The reduction in force team should have recent training on how to determine employees' qualifications for assignment.

- B**
 - Subparagraph **2-B-3-2-(4)** covers the importance of recent training on qualifications issues for the reduction in force team, and where to find additional information on related issues.
- ①
 - Section **3-A-25** of Module 3 provides additional guidance on consideration of qualifications when determining employees' assignment rights.
- ①
 - Paragraph **3-A-25-2** provides additional guidance on the basic qualifications standard for assignment under OPM's retention regulations.
- ①
 - Paragraph **3-A-1-4** provides additional guidance on the looser standard that the team may apply in offering a released employee assignment to a vacant position.
- ①
 - Paragraph **3-A-25-6** provides additional guidance on the standard for physical qualifications (including fitness and agility) under OPM's retention regulations.
- ①
 - Paragraph **3-A-25-8** provides additional guidance on waiving qualifications standards in offering assignment to a vacant position under OPM's retention regulations;
- B**
 - Paragraph **2-B-6-4-(b)** ("**Check List Action Item 10-B**") covers the agency's discretionary policy to waive qualifications standards in offering assignment to vacant positions.

- ①
 - Section **3-A-26** of Module 3 provides additional guidance on qualifications for assignment to formally designated trainee or developmental positions.
 - ①
 - Section **3-A-27** of Module 3 provides additional guidance on consideration of security clearances in offering assignment under OPM's retention regulations.
-

2-B-9-6

Check List Action Item 28: Determine Released Employees' Assignment Rights

The reduction in force team is now ready to determine whether each released employee has reduction in force bump or retreat rights to a position on a different retention register that is held by an employee with lower retention standing.

- The team also determines whether to offer a vacant position to a released employee.
- **Explanation**-To simply second round reduction in force competition, the team may develop "**Master Retention Lists**" (**MRL**) (also often called "**Master Retention Registers**" (**MRR**)) that combine the names of employees in the competitive area who are released from individual retention registers in first round reduction in force competition.

Each MRL identifies released employees in the absolute order of the employees' respective retention standing without regard to the grades or classification series of the employees' official positions of record. However, the team establishes separate MRL's for employees on different tours of duty (e.g., full-time, part-time, seasonal, and intermittent).

If the agency chose to provide assignment rights to its excepted service employees, besides separate MRL's for different tours of duty the team would also establish separate MRL's for each excepted service appointment authority.

- B**
 - Subparagraph **2-B-6-4-(b)** ("**Check List Action Item 10-D**") covers the agency's discretionary policy to provide assignment rights for excepted service employees.

As part of the same simplified procedure, the team may also develop comparable MRL's (or MRR's) that combine the names of all competing employees in the competitive area who were not released from individual retention registers in first round reduction in force competition.

To determine employees' assignment rights, the team first determines whether the released employee with the highest retention standing on the "**Master Retention List of Released Employees**" (**MRLRE**) has an assignment right to a position on the comparable List of employees who were not released from a competitive level (i.e., the "**Master Retention List of Employees in Continuing Positions**" (**MRLECP**)).

If the highest-standing employee on the MRLRE of released employees displaces a lower-standing employee in a continuing position on the MRLECP of employees who were not released, the team then places the name of the released lower-standing employee on the MRLRE, consistent with the employee's retention standing. The team then refers back to the MRLRE and determines whether the released employee who is second from the top has an assignment right to another position on the MRLECP. Eventually, the team will move from the top to the bottom of the MRLRE in considering every released employee for assignment to an encumbered position on the MRLECP, or a vacant position on the agency's personnel roster.

The MRLRE/MRLECP procedure provides each released employee with the best possible offer of assignment. Because the team begins with the highest-standing employee (including service computation dates) on the MRLRE in determining the assignment rights of each released employee, no released employee can claim a better offer of assignment on the MRLECP based on higher retention standing.

The team may have additional MRL options available, depending on the basis for the reduction in force.

For example, in a reorganization in which some positions are abolished while other positions continue in the new organization, the team may use retention standing through the MRLECP to "bridge" employees to the same or a successor position in the new organization.

For another option, if the agency abolishes all positions in the old organization and establishes all new positions (i.e., none of the old and new positions are placed in the same competitive level), the team may reduce its requirement to establish competitive levels by simply placing all positions in the competitive area on an appropriate MRLRE. The team may then use retention standing through the MRLECP to determine employees' best offers to positions in the new organization.



- Paragraph **3-B-10-1** of Module 3 provides additional guidance on an inclusive Master Retention List (or Master Retention Register) option for some situations.

An automated system such as “**AutoRIF**” readily identifies all available second round reduction in force placement options.



- Paragraph **2-B-3-3** has additional guidance on the Department of Defense's “**AutoRIF**” software package.

As necessary, the team should document the reasons for offering, or denying, a released employee assignment to another position. Even when the team uses AutoRIF or a comparable software package to determine employees' assignment rights, the agency's burden of proof in a reduction in force appeal to the Merit Systems Protection Board is still the paper documents that serve as the basis for the team's decisions. For example, the team should document:

- (1) Qualification determinations (including, when necessary, decisions on physical qualifications or security clearances);
- (2) The basis for waiving qualifications in assignment to a vacant position (if the agency elects this option);
- (3) Reasons for denying assignment rights; and
- (4) Any decisions relating to undue interruption in providing or denying assignment rights.

2-B-9-7

Check List Action Item 29: Run Mock Reduction in Force and Review Results for Accuracy

After the reduction in force team determines the assignment rights of released employees, the team should conduct a “**Mock RIF**” to identify possible problems with retention records before the agency actually implements reduction in force actions.

- **Explanation**-OPM’s retention regulations do not include a definition of “**Mock RIF**.” An effective Mock RIF reflects the results of management’s decisions to abolish positions in the reduction in force, and which positions to staff in the organization after the reduction in force.

B

- Paragraph **2-B-5-3 (“Check List Action Item 2”)** has additional guidance on the responsibility of agency decisionmakers to abolish positions.

B

- Paragraph **2-B-5-4 (“Check List Action Item 3”)** has additional guidance on the responsibility of agency decisionmakers to decide which positions will be staffed on the personnel roster after the reduction in force.

Especially with an automated program such as “**AutoRIF**,” a Mock RIF allows agency decisionmakers to review the impact of different scenarios (e.g., the impact of a 20 percent reduction in funding, the privatization of a function, the consolidation of multiple locations, etc.

Agency decisionmakers often use the results of a Mock RIF for a cost/savings analysis before a reduction in force actually takes place. For example, direct reduction in force costs may include severance pay, unemployment compensation, lump sum annual leave payments, relocation expenses, grade and pay retention, transition assistance, and payroll costs (including overtime) for the human resource office and its teams to actually conduct the reduction in force.

The reduction in force team may also use the same results of the Mock RIF to determine benefits for employees potentially reached for reduction in force actions (e.g., immediate retirement, severance pay, grade and/or pay retention, etc.). This helps the team save time later when the team is preparing to issue specific reduction in force notices.

Both the human resources office and the reduction in force team should ensure that no decisionmakers use the results of the Mock

RIF to modify the pre- or post-reduction in force personnel rosters for the purpose of reaching an employee for separation or demotion, or saving an employee from a potential reduction in force action.

If the team conducts a Mock RIF, the human resources office in coordination with agency decisionmakers should consider whether to share the results with the work force. If the planned effective date of the reduction in force is definite and a short time in the future, the human resources office provides the results of the Mock RIF to agency decisionmakers for the principal purpose of informing management of the impact of the reduction in force upon the old and the successor organizations. If the planned effective date of the reduction in force is tentative or not immediate, the human resources office may coordinate with agency decisionmakers whether or not to release the results of the Mock RIF.

If agency decisionmakers believe that the agency's potential post-reduction in force staffing decisions are tentative and subject to change, publicizing the results of a Mock RIF may needlessly upset some people, or may give other employees a false sense of security. Also, a subsequent reduction in force based on different job abolishment and staffing decisions could hamper the agency's effective implementation of its Strategic Plan.

However, if agency decisionmakers believe that the agency's potential post-reduction in force staffing decisions are definite, the agency may be able to provide early career transition assistance options and surplus employees will have additional time to make critical career-related decisions.

In either situation, the human resource office should always advise employees that the outcome of a subsequent actual reduction in force may be different from the results of a Mock RIF because of changed assumptions by agency decisionmakers.

Some advantages of sharing the results of a Mock RIF include:

- (1) Motivating employees to seriously considering career transition assistance options;
- (2) Issuing advance notices (e.g., surplus notices, Certificates of Expected Separation) to provide surplus employees with early eligibility for agency placement programs (e.g., the

Career Transition Assistance Plan, the Reemployment Priority List, and agency-specific selection priority programs), and training and retraining opportunities; and

- (3) Providing surplus employees with as much accurate information as early as possible.

Some disadvantages of sharing the results of a Mock RIF include:

- (1) The possibility that an actual reduction in force will result in different outcomes than the Mock RIF because of changes in management's decisions to abolish positions abolished, successful career transition employee attrition through voluntary early retirement and outplacement initiatives, etc.;
 - (2) Potential negative impact on productivity;
 - (3) Disruption to the work force because of possible uncertainty and change; and
 - (4) The possibility that employees will misperceive the Mock RIF as targeting specific employees for separation or movement to a different line of work.
-

Section 10, Issuing Reduction in Force Notices

Introduction This section covers actions of the human resources office and its reduction in force team in issuing specific reduction in force notices and related material to employees reached for a reduction in force action.

Contents This section contains the following topics:

Topic	See Paragraph
Issuing Notices to Employees	2-B-10-1
Check List Action Item 30: Determine Each Released Employee's Eligibility for Benefits	2-B-10-2
Check List Action Item 31: Prepare Specific Written Reduction in Force Notices	2-B-10-3
Check List Action Item 32: Send Notices to Other Organizations if 50 or More Employees Receive Separation Notices	2-B-10-4
Check List Action Item 33: Notify Bargaining Unit Representative(s)	2-B-10-5
Check List Action Item 34: Determine How Agency Will Deliver Reduction in Force Notices	2-B-10-6
Check List Action Item 35: Prepare Packages for Separating Employees	2-B-10-7
Check List Action Item 36: Deliver Reduction in Force Notices	2-B-10-8
Check List Action Item 37: Rerun Reduction in Force to Reflect Changes to the Personnel Roster in the Competitive Area	2-B-10-9

B This symbol highlights where you can find additional material in Unit 2-B.

i This symbol guides you toward more general references on the subject in Module 2 or in other Modules.

Section 10, Issuing Reduction in Force Notices

2-B-10-1 Issuing Notices to Employees

When agency decisionmakers give final approval for reduction in force actions, the reduction in force team in coordination with the human resources office uses the official date of the reduction in force to determine the retention rights of each competing employee before preparing specific written notices and related materials for distribution to individual employees.

- B** • Paragraph **2-B-2-5-5** (“**Check List Action Item 4**”) covers the responsibility of agency decisionmakers to establish the reduction in force effective date.

- B** • Section **2-B-8** covers the reduction in force team’s steps in preparing retention registers for “First Round Reduction in Force Competition.”

- B** • Section **2-B-9** covers the reduction in force team’s steps in determining employees’ assignment rights in “Second Round Reduction in Force Competition.”

- **Explanation**-The team should alert the human resources office if the planned effective date of the reduction in force may compromise the team’s ability to provide complete information to employees who receive specific written reduction in force notices. If necessary, the human resources office should then advise agency decisionmakers of the situation for them to consider whether a revised reduction in force effective date should be an option, given the timeframe to implement the agency’s Strategic Plan.

If the reduction in force 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 action reduction in force.

- B** • Paragraph **2-B-2-9-7** (“**Check List Action Item 29**”) covers the agency’s option of conducting a Mock RIF to verify the accuracy of retention records and to determine

employee's eligibility for benefits.

2-B-10-2 **Check List Action Item 30: Determine Each Released Employee's Eligibility for Benefits**

The reduction in force team must determine what benefits are available to each employee who will be released from a competitive level by a reduction in force action.

- **Explanation**-The team must provide appropriate benefits information in each employee's specific reduction in force notice. For some items, the team may provide benefits information in an attachment or supplement to the specific reduction in force notice.

- ①
 - Section **3-A-29** of Restructuring Information Handbook Module 3 ("Reduction in Force") provides additional guidance on reduction in force notices under OPM's retention regulations.
- ①
 - Paragraph **3-A-29-4** of Module 3 provides additional guidance on the content of specific written reduction in force notices.
- ①
 - Section **3-A-30** of Module 3 provides additional guidance on notice requirements when an agency separates one or more employees under OPM's reduction in force regulations.

The team issues different notices depending on the released employee's eligibility for benefits (e.g., an employee who is reached for separation by reduction in force receives a different notice from an employee who has a bump right to a position at the same grade).

- B**
 - Section **3-D-2** of Module 3 contains sample reduction in force notices as guidance for an agency that is preparing its own specific written notices.

If the reduction in force team previously ran a "**Mock RIF**" and reviewed each released employee's potential eligibility for benefits, the team should be able to readily update the benefits information in preparing subsequent actual reduction in force notices to the

workforce.

- B**
- Paragraph **2-B-2-9-7** (“**Check List Action Item 29**”) covers the agency’s option of initially determining employees’ eligibility for benefits based on the results of a Mock RIF.

An employee may potentially be separated, downgraded, offered another position at the same grade, or furloughed for more than 30 days, under OPM’s reduction in force regulations. An employee reached for a reduction in force action may be eligible for benefits such as:

- (1) Grade and pay retention;
- (2) Pay retention without grade retention;
- (3) Severance pay;
- (4) Discontinued service, optional, or another immediate retirement (including the FERS MRA + 10 option);
- (5) Selection priority in apply for positions in the same or in a different agency;
- (6) Unemployment compensation; and
- (7) Training or retraining.

The reduction in force team in coordination with the human resource office should easily be able to identify employees who meet the minimum age and service requirements for an immediate annuity. This includes an otherwise eligible employee who may establish initial eligibility for an immediate annuity by using accumulated annual leave after the effective date of the reduction in force.

- i**
- Paragraph **3-A-17-6** of Module 3 provides additional guidance on a released employee’s right to use annual leave to reach initial eligibility for an annuity and/or continuance of health benefits into retirement, following a potential separation by reduction in force.

The team should use a worksheet to note each employee's eligibility for grade and pay retention, pay retention only, and/or severance pay. The team should complete the worksheet as soon as identifying the final action for each employee. Any tentative worksheets prepared by the team in a Mock RIF by expedite the process.

Some automated systems will calculate severance pay. If possible, the team should thoroughly test the automated software so both the team and the employees in reduction in force competition have complete confidence in all severance pay estimates prepared by the team.

Even when using an automated program, the team should manually verify each employee's eligibility for severance pay, and the civilian service credit used to compute the amount of severance pay. In computing severance, the team computes the amount payable to the reduction in force effective date. However, if the employee resigns prior to the effective date of the reduction in force, the team must recompute the amount of severance pay to reflect the employee's actual separation date from the agency.

2-B-10-3

Check List Action Item 31: Prepare Specific Written Reduction in Force Notices and Mandatory Attachments

The reduction in force team now prepares specific written reduction in force notices that document for each released employee the personnel action the agency is taking, and the employee's eligibility for certain benefits because of the personnel action.

- **Explanation**-If possible, the reduction in force team should begin drafting sample notices when agency decisionmakers develop a communication plan to share information related to a reduction in force.

In drafting the reduction in force notices, the team should develop standard language when appropriate (e.g., all notices should contain the same language on the reasons for the reduction in force). Also, the team and the human resources offices should have agency decisionmakers, and the agency's legal staff, approve the notices. Finally, the team should designate staffers to review and proofreader each notice for any errors in content, format, and

spelling.

- ①
 - Section **3-D-2** of Module 3 contains sample reduction in force notices as guidance for an agency that is preparing its own specific written notices.

For consistency, the team should limit non-standard pages to a minimum. This allows the team to produce the standard pages in bulk in the first stages of preparing reduction in force notices. The team can later combine the standard notice pages with any custom notice pages.

When possible, the team should write the actual specific notice as brief as possible, using attachments to provide more information. OPM's reduction in force regulations require the agency to include information on designated items in the specific reduction in force notice, but allow the agency to provide information on other items in one or more attachments to the reduction in force notice.

- ①
 - Paragraph **3-A-29-4** of Module 3 provides additional guidance on the content of specific written reduction in force notices.

- ①
 - Section **3-A-30** of Module 3 provides additional guidance on notice requirements when an agency separates one or more employees under OPM's reduction in force regulations.

For example, attachments to specific written reduction in force notices often one or more of the following items, as applicable:

- (1) The form for the released employee to accept or decline an offer of another position;
 - When possible, the team should provide the employee with a copy of the position description for the offered position.
- (2) A form for a released employee to file, as applicable, a reduction in force appeal to the Merit Systems Protection Board, or to file a reduction in force grievance under a controlling collective bargaining agreement;

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
Restructuring Information Handbook Module 2
Human Resource Responsibilities in Reduction in Force
Unit B, Guidance (March 2003 version)

- (3) The name of a human resource office employee to contact for information on retention rights or eligibility for benefits; and
 - (4) Eligibility, as applicable, for benefits such as:
 - (a) Severance pay, including estimate;
 - (b) Saved grade and/or saved pay;
 - (c) Retirement options;
 - (d) Intra- and interagency priority placement programs (e.g., the Career Transition Assistance Plan (CTAP), the Interagency Career Transition Assistance Plan (ICTAP), the Reemployment Priority List (RPL));
 - (e) Eligibility for intra-agency repromotion priority to the grade of the position from which demoted;
 - (f) Refunds (e.g., retirement contributions and the Thrift Savings Plan, TSP));
 - (g) Lump sum payment of annual leave;
 - (h) Health and life insurance benefits;
 - (i) Additional internal and external outplacement assistance;
 - (j) Unemployment Insurance;
 - (k) Authorization to release resume to interested public and private sector employments;
 - (l) Training benefits under the Workforce Investment Act; and
 - (m) Using annual leave to gain initial entitlement to an immediate annuity and/or continuance of health benefits into retirement.
-

2-B-10-4 **Check List Action Item 32: Send Notices to Other Organizations if 50 or More Employees Receive Separation Notices**

The reduction in force team helps the human resources office prepare notices with additional information that the agency sends to three external organizations if the agency issues reduction in force separation notices to 50 or more employees.

- **Explanation**-If the agency issues reduction in force separation notices to 50 or more employees in a competitive area, the agency must provide a notice to:
 - (1) The chief elected official of local governments(s) within which the agency will separate 50 or more employees by reduction in force;
 - (2) The appropriate State program authorized by the Workforce Investment Act of 1998; and
 - (3) At its option, the appropriate OPM Service Center.
- ①
- Paragraph **3-A-30-5** of Module 3 provides additional guidance on the content of the additional notices to these three organizations.

If the agency issues reduction in force separation notices to 50 or more employees in a local commuting area, the agency must provide a notice to the Department of Labor's Unemployment Insurance Service.

2-B-10-5 **Check List Action Item 33: Notify Bargaining Unit Representative(s)**

At the same time the agency issues a specific written reduction in force notice to one or more employees, the agency must also notify all appropriate exclusive bargaining unit representative(s).

- The agency may have additional notice obligations under an applicable collective bargaining agreement.
- ①
- Paragraph **3-A-29-7** of Module 3 provides additional guidance on the requirement to provide notice to each

bargaining unit representative.

2-B-10-6

Check List Action Item 34: Determine How Agency Will Deliver Reduction in Force Notices

The human resources office should coordinate with agency decisionmakers, the agency's legal staff, and possibly with security, in developing procedures to deliver reduction in force notices to individual employees.

- **Explanation**-A reduction in force potentially raises the stress level for employees reached for reduction in force actions, as well as for agency coworkers and line managers who must continue to implement the agency's Strategic Plan while maintaining continuity of the agency's line programs.

When planning for delivery of reduction in force notices to employees, the human resources office and others involved in the decision process should consider:

- (1) Developing an automated tracking system that will account for the status of each notice both before and after delivery to employees;
- (2) Designating which manager or official will give reduction in force notices to individual employees (e.g., the first level supervisor, the second level supervisor, a higher-level manager in the organization, an individual in the human resources office, etc.);
- (3) Training the individual who will deliver the notices (e.g., additional training in close coordination with the agency's Employee Assistance Program (EAP));
- (4) Mobilizing crisis intervention resources (again including the agency's EAP Counselors);
- (5) Deciding whether to designate another manager or official (e.g., a first or second level supervisor) to witness delivery of the notices to individual employees;
- (6) Delivering the notices at the same time of the workday (e.g.,

- at the beginning of the workday or shift, at the end of the workday or shift, at a group meeting, etc.);
- (7) Designating the place where the agency will distribute the reduction in force notices (e.g., in a manager's office, in a conference room, etc.);
 - (8) Preparing a statement for the manager or official who will deliver the notices;
 - (9) Covering additional options to minimize the immediate impact of a reduction in force notice upon an individual employee (e.g., unscheduled annual leave, administrative leave, etc.);
 - (10) Preparing for additional security if necessary; and
 - (11) Developing procedures to deliver notices that the agency is unable to deliver in person (e.g., the employee is on extended absence from the workplace).

2-B-10-7

Check List Action Item 35: Prepare Packages for Separating Employees

Working with the reduction in force team, the human resources office should begin preparing outprocessing packages for separating employees no later than the date the agency issues specific reduction in force notices to employees who do not have an offer of another position.

- **Explanation**-If the human resources office will outprocess a large number of employees, the office in close coordination with the reduction in force team should consider preparing the separation packages in large quantities with specific written instructions for distribution.

To distribute the material, options range from distribution at a large session for a group of separating employees to simply forwarding the material through the employee's first level supervisor for distribution to the separating employee. Whichever option the agency chooses, if possible the human resources office should encourage combining at one location each individual who signs the outprocessing checklist. This centralization is more convenient for both the agency and its displaced employees.

The human resources office should coordinate with agency decisionmakers and the agency's workforce information staff in deciding which organization(s) will prepare Standard Form-52s (i.e., SF-52) documenting each personnel action. For example, in a large reduction in force, the human resources office or another common service organization generally produces the SF-52 forms as a bulk operation. As another option in some agencies, each organization involved in job abolishments or other actions could prepare the appropriate SF-52 forms.

The human resources office should verify that the agency has a current address for each employee who will separate from the agency. As part of the agency's outprocessing procedure, the human resources office should verify the employee's current address, as written on the SF-52 and/or another form.

OPM's "**Guide to Processing Actions**" identifies the information required for the agency's outprocessing package. As soon as possible, the human resources office and the reduction in force team should order enough copies of all forms and related materials needed for outprocessing. Again no later than the date the agency issues specific reduction in force notices, the human resources office and the team can obtain and begin preparing the necessary outprocessing forms (e.g., notices covering the Thrift Savings Plan, health benefits, life insurance, unemployment Insurance, etc.).

Most State employment offices need a copy of the SF-50 documenting the employee's separation by reduction in force. If possible, the human resources office and the reduction in force team should give each employee the separation SF-50 on the employee's last day of work. Otherwise, the office and the team should mail the form to the employee as soon as possible after the effective date of the reduction in force. Also, the office and the team should verify that each employee's SF-50 clearly documents the employee's involuntary separation from the Federal service (i.e., review both the standard terminology on the form and related material in the "Remarks" section of the SF-50. The outplacement team should contact the appropriate Statement unemployment compensation office to verify which documents a displaced employee needs to establish eligibility for benefits, and whether the employee who separates before the reduction in force effective date is still eligible for unemployment compensation.

If an employee with a separation notice resigns or retires before the effective date of the reduction in force, the employee may lose eligibility for selection priority for rehiring (e.g., loss of eligibility for both the Reemployment Priority List and the Interagency Career Transition Assistance Plan). Again depending on the State where the reduction in force takes place, the employee may also lose eligibility for unemployment compensation and retraining programs.

As part of outprocessing, the human resources office may choose to conduct exit interviews. This provides the agency with useful feedback on the reduction in force process, particularly with each employee's perception of the agency's career transition assistance programs and other out placement initiatives.

Besides exit interviews, the human resources office may consider asking separating employees to provide feedback through paper forms or e-mail survey forms. If the office chooses a paper survey, the agency should always include a self-addressed stamped envelope in the outprocessing package. Survey options include asking the employee for feedback at the time of separation, and/or after the employee actually separates from the agency.

2-B-10-8

Check List Action Item 36: Deliver Reduction in Force Notices

The human resources office will coordinate the delivery of specific written reduction in force notices consistent with the agency's policy.

B

- Paragraph **2-B-10-6** ("**Check List Action Item 34**") covers options for the agency in deciding who will deliver reduction in force notices to employees reached for release from the competitive level.
- **Explanation**-The human resources office should verify that each supervisor or management official who delivers reduction in force notices to employees is fully aware of all procedures in the agency's plan for distribution of the notices. For example, the office must ensure that the individual who delivers the notices is aware of the agency's procedure to document delivery of the notices, options if necessary for utilizing crisis intervention resources such as the agency's EAP Counselors), and other elements of the agency's plan covered in "**Check List Action Item 34.**"

Again consistent with the agency's plan for distribution of reduction in force notices, the human resources office is responsible for documenting any notices that the agency faxes or mails to an employee who is not available at a worksite. If the agency mails a notice to an employee, the human resources office should use registered mail, or even request a return receipt. If necessary, the agency may also choose to send a second copy of the notice by regular mail for a backup. If the agency faxes a notice to an employee, the human resources office should retain verification that the document was faxed and received at the designated telephone number.

In rare situations, an employee may refuse to acknowledge receipt of the reduction in force notice at the work site, or even to accept the reduction in force notice. If necessary, the agency should use registered mail, or request a return receipt, to document delivery of the reduction in force notice.

Immediately before the agency delivers reduction in force notices to individual employees, the human resources office should provide first and second level supervisors as well as other appropriate management officials a list of all employees in their work unit who will be impacted by reduction in force actions. This includes any new employees moving into a work unit because of the reduction in force. The information will assist line managers in maintaining continuity of operations and also fully implementing the agency's Strategic Plan.

2-B-10-9

Check List Action Item 37: Rerun Reduction in Force to Reflect Changes to the Personnel Roster in the Competitive Area

As necessary, the reduction in force team will redetermine employees' retention standing based on changes to the personnel roster of the competitive area where the agency will conduct the reduction in force.

- **Explanation-**The agency determines each employee's retention standing on the basis of all positions in the competitive area on the effective date of the reduction in force, not on the basis of all positions in the competitive area on the date the agency issues reduction in force notices.



- Paragraph **3-A-17-1** in Module 3 provides additional

guidance on the date the agency uses to determine employees' retention standing.

After the first run of the reduction in force, some employees must decide whether to accept or decline offers of any positions. If any employee declines an offer, the reduction in force team must rerun the reduction in force to determine whether another released employee will receive an offer or a better offer of a position on the effective date of the reduction in force. For example, the team may find that the agency may now make a better offer of assignment to a released employee, or offer a position to an employee originally identified for separation. In making the revised offers of positions, the human resources office and the team should always advise each employee concerning how the new offer may impact the employee's benefits if the employee accepts or declines the offer.

The reduction in force team must also rerun the reduction in force to determine whether a released employee will receive a first offer or a better offer as the result of another employee in the competitive area separating before or on the effective date of the reduction in force for a reason such as retirement, resignation, or transfer to another agency.

Finally, the reduction in force team must rerun the reduction in force to determine whether a released employee will receive a first offer or a better offer if agency decisionmakers authorize additional vacancies before or on the effective date of the reduction in force.

- B**
 - Paragraph **2-B-5-4** (“**Check List Action Item 3**”) covers the responsibility of agency decisionmakers to identify positions that will be staffed in the organization following the reduction in force.

- B**
 - Subparagraph **2-B-6-4-A**) (“**Check List Action Item 10-A**”) covers the responsibility of agency decisionmakers to decide both which vacant positions to offer in a reduction in force, or whether to even offer any vacant positions.

As the effective date of the reduction in force approaches, the human resources office and the reduction in force may need to modify (subject to any applicable collective bargaining agreement) the time period for employees to accept or decline their reduction in force placement offers. This procedure will assist the team in offering the

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy
Restructuring Information Handbook Module 2
Human Resource Responsibilities in Reduction in Force
Unit B, Guidance (March 2003 version)

position to another employee if the first employee declines the offer. At the end of a large reduction in force, the team should have information to contact any employee in the event the team can make a last minute offer by telephone.

Section 11, Counseling Employees on Procedures and Options

Introduction This section covers actions of the human resources office, and its reduction in force and outplacement teams, in advising released employees both of their retention rights and benefits that are available to them because of the reduction in force action.

Contents This section contains the following topics:

Topic	See Paragraph
Importance of Providing Effective Counseling to Employees	2-B-11-1
Check List Action Item 38: Planning for Effective Counseling	2-B-11-2
Check List Action Item 39: Effective Outplacement Counseling	2-B-11-3

B This symbol highlights where you can find additional material in Unit 2-B.

① This symbol guides you toward more general references on the subject in Module 2 or in other Modules.

Section 11, Counseling Employees on Procedures and Options

2-B-11-1 Importance of Providing Effective Counseling to Employees

The human resources office should emphasize to both agency decisionmakers and members of its reduction in force-related teams that effective counseling is critical to minimize disruption resulting from the agency's reduction in force.

- **Explanation**-As best possible, the human resources office should offer sufficient 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 reduction in force, the office may find that released employees will focus more on reduction in force mechanics or benefits rather than question the need for the agency's actions.

With a possible reduction in force, under the communication plan the human resources office may have opted to provide general reduction in force and benefits briefings to all employees in the agency based on just the possibility of a reduction in force.

Even if the agency simply provided summaries of OPM's reduction in force procedures and/or reduction in force benefits to all employees before issuing reduction in force 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.

- B**
- Paragraph **2-B-6-3** ("**Check List Action Item 9**") covers the importance of agency decisionmakers developing an effective communication plan as part of the process to implement agency's Strategic Plan and a resultant reduction in force.

OPM provides both agencies and employees with current electronic summaries of reduction in force procedures, reduction in force 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 reduction in force, the human resources office may

choose to use members of a single team to provide counseling to released employees at small group or individual sessions. In a large reduction in force, 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.

- B**
 - Paragraph **2-B-3-2** covers the importance of recent training on OPM's retention regulations for the agency's human resource office's reduction in force core and support teams, including counselors.

- B**
 - Paragraph **2-B-3-6** covers the importance of recent training on employee benefits (e.g., retirement, health benefits, life insurance, Thrift Savings Plan, etc.) retention regulations for the agency's human resource office's reduction in force core and support teams, including counselors.

- B**
 - Paragraph **2-B-3-6** covers the importance of recent training on selection priority programs (e.g., the Reemployment Priority, the Career Transition Assistance Plan, the Interagency Career Transition Assistance Plan, and agency-specific priority programs) for the agency's human resource office's reduction in force core and support teams, including counselors.

2-B-11-2

Check List Action Item 38: Planning for Effective Counseling

The human resources office is responsible for coordinating the agency's counseling activities with the leader of each of its teams (e.g., the reduction in force team, the benefits team, the outplacement team, etc.).

- **Explanation**-Employees usually prefer one stop counseling sessions for whatever questions may be raised. However, this option is generally not feasible. Instead, (particularly in an initial session)

the counselors should first summarize the specific subject to ensure that the released employees have a correct understanding of the topic before taking questions from the individual employees. Many times the summary session will answer most of the employees' questions. The team can then provide subsequent individual counseling sessions to released employees with specific concerns about their situation.

For example, after a group counseling session on reduction in force mechanics, the human resources office may provide individual counseling by a member of the reduction in force team. The human resources should be able to use a similar approach to provide released employees with information on the full range of options under related subjects (e.g., saved grade and/or pay, severance pay, retirement, and health benefits, life insurance, Thrift Savings Plan, etc.).

The human resources office should coordinate with team leaders and their counselors in deciding the format for each session (e.g., the length of each session, the subject(s) to be covered, involvement of personal or union representatives, availability of retention records, etc.).

If possible, a group session on a specific subject should not last more than one to two hours. A subsequent individual session should generally last no more than 30 minutes.

The counselors should try not to rush employees, but should provide the employee with sufficient time and information to answer each employee's questions.

Many agencies wait several days after delivery of reduction in force notices to before providing counseling sessions. This allows employees to review OPM's or the agency's summaries of reduction in force procedures and benefits before the counseling session(s). However, the human resources office may still begin signing up employees for the counseling sessions beginning with the day the employee receives a reduction in force notice. If scheduling conflicts develop, the human resources office should give priority to employees considering an offer of another position because of the relatively short time period to make a final decision.

The human resources office should verify that supervisors and

managers are allowing employees time to attend each session consistent with the agency's policy on providing official administrative time to released employees.

B

- Subparagraph **2-B-6-5-(d)** (“**Check List Action Item 11-F**”) covers establishing an agency policy on official time for employees who are or who may be released from a competitive level.

The human resources office should also maintain a record of each group or individual counseling session in the event an employee alleges misinformation as an issue in a subsequent reduction in force appeal or grievance.

The human resources office should consult the agency's legal staff to resolve any issues concerning access to retention records.

①

- Section **3-A-16** of Restructuring Information Handbook Module 3 (“Reduction in Force”) provides additional guidance on access to retention records under OPM's reduction in force regulations.

2-B-11-3

Check List Action Item 39: Effective Outplacement Counseling

The human resources office is responsible for providing mandatory outplacement counseling for surplus and displaced employees.

- **Explanation**-In a mid-size or large reduction in force, the human resources office often establishes a specialized team to provide surplus and displaced employees with effective counseling on career transition options.

①

- Paragraph **1-B-6-2** in Restructuring Information Handbook Module 1 (“Planning and Alternatives for Restructuring”) summarizes career transition services that an agency must provide to its surplus and displaced employees.

①

- Paragraph **7-A-3-3** in Restructuring Information Handbook Module 7 (“Career Transition Assistance Plan”) provides additional guidance on mandatory career transition services to surplus and displaced employees.

Outplacement services under the agency's Career Transition Assistance Plan include:

- (1) Excused absences so employees may use the agency's career transition services and facilities (which may be onsite or at a different location);
- (2) Continued employee access to the agency's career transition services or facilities even if the employee is separated;
- (3) An orientation session for surplus and displaced employees that explains both how to use the agency's career transition services, and what are the eligibility requirements for selection priority under the Career Transition Assistance Plan, the Interagency Career Transition Assistance Plan, and the Reemployment Priority List;
- (4) Retraining opportunities for surplus and displaced employees;
- (5) Access by employees, including those with disabilities, to career transition services at all locations, including headquarters, field offices, and remote site locations;
- (6) Access by disabled employees to resource information on other forms of Federal, state, and local assistance which are available to support career transition for employees with disabilities;
- (7) Employee assistance programs in that are available to surplus and displaced employees; and
- (8) Designation of career transition priority based upon individual agency components, if the agency elects this option.

All surplus and displaced agency employees are eligible for these outplacement services (but not necessarily for selection priority), including excepted service employees and members of the Senior Executive Service (SES) who are not covered by OPM's reduction in force regulations.

Other common features of an effective outplacement program include sessions on:

- (1) Resume preparation; and
- (2) Negotiating a salary from a private sector employer.

Depending on the size of the reduction in force, available staff, and agency resources, agency options to maximize career transition opportunities include:

- (1) Establishing its own outplacement center;
- (2) Using a contractor for briefings and/or counseling; and
- (3) Referring displaced employees to other available outplacement services.



- Paragraph **1-B-10-5** in Module 1 includes a case study of an agency's maximum commitment to outplacement programs to minimize the effects of a closure reduction in force upon both the agency and its employees.

OPM Service Centers can assist an agency with in developing and implementing an effective outplacement program. OPM assistance may include briefings both to employees, and counseling. Also, OPM Service Centers may help an agency identify other Federal agencies that are filling positions with the same skills as the displaced employees.

- Section **1-B-11** in Module 1 provides additional information on reimbursable and other downsizing services from OPM.
-

Section 12, Post-Reduction in Force Actions

Introduction This section covers actions of the human resources office, and as needed its reduction in force and outplacement teams, in wrapping out issues associated with the reduction in force as the agency proceeds to implement its Strategic Plan.

Contents This section contains the following topics:

Topic	See Paragraph
Implementing the Strategic Plan After Completing the Reduction in Force	2-B-12-1
Check List Action Item 40: Review the Agency's Planning and Implementation of the Reduction in Force	2-B-12-2
Check List Action Item 41: Respond to Reduction in Force Appeals, Grievances, and Other Third-Party Actions	2-B-12-3
Check List Action Item 42: Continue Outplacement and Rehiring Initiatives for Displaced Employees	2-B-12-4

B This symbol highlights where you can find additional material in Unit 2-B.

i This symbol guides you toward more general references on the subject in Module 2 or in other Modules.

Section 12, Post-Reduction in Force Actions

2-B-12-1 Implementing the Strategic Plan After Completing the Reduction in Force

As needed, the human resources office is available to both agency decisionmakers and line managers as the agency begins to fully implement its Strategic Plan.

- ①
 - Section **1-B-2** in Module 1 provides additional guidance on developing the agency's Strategic Plan.
- ①
 - Section **1-B-3** in Module 1 provides additional guidance on implementing the agency's Strategic Plan.
- **Explanation**-Agency decisionmakers and line supervisors should recognize that even when the agency completes necessary reduction in force actions, a reduction in force may cause long-term effects on organizational productivity employees' perception of the agency. For example, in the future the agency may even have difficulty hiring candidates into a different line of work than the positions held by employees reached for reduction in force actions.

Ideally, the agency will include a recovery unit in its Strategic Plan to maximize organizational effectiveness following involuntary reduction in force actions.

- ①
 - Paragraph **1-B-2-11** in Module 1 provides additional guidance on shaping the new organization as part of implementing the agency's Strategic Plan.

Recovery may occur without a plan, but it will be easier and less painful with a comprehensive recovery plan.

As necessary, agency supervisors and management officials should actively work to reaffirm a sense of commitment from employees who staff the agency following the reduction in force.

For example, work units that have lost or gained employees through the reduction in force may need additional coordination from first and second level supervisors to work together as a team consistent with the Strategic Plan. This is particularly true if after the reduction in

force, the remaining employees must essentially perform the same amount of work, but with fewer personnel (e.g., after a successful Most Efficient Organization (MEO) bid.

Agency decisionmakers should actively work to encourage full cooperation and commitment to the Strategic Plan from all individuals in the workforce, including supervisors, management officials, program employees, and local unions.

2-B-12-2

Check List Action Item 40: Review the Agency's Planning and Implementation of the Reduction in Force

Subject to approval of agency decisionmakers, the human resources office should evaluate and summarize the agency's actions in planning and implementing the reduction in force.

- **Explanation**-The most useful evaluation and summary includes input from agency decisionmakers, management officials, supervisors, employees, unions, and the agency's human resources (including, for example, input from the core and support reduction in force teams). The final product should greatly assist implementation of future reduction in force actions, either in the same or a different agency component.

At the option of agency decisionmakers, the human resources office should establish a team to review and summarize the effectiveness of its actions (e.g., possibly including a review of implementation of the reduction in force, outplacement success, counseling issues, etc.).



- Section **1-B-10** in Module 1 provides an actual case study of an agency's extensive outplacement and training initiatives in a closure reduction in force.
-

2-B-12-3

Check List Action Item 41: Respond to Reduction in Force Appeals, Grievances, and Other Third-Party Actions

As needed, the human resources office should coordinate with agency decisionmakers, the agency's legal staff, and possibly with labor relations specialists and line managers in responding to third-party challenges from employees reached for reduction in force actions.

- **Explanation**-An employee who is separated or demoted by reduction in force has a basic right to appeal the action to the Merit Systems Protection Board. In lieu of the appeal right, some employees have a basic right to file a grievance under an applicable collective bargaining agreement.



- Section **3-A-33** in Restructuring Information Handbook Module 3 (“Reduction in Force”) provides additional guidance on a reduction in force appeal to the Board.



- Section **3-A-34** in Module 3 provides additional guidance on a reduction in force grievance under an applicable collective bargaining agreement.

Other options for an employee reached for a reduction in force action include filing a complaint with the Office of the Special Counsel, and/or under the provisions of the Equal Employment Opportunity Act.

The Special Counsel’s website at www.osc.gov has information on filing a complaint with that agency.

The human resources office can provide employees with information on filing an EEO complaint under the same procedures that apply to other issues.

If the agency receives a reduction in force appeal, grievance, and/or complaint, the agency should first review all applicable procedures, addresses, and time limits for responding to the challenge.

The agency should then evaluate the merits of the challenge. This may require the human resources office to reconstruct the reduction in force in order to determine whether the challenge has any merit.

OPM’s reduction in force regulations require an agency to retain all retention registers and related records for at least 1 year from the date the agency issues a specific written reduction in force notice to an employee. However, at its option the agency should retain any retention records that are, or may be, subject to an appeal or grievance without regard to the 1-year limit.

- ①
 - Paragraph **3-A-16-6** in Module 3 provides additional guidance on retaining applicable records after a reduction in force.
-

2-B-12-4

Check List Action Item 42: Continue Outplacement and Rehiring Initiatives for Displaced Employees

As needed, the human resources office and its outplacement team should continue efforts to assist its displaced former employees who were separated by the reduction in force.

- **Explanation-**OPM's "**Career Transition Assistance Plan**" (CTAP) regulations require an agency to provide its involuntarily separated employees with access to the agency's career transition services or facilities even after the employee is separated.

- ①
 - Subparagraph **7-A-3-3-(b)** in Restructuring Information Handbook Module 7 ("Career Transition Assistance Plan") provides additional guidance on the requirement to provide its displaced employees with continued services.

OPM's reduction in force regulations require an agency to provide an employee who receives a reduction in force notice with a release that allows the agency to forward the employee's resume and other employment information to potential employers. Consistent with its commitment to provide maximum career transition services, the human resources office and its outplacement team should continue to make the displaced employee's resume available to potential employees even after separation a reduction in force separation.

- ①
 - Subparagraph **3-A-30-2-(c)** in Module 3 provides additional guidance on the requirement to provide an employee who receives a reduction in force separation notice with the opportunity to authorize the release of employment information to potential employers.

- ①
 - Section **3-D-5** in Module 3 contains a sample release authorization.

Finally, the human resources office is responsible for providing each qualified employee who is separated by reduction in force

with intra-agency selection hiring priority over outside candidates through the agency's "**Reemployment Priority List**" (RPL). A displaced employee may register for the List and immediately receive selection priority from the List when the employee receives a reduction in force notice of separation. If the agency subsequently separates the employee by reduction in force, a separated career employee is eligible to continue on the List for 2 years following registration, while a career-conditional employee has eligibility for 1 year following registration.

- Paragraph **6-A-6-1** in Restructuring Information Handbook Module 6 ("Reemployment Priority List") provides additional guidance on the eligibility period based on the Reemployment Priority List.
-