

Restructuring Information Handbook Module 6

Reemployment Priority List

Unit C, Reemployment Priority List Appeals Index (August 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.

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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:

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| Human Resource Responsibilities in Restructuring | 2 | B, F, G |
| Reduction in Force | 3 | A, B, C, D, E |
| 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 |
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| Voluntary Early Retirement | 9 | A, B, C, F, G |
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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**").
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Introduction Restructuring Information Handbook Module 4 provides guidance on OPM's Transfer Of Function regulations published in part 351 of title 5 of the Code of Federal Regulations (5 CFR part 351). Module 4 consists of three Units: (1) Unit A, "Required Procedures," (2) Unit B, "Guidance," and Unit C "Transfer of Function Appeals Index." This is the August 2003 version of Unit C.

Contents This publication contains the following topics:

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| | | COMPLIANCE-RETROACTIVE | FREEMAN | AGRICULTURE | 2 M.S.P.R. 224 |
| | | COMPLIANCE-RETROACTIVE | BANASZEK | ARMY | 22 M.S.P.R. 98 |
| | | COMPLIANCE-RETROACTIVE | ZIEGELDORF | ACTION | 18 M.S.P.R. 700 |
| | | COMPLIANCE-RETROACTIVE (OWCP) | RAICOVICH | POSTAL SERVICE | 675 F.2D 417 |
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| | | REVIEW OF AGENCY'S ACTION | STURDY | ARMY | 80 M.S.P.R. 273 |
| | | REVIEW OF AGENCY'S ACTION | WASHINGTON | GARRETT | 10 F.3D 1421 |
| | | REVIEW OF AGENCY'S ACTION | RYAN | ICC | 70 M.S.P.R. 17 |
| | | REVIEW OF AGENCY'S ACTION | STURDY | ARMY | 88 M.S.P.R. 502 |

| GENERAL SUBJECT- | MORE SPECIFIC- | MOST SPECIFIC- | NAME- | AGENCY- | REFERENCE- | |
|----------------------------|-----------------------|-----------------------------|-----------------------|----------------|-------------------|-----------------|
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| | | REVIEW OF PLACEMENT PROGRAM | STUCK | NAVY | 72 M.S.P.R. 153 | |
| | | REVIEW OF PLACEMENT PROGRAM | STURDY | ARMY | 80 M.S.P.R. 273 | |
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| | | REVIEW OF RPL ACTION | RUSSO | NAVY | 85 M.S.P.R. 12 | |
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| GENERAL SUBJECT- | MORE SPECIFIC- | MOST SPECIFIC- | NAME- | AGENCY- | REFERENCE- |
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| GENERAL SUBJECT- | MORE SPECIFIC- | MOST SPECIFIC- | NAME- | AGENCY- | REFERENCE- | |
|----------------------------|------------------------------|----------------------------------|---------------------------|-----------------|-------------------|-----------------|
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| | | NO ELIGIBILITY FOR DEMOTION | GOMETZ | NAVY | 69 M.S.P.R. 284 | |
| | | NO ELIGIBILITY FROM CTAP | KACHANIS | TREASURY | 80 M.S.P.R. 567 | |
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| | | ONLY FOR RIF SEPARATION | GOMETZ | NAVY | 69 M.S.P.R. 284 | |
| | | ONLY FOR RIF SEPARATION | ROBERTS | ARMY | 168 F.3D 22 | |
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|----------------------------|-------------------------|----------------------------|--------------|----------------|-------------------|
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