



Frequently Asked Questions/Answers about TOF and RIF

There are many questions that occur in the RIF/TOF process. Below are some common questions and answers concerning various RIF/TOF areas.

- a. Question: What constitutes a transfer of function (TOF)?

Answer: Transfer of function means: (1) the transfer of the performance of a continuing function from one competitive area and its addition to one or more other competitive areas, except when the function involved is virtually identical to functions already being performed in the other competitive area(s); or, (2) the movement of the competitive area in which the function is performed to another local commuting area. Example: The transportation unit at Base A is being moved to Base B, which has no transportation unit. This would constitute a TOF. If Base B had an existing transportation unit, there would be no TOF. Base B would merely be gaining additional workload for a function already in existence.

- b. Question: Should union representatives accompany management officials and personnel specialists when RIF/TOF notices are delivered?

Answer: It depends on your local situation. Your “Impact and Implementation” (“I and I”) bargaining and/or union contract may require it. Unless these conditions exist, it is not mandatory that union representatives be present when notices are delivered.

- c. Question: What happens if an employee refuses to acknowledge receipt of the RIF/TOF notice?

Answer: Employees need to be informed. Acknowledging receipt of the notice does not indicate acceptance of the action or of the offer. If an employee refuses to acknowledge receipt of the notice, the officials delivering the notice should annotate the CPF copy of the notice with the following:

“Notice delivered to (Employee Name) on (Date); employee refused to acknowledge receipt of notice.”

- d. Question: Can ART (Air Reserve Technician) positions be offered to employees who are not currently in ART positions?

Answer: It depends. An ART position may be offered to a non-ART employee only if employee is eligible to become a member of the Air Force Reserve. If employee is eligible to become a member of the AF Reserve, but does not want to join, employee may decline the ART position without the usual penalties associated with declining a valid offer. An employee who is already an ART and is offered another ART position in RIF, but declines offer is subject to the penalties accompanying declining a valid offer. Additionally, the offer of a non-ART position would be a valid offer for an ART employee.

e. Question: An employee was given a notice of RIF separation. The employee expressed interest in Discontinued Service Retirement (DSR). Before the employee applied for DSR, he/she was given a “better offer” of a change to lower grade to a position one grade lower than the one currently held. May the employee still take discontinued service retirement?

Answer: No. An employee may not take DSR if he/she has been offered a position that is within two grades of his/her permanent grade. If the employee had applied for DSR while under notice of separation, he/she could have retired. Employees should be advised of information concerning DSR and other types of retirement early in the RIF/TOF process.

f. Question: Many positions that are offered as RIF placements have physical and/or security clearance requirements that exceed those of employees to be placed into the positions. Can these positions be offered as RIF placements? When should physical examinations/security clearance requests be initiated?

Answer: The physical/security clearance requirements of a position do not prevent that position being used for RIF placement. Ideally, physical examinations should be accomplished before offers are made; however, there is usually not enough time to do this. Physical examinations should be completed as soon as possible during the notice period. If the employee does not meet the physical requirements of the position, another offer must be made. If the offer is a lower grade than the original one, or there is no other offer, a new 60-day notice period must begin.

Security clearances would be initiated as soon as possible. In some cases, a waiver may be accomplished to allow the employee to be placed in the new position pending granting of the clearance. Exceptionally long waiting periods for completion of security clearance may be considered in determining “undue interruption.” (Remember that an employee whose clearance has been previously withdrawn is not qualified for any position which requires a clearance; consequently the position is not a valid RIF offer.)

g. Question: An employee at Base A was given a RIF offer of change to lower grade. The employee registered in the Priority Placement Program (PPP), received and accepted an offer at Base B at his/her original grade. After a house-hunting trip to Base B, the employee declined the PPP offer. What happens at Base A?

Answer: The employee faces separation. When the employee accepted the offer, he/she, in effect, declined the change to lower grade at Base A. Usually, the declination of a valid offer

results in separation. It is a good idea to have the employee sign a letter of agreement stating if he/she accepts the Base B offer. By accepting the offer, he/she declines the Base A offer of change to lower grade. If positions are available at Base A for which the employee qualifies, he/she may be offered a position; however, the employee is not entitled to the original offer if the position subsequently becomes the best offer and is accepted by another employee.

h. Question: Must auxiliary chaplains and employees in similar occupations be issued RIF notices, particularly in base closure situations?

Answer: Yes. Auxiliary chaplains are in the excepted service and have intermittent work schedules. Although they usually will not have placement offers, they must be issued RIF notices of separation.

i. Question: How are employees on injury compensation treated in RIF?

Answer: Employees that are on injury compensation and are still on your rolls must be treated as any other employee. That is, they are listed on the retention register and the appropriate placement actions taken. Employees on injury compensation that are off the rolls are not listed on retention registers and are not considered in making placement offers.

j. Question: What is the “cut off” date for appraisals used in determining adjusted service computation dates (SCDs) for RIF? How are these dates determined?

Answer: To ensure accurate RIF placement determinations, all retention factors must be available long before notices are given and the effective date of the RIF/TOF. Since performance appraisals impact RIF SCDs, a date must be established as the “bottom line” or cut off date for consideration of appraisals in the RIF SCDs. The cut off date should be determined and documented by the CPF during pre-RIF planning.

This does not mean supervisors stop appraising employees’ performance. Example: the effective date of the RIF is 1 October 97. Notices will be given during the week of 23 July 97. The actual determination of placements will be accomplished beginning 1 June 97. Retention registers will be run on 15 May 97 (with an “as of date” of 1 October 97). Therefore, the appraisal cut off date is 1 May 97. Any appraisal made after the date will not be used in RIF SCD determinations for that RIF.

The three most recent appraisals rendered within the preceding four-year period will be used to determine the employee’s RIF SCD. Ensure the employee’s Modern DCPDS files include projected appraisal information, which is not included in the RIF SCD determination. Remember retention registers should be compiled as of the effective date of the RIF.

k. Question: How are targeted positions treated? Are placement offers made at the targeted grade or at the grade currently held by the employee in the position?

Answer: This answer applies to targeted positions only; it does not apply to positions in formalized training programs. Employees appear on the retention register at the grade they

currently and permanently occupy. Example: Employee A's permanent position is Supply Clerk, GS-5, target GS-7. Employee A appears on the Supply Clerk, GS-5, retention register. A vacancy for the Supply Clerk GS-7 target grade is not entered on the GS-7 retention register because there is no vacancy; the position is encumbered by Employee A.

Employee A may be displaced by an employee with higher retention standing who can bump/retreat at the GS-5 level. Employees who cannot bump/retreat at the GS-5 level (because GS-5 is not within the range of that employee's three grade levels) cannot displace Employee A. Example: Employee A is a Supply Clerk, GS-5, target GS-7, and is in subgroup 1B, RIF SCD: 76-09-16. Employee B is a Supply Management Specialist, GS-2001-12, 1A, RIF SCD: 66-08-10, and held the position of Supply Clerk, GS-5. Employee C is a Supply Management Specialist, GS-2001-09, 1A, RIF SCD: 68-07-04, and has also held the position of Supply Clerk, GS-5. Employee B may not retreat to Employee A's position, as it is beyond the three grade-level limit of bump/retreat. Employee C may retreat to Employee A's position, as it is within the three grade-level limit. Employee C would be offered the position as a GS-5. If the position were vacant, it could be offered to Employee B as a GS-7.

Targeted positions may be offered to employees who are not on targeted positions. Example: Employee D is a Personnel Clerk, GS-4, 1AD, RIF SCD 36-05-31; Employee E is a Personnel Clerk, GS-4, 1AD, RIF SCD 36-06-01. The best offers are two vacant positions; a Personnel Clerk, GS-4, target GS-5 and a Personnel Clerk GS-4, no target grade. Technically, either employee could be offered the sub-target position since the target level of a position is not considered in making RIF offers. In this example, we would recommend that you offer the sub-targeted position to Employee D as he/she has higher retention standing than Employee E. It is always defensible to use retention standing as a basis for RIF decisions.

NOTE: When a target position is offered as a RIF placement, the employee is not required to compete for promotion to the target grade; however, if targeted positions are used in pre-RIF placement, the employee will be required to compete for promotion to the target grade.

1. Question: Usually, the notice period is 60 days. Although some bases have a longer notice requirement (e.g., 90 or 120 day) as part of their union agreement. An employee may request and receive annual leave or leave without pay to extend the total notice period (reference 5 C.F.R. for exceptions to the regular order of release). What happens if the employee's retention standing changes in the extended notice period (beyond the 60-day notice and the effective date of the RIF/TOF)?

Answer: The employee's retention standing remains fixed as of effective date of the RIF/TOF. Example: the effective date of the RIF is 31 March 1997; the employee requests annual leave until 26 April 1997 to extend the notice period. On 15 April 1997, the employee's status changes from career-conditional to career. The employee's retention standing does not change, and the RIF offer remains as it was.

NOTE: When using an exception to the regular order of release, if an employee is retained for more than 30 days under the exception, all other employees with higher standing must be notified of the retention and the retention register must be annotated by the retained employee's

name with the reason for the exception and the date when the retention ends (reference 5 C.F.R. 351.608(d)(1) and (d)(2)).

m. Question: What is the required notice period?

Answer: Air Force requires a 60-day notice. However, some local union agreements require longer notice periods (e.g. 90 or 120 days). Typically, you would count about 65 days for a notice period, to allow extra time for unforeseen difficulties. Employees may request annual leave or leave without pay to provide them with an extended notice period (see 5 C.F.R. for exceptions to the regular order of release). In determining the notice period, the day of delivery and the effective date may not be counted. The effective date may not be on a weekend or holiday. The notice period begins when the employee receives the notice.

n. Question: There are rare instances where employees' retention standing is tied; i.e., the same tenure group and adjusted SCD. How are these ties broken?

Answer: There is no regulatory guidance on this issue; it is left to the discretion of the activity and should be determined in pre-RIF planning. Normally, the base uses the "random" tie-breaker in AutoRIF to break ties. However, some bases use other factors, such as, length of time in position, length of time in occupational series, length of time in organization. The element to be used in breaking ties should be determined and documented before placement determinations are made. The same element should be applied to all ties.

o. Question: When may employees be registered in the (PPP)?

Answer: There are some limitations stated in the DoD PPP manual. Within those limitations, employees may be registered when the priority for which they may be registered in PPP has been determined. This is true for voluntary registration; mandatory registration does not have to occur until the employees have received specific notices. For example: In a RIF, employees who will be priority "1" or "2" may be registered as soon as that priority has been determined. This registration may be accomplished before notices are delivered.

p. Question: Once you have determined an employee's assignment rights under RIF, is that the only position that may be offered to the employee?

Answer: No. Ensure an alternative offer of a position with a lower representative rate than that of the position to which the employee is entitled. This option should be utilized in cases where it would be desirable to give the employee an offer, which would suit his/her personal circumstances or would be for the convenience of the agency (i.e., to decrease the number of RIF actions taken) and at the same time not adversely affect any other employee. When using this option, you must be sure that the employee has received, in writing, the offer of the position with the higher representative rate, and has subsequently indicated, in writing, his or her willingness to accept the alternative offer. Grade and pay retention may apply to these actions.

q. Question: Once RIF notices are delivered, is the next step processing the RIF placements on the effective date of the RIF?

Answer: No. After the initial notices are delivered, every effort will be made to look for “better” offers. These changes in offers could be the result of employees deciding to retire, employees being placed through PPP or other vacancies, etc. “Worse” offers could also occur, if employees fail to meet physical or security requirements of the offered position.

r. Question: What happens to employees who have a current appraisal rating of unacceptable?

Answer: If an employee has received a current annual performance rating of unacceptable but has not received a written decision of removal or demotion as of the date of the RIF, the agency uses the unacceptable rating and the two previous ratings of record to figure credit for performance and their adjusted SCD date. Note: Employees receives no additional credit for annual performance ratings below fully successful (or acceptable) i.e., minimally successful or unacceptable. If an employee has received a notice of removal due to unacceptable performance (and the removal will be effective before the RIF) the employee does not compete in RIF. If the employee is reassigned or demoted because of an unacceptable rating, the rating is used to credit performance and the employee competes for RIF in the competitive level of the newly assigned job.

s. Question: When can you waive qualifications in RIF?

Answer: In a RIF when both the CPF and the appropriate management official agree, qualifications may be “waived” for assignment to a vacancy. This authority may only be used when the employee is actually in a formal RIF (i.e., the employee has been released from a competitive level, and the position is within the grade limit of their RIF assignment rights). In other circumstances (such as Pre-RIF management reassignment or placement in lieu of RIF separation) an employee may be assigned to a vacant position through “modification” of qualifications.

t. Question: When can you offer a temporary position as a RIF “Offer of assignment”.

Answer: You can offer a vacant temporary position that will last at least 3 months as a reduction in force “offer of assignment” (i.e. a position offer within the employee’s three grade or grade interval limits) only if a competing employee has no assignment right to another position, and will otherwise be separated by reduction in force. **Note: A veteran with a service connected disability of 30% or more range is 5 grade or grade intervals for retreat rights only not to vacancies.** When an employee accepts a temporary position as a reduction in force “offers of assignment” the employee retains the same status and tenure (e.g., a subgroup I B employee retains the I B status after entering on duty in the temporary position).

u. Question: Can you give an employee a temporary position as a placement offer that is below the three grades or grade interval range?

Answer: Yes, **but** you must either convert them to the temporary position, or reemploy them on the temporary position after RIF separation. In either situation the employee tenure will change to “0”.

v. Question: Can we offer other positions within the command (e.g. ACC wide, AETC wide, etc)?

Answer: Yes, vacant positions in different competitive areas within the same commuting area and different local commuting areas may be made as “alternative offers” in lieu of an offer of assignment by reduction of force. In these situations the employee’s notice will contain their RIF assignment right (either an offer of a position or separation) and the alternative offer of a vacancy in the different competitive area.

w. Question: Do employees in the Excepted service have RIF assignment rights?

Answer: Employees in the excepted service do not have assignment rights to other competitive levels (i.e., round 2 competition) under either OPM or AF regulation, however assignment rights may be extended to excepted service employees locally by either command or activity policy.

x. Question: If an employee has assignment rights to a position that would require displacement of another employee (bumping or retreat rights) can he/she be put on a lower graded vacancy instead?

Answer: No. When there is more than one available position that would satisfy an employee's assignment right, the employee must be offered the position with the highest representative rate. However, when two positions exist at the same representative rate (one is vacant and the other occupied) we must use the vacant position and may not displace another employee.

WHERE TO REFER ADDITIONAL QUESTIONS

Employee questions should be referred to the local Civilian Personnel Flight (CPF).
CPF questions should be referred to the RIF Unit at DSN 665-3045 ext 4105.