

United States Department of Agriculture
Marketing and Regulatory Programs
Agricultural Marketing Service
Animal and Plant Health Inspection Service
Grain Inspection, Packers and Stockyards Administration

Directive

MRP 4351.1

12/20/99

REDUCTION-IN-FORCE

1. PURPOSE

This Directive establishes Marketing and Regulatory Programs (MRP) policy, responsibilities, and guidelines for implementing a reduction-in-force (RIF).

2. REPLACEMENT HIGHLIGHTS

This Directive replaces the following Agency-specific directives:

- a. AMS Directive 334.1, dated 5/2/94;
- b. APHIS Directive 4351.1, dated 7/20/93;
- c. FGIS Directive 4351.1, dated 9/24/91; and
- d. Packers and Stockyards Directive 4351.1, dated 10/19/94.

3. AUTHORITY

Title 5, Code of Federal Regulations, Part 351.

4. POLICY

- a. It is MRP policy to comply with all Federal and Departmental RIF rules and regulations, with Department Directive 4300-4, Civil Rights Impact Analysis, and the terms of any negotiated bargaining agreements.
- b. MRP will make every effort to avoid or lessen the adverse impact of a RIF. Such measures include, but are not limited to, those recommended in Federal/Departmental regulations.

- c. Competitive areas have been designated as shown in Appendices B, C, and D. These may not be changed within 90 days of the effective date of the RIF without prior approval of the Office of Personnel Management (OPM).
- d. MRP will provide employees with as much advanced notice as possible to an impending RIF action. The minimum time of a notice period, in most cases, is sixty (60) days between official notification to the employee and the date of the action. MRP may, in highly unusual circumstances, request from OPM permission to provide less than a sixty day notice period.

5. RESPONSIBILITIES

a. Program Managers/Supervisors will:

- (1) Ensure that all practical measures have been used or considered as an alternative to conducting a RIF.
- (2) Contact servicing Human Resources office for advice and guidance when a RIF action is necessary.
- (3) Contact their respective Civil Rights Title VII Program Manager.
- (4) Ensure affected employees have a current performance appraisal.
- (5) Through established channels, notify the Director, MRP Business Services in writing of a need to conduct a RIF. The notification must include:
 - (a) A thorough description of the circumstances which require a RIF.
 - (b) Actions taken to avoid or lessen the adverse impact of a RIF.
 - (c) Series, title, grade, number, and geographic location of the position(s) to be abolished.
 - (d) Any vacant position(s) to be filled.
 - (e) A proposed effective date.
- (6) As required, provide notification to recognized unions.

b. MRP Business Services will:

- (1) Request approval to conduct a RIF in accordance with established requirements.
- (2) Implement and conduct the RIF in accordance with established regulations, policies, procedures, and agreements.
- (3) Provide technical advice and guidance to managers, supervisors, and employees.
- (4) Establish appropriate retention registers and make records available for review.
- (5) For each RIF conducted, record Agency decisions pertaining to discretionary issues, such as: use of vacancies; waiving qualifications; assignment rights of excepted service employees; etc.
- (6) Issue notice to employees in the competitive area.
- (7) Establish the effective date for the RIF.
- (8) Provide information on out-placement programs and activities for adversely affected employees.
- (9) Maintain official subject-matter files related to the RIF.
- (10) When requested, prepare and furnish reports, statistical data, and/or other information.
- (11) Provide expert witnesses during appeal/grievance hearings.

c. HRD/Employment, Classification and Compensation Policy Branch will:

- (1) Forward request for RIF approval to USDA and serve as liaison with USDA, Office of Human Resources.
- (2) Ensure approval of the required '1010' package has been received.
- (3) Develop mission area policy and provide interpretation, advice, and guidance to MRP Business Services on statutory and regulatory requirements.
- (4) When necessary, request approval through USDA and from OPM to change competitive areas, to use special retirement or separation authorities, and/or to obtain clarification of complex issues.

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- d. HRD/Labor Relations Branch will:
 - (1) When necessary, negotiate the impact and implementation of the RIF in accordance with applicable negotiated agreements.
 - (2) Serve as the Agency representative for appeals and/or grievances.
 - (3) Review actions for compliance with Federal, Departmental, and Agency regulations.

- b. Affected Employees will:
 - (1) Provide information for their Official Personnel Folders (OPFs), updating their qualifications as changes occur and/or as requested by MRP Business Services. The information in the OPF is used to determine assignment rights to other positions.
 - (2) Respond in writing to official correspondence by due dates indicated. If a response is not received, it may adversely impact the employee's entitlements.
 - (3) Provide full explanations of why they are unable to accept reassignments outside their local commuting areas. This information is used to determine eligibility for unemployment compensation.
 - (4) When needed, initiate job searches and actively participate in out-placement efforts in order to enhance opportunities for employment.
 - (5) Make use of counseling sessions and other Agency-provided assistance in order to understand procedures, entitlements, benefits, etc.
 - (6) Contact State employment offices or agencies to obtain information on entitlement to benefits, if they are to be separated or decline a position offered in lieu of separation. Such contacts will enable employees to make informed decisions.

6. PROCEDURE

- a. Competitive Areas. MRP will adhere to the competitive areas described in Appendixes B, C, and D of this Directive, unless a change in these areas has been approved by HRD and/or OPM, as required.

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- b. Competitive Levels. Employees will be assigned to competitive levels in accordance with 5 CFR 531. A separate competitive level will be established for employees on mixed tours of duty.
- c. Performance Appraisals:
- (1) Additional service credit for RIF retention standing is based on the last three annual performance ratings of record which were received during the 4 year period prior to the cut-off date for accepting performance ratings.
 - (2) The cut-off date for accepting annual performance ratings is 30 calendar days before the date of the specific RIF notice.
 - (3) Performance appraisals may be used for crediting additional service for RIF retention in accordance with the provisions of 5 CFR 430.208 and USDA Personnel Bulletin 351-1.
 - (4) Missing performance ratings will be calculated as required by 5 CFR 351.504.
- d. Tie Breaker. When two competing employees have the same retention standing, a tie breaker will be imposed by MRP Business Services to determine the order of retention standing. The tie breaker will be based upon the last number of the employee's social security number, using random number procedures published by OPM.
- e. Assignment Rights. Employees who may be potentially affected by RIF will be given an opportunity to submit an updated application to MRP Business Services to assure assignment rights are accurately determined. A cut-off date for receipt of applications will be established by MRP Business Services before the issuance date of the specific notice.
- f. Discretionary Administrative Assignment Practices. Optional methods of assigning employees as contained in 5 CFR 351.705 will be followed, as necessary.
- g. Optional Use of RIF Procedures. Although the following types of actions do not meet the definition of RIF, the same retention registers used to identify affected employees **may** be used at the Program's discretion after consultation with MRP Business Services:
- (1) Furloughs for 30 calendar days or less when there

are temporary or seasonal curtailments in work programs and the employees are to be returned to duty upon expiration of the furlough.

(2) Termination of: reemployed annuitants, federally controlled employees under a cooperative agreement when the agreement expires or is terminated; and temporary employees appointed for periods limited to 1 year or less who have not completed 1 year of current continuous service.

(3) Directed reassignment.

h. Use of Annual Leave. Employees affected by the RIF may use annual leave to remain on the rolls after the date of separation to enable them to qualify for an immediate annuity or to carry health benefits into retirement.

7. INQUIRIES

General inquiries on procedural matters regarding RIF should be directed to the servicing Human Resources office.

Requests for policy interpretations should be referred to MRP Human Resources Division, Employment, Classification, and Compensation Policy Branch. Human Resources directives are available on the MRPHR home page at

<http://www.aphis.usda.gov/mrpbs/hr/index.shtml> and at **www.aphis.usda.gov/library**

/s/

Michael C. Gregoire
Acting Deputy Administrator
MRP Business Services

5/29/03

Appendix A

Glossary

Competitive Area - The limit which established the boundaries within which employees compete for retention under the RIF regulations. Employees compete for retention only with other employees in the same competitive area; they do not compete with employees in other competitive areas. Competitive areas are described in terms of organizational units and geographical locations to outline the boundaries of competition. All employees within the organizational units and geographical locations defined are included in the competitive area.

Competitive Level - All positions in a competitive area that are in the same grade (or occupational level) and classified series, and that are similar enough in duties, qualification requirements, pay schedule, and working conditions so that an agency may reassign the incumbent of one position to any other position in the level without undue interruption.

Local Commuting Area - The geographic area that usually constitutes one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities in which people live and can reasonably be expected to travel back and forth daily to their usual employment.

Notice Period - The period of time between notification that a RIF action will be taken and the date of the action. It gives each employee a specific written notice at least 60 calendar days before the effective date of the action. There is no maximum RIF notice period (i.e., a notice period may be for a period of time greater than 60 calendar days). Agencies may request from the Office of Personnel Management (OPM) an exception to the 60-day minimum time for a specific notice when the RIF is caused by unforeseeable circumstances; the minimum time for a specific notice, with OPM approval, is 30 calendar days. The notice period begins the day after the employee receives the specific notice. Neither the date the employee receives the notice, nor the effective date of the RIF action, may be counted as part of the specific notice period. Notice periods cannot end on a Saturday, Sunday, or a holiday.

Program - A separately managed portion of the agency, responsible to the head of the agency, which carries out a major function of the agency. Examples of Programs are: APHIS' Veterinary Services, AMS' Fruit and Vegetables and GIPSA's Federal Grain Inspection.

RIF Action - The release of a competing employee from his/her competitive level by furlough for more than 30 calendar days,

separation, demotion, or reassignment requiring displacement, when the release is required because of lack of work, shortage of funds, insufficient personnel ceiling, reorganization, or an employee's exercise of reemployment rights or restoration rights; or reclassification due to erosion of duties when it occurs within 180 days of a formally announced RIF in the competitive area.

Appendix A

Glossary (continued)

Specific Notice - A written communication from the servicing personnel office to an individual employee stating that the employee has been identified for a RIF action. It contains all the information the Agency must give employees concerning the RIF, such as: what RIF action is being taken, the reasons for the RIF, the effective date of the action, the employee's competitive area and competitive level, his/her retention subgroup, service computation date, three most recent performance ratings of record received during the last 4 years, adjusted service computation date reflecting credit for performance, the place where employees may inspect the RIF regulations, retention registers and related RIF records, and appeal or grievance rights.

Appendix B

Agricultural Marketing Service Competitive Areas for Reduction-in-Force

Notes:

- The local commuting area (LCA) is determined based on the assigned duty station.
- “Regionwide” means employees will compete within the boundaries of the Region to which assigned.
- PPB “Area Officewide” means employees will compete within the boundaries of the Area Office to which assigned. It also means that Regional Office employees will be included in the competitive area of the Office that covers their physical location (i.e., Western Regional Office–Fresno Area Office and Eastern Regional Office–Ripon Area Office).

Organizational Unit:	Positions Covered:	Competitive Areas:
Cotton Programs (CN)	<ul style="list-style-type: none"> • Positions with an assigned duty station of Washington, D.C. • All other positions 	<ul style="list-style-type: none"> • HQ, AMS, Washington, D.C., LCA • Field, CN, LCA
Dairy Programs (DA)	<ul style="list-style-type: none"> • Positions with an assigned duty station of Washington, D.C. • All other positions 	<ul style="list-style-type: none"> • HQ, AMS, Washington, D.C., LCA • Field, DA, LCA
Fruit & Vegetable Programs (F&V)	Positions organizationally assigned to: <ul style="list-style-type: none"> • PACA, Regional Offices • Marketing Field Offices (MFO) • Market News Branch, Field Offices • Processed Products Branch, (PPB), Regional/Area/Suboffices • Fresh Products Branch (FPB), Regional/Field/Terminal Market Offices • All other positions 	<ul style="list-style-type: none"> Field, F&V, PACA, LCA Field, F&V, MFO, LCA Field, F&V, Mkt. News, LCA Field, F&V, PPB, Area Officewide Field, F&V, FPB, LCA HQ, AMS, Washington, D.C., LCA
Livestock and Seed Programs (L&S)	Positions organizationally assigned to: <ul style="list-style-type: none"> • Livestock & Grain Market News Branch (LGMNB), Area, and Field Offices • Meat Grading & Certification Branch (MGCB), Regional and Area Offices • All other positions 	<ul style="list-style-type: none"> Field, L&S, LGMNB, LCA Field, L&S, MGCB, LCA HQ, AMS, Washington, D.C., LCA
Poultry Programs (PY)	Positions organizationally assigned to: <ul style="list-style-type: none"> • Grading Branch, Regional Offices • Market News Branch, Field Offices • All other positions 	<ul style="list-style-type: none"> Field, PY, Grading Branch, LCA Field, PY, Mkt News Branch, LCA HQ, AMS, Washington, D.C., LCA
Science and Technology Programs (S&T)	<ul style="list-style-type: none"> • Positions with an assigned duty station of Washington, D.C.; Manassas, VA; and Beltsville, MD Positions organizationally assigned to: <ul style="list-style-type: none"> • National Science Laboratory (NSL) Gastonia, NC • Science Satellite Laboratories (SSL) <ul style="list-style-type: none"> - Winter Haven, FL - Madill, OK - Suffolk, VA 	<ul style="list-style-type: none"> HQ, AMS, Washington Metropolitan area (Washington, D.C.; Manassas, VA; and Beltsville, MD), LCA Field, STP, NSL, duty station Gastonia, NC Field, STP, SSL, duty station Winter Haven,FL Field, STP, SSL, duty station Madill, OK Field, STP, SSL, duty station Suffolk, VA

	- Dawson, GA; Blakely, GA; Dothan, AL	Field, STP, SSL, duty stations Dawson, GA; Blakely, GA; Dothan, AL (as one Competitive Area)
Tobacco Programs (TB)	Positions organizationally assigned to: <ul style="list-style-type: none"> • Office of the Deputy Administrator with an assigned duty station of Raleigh, NC • Field Operations Office • Field Operations, Richmond/Danville/Winston-Salem Area • Field Operations, Raleigh/Wilson/Lexington Area • All other positions 	HQ, AMS, Raleigh, NC LCA Field, TB, Nationwide Field, TB, Nationwide Field, TB, Nationwide HQ, AMS, Washington, D.C., LCA
Transportation and Marketing Programs (TMP)	All positions	HQ, AMS, Washington, D.C., LCA
All other Programs, Office of the Administrator and subordinate staffs, and Office of the Deputy Administrators and subordinate staffs not otherwise listed.	All positions	HQ, AMS, Washington, D.C., LCA

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Appendix C

Animal and Plant Health Inspection Service Competitive Areas for Reduction-in-Force

Headquarters:

- The Office of the Administrator is a separate competitive area.
- By each program within the local commuting area.

- Frederick, MD, is included within the local commuting area of the Washington, D.C., metropolitan area.
- Headquarters offices in other local commuting areas are separate competitive areas.

Field:

- By each program within a local commuting area.

Appendix D

Grain Inspection, Packers and Stockyards Administration Competitive Areas for Reduction-in-Force

- Headquarters positions (Washington, D.C. area) - Washington metro area.
- **Headquarters positions (other locations) - local commuting area.**
- Field offices (all positions) - local commuting area.