

NLWJC- Kagan

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Shutdown [6]

OFFICE OF PERSONNEL MANAGEMENT
OFFICE OF THE GENERAL COUNSEL

9/13/95

To: Elena Kagan
White House Counsel's Office

From: Lonaine Lewis
General Counsel

These materials represent
the information available now.
OMB is continuing to work
on the issues and materials
will be updated to include
any material ^{to come} from OMB
(or DOJ).

Lonaine

**U.S. Office of Personnel Management
Supplemental Furlough Guidance and Information
September 6, 1995**

- S. 1. Q. If a furlough begins on October 1st due to a lapse of appropriations, will employees receive a paycheck for the last pay period in September?
- A. Under the current OMB guidance, employees will receive this paycheck. Although the payroll for this last pay period in Fiscal Year 1995 will be processed in October, and potentially during a period of furlough, the minimum number of payroll staff necessary for this process will be exempt from furlough for the minimum time required to issue the checks, including checks for the last pay period in September. This guidance can be found in OMB's August 28, 1980, Bulletin No. 80-14, *Shutdown of Agency Operations Upon Failure by the Congress to Enact Appropriations*, paragraph 3.b.(1) *Appropriations and Funds*. OMB has reviewed and concurs in this answer.

- S. 2. Q. What about lump-sum annual leave payments to employees separating at the end of the fiscal year? Are the funds paid out of FY 1995 monies or FY 1996?

- A. The obligation of funds for a lump-sum annual leave payment is triggered by the employee's separation from service. For example, if an employee separates on September 30, 1995, the money to pay the lump-sum annual leave payment is obligated during FY 1995. Although the lump-sum payment would be made in FY 1996, it would be paid from FY 1995 funds.

In the event of a lapse of appropriations, agencies are allowed to employ staff to perform activities necessary for the orderly suspension of non-excepted activities. As explained in S.1. above, this includes the processing of personnel payroll for the periods prior to the lapse in appropriations. A minimum number of payroll staff necessary for this process will be exempt from furlough for the minimum time required to issue checks, including checks for lump-sum annual leave payments paid from funds obligated before the lapse in appropriations.

If an employee separates during lapse of appropriations, the lump-sum annual leave payment would be delayed until enactment of an appropriation that would allow the obligation of funds for this purpose. OMB has reviewed and concurs in this answer.

- S.3. Q. Does an agency have to bargain over its decision as to which activities would be excepted from a furlough under OMB's guidelines?
- A. No. Although agencies are encouraged to discuss this issue with unions in partnership, such a decision is nonnegotiable because it relates to the determination of the agency's mission and/or because it relates to the assignment of work. Both of those areas are reserved to management by 5 U.S.C. § 7106(a). However, an agency would have to bargain, if requested to do so the by exclusive representative (union), over the impact and implementation of management's decision. See, e.g., Social Security Administration, 22 FLRA 868.
- S.4. Q. Is it possible for OPM to issue one consolidated notice to MSPB regarding the furlough of all administrative law judges due to a lapse of appropriations?
- A. In reviewing the requirements of the law at 5 U.S.C. §7521 and applicable regulations at 5 C.F.R. §930.214 and 5 C.F.R. §§1201.131- 136, we believe that the authority to issue a notice to MSPB is vested solely in the respective employing agencies and, therefore, it is not appropriate for OPM to issue one consolidated notice to MSPB regarding the furlough of all administrative law judges due to a lapse of appropriations. When an agency determines that it is necessary to furlough administrative law judges, it should follow the procedures set out at 5 C. F. R. Part 1201 to the extent permitted under a lapse of appropriations. OPM has notified MSPB of the potential for emergency notices due to a lapse of appropriations so that they may plan accordingly. Further, we encourage agencies employing large numbers of administrative law judges to contact MSPB in an effort to streamline the process as much as is legally possible. NOTE: This response supersedes earlier guidance from OPM's Office of Administrative Law Judges issued August 24, 1995.
- S.5. Q. Can an employee obtain a loan from their TSP account based on anticipated financial hardship resulting from the furlough?
- A. No. As stated on page 26 of the "Thrift Savings Plan Loan Program" booklet, to qualify for a TSP hardship loan the financial information you provide on the loan application must demonstrate that one or both of the following situations apply: (1) your regular monthly expenses exceed your net monthly assets to draw upon, and/or (2) you have incurred certain defined extraordinary expenses (uninsured personal casualty loss, legal costs associated with separation or divorce, or unpaid cost of household

help or improvements due to illness or accident) that cannot be covered by one month's net income and you do not have enough savings or other financial assets to draw upon. These requirements reflect both a means test and hardship arising from unforeseen events.

Furthermore, as discussed in TSP Bulletin 95-15, *TSP Fact Sheet: Effect of Nonpay Status on TSP Participation*, loan payments are made through payroll allotments. Thus if you are in a nonpay status (i.e., furlough), you are not eligible for a TSP loan.

S.6. Q. What if we furlough everyone with the expectation that the furlough will run for 22 workdays or less, and it exceeds 22 workdays for reasons we could not anticipate?

A. There are a few different ways this could happen, and there is no real precedent that allows us to address any scenario with absolute legal certainty. However, we will address the variations we are most often asked about according to our best reading of the Antideficiency Act, other relevant laws (which in some cases, may seem to conflict), and the few third party decisions that appear to have some bearing.

In a situation where employees were furloughed under emergency procedures based upon a lapse of appropriations necessitating agency shutdown, and the appropriation lapse and the furlough continued beyond 22 workdays, then there would be no authority for the agency to recall employees during the shutdown period to administer additional furlough notices. Employees will have already been given notice of their appeal rights in their original furlough notice, and some may choose to appeal on the basis that their furloughs should have been effected under RIF procedures. Should this occur, agencies can argue that the original notice was given in good faith with the best information available at the time. In *Clerman v. I.C.C.*, 35 M.S.P.R. 190 (1987), the Board looked at a similar situation and accepted such an argument.

Regardless of the reason for the initial furlough, in a situation where the additional furlough time is necessary for a *new* reason, such as additional budget cuts, or Congress' failure to raise the debt ceiling, the new reason may be grounds for a new adverse action furlough notice. The fact that total furlough time exceeds 22 workdays does not automatically invoke RIF jurisdiction in this case, because there are, in effect, two separate actions based on separate reasons. If each of them entails furlough time of 22 workdays or less, they are each properly taken under adverse action procedures. OPM believes the case of *Jennings v. MSPB*, 59 F.3d 159

(Fed. Cir. 1995) is on point for this distinction. Again, a third party will look at whether the agency acted in good faith with the best information available at the time, giving all possible due process rights. There may be circumstances where the agency will not be able to give written notice and appeal rights for the second action until an appropriations lapse has ended. In this case, the employee's time to appeal the action will run from the date of the second furlough notice, rather than the date the second furlough began.

In a situation where employees have returned to work after a furlough, any additional furlough (even for the same reason) will generate a new action, governed by procedures appropriate to its reason and anticipated length. For instance, employees may have been furloughed under adverse action procedures because of budget cuts. After they return, new budget cuts may necessitate further furlough time, but this will be a new action, entitling employees to advance notice under RIF or adverse action procedures, depending on the anticipated length of the new furlough.

OPM has clarified some earlier information provided in the August 1, 1995, Furlough Guidance. The following questions and answers replace those in the earlier issuance.

14. Q. How do agencies effect adverse action furloughs of administrative law judges?
- A. 5 U.S.C. §7521 provides that adverse action furloughs of 30 calendar days or less may be taken against administrative law judges, "only for good cause established and determined by the Merit Systems Protection Board on the record after opportunity for hearing before the Board." Procedures for implementing such an action are described in 5 C.F.R. §§1201.131-136.
21. Q. May employees take other jobs while on furlough?
- A. Even while on furlough, an individual is an employee of the Government. Therefore, the Executive Branch-wide standards of ethical conduct (the standards), at 5 CFR Part 2635, which include rules on outside employment, continue to apply to employees on furloughs. Additionally, there are statutes which prohibit certain outside activities. Agencies also have varying supplemental rules regarding the requirement for prior approval of outside employment, and some prohibit certain types of outside employment. Therefore, before engaging in outside employment, employees should review these regulations and then consult their own agency ethics official to learn if there are any agency-specific supplemental rules governing the employee.

48. Q. What is an agency's obligation to bargain when it becomes necessary to furlough employees?

A. NOTE: This response is unchanged but we are correcting the FLRA citation in the third sentence to read, "See, in this connection 47 FLRA Nos. 96, 99 and 114, . . ."

55. Q. What is the effect of outside directives on the obligation to bargain or to continue to abide by existing agreement provisions?

A. This depends on the nature of the outside directive. Any agreement must conform to existing law and any laws enacted during the life of the agreement. The FLRA has held that, in certain situations, Presidential Executive Orders are to be considered "applicable law." (Bureau of the Public Debt, 42 FLRA No. 92 (1991)) Thus, any provisions imposed by an Executive Order issued by the President would preempt any agreement provisions or bargaining proposals. In addition, any OMB directive determined by the FLRA to be an "applicable law," and not reversed by a court of appeals, would preempt existing contract provisions that are contrary to the directive.

With respect to other kinds of directives, it is an unfair labor practice for an agency "to enforce any rule or regulation. . . which is in conflict with any collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed." This means that an OMB directive not found by the FLRA to be an "applicable law" would not preempt existing agreement provisions. However, because agreements must conform to Governmentwide regulations, a directive from OMB, or any agency, that is binding on other agencies would limit bargaining over new agreement provisions.



OFFICE OF THE DIRECTOR

UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415

AUG 10 1995

MEMORANDUM FOR HEADS OF CABINET AND SUB-CABINET
DEPARTMENTS AND AGENCIES.

FROM: JAMES B. KING
DIRECTOR *James B. King*

SUBJECT: OPM's Handbook of Guidance and Information on Furloughs,
Downsizing and Reductions In Force

As a follow-up to discussions at yesterday's Cabinet meeting, you may find the attached Handbook useful. I believe that it will answer many of the questions that arose, and will also be helpful in both planning and carrying out the difficult tasks we face as we approach the new fiscal year.

If you have any questions please call me at 606-1000 or send me an e-mail at jim.king@opm.gov.

Attachments

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TAB 3	Downsizing Help Available on OPM's Electronic Bulletin Board
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1 TAB 1



Guidance and Information on Furloughs



Revised July 1995

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APPENDICES:

Appendix A:

- A-1 OMB Memorandum, *Agency Operations in the Absence of Appropriations*, (October 5, 1990)
- A-2 OMB Bulletin No. 80-14, Supplement No. 1, *Agency Operations in the Absence of Appropriations*, (August 20, 1982)
- A-3 OMB Memorandum, *Agency Operations in the Absence of Appropriations*, (November 17, 1981)
- A-4 OMB Bulletin 80-14, *Shutdown of Agency Operations Upon Failure by the Congress to Enact Appropriations*, (August 28, 1980)

Appendix B: Sample Furlough Decision Notice due to Lapse of Appropriations

Appendix C: Sample Furlough Proposal due to Planned Reduction in Agency Expenditures

Appendix D: Sample Notice of Decision to Furlough

Appendix E: Sample Notice of Career SES Furlough

Appendix F: List of OPM Contacts

Furlough Under Adverse Actions Procedures (General)

This section discusses two types of furloughs--a "shutdown" or "emergency" furlough and a "save money" furlough. In a "shutdown" furlough, the agency no longer has the necessary funds to operate and must shut down those activities which are not excepted by OMB standards. In many cases, the agency will have very little lead time to plan for the furlough, making it an "emergency" furlough. A good example of a "shutdown" or "emergency" furlough is if there are no fiscal year 1996 funds appropriated for an agency by October 1, 1995.

On the other hand, a "save money" furlough is a planned event by an agency which is designed to absorb reductions necessitated by downsizing, reduced funding, lack of work, or any other event which requires the agency to save money. A "save money" furlough is typically a "non-emergency" furlough in that the agency has sufficient time to reduce spending and therefore give adequate notification of its specific furlough plan and how many furlough days will be required. A good example of a "save money" furlough would be when, as a result of Congressional budget decisions, an agency is required to absorb additional reductions over the course of a fiscal year. In order to provide agencies with a broad spectrum of information on these matters, both types of furloughs are addressed in the following questions and answers.

1. Q. What is a furlough?
 - A. A furlough is the placing of an employee in a temporary nonduty, nonpay status because of lack of work or funds, or other nondisciplinary reasons. For most employees, there are two basic categories of furloughs, each involving different procedures. A furlough of 30 calendar days or less is covered under 5 CFR part 752, adverse action procedures. A furlough of more than 30 calendar days is covered under 5 CFR part 351, reduction-in-force procedures.
2. Q. What can agencies do to prepare for the likelihood that there may be neither appropriations nor a continuing resolution passed by the beginning of the new fiscal year?
 - A. OPM recommends agencies take the following steps:
 - Communicate with employees and their representatives regarding agency plans if it becomes necessary to effect an orderly suspension of agency operations.
 - Prepare draft "emergency" furlough decision notices and plans for distribution to employees to the extent possible within the limited time available.
 - Determine which positions are excepted under the guidelines established

by the Office of Management and Budget (OMB). See **Appendix A** for copies of OMB bulletins and memoranda.

3. Q. For furloughs necessitated by lapsed appropriations, is an agency required to provide 30 calendar days advance written notice and an opportunity to respond prior to issuing a decision to furlough?

A. No. OPM's regulations provide for emergency adverse action furlough without the necessity for advance written notice proposing the action. Section 752.404 (d)(2) of 5 CFR provides:

The advance written notice and opportunity to answer are not necessary for furlough without pay due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, or sudden emergencies requiring curtailment of activities.

OPM's position that this regulation applied to lapsed appropriations was upheld by the Federal Circuit in *Horner v. Andrzejewski et. al.*, 811 F.2d 571 (Fed. Cir. 1987). Similarly, under 5 CFR 359.806 (a), the full notice period for career SES appointees may be shortened or waived in the event of unforeseeable circumstances, such as sudden emergencies requiring immediate curtailment of activities.

4. Q. In the event of lapsed appropriations, can an employee be furloughed without first receiving a written notice of decision to furlough?

A. Yes. While an employee must ultimately receive a written notice of decision to furlough, it is not required that such written notice be given prior to effecting the furlough. Issuance of prior written notice is preferable, but when prior written notice is not feasible, then any reasonable notice (telephonic or oral) is permissible.

5. Q. What information should be included in the notice of decision when no advance notice is issued?

A. The notice must specify the reason for the furlough and state that the usual 30 calendar days advance notice was not possible due to the emergency requiring curtailment of agency operations. If some employees in a competitive level will not be furloughed because they are performing one of the excepted activities defined by OMB guidelines, we recommend a statement such as the following:

If employees are being retained in your competitive level, they are required for orderly suspension of agency operations, or they are performing one of the excepted activities defined by the Office of Management and Budget.

There are other reasons an employee may not be furloughed. The language in sample letters at Appendices C and E may be applicable. The notice must include a statement of applicable appeal and grievance rights. Agencies are reminded that adverse action coverage for excepted service employees was substantially expanded by the Civil Service Due Process Amendments of 1990 (P.L. 101-376). If a copy of the MSPB appeal form is not attached to the decision notice, the notice should include information on how to obtain a copy of the form.

6. Q. Suppose an agency wishes to effect a furlough action discontinuously (e.g., one workday per week for 15 weeks) rather than consecutively, to lessen the effect on the agency's employees or its workload. These furloughs will be used for "save money" situations. Is there any prohibition on doing so?

A. Nothing in law or regulation prohibits discontinuous furloughs, and they have been upheld by MSPB on appeal. Moreover, discontinuous furloughs can be advantageous to both employees and the agency by distributing the furlough days over time, thereby minimizing the financial impact on employees as well as lessening disruption of agency services to the public.

In *OPM, 22 FLRA No. 29*, the Federal Labor Relations Authority held that a proposal giving the furloughed employee the right to determine whether his/her furlough was to be continuous or discontinuous is a negotiable § 7106 (b)(1) "appropriate arrangement." That decision was affirmed by the D.C. Circuit in an unpublished opinion: *OPM v. FLRA*, 829 F.2d 191 (1987).

7. Q. If a discontinuous furlough extends for more than 30 calendar days, is it a "short" furlough covered by adverse action procedures in 5 CFR part 752, or is it covered by the reduction-in-force procedures of 5 CFR part 351?

A. Based on the definition of "day" as "calendar day" (5 CFR 210.102 and 752.402), OPM has determined that 22 workdays equate to 30 calendar days for adverse action purposes for employees not under alternative work schedules. Thus, a furlough of 22 workdays or less would be covered by adverse action procedures, and one of more than 22 workdays would be covered by the RIF procedures of part 351. (If a holiday is included in a furlough of 22 consecutive workdays, the furlough might equate to more than 30 calendar days. See **Holidays**.)

8. Q. What procedural rights would apply for a furlough of 30 calendar days or less for employees covered under 5 CFR part 752?

A. For a short furlough of a covered employee, the law (5 U.S.C. § 7513) gives a covered employee the following rights:

- At least 30 calendar days advance written notice by the agency stating

the specific reasons for the proposed action. (Typically, the reasons for the action would involve a lack of work or funds.) The 30 calendar day period begins upon an employee's receipt of the written notice. Therefore, agencies should plan accordingly to allow time for mailing the notice when hand-delivery is not possible.

- At least seven calendar days for the employee to answer orally and in writing to the proposal notice and to furnish documentary evidence in support of his or her answer. (A summary of any oral answer must be made and maintained by the agency.)
- The right of the employee to be represented by an attorney or other representative.
- A written decision by the agency with the specific reasons for its action at the earliest time practicable.
- The right to appeal the agency's action to MSPB.

In addition, the regulations (5 CFR 752.404) require that the agency inform the employee of the right to review the material it relied on to support the reasons for its action. The agency must designate an oral reply official who can either make or recommend a decision, and must issue its decision at or before the effective date of the action. The regulations (5 CFR 752.405) also provide that where applicable, the affected employee may elect to grieve under a negotiated grievance procedure (NGP) or appeal to MSPB, but not both.

NOTE: Under 5 CFR 752.404 (b)(2), if the agency is furloughing some, but not all, employees in a competitive level, the notice of proposal must state the basis for selecting the particular employee as well as the reasons for the furlough. Agencies who anticipate furloughing some, but not all employees, should ensure the accuracy of established competitive levels in order to meet their obligations under this regulation. In general, the term competitive level refers to positions at the same grade level and classification series, the duties of which are interchangeable. (See 5 CFR 351.403 (a).) Where bargaining unit employees are concerned, additional procedural rights may be provided by their negotiated agreement.

9. Q. In addition to statutory and regulatory procedural requirements, what additional forms of communication should an agency consider in effecting a furlough?
- A. Considering the uncertain and changing circumstances surrounding furlough, agencies should make efforts toward assuring that employees are provided with up-to-date and accurate information as warranted. This may

be done through effective union-management communication, employee briefings, periodic bulletins, newsletters or other means available to agencies.

10. Q. How should the decision letter be framed if the agency has not set a specific number of furlough days in the proposal?
- A. While it is desirable when possible to inform the affected employee of a specific number of days in the decision letter, the agency needs only to set out the maximum time that may be involved, so employees have as much information as possible, if they choose to appeal.
11. Q. If an employee decides to challenge a discontinuous furlough, from what point would the time for appeal to MSPB run? For filing a grievance under the NGP?
- A. Employees cannot file an appeal until the first day after the effective date of the adverse action (in this case, the first day after the initial day of furlough) and must file not later than the 30th calendar day after the effective date of the furlough. The time limits and other procedures applicable to bargaining unit employees are spelled out in applicable provisions of negotiated agreements.

Employee Coverage and Procedural Requirements

12. Q. What procedures are applicable for probationers, employees under temporary limited appointments in the competitive service, employees who are nonpreference eligible employees in the excepted service with less than 2 years of continuous service, and others not covered by 5 U.S.C. chapter 75?
- A. There are no mandated procedures; however, agencies should ensure that all procedures required by negotiated agreements or internal personnel policies are followed.
13. Q. What about SES appointees?
- A. Furloughs of SES career appointees (other than reemployed annuitants) are covered under 5 U.S.C. § 3595a and subpart H of 5 CFR part 359. The regulations provide only for a single 30-calendar day advance written notice, which must tell the appointee: the reason for the furlough; the expected duration of the furlough and the effective dates; the basis for selecting the appointee when some but not all SES appointees in a given organizational unit are being furloughed; the location where the appointee may inspect the regulations and records pertinent to the action; the reason, if the notice period is less than 30 calendar days; for a probationer, the effect (if any) on the duration of the probationary period; and the appointee's appeal rights to

the MSPB, including the time limit for the appeal and the MSPB office to which it should be sent. A career appointee may appeal a furlough of any length. Competitive procedures are required to select career appointees for any furlough of more than 30 calendar days (or 22 workdays). An agency may furlough an SES noncareer or limited appointee, or a reemployed annuitant holding a career appointment, under agency designated procedures.

14. Q. How do agencies effect adverse action furloughs of administrative law judges?
- A. 5 U.S.C. § 7521 provides that adverse action furloughs of 30 calendar days or less may be taken against administrative law judges, "only for good cause established and determined by the Merit Systems Protection Board on the record after opportunity for hearing before the Board." If an agency believes it has good cause for such a furlough it should notify such employees in accordance with part 752 procedures and ask the Board for an expedited hearing.
15. Q. Are individuals appointed by the President subject to furlough?
- A. Individuals appointed by the President, with or without Senate confirmation, who otherwise are not subject to 5 U.S.C. § 6301 and attendant regulations governing leave in the Federal service, are not subject to furlough. The salary of such a Presidential appointee is an obligation incurred by the year, without consideration of hours of duty required. Thus, the Presidential appointee cannot be placed in a nonduty, nonpay status. If a Presidential appointee, however, chooses to be in a nonpay status, he may return part of his salary to his employing agency, provided that the agency has authority to accept gifts, or to the Treasury. Regardless of the Presidential appointee's choice, his entire salary is recorded for tax purposes. The following exception must be noted: former career SES appointees who took appointments at level V of the Executive Schedule or higher and elected to retain SES leave benefits under 5 U.S.C. 3392 (c), are subject to furlough at the discretion of the agency.
16. Q. What about persons working for Federal agencies under mobility agreements pursuant to the Intergovernmental Personnel Act (IPA)?
- A. The specific authority for furloughing persons who are working under mobility agreements pursuant to the IPA, either inside the Federal government or with other organizations, will depend upon the nature of individual agreements, the status of the appointments, and/or the funding arrangements for the assignments. As a general rule, the following principles are applicable in determining whether to furlough personnel on IPA mobility assignments:

- Personnel from non-Federal organizations on appointments to the Federal government are subject to furlough in the same manner as other employees.
 - Personnel on detail to Federal agencies from non-Federal organizations may continue working, provided that the non-Federal organizations pay the total costs of the detail.
 - Personnel on detail to Federal agencies from non-Federal organizations which share part of the costs of detail may continue to work if the Federal portion of the cost was obligated from prior appropriations at the time of the IPA mobility agreements. In the event that a furlough takes place in the second year of the agreement at which time no funds are appropriated, the assignment should be terminated.
 - Personnel on detail to Federal agencies from non-Federal organizations which do not pay or share the costs of the detail are subject to furlough in the same manner as other employees.
17. Q. Would employees who are detailed or assigned outside the agency during part, or the entire period, of furlough be subject to furlough?
- A. Employees on a reimbursable detail from the agency would not be subject to furlough due to lack of funds if full reimbursement continued. If reimbursement were reduced or eliminated, the employee would be subject to furlough. Agencies may prorate the required furlough time for employees being paid by the outside organization during only part of the furlough period. Federal employees assigned to non-Federal organizations who are on leave without pay from their Federal positions may continue working.
18. Q. How should agencies schedule a furlough for employees on flexible or compressed work schedules under an alternative work schedules (AWS) program?
- A. In scheduling a furlough for an employee on a flexible work schedule with no daily work requirement, the furlough should be expressed in terms of the number of hours of the required furlough, rather than in terms of the number of days or specific dates or times. If a furlough is expressed in terms of the number of days, for a full-time employee under a flexible work schedule, the length of a furlough day is 8 hours. For a part-time employee under a flexible work schedule, the length of a furlough day is the number of hours the employee is scheduled to work in order to fulfill the basic work requirement during the biweekly pay period, divided by the number of days that comprise the employee's biweekly tour of duty.

In scheduling a furlough for an employee on a compressed work schedule,

agencies should take care to make sure that the furlough is scheduled for the days and times during which employees otherwise would be scheduled to work under the compressed work schedule. The length of a furlough day under a compressed work schedule is the same as the length of the employee's compressed workday; e.g., the length of a furlough day under a 4-10 compressed work schedule is 10 hours.

19. Q. How would the agency schedule a furlough for part-time employees?
- A. Furlough of part-time employees must comply with the procedures of 5 CFR part 752 or part 351 if the employees are otherwise covered. In scheduling such furloughs, it would be equitable to compute the furlough days in the same proportion to those days scheduled for full-time employees, based on work schedules. (The hours of furlough might be computed as a percentage of the work schedule for full-time employees. For example, if an employee worked 64 hours a pay period, that would equate to 64/80 of a full-time work schedule, or 80%. This percent could then be multiplied by the number of hours which a full-time employee is furloughed during a pay period.) Again, if some part-timers in a competitive level are furloughed but not others, 5 CFR 752.404 (b)(2) would require that the notice of proposed action must tell the employees the basis for selecting those furloughed.
20. Q. What about employees who work on a seasonal or intermittent basis?
- A. Seasonal employees are recalled to duty at identified periods of the year in accordance with preestablished conditions. Intermittent employees are non-full-time employees without a regularly scheduled tour of duty. Whether either group is called for work during the period in which furloughs are scheduled is discretionary with agencies.

Employment during Furlough

21. Q. May employees take other jobs while on furlough?
- A. Except for conflict of interest restrictions (which preclude outside employment in a non-government facility that contracts with a Federal agency, and other incompatible activities as well as those which give the appearance thereof) or Hatch Act restrictions (which deal with political activities of Federal employees), employees may accept employment outside the Federal service while on furlough. Employees must obtain agency approval of any such outside employment. Furloughed employees may, absent any agency restrictions, accept temporary appointments with other Federal agencies during furlough.
22. Q. What happens to employees' benefits (e.g., retirement, health benefits, life insurance, leave) if they receive temporary appointments in another agency

while furloughed?

- A. The leave should be transferred as if the employees had been transferred (see Comp. Gen. opinion B-167975, September 1, 1970). Retirement, health benefits, life insurance, and leave should be handled as if the employees had been transferred.
23. Q. May an employee volunteer to do his or her job on a nonpay basis during a furlough period?
- A. No. Unless otherwise authorized by law, an agency may not accept the voluntary services of an individual. (31 U.S.C. § 1342)
24. Q. May an employee work on a furlough day in exchange for taking a day off at another time for religious observances?
- A. No. The statute that permits employees to take compensatory time off for religious observances (5 U.S.C. § 5550 (a)) does not authorize an agency to accept the voluntary services of any individual on a furlough day. Periods of time worked in exchange for taking time off for religious observances must be scheduled on non-furlough days.

Deductions from Pay

25. Q. When an employee's pay is insufficient to permit all deductions to be made, what is the order of withholding precedence?
- A. The correct withholding precedence is established by the General Accounting Office in its *Policy and Procedures Manual for Guidance of Federal Agencies, Title 6, Pay, Leave, and Allowances*, June 1989.

Service Credit for Various Purposes

26. Q. Is furlough or leave without pay (LWOP) a break in service?
- A. No, either merely places employees in a nonpay status.
27. Q. To what extent does nonpay status affect civil service benefits and programs?
- A. Nonpay status (which includes furlough, LWOP, absence without leave, and suspension) is credited as follows:
- For **career tenure**, the first 30 calendar days of each nonpay period is creditable service.

- For **completion of probation**, an aggregate of 22 workdays in a nonpay status is creditable service.
- For **X-118 qualification standards**, there is no requirement to extend qualifying periods by the amount of nonpay status. However, agencies may require such extensions in order to meet training requirements or ability to perform.
- For **time-in-grade** requirements, nonpay status is creditable service.
- For **retirement** purposes, an aggregate nonpay status of 6 months in any calendar year is creditable service. Coverage continues at no cost to the employees while in a nonpay status. When employees are in a nonpay status for only a portion of a pay period, their contributions are adjusted in proportion to their basic pay (5 U.S.C. §§ 8332 and 8411). The exception would be an employee who had substantial time in a nonpay status earlier in the year if the furlough causes him or her to have more than six months time in a nonpay status during the calendar year.

For **health benefits**, enrollment continues for no more than 365 days in a nonpay status. The nonpay status may be continuous or broken by periods of less than four consecutive months in a pay status (5 CFR 890.303 (e)). The government contribution continues while employees are in a nonpay status. The employee can choose between paying the agency directly on a current basis or having the premiums accumulate and be withheld from his or her pay upon returning to duty.

- For **life insurance**, coverage continues for 12 consecutive months in a nonpay status without cost to the employees (5 CFR 870.401 (c)) or to the agency (5 CFR 870.401 (d)). The nonpay status may be continuous or it may be broken by a return to duty for periods of less than four consecutive months.
- For **within-grade increases**, an aggregate of 2 workweeks nonpay status in a waiting period is creditable service for advancement to steps 2, 3, and 4 of the General Schedule; four workweeks for advancement to steps 5, 6, and 7; and six workweeks for advancement to steps 8, 9, and 10 (5 CFR 531.406 (b)). For prevailing rate employees (WG, WL, and WS schedules), an aggregate of one workweek nonpay status is creditable service for advancement to step 2, three weeks for advancement to step 3, and four weeks for advancement to steps 4 and 5 (5 CFR 532.417 (b)).
- For **annual and sick leave**, when an employee accumulates 80 hours of nonpay status, his or her annual and sick leave credits are reduced by

an amount equal to the amount of leave the employee earns during that pay period (5 CFR 630.208). For purposes of computing annual leave accrual rates, creditable service is limited to an aggregate of 6 months nonpay status in a calendar year (5 U.S.C. 6303 (a) and 8332 (f)).

- For **reduction in force**, an aggregate of 6 months nonpay status in a year is creditable service.
- For **severance pay**, nonpay status time is fully creditable for the 12-month continuous employment period required by 5 U.S.C. 5595 (b)(1) and 5 CFR 550.705. However, for purposes of determining service creditable towards the computation of an employee's severance pay fund under 5 U.S.C. 5595 (c)(1) and 5 CFR 550.707-708, no more than 6 months of nonpay status time per calendar year is creditable service. (This is the same rule used in crediting nonpay status time as "service" in determining annual leave accrual rates.)
- For the **Thrift Savings Plan**, agencies should refer to the *Thrift Savings Plan Bulletin for Agency TSP Representatives*, No. 95-15, dated May 12, 1995. For additional information, the agency representative should contact the Federal Retirement Thrift Investment Board at (202) 942-1460.
- For **military duty or workers' compensation**, nonpay status for employees who are performing military duty or being paid workers' compensation counts as a continuation of Federal employment for all purposes upon the employee's return to duty.

Retirement

28. Q. When a furlough occurs during the three years of service prior to retirement, what effect will time in a furlough status have on an employee's high-3 average?
- A. Generally there will be no effect on the high-3 average unless the furlough causes the employee to be in a nonpay status for more than 6 months during the calendar year.
29. Q. Are the retirement rules concerning the effect of a furlough the same for employees under the Civil Service Retirement System and the Federal Employees Retirement System?
- A. Yes.
30. Q. What happens to retirement and insurance in a discontinuous furlough?

- A. As explained above, retirement credit is not affected as long as an employee does not exceed 6 months of nonpay status in a calendar year. Retirement deductions are taken on the basic pay the employee earns during the pay period.

FEHB premiums are deducted from the employee's pay. If the employee's pay is insufficient to cover the FEHB premium, he or she can pay the premium directly to the agency or have it withheld from pay when he or she returns to regular duty. The enrollment continues for up to 365 days of nonpay status. The nonpay status may be a continuous period or it may include an employee's return(s) to pay status for a period(s) of less than 4 consecutive months.

FEGLI coverage continues, and contributions made by the employee and the employee's agency continue if the employee's salary in each pay period is sufficient to cover deductions. If the employee's salary is insufficient to cover his or her withholding, the employee's coverage will continue for up to 12 months without cost to the employee or the employee's agency.

31. Q. What happens if employees cancel FEHB coverage while in a nonpay status in order to avoid the expense?

- A. Employees are cautioned not to cancel FEHB coverage to avoid payment of premiums while in a nonpay or reduced-pay status. Normally, an employee must wait for an FEHB open season to re-enroll. Further, cancellation of FEHB coverage may affect an employee's right to carry such coverage into retirement or while in receipt of workers' compensation.

Holidays

32. Q. May employees be furloughed on a holiday?

- A. Employees may be furloughed for periods of time that include holidays. However, the selection of the furlough period in question should be justified on programmatic and administrative grounds that are unrelated to the fact that the period includes a holiday. For example, an agency may not properly furlough employees for a 3-day period, the middle of which is a holiday, for the sole purpose of saving 3 days' pay while losing only 2 days of work. (See Comptroller General opinion B-224619, August 17, 1987.) Neither would it be proper to furlough an employee solely on a holiday. (See Comptroller General opinion B-222836, May 8, 1986.)

33. Q. If employees are furloughed on the last workday before a holiday or the first workday after a holiday (but not on both days), will they be paid for the holiday?

- A. Yes. The general rule is that an employee is entitled to pay for a holiday so long as he or she is in a pay status on either the workday preceding a holiday or the workday following a holiday. The employee is paid for the holiday based on the presumption that, but for the holiday, the employee would have worked. (45 Comp. Gen. 291 (1965)) (Note: A holiday should not be the first or last day of the period covered by a furlough.)
34. Q. If employees are furloughed on the last workday before a holiday and the first workday after a holiday, will they be paid for the holiday?
- A. No. If a furlough includes both the last workday before the holiday and the first workday after the holiday, the employee is not entitled to pay for the holiday because there is no longer a presumption that, but for the holiday, the employee would have worked on that day. (See Comptroller General opinion B-224619, August 17, 1987.)

Requests for Leave during Furlough

35. Q. If employees request annual, sick, court, military leave, or leave for bone marrow or organ donation after receiving a notice proposing specific days of furlough, can the requests be denied for those days that coincide with the dates of furlough? If an agency has approved requests for these categories of leave before issuance of the proposed furlough notice, can the approval be rescinded and the employees furloughed on the days that coincide with the dates of furlough?
- A. The answer to both questions is yes. However, the agency may choose to furlough the employees at another time if there is no requirement that the employees be furloughed at a given time or in a given order. The agency may designate whichever days it chooses as furlough days. If employees request leave for a day designated as a furlough day, the agency is not required to grant leave. Further, if employees have been granted leave for a day subsequently designated as a furlough day, that leave is automatically canceled because the necessity to furlough supersedes leave rights. To avoid confusion, it is advisable to state in the furlough notice that any annual, sick, court, military leave, or leave for bone marrow or organ donation approved for use on the furlough days is canceled if this is the intent of agency management. Furlough days are nonworkdays. Annual, sick, court leave, and leave for bone marrow or organ donation cannot be granted on a nonworkday. However, military leave must be charged on a nonworkday when the nonworkday occurs wholly within the period of military leave for military duty. Employees who serve as witnesses or jurors on furlough days will retain all monies received from the court.
36. Q. If an employee properly schedules "use-or-lose" annual leave before the start of the third biweekly pay period prior to the end of the leave year, but is

unable to use some or all of the scheduled leave because of a furlough, does the furlough constitute an "exigency of the public business" that would permit an agency to restore the leave after the beginning of the new leave year?

A. Employees in this situation should make every effort to reschedule "use-or-lose" annual leave for use before the end of the current leave year. However, if this is not possible, agency heads (or their designees) may exercise their discretionary authority to determine that an employee was prevented from using his or her leave because of an exigency of the public business--namely, the need to furlough employees because of lack of work or funds.

37. Q. If an employee is on leave under the Family and Medical Leave Act of 1993 (FMLA) during furlough days, do the furlough days count towards the 12-week entitlement to FMLA leave?

A. No. Similar to the answers provided in questions 35, 36, 38, and 39, an employee cannot take leave (either paid or unpaid) under the FMLA on days that coincide with the dates of furlough. Therefore, the furlough days cannot be counted towards the 12-week entitlement to FMLA leave.

Leave Without Pay (LWOP)

38. Q. If employees are on approved LWOP, can the LWOP be terminated and the employees furloughed?

A. Yes. The LWOP can be terminated, but if there is no expectation that the employees may return to duty on the proposed furlough days, it is unnecessary to cancel the LWOP, since there is no work or funds involved. However, if the employees may potentially return to duty during the approved LWOP, the agency may propose to furlough on the days of approved LWOP and cancel the LWOP.

Leave in Lieu of Furlough

39. Q. May agencies allow employees to use leave without pay (LWOP) in place of furlough? How about annual or sick leave?

A. Agencies may allow employees to elect days of LWOP instead of furlough days. LWOP would be a nonpay status and accomplish the same cost savings. However, agencies may not require employees to take a specified number of days or hours of LWOP. Annual or sick leave is not appropriate if the furlough is for lack of funds because the employees would be in a pay status, contrary to the intent of the furlough.

40. Q. May an employee voluntarily request LWOP for a holiday?

A. No. A holiday is considered a "nonworkday" for leave purposes (5 U.S.C. § 6302 (a)). Therefore, an employee may not request or be granted LWOP for a holiday. However, if an employee is on LWOP on the last workday before a holiday and the first workday after a holiday, he or she is not entitled to pay for the holiday. (See **Holidays**.)

Continuation of Pay (COP)

41. Q. If employees are receiving COP due to job-related injuries, can the COP be terminated or interrupted by furlough?

A. No. According to the Department of Labor, employees are maintained on COP status during periods of furlough.

Injury While on Furlough or LWOP

42. Q. If employees are injured while on furlough or LWOP, are they eligible for workers' compensation?

A. No. Workers' compensation is paid to employees only if they are injured while performing their duties. Employees on furlough or LWOP are not in a duty status for this purpose.

Unemployment Compensation

43. Q. Are employees entitled to unemployment compensation while on furlough?

A. It is possible that employees may be eligible for unemployment compensation, especially if they are on consecutive furlough days. State unemployment compensation requirements differ. Agencies or employees should submit their questions to the appropriate State office.

Performance Awards and Within-grade Increases

44. Q. If agency performance management plans require the payment of performance awards to employees, can the payment be delayed until after the furlough?

A. Yes. Neither law nor regulation requires agencies to pay performance awards (5 U.S.C. Chapters 43 and 45 and 5 CFR part 430, subpart E). If agency performance management plans require the payment of performance awards, agencies may delay payment until after the furlough when funds are available.

45. Q. Are agencies required to pay performance awards to SES employees?
- A. No. Neither law (5 U.S.C. § 5384) nor regulation (5 CFR 534.403) requires agencies to pay performance awards. Under the law and regulation, total performance award payments in an agency during a fiscal year may not exceed 3 percent of the aggregate career SES payroll as of the end of the previous fiscal year (with an alternative formula for small agencies). There is no requirement, however, that any or all of this amount be paid out.
46. Q. May agencies deny or delay within-grade or step increases for white-collar and blue-collar employees?
- A. Within-grade and step increases for white-collar and blue-collar employees are awarded on the basis of length of service and individual performance. Such increases may not be denied or delayed solely because of lack of funds. However, extended periods of nonpay status (e.g., because of a furlough for lack of funds) may affect the timing of such increases. For example, a General Schedule employee in steps 1, 2, or 3 of the grade who is furloughed for more than 2 workweeks during the waiting period would have his or her within-grade increase delayed by at least a full pay period. (See 5 CFR 531.406 (b).)

Documentation of Furlough

47. Q. How is time on furlough and leave without pay documented?
- A. An SF-50, "Notification of Personnel Action," must be prepared for each individual subject to furlough (or a list form of notification for a group of employees who are to be furloughed on the same day or days each pay period). A return-to-duty SF-50 is necessary only for return from a consecutive furlough, not for a return from a discontinuous furlough. (See Chapters 15 and 16 of *The Guide to Processing Personnel Actions*.)

If the specific furlough dates are known when a 471/Furlough action is prepared, these dates must be shown in the remarks section of the 471/Furlough action document (SF-50, or list form). If specific dates are not known, then agencies must prepare an 002/Correction action (SF-50) to the 471/Furlough action (or a list form of notification for a group of employees similarly situated) with remarks documenting the total number of days or hours of the furlough when those dates become known.

When the total number of days for a 472/Furlough NTE is increased, a 772/Ext of Furlough NTE (date) must be prepared. For new calendar periods of furlough, a new furlough action must be prepared. For all other changes in the dates on which a furlough will occur, an 002/Correction action must be prepared.

Agencies are reminded that for members and former members of the uniformed services who are subject to the "pay cap" reporting procedures, a copy of the furlough notice, and of the return to duty notice when one is issued, must be sent to the appropriate uniformed service finance center (addresses of the centers are in Chapter 8 of *The Guide to Processing Personnel Actions*), since days in nonpay status will affect the person's retirement pay. When an SF-50 or a list form of the notice is issued to document a furlough, the copy of the notice which is sent to the pay center must have the employee's SSN and DOB and dates of furlough added to it to ensure proper adjustment of his/her retirement pay.

Note: When using the list form of notification in any of the instances cited above, agencies must be aware of their obligation, under the Privacy Act, to ensure that only identifying information pertaining to the individual employee is placed in the Official Personnel Folder (OPF) or is shown on the copy given to the employee. Therefore, in using the list form, all information pertinent to other employees must be deleted before a copy of the list form may be placed in the OPF or distributed to the affected employees.

Labor Management Relations Implications

The following section provides general information about agency bargaining obligations during a time of reduced budgets. Officials responsible for preparing for furloughs, reductions in force, hiring and promotion freezes, or the like, should work closely with the agency's labor relations staff.

Agencies should work with their partnership councils in planning and implementing changes required by reduced budgets. Many of the actions agencies may find necessary are protected by the management rights section of the Federal Labor Relations Statute. However, this should not prevent agencies and unions from working together to meet the challenge of budget cuts with the least possible disruption. Employees and their representatives have an important stake in this area and their suggestions can be valuable.

48. Q. What is an agency's obligation to bargain when it becomes necessary to furlough employees?
- A. The decision to furlough employees is a management right protected from collective bargaining by 5 U.S.C. § 7106 (a)(2)(A). However, the agency must bargain over the impact and implementation of its decision and over appropriate arrangements for employees affected by the furlough, unless the matter of furloughs is already "covered by" the agreement. See, in this connection, 44 FLRA Nos. 96, 99 and 114, and other cases in which the Authority has applied its "covered by" doctrine to determine whether the agreement provisions relieve the agency of any duty to bargain on impact and implementation on this matter. If in doubt, prudence dictates that the

agency give adequate notice and bargain on impact and implementation rather than run the risk of being ordered to pay backpay to furloughed employees as a remedy for committing a refusal-to-bargain unfair labor practice.

49. Q. Can an agency effect a "save money" furlough for employees in a bargaining unit before negotiations are completed?
- A. If the parties bargain to impasse and the union does not invoke the services of the Federal Service Impasses Panel in a timely manner, the agency can furlough employees without further delay provided the agency gives the union adequate notice of its intent to implement its last bargaining offer on a specific date. If the union invokes the services of the Federal Service Impasses Panel by that date, the agency may not furlough employees unless it can show it is necessary to do so without further delay. Agencies required to absorb substantial budget cuts during a short term continuing resolution might be required to furlough without delay because the cuts must be absorbed during the term of the continuing resolution and cannot be deferred until later in the year. However, in the case of cuts that can be absorbed over the course of the fiscal year, it would be difficult to demonstrate that the furloughs could not be delayed pending resolution of the bargaining impasse. If bargaining is not completed and the agency must furlough employees, the agency should continue to bargain and, if possible, implement any agreement retroactively.
50. Q. In the event of a lapse of appropriations necessitating a "shutdown" furlough, what is an agency's obligation to bargain?
- A. Although the circumstances are more urgent than those described in question 49 above, agencies still have a duty to notify the union and bargain upon request on whatever negotiable impact and implementation proposals the union may submit. Because the agency must act by a date certain, whatever bargaining that takes place must be accomplished in the little time available before action is necessary. If agreement isn't reached in the time allowed, the agency should tell the union what actions it will take. Although the union may try to invoke the services of the Impasses Panel, it is unlikely that, in the circumstances posed by this question, the Panel will have time to get involved. But whether or not FSIP gets involved, the agency can justify its actions--as FLRA put it in Treasury, 18 FLRA No. 61--where "consistent with the necessary functioning of the agency."

Some of the urgency could be reduced if the agency, as it approaches the lapse of its appropriation, were to notify the union of the actions it plans to take were certain scenarios to take place and ask the union for its views and suggestions. That is, nothing prevents the parties from bargaining in advance of a looming crisis so as to eliminate any need for bargaining when

the crisis actually occurs. FLRA has frequently held that there is no need to engage in I&I bargaining on matters already "covered by" the agreement. See the cases mentioned in answer 48.

51. Q. What steps should an agency take to meet its obligation to bargain?
- A. Under the labor-management statute, the agency must give the union "adequate" notice of its intent to furlough employees who are represented by the union. "Adequate" is not defined and the Federal Labor Relations Authority determines what is adequate notice based on the nature of the action taken by the agency and amount of time it judges adequate to bargain. These statutory notice requirements may have been augmented or modified by any negotiated agreements.
52. Q. What are the implications if an agency furloughs employees before it gives the union timely notice and meets its bargaining obligations?
- A. It is an unfair labor practice to refuse to negotiate in good faith. If the Federal Labor Relations Authority finds that the agency engaged in an unfair labor practice it may order the agency to renegotiate an agreement with retroactive effect and may require reinstatement of affected employees with backpay.
53. Q. May the agency issue its notice of proposed furlough before it has completed bargaining?
- A. Probably not (unless one can make a § 7106 (a)(2)(D) case that the action was "necessary to carry out the agency mission during emergencies"). See, in this connection, *Scott AFB*, 44 FLRA No. 92, where the Authority found that the agency committed a ULP when it directed the activity to issue notices of proposed furlough without providing the union with adequate notice and an opportunity to bargain over impact and implementation. In the process, the Authority rejected the ALJ's conclusion that the issuance of proposed furlough to unit employees without notice to the union and bargaining was not a ULP because the notices did not effect a change in conditions of employment. Regarding the latter, FLRA said the following:

[T]he issuance of the notices of proposed furlough constitutes a step necessary to furlough employees and, in fact, places employees in a status in which they can be furloughed. In this regard, the notices of proposed furlough issued to employees in this case are similar to the RIF notices issued to employees in *Scott AFB*, [33 FLRA No. 92]. Both notices changed affected employees' conditions of employment by placing the employees in a status in which they "became subject to actions to which they had not been subject prior to the issuance of the notices." [44 FLRA at 125.]

54. Q. If an existing negotiated agreement requires the agency to give a longer notice period than that required by law before employees are furloughed, either through adverse action or reduction in force procedures, must the agency delay the furlough until the negotiated period has expired?
- A. Generally, an agency would be required to wait. However, if it would be impossible to meet statutory budget limits by waiting, the agency should furlough when statutory requirements are met. An agreement provision that is not a § 7106 (b)(3) appropriate arrangement cannot prevent the exercise of a management right such as the right to layoff employees. In most cases, a delay in the exercise of a management right is not viewed by the Authority as preventing the agency from "acting at all." Moreover, management has the right to "take whatever actions may be necessary to carry out the agency mission during emergencies." The Authority has not issued a decision which would apply to the present circumstances but agencies should consider the requirement to make substantial cuts over a short period of time to be an emergency.
55. Q. What is the effect of outside directives on the obligation to bargain or to continue to abide by existing agreement provisions?

- A. This depends on the nature of the outside directive. Any agreement must conform to existing law and any laws enacted during the life of the agreement. Any freeze imposed by Executive Order issued by the President would preempt any agreement provisions or bargaining proposals.

With respect to other kinds of directives, it is an unfair labor practice for an agency "to enforce any rule or regulation . . . which is in conflict with any collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed." This means that any OMB directive would not preempt existing agreement provisions. However, because agreements must conform to Governmentwide regulations, an OMB or OPM directive would limit bargaining over new agreement provisions.

Agency-wide regulations or directives do not supersede existing agreement provisions and cannot be enforced until the agreement expires. Also, they do not limit negotiations unless the agency can support a "compelling need" for the regulations. The Authority rarely finds a compelling need for an agency-wide regulation.

Furlough Under Reduction-in-Force Procedures (General)

56. Q. When is an agency required to use reduction-in-force (RIF) procedures to furlough employees?
- A. Agencies must follow RIF procedures when furloughing employees for 31 or

more continuous calendar days, or for 23 or more discontinuous workdays.

57. Q. Is there a maximum period an employee may be furloughed?
- A. Yes. An employee may be placed on a RIF furlough only when the agency plans to recall the employee to his or her position within 1 year. Therefore, the furlough may not exceed 1 year.
58. Q. If an agency needs to furlough employees for more than 30 calendar days (or 22 workdays), must the complete RIF procedures be followed?
- A. Yes. The complete RIF procedures must be followed, including a minimum 60 days specific written notice of the RIF furlough action. (Question 71 has additional information on RIF notice requirements.) The only exception to regular RIF procedures involves assignment rights (i.e., "bump" and "retreat" rights).
59. Q. When does an employee who is reached for a RIF furlough action have a right of assignment to another position?
- A. An employee reached for release from the competitive level because of RIF furlough has assignment rights to other positions on the same basis as an employee reached for release as a result of other RIF actions (e.g., separation or downgrading), including the "Undue Interruption" standard. (As defined in 5 CFR 351.203, "Undue Interruption" essentially means that a higher-standing employee who is otherwise qualified for RIF assignment may exercise the assignment right only if the employee is able to perform the position of the lower-standing employee within 90 days of the RIF.)

In applying the undue interruption standard to a RIF furlough situation, the agency must consider whether undue interruption would result from both (1) the displacement of a lower-standing employee from the competitive level affected by the furlough, and (2) the recall of both employees to their official positions at the end of the furlough period.

Because the undue interruption standard used in determining employees' RIF assignment rights is based on 90 consecutive days, an employee reached for a continuous RIF furlough generally does not have assignment rights to a position held by another employee who is not affected by the furlough unless the furlough extends for 90 or more consecutive days. Also, an employee reached for a discontinuous RIF furlough action does not have assignment rights to another position.

60. Q. Are there any other situations in which agencies may restrict employees' RIF assignment rights in a furlough situation?

- A. An agency may make a temporary exception to order of release and assignment rights to keep the incumbent in his or her position for 90 days or less after the commencement of the furlough when needed to continue an activity without undue interruption. (For additional reasons that a temporary exception may be used, see 5 CFR 351.608 (a).)

An agency may make a continuing exception to order of release and assignment rights to keep the incumbent in a position that no higher standing employee can take over within 90 days and without undue interruption to the activity. (See 5 CFR 351.607.)

61. Q. Some employees within a competitive area are paid from appropriated funds. Some are paid from a variety of other funding sources, such as trust funds, working capital, user fees, etc. Are employees who are paid from these other sources exempt from the furlough and the RIF process?

- A. Agencies should follow OMB guidance to determine whether positions paid from other sources are subject to furlough. Regardless of the source from which an employee is paid, each employee within a competitive area would be subject to displacement by higher standing employees within the same competitive area.

62. Q. If a program, project, or activity (PPA) takes other actions to obviate or lessen the need for a RIF, how will the employees in the PPA be affected by RIF?

- A. Even though their positions are not subject to furlough, the employees in this PPA would be subject to displacement by higher standing employees in other PPAs within the competitive area.

63. Q. What action is taken if an employee refuses an offer of assignment?

- A. The employee is furloughed from his or her position.

64. Q. If an employee bumps or retreats to a different job as a result of a furlough, is the employee temporarily assigned to that job?

- A. No. The employee becomes the incumbent of that job even though the RIF furlough anticipates the employee's eventual recall to his or her former job.

65. Q. If circumstances change and the agency is unable to recall furloughed employees at the point specified in their RIF notice, what additional action is required?

- A. In this situation, the agency must issue those employees new notices of either an extended furlough or proposed RIF separation, as the situation

requires. This new action must meet all the requirements in the RIF regulations (for example, 60 days advance notice).

66. Q. Do these requirements also apply if an agency finds that it can recall employees before they have reached the furlough limits specified in their RIF notice?

A. No.

67. Q. Are Presidential appointees, Schedule C employees, and members of the Senior Executive Service (SES) covered by the RIF furlough procedures?

A. An employee whose appointment must be confirmed by or made with the advice and consent of the Senate is not covered by the part 351 RIF procedures. All Schedule C employees are covered by part 351 except those under appointments of 1 year or less who have less than 1 year of service. SES members are covered by separate furlough procedures in 5 CFR part 359, subpart H, which provide that an agency must use competitive procedures in selecting SES career appointees for furloughs of more than 30 calendar days. Agencies may use the same procedures they have established for competition for job retention under an SES RIF situation. Any competitive procedures used must be made known to the SES members.

68. Q. What happens to temporary employees serving under appointments limited to 1 year or less in RIF furlough situations?

A. An agency may not retain a temporary employee in pay status to furlough a competing employee in the same competitive level. Temporary employees may be either separated or furloughed in such situations, but they are not entitled to the protections of adverse actions or RIF procedures when this occurs. As a matter of good human resource management, however, the agency should try to give these employees as much advance written notice as possible.

Time spent in furlough status by temporary employees counts the same as time in a pay status toward their appointment's not-to-exceed date and the 2-year limit on their overall service specified in 5 CFR 316.401 (c).

69. Q. How do agencies furlough administrative law judges for more than 30 calendar days (or more than 22 workdays)?

A. Administrative law judges are subject to the RIF procedures in part 351. However, since judges are not given performance ratings, the part 351 provisions dealing with the effect of performance ratings on retention standing would not apply.

70. Q. What notice must an agency provide an employee of a RIF furlough action?
- A. An agency must give an employee covered by OPM's retention regulations a minimum 60-day specific written notice before the effective date of any RIF action, including furlough. The statutory basis for the RIF notice requirements is found in 5 U.S.C. 3502 (d). The RIF notice requirements are further implemented through regulations published in subpart 5 CFR 351, subpart H.

An employee of the Department of Defense (DoD) is entitled, under implementing regulations issued by DoD, to a specific written notice of at least 120 days before the effective date of a RIF action, including furlough, when a significant number of employees will also be separated by RIF during the same RIF.

The same notice requirements are applicable to both a continuous and a discontinuous RIF furlough.

71. Q. What option is available if an agency is unable to provide an employee with the minimum required notice of a RIF furlough?
- A. When a RIF is caused by unforeseeable circumstance, an agency may request OPM to authorize a RIF notice period of less than 60 days, or less than the 120-day requirement applicable to a significant RIF in DoD. However, the agency must still provide each employee with a minimum of 30 calendar days specific written notice of the RIF action. (Refer to 5 CFR 351.801 (b).)

72. Q. 5 CFR 351.807 states that during the notice period when, "in an emergency the agency lacks work or funds for all or part of the notice period, it may place the employee . . . in a nonpay status without his or her consent." If an agency is unable to give 30 calendar days notice in an emergency (or longer period if required by administrative or negotiated provisions), may an agency use 351.807 to place employees on furlough before the notice period is satisfied?

A. Yes.

73. Q. Is the agency required (or permitted) to register employees furloughed by RIF in either the agency's Reemployment Priority List (RPL), or in OPM's Interagency Placement Program (IPP)?

A. No. The RPL and the IPP are open only to employees who are separated, not employees who are furloughed by RIF. An agency also has the right to offer internal placement assistance to its furloughed employees.

74. Q. Competitive service employees may appeal a RIF action to the Merit Systems Protection Board. What about excepted service employees?

A. All excepted service employees, as well as competitive employees, who are covered by the RIF regulations may appeal or grieve as follows: An employee covered by a negotiated grievance procedure that does not exclude RIF actions must use the negotiated grievance procedure. Otherwise, an employee may appeal to MSPB. See 5 CFR 351.202 and 351.901.



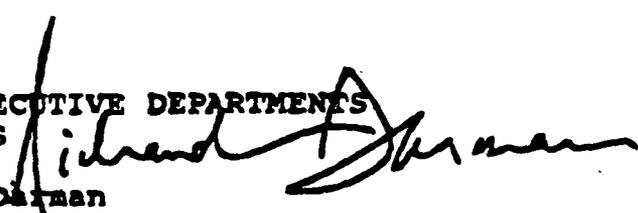
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

October 5, 1990

M-91-02

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS
AND AGENCIES

FROM: Richard G. Darman 

SUBJECT: Agency Operations in the Absence of
Appropriations

The Continuing Resolution (CR) expires at midnight tonight, October 5, 1990. We have no indication yet whether Congress will act today and pass a CR. The President has stated that it is his intention not to sign a CR until there has been satisfactory Congressional progress on the budget. At this point, there has clearly not been satisfactory Congressional action. Therefore, beginning tomorrow morning (Saturday), October 6th, the head of each agency must be prepared to implement his or her existing plan for closing down operations funded by accounts that have not received appropriations.

OMB Bulletin 80-14, dated August 28, 1980 (and amended by the OMB Director's memorandum of November 17, 1981), requires all agencies to maintain plans to deal with such an appropriations hiatus. Furthermore, the Attorney General's opinion dated January 16, 1981, supporting this bulletin, remains in effect. In general:

- o Employees of affected agencies performing non-expected activities (as discussed in the Attorney General's opinion) may not perform any services other than those involved in the orderly suspension of non-expected activities; expected activities that may be continued are generally those that are authorized by law or that protect life and property.
- o Agencies may not permit voluntary performance of non-expected services.

Implementation of this shutdown process will be particularly difficult because any lapse of appropriations will occur over a weekend (with a Monday holiday).

- o Weekend Employees -- Agency shutdown plans should be implemented for non-expected weekend employees,

who should be instructed to report for their first scheduled work turn for the sole purpose of engaging in orderly shutdown activities. Excepted weekend employees should be instructed to report for work and to perform their excepted activities.

- o All Other Employees -- All regular employees performing non-excepted activities, as well as excepted employees, should be instructed to report for work on Tuesday, October 9th, as scheduled.

Over the weekend and during the day on Tuesday, we will provide further instructions, depending on the status of appropriations action, as follows:

- o Normal Operations: If a CR that suspends sequester is clearly likely to be enacted on Tuesday (or has been enacted over the weekend), agencies will be instructed to operate in a normal manner.
- o Shutdown: If no CR is likely to be enacted on Tuesday, we will issue instructions initiating a phase-down of activities for non-excepted employees. Such phase-down activities for non-excepted personnel, if called for, should be completed during the first three hours of the workday.
- o Sequester: If (on or before Tuesday) a CR is enacted that does not suspend sequester, you should begin implementing your sequester plan.

Please address any question to your OMB budget examiner(s), or to OMB Acting General Counsel Robert Damus (395-5044), or Associate General Counsel for Budget Rosalyn Rettman (395-5600).



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Appendix A2

Bulletin No. 80-14, Supplement No. 1

August 20, 1982

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Agency Operations in the Absence of Appropriations

1. Purpose. This supplement updates OMB Bulletin No. 80-14, dated August 28, 1980, and requires the submission of contingency plans for review by OMB. The purpose of the review is to assure adequate contingency planning and Government-wide compliance with the provisions of the Antideficiency Act.

2. Background. OMB Bulletin No. 80-14 instructed agencies to develop plans for an orderly shutdown in the event of a funding hiatus. It became necessary to carry out these plans during the November 1981 hiatus. In reviewing that experience and the operational plans in effect during the period immediately preceding enactment of the March 31, 1982 Continuing Resolution, certain difficulties were observed:

- some agencies have not fully complied with the requirements of OMB Bulletin 80-14, and do not have fully operational contingency plans;
- disparities appear to exist between some agencies as to the definition of activities necessary to protect life and property; and
- disparities appear to exist between some agencies as to the time necessary to complete the orderly shutdown of nonexcepted activities.

3. Actions required:

- a. Amend the date that appears in section 2 to January 16, 1981.
- b. Delete the last sentence of subsection 3.c.
- c. Add subsection 3.d. as shown in the attachment.

David A. Stockman
Director

Attachment

Attachment

Material to be added to
OMB Bulletin No. 80-14,
Section 3

d. Reporting. The plans required in subsection c will be submitted to OMB by September 15, 1982.

The following information will be provided with the plans:

(1) Estimated time to the nearest one-half day to complete the shutdown in accordance with the plan.

(2) Number of employees expected to be on-board before implementation of the plan.

(3) Total number of employees to be retained under the plan because (a) they are engaged in military, law enforcement, or direct health care activities, or (b) their compensation is financed by other than annual appropriations.

(4) Number of employees, not otherwise exempt, to be retained to protect life and property.

Within the guidance established by the Attorney General's opinion of January 16, 1981, and this bulletin, agency heads are to make such determinations as are necessary to operate their agencies during an appropriations hiatus, and to do so pursuant to normal agency processes for the resolution of issues of law and policy. Questions that cannot be determined by an agency should be addressed to OMB. All unresolved questions relative to the construction of the Antideficiency Act will be jointly referred to the Office of Legal Counsel of the Department of Justice.

If it is estimated that more than one-half day will be needed to complete the shutdown or that the number of employees to be retained to protect life and property will exceed five percent of the number of employees on board at the beginning of the hiatus less those exempt for reasons specified in item (3) above, agencies will submit policy statements and legal opinions supporting those estimates.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 17, 1981

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: David A. Stockman *DAS*

SUBJECT: Agency Operations in the Absence of Appropriations

Public Law 97-51, the Continuing Resolution enacted by the Congress on September 30, 1981 to provide for appropriations for all Executive and Judicial branch accounts, will expire on midnight Friday, November 20. No regular appropriations bills for Fiscal Year 1982 have been submitted to the President during the period of the Continuing Resolution, and the House of Representatives and Senate are presently considering widely divergent Second Continuing Resolutions. There is, therefore, a possibility that no appropriations will be enacted as of November 21.

Under the circumstances, you should begin orderly planning to deal with this possibility.

OMB Bulletin 80-14, dated August 28, 1980, requires all agencies to maintain contingency plans to deal with the eventuality of an appropriations hiatus. Additionally, the opinion of the Attorney General dated January 16, 1981, attached, remains in effect.

Examples of excepted activities were developed when the Executive Branch last faced the possibility of an appropriations hiatus, and were sent to agencies by former OMB Director James McIntyre on September 30, 1980. They are:

Beginning [November 21, 1981], agencies may continue activities otherwise authorized by law, those that protect life and property and those necessary to begin phasedown of other activities. Primary examples of activities agencies may continue are those which may be found under applicable statutes to:

1. Provide for the national security, including the conduct of foreign relations essential to the national security or the safety of life and property.
2. Provide for benefit payments and the performance of contract obligations under no-year or multi-year or other funds remaining available for those purposes.
3. Conduct essential activities to the extent that they protect life and property, including:
 - a. Medical care of inpatients and emergency outpatient care;

- b. Activities essential to ensure continued public health and safety, including safe use of food and drugs and safe use of hazardous materials;
- c. The continuance of air traffic control and other transportation safety functions and the protection of transport property;
- d. Border and coastal protection and surveillance;
- e. Protection of Federal lands, buildings, waterways, equipment and other property owned by the United States;
- f. Care of prisoners and other persons in the custody of the United States;
- g. Law enforcement and criminal investigations;
- h. Emergency and disaster assistance;
- i. Activities essential to the preservation of the essential elements of the money and banking system of the United States, including borrowing and tax collection activities of the Treasury;
- j. Activities that ensure production of power and maintenance of the power distribution system; and
- k. Activities necessary to maintain protection of research property.

You should maintain the staff and support services necessary to continue these essential functions.

In addition, the following policies will be in effect in the event of a November 21 appropriations hiatus:

1. All employees performing non-expected activities defined by this memorandum and by the Attorney General's opinion of January 16, 1951, are permitted to perform no services other than those involved in the orderly suspension of agency operations.
2. With regard to non-expected agency activities and agency personnel performing them, particular attention should be paid to those provisions of the Antideficiency Act that do not permit agency acceptance of voluntary, i.e. non-expected services. Accordingly, in the event that the appropriations hiatus continues measurably beyond Monday, November 23, 1951, agency heads will be required to make determinations as to whether non-expected personnel have completed all phasedown tasks incident to the orderly suspension of agency operations. At such time, the services of those employees can no longer be accepted in the absence of appropriations.

3. This memorandum is principally directed towards the ability of agencies to obligate funds in the absence of appropriations. It should be made clear that, during a appropriations hiatus, funds may not be available to permit agency payment of obligations. All personnel performing excepted services, including activities incident to the orderly suspension of agency operations, should be assured that the United States will not contest its legal obligation to make payment for such services, even in the absence of appropriations.

4. Agencies are requested to report promptly to OMB staff who normally handle their budgets any major disruptions of activities or services that may or will imminently result from the absence of appropriations.

5. Within the guidance established by the Attorney General's opinion of January 16, 1981, and this memorandum, agency heads are to make such determinations as are necessary to operate their agencies during an appropriations hiatus, and to do so pursuant to normal agency processes for the resolution of issues of law and policy. Questions that cannot be determined by an agency should be addressed to OMB. All unresolved questions relative to the construction of the Antideficiency Act will be jointly referred to the Office of Legal Counsel of the Department of Justice.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Appendix A4

Bulletin No. 80-14

August 28, 1980

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Shutdown of Agency Operations Upon Failure by the
Congress to Enact Appropriations

1. Purpose and Coverage. This Bulletin provides policy guidance and instructions for actions to be taken by Executive Branch agencies when failure by the Congress to enact either regular appropriations, a continuing resolution, or needed supplementals results in interruption of fund availability. This Bulletin does not apply to specific appropriations action by the Congress to deny program funding. In the instance of partial funding interruptions, e.g., failure of the Congress to act on program supplementals, special procedures beyond those outlined in this Bulletin may be warranted. In such cases, OMB representatives responsible for the affected agency's budget estimates should be consulted.

2. Background. The Attorney General issued an opinion on April 25, 1980 that the language and legislative history of the Antideficiency Act (31 USC 665) unambiguously prohibits agency officials from incurring obligations in the absence of appropriations. The essential elements of the Attorney General's advice are that:

a. In the absence of new appropriations, Federal officers may incur no obligations that cannot lawfully be funded from prior appropriations unless such obligations are otherwise authorized by law.

b. Under authority of the Antideficiency Act, Federal officers may incur obligations as necessary for orderly termination of an agency's functions, but no funds may be disbursed.

c. Under its enforcement responsibilities, the Department of Justice will take actions to apply the criminal provisions of the Antideficiency Act in the future when violations of the Act are alleged under such circumstances.

3. Actions required. Agencies faced with funding interruptions must take steps to forestall interruptions in operations and assure that they are in a position to limit their activities to those directly related to orderly shutdown of the agency.

a. Reallocation of funds prior to shutdown. Prior to initiation of orderly shutdown activities, agency heads will limit their operations to minimum essential activities and will reallocate to the extent permitted by law all available funds in order to forestall the fund interruption date as long as possible. Reallocation of funds will be made subject to the following requirements:

(1) Reallocation below the appropriation and fund account level will be accomplished by telephonic revision to allotments and suballotments (such revisions will be documented and immediately reflected in formal written changes to the regular allotment/suballotment documents).

(2) Agencies that have specific statutory authority to reallocate and transfer funds between appropriation and/or fund accounts will effect the transfers in accordance with current standard fiscal procedures. Such transfers generally will be effected on Standard Form (SF) 1151, "Nonexpenditure Transfer of Funds" (see OMB Circular No. A-11, section 21.2, for a description of when expenditure transfers might be required). This Bulletin does not convey new authority to transfer funds.

(3) For this purpose adjustment to amounts contained in OMB apportionments may be made without submission of a reapportionment request.

b. Orderly shutdown activities. When all available funds, including reallocated/reallotted funds, are exhausted, orderly shutdown activities must begin. Each agency head must determine the specific actions that will be taken; however, all actions must contribute to orderly shutdown of the agency and give primary consideration to protecting life and safeguarding Government property and records. Such actions should be accomplished in a way that will facilitate reactivation when funds are made available. Agency heads will notify OMB, OPM, Treasury, and GSA immediately when shutdown activities are being initiated. These central agencies will be responsible for notifying their own regional offices, except as noted in paragraph (3).

(1) Appropriations and funds. Agency heads will limit obligations incurred to those needed to maintain the minimum level of essential activities necessary to protect life and property; to process the necessary personnel actions; to process the personnel payroll for the periods prior to fund interruption; and to provide for orderly transfer of custody of property and records to the General Services Administration (GSA) and the Office of Personnel Management (OPM) for disposition.

(2) Personnel and personnel records. Necessary personnel actions will be taken to release employees in accordance with applicable law and Office of Personnel Management's regulations. Preparation of employee notices of furlough and processing of personnel and pay records in connection with furlough actions are essential shutdown activities. Agencies should plan for these functions to be performed by employees who are retained for orderly termination of agency activities, as long as those employees are available. As soon as agencies determine the date after which they will no longer be able to maintain custody of personnel records, they should notify the Office of Personnel Management to arrange for orderly transfer of custody of the personnel records to OPM and GSA, jointly, for caretaking and protection of the records. If necessary to protect the interests of individual employees during the period when all employees of the agencies are on furlough, OPM will provide access to the appropriate personnel records to retrieve information and/or process personnel actions, e.g., separation-transfer of an employee who secures employment in another agency. Guidance for planning such actions and relevant questions and answers as to employees' benefits will be provided separately by OPM.

(3) Property and nonpersonnel records. Inventories of property and records will be made to assure protection of the Government's interests and the claims of affected private entities and individuals (including vendors and beneficiaries of Federal programs). Upon determination that agency funds are no longer available, agency officials should contact the appropriate Regional Administrators, General Services Administration, for assistance in determining the disposition of agency records, real and personal property, and outstanding requisitions, contracts, grants and related items. Detailed guidance on such matters are contained in:

- 41 CFR 101-11.4; Dispositions of records.
- 41 CFR 101-43 and 101-47; Disposition of personal property and real property.

- FPMR 101-36.5, 101-37.203(c), and 101-37.307-1; Dispositions of automatic data processing, communications, and telephone equipment.
- GSA motor pool accounting and record system operations guide; Disposition of motor vehicles.

The transfer to the General Services Administration of property and records shall not be made until 30 days have elapsed from the start of shutdown activities and then only after a determination is made that the funding hiatus will continue indefinitely.

c. Planning. Agency heads should develop plans for an orderly shutdown that reflect the policy and guidance provided in this Bulletin. Such plans necessarily will be tailored to each agency's needs in recognition of the unique nature of its funding sources, missions, and authorities. While every agency should have a plan, the scope and detail of the plan should be commensurate with the likelihood that shutdown will be necessary and with the complexity of shutting down the agency.

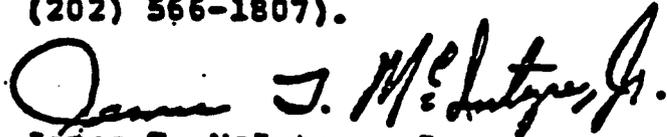
4. Effective dates. The instructions in this Bulletin are effective immediately and remain in effect until rescinded.

5. Inquiries. Budgetary questions should be directed to the OMB representatives responsible for review of each agency's budget estimates.

Fiscal procedures questions should be directed to the Division of Government Accounts and Reports, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex #1, Washington, D.C. 20226 (Telephone: (202) 566-5844).

Agency officials may obtain additional information and technical assistance on personnel matters by contacting their agency officer at the Office of Personnel Management.

Property and nonpersonnel records disposition questions should be directed to Office of Plans, Programs, and Financial Management, General Services Administration, Washington, D.C. (Telephone: (202) 566-1807).


James T. McIntyre, Jr.
Director

SAMPLE FURLOUGH DECISION NOTICE DUE TO LAPSE OF APPROPRIATIONS (5 CFR PART 752)

(This would be used for a "shutdown" furlough, where the agency no longer has the necessary funds to operate and must curtail those activities not excepted by OMB standards. In such instances there is no advance written notice proposing the action. See 5 CFR 752.404(d) and 359.806(a)).

In the absence of either an FY 1996 appropriation, or a continuing resolution for (agency name), no further financial obligations may be incurred by (agency name), except for those related to the orderly suspension of (agency's name) operations or performance of excepted activities as defined in the Office of Management and Budget memorandum for Heads of Executive Departments and Agencies dated November 17, 1981. Because your services are no longer needed for orderly suspension of operations and you are not engaged in one of the excepted functions, you are being placed in a furlough status effective (enter date). This furlough, e.g., nonpay, nonwork status, is not expected to exceed 30 days. Therefore, this furlough expires on (enter date). You should listen to public broadcasts and when you hear that a continuing resolution or an FY 1996 appropriation for (agency name) has been approved, you will be expected to return to work on your next regular duty day.

This action is being taken because of a sudden emergency requiring curtailment of the agency's activities; therefore, no advance notification is possible. The customary 30-day advance notice period and opportunity to answer are suspended under the provisions of 5 CFR 752.404 (d)(2).

If employees are being retained in your competitive level, they are required for orderly suspension of agency operations or they are performing one of the excepted activities defined in the OMB memorandum.

During the furlough period, you will be in a nonpay, nonduty status. Also, during the furlough, you will not be permitted to serve as an unpaid volunteer, but must remain away from your work place unless and until recalled.

Employees who have completed a probationary or trial period or one year of current continuous employment in the competitive service under other than a temporary appointment may appeal this action to the Merit Systems Protection Board (MSPB). Employees in the excepted service who have veterans preference may appeal to the MSPB if they have completed one year of current continuous service in the same or similar positions as the one they now hold. Employees in the excepted service who do not have veterans preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service may appeal to the MSPB if they have completed two years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to two years or less. SES career appointees adversely affected may also appeal. Employees have a right to representation in this matter and may be represented by an attorney or other person of their choosing.

If you have the right of appeal to MSPB and wish to appeal this action to the MSPB, you must file the appeal within 30 calendar days after the effective date of your furlough. If you wish to file an appeal, notify (agency contact and telephone number) to obtain a copy of the MSPB regulations and appeal form and the address of the MSPB Regional Office having jurisdiction.

Bargaining unit employees may grieve this action in accordance with the applicable negotiated agreement (provide citation to negotiated agreement) or may appeal to MSPB in accordance with the procedures outlined above, but not both. To obtain information on filing a grievance under the negotiated grievance procedure, contact (name of exclusive union representative).

Deciding Official

Date

I acknowledge receipt of this decision.

Employee's Signature

Date

SAMPLE FURLOUGH PROPOSAL DUE TO PLANNED REDUCTION IN AGENCY EXPENDITURES (5 CFR PART 752)

(This is the advance written notice required by 5 U.S.C. §7513, when an agency effects a "save money" furlough in order to absorb reductions in funding over a period of time. This sample has been written for the scenario where an agency chooses to furlough on discontinuous days. Agencies who choose to furlough on a continuous day basis should amend the sample accordingly.)

This memorandum notifies you that agency name proposes to furlough you no earlier than 30 days from receipt of this notice. The furlough is being proposed under the authority of 5 CFR part 752, subpart D [because the agency has received a 20% reduction in salaries and expenses (S&E) funding. The present rate of spending when annualized will result in an expenditure in excess of our authorized budget.] This furlough is proposed to promote the efficiency of the service by avoiding a deficit of funds in FY 1996.

If employees in your competitive level [i.e. generally, positions at the same grade level and classification series, the duties of which are generally interchangeable - 5 CFR 351.403 (a)] are not being furloughed or are being furloughed for a different number of days, it is because they (1) are currently in a nonpay status, (2) are under an Intergovernmental Personnel Act mobility assignment, (3) are on an assignment not otherwise causing an expenditure of funds to the agency or, (4) are in a position whose duties have been determined to be of crucial importance to this agency's mission and responsibilities, and cannot be curtailed. (Note: These are the most common reasons for excluding employees from furlough. If there are other reasons that arise, you must include them in this listing.)

We plan to apply the following procedures and conditions related to the furlough:

1. The furlough will be on discontinuous (intermittent) days, beginning October 1, 1995, through approximately _____. * Full time employees will be furloughed no more than 22 workdays or 176 hours. If you are a part-time employee, your furlough time will be prorated, based on your work schedule.
2. Due to the uncertain and potential fluctuating amount of funding which may be available to this agency, the number of hours per pay period required for the furlough may vary. Accordingly, if the decision is made to furlough, you will be advised in advance of each pay period of the number of furlough hours required to allow this agency to meet its financial obligations. In any case, however, you will not be furloughed for more than _____ number of hours for each pay period between October 1 and _____.*

* Note: (Agency determines the maximum number of pay periods over which 22 furlough days would suffice to meet agency spending levels. For example, if an agency's spending limits require 5 furlough days per pay period, the estimated ending date for furlough would be approximately 10 weeks, or December 8th.)

3. You may request a specific schedule for furlough time subject to management approval based upon mission and workload considerations.
4. Annual, sick, court, or military leave which has been approved for a day which is later designated as a furlough day will be recorded as a furlough and you will be placed in a nonpay status for the day. However, when you receive the notice of your furlough dates, you may request that the furlough time be rescheduled, as provided in paragraph 3 above, if you wish to use leave as approved.
5. You may request leave without pay (LWOP) as a substitute for scheduled furlough. Such requests for substitution of LWOP for furlough will be honored unless management determines that mission and workload require otherwise. This provision will allow you to take all nonpay days in a LWOP status subject to the following restrictions:

To be relieved of anticipated furlough you must schedule and use LWOP during each pay period equal to the maximum number of hours you would otherwise be furloughed. If you withdraw your request for LWOP, you may immediately be furloughed for the number of hours you would otherwise have been furloughed had you not requested the LWOP.

At this time, we do not reasonably anticipate the need for furlough beyond 22 work days. However, should additional furlough days be necessary, employees will be given another notice. We recognize the difficult personal financial implications of any furlough, no matter how limited its length. We will make every effort to keep you informed as additional information regarding the agency funding level becomes available. If you have questions, contact _____.

You will be allowed seven calendar days from receipt of this letter to respond orally and/or in writing, to review the supporting material, and to furnish any affidavits or other supporting documentary evidence in your answer. You have the right to be represented in this matter by an attorney or other person you may choose. If you are in active duty status, you and/or your representative, if an agency employee, will be allowed up to four hours of official time to review the supporting material, seek assistance, prepare your reply, secure affidavits and statements, consider appropriate courses of action, and make a response. Contact your supervisor to arrange for official time. The deciding official has designated representatives to hear oral replies in his/her behalf. To arrange for an oral reply or review the supporting materials, please contact the appropriate individuals listed below:

Your written reply should be mailed to the deciding official, Mr./Ms. _____, Director of Personnel, address or may be delivered to Federal Office Building _____, Room _____.

A final written decision, including an explanation of the specific reasons for the action taken, will be given to you as soon as possible after the seven days allowed for your reply.

No decision to furlough you has been made or will be made until full consideration is given to your reply.

Proposing official

Date

I acknowledge receipt of this notice

Employee's signature

Date

SAMPLE NOTICE OF DECISION TO FURLOUGH (5 CFR PART 752)

By written notice of date, you were notified of a proposal to furlough you pursuant to the authority in 5 CFR part 752, subpart D.

All written and oral replies received in response to that notice have been reviewed and carefully considered. I have determined that all of the reasons for the proposed furlough, as stated in the notice of the proposal, remain valid. The procedures and conditions related to the furlough as proposed have been determined to be the most equitable means of implementing the furlough. Therefore, unless you take advantage of the flexibilities of substituting LWOP for furlough, you will be required to be on a discontinuous furlough during the period beginning October 1, 1995 through _____, 1995.

In accordance with the procedures and conditions outlined in the notice of proposal, dated ____, as a full-time employee, you will be furloughed for no more than ____ hours in each of ____ pay periods or parts thereof, between October 1, 1995 and ____, 1995. Your maximum furlough hours will be 176 hours. This schedule is based on your regular work schedule of 80 hours per pay period. If you are a part-time employee the number of hours required for furlough will be prorated.

Your supervisor will inform you of the amount of furlough required prior to each pay period. To schedule your furlough days or to request LWOP in lieu of furlough, contact your supervisor.

When you are on furlough, you will be in a nonpay, nonduty status. Also, during the furlough, you will not be permitted to serve as an unpaid volunteer, but must remain away from your workplace.

If you have completed a probationary or trial period or one year of current continuous employment in the competitive service under other than a temporary appointment you may appeal this action to the Merit Systems Protection Board (MSPB). If you are a preference eligible employee in an excepted service appointment you may appeal to the MSPB if you have completed one year of current continuous service in the same position or positions similar to the one you now hold. Employees in the excepted service who do not have veterans preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service may appeal to the MSPB if they have completed two years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to two years or less. You have the right to be represented in this matter by an attorney or other person you may choose.

If you have the right of appeal and wish to appeal this action to the MSPB, you must file the appeal within 30 days after the effective date of your furlough (which is the first day of furlough) and must file not later than 30 calendar days after the effective date. A copy of the appeal form is enclosed. You may review the MSPB's regulations in _____.

Following is the address of the MSPB Regional Office having jurisdiction as indicated:

Bargaining unit employees may grieve this action in accordance with the applicable negotiated agreement (provide citation to negotiated agreement) or may appeal to MSPB in accordance with the procedures outlined above, but not both. To obtain information on filing a grievance under the negotiated grievance procedure, contact (name of exclusive union representative).

Deciding official

Date

I acknowledge receipt of this decision.

Employee's signature

Date

SAMPLE NOTICE OF CAREER SES FURLOUGH (5 CFR PART 359)

This is a sample notice only. It should be used only as an illustration in preparing an agency's notice based on the specific circumstances in the agency. The sample is for a discontinuous furlough of 30 calendar days or less (22 workdays for a discontinuous furlough). Agencies who choose to furlough on a continuous day basis should amend the sample accordingly. Probationary and non-probationary employees are treated in a like manner. There is no requirement to give both a proposal and decision notice to SES employees.

SAMPLE NOTICE OF FURLOUGH

The purpose of this letter is to notify you that the agency intends to furlough you no earlier than 30 calendar days from receipt of this notice.

This furlough is being taken pursuant to the authority in 5 CFR part 359, subpart H, because the agency has received a 20% reduction in salaries and expenses (S&E) funding. Accordingly, maintaining the present rate of spending will result in an expenditure of funds in excess of the agency's authorized budget. Although many actions are being taken within the agency to curtail spending, this furlough is being taken to avoid a deficit of funds in FY 1996.

If other employees in your organization are not being furloughed or are being furloughed for a different number of days, it is because they (1) are currently in a non-pay status, (2) are under an Intergovernmental Personnel Act mobility assignment, (3) are on an assignment not otherwise causing an expenditure of funds to the agency, or (4) are in a position whose duties have been determined to be of crucial importance to this agency's mission and responsibilities, and cannot be curtailed. (Note: These are the most common reasons for excluding employees from furlough. If there are other reasons that arise, you must include them in this listing.)

We plan to apply the following procedures and conditions related to the furlough:

1. The furlough will be on discontinuous (intermittent) days, beginning October 1, 1995, through approximately ____.* Full time employees will be furloughed no more than 22 workdays or 176 hours. If you are a part-time employee, your furlough time will be prorated, based on your work schedule.
2. Due to the uncertain and potential fluctuating amount of funding which may be available to this agency, the number of hours per pay period required for the furlough may vary. Accordingly, if the decision is made to furlough, you will be advised in advance of each pay period of the number of furlough hours

required to allow this agency to meet its financial obligations. In any case, however, you will not be furloughed for more than _____ number of hours for each pay period between October 1 and _____.*

3. You may request a specific schedule for furlough time subject to management approval based upon mission and workload considerations.
4. Annual, sick, court, or military leave which has been approved for a day which is designated as a furlough day will be recorded as a furlough and you will be placed in a nonpay status for the day. However, when you receive the notice of your furlough dates, you may request that the furlough time be rescheduled, as provided in paragraph 3 above, if you wish to use leave as approved.
5. You may request leave without pay (LWOP) as a substitute for scheduled furlough. Such requests for substitution of LWOP for furlough will be honored unless management determines that mission and workload require otherwise. This provision will allow you to take all nonpay days in an LWOP status subject to the following restrictions:

To be relieved of anticipated furlough you must have scheduled and used LWOP during each pay period equal to the maximum number of hours you would otherwise be furloughed. If you withdraw your request for LWOP, you may immediately be furloughed for the number of hours you would otherwise have been furloughed had you not requested the LWOP.

Your supervisor will inform you of the amount of furlough required prior to each pay period. To schedule your furlough days, or to request LWOP in lieu of furlough contact your supervisor.

When you are on furlough, you will be in a nonpay, nonduty status. Also, during the furlough, you will not be permitted to serve as an unpaid volunteer, but must remain away from your workplace. At this time, we do not reasonably anticipate the need to furlough of more than 22 workdays, however, should additional furlough days be necessary, employees will be given another notice. We recognize the difficult personal financial implications of any furlough, no matter how limited its length. We will make every effort to keep you informed as additional information becomes available.

You may appeal this action to the Merit Systems Protection Board (MSPB). You have the right to be represented in this matter by an attorney or other person you may choose. If you wish to appeal this action to the MSPB, you must file the appeal within 30 calendar days after the effective date of your furlough (which is the first day of furlough). A copy of the appeal form is enclosed. You may review MSPB's regulations in _____.

Following is the address of the MSPB Regional Office having jurisdiction as indicated:

Issuing Official

Enclosures

I acknowledge receipt of this notice.

Employee's signature

Date

*Note: (Agency determines the maximum number of pay periods over which 22 furlough days would suffice to meet agency spending levels. For example, if an agency's spending limits require 5 furlough days per pay period, the estimated ending date for furlough would be approximately 10 weeks, or December 8th.)

OPM CONTACTS

For further information on the procedural requirements for taking short furlough actions and the rights and entitlements which accrue to employees in a furlough status, agencies should contact the following OPM offices:

- For information on taking furloughs under 5 CFR part 752 (Adverse Actions), contact the Employee Relations Policy Center, (202) 606-2920.
- For information on taking furloughs under 5 CFR part 351 (Reduction In Force) and information on details and outside employment during furlough, contact the Workforce Restructuring Office, (202) 606-0960, or by fax at (202) 606-2329.
- For information on pay and leave issues, contact the Office of Compensation Policy, Compensation Administration Division, (202) 606-2858.
- For information on retirement, health benefits, and life insurance issues, contact the Retirement Counselor or Insurance Officer for your agency. Retirement Counselors and Insurance Officers may contact the Agency Services Division, (202) 606-0788 for retirement issues, or the Insurance Policy and Information Division, (202) 606-0191 for health benefits and life insurance issues.
- For information on documentation of furlough actions, contact the Office of Workforce Information, (202) 606-4415.
- For information on furloughing administrative law judges, contact the Administrative Law Judges Office, (202) 606-0810.
- For information on furloughing SES appointees, contact the Office of Executive Resources, (202) 606-1610.
- For information on labor relations aspects of furlough, contact the Labor Relations Division, 606-2930.
- For information on performance management issues of furlough, contact the Performance Management and Incentive Awards Division, (202) 606-2720.



TAB 2



REDUCTION IN FORCE

PLANNING:

A Practical Guide and Checklist

U.S. OFFICE OF PERSONNEL MANAGEMENT

WORKFORCE RESTRUCTURING OFFICE

JUNE 1995

Reductions in force are a last resort in downsizing, used only after agencies have exhausted other, less draconian measures to reduce their workforce. OPM has produced this guide for use by agency personnel staff to help prepare for this eventuality. This guide of practical suggestions should be used in conjunction with applicable rules and regulations. It is assumed that the user of this guide is a Personnel Management Specialist who has had, at a minimum, a basic RIF Workshop or comparable hands on experience and similar training or experience in RIF entitlements and benefits. It is imperative that the user be "up to speed" on current RIF rules and regulations. Practical experience or training in the same areas identified for the RIF team on page 1 of this guide is also highly desirable.

This Guide starts at the point where it is determined that a RIF is highly likely or inevitable. The assumption is made that all appropriate RIF avoidance strategies have been implemented. For additional information, contact OPM's Workforce Restructuring Office at (202) 606-0960 or check out our free electronic bulletinboards at (202) 606-4800.

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1. ESTABLISH RIF TEAM - DETERMINE SUPPORT REQUIREMENTS AND PROCURE AS NECESSARY - ROLES AND RESPONSIBILITIES IN RIF

COMPOSITION OF RIF TEAM

The size of the team is dependent upon resources available and the size of the RIF as well as the amount of lead time available.

The team approach to RIF planning and execution is essential - it's simply too much for one or two individuals to handle and it is so complex that it is easy to overlook something without constant checking and double checking.

It is best if you have a minimum of two people on the team who have hands on RIF experience (to check and double check each other and to guide the rest of the team).

The team should not be so big that people are "tripping" over each other.

Consistency is important, so keep that in mind when you are deciding on the number of team members - the more there are, the more difficult it will be to remain consistent.

A team leader should be designated.

All members of the RIF team should be able to deal well under stress and extreme pressure. It is very important that they be relieved from their regular duties to enable them to devote full attention to preparing and running the RIF. Ability to work overtime is usually necessary. Funding for overtime should be calculated into the costs of the RIF.

The RIF team should consist of personnel specialists who have both a classification and staffing background. Knowledge of the overall mission and function of the agency as well as positions affected by the RIF is essential. Knowledge of the qualification requirements of the affected positions is also critical. Previous experience or at least training in reduction in force mechanics is essential. Personnelists must be knowledgeable about current RIF regulations. The personnelists should be computer literate if an automated system is used.

ESSENTIAL RIF SUPPORT TEAM

- | | |
|----------------------------|--|
| Staffing Assistants | <ul style="list-style-type: none">• Good with details and numbers• Know how to figure SCDs, Vets preference, etc.• Know how to access and download data from agency personnel data files |
| Clerical Support | <ul style="list-style-type: none">• Good with details• Photocopies notices, assembles RIF packets, etc. |
| Benefits Specialist | <ul style="list-style-type: none">• Knowledgeable about retirement, health and life insurance, and TSP |
| Computer Specialist | <ul style="list-style-type: none">• Develops interface between agency personnel data and automated RIF programs• Assists RIF team in organizing RIF data and setting up computers to use automated RIF programs |

SUPPORT EQUIPMENT AND FACILITIES

A secure, private room which is large enough to accommodate all members of the RIF team is needed. It is preferable for the room to have two exits.

Briefings from security should be considered for the purpose of advising the RIF team on how to handle upset or potentially dangerous employees or situations.

Due to the sensitive nature of the task at hand, access to the RIF room should be restricted to RIF team members and those with specific business with the RIF team.

The room should be outfitted with desks and telephones for all members. It is helpful if the telephones have voice mail or call forwarding capabilities so the RIF team may work uninterrupted during critical phases.

Depending upon the size of the RIF and the number of competitive areas, a minimum of two or three personal computers and two printers are recommended. One PC should be dedicated to the employee data base file. The other computers should be equipped with the RIF software (make sure there is adequate memory space available). All computers should be password coded. It would also be helpful to have a modem attached to one computer to access OPM electronic bulletinboards. Ready access to a FAX machine should also be helpful, especially if dealing with employees at different work sites.

Locking file cabinets in the room are helpful - one to three depending again upon the size of the RIF.

Easy access to OPFs and regulations is essential.

A dedicated copy machine is desirable as well as a shredder or burn bags. Caution needs to be taken with disposing the trash.

Tables for stacking OPFs, RIF notice packages, etc., are also essential.

A blackboard or flip chart is desirable for keeping track of decisions, to do list, etc.

Office supplies, including a healthy supply of white paper, letter head paper, large and small envelopes are needed. Three ring binders and dividers are useful for keeping retention registers and mock RIFs.

A file folder on each employee is also recommended. Verification of RIF essential data, correspondence, copies of RIF letters, counseling records, etc., are recommended for inclusion in this temporary file.

TRAINING FOR RIF TEAM

It is essential that all members of the RIF team have, at a minimum, completed a training course (either classroom or correspondence) in RIF mechanics. If the RIF team is anticipating counseling individuals or making eligibility determinations on RIF entitlements and benefits (grade/pay retention, severance pay, DSR, optional retirement, M R A + 10, etc.), it is recommended they complete a two or three day training course which covers these topics or have previous experience in these areas. If an automated system is to be used, training and/or hands on practice with the RIF software programs is highly recommended. Training in stress reduction techniques can also be very valuable.

Individuals may also need to brush up on the following:

Determining creditable service and calculating SCDs

Determining preference eligibility under RIF rules

Agency performance management plan

Bargaining unit contracts

Appeal and grievance procedures

MSPB and FLRA decisions as well as Title 5 Federal court cases

Outplacement (RPL, IPP, etc.) and Repromotion Programs

Basic qualification requirements and physical qualification requirements for positions within the agency including selective placement factors

Familiarity with agency practice of dealing with individuals who need security clearances

Agency's policy on "reasonable accommodation"

Restoration rights for individuals on military duty and/or recently returned from active duty

Classification changes due to new class standards and historical information on classification of agency positions (needed for determining retreat rights)

ROLES AND RESPONSIBILITIES IN RIF

This is usually a good time to identify roles and responsibilities in the downsizing effort. An example of how roles and responsibilities were defined by one agency with very limited resources follows:

EXAMPLE

ROLES AND RESPONSIBILITIES IN RIF

A. RIF TEAM

- Keeps management informed on issues/problems/status of RIF
- Completes data base/personnel records clean up
- Runs RIF
- Prepares letters for issue
- Trains supervisors on issuance of RIF letters
- Furnishes management with listing of RIF placements/separations
- Processes additional iterations of RIF
- Counsels employees on
 - ◆ RIF mechanics
 - ◆ Entitlements - retained grade and pay, severance pay, continuance of health and life insurance benefits, placement programs
 - ◆ Effect of offers on benefits
 - ◆ Registering for RPL and IPP
- Holds Q and A sessions/briefings
- Evaluates process
- Prepares responses to MSPB appeals

B. PERSONNEL OFFICE

- Coordinates information/requests from central office personnel - keeps regional management/RIF team/transition team/etc., informed
- Immediately processes corrections in retention data
- Assists RIF team in preparation of RIF letters
- Provides retirement counseling
- Expedites processing of voluntary separations
- Processes RIF actions (prepares SF-52)
- Develops plan for processing involuntary separations
- Processes involuntary separations
- Prepares severance pay calculations
- Issues downsizing letters to employees including:
 - Information on RIF (Q&A)
 - Information on career transition
 - Success stories - those who find jobs!

C. MANAGEMENT

- **Communicates with employees - both affected and unaffected**
- **Holds weekly meeting with staff to keep them informed**
- **Sets cut-off dates**
 - Personnel actions**
 - Acceptance of qualifications information**
 - Acceptance of performance appraisals**
- **Identifies positions to be abolished**
- **Notifies personnel and RIF team of any changes in personnel status**
 - Voluntary resignations, voluntary retirements, transfers, etc.**
- **Makes management discretionary decisions**
 - Use of vacancies**
 - Waiver of qualifications**
 - Temporary exceptions**
 - Undue interruption issues, etc.**
- **Delivers notices**
 - Develops plan**
 - Writes script**
 - Develops contingency plans for emergencies - medical and personnel**
- **Supports transition programs**
 - Encourages use/makes time available for use**
 - Helps RIFed employees network**
- **Refers employees to proper source for assistance**
 - RIF team/transition counselors/community resources/etc.**
- **Develops and implements a post RIF recovery plan**

Makes repeated efforts to enhance productivity and morale during post RIF recovery
- **Evaluates processes/lessons learned**

D. TRANSITION COUNSELORS

COORDINATOR:

- Point of contact for communication to counselors
- Develops training/implementation plan
- Oversees training of counselors
- Identifies policy issues, problems and needs to management
- Facilitates communication of job leads
- Briefs groups of employees - Q & A sessions
- Evaluates program - develops criteria and exit interviews

COUNSELORS:

- Communicate issues/concerns/needs to coordinator
- Assist employees in working through stages of job loss
- Career decisions
 - Skills assessment
 - Interests/values assessment
- Career transition
 - Resume/SF-171
 - Contact and search strategies
 - Networking
 - Interviewing techniques
 - Salary negotiations
 - Follow-up
 - Personal action plan
- Help counselee network - provide referrals/pass on job leads, etc.
- Facilitate job clubs if appropriate
- Referral source
 - Employee assistance programs
 - Community services and resources
- Conduct exit interviews
 - Feedback on career transition program/agency/etc.

E. EMPLOYEES WITH RIF NOTICES

- **Take charge of transition immediately!**
- **Keep informed**
 - Attend meetings/telcons
 - Read newsletters
 - Ask questions
- **Keep family informed**
- **Take advantage of transition assistance programs (especially separatees)**
- **Request RIF counseling and/or retirement counseling, as necessary**
- **Keep supervisor and personnel informed of any changes in personal status**

F. EMPLOYEES NOT AFFECTED

- **Keep informed**
 - Attend meetings/telcons
 - Read newsletters
 - Ask questions
- **Provide encouragement and support to RIFed co-workers**
 - Become a part of their network - pass on job leads/open doors/provide referrals
- **Prepare for change**
 - New ways of doing business because there are fewer employees
- **Be a partner in change**
- **Immediately notify supervisor/personnel of any changes in personal status, decision to retire, acceptance of another job, etc. - This could save the job of a coworker!**

**2. DESIGNATE OUTPLACEMENT TEAM AND BEGIN DEVELOPING
OUTPLACEMENT PROGRAM**

Agencies should keep in mind that the outplacement program should be up and running by the time RIF notices are issued (preferably well before). A good outplacement program will be a positive influence on the work force during the notice period and is essential to post RIF recovery.

As soon as it becomes apparent what effects the RIF will have on the agency, management needs to determine and disseminate its policies regarding employee use of official time and office equipment (faxes, computers, phones, etc.) for the purpose of finding other employment.

Agencies should be discouraged from having the same individuals plan and execute the RIF and develop and implement an outplacement program. There is simply not enough time in the day for the same individuals to do both functions.

Note: Contact the Workforce Restructuring Office at (202) 606-0960 for additional information on outplacement/transition programs.

3. IDENTIFY THE COMPETITIVE AREA(S) WHERE THE RIF WILL OCCUR

Identification of the competitive area is essential in order to prepare for the RIF because it will determine which positions and (potentially) which individuals will be involved in the RIF.

Changes in the competitive area 90 days or less before a RIF require OPM (central office) approval.

Advise agency management of things to think about when setting a competitive area:

Relocation costs

Placement opportunities

Amount of disruption

Size of area - larger is more difficult to manage in a RIF

Economic considerations - i.e., more retained grade/pay possibilities with larger area - more separations and severance pay with a smaller area

Traffic patterns, congestion, and commute patterns

Make sure that the agency documents the competitive area prior to running a RIF (preferably more than 90 days). Check agency administrative manuals and negotiated agreements to see if the competitive areas are already documented.

Discuss directed reassignments outside the competitive area with agency management prior to the RIF, if applicable.

If applicable, discuss the option of non-RIF offers outside of the competitive area for those identified for separation.

4. NOTIFY PARENT ORGANIZATION OF IMPENDING RIF ACTION AND OBTAIN APPROVAL, IF NECESSARY

Most agencies will have "parent organizations" that have provided specific instructions to follow in order to conduct a RIF. RIF approval process and lead time to obtain approval varies from one agency to another and may also depend upon the size of the RIF.

It is important to be knowledgeable of your agency's approval process, including the amount of lead time required to obtain RIF approval, since failure to request this information early in the RIF process may cause a delay in issuing RIF notices.

5. ESTABLISH EFFECTIVE DATE OF RIF

The sooner the RIF effective date is established, the better it is for planning purposes. Once the effective date is established, the date the RIF notices are to be issued should be identified. The bulk of the work in conducting a RIF occurs before the RIF notices are issued. The RIF team must be given adequate time to prepare for the RIF in order to insure proper execution. A single error in the execution of the RIF data has the potential to impact an entire organization.

6. DEVELOP A COMMUNICATION PLAN FOR DEALING WITH INFORMATION CONCERNING THE RIF.

Timely, accurate, and complete communication is essential within the agency during times of change. An overall education and information delivery plan should be developed. Employees who understand the process and who feel that they are being given truthful, complete information will be more supportive of the change that is occurring in the organization. Rumors typically run wild during a RIF and frequently are much worse than the truth. Typically, productivity suffers during a RIF, but this can be lessened with open communication with the work force and the union. A good communication program can also speed up the recovery process after the RIF.

In developing a communication plan for a RIF, the following should be considered:

- Method of communication
 - Meetings
 - All employees
 - Small groups
 - Brown bag sessions work units, etc.
 - Video presentations
 - Written memos/newsletters/newspaper/brochures/etc.
 - Electronic mail/bulletinboards
 - Internal TV or radio station telcons
- Audience
 - Management/supervisors
 - Employees
 - Unions/employee organizations
 - Families of employees
 - Local government officials and concerns
 - Other Federal agencies
 - Private sector
 - General public
 - News media
 - Lawyers
 - Congressional offices

- Purpose of communication
 - Educate
 - Inform
 - Update
 - Persuade
 - Reassure

- Timing the release of information

Communication, especially during times of stress, should be approached in a variety of ways. Written communication is good because it provides individuals something in black and white that they can refer to in the future. However, it is important from a management/leadership perspective that managers make themselves available to the work force, that they show support to employees, and that they respond to specific concerns directly to the employees. It is impossible to over communicate during or after a RIF.

FORMS OF COMMUNICATION

Listed below are some forms of communication agencies have used effectively during downsizing:

- Video presentations
 - May be information videos from top management and sent to remote sites

 - Educational videos on the mechanics of RIF/entitlements/Q & A sessions, etc.

- Town hall (all employees) meetings
 - Advantages -
 - ◆ Everybody hears and sees the same thing
 - ◆ Management shows strength by meeting with large groups

 - Disadvantages -
 - ◆ Has the potential to erupt if emotions are running high
 - ◆ Not do-able if numbers are high
 - ◆ May leave out remote sites
 - ◆ May seem impersonal if group is large

• "In-House" Newspaper/Newsletter

Advantages -

- ◆ Employees are already familiar with the newsletter and generally know when and where they can find it

Disadvantages -

- ◆ Space limitations and format may not lend itself to topic at hand (May want to consider a supplement to the regular newsletter/paper which is dedicated to downsizing or develop a special newsletter which is independently published and distributed. Consideration may also be given to having this type of information mailed to the employee's home so family members are aware of what is occurring.)

• RIF Hotline

A dedicated telephone line (or fax or computer bulletinboard) where individuals may have their questions answered.

• Downsizing Guru

One agency had a "RIF PR Contact" whose primary responsibility was to research and answer technical questions for employees. The "PR Contact" often met with small groups of employees at "brown bag" sessions as well as in individual work units.

• Weekly Updates

Members of the RIF team and Outplacement team would be available on a regular basis for general questions and answers. At one agency, this was handled on a drop in basis starting at the same time every week and lasted no more than an hour. This could also go "on the road" to different work sites.

• RIF Briefings

Educating employees on the mechanics of RIF and entitlements for those affected by RIF is really beneficial in reducing distrust with the "process" and with management. Videos, "formal training sessions", and brochures all can be used in this process.

Management (and HR Specialists) have particularly difficult roles during a RIF because they are often being personally affected by the RIF and also have responsibilities to others who are affected by the RIF.

Information/training dealing with the human aspects of RIF is especially helpful.

It is often helpful to have an outside source do these briefings even though technical expertise may already exist in-house. An outside party often has more credibility than agency staff due to the feelings of distrust which frequently exist inside an agency during downsizing. Having an outside party (like OPM) reinforce/confirm what has already been told to employees by internal staff will increase the confidence the employees have in the way the process is being handled.

TIMING OF COMMUNICATIONS

It almost goes without saying that timing is critical with communications. Information leaks lead to misinterpretations which cause rumors and increased stress levels. It is important for employees to feel like they are part of the "loop" when it comes to matters that directly affect them. Timing the release of information so all employees have immediate access can be very challenging when dealing with large numbers or multiple work sites.

It is also important to recognize that in order to communicate, the receiver must be ready to receive the communication. Agencies should be sensitive to this, especially to individuals who have just received a RIF notice. Some individuals need time to deal with the shock before they are ready to deal with issues they need to confront before they are separated (like continuation of health benefits). You want to be able to respond to their questions as soon as they have them, but don't overwhelm them with too many details too soon. Management should make sure they are reaching their audience when talking to employees about RIF information.

EMPLOYEES' RESPONSIBILITY

It should be pointed out to employees that they too have communication responsibility during the RIF. They need to make the effort to keep themselves informed and they need to ask questions of the right people to get accurate answers. The more informed the employees are, the more confidence and less stress they will have in identifying and thinking through their options. (Remember that communication is a two way street!)

7. NOTIFY UNIONS IN ACCORDANCE WITH LOCAL NEGOTIATED AGREEMENTS

With the emphasis on Partnerships in Government, unions will play a key role in a RIF. If union relations were strained before the RIF, chances are they will not improve. A good relationship with unions during times of downsizing will go a long way toward helping the individuals affected by the RIF and in allowing the agency to return to the business at hand after the RIF.

A review of all collective bargaining agreements should be conducted early in the RIF planning process to determine what impact the agreement may have on RIF determinations as well as the impact on union members. Union officials should be informed of the impact to their bargaining unit as soon as possible and information should be updated on a regular basis. Failure to fulfill notification and bargaining obligations can result in orders by FLRA to cancel a completed RIF action.

Demonstration on the part of the agency of the intent to assist affected employees in the areas of outplacement, counseling, benefit entitlements, etc., can deflect much concern on the part of the union and enlist their support.

The decision to RIF employees is a management right. The agency must bargain over the impact and implementation of its decision and over appropriate arrangements for employees affected adversely by the RIF. Examples of items related to RIF which agencies may find at the bargaining tables include:

Numbers, types, and grades of employees or positions assigned to any organization or project

Limiting when RIF procedures can be used - i.e., only after other cost cutting measures and attrition have been used to the maximum extent possible

Definition of competitive levels

Definition of competitive area

Use of vacancies for surplus employees

Use of the RPL for filling vacancies (after the RIF) before using any other sources

Waiver of qualifications for filling vacancies (as pre-RIF or RIF action)

Freezing outside hiring to fill vacancies with affected employees

Retraining surplus employees

Agencies may want to spend some time researching issues that are likely to arise with the union. FLRA, FSIP and MSPB decisions can provide agencies with a great deal of insight into potential issues. Resources which provide these types of information include:

- POSH (MSPB Appeal database)
- PERSONNET (contains U.S. Code, CFR, and decisions from FLRA, MPSB, and FSIP)
- Federal Labor Relations Reporter (a publishing service which has full text of some decisions and summaries of all FLRA and FSIP decisions)
- Federal Merit Systems Reporter (a publishing service which has full text and commentary of some decisions and summaries of all MSPB decisions)
- Decisions of the FLRA (official publication with full text of decisions)
- CEMPAR/WESTLAW (computer subscription research systems containing CFRs, and 5 U.S.C. decisions of FLRA, FSIP, MSPB and Federal courts)

8. CONTACT OTHER FEDERAL, STATE, AND LOCAL AGENCIES AND SOLICIT ASSISTANCE IN PLACING EMPLOYEES

These contacts may have already been initiated in the pre-RIF outplacement stage. If not, contact (preferably high level) should be made with local Federal agencies which may be potential employers for the surplus employees. Other contacts such as those with local and non-profit agencies may also provide valuable assistance to the surplus employees. State employment services often are willing to come on-site to brief employees on their employment services and unemployment insurance. Private industry councils often are a source of funding for training for displaced workers. Social service agencies may be able to offer workshops on finances, stress management and the like.

9. ACCOUNT FOR ALL EMPLOYEES AND POSITIONS IN THE COMPETITIVE AREA

It is never too early to start accounting for both employees and positions in the competitive area. This is necessary to ensure that no employee's assignment rights are violated and that RIF records are properly documented. Identifying all of the employees in an agency who are subject to RIF regulations is not as easy as it seems. It will be necessary for most agencies to identify all employees on agency rolls with duty stations in the competitive area of the RIF. Care should be taken in what number agencies use in reconciling their count. The on-board count may omit a number of individuals in a non-pay status. The FTE count will not take into consideration part-time positions. Once all employees in the competitive area are identified, agencies should document when an employee is removed from the pool where RIF competition will occur (employee on active military duty with restoration rights, Title 38 employee not subject to RIF regulations).

When identifying employees in the competitive area, remember to consider:

- Individuals on workmen's compensation who are still on the agency's rolls
- Individuals on LWOP, detail to other Federal agencies (or detailed within agency and outside of the competitive area) or IPA assignments
- Individuals on military active duty with restoration rights will not be part of the RIF
- Individuals who have been restored to duty after military service and are under retention protection as of the effective date of the RIF
- Individuals with a notice of proposed removal (reassignment or demotion) and a decision due before the effective date of the RIF

In accounting for employees, agencies will also want to inventory and locate missing OPFs (essential in determining placement rights in the RIF). This can be time consuming if accurate tracking procedures have not been in place.

A similar accounting process must occur for all positions in the competitive area. The number of positions in the competitive area include both the number of occupied positions and the number of non-occupied positions. Once all of the positions have been identified (by schedule and by service), management will need to decide which occupied positions are continuing and which vacant positions will be used as placement offers in the RIF. Obviously, the number of occupied continuing positions and vacant positions available for RIF offers should not exceed the FTE authorized.

10. REVIEW EMPLOYEE ASSIGNMENTS TO INSURE POSITION DESCRIPTIONS ARE ACCURATE

If time allows, agencies should be encouraged to conduct a maintenance review of their position descriptions. Employees should be encouraged to participate in this review since employee participation will help create feelings of trust during the RIF.

Care should be taken in changes made to position descriptions at this time. Management should be cautioned not to make changes which may impact the assignment rights of others unless fully warranted.

Management should review the duties of their positions and make sure that they are accurately described in the position descriptions. Care should also be taken in reviewing the qualification requirements of the positions and making certain they are reflected in the position descriptions. Remind management that they only should be looking at the duties and requirements of the position and not the qualifications or backgrounds of the incumbents when setting the requirements/duties.

11. REVIEW COMPETITIVE LEVELS FOR ACCURACY

Setting competitive levels is primarily a personnel office's responsibility. In setting competitive levels, the HR specialist (preferably a classifier) will use the position description (which hopefully has been recently certified as accurate) as the primary source document. Qualification standards and performance standards are also used in setting competitive levels to help assess interchangeability of positions. Caution should be exercised if consideration is being given to changing minimum qualification requirements of a position before a RIF. Changes are not recommended unless they can be fully justified.

12. REVIEW AND VERIFY ENTITLEMENT TO PREFERENCE ELIGIBILITY UNDER RIF

Review all 5 and 10 point veterans (including those with derivative preferences) to determine their eligibility for preference under RIF. Make certain that proper documentation exists for the granting of preference eligibility.

Review all veterans with 30% or more disability and have them obtain current certification from the VA if their present certification is not permanent.

Review all members of the Reserve Forces to determine if their status will change prior to the effective date of the RIF (reservist who retires at the rank of O-4 or above may lose preference eligibility for RIF upon reaching age 60).

Review all retired military, checking on the nature and conditions of their retirement when determining eligibility for preference under RIF.

13. REVIEW AND VERIFY SERVICE COMPUTATION DATES (SCDs)

This is a very time consuming but essential step in RIF preparation. Some agencies may have access to an automated system which computes SCDs. However, input must be done by someone who is knowledgeable on creditable service issues. Documentation should be kept in the OPF which shows decisions made on creditable service. Appropriate documentation should be in the OPF when granting credit for military service. Any changes in SCDs should be double checked before being made.

The SCD for leave and the SCD used in RIF are not always the same. Likewise, the SCD used in severance pay is also slightly different. It makes sense to verify all of these SCDs at the same time. Encourage your agency to set up a new data element in their personnel data file for SCD-Severance Pay if they have not already done so.

Refer to subchapter 6 in the Guide to Processing Personnel Actions handbook for determining creditable service. You may also refer to 5 U.S.C. 6303 (leave) and 3501-02 (RIF).

The primary difference in these three forms of SCDs has to do with military service. Individuals without military service will normally have the same SCD in all three situations. The following table shows the differences in crediting military service:

CREDITABLE MILITARY SERVICE

	<u>Leave</u>	<u>RIF</u>	<u>Severance</u>
Not retired-military service under <u>other</u> than honorable or general discharge	No	Yes	No
Not retired-military service with honorable or general discharge	Yes	Yes	No
Retired military	Depends upon circumstances of retirement and dates of civilian employment	Depends upon rank and circumstances of retirement and dates of civilian service	No
Military service when restoration rights are exercised	Yes	Yes	Yes

Note: The RIF SCD with years subtracted for performance is used to determine retention standing.

14. COMPLETE REVIEW OF ALL EMPLOYEE RIF ESSENTIAL DATA

At this point, the following employee data should already have been checked:

- ✓ Title, series, grade of permanent position of record
- ✓ Position description number and competitive level to which assigned
- ✓ RIF SCD date
- ✓ Preference eligibility for RIF

The following RIF essential data still requires review:

- Work schedule
- Appointment authority for excepted service employees
- Tenure
- Annual Performance Appraisals
- Adjusted SCD - this is the RIF SCD as adjusted by the average of the last three annual performance appraisals

It is important to note that all employee RIF essential data should be projected to the effective date of the RIF. The retention standing of the employee is based upon the effective date of the RIF, not when the RIF notices are issued or when the data is reviewed.

Data which needs to be projected to the effective date of the RIF includes:

- SCD (adjustment due to excessive LWOP)
- Change in tenure (i.e., career conditional to career)
- Change in service (i.e., VRA conversion to competitive service)
- Career ladder promotions (made before freezing of personnel actions)
- Change in preference eligibility (i.e., reservist turns 60)

15. PROVIDE A DEFINITE TIME PERIOD FOR EMPLOYEES TO REVIEW AND UPDATE THEIR OPFs, RESUMES/SF-171s, AND RIF ESSENTIAL DATA BASE INFORMATION

Employees will have more confidence in the system if they know that data used in a RIF is accurate. It is imperative for agencies to do everything they can to ensure accuracy of the data.

It is highly recommended that the personnel office do everything it can to clean up and verify the accuracy of the data in OPFs before employees are asked to review this information. If the data are in poor condition when the employees review it, they will become very skeptical as to whether personnel can do anything right - including running a RIF. If employees lack confidence in what "personnel is doing", a higher rate of appeals can be anticipated. Additionally, employees are likely to be more stressed and less productive during the waiting period prior to the RIF.

Many agencies send out an employee letter listing all of the RIF essential data they have on record for each employee. Employees are given an opportunity to review, question, and provide documentation as necessary for changes to the data. This data is best reviewed after employees have received training on the mechanics of RIF so they understand the data and fully realize its value and importance.

Many agencies encourage employees to review their OPFs so that employees know what information in the OPF is being used to determine their assignment rights. This may not always be practical with large numbers of employees or with employees at remote duty stations. Accommodations should be made for employees to review their OPF prior to the cutoff date for accepting qualification materials.

In some situations it may be easier (and more efficient) to take a group of OPFs to a work site and have all employees review at once while a member of personnel stands by to answer questions.

Employees should be encouraged to review/update their resume/SF-171 in their OPF. They should be informed that information in their OPF will be used to make their assignment rights determinations in the RIF and it is essential that they have a current, complete resume/SF-171 on file. All licenses/certifications/etc., should be documented in their OPF.

A cutoff date for acceptance of OPF RIF related information should be established and made known to the work force as far as possible in advance. It may be less confusing to employees and easier for the personnel office to administer if the same cutoff date is used for accepting OPF RIF related information, i.e., performance appraisals, resumes/SF-171s, qualifications, etc. That way, everything is due to personnel on the same date. Any materials submitted after the cutoff date should be date stamped and kept in a separate file or returned to the employee. Agencies should hold firm on the cutoff date for performance appraisals and qualifications information. Any other information which affects an employee's retention standing (i.e., preference eligibility or change in SCD) must be accepted right up until the effective date of the RIF.

16. ESTABLISH CUTOFF DATE FOR RECEIPT OF PERFORMANCE APPRAISALS

You will need to check in the agency's performance management plan to see if a cutoff date has already been pre-established. If it hasn't, it needs to be done and documented (generally around 30 days before issuance of RIF notices) or it defaults to the day before specific RIF notices are issued. After the cutoff date, no new annual performance ratings will be put on record and used for RIF purposes.

The agency should have identified in their performance management plan, or other appropriate issuance, which ratings of record will be used for RIF purposes (i.e., whenever a rating falls below satisfactory, it becomes the official annual rating or employees must be given a performance improvement period (a "PIP") before a rating of less than satisfactory can be entered on the record).

The ratings from annual rating cycles (rather than the date the appraisal was signed off) which ended 4 years or less prior to the cutoff date (or the day before RIF notices are issued) are used in determining additional service credit for RIF.

Some agencies may be able to download this information from their Personnel Data File while others will have to collect it manually. The rating and the date the rating period ended should be documented and entered into a database for the 4 year period.

Agencies should inform their employees that the appraisals in their files will be used in the RIF. Employees should also be given an opportunity to supply any missing appraisals. Note: Only the 3 most recent annual appraisals are used in RIF computations.

Don't forget to eliminate annual ratings of unsatisfactory if an acceptable level of performance has been maintained for at least one year after receiving the unacceptable rating.

In collecting the performance appraisal ratings, take special care in identifying the current annual appraisal, because this rating will have a direct impact on assignment rights in the RIF (specifically, you need to know who has a current rating of Marginally Successful or Unsuccessful).

In dealing with performance issues, the agency will need to flag any individuals who have received a proposed removal, demotion or reassignment due to performance. If the decision letter is due before the effective date of the RIF, these individuals will compete from their new position (if reassigned or demoted) or removed from the RIF completely (if removed for performance).

Once the three most recent annual performance appraisals have been identified, the adjusted SCD must be calculated. This should be entered on a database for input into the automated RIF program or input into the database used in establishing retention registers, if not using an automated RIF program.

17. DETERMINE ADMINISTRATIVE GUIDELINES/POLICY ON DISCRETIONARY ISSUES DEALING WITH RIF

· USE OF VACANCIES

Management has the discretion as to whether or not some, all, or no vacancies will be used in the RIF. Employees do not have a right to these vacancies. To ensure fair and impartial treatment, it is best if management decides up front the policy on the use of vacancies in the RIF.

Management may also want to decide if they will offer vacancies in lieu of separation. This would apply to vacancies which remain unfilled after the RIF and which did not meet the definition of "available position" when determining assignment rights (i.e., offer a part-time position to a full time employee or offer a position below the three grade bump/retreat limit). Management may also offer vacancies as an alternative offer for individuals who have been identified for a reassignment or change to lower grade. The "alternative" offer would have the same or lower representative rate than the position to which the employee is entitled. It is an offer in addition to the RIF offer which may allow the employee to remain at the same duty station or in the same line of work but at a lower grade than the grade which they are entitled to under RIF procedures.

Management also must decide if it wants to offer vacancies of temporary positions in other competitive levels to individuals otherwise identified for separation. (Note: Employees have no assignment rights to occupied temporary positions in other competitive levels.)

· WAIVING QUALIFICATION REQUIREMENTS FOR VACANCIES

Waiving qualification requirements during a RIF applies only for placement into vacant positions. Waiving qualification requirements, if exercised, should be done with caution. Qualifications should only be waived when there is strong evidence that the individual can perform the duties of the position but lacks all of the qualification requirements. Positive education requirements cannot be waived. A decision to waive qualifications must be applied consistently to all vacancies.

• TIE BREAKING PROCEDURES

Agencies should establish tie breaking procedures in the event two employees have identical retention standing. If a decision has been made to use an automated system for running the RIF, a tie breaking procedure like social security number is usually already programmed into the system. Agencies will need to check the particulars of their RIF policy and their automated system.

For agencies which elect not to use an automated system, a decision must to be made and documented on how ties will be broken. Agencies may want to identify several ways to break ties and specify the order in which they will be used. Examples of tie breakers may include:

- Years of service at agency
- Rating on last annual performance appraisal
- Length of time in present position or grade level
- Random number based upon last digit of social security number

• ASSIGNMENT RIGHTS FOR TENURE GROUP III AND EXCEPTED SERVICE

After release from their competitive level, tenure group III employees in the competitive service and all excepted service employees, regardless of tenure group, are subject to separation unless agencies provide for assignment rights in round two of RIF competition. Agency regulations should be reviewed to determine whether assignment rights have already been extended to these groups of employees. If assignment rights have not previously been addressed, a decision needs to be made on this issue. Extension of assignment rights for group III are limited to bumping (retreating is not allowed). Assignment rights for excepted service employees can include both bumping and retreating.

• TEMPORARY EMPLOYEES

Management has the option as to whether they will retain or release temporary employees while the agency is undergoing a RIF. Temporary employees must be released before a competitive employee is released from the same competitive level. This does not mean that all temporary employees in all competitive levels must be terminated.

Competitive service temporaries are not covered by RIF regulations. However, certain excepted service temporary employees are covered by RIF regulations and are competing employees.

Agencies often terminate temporaries prior to a RIF as a cost savings measure and as a show of good faith to permanent employees that they are doing everything possible to avoid a RIF. The decision to terminate temporaries should be based upon the circumstances of the RIF (i.e., budget) and the needs of the organization and not just a "knee jerk" reaction to having a RIF.

- **REEMPLOYED ANNUITANTS**

Reemployed annuitants serve at the will of the appointing officer and may be terminated at any time. At management's discretion, the reemployed annuitant may compete in the RIF or may be separated prior to the reduction in force.

- **"BUMPING" WITHIN SUBGROUP**

This is another RIF "mechanic" option which is available to management. The "bumping" within a subgroup is akin to retreating to positions without having previously held the position. This option provides maximum support for the most senior employees, but causes more displacement and, at this point in time, is seldom used by agencies.

- **EXCEPTIONS TO THE REGULAR ORDER OF RELEASE**

Management has the option of allowing individuals to use annual leave to remain on the rolls past the effective date of the RIF in order to obtain first eligibility for retirement or to gain eligibility to carry health benefits into retirement. If management uses this option, it should be applied consistently to all who meet the criteria.

18. FREEZE ALL PERSONNEL ACTIONS WHICH IMPACT EMPLOYEES' RETENTION STANDING

At a minimum, the following personnel actions should be frozen:

- New hires
- Permanent position changes (i.e., promotions, reassignments, etc.)
- Work schedule changes
- Reclassification actions
- Conversion actions (i.e., temporary to career-conditional)

Personnel actions which do not affect an employee's retention standing (i.e., termination of temporary promotion, detail, separation, etc.) or those actions which do affect an employee's standing, but are mandated through regulation (i.e., conversion to career tenure, change in veteran's preference, etc.) should continue to be processed.

19. IDENTIFY POSITIONS TO BE ABOLISHED

This tends to be a difficult step for most managers because people are now being associated with the cutbacks. At this step, management should be reminded that the people occupying the cut positions are not necessarily the ones who will be downgraded or separated. It is nearly impossible to tell how these individuals will fare until the RIF is run.

As early as possible in the process, management should identify the positions to be abolished. It is recommended that positions be identified by title, series, grade, position number, organization, name of incumbent and social security number (if available to the manager). It is also recommended that the RIF team have written documentation on this from the managers to preclude any misunderstandings later on in the process.

20. OBTAIN COPIES OF PAY SCALES AND PREPARE REPRESENTATIVE RATE CHART

Representative rates are needed in order to determine assignment rights in conducting the RIF. The representative rates in effect on the effective date of the RIF are the appropriate ones to use.

If there are prevailing rate employees on different rate schedules within the same competitive area, you will need to determine if the automated RIF program you are using can accommodate more than one rate schedule for the same pay plan.

21. IDENTIFY LINES OF PROGRESSION FOR OCCUPATIONS IN THE COMPETITIVE AREA

Again, in order to determine assignment rights in round two of RIF competition, all occupations in the competitive area must have lines of progression identified. Lines of progression should be identified by series and grade and will need to be input into the automated RIF program, if used.

Source documents for determining lines of progression include:

- Introduction to Position Classification Standards
- Agency Staffing Plan
- Position Management Plan
- Organizational charts
- Merit Promotion Plan

22. PREPARE RETENTION REGISTERS AND LISTING OF VACANCIES TO BE USED AS RIF PLACEMENT OFFERS

When preparing the retention registers, be sure to have some way to identify:

- Individuals in temporary positions (placed below comp level)
- Individuals on temporary assignments to continuing positions, i.e., promotion NTE (placed below comp level)
- Individuals on temporary assignments to temporary positions
- Individuals under restoration "protection"
- Individuals with current performance ratings of marginally successful or unsuccessful
- Individuals with a decision to remove based upon performance (placed below comp level)

The list of vacancies to be used as RIF placement offers should be identified and input into the automated system (if one is used). In identifying the vacancies, the following information (at a minimum) should be included:

- Position title, series, grade
- Position description number
- Competitive level
- Organization
- Duty station
- Temporary or permanent position
- Work schedule

23. CONDUCT MOCK RIFs AND ANALYZE THE RESULTS

Mock RIFs can be extremely valuable in identifying and correcting problems before they impact the organization or the employees. When management has flexibility on how it can approach the downsizing (i.e., flexibility in which programs/positions it cuts), mock RIFs can be valuable tools to use to minimize the adverse effect of the RIF on the organization.

Often agencies use the mock RIF as a tool to help them assess the personnel costs of the reduction. Based upon the results of the mock RIF, agencies can calculate the costs and projected savings. Items to include in calculating the costs of the RIF include severance pay, unemployment insurance, lump sum annual leave, PCS costs, retained grade and pay, and personnel costs including overtime expenditures in running the RIF.

Some automated RIF programs make it very easy to do many different scenarios while others will require more work on the part of the RIF team.

If one or several mock RIFs are run, a decision must be made as to whether the results will be made known to the work force. The results should only be given if there is enough information for the employee to make an informed career decision. It is important to advise the employee that assumptions may change before the actual RIF occurs. Sometimes the agency is obligated by contract to release the results.

Advantages must be weighed against the disadvantages of releasing the results of a "good" mock RIF. Things to consider include:

- Need to motivate individuals to begin considering other options
- Amount of change likely before the "real" RIF is run (mock may needlessly upset some people or may give others a false sense of security)
- Impact on productivity
- The readiness of the work force to deal with change
- The need to provide employees with as much information as early as possible

Based upon the results of the mock RIF, the RIF team may begin making entitlement determinations for potentially affected employees (i.e., eligibility for DSR, MRA + 10, severance pay, retained grade or retained pay). Doing these determinations now will save a lot of time down the road when you are trying to get the RIF letters prepared and issued.

24. CONDUCT ROUND ONE - IDENTIFY EMPLOYEES RELEASED FROM THEIR COMPETITIVE LEVEL

In order to conduct round one you will need the following:

- All employees by competitive levels in retention standing order
- Identification of abolished positions

After round one is completed, a determination must be made whether employees released from the competitive level have assignment rights to other positions. If they do not have assignment rights (i.e., excepted service or tenure group III or individuals with a current annual rating of unsatisfactory), they will not go into round two competition and will be separated on the effective date of the RIF.

**25. SEPARATE REEMPLOYED ANNUITANTS, TEMPORARY EMPLOYEES;
RETURN STATUS EMPLOYEES ON DETAILS, TEMPORARY
PROMOTIONS, ETC., TO THEIR PERMANENT POSITION OF RECORD AS
NECESSARY**

If a decision was made to separate reemployed annuitants rather than have them compete in the RIF, the separation should occur prior to the effective date of the RIF.

Based upon round one competition, before any competing employee is released from a competitive level, all non-competing employees must be released from that same competitive level. This means if you release a competing employee in round one, all non-competing employees must be terminated (if temporary) or returned to their permanent position of record (if temporarily promoted or temporarily reassigned) before the effective date of the RIF.

26. DETERMINE QUALIFICATIONS OF AFFECTED EMPLOYEES

Once employees have been identified for release from their competitive level and if they have a higher retention standing, they may have assignment rights to other positions. In the process of determining whether the employee has rights to another position, qualifications for available positions must be determined. In some automated systems, qualification determinations are made up front and input into the system (RADS & WIZARD). In other systems (i.e., RIF Runner), qualification determinations may be made as the employee is identified for placement (based upon overall seniority). In the RADS and WIZARD version, qualification determinations need to be made for all possible placements within the competitive area. If using RIF Runner, qualification determinations are fewer, but made at the time the employee comes up for placement consideration. Qualification determinations then would be limited to those positions occupied by individuals with lower retention standing.

Regardless which software is used (if any), it will save time if some information regarding qualifications is gathered prior to beginning round two. An employee worksheet which identifies positions held and any special qualifications will speed up the process when it is time to do a full qualifications assessment.

If several individuals are involved in determining qualifications, make certain that there is consistency in the way the qualification requirements are interpreted and applied. All facts used to determine qualifications should be documented and made part of the RIF files for possible reference in future appeals.

27. IDENTIFY EMPLOYEE ASSIGNMENT RIGHTS - ROUND TWO

If you are using an automated system, all available placement options will be identified. Care must be taken to eliminate those individuals who do not have assignment rights in round two. Displaced individuals are considered for available positions in the order of their overall retention standing.

In conducting round two (as in conducting round one), complete documentation is essential. Automated systems do an excellent job of creating a "paper trail" and prompting the specialist to document when necessary.

The types of decisions you will want to document (should they come in question later) include:

- Qualification determinations (including physical qualifications determinations)
- Exceptions to the regular order of release (whether mandatory or discretionary - including "undue interruption")
- Waiver (or lack of waiver) of qualifications
- Denial of retreat rights (gray areas)

If an automated system is not being used, it is desirable to document or be in a position to identify all available positions which were considered but not offered with the reason for non-placement documented.

After round two is completed, agencies are usually required to assess the impact of the RIF on women, minority groups, and disabled employees. Some automated RIF programs readily produce this report. This information is normally shared with the Equal Employment Opportunity Office at the agency.

28. COMPLETE NOTIFICATION REQUIREMENTS WHEN 50 OR MORE EMPLOYEES ARE IDENTIFIED FOR SEPARATION

Notification required when 50 or more in a commuting area are separated:

Department of Labor

Notification required when 50 or more in a competitive area are separated:

State Dislocated Worker Unit
Local Chief Governmental Official(s)
OPM

Notification should include, at a minimum:

Number of people identified for separation by geographic location
Effective date of the separation
Reason for separation
Point of contact for additional information

29. MAKE RIF ENTITLEMENT ELIGIBILITY DETERMINATIONS FOR AFFECTED EMPLOYEES

Employees may be entitled to the following:

- Grade Retention
- Pay Retention
- Severance Pay
- Discontinued Service, Optional and MRA + 10 Retirement Options

These entitlements need to be determined in advance so they can be included in the RIF notice which is given to each employee affected by the RIF (reassignments in the competitive level are not RIF actions.)

Most automated agency personnel data files can provide information to identify those employees who meet the age and service requirements for the various retirement options. If this is not available in a database, agency personnelists will need to roll up their shirtsleeves and sharpen their pencils!

It is helpful to develop a worksheet which allows a specialist to quickly verify eligibility for grade and/or pay retention and severance pay eligibility and computation. This worksheet could be completed as soon as round one displacement occurs or after round two placements are made. (It could even be done after the mock RIF is run which should identify the majority of displacements which would occur.)

Again, some agencies have access to automated systems which calculate severance pay. Care should be taken, however, in making certain the individuals meet eligibility requirements for severance pay and that the proper amount of creditable service is used in the calculations. Remember to project service credit, age and pay (including WGI's or changes in locality pay, etc.) to the effective date of the RIF. Thorough testing of automated software programs is also recommended prior to final calculations as not all software is accurate.

30. PREPARE RIF NOTICES AND ASSOCIATED INFORMATIONAL MATERIALS

Development and preparation of RIF notices is anything but a simple matter. Agencies should exercise extreme caution when "copying" a RIF notice from another agency or when using an old RIF notice, as notice requirements have changed over the past few years. Also, it is important that agencies give serious thought concerning how much information they want to include in the notice and how much each notice should be tailored or personalized for the recipient. While agencies want to be helpful and provide as much information as possible to those employees affected by RIF, they can also be doing themselves and the employees a disservice. The more information and variables which are added to letters, the greater the likelihood of error. The more errors which occur, the less confidence the employees will have in the correctness of the process. The more doubts the employees have, the greater the likelihood of appeals and increased stress levels.

For ease and speed of printing, it is desirable to keep the non-standard pages of the RIF notice to a minimum. This would allow you to mass produce, in advance, all of the standard pages and simply interface them with the tailored pages. It is recommended that the actual specific notice be kept as brief as possible with attachments which provide more detailed information. Typical attachments to RIF letters include:

- Offer Acceptance/Declination Form
- MSPB Appeal Form or Union Grievance Procedures
- Eligibility determinations (as appropriate) and information on employee entitlement and benefits
 - Severance pay- including calculations
 - Retained pay/grade
 - Retirement options
 - Placement Programs (RPL, IPP, repromotion program)
 - Refunds (annual leave, retirement contributions, TSP)
 - Health and life insurance benefits
 - Outplacement Assistance
 - Unemployment Insurance
- Resource list (where to go to get your questions answered)

Preparation of RIF notices should begin during the early RIF planning stages because standard language will need to be developed, "massaged", and cleared with agency counsel (i.e., OGC).

31. DETERMINE THE PROCESS WHICH WILL BE USED FOR DELIVERING RIF NOTICES

Consideration should be given to the following:

- Establishing a tracking system to ensure that all notices are prepared, delivered and documented accordingly
- Identifying who will deliver the notice (i.e., immediate supervisor, department manager, etc.)
- Training individuals who will be delivering the RIF notices
- Assessing whether or not to have a "witness" present at delivery
- Determining when the notices will be delivered (beginning of day, end of day, etc.)
- Determining where the notices will be delivered (private office, conference room, etc.)
- Preparing a script to follow when notices are delivered
- Determining what options the employee will have when he/she receives the notice (i.e., annual leave, administrative leave, etc.)
- Taking security precautions, as appropriate
- Identifying crises intervention resources (i.e., Employee Assistance Program)
- Determining what to do when notices are not able to be delivered in person (i.e., certified mail?, return receipt requested?, manager mails or returns to personnel for mailing?)

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32. DELIVER RIF NOTICES AND OBTAIN EMPLOYEES' ACKNOWLEDGEMENT

If dealing with a minimum notice period, the agency must have an efficient delivery plan in place. They will also need to be able to quickly account for all notices which were not delivered on the first attempt.

Notices which cannot be delivered in person may be faxed or mailed. In any event, it is in the agency's best interest to have documentation showing that the notice was received by the employee and the date it was received. If an employee refuses to sign for the notice at the work site, it is still considered "delivered" if someone witnesses the delivery of the notice and it is documented for the record.

If a notice is mailed to an employee, it should be sent either registered mail or return receipt requested. Agencies may also want to consider sending a second copy in regular mail should the employee elect to refuse (or ignore) delivery of those letters requiring signature acknowledgement.

By the time RIF notices are ready for delivery, all managers should be provided a list of all employees in their work unit who are affected (and how they are affected) by the RIF. This list should include any new employees who are being assigned into their work unit.

33. NOTIFY EXCLUSIVE BARGAINING UNIT REPRESENTATIVE(S) OF EACH AFFECTED EMPLOYEE; NOTIFY LOCAL OPM SERVICE CENTER REGARDING INTERAGENCY PLACEMENT PROGRAM REGISTRATION AND OUTPLACEMENT ASSISTANCE

It is important that union notification occur in conjunction with delivery of the RIF notices. The relationship which the agency has with the union will determine whether this information is provided before, during, or immediately after RIF notices are handed out.

Agencies are required to notify local OPM Service Centers when they have handed out RIF separation notices. It is hoped that OPM will have been involved with the RIF process long before the stage of handing out RIF notices is reached. In the past, local service center assistance was needed to register employees in the Displaced Employee Program. With the advent of the IPP, agencies no longer are required to go through their local service center for registration. However, service centers can assist agencies by training personnelists involved in registering surplus employees into the program, briefing affected employees.

Depending upon the availability of OPM resources and the needs of the agency, additional outplacement services may be provided by OPM (whether for fee or free).

34. PROVIDE COUNSELING SESSIONS ON MECHANICS OF RIF, EMPLOYEE ENTITLEMENTS AND RETIREMENT

Depending upon the agency's resources and the organization's needs, this type of counseling may be done in individual one-on-one sessions, group sessions, or a combination. The combination option is probably the best. General information sessions can address the most common concerns and questions while individual counseling sessions can provide information specific to the employee involved.

The need for counseling sessions and the amount of time which should be allotted for these sessions is not always easy to estimate. If the agency has had a good communication/education program leading up to and/or immediately following the issuance of the RIF notices, the need for one-on-one counseling will be less and the length of the counseling session will also be less.

From the employee's perspective, one-stop shopping to get the answers to their questions is desirable although not always feasible. Agencies should strive to have as many counselors fluent in as many areas as possible remembering at the same time the need to provide correct, accurate, and complete information to the employee.

One-on-one RIF mechanics counseling is best handled by a member of the RIF team simply because they are most familiar with the details of the RIF. It is recommended that the RIF counselors decide ahead of time how they will conduct the counseling sessions, i.e., time allotted per counselee, how to deal with personal or union representatives, what materials can be shown "as is" and what needs to be sanitized before review by the employee, what materials will be provided to the employee upon request, etc. Agency counsel should be consulted on any questionable areas (release of materials, sanitizing, etc.).

Training and/or role playing practice is often beneficial for the counselors. Consideration should also be given to maintaining a record of the counseling session in the event of an appeal.

When scheduling employees for individual RIF counseling, priority scheduling should be given to those employees who need counseling prior to accepting/declining an offer.

It is desirable that the individuals conducting RIF counseling be well versed in the entitlement areas of retained grade and pay, severance pay, and retirement options. Eligibility requirements, features of the entitlement, and conditions under which this entitlement is terminated are the most commonly asked questions. It is beneficial to have both RIF and Outplacement counselors well versed in these areas.

It is generally not a good idea to have RIF counseling sessions scheduled for longer than 30 minutes unless counseling an employee with special needs. Some agencies may find it better to have shorter counseling sessions (i.e., 15 or 20 minutes) with follow up sessions as necessary. Ideally, it is not desirable to "rush" the employees in and out, but rather to allow them adequate time to ask the questions, understand the answers, and ask follow-up questions as necessary.

Depending upon the size of the RIF and the agency resources available, agencies may develop their own outplacement program or may refer affected employees to outplacement services available in the community.

35. CONDUCT BRIEFINGS AND REGISTRATION FOR PLACEMENT PROGRAMS

Depending upon the circumstances at the agency, this may be handled by the RIF team, the Outplacement Team or other members of personnel. Agency options on how to handle registration may include:

- No group briefings, but rather one-on-one counseling and registration
- No briefings, no counseling, but rather do-it-yourself registration with personnel office review
- Group briefings with mass registration and personnel office review at a later date
- Group briefings with one-on-one registration assistance and counseling

Most agencies have found it beneficial to conduct group briefings to highlight the program and to identify the features and differences of each placement program. It is usually a good idea, when possible, to give the employee a day or two after the briefing to make decisions on the options available to him/her (i.e., geographic considerations) before counseling sessions occur. This is important so employees can make thoughtful choices and have time to consult with family members.

Agencies who have not experienced RIFs may find themselves quickly developing program guidance on the RPL and Repromotion Programs as well as the registration forms for each. Obviously, this should be done before the RIF notices go out.

The OPM service center personnel are in an excellent position to offer assistance with the IPP. Assistance can include briefings to employees, training sessions for agency personnel, and on-site registration assistance. OPM service center personnel may also identify Federal agencies that are hiring as well as research the market for other public or private organizations that may be hiring.

Since the IPP is a relatively new evolving program, agencies should be encouraged to stay on top of changes in the program by using POSH.

36. AS NECESSARY, RUN ADDITIONAL ITERATIONS OF THE RIF DURING THE NOTICE PERIOD TO UPGRADE OFFERS WHEN POSSIBLE

Based upon the first iteration of the RIF, some employees were offered positions which were either encumbered or vacant. If any of these offers are declined, the RIF must be re-run to determine if an improved offer may be made to another employee or to make an offer to an employee who had been identified for separation.

Vacancies which occur during the notice period (i.e., retirement, resignation, transfer) may also be used as RIF placement offers if management so chooses. (Refer to policy on use of vacancies established before the RIF was run.)

Note: As it gets closer to the effective date of the RIF, any improved offers normally will have a shorter response time, so if an individual declines, the position can be re-offered to another employee.

37. PREPARE OUTPROCESSING PACKAGES FOR EMPLOYEES SCHEDULED FOR SEPARATION; EFFECT ACTIONS AND OUTPROCESS EMPLOYEES

The Personnel Office faces a significant workload burden on the effective date of the RIF. As soon as the RIF notices are issued (if not before), the Personnel Office should begin making plans as to how they will outprocess a large number of employees. It is important that this be handled efficiently and accurately so as not to "rub salt" into the open wound of being RIFed.

Agencies will need to decide who will prepare the SF-52 (i.e., whether they will be mass produced by personnel or whether each affected section/division prepares). In any event, it is essential that a valid, current address be obtained for each employee whether on the SF-52 or validation as part of the check out process.

The Processing Personnel Actions Handbook (formerly FPM 296-33 S31) identifies the information that is required as part of the out processing package for employees separated by RIF. As soon as possible, all of the forms and related materials needed for outprocessing should be identified and ordered, if necessary, to ensure that an adequate stock is on hand. In advance of the effective date of the RIF, the agency needs to complete information on the following forms:

- TSP Validation of Retirement Information - TSP-18
 - FEGLI Notice of Conversion Privilege- SF 2819
 - Agency Certification of Insurance Status- SF 2821
- Note: This form requires agency payroll office to also complete.
- Notice of Change in Health Benefits Enrollment- FEHB 2810

When doing volume outprocessing, agencies usually find it easier to prepare out processing packages in mass along with specific written instructions. Some agencies conduct group outprocessing briefings, while others simply forward the packet and materials to the employee via the supervisor.

It is in the interest of the agency to make the outprocessing as simple and painless as possible for the employees. Consideration may be given to having all of the parties on the outprocessing checklist at one location to allow the employees "one stop" outprocessing.

Most state employment offices will require Federal employees to produce a copy of their separation SF-50. For that reason, it is important that the separation SF-50 be provided to the employee on his/her last day of work rather than have it mailed to them later. Employees may also be advised that their unemployment insurance claim may be expedited if, when they file for unemployment insurance, they have in their possession copies of their pay stubs from the previous 12-18 months.

Agencies should make certain that the remarks on the SF-50 clearly indicate the circumstances under which the employee is leaving the agency. This is important because the State Employment Services will be using the SF-50 to determine eligibility for unemployment benefits. In many situations, if employees do anything to voluntarily hasten their departure (i.e., resignation after receipt of a RIF notice, but before effective date), they will not be eligible for unemployment insurance benefits.

As part of outprocessing, agencies may want to consider conducting an exit interview and get feedback from the employees for use in evaluating the agency's downsizing and outplacement program. Two possible alternatives to the outplacement interview would be to have a survey form with a self addressed stamped envelope in the outplacement package for completion at the employee's convenience. A second option might be to conduct a survey 30-60 days after the RIF.

38. ORGANIZE RIF RECORDS AND RETENTION REGISTERS; REVIEW FOR COMPLETENESS AND DOCUMENTATION

Throughout the entire RIF planning and execution process, all key decisions should be documented and made a part of the official record. Documentation must be maintained to the extent that the entire RIF could be reconstructed, if necessary, based upon the "official" records. Below is a suggested checklist to assist in making sure that documentation is adequate:

- Competitive area defined
- Competitive levels defined
- Copies of all PDs
- Reason(s) for RIF documented (usually in specific notice)
- Record of correspondence and agreements with collective bargaining unit(s)
- Identification of all individuals in the competitive area
- Identification of all positions in the competitive area including vacancies which are made available for possible RIF offers
- Identification of positions abolished
- Cut off date(s) for acceptance of performance appraisals and qualification information
- Definition of "annual performance appraisal"
- Decisions on discretionary management issues (i.e., use of vacancies, bumping within subgroup, etc.) and decisions on "gray" issues (i.e., qualification issues, retreat, etc.) to demonstrate consistency in application
- Support documents for employee RIF essential data, i.e.:
 - Performance appraisals
 - SF-50's
 - DD-214's
 - VA Letter's
- Resume/SF-171 used for assignment rights/qualifications determination

- Retention registers documented to show:

- ✓ Individuals released from competitive level by displacement or job abolishment
- ✓ Reason for denying assignment rights in round two
- ✓ Who bumped or retreated and on whom
- ✓ Reason for exceptions to the regular order of release
- ✓ Waiver of qualifications
- ✓ Release of non competing employees from comp level when competitive employee is released from the same comp level

- Pay scales used in determining assignment rights

- Lines of progression for all affected positions

- Copies of all correspondence to and from the employees, i.e.,

- Specific RIF notice with receipt acknowledgement/documentation

- Offer acceptance/declination form

- Upgraded RIF offers

- Severance pay calculations

- Records of RIF counseling sessions

39. RESPOND TO APPEALS OR GRIEVANCES, AS NECESSARY

If proper documentation has been maintained, it should be fairly straight forward and easy to respond to appeals and grievances.

Agencies have 30 days from the date of MSPB's acknowledgement letter to respond to MSPB RIF appeals (refer to MSPB regulations, 5 CFR, Part 1201). MSPB provides specific instructions to agencies regarding how to prepare the response along with specific requests for materials. It is up to the agency to review the appeal and come to a common understanding with the appellant as to the issues raised in the appeal. It is then up to the agency to address all of the issues in their response to MSPB.

Unless the RIF action is specifically excluded from coverage in the negotiated agreement, unit employees must use their negotiated grievance procedure in appealing their RIF action. Since grievance procedures differ from union contract to contract, both the contract coverage and grievance procedures must be reviewed for each bargaining unit impacted by the RIF.

40. REVIEW AND EVALUATE RIF PLANNING PROCESS AND EXECUTION

Agencies should be encouraged to assess the RIF planning and execution process to identify their successes and to analyze where improvements in the process can be made.

Input should be gathered from management, unions, employees and personnel. Some agencies establish "process improvement teams" to review the different processes which occurred during downsizing (i.e., RIF execution, communication, outplacement, etc.) and to identify ways to improve it in the future.

Agencies that have previously gone through the RIF process more fully realize how important it is to plan and execute a downsizing plan in the most professional and humane manner possible. There are always "lessons learned" and room for improvement. Agencies that do not anticipate conducting a RIF again can speed up the recovery process after the RIF if they identify what didn't work well and how it impacted the remaining work force. The post-RIF recovery program can be planned accordingly.

41. DEVELOP AND IMPLEMENT A POST-RIF RECOVERY PLAN

Agency managers often think that their job is done, as far as the RIF is concerned, once they hand out the RIF notices. During the notice period all the attention is placed on those who received RIF notices. It is often assumed that everything and everyone else will fall into place after the effective date of the RIF; that once the RIF has occurred, things will get back to "normal". What many managers don't realize is that things may never be "normal" again. Members of the "work family" have been torn apart, put up for adoption, killed off, and in some cases a distant dysfunctional cousin has now moved in.

The RIF survivors are often the overlooked segment in a downsizing organization. These are the individuals that the agency must depend upon for its future. Managers must be aware of what their staffs are experiencing as RIF survivors - guilt (why was I spared?), loss of fellow workers, anxiety (will I be next??). A sense of trust and commitment must be reaffirmed to the employees.

The new work unit needs to learn how to work together as a team. Often, after downsizing, the survivors are looking at doing the same amount of work with fewer people. Decisions need to be made as to how the work will be done and who will do it. Managers may also need to decide what work will no longer be done or what could be done in a different way. Managers, employees, and unions need to work together to plan and implement these changes.

Recovery may occur without a plan, but it will most certainly be expedited with a well thought out recovery plan.

REDUCTION IN FORCE PLANNING GUIDE AND CHECKLIST

ACTION ITEM	START DATE	COMPLETION DATE	RESPONSIBLE PARTY	NOTES
1. Establish RIF team/coordinators - determine training and/or other support requirements and procure, as necessary				
2. Designate outplacement team and begin developing outplacement program if this has not been accomplished under RIF avoidance strategies				
3. Identify the competitive area where the RIF will occur				
4. Notify parent organization of impending RIF action and obtain approval, if necessary				
5. Establish effective date of RIF				
6. Develop a communication plan for dealing with information concerning the RIF				

ACTION ITEM	START DATE	COMPLETION DATE	RESPONSIBLE PARTY	NOTES
7. Notify unions in accordance with local negotiated agreements				
8. Contact other Federal, state and local agencies and solicit assistance in placing employees, if not already done under RIF avoidance strategies				
9. Identify all employees and positions in the competitive area				
10. Review employee assignment to insure position descriptions are accurate				
11. Review competitive levels for accuracy				
12. Review and verify entitlement to preference eligibility under RIF				
13. Review and verify service computation dates of all potentially affected employees				
14. Complete review of all employee RIF essential data				

ACTION ITEM	START DATE	COMPLETION DATE	RESPONSIBLE PARTY	NOTES
15. Provide a definite time period for employees to review and update their OFFs, resumes/SF-171s, and RIF essential data base information				
16. Establish cutoff date for receipt of performance appraisals				
17. Determine administrative guidelines/policy on discretionary issues dealing with RIF				
18. Freeze all personnel actions which impact employees' retention standing				
19. Identify positions to be abolished				
20. Obtain copies of pay scales and prepare representative rate chart				
21. Identify lines of progression for occupations in the competitive area				
22. Prepare retention registers and listing of vacancies to be used as RIF placement offers				

ACTION ITEM	START DATE	COMPLETION DATE	RESPONSIBLE PARTY	NOTES
23. Conduct mock RIFs and analyze the results				
24. Conduct Round one - Identify employees released from their competitive level				
25. Separate reemployed annuitants, temporary employees, and return status employees on details, temporary promotion, etc., to their permanent position of record, as necessary				
26. Determine qualifications of affected employees				
27. Identify employee assignment rights - complete round two				
28. Complete notification requirements when 50 or more employees are identified for separation <ul style="list-style-type: none"> ● Local OPM Service Center ● Department of Labor ● State dislocated worker unit ● Chief elected official of the local governmental jurisdiction(s) where separations will take place 				

ACTION ITEM	START DATE	COMPLETION DATE	RESPONSIBLE PARTY	NOTES
<p>29. Make RIF entitlement eligibility determinations for affected employees</p> <ul style="list-style-type: none"> • Grade Retention • Pay Retention • Severance Pay • Discontinued Service, Optional and MRA + 10 retirement options 				
<p>30. Prepare RIF notices and associated informational materials .</p>				
<p>31. Determine the process which will be used for delivering RIF notices</p>				
<p>32. Deliver RIF notices and obtain employees' acknowledgement</p>				
<p>33. Notify exclusive bargaining unit representative(s) of each affected employee; notify local OPM service center regarding Interagency Placement Program registration and outplacement assistance</p>				
<p>34. Provide counseling sessions on mechanics of RIF, employee entitlements, and retirement</p>				

ACTION ITEM	START DATE	COMPLETION DATE	RESPONSIBLE PARTY	NOTES
35. Conduct briefings and registration for placement program				
36. As necessary, run additional iterations of the RIF during the notice period to upgrade offers when possible				
37. Prepare outprocessing package for employees scheduled for separation; effect actions and outprocess				
38. Organize RIF records and retention registers and review for completeness and documentation				
39. Respond to appeals or grievances as necessary				
40. Review and evaluate RIF planning process and execution				
41. Develop and implement a post-RIF recovery plan				

Skills Survey

RIF & Downsizing

This Skills Survey is designed for agencies to use to determine the level of competency of the skilled functions of their personnel specialists and other employees who will be conducting a Reduction In Force and/or will be counseling employees who receive RIF notices.

**SKILLS SURVEY
RIF & DOWNSIZING**

Coding:

Source of Skill: For each skill/function, indicate how it was gained

Formal Training = (T)

Experience or OJT = (E)

Both (Formal Training & Experience) = (B)

Please also indicate with an * if you believe the skill level is current.

Not applicable = (NA)

Level of Competency: For each skill/function, please identify the level of competency you possess:

Expert (EX) - Current, up to date, can advise/assist agencies on all issues in this area whether routine or non-routine

Intermediate (I) - Can advise agencies on routine questions in this area - advise is based primarily upon theoretical application

Novice (N) - Has not demonstrated, but has some basic knowledge - not in a position to advise agencies without further training/experience in this area

None (O) - No training or experience in this area

Narrative: For each rating of "expert" or "intermediate", please provide a brief narrative statement that describes the depth and breath of experience.

If you do not currently possess the skill at the expert or intermediate level but are interested in developing it, please indicate accordingly in this block.

Supervisory Comments: After you have completed the survey, please forward it to your supervisor for review and concurrence.

NAME: _____

SKILLS	SOURCE/LEVEL	NARRATIVE:	SUPERVISORY COMMENTS:
RIF AVOIDANCE TECHNIQUES			
POSITION MANAGEMENT			
POSITION CLASSIFICATION			
ORGANIZATIONAL DEVELOPMENT			
WORKFORCE FORECASTING			
WORKFORCE SKILLS ASSESSMENT			
RIF PLANNING			
RIF EXECUTION			
RIF BENEFITS/ENTITLEMENTS			
AUTOMATED RIF PROGRAMS			

SKILLS	SOURCE/LEVEL	NARRATIVE:	SUPERVISORY COMMENTS:
RIF RUNNER			
WIZARD			
RADS			
OUTPLACEMENT			
PROGRAM DEVELOPMENT			
CAREER COUNSELING (OVERALL)			
ASSESSMENT TOOLS			
SKILL IDENTIFICATION OF CAREER OBJECTIVES			
RETRAINING			
EMPLOYMENT COUNSELING (OVERALL)			

SKILLS	SOURCE/LEVEL	NARRATIVE:	SUPERVISORY COMMENTS:
FEDERAL EMPLOYMENT			
OTHER PUBLIC SECTOR			
PRIVATE SECTOR			
RESUMES			
JOB SEARCH TECHNIQUES			
INTERVIEWING			
SELF MARKETING			
NETWORKING			
SALARY/BENEFITS NEGOTIATIONS			
JOB CLUBS			
JOB DEVELOPERS			
SELF EMPLOYMENT			

SKILLS	SOURCE/LEVEL	NARRATIVE:	SUPERVISORY COMMENTS:
CAREER/JOB FAIRS			
STRESS MANAGEMENT COUNSELING			
CRISIS MANAGEMENT COUNSELING			
FINANCIAL COUNSELING			
LEGAL COUNSELING			
RELOCATION COUNSELING			
RETIREMENT COUNSELING			
OUTPLACEMENT CENTER (Designing and running)			
OTHER:			
DESIGNING CUSTOMER SURVEYING INSTRUMENTS			

SKILLS	SOURCE/LEVEL	NARRATIVE:	SUPERVISORY COMMENTS:
SAMPLING TECHNIQUES			
CONDUCTING FOCUS GROUPS			
INSTRUCTOR/PRESENTATION SKILLS			
MARKETING SKILLS			
SALES SKILLS			
ORGANIZATIONAL INTERVENTION SKILLS			
CONTRACTING SKILLS			
LABOR MANAGEMENT RELATIONS			
EMPLOYEE RELATIONS			
AGENCY REPRESENTATIVE			

TAB 3

Downsizing Help

**Available on
OPM's
Bulletin Boards**

July 1995

**Office of Personnel Management
Workforce Restructuring Office
202-606-0960**

How to Access Downsizing Information on OPM Bulletin Boards

For handy reference by users, this is an index to downsizing material available on OPM's POSH and MAINSTREET bulletin board systems (BBS) under (1) "RIFNDX01.TXT" (ASCII text), and (2) "RIFNDX01.ZIP" (ASCII text compressed in a ZIP file). The index is updated as needed by OPM's Workforce Restructuring Office (202) 606 0960.

Both BBS contain timely (and free!) downsizing, career transition, placement, and early retirement information that is available to any interested caller. Also, both systems contain many files on other personnel-related subjects.

- o The OPM MAINSTREET BBS is available through OPM's central office located in Washington, D.C. The modem number is 202-606-4800.
- o The POSH BBS is available through OPM's Federal Job Opportunities Board (FJOB) BBS located in Macon, Georgia. The modem number is 912-757-3100.

Both BBS systems require an IBM-compatible computer, a modem, and communications software (such as PROCOMM). To access either BBS, call the telephone number listed above through your modem and follow the menu. In POSH, join the RIF Conference, on MAINSTREET, join the Downsizing Forum.

All of the downsizing text files on either BBS are available in uncompressed ASCII format. Also, most of the larger text files are also available in compressed ".ZIP" format. All files ending in ".TXT" may be viewed before, or in lieu of, downloading. Follow the downloading procedure after entering the RIF files area (#1), but select "T" for the protocol and the ".TXT" file may be read on the screen.

Types of Material Available

OPM's Bulletin Boards contain a wide range of material to help agencies deal with virtually any aspect of downsizing and restructuring. Materials range from the text of laws and regulations governing reductions in force to brochures for individual employees and handbooks developed by agencies, such as the Department of Defense's "Civilian Personnel Manual to Downsizing and Base Closure."

Help Us Share

In making this kind of "how-to" information available to all interested users, OPM wants to share the experiences gained by all agencies on this critical and timely subject. If you have material to contribute, please contact Tom Glennon, Susan Shelton, or Ed McHugh of OPM's Workforce Restructuring Office (202) 606 0960 or (202) 606 2329 (fax).

Thanks for your help !

Updates, Recent Additions and Coming Attractions-Summer 1995

INTERAGENCY PLACEMENT PROGRAM

An information copy of OPM's April 1995 report to Congress on outplacement assistance for displaced Federal employees is now available on the BBS. The report is titled "New Directions-Improving Transition Assistance for Federal Employees Affected by Downsizing." For a copy, download the following files-

- o "IPPRPT01.SUM": Information on downloading the report from the BBS.
- o "IPPRPT.TXT" or "IPPRPT.ZIP"; ASCII format.
- o "IPPRPT.WP" or "IPPRPTWP.ZIP"; WordPerfect format.

VOLUNTARY EARLY RETIREMENT

Agencies can now request expanded voluntary early retirement authority for FY 1996 to assist voluntary attrition in restructuring situations. For additional information, download the following files-

- o "IAG0505.TXT": Interagency Advisory Group memorandum dated May 5, 1995, "STREAMLINED VOLUNTARY EARLY RETIREMENT PROCEDURES FOR FY 1996." This memo explains how agencies can request voluntary early retirement for FY 1996.
- o "DWNAD004.TXT": DOWNSIZING ADVISORY DWNAD004: Expanded Voluntary Retirement. This file updates a May 1994 upload, and now explains how agencies can request voluntary early retirement for FY 1996.

DOWNSIZING

OPM's new "EMPLOYEE'S GUIDE TO RIF," dated March 1995, is now available on the BBS.

- o For a copy, download "RIFSUM.TXT."

COMING ATTRACTIONS

OPM will be adding 3 new "how to" guides on downsizing to the bulletin boards this summer:

- o A new guide on how to set up a career transition center developed by the Internal Revenue Service's Office of Work Force Transition. Everything you need to know from floor plans to software !
- o OPM's new handbook "Reduction in Force Planning: A Practical Guide and Checklist." A step-by-step guide on how to prepare for and carry out a RIF.
- o The Interagency Advisory Group's "Career Transition: A Resource Guide." Comprehensive info on how to design, develop and deliver career transition services.

Key Subject Matter Groupings in this Index

BAL: OPM Benefits Administration Letters on downsizing issues.

CE: OPM Brochures for employees on downsizing

CES: Using Certificates of Expected Separation to register employees for JTPA and placement assistance

DODMAN: The Department of Defense "Civilian Personnel Office Manual to Downsizing and Base Closure"

DOL: Department of Labor Forms and brochures on unemployment compensation for Federal workers

DORS: Defense Outplacement Referral System

DU: Downsizing Updates on such topics as RIF Appeals and Veterans preference

EO: Early Retirement

FUR: Furlough

IPP: Interagency Placement Program

RCL: OPM Retirement Counselor Letters on downsizing issues

REG: Text of CFR regulations on downsizing

SEVCOMP: Sample Severance Pay Computations Worksheet

VSIP: Material on Buyouts

Content of Files in this Index to the BBS

(1) File Name; (2) Size; (3) Date Posted on BBS; and (4) Description of File

Files uploaded during May and June 1995 are highlighted by "**"

Files Available July, 1, 1995:

- (1) BAL94101.TXT; 3476; 08-23-94; Benefits Administration Letter 94-101, dated August 16, 1994, covers advice to employees and processing retirement records when the employee may be eligible for a buyout and discontinued service retirement.
- (2) BAL94201.TXT; 2102; 08-01-94; Benefits Administration Letter 94-201, dated August 1, 1994, extending the waiver of the 5-year participation requirements to continue health benefits coverage to employees who retire on discontinued service retirement because of job abolishment. ASCII
- (3) BAL95209.TXT; 2775; 03-21-95; Benefits Administration Letter 95-209, dated March 8, 1995, with additional information on the waiver of the 5-year health benefits participation requirement covered in Insurance Officer Information Bulletin 296 ("IOIB296.TXT" on BBS), and Benefits Administration Letter 94-201 ("BAL94201.TXT" on BBS). ASCII
- (4) BAL95210.TXT; 4399; 04-13-95; Benefits Administration Letter 95-210, dated March 21, 1995, with information on the waiver of the 5-year health benefits participation requirement both for employees retained under buyouts, and employees who retire after March 31, 1995, under voluntary early retirement. ASCII
- (5) BBSSUM.TXT; 2482; 04-28-94; Summary of how to access downsizing information on OPM's POSH and MAINSTREET electronic bulletin board systems. ASCII
- (6) CE-5.TXT; 14064; CE-5.ZIP; 5425; 06-29-94; OPM brochure CE-5, "Reduction in Force." The brochure is revised through June 1994. ASCII
- (7) CE-26.TXT; 10653; CE-26.ZIP; 4311; 04-28-94; OPM brochure CE-26, "Interagency Placement Programs." The brochure is revised through April 1994. ASCII
- (8) CE-57.TXT; 14546; 06-17-94; OPM brochure CE-57, "Reduction in Force Benefits Guide." The brochure is revised through May 1994. ASCII
- (9) CERIDER.TXT; 5242; 01-13-95; Information on ordering downsizing brochures from OPM's Publications Rider. ASCII
- (10) CES.TXT; 2765; 01-14-93; Sample "Certification of Expected separation" that would be issued to employees under interim RIF regulations OPM published on May 26, 1992 (57 FR 21839). These regulations are listed in the POSH RIF Conference under "INTERIM.TXT" and "INTERIM.ZIP". Also, this same sample notice is listed in Wordperfect 5.1 under "CESWP.ZIP". ASCII
- (11) CESLABOR.TXT; 5888; 10-02-92; Department of Labor "Training

and Employment Guidance Letter No. 10-91", dated June 22, 1992. This is the DOL letter that implements the Certification of Expected Separation provision. See "INTERIM.TXT" or "INTERIM.ZIP", "CES.TXT", and "CESWP.ZIP. ASCII

(12) CONTRACT.TXT; 15038; 01-14-93; A/76 Contracting Out Memo, "A Manager's Brief on A-76 Personnel-Related Issues." Issued April 1988 and updated August 1992 for POSH. ASCII

(13) DBNDX.TXT; 9529; 03-20-95; Index to available "Daily Buyout" files, updated. ASCII

(14) DECARPT.TXT; 82425; DECARPT.ZIP; 28378; 05-11-93; "Civilian Personnel Transfer of Function After Action Report" prepared by the Defense Commissary Agency (DeCA). This information copy of the basic report covers all phases of carrying out the joint transfer of function and reorganization that established DeCA as a new DoD agency in October 1991. Note that DeCA effected this massive task with no involuntary separations. ASCII

(15) DODCARE; 20480; 10-16-93; DoD brochure: "CARE-Department of Defense Civilian Assistance and Re-Employment Program." This brochure is aimed at Defense employees, but is also useful to other employees involved in downsizing situations. ASCII

(16) DODMAN-A.TXT; 15878; DODMAN-A.ZIP; 6709; 10-02-92; Appendix A of DoD Manual DoD-1400.20-4-M: "A Civilian Personnel Office Manual to Downsizing and Base Closure." Appendix A consists of a copy of FPM Letter 351-26, which is also listed on POSH under "FPM35126.TXT," July 1992, issued by OASD-Force Management and Personnel. ASCII

(17) DODMAN-B.TXT; 95852; DODMAN-B.ZIP; 33751; 10-02-92; Appendix B of DoD Manual 1400.20-4-M, "A Civilian Personnel Office Manual to Downsizing and Base Closure." Appendix B covers relocation and moving assistance available to DoD employees. July 1992, issued by OASD-Force Management and Personnel. ASCII

(18) DODMAN-C.TXT; 31337; DODMAN-C.ZIP; 12265; 10-02-92; Appendix C of DoD Manual 1400.20-4-M, "A Civilian Personnel Office Manual to Downsizing and Base Closure." Appendix C covers economic assistance to Defense-impacted communities. July 1992, issued by OASD-Force Management and Personnel. ASCII

(19) DODMAN-D.TXT; 34032; DODMAN-D.ZIP; 14720; 10-02-92; Appendix D of DoD Manual 1400.20-4-M, "A Civilian Personnel Office Manual to Downsizing and Base Closure." This is the short version of Appendix D, which covers benefits available from the Department of Labor (DOL). The longer version consists of an additional 153 pages of addresses for DOL components. July 1992, issued by OASD-Force Management and Personnel. ASCII

(20) DODMAN2.TXT; 3542; DODMAN2.ZIP; 2663; 10-02-92; OPM instructions for DoD Manual 1400.20-4-M, "A Civilian Personnel

Office Manual to Downsizing and Base Closure."

(21) DODMANC1.TXT; 84952; DODMANC1.ZIP; 31626; 10-02-92; Chapter 1 and Index, "Planning for Change", DoD Manual DoD-1400.20-4-M, "A Civilian Personnel Office Manual to Downsizing and Base Closure." July 1992, issued by OASD-Force Management and Personnel. ASCII

(22) DODMANC2.TXT; 85102; DODMANC2.ZIP; 31349; 10-02-92; Chapter 2, "Preparing for RIF", DoD Manual DoD-1400.20-4-M, "A Civilian Personnel Office Manual to Downsizing and Base Closure." July 1992, issued by OASD-Force Management and Personnel. ASCII

(23) DODMANC3.TXT; 66679; DODMANC3.ZIP; 23737; 10-02-92; Chapter 3, "Conducting a RIF", DoD Manual DoD-1400.20-4-M, "A Civilian Personnel Office Manual to Downsizing and Base Closure." July 1992, issued by OASD-Force Management and Personnel. ASCII

(24) DODMANC4.TXT; 27888; DODMANC4.ZIP; 12783; 10-02-92; Chapter 4, "Outplacement", DoD Manual DoD-1400.20-4-M, "A Civilian Personnel Office Manual to Downsizing and Base Closure. July 1992, issued by OASD-Force Management and Personnel. ASCII

(25) DOL02.TXT; 5837; 01-14-93; Department of Labor Standard Form (Rev.6-87), "Unemployment Compensation for Federal Employees (UCFE) Program." Information copy of SF 8; use an official copy if applying for UCFE benefits. ASCII

(26) DOL03.TXT; 8860; 01-12-93; Department of Labor brochure, "Unemployment Insurance for Federal Workers." Developed by DOL's ETA-Unemployment Insurance Service.

(27) DORSFPM1.TXT; 5403; 10-02-92; FPM Bulletin 330-88, dated November 8, 1991, "The Defense Outplacement Referral System (DORS). This is an information copy of the bulletin. Refer to other DORS files on POSH for additional information on this program. ASCII

(28) DORS2.TXT; 9425; 01-12-93; DoD brochure, "Job Opportunities Through DORS-Defense Outplacement Referral System." September 1992 update of DoD's DORS brochure. ASCII

(29) DUAPP001.TXT; 925; 03-20-95; DOWNSIZING UPDATE DUAPP001: RIF Appeals. Each employee covered by OPM's RIF regulations found in 5 CFR Part 351 has the right to appeal the action to MSPB, unless the employee accepts an offer of a position with the same representative rate. The basic right to file a RIF appeal includes excepted service employees covered by the RIF regulations. ASCII

(30) DUBMP001.TXT; 850; 03-20-95; DOWNSIZING UPDATE DUBMP001: Bumping Rights. An agency is not required to consider employees' service dates in determining their bumping rights. ASCII

- (31) DUCES001.TXT; 8285; 03-21-95; DOWNSIZING UPDATE DUCES001: Certification of Expected Separation. In final CES regulations published on January 13, 1995, at 60 FR 3055, the word "or" in 5 CFR 351.807(b) is incorrect; the word "and," which was used in the interim CES regulations OPM published in May 1992, was correct. ASCII
- (32) * DUCES002.TXT; 811; 05-02-95; DOWNSIZING UPDATE DUCES001: Certification of Expected Separation. An agency may issue a CES only if an employee is likely to be separated by RIF, not if the separation would result for another reason such as failure to relocate. ASCII
- (33) * DUCLV001.TXT; 4179; 05-03-95; DOWNSIZING UPDATE DUCLV001: Competitive Level. There is no requirement in OPM's RIF regulations that an agency must effect classification actions prior to conducting a RIF. Update to prior upload ASCII
- (34) DUCLV002.TXT; 1949; 06-25-94; DOWNSIZING UPDATE DUCLV002: Competitive Level. An agency does not develop different competitive levels for other-than-full time employees who hold interchangeable positions, but work a different number of hours, days, weeks, etc. ASCII
- (35) DUCLV003.TXT; 1309; 03-20-95; DOWNSIZING UPDATE DUCLV003: Competitive Level. Effective with final retention regulations OPM published on January 13, 1995, there is no requirement in 5 CFR Part 351 that agencies establish separate competitive levels for supervisors and nonsupervisors. ASCII
- (36) * DUCLV004.TXT; 4142; 05-03-95; DOWNSIZING UPDATE DUCLV004: Competitive Level. An employee is assigned to a RIF competitive level and otherwise competes under OPM's retention regulations based on the employee's official position of record without to the benefit of saved grade resulting from a prior downgrading action. ASCII
- (37) DUCOM001.TXT; 1980; 03-20-95; DOWNSIZING UPDATE DUCOM001: Local Commuting Area. Summary of OPM standard for local commuting area that is used for RIF, severance pay, and discontinued service retirement purposes. ASCII
- (38) DUCOM002.TXT; 555; 03-20-95; DOWNSIZING UPDATE DUCOM002: Local Commuting Area. There is no OPM mileage standard used in setting the local commuting area. ASCII
- (39) DUCOV001.TXT; 620; 03-20-95; DOWNSIZING UPDATE DUCOV001: RIF Coverage. A National Guard technician is not covered by OPM's RIF regulations. ASCII
- (40) DUCOV002.TXT; 856; 02-02-93; DOWNSIZING UPDATE DUCOV002: RIF Coverage. An employee on leave of absence because of compensable injury competes on the same basis as other employees under OPM's RIF regulations. ASCII

(41) DUCOV003.TXT; 572; 02-02-93; DOWNSIZING UPDATE DUCOV003: RIF Coverage. An employee serving in a competitive service temporary position is not a competing employee under OPM's RIF regulations. ASCII

(42) DUCOV004.TXT; 1524; 04-12-93; DOWNSIZING UPDATE DUCOV004: RIF Coverage. Until graduation, a student holding a position in the Student Educational Employment Program has the same retention rights as other excepted employees employed under a Schedule B appointment authority. A student employee in the program who has graduated and is within the 120-day period for optional conversion to a competitive service position is not covered by OPM's RIF regulations. Update of prior upload. ASCII

(43) DUCOV005.TXT; 359; 02-20-93; DOWNSIZING UPDATE DUCOV005: RIF Coverage. An agency must use RIF procedures to change a full-time employee to part-time, but not to change a part-time employee to full-time. ASCII

(44) DUDSR001.TXT; 1432; 03-20-95; DOWNSIZING UPDATE DUDSR001: Discontinued Service Retirement. In determining an employee's eligibility for discontinued service retirement, the actual grades are used rather than grade intervals used for RIF assignment rights. ASCII

(45) DUDSR002.TXT; 1944; 03-20-95; DOWNSIZING UPDATE DUDSR002: Discontinued Service Retirement. In determining an employee's eligibility for discontinued service retirement, the saved grade rather than the actual grade is used when the employee is receiving grade retention. ASCII

(46) DUDSR003.TXT; 1831; 04-13-93; DOWNSIZING UPDATE DUDSR003: Discontinued Service Retirement. For purposes of eligibility for discontinued service retirement, an offered position may be in any component of the agency (e.g., DoD in the same local commuting area. ASCII

(47) DUDSR004.TXT; 44077; DUDSR004.ZIP; 13018; 04-04-94; DOWNSIZING UPDATE DUDSR004: Discontinued Service Retirement. Copy of March 25, 1994, revision to Chapter 44 of FPM Supplement 830-1 offering agencies increased flexibility to target one of similar positions for DSR eligibility. ASCII

(48) DUDSR005.TXT; 756; 05-23-94; DOWNSIZING UPDATE DUDSR005: Discontinued Service Retirement. There is no authority under OPM's regulations for an agency to retain an employee in a LWOP status past the RIF date for the purpose of granting title to a discontinued service retirement annuity. ASCII

(49) DUDSR006.TXT; 1169; 05-23-94; DOWNSIZING UPDATE DUDSR006: Discontinued Service Retirement. There is no authority under OPM's regulations to retain an employee in a LWOP status past the effective date of a relocation situation (e.g., past the effective date of a transfer of function requiring relocation)

for the purpose of granting title to a discontinued service retirement annuity. ASCII

(50) DUDSR007.TXT; 793; 05-23-94; DOWNSIZING UPDATE DUDSR007: Discontinued Service Retirement. An agency may allow an employee to use annual leave past the RIF date in order to establish eligibility for discontinued service retirement. ASCII

(51) DUDSR008.TXT; 1296; 05-23-94; DOWNSIZING UPDATE DUDSR008: Discontinued Service Retirement. An agency may not retain an employee in a pay status (e.g., annual leave, administrative leave, etc.) past the effective date of a relocation situation (e.g., past the effective date of a transfer of function requiring relocation) for the purpose of granting title to a discontinued service retirement annuity. ASCII

(52) DUERL001.TXT; 1099; 09-30-94; DOWNSIZING UPDATE DUERL001: Voluntary Early Retirement. Covers three key flexibilities in expanded voluntary early retirement authorities that differ from targeted authorities that OPM used to approve. ASCII

(53) DUERL002.TXT; 3550; 01-13-95; DOWNSIZING UPDATE DUERL002: Extension of expanded Voluntary Early Retirement Authority 94-60 covering the Department of Defense through September 30, 1995, and other flexibilities. ASCII

(54) DUERL003.TXT; 2984; 10-31-94; DOWNSIZING UPDATE DUERL003: IAG memo dated October 31, 1994, allowing agencies to retain employees past the closing date of the authority under certain conditions. ASCII

(55) DUGRP001.TXT; 838; 04-12-93; DOWNSIZING UPDATE DUGRP001: Grade and Pay Retention. For purposes of eligibility for grade or pay retention, an offered position may be in any component of the agency (e.g., DoD) in the same local commuting area. ASCII

(56) DUGRP002.TXT; 1606; 04-12-93; DOWNSIZING UPDATE DUGRP003: Grade and Pay Retention. An employee who obtains employment in another agency (e.g., a DoD employee obtains employment in the Department of Veterans Affairs) may also be entitled to grade and/or pay retention in the new agency. ASCII

(57) DUGRP003.TXT; 453; 04-12-93; DOWNSIZING UPDATE DUGRP003: Grade and Pay Retention. Repromotion eligibility while in receipt of grade or pay retention is covered in the agency's internal staffing plan. ASCII

(58) DUGRP004.TXT; 432; 04-19-94; DOWNSIZING UPDATE DUGRP004: Grade and Pay Retention. The provisions on grade and pay retention that are applicable to General Schedule positions are also applicable to prevailing wage positions. ASCII

(59) DUIPP001.TXT; 1372; 05-06-94; DOWNSIZING UPDATE DUIPP001: Interagency Placement Program. Reference to an April 11, 1994,

decision **SPECIAL COUNSEL v. BROWN AND NELSON**, in which the Merit Systems Protection Board found an agency's delegated examining unit violated merit systems principles by filling two position with nonstatus candidates before OPM sustained an objection to a Displaced Employee Program candidate. ASCII

(60) **DUMIL001.TXT; 691; 01-12-93; DOWNSIZING UPDATE DUMIL001:** Retired Military and Severance Pay. A retired member of the armed forces is not eligible to receive severance pay. ASCII

(61) **DUMIL002.TXT; 4329; 01-14-93; DOWNSIZING UPDATE DUMIL002:** Retired Military and Veterans' Preference in RIF. The Dual Compensation Act of 1964 limits the application of veterans preference for RIF purposes if an employee is receiving an immediate retirement from the armed forces after completing at least 20 years of military service. This restriction applies even if the individual is receiving certain disability benefits from the armed forces, and/or the individual is receiving a service-compensable disability from the Department of Veterans Affairs.

(62) **DUMIL003.TXT; 2655; 02-02-93; DOWNSIZING UPDATE DUMIL003;** Retired Military and Veterans' Preference in RIF. The Dual Compensation Act limits the application of veterans preference for RIF purposes if an employee is receiving an immediate retirement from the armed forces after completing at least 20 years of military service. In computing 20 years military service for this purpose, an employee may not deduct training service that has been credited towards the individual's retirement from the armed forces. ASCII

(63) **DUMIL004.TXT; 609; 02-02-93; DOWNSIZING UPDATE DUMIL004;** Veterans' Preference in RIF. Individuals who initially enter the armed forces after October 14, 1976, are eligible for veterans preference (including retention preference for RIF purposes) only under very limited conditions. ASCII

(64) **DUMIL005.TXT; 1205; 05-06-94; DOWNSIZING UPDATE DUMIL005:** Veterans' Preference in RIF Based on Derivative Preference. The widow (or widower), spouse, or mother of a veteran who is eligible for veterans' preference on appointment under 5 U.S.C. 2108 still receives veterans' preference in RIF competition even though the Dual Compensation Act bars the veteran from receiving the same preference in RIF. ASCII

(65) **DUMIL006.TXT; 869; 05-06-94; DOWNSIZING UPDATE DUMIL006:** Veterans' Preference in RIF Based on Derivative Preference. The widow (or widower), spouse, or mother of a veteran who is eligible for veterans' preference on appointment under 5 U.S.C. 2108 is entitled to be placed only in RIF retention subgroup A, not in higher RIF retention subgroup AD. ASCII

(66) **DUNOT001.TXT; 1373; 04-28-94; DOWNSIZING UPDATE DUNOT001:** RIF Notices. April 28, 1994 revision to file. Each employee has

a statutory right to a minimum of 60 days notice before a RIF action. Certain DoD employees have a statutory right to a minimum of 120 days notice before a RIF action. ASCII

(67) DUNOT002.TXT; 1063; 03-20-95; DOWNSIZING UPDATE DUNOT002: RIF Notices. An agency may use a discretionary temporary exception to meet a RIF notice period that ends past the actual RIF date. ASCII

(68) DUNOT003.TXT; 801; 04-28-94; DOWNSIZING UPDATE DUNOT003: RIF notices. There is no maximum RIF notice period under OPM's RIF regulations. ASCII

(69) DUPER001.TXT; 1708; 03-20-95; DOWNSIZING UPDATE DUPER001: Performance Ratings Used in RIF. An agency uses an assumed rating of "Fully Successful" (or equivalent) in determining an employee's retention standing only if the employee had not received three actual annual ratings of record in the 4-year period prior to the RIF. ASCII

(70) DUPER002.TXT; 2046; 03-20-95; DOWNSIZING UPDATE DUPER001: Performance Ratings Used in RIF. When any of an employee's actual performance ratings of record used other than five summary rating levels, the agency determines equivalent rating levels between the ratings systems and credits the employee accordingly.

(71) DUQUA001.TXT; 3393; 03-20-95; DOWNSIZING UPDATE DUQUA001; Qualifications Used to Determine RIF Assignment Rights. An agency must give special consideration to qualifications for assignment if an employee is on leave due to a compensable injury. ASCII

(72) DUREA001.TXT; 1012; 03-20-95; DOWNSIZING UPDATE DUREA001: Reassignment. An agency may reassign an employee to a position at the same grade regardless of the position's location. ASCII

(73) DUREA002.TXT; 1326; 03-20-95; DOWNSIZING UPDATE DUREA002: Reassignment. An employee has no right to be in RIF competition unless the employee is faced with separation or downgrading for a RIF reason such as reorganization. ASCII

(74) DUREP001.TXT; 1684; 02-14-95; DOWNSIZING UPDATE DUREP001: Representative Rate. Locality pay is not included in the representative rate of employees under the General Schedule. ASCII

(75) DURTR001.TXT; 15520; 02-28-95; DOWNSIZING UPDATE DURTR001: Retreat Rights. MSPB expands the scope of retreat rights in a precedential April 12, 1994, decision from an interlocutory appeal, SIMONTON v. ARMY, 62 M.S.P.R. 30. Updated on BBS February 28, 1995, to include final cite to SIMONTON. ASCII

(76) DURTR002.TXT; 12307; 03-20-95; DOWNSIZING UPDATE

DURTR002: Retreat Rights. Copy of EVANS v. NAVY, 64 M.S.P.R. 492, a September 28, 1994, in which MSPB discusses SIMONTON v. ARMY and considers the competitive level test in determining employees' retreat rights. ASCII

(77) DUSEV001.TXT; 1606; 01-12-93; DOWNSIZING UPDATE DUSEV001: Severance Pay. In determining an employee's eligibility for severance pay, the actual grades are used rather than grade-intervals used to determine RIF assignment rights. ASCII

(78) DUSEV002.TXT; 691; 01-12-93; DOWNSIZING UPDATE DUSEV003: Retired Military and Severance Pay. A retired member of the armed forces is not eligible to receive severance pay. ASCII

(79) DUSEV003.TXT; 3558; 01-12-93; DOWNSIZING UPDATE DUSEV003: Severance Pay. An employee who receives a RIF offer of a temporary position does not receive a "Reasonable Offer" for purposes of determining entitlement to severance pay.

(80) DUSEV004.TXT; 2759; 01-12-93; DOWNSIZING UPDATE DUSEV004: Severance Pay. An employee who receives a RIF offer of assignment to a vacant position receives a "Reasonable Offer" for purposes of determining entitlement to severance pay even if the agency waives or modifies qualifications to make the placement. ASCII

(81) DUSEV005.TXT; 1673; 04-12-93; DOWNSIZING UPDATE DUSEV005: Severance Pay. For purposes of eligibility for severance, an offered position may be in any component of the agency (e.g., DoD) in the same local commuting area. ASCII

(82) DUSEV006.TXT; 1067; 04-28-94; DOWNSIZING UPDATE DUSEV006: Severance Pay. An employee who is eligible for an immediate annuity upon leaving the Federal service is not eligible for severance even if the employee does not apply for the annuity at the time of separation. ASCII

(83) DUSEV007.TXT; 7237; 05-05-94; DOWNSIZING UPDATE DUSEV007: Severance Pay. An employee who resigns before receiving a specific notice of involuntary separation is entitled to severance pay only in limited circumstances. This Downsizing Update contains an information copy of a February 10, 1994, decision by the Comptroller General. ASCII

(84) DUSEV008.TXT; 1183; 05-12-94; DOWNSIZING UPDATE DUSEV008: Severance Pay Documentation in RIF. An employee is not entitled to severance pay until after the employee is separated. This must be reflected in the date entered in Remark N22 on the SF 50 that documents the employee's separation by RIF. ASCII

(85) DUTOF001.TXT; 1477; 03-20-95; DOWNSIZING UPDATE DUTOF001: Transfer of Function Canvass Letters. Agencies may use a transfer of function canvass letter only in situations when the transfer results in the movement of the employee to a different

local commuting area. ASCII

(86) DUTOF002.TXT; 813; 03-20-95; DOWNSIZING UPDATE DUTOF002: Transfer of Function Canvass Letters. An employee who indicates in a transfer of function canvass letter that he or she will transfer may later decline to transfer, but an employee who initially declines to transfer may not subsequently change the declination. ASCII

(87) DUTOF003.TXT; 937; 03-20-95; DOWNSIZING UPDATE DUTOF003: Transfer of Function Canvass Letters. The 60-day RIF notice requirement is not applicable to transfer of function canvass letters. Updates October 1992 file. ASCII

(88) * DUTRA001.TXT; 2069; 05-02-95; DOWNSIZING UPDATE DUTRA001: Formally-designated trainee and developmental positions in RIF. The characteristics of a formally-designated trainee or developmental position are set forth in 5 CFR 351.702(e). ASCII

(89) * DUTRA002.TXT; 1932; 05-02-95; DOWNSIZING UPDATE DUTRA001: Formally-designated trainee and developmental positions in RIF. An agency may place a formally-designated or developmental position in a different competitive level from other positions. ASCII

(90) * DUTRA003.TXT; 2786; 05-02-95; DOWNSIZING UPDATE DUTRA001: Formally-designated trainee and developmental positions in RIF. A journeyman employee has no RIF assignment right to a formally-designated trainee or developmental position if undue interruption would result from the displacement. ASCII

(91) DUTOF004.TXT; 1292; 03-20-95; DOWNSIZING UPDATE DUTOF004: Transfer of Function. The transfer of function regulations are applicable only when the transferred function continues in an "identical form" in the gaining competitive area. ASCII

(92) DWNAD001.TXT; 15346; 01-05-94; DOWNSIZING ADVISORY NUMBER 1: Agency offers and employee entitlements. OPM policy on the impact of an agency offer on saved grade and pay, severance pay, and discontinued service retirement. This upload updates our September 18, 1993, upload under the label label to now reference the IPP. ASCII

(93) DWNAD002.TXT; 4530; 11-24-93; DOWNSIZING ADVISORY NUMBER 2: New OPM address for agencies' submissions of requests for approval of (1) a competitive area change within 90 days of a RIF effective date, and (2) a shortened RIF notice period. ASCII

(94) DWNAD003.TXT; 22586; DWNAD003.ZIP; 7717; 01-31-94; DOWNSIZING ADVISORY NUMBER 3: RIF Notice Update. This Downsizing Advisory updates Subchapter S7 of FPM Supplement 351-1 to cover interim RIF notice regulations OPM published in June 1993 and May 1992. The Advisory contains specific references to any pertinent regulatory provisions. ASCII

(95) DWNAD004.TXT; 23927; 05-19-94; DOWNSIZING ADVISORY NUMBER 4: Expanded Voluntary Early Retirement Authority. This Downsizing Advisory is updated from a May 1994 upload and explains how agencies can request voluntary early retirement for FY 1996. ASCII

(96) DWNAD005.TXT; 2997; 05-06-94; DOWNSIZING ADVISORY NUMBER 5: Grade and Pay Retention. This Downsizing Advisory explains that an agency may offer saved grade or pay retention if an employee in a position targeted for reduction requests placement in a lower-graded position that is not targeted for reduction. ASCII

(97) DWNAD006.TXT; 3536; 06-29-94; DOWNSIZING ADVISORY NUMBER 6: RIF Appeals. In final regulations published on June 17, 1994, the Merit Systems Protection Board at 59 FR 31109 changed the deadline for filing RIF (and other) initial appeals from 20 days to 30 days past the event that serves as the basis for the appeal. ASCII

(98) DWNAD007.TXT; 1383; 09-30-94; DOWNSIZING ADVISORY NUMBER 7: Change in Nature of Action Code for CSRS Employees Retiring on a Voluntary Early Retirement Authority on or After October 1, 1994. ASCII

(99) * DWNAD008.TXT; 4823; 05-02-95; DOWNSIZING ADVISORY NUMBER 8: Use of Discretionary Temporary Exceptions to the Regular RIF Order of Release. An agency may use a discretionary temporary exception authorized under 5 CFR 351.608(b) and allow an employee to take annual leave past the planned RIF date for the purpose of gaining title to a discontinued service retirement, or a voluntary early retirement. ASCII

(100) DWULIST.TXT; 4988; 01-13-95; Listing of State Offices for information on benefits under the Job Training Assistance Program. ASCII

(101) EOCHECK.TXT; 4382; 05-13-93; Voluntary Early Retirement database instructions. ASCII

(102) EOCHECK.ZIP; 99917; 05-13-93; Voluntary Early Retirement summary. This database summarizes all voluntary retirement authorities approved from CY 1973 (when the program was established) through CY 1991. The database requires Dbase III+ or other software that reads Dbase III+. The information in this database is useful to any present or former employee who may have been early for voluntary early retirement before January 1, 1986, and is trying to establish the applicability of Social Security "Windfall" provisions. Read "EOCHECK.TXT" before downloading for instructions.

(103) EOSAMPLE.TXT; 17710; 01-13-93; Voluntary Early Retirement. This is a sample voluntary early retirement package from DoD manual 1400.20-4-M, July 1992. The package includes an employee early retirement survey form, the agency's request to OPM, and an

OPM approval letter. ASCII

(104) EOUP0501.TXT; 22347; EOUP0501.ZIP; 5385; 04-29-95. Voluntary Early Retirement Update. Current voluntary early retirement authorities in force on May 1, 1995. ASCII

(105) FPM330S1.ZIP; 13181; 10-02-92; FPM Chapter 330, Subchapter 1, "Reemployment Priority List." This is an information copy of OPM's RPL instructions in the Federal Personnel Manual. Refer to the published version when citing the RPL provisions. ASCII

(106) FPM351-1.TXT (219922); FPM351-1.ZIP (70688); 01-31-94; FPM Supplement 351-1, "Reduction in Force." This is an information copy of OPM's RIF manual updated through January 1994. Refer to the published version when citing the RIF provisions. ASCII

(107) FPM351L1.ZIP; 41698; 12-19-92; Index to FPM Supplement 351-1 in Lotus 1-2-3, version 2.4. When unzipped, this file becomes "FPM351L1.WKS" and produces a 986 entry detailed index to FPM Supplement 351-1, updated to January 1993. The index can also be converted to any software that reads the Lotus format.

(108) FPM35115.TXT; 5343; 11-01-93; FPM Letter 351-15, dated September 1, 1981, covering key RIF-related appeals decisions. ASCII

(109) FPM35119.TXT; 39860; FPM35119.ZIP; 13608; 11-01-93; FPM Letter 351-19, dated October 11, 1985, covering key RIF-related appeals decisions. ASCII

(110) FPM35121.TXT; 41445; FPM35121.ZIP; 14677; 11-01-93; FPM Letter 351-21, dated June 4, 1986, covering key RIF-related decisions. ASCII

(111) FPM35123.TXT; 3688; 10-29-93; FPM Letter 351-23, dated January 17, 1988. This FPM letter covers two key appeals decisions on furlough issues. ASCII

(112) FPM35124.TXT; 6869; 10-29-93; FPM Letter 351-26, dated April 16, 1990. This FPM letter covers two key RIF-related appeals decisions. ASCII

(113) FPM35127.TXT; 20406; 01-14-93; FPM Letter 351-27, dated November 16, 1992, "Crediting Ratings Over 4 Rather Than 3 Years in RIF." This is an information copy of the letter covering the use of three ratings in 4 years for RIF purposes, separate RIF competitive areas for certain OIG organizations, and offering temporary positions during a RIF. Refer to the published version when citing the RIF provisions. ASCII

(114) FPM353.TXT; 55101; FPM353.ZIP; 20890; 10-02-92; FPM Chapter 353, "Restoration to Duty From Military Service or Compensable Injury." This is an information copy of OPM's FPM instructions on restoration rights. Refer to the published

version when citing the restoration provisions. ASCII

(115) FPM536.ZIP; 13202; 10-02-92; FPM Chapter 536, "Grade and Pay Retention." This is an information copy of OPM's FPM instructions covering saved grade and pay. Refer to the published version when citing the saved grade and pay provisions. ASCII

(116) FPM83043.TXT; 29215; FPM83043.ZIP; 9045; 01-10-94; FPM Supplement 830-1, Chapter 43, "Early Voluntary Retirement." This is an information copy of OPM's FPM material on submitting employees' applications for voluntary early retirement to OPM, and processing related records, updated through January 1993. Refer to the published version when citing the FPM. ASCII

(117) FPM83044.TXT; 54657; FPM83044.ZIP; 18452; 04-07-94; FPM Supplement 830-1, Chapter 44, "Discontinued Service Retirement." This is an information copy of OPM's FPM material on discontinued service retirement (DSR), updated through March 25, 1994. Refer to the published version of the CSRS and FERS Handbook when citing the DSR provisions. ASCII

(118) FPM830M1.TXT; 1846; 01-14-93; Discontinued Service Retirement (DSR): Memo from OPM to Heads of Agencies Concerning DSR. In this May 1991 memorandum from its Director, OPM reminds agencies that DSR applications must be consistent with OPM guidelines, and that agencies should review each application carefully before submission to OPM. ASCII

(119) FPM830N1.TXT; 2053; 01-14-93; Discontinued Service Retirement (DSR): Sample Notice of Job Abolishment for DSR Eligibility. This sample notice of job abolishment for DSR is found in FPM Supplement 830-1, Chapter 44. The entire chapter is found under "FPM83044.ZIP." ASCII

(120) FUR90.ZIP; 26313; 10-02-92; Furlough: Memo from OPM to Directors of Personnel. In this August 15, 1990, memorandum from its Director, OPM covers many aspects of furlough under the title "Personnel Implications of Sequestration." Selective updates for 1992. Also, refer to sample furlough notices from this memo that are filed separately under "FURNOT1.TXT" and "FURNOT2.TXT." ASCII

(121) FURNOT01.TXT; 10823; 01-14-93; Furlough: Sample 5 CFR Part 752 adverse action furlough notice from OPM's 1990 furlough package filed under "FUR90.ZIP." ASCII

(122) FURNOT02.TXT; 7565; 01-14-93; Furlough: Sample 5 CFR Part 359 furlough notice covering Career SES employees. This sample was contained in OPM's 1990 furlough package filed under "FUR90.ZIP." ASCII

(123) FURSUM01.TXT; 2658; 01-03-94; Furlough: Comparison of short and long furlough procedures, along with regular RIF

procedures. This comparison was developed by the Long Beach Naval Shipyard and is updated on the BBS. ASCII

(124) IAG0505.TXT; 25575; 05-19-95; Interagency Advisory Group memorandum dated May 5, 1995, "STREAMLINED VOLUNTARY EARLY RETIREMENT PROCEDURES FOR FY 1996." This memo explains how agencies can request voluntary early retirement for FY 1996. ASCII

(125) IOIB296.TXT; 3810; 04-15-94; Insurance Officers Information Bulletin Number 296, dated April 15, 1994, explaining new OPM policy waiving the minimum 5-year participation requirement for continuing health benefits coverage in certain situations. ASCII

(126) IPPAARS.TXT; 37552; 01-13-95; Advance copy of the Interagency Placement Program (IPP) subchapter to the Automated Applicant Referral System (AARS). This subchapter describes procedures for agencies to follow when clearing the IPP. ASCII

(127) IPPALERT.TXT; 1747; 04-07-94; IPP update allowing employees greater flexibility in registering in the IPP. ASCII

(128) IPPIAG01.TXT; 2250; 04-04-94; March 21, 1994, IAG memo implementing "IPPALERT.TXT" above. ASCII

(129) IPPPLAN.TXT; 17460; IPPPLAN.ZIP; 6737; 11-23-93; Operating plan covering OPM's new Interagency Placement Program (IPP) that, effective December 1, 1993, replaces both the Displaced Employee Program and the Interagency Placement Assistance Program in providing outplacement service to displaced Federal employees. ASCII

(130) IPPQA001.TXT; 6666; 12-06-93; Part 1; Frequent questions and answers concerning the Interagency Placement Program. Contains material for both OPM field components and individual agencies. ASCII

(131) IPPQA002.TXT; 4622; 01-13-94; Part 2; additional questions and answers concerning the Interagency Placement Program. ASCII

(132) IPPQA003.TXT; 1901; 01-03-94; Part 3; additional questions and answers concerning the Interagency Placement Program. ASCII

(133) IPPQA004.TXT; 2199; 01-24-94; Part 4; additional questions and answers concerning the Interagency Placement Program. ASCII

(134) IPPQA005.TXT; 1209; 02-08-94; Part 5; additional questions and answers concerning the Interagency Placement Program. ASCII

(135) IPPQA006.TXT; 3818; 02-15-94; Part 6; additional questions and answers concerning the Interagency Placement Program. ASCII

(136) IPPQA007.TXT; 2748; 03-01-94; Part 7; additional questions and answers concerning the Interagency Placement

Program. ASCII

(137) IPPQA008.TXT; 2649; 04-07-94; Part 8; additional questions and answers concerning the Interagency Placement Program. ASCII

(138) IPPQA009.TXT; 2432; 04-04-94; Part 9; Additional questions and answers concerning the Interagency Placement Program. ASCII

(139) IPPQA010.TXT; 1491; 05-11-94; Part 10; Additional questions and answers concerning the Interagency Placement Program, dated May 2, 1994. ASCII

(140) IPPQA011.TXT; 1203; 06-27-94; Part 11; Additional questions and answers concerning the Interagency Placement Program, dated June 1994. ASCII

(141) IPPQA012.TXT; 07-18-94; Part 12; Additional questions and answers concerning the Interagency Placement Program, dated July 1994. ASCII

(142) IPPQA013.TXT; 9175; 10-14-94; Part 13; Additional questions and answers concerning the Interagency Placement Program, dated October 1994. ASCII

(143) IPPQA014.TXT; 7440; 12-15-94; Part 14.

(144) IPPQA015.TXT; 6694; 01-13-95; Part 15.

(145) IPPREG01.WP; 61680; 01-13-95; "Interagency Placement Program-Registration Instructions and Forms." WordPerfect 5.1 format. Updates file with same name.

(146) IPPREG02.WP; 123890; 01-13-95; "Interagency Placement Program-Registration Form." WordPerfect 5.1 format. Updates file with same name.

(147) IPPRPT.SUM; 04-13-95; OPM Report to Congress dated April 1995, "New Directions-Improving Transition Assistance for Federal Employees Affected by Downsizing." Summary of files available on BBS, and information on printing the material. ASCII

(148) IPPRPT.TXT; 168811; IPPRPT.ZIP; 51040; 04-13-95; OPM Report to Congress dated April 1995, "New Directions-Improving Transition Assistance for Federal Employees Affected by Downsizing." ASCII

(149) IPPRPT.WP; 350628; IPPRPTWP.ZIP; 88720; 04-13-95; OPM Report to Congress dated April 1995, "New Directions-Improving Transition Assistance for Federal Employees Affected by Downsizing." WordPerfect format.

(150) IPPSLD01.TXT; 4191; 01-31-94; Slides or summary pages giving a brief overview of the Interagency Placement Program. The material can be used to produce 7 pages of IPP material. ASCII

(151) JOBBANK.TXT; 2010; 01-13-93; Department of Labor brochure, "Interstate Job Bank-Where Workers With Skills Find Employees With Jobs." ASCII

(152) MARERIF.TXT; 63398; MARERIF.ZIP; 24517; 10-02-92; RIF management: "Management of a Major Downsizing at a Naval Shipyard." (OPNAV-12-91, June 1991). 34 page report prepared by Mare Island Naval Shipyard on its approach to its major RIF in 1990. ASCII

(153) MSPBRPT1.TXT; 5966; 12-04-92; MSPB report on blue-collar workers (December 1992). This file summarizes the report and explains how to obtain complete copies from the Merit Systems Protection Board. Very useful for agencies faced with downsizing blue-collar workers while maintaining work capability. ASCII

(154) NOTSAMP2.TXT; 10304; 10-28-93; BBS Update to DoD sample RIF notice. This BBS update includes a notice requirement change covered in OPM's interim notice regulations published on June 8, 1993 (refer to "REG35103.TXT" or "REG35103.ZIP" on BBS). ASCII

(155) NPS335-1.TXT; 2752; 08-23-94; Notice and Posting System Notice 335-1, dated July 20, 1994. This notice allows agencies to place employees in positions with more promotion potential without internal competition in certain downsizing situations. ASCII

(156) POSTAFF2.TXT; 2950; 10-02-92; Appointment of Postal Service employees to positions in the competitive service. This is an information copy of material in Sections 6-9 and 6-10 of FPM Chapter 315. The file covers the transfer of Postal, and Postal Rate Commission, Career employees to positions in the competitive service. Refer to the published version when citing these staffing provisions. ASCII

(157) PPP.TXT; 11042; 01-12-93; DoD brochure, "The Department of Defense Priority Placement Program-How It Can Help You." ASCII

(158) PPPBOOK.TXT; 41953; PPPBOOK.ZIP; 14790; 01-13-93; DoD handbook for employees, "Reduction in Force Information Pamphlet." This DoD publication covers RIF-related benefits for its employees and is published through Priority Placement Program. The booklet is revised through September 1990 and is approximately 24 pages. ASCII

(159) RCL93108.TXT; 2319; 10-29-93; Retirement Counselor Letter 93-108, dated September 24, 1993, explaining how agency benefits officers can access benefits information on the OPM MAINSTREET BBS. ASCII

(160) RCL93304.TXT; 2268; 11-03-93; Retirement Counselor Letter 93-304, dated July 16, 1993, covering new OPM Form 1510 that agencies must submit when employees apply for Discontinued Service Retirement. ASCII

(161) RCL93306.TXT; 9719; 11-10-93; Retirement Counselor Letter 93-306, dated October 18, 1993, covering standard procedures used by agencies to process applications for voluntary early retirements. ASCII

(162) RCL94102.TXT; 12065; 04-15-94; Retirement Counselor Letter 94-102, dated April 15, 1994, covering retirement issues raised by the Federal Workforce Restructuring Act (P.L. 103-226). ASCII

(163) REG330B.TXT; 23753; REG330B.ZIP; 7550; 03-27-95; 5 CFR Part 330, Subpart B, "Reemployment Priority List." This is an information copy of OPM's RPL regulations updated through January 1995. ASCII

(164) REG330C.TXT; 20731; REG330C.ZIP; 7278; 06-24-94; 5 CFR Part 330, Subpart C, "Interagency Placement Program." This is an information copy of OPM's interim regulations published in the Federal Register on June 27, 1994, at 59 FR 32871, covering the IPP. ASCII

(165) REG33001.TXT; 23808; 04-06-93; Interim 5 CFR 330-I regulations published in the Federal Register on April 8, 1993, at 58 FR 18139. These regulations cover how agencies must report competitive service vacancies to OPM, and how civilian agencies must give full consideration to job applications of displaced DoD employees. Both of these issues are required by P.O. 102-484. These interim regulations are effective upon publication; written comments to OPM will be considered if received no later than June 7, 1993. ASCII

(166) REG351.TXT; 62335; REG351.ZIP; 19285; 02-07-95; 5 CFR Part 351, "Reduction in Force." This is an information copy of OPM's RIF regulations, updated through January 1995. Refer to the published version when citing the RIF regulations. ASCII

(167) REG353.TXT; 13600; REG353.ZIP; 4926; 04-28-93; 5 CFR Part 353, "Restoration to Duty." This is an information copy of OPM's restoration regulations, updated through January 1995. (No changes were made to these regulations in 1994.) ASCII

(168) REG550G.TXT; 18091; REG550G.ZIP; 6126; 04-29-93; 5 CFR Part 550, "Severance Pay." This is an information copy of OPM's severance pay regulations, updated through January 1994. Refer to the published version when citing the severance pay regulations. ASCII

(169) * REG576.TXT; 11697; 05-25-95; Interim 5 CFR 576 regulations published and effective on November 11, 1994, at 59 FR 55808, covering agencies' requests for waiver of repayment of Voluntary Separation Incentive Payments. ASCII

(170) REG752.TXT; 43012; REG752.ZIP; 13843; 11-08-93; 5 CFR Part 752, "Adverse Actions." This is an information copy of OPM's adverse action regulations, updated through January 1993. Refer

to the published version when citing the adverse action regulations. ASCII

(171) RIFBOOK.TXT; 33172; RIFBOOK.ZIP; 11334; 06-29-94; "RIF Book." Summary of OPM's RIF regulations, placement programs, and other benefits available to employees. Updated through June 1994. ASCII

(172) RIFCORR.TXT; 2789; 04-28-94; Summary of OPM's revised correspondence course on RIF offered through our National Independent Study Center in Denver, Colorado. April 28, 1994, update to file under same label. This file also offers general information on other self-study courses available through OPM. ASCII

(173) RIFGUIDE.TXT; 63679; RIFGUIDE.ZIP; 22882; 06-29-94; "REDUCTIONS IN FORCE REFERENCE GUIDE." This summary of RIF procedures and downsizing assistance available to displaced Federal employees was developed by the Federal Government Service Task Force and is updated on the BBS through June 1994. The booklet covers not only the mechanics of RIF, but other assistance available to employees from a wide range of sources. ASCII

(174) RIFHIST.TXT; 20023; 10-27-93; History of OPM's RIF regulations from the Veterans' Act of 1876 to the present. ASCII

(175) RIFLIST1.TXT; 3575; 04-28-94; Pre-RIF action checklist from DoD Downsizing Manual 1400.2-4-M dated July 1992. ASCII

(176) RIFNDX01.TXT; 62744; RIFNDX01.ZIP; 22839; 06-30-95; Index to the RIF Conference on POSH Updated through July 3, 1995, in (1) uncompressed ASCII and (2) compressed ASCII formats.

(177) RIFSLD01.TXT; 7677; RIFSLD01.ZIP; 02-16-94; RIF Slides: Package of 74 slides used in OPM's RIF training course. These slides were developed by OPM's Atlanta Region and have proven very useful to agencies faced with downsizing situations. ASCII

(178) * RIFSUM.TXT; 22660; 05-25-95; "The Employee's Guide to RIF," issued by OPM's Workforce Restructuring Office. Dated March 1995. ASCII

(179) RIF01INS.TXT; 4676; 01-24-94; RIF appeals database in Dbase III+ format. Read this file before downloading "RIF01.ZIP," our January 1994 upload of 829 RIF appeals decisions in Dbase III+. ASCII

(180) RIF01.ZIP; 389847; 01-24-94; RIF appeals database in Dbase III+ format. The database can also be converted to any software that reads Dbase III+. This is an update of our RIF appeals database through February 1, 1994 (summaries of 829 decisions). Read "RIF01INS.ZIP" for downloading information and a brief description of the database. Also, refer to "123FEB94.ZIP" for an index of the appeals in the database using Lotus 1-2-3,

version 2.34.

(181) 123FEB94.ZIP; 42005; 01-25-94; RIF appeals index in Lotus 1-2-3, version 2.34 This is an index of the 829 RIF appeals, using the Lotus format. When unzipped, the file becomes "123FEB94.WKS" and lists the appeals references in a Lotus 1-2-3 database. The index can also be converted to any software that reads Lotus.

(182) RIH03SUM.TXT; 5519; 02-16-95; RESTRUCTURING INFORMATION HANDBOOK-Module 3, "REDUCTION IN FORCE." Information on BBS version of Module 3. Download this file when downloading the next two files. ASCII

(183) RIH03A.TXT; 206750; RIH03A.ZIP; 64339; 02-16-95; RESTRUCTURING INFORMATION HANDBOOK-Module 3, "REDUCTION IN FORCE." Draft of Module 3, Unit A, "REQUIRED PROCEDURES." ASCII

(184) RIH03B.TXT; 54182; RIH03B.ZIP; 18919; 02-16-95; RESTRUCTURING INFORMATION HANDBOOK-Module 3, "REDUCTION IN FORCE." Draft of Module 3, Unit B, "GUIDANCE." ASCII

(185) RIH04SUM.TXT; 6171; 02-17-95; RESTRUCTURING INFORMATION HANDBOOK-Module 4, "TRANSFER OF FUNCTION." Information on BBS version of Module 4. Download this file when downloading the next two files. ASCII

(186) RIH04A.TXT; 51811; RIH04A.ZIP; 12223; 02-17-95; RESTRUCTURING INFORMATION HANDBOOK-Module 4, "TRANSFER OF FUNCTION." Draft of Module 4, Unit A, "REQUIRED PROCEDURES." ASCII

(187) RIH04B.TXT; 51202; RIH04B.ZIP; 12072; 02-17-95; RESTRUCTURING INFORMATION HANDBOOK-Module 4, "TRANSFER OF FUNCTION." Draft of Module 4, Unit B, "GUIDANCE." ASCII

(188) RIH05SUM.TXT; 5902; 03-13-95; RESTRUCTURING INFORMATION HANDBOOK-Module 5, "FURLOUGH." Information on BBS version of Module 5." Download this file when downloading the next two files. ASCII

(189) RIH05A.TXT; 49699; RIH05A.ZIP; 12625; 03-13-95; RESTRUCTURING INFORMATION HANDBOOK-Module 5, "FURLOUGH." Draft of Module 5, Unit A, "REQUIRED PROCEDURES." ASCII

(190) RIH05B.TXT; 25570; RIH04B.ZIP; 8473; 03-13-95; RESTRUCTURING INFORMATION HANDBOOK-Module 5, "FURLOUGH." Draft of Module 5, Unit B, "GUIDANCE." ASCII

(191) RIH06SUM.TXT; 5783; 03-28-95; RESTRUCTURING INFORMATION HANDBOOK-Module 6, "REEMPLOYMENT PRIORITY LIST." Information on BBS version of Module 6," updated April 1995 to replace prior upload. Download this file when downloading the next two files. ASCII

(192) RIH06A.TXT; 75983; RIH06A.ZIP; 17982; 03-28-95;
RESTRUCTURING INFORMATION HANDBOOK-Module 6, "REEMPLOYMENT
PRIORITY LIST." Draft of Module 6, Unit A, "REQUIRED
PROCEDURES," updated April 1995 to replace prior upload. ASCII

(193) RIH06B.TXT; 8489; RIH06B.ZIP; 3015; 03-28-95;
RESTRUCTURING INFORMATION HANDBOOK-Module 6, "REEMPLOYMENT
PRIORITY LIST." Draft of Module 6, Unit B, "GUIDANCE," updated
April 1995 to replace prior upload. ASCII

(194) RIH07SUM.TXT; 3267; 06-29-95; RESTRUCTURING INFORMATION
HANDBOOK-Module 7, "INTERAGENCY PLACEMENT PROGRAM." Information
on
BBS version of Module 7" dated July 1995. Download this file
when downloading the next three files. ASCII

(195) RIH07A.TXT; 60089; RIH07A.ZIP; 13992; 06-29-95;
RESTRUCTURING INFORMATION HANDBOOK-Module 7, "INTERAGENCY
PLACEMENT PROGRAM." Draft of Module 7, Unit A, "REQUIRED
PROCEDURES," dated July 1995. ASCII

(196) RIH07B.TXT; 3955; RIH07B.ZIP; 3015; 06-29-95;
RESTRUCTURING INFORMATION HANDBOOK-Module 7, "INTERAGENCY
PLACEMENT PROGRAM." Draft of Module 7, Unit B, "GUIDANCE," dated
July 1995. ASCII

(197) RIH06C.TXT; 18943; RIH07C.ZIP; 36895 06-29-95;
RESTRUCTURING INFORMATION HANDBOOK-Module 7, "INTERAGENCY
PLACEMENT PROGRAM." Draft of Module 7, Unit C, "OPM PROGRAM
PROCEDURES," dated July 1995. ASCII

(198) RI79-27.TXT; 17700; RI79-27.ZIP 7080; 01-14-93; OPM
brochure RI79-27, "Temporary Continuation of Coverage (TCC) Under
the Federal Employees Health Benefits Program." Revised June
1992. ASCII

(199) RI83-1.TXT; 13788; RI83-1.ZIP; 5653; 01-14-93; OPM
brochure RI83-1, "The Civil Service Retirement System." Revised
June 1992. ASCII

(200) RI83-2.TXT; 8941; RI83-2.ZIP; 3665; 01-14-93; OPM brochure
RI83-2, "Military Service Credit Under the Civil Service
Retirement System." Revised June 1992; revised on POSH to
reference Pub.L. 102-484 January 1993. ASCII

(201) RI83-3.TXT; 8759; RI83-3.ZIP; 3504; 01-14-93; OPM brochure
RI83-3, "Deposits and Redeposits Under the Civil Service
Retirement System." Revised June 1992. ASCII

(202) RI83-4.TXT; 9760; RI83-4.ZIP; 3904; 01-14-93; OPM brochure
RI83-4, "Disability Retirement Under the Civil Service Retirement
System." Revised June 1992. ASCII

(203) RI83-5.TXT; 9046; RI83-5.ZIP; 3618; 01-14-93; OPM brochure

RI83-5, "Survivor Benefits Under the Civil Service Retirement System." Revised June 1992; revised on POSH to reference Pub.L. 102-484 January 1993. ASCII

(204) RI83-6.TXT; 7512; RI83-6.ZIP; 3005; 01-14-93; OPM brochure RI83-6, "Early Retirement Under the Civil service Retirement System." Revised June 1992. ASCII

(205) RI83-7.TXT; 14653; RI83-7.ZIP; 5861; 01-14-93; OPM brochure RI83-7, "Computing Retirement Benefits Under the Civil Service Retirement System." Revised June 1992. ASCII

(206) RI83-8.TXT; 4447; RI83-8.ZIP; 1779; 01-14-93; OPM brochure RI83-8, "Crediting Sick Leave Under the Civil Service Retirement System." Revised June 1992. ASCII

(207) RI83-9.TXT; 3851; 01-14-93; RI83-9.ZIP; 1540; OPM brochure RI83-9, "Refunds Under the Civil Service Retirement System." Revised June 1992. ASCII

(208) RI83-10.TXT; 8002; RI83-10.ZIP; 3761; 01-14-93; OPM brochure RI83-10, "Voluntary Contributions Under the Civil Service Retirement System." Revised June 1992. ASCII

(209) RI83-13.TXT; 11054; RI83-13.ZIP; 4422; 01-14-93; OPM brochure RI83-13, "Information for Separating CSRS Employees Who are not Eligible for an Immediate Annuity." Revised June 1992. ASCII

(210) RI90-11.TXT; 12860; RI90-11.ZIP; 5144; 01-14-93; OPM brochure RI90-11, "Information for Separating FERS Employees Who are not Eligible for an Immediate Annuity." Revised June 1992. ASCII

(211) SEVCOMP1.TXT; 8593; 10-16-93; Sample severance pay computation worksheet, including age and service factors used to compute severance pay entitlements. The basic severance pay worksheet is from DoD manual 1400.20-4-M, July 1992. The age and service factors are from OPM issuances. ASCII

(212) TOFSAMP1.TXT; 9614; 01-12-93; Sample transfer of function canvass letters developed by the DoD Commissary Agency (DECA). Includes sample TOF canvass letters for one location, and multiple locations. From DECA 1991 "Transfer of Function After Action Report." ASCII

(213) TVAETP01.TXT; 16680; TVAETP01.ZIP; 6785; 11-04-93; Overview of the "Employee Transition Program" successfully developed and implemented by the Tennessee Valley Authority to help employees in surplus positions. TVA is now planning to offer assistance to other agencies interested in establishing their own outplacement programs patterned after ETP. Refer to the BBS file for a TVA contact person. ASCII

(214) TVAETP02.TXT; 4280; 12-07-93; "Workforce Planning Consulting Services" pamphlet developed by the Tennessee Valley Authority. TVA is offering assistance to other agencies in developing effective outplacement services. ASCII

(215) TVAETP03.TXT; 1732; 12-15-93; "What is Workforce Planning" flyer developed by the Tennessee Valley Authority. TVA is offering assistance to other agencies in developing their own outplacement programs. ASCII

(216) TVAETP04.TXT; 2229; 12-15-93; "A Day at TVA" flyer developed by the Tennessee Valley Authority. TVA will address agencies' specific area of outplacement concerns during a visit to the Authority's successful employee assistance program. ASCII

(217) VSIP94-3.TXT; 11702; 05-12-94; OPM Payroll Office Letter 94-3, dated April 29, 1994, covering the payment of additional contributions into the Civil Service Retirement System under P.L. 103-226. ASCII

(218) VSIPDOC1.TXT; 2969; 05-05-94; April 4, 1994 IAG memo advising agencies on (1) Nature of Action Codes agencies must use to document buyouts, and (2) Ordering copies of the reprint of "The Guide to Processing Personnel Actions," with a May 20, 1994, deadline for certain orders. ASCII

(219) VSIPDOD1.TXT; 6420; 04-19-94; April 7, 1994, Defense memo covering the impact of P.L. 103-226 upon DoD. ASCII

(220) VSIPEMP1.TXT; 29304; VSIPEMP1.ZIP; 11025; 06-22-94; "The Employee's Guide to Buyouts," dated June 22, 1994. ASCII

(221) VSIPIAG1.TXT; 131,636; VSIPIIAG1.ZIP; 44493; 03-30-94; Interagency Advisory Group memorandum from OPM dated March 24, 1994, and six attachments covering Congressional approval of buyouts for non-Defense agencies. Note-The March 29 and/or March 30 uploads of this file update our March 25 upload under the same file name and include a revised Attachment 6 with a complete copy of the buyout bill. This new material is available in a separate file under "VSIPIAGF.TXT" or "-.ZIP", and "VSIPLAW.TXT" or "-.ZIP". See separate file listings below for additional information. ASCII

(222) VSIPLAB1.TXT; 8397; 08-11-94; June 24, 1994, letter from the Department of Labor on eligibility of Federal employees who accept buyouts for unemployment compensation. ASCII

(223) VSIPLAW.TXT; 40459; VSIPLAW.ZIP; 11442; 06-04-94; "Federal Workforce Restructuring Act of 1994", information copy of complete approved buyout bill. ASCII

(224) VSIPOMB1.TXT; 5422; 04-02-94; Buyout information distributed by Office of Management and Budget in March 31, 1994 memo to agencies. ASCII

(225) VSIPOMB2.TXT; 14697; 04-22-94; "OMB Bulletin No. 94-04, April 18, 1994." OMB guidance on Section 5 of P.L. 103-226. ASCII

(226) VSIPOMB3.TXT; 1651; 04-29-94; OMB Note to Program Deputy Associate Directors, dated April 28, 1994, on buyout scoring when the agency delays the employee's separation until a later fiscal year. ASCII

(227) VSIPOMB4.TXT; 5114; 06-02-94; OMB memo to agencies dated May 26, 1994, on FY 1994 and FY 1995 buyout plans. ASCII

(228) VSIPQA01.TXT; 7642; 04-08-94; Additional questions and answers on buyouts, dated April 8, 1994. ASCII

(229) VSIPU002.TXT; 2281; 04-28-94; BUYOUT UPDATE VSIPU002: Some provisions of Public Law 103-226 also apply to the Department of Defense. ASCII

(230) VSIPU006.TXT; 2594; 05-11-94; BUYOUT UPDATE VSIPU006: Postal Service. The reemployment restriction in P.L. 103-226 applies to the Postal Service, and OPM has no authority to waive repayment of the buyout for reemployment into the Postal Service. ASCII

(231) VSIPU007.TXT; 2539; 05-26-94; BUYOUT UPDATE VSIP007: Reemployment Barred After Buyout. Employees who accept a buyout after approval of P.L. 103-226 on March 30, 1994 are barred from reemployment in the Government for 5 years following the buyout. ASCII

(232) VSIPU008.TXT; 3494; 05-26-94; BUYOUT UPDATE VSIP008: Employment Under a Personal Services Contract is Barred After Buyout. Employees who accept a buyout after approval of P.L. 103-226 on March 30, 1994 may not be reemployed in the Government under a personal services contract for 5 years following the buyout. ASCII

(233) VSIPU009.TXT; 3538; 05-26-94; BUYOUT UPDATE VSIP009: Continuation of Health Benefits Into Retirement in a Downsizing Situation. Under certain conditions, an employee may continue health benefits into retirement in a downsizing situation even though the employee does not meet the usual 5-year participation requirement. ASCII

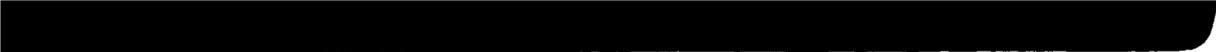
(234) VSIPU010.TXT; 2594; 06-29-94; BUYOUT UPDATE VSIPU010: Garnishment of Separation Incentive Payments. This is an information copy of FPM Bulletin 581-14, dated November 4, 1993, on the garnishment of separation incentives. ASCII

(235) VSIPU11.TXT; 15151; 07-11-94; VSIPU011.ZIP; 5712; BUYOUT UPDATE VSIPU011: Withdrawal of Irrevocable Resignation Submitted to Receive a Buyout. This is an information copy of a June 24, 1994, final MSPB decision that sets forth the standard that agencies must follow if the agency refuses to allow an employee

to withdraw an irrevocable resignation to accept a buyout. ASCII

(236) VSIPU012.TXT; 1933; 09-30-94; BUYOUT UPDATE VSIP012.TXT:
Entrance Into Armed Forces After Accepting a Buyout. An employee
who enters the Armed Forces after accepting a buyout is not
required to repay the buyout to the agency. ASCII

(237) VSIPU013.TXT; 1373; 09-30-94; BUYOUT UPDATE VSIPU013:
Change in Nature of Action Code for CSRS Employees Retiring on a
Voluntary Early Retirement Authority on or After October 1, 1994.
ASCII



TAB 4



The Workforce Restructuring Office of the U.S. Office of Personnel Management developed cost estimates to determine it if was more costly to separate an employee through reduction in force, or to assist that employee in transitioning to another job or career. The RIF cost estimates are taken from the General Accounting Office Study Report, "Reduction in Force Can Sometimes be More Costly to Agencies than Attrition and Furlough," GAO/PEMD-85-6, dated July 24, 1995. These figures have been adjusted for inflation and changes in RIF procedures. The outplacement costs were developed after consideration of the various elements of outplacement, such as workshops, career counseling, job search, etc.

What follows is a one page summary of RIF costs versus the costs of outplacement; a detailed cost benefit analysis of those costs; and summaries of the costs of placing the employee in another agency, or in the private sector, before and after a RIF separation; finally, a summary of costs to the agency for a typical GS-11 who retires with a buyout. As you can see, in every instance, the cost of outplacement is far less than the cost of separating that employee through RIF.

COSTS OF REDUCTION IN FORCE VS. COSTS OF OUTPLACEMENT

RIF COSTS

● PERSONNEL PROCESSING	\$ 4,100
● APPEALS	\$ 2,400
● GRADE AND PAY RETENTION	\$16,800
● SEVERANCE PAY	\$ 7,300
● UNEMPLOYMENT	\$ 1,700
● ANNUAL LEAVE PAYMENT	\$ 4,000
TOTAL	\$36,300

OUTPLACEMENT COSTS - PLACEMENT IN PRIVATE SECTOR

● CAREER TRANSITION WORKSHOPS (multiple, e.g. Retirement Planning; Change Awareness, Interviewing Techniques, etc.)	\$ 1,000
● EMPLOYEE'S SALARY WHILE ATTENDING WORKSHOPS	\$ 1,600
● CAREER TRANSITION COUNSELORS	\$ 2,400
● EMPLOYEE'S SALARY FOR 40 HOURS OF COUNSELING	\$ 1,600
● CAREER CENTER SERVICES	\$ 1,056
● JOB SEARCH	\$ 2,400
● PERSONNEL PROCESSING	\$ 600
● LUMP SUM ANNUAL LEAVE PAYMENT	\$ 4,000
TOTAL	\$14,656

COST BENEFIT RATIO: 2.2:1

BUSINESS PROBLEM: What is the cost of separating one employee through reduction in force compared with assisting the employee with outplacement?

COST OF REDUCTION IN FORCE

Agencies spend an average of \$36,300 for each person separated by reduction in force (RIF):

Cost:

Personnel Processing:	\$ 4,100
Appeals:	\$ 2,400
Grade & Pay Retention	\$16,800
Severance Pay:	\$ 7,300
Unemployment:	\$ 1,700
Annual Leave Payment:	\$ 4,000
TOTAL RIF COST:	\$36,300

COST OF OUTPLACEMENT IN PRIVATE SECTOR

Agencies spend an average of \$14,656 per employee in assisting them with outplacement and career transition to the private sector.

Cost:

Career Transition Workshops

= \$1,000 (average cost per employee)

Employee's Salary while attending Workshops

= 40 hours @ \$40 per hour
= \$1,600

Career Transition Counselors

= 40 hours of counseling per employee @ \$60. per hour
= \$2,400

Employee's Salary for Counseling

= 40 hours of counseling @ \$40. per hour
= \$1,600

Career Center Services

= 1 Career Center Director for 3
months (22 days per month, 8 hrs
per day) @ \$60 per hour + 30 employees
= 1 X 3 X 22 X 8 X \$60. + 30
= \$1,056 per employee

Job Search

= 60 hours @ \$40. per hour
= \$2,400

Personnel Processing

= \$ 600.

Lump Sum Annual Leave Payment

= \$4,000

TOTAL: \$14,656

COST BENEFIT

Cost of separating 1 employee through RIF:

= \$36,300

Cost of outplacing 1 employee to the private sector:

= \$14,656

IMPROVEMENT BENEFIT

= \$36,300 (RIF costs)
= \$ 4,000 (No RIF costs if outplaced - annual leave)
= \$32,300

COST BENEFIT RATIO

= \$32,300:14,656
= 2.2:1

COSTS OF PLACEMENT IN ANOTHER AGENCY

Scenario: A GS-11 employee scheduled for RIF action is placed in another Federal Agency.

COSTS OF PLACEMENT BEFORE RIF NOTICE:

● CAREER TRANSITION WORKSHOPS (multiple, e.g., Retirement Planning; Change Awareness, Interviewing Techniques, etc.)	\$ 1,000
● EMPLOYEE'S SALARY WHILE ATTENDING WORKSHOPS	\$ 1,600
● CAREER TRANSITION COUNSELORS	\$ 2,400
● EMPLOYEE'S SALARY FOR 40 HOURS OF COUNSELING	\$ 1,600
● CAREER CENTER SERVICES	\$ 1,056
● JOB SEARCH	\$ 2,400
● PERSONNEL PROCESSING	\$ 600
TOTAL:	\$10,656

COST BENEFIT RATIO: 3.4:1

COSTS WITH PLACEMENT AFTER RIF SEPARATION:

● OUTPLACEMENT SERVICES (shown above)	\$10,056
● GRADE AND PAY RETENTION (for other employees affected by bumping and retreating)	\$16,800
● PERSONNEL PROCESSING (includes cost of processing RIF action and transfer)	\$ 3,500
● APPEALS	\$ 2,400
● SEVERANCE PAY	\$ 7,300
● LUMP SUM ANNUAL LEAVE PAYMENT	\$ 4,000
● UNEMPLOYMENT	\$ 1,700
TOTAL	\$45,756

COSTS WITH PLACEMENT IN PRIVATE SECTOR

Scenario: A GS-11 employee scheduled for RIF action is hired by the private sector.

COSTS WITH PLACEMENT BEFORE RIF NOTICE:

● CAREER TRANSITION WORKSHOPS	\$ 1,000
● EMPLOYEE'S SALARY WHILE ATTENDING WORKSHOPS	\$ 1,600
● CAREER TRANSITION COUNSELORS	\$ 2,400
● EMPLOYEE'S SALARY FOR 40 HOURS OF COUNSELING	\$ 1,600
● CAREER CENTER SERVICES	\$ 1,056
● JOB SEARCH	\$ 2,400
● PERSONNEL PROCESSING	\$ 600
● LUMP SUM ANNUAL LEAVE	\$ 4,000
TOTAL:	\$14,656

COST BENEFIT RATIO: 2.2:1

COSTS WITH PLACEMENT AFTER RIF NOTICE BUT BEFORE SEPARATION:

● CAREER TRANSITION WORKSHOPS	\$ 1,000
● EMPLOYEE'S SALARY WHILE ATTENDING WORKSHOPS	\$ 1,600
● CAREER TRANSITION COUNSELORS	\$ 2,400
● EMPLOYEE'S SALARY FOR 40 HOURS OF COUNSELING	\$ 1,600
● CAREER CENTER SERVICES	\$ 1,056
● JOB SEARCH	\$ 2,400
● PERSONNEL PROCESSING	\$ 2,900
● LUMP SUM ANNUAL LEAVE	\$ 4,000
● SEVERANCE PAY	\$ 7,300
TOTAL:	\$24,256

COST BENEFIT RATIO: 1.3:1

COSTS WITH PLACEMENT IN PRIVATE SECTOR AFTER RIF SEPARATION:

● OUTPLACEMENT SERVICES (shown above)	\$10,056
● GRADE AND PAY RETENTION (for other employees affected by bumping and retreating)	\$16,800
● PERSONNEL PROCESSING	\$ 3,500
● APPEALS	\$ 2,400
● SEVERANCE PAY	\$ 7,300
● LUMP SUM ANNUAL LEAVE	\$ 4,000
● UNEMPLOYMENT	\$ 1,700
TOTAL:	\$45,756

AGENCY COSTS - RETIREMENT (W/OUT BUYOUT)

Scenario: A GS-11 scheduled for RIF action retires.

COSTS WITH PLACEMENT BEFORE RIF:

● CAREER TRANSITION WORKSHOPS	\$ 1,000
● EMPLOYEE'S SALARY WHILE ATTENDING WORKSHOPS	\$ 1,600
● CAREER TRANSITION COUNSELORS	\$ 2,400
● EMPLOYEE'S SALARY FOR 40 HOURS OF COUNSELING	\$ 1,600
● CAREER CENTER SERVICES	\$ 1,056
● JOB SEARCH	\$ 2,400
● PERSONNEL PROCESSING	\$ 1,000
● LUMP SUM ANNUAL LEAVE	\$ 4,000
TOTAL:	\$15,056

COST BENEFIT RATIO: 2.1:1

COST OF PLACEMENT AFTER RIF SEPARATION:

● OUTPLACEMENT SERVICES (shown above)	\$10,056
● LUMP SUM ANNUAL LEAVE	\$ 4,000
● PERSONNEL PROCESSING (includes cost of processing RIF action & retirement)	\$ 3,900
● APPEALS	\$ 2,400
● GRADE AND PAY RETENTION (for employees affected by bumping and retreating)	\$16,800
TOTAL	\$37,156