



Department of Defense INSTRUCTION

NUMBER 1400.25, Volume 351

January 19, 2011

USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: Coordination and Clearance Requirements for Personnel Reductions, Closures of Installations and Reductions of Contract Operations in the United States

References: See Enclosure 1

1. PURPOSE

a. Instruction. This Instruction is composed of several volumes, each containing its own purpose. The purpose of the overall Instruction, in accordance with the authority in DoD Directive (DoDD) 5124.02 (Reference (a)), is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the Department of Defense.

b. Volume. In accordance with the authority in DoDD 1400.25 (Reference (b)), this Volume of this Instruction:

(1) Establishes policy, assigns responsibilities, and prescribes procedures for approval of Reduction in Force (RIF) and coordinating announcements pertaining to RIF, personnel reductions, closures of installations, realignments outside the local commuting area, and substantial reductions in contract operations to ensure that appropriate OSD officials are apprised of the planned action in advance and that the release of information to members of Congress, other Executive agencies, and the public is properly coordinated.

(2) Incorporates and cancels subchapter 1701 of DoD 1400.25-M (Reference (c)) and the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) Memorandums (References (d) and (e)).

2. APPLICABILITY. This Volume applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

a. Announcements pertaining to RIF, personnel reductions, closures of installations, realignments outside the local commuting area, and substantial reductions in contract operations covered under this Volume shall be coordinated and cleared within OSD before public notification of actions, release of information, or notification to members of Congress and other Executive agencies.

b. Congress shall be notified of decisions on the covered actions, which include:

(1) Release of 50 or more civilian employees from U.S. Government employment during a fiscal year at an installation, facility or activity.

(2) Closure or reductions in an installation workforce that may be expected to be of interest to members of the Congress and the public.

(3) Any RIF that is of special interest to Congress or the public.

(4) Realignment of 50 or more civilian employees outside the local commuting area.

(5) Substantial reduction of contract operations or employment (involving 100 or more people) during a fiscal year.

c. The Secretaries of the Military Departments, Directors of the Defense Agencies or DoD Field Activities, and all other organizational entities within the Department of Defense with independent appointing authority for themselves and their serviced organizations are authorized to approve RIF actions pursuant to part 351 of title 5, Code of Federal Regulations (CFR) (Reference (f)). The delegation to the Directors of the Defense Agencies and DoD Field Activities is limited to those with independent appointing authority. The approval authority may be re-delegated in writing to the lowest practical level when the RIF will result in the involuntary separation of fewer than 50 employees or is necessitated by actions of a base realignment and closure (BRAC).

d. RIF actions shall not commence until 45 calendar days after the appropriate information is submitted to Congress according to section 1597 of title 10, United States Code (U.S.C.) (Reference (g)).

e. When conducting a RIF, appropriate actions to mitigate the size of reductions (e.g., Voluntary Early Retirement Authority (VERA) or Voluntary Separation Incentive Payment (VSIP), hiring freezes, terminating temporary employees, reduction in work hours, retraining, curtailing discretionary spending) shall be considered.

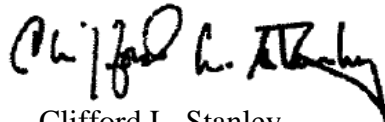
f. Congressional notification shall be made for any termination involving a reduction in employment of 100 or more contractor employees. Notifications of reductions in contract operations must follow the guidance of subpart 249.70 of title 48, CFR (Reference (h)). Proposed terminations must be cleared through department/agency liaison offices before release of the termination notice or any information on the proposed termination to the contractor, in accordance with Reference (h). Procedures described in the Defense Federal Acquisition Regulation Supplement Procedures, Guidance, and Information 249.7001 (Reference (i)) for congressional notification and release of information must also be followed.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Instruction is effective upon its publication to the DoD Issuances Website.



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Under Secretary of Defense for
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Enclosures

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (b) DoD Directive 1400.25, "DoD Civilian Personnel Management System," November 25, 1996
- (c) Subchapter 1701 of DoD 1400.25-M, "Civilian Personnel Manual," March 20, 2005 (hereby cancelled)
- (d) Under Secretary of Defense for Personnel and Readiness Memorandum, "Coordination and Clearance of Announcements of Personnel Reductions, Closures of Installations, and Reductions of Contract Operations in the United States," September 16, 2006 (hereby cancelled)
- (e) Under Secretary of Defense for Personnel and Readiness Memorandum, "Clarification of Announcement Requirements In Personnel Reductions, Closures of Installations, and Reductions of Contract Operations in the United States," October 14, 2009 (hereby cancelled)
- (f) Part 351 of title 5, Code of Federal Regulations
- (g) Section 1597 of title 10, United States Code
- (h) Subpart 249.70 of title 48, Code of Federal Regulations
- (i) Defense Federal Acquisition Regulation Supplement, Procedures, Guidance, and Information 249.7001, "Congressional notification on significant contract terminations," August 25, 2009
- (j) Section 7103(a)(16) of title 5, United States Code

ENCLOSURE 2

RESPONSIBILITIES

1. USD(P&R). The USD(P&R) shall establish and have the overall responsibility for DoD human resource policies issued in this Volume for the coordination and clearance of announcements of RIF, personnel reductions, closures of installations, realignments outside the local commuting area, and substantial reductions in contract operations.

2. DEPUTY UNDER SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY (DUSD(CPP)). The DUSD(CPP), under the authority, direction, and control of the USD(P&R), shall:

a. Develop, maintain, and oversee overall policy on matters relating to this Volume.

b. Monitor compliance with this Volume.

c. Coordinate and staff announcements covered under this Volume. Coordination within OSD shall include, at a minimum, the Assistant Secretary of Defense for Legislative Affairs (ASD(LA)), the Assistant Secretary of Defense for Public Affairs (ASD(PA)), the Office of the Chairman of the Joint Chiefs of Staff (Legislative Affairs), the Office of the Chairman of the Joint Chiefs of Staff (Public Affairs) and the Office of the General Counsel (OGC).

d. Approve DoD Component announcement plans once congressional notification is made and ASD(PA) coordination is received.

3. ASD(LA). The ASD(LA) shall identify which members of Congress shall be notified, provide advice on the appropriate timing for congressional notification, notify the appropriate congressional members, and advise the DUSD(CPP) when notification has been completed.

4. ASD(PA). The ASD(PA) shall review and advise on DoD Component announcements and provide advice on the public release of information.

5. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall:

a. Ensure compliance with this Volume.

b. Issue implementing guidance and procedures, as appropriate.

c. Submit a written request for coordination to the DUSD(CPP) for any action covered under this Volume.

d. Ensure OSD coordination and congressional notifications have been accomplished prior to public release of the information.

6. SECRETARIES OF THE MILITARY DEPARTMENTS. In addition to the responsibilities in section 5 of this enclosure, the Secretaries of the Military Departments, through their Departmental legislative liaisons, shall coordinate on announcements covered under this Volume that affect their Military Department.

7. CHAIRMAN OF THE JOINT CHIEFS OF STAFF. In addition to the responsibilities in section 5 of this enclosure, the Chairman of the Joint Chiefs of Staff, through the Joint Staff Legislative Affairs and Public Affairs liaisons, shall coordinate on DoD Component announcements and provide advice on the public release of information.

ENCLOSURE 3

PROCEDURES

1. COORDINATION REQUIREMENTS

a. The Heads of the DoD Components shall submit written requests for coordination and clearance of announcements to the DUSD(CPP) in accordance with this Volume.

b. Written requests for covered actions, other than BRAC-related civilian personnel actions, shall contain the information cited in this paragraph. The Appendix to Enclosure 3 provides sample formats for the required information. Requests shall include:

(1) The location(s) where the action is being effected.

(2) The reason for the action.

(3) The criteria and methodology used to support this force structure decision.

(4) The number of personnel affected by the action.

(5) The total number of civilian employees.

(6) The actions taken to mitigate the number of reductions (e.g., VERA or VSIP, hiring freezes, terminating temporary employees, reduction in work hours, retraining, curtailing discretionary spending).

(7) The funding impact of the action (e.g., savings, costs, and estimated effect on the local economy).

(8) Anticipated congressional interest, including the names and district(s) of the members to be notified.

(9) A proposed draft press announcement that has been coordinated through the DoD component public affairs office or a statement that no press announcement is planned.

c. For BRAC-related civilian personnel actions, an abbreviated reporting requirement is authorized, i.e., DoD Components need only to submit the number of anticipated involuntary separations and the effective date of the separations. DoD Component Heads must submit this required information to the Office of the DUSD(CPP) at least 75 days before the effective date of the separations to allow for a 45-day congressional notification period.

2. PROHIBITED NOTICE PERIOD

a. RIF and other termination notices shall not be issued or made effective on or between December 15 and January 3.

b. If, in specific situations, available resources absolutely preclude delay, exceptions may be authorized by the Under Secretary of Defense for Personnel and Readiness; the Secretaries of the Army, Navy or Air Force; the Director of Administration and Management; and the Directors of the Defense Agencies and DoD Field Activities with independent appointing authority for themselves and their servicing activities, as appropriate. This exception authority may be delegated in writing to a lower organizational level, as appropriate. Exceptions shall be limited and approved only when the adverse effect on employees shall be significantly increased if the exceptions are not granted.

3. RIF NOTICE REQUIREMENTS

a. Each competing employee, in accordance with Reference (f), affected by RIF is entitled to a specific written RIF notice issued at least 60 full calendar days (not counting notice delivery dates and effective dates) before the effective date of the action. At the same time that a notice is issued to the employee, a written notice must be given to the exclusive labor representative(s) as defined in section 7103 (a)(16) of title 5, U.S.C. (Reference (j)) and in accordance with Reference (f).

b. When 50 or more employees in a competitive area receive separation notices, the DoD Component must provide written notification of the action, at the same time the Component issues specific notices of separation to employees, according to Reference (f), to:

- (1) The State dislocated worker unit(s).
- (2) The chief elected official of local government(s) where the separations will occur.
- (3) The Office of Personnel Management.

APPENDIX TO ENCLOSURE 3

SAMPLE FORMATS

Figure 1. Request for Coordination and Clearance of Announcement of RIF, Personnel Reductions, Closures of Installations, Realignment Outside the Commuting Area Within the United States

Name of activity:
Location:
Gaining Location (if transfer of function or realignment):
Nature of action and proposed effective date:
Reason for action:
Criteria and methodology used to support this force structure decision:
Number of personnel affected:
Total number of civilian employees affected:
Actions taken to mitigate reductions: (e.g., VERA or VSIP, hiring freezes, terminating temporary employees, reduction in work hours, retraining, curtailing discretionary spending).
Funding impact: Savings: (salaries and other costs avoided by the proposed action) Costs: (separation pay, severance pay, unemployment compensation, relocation costs, other)
Estimated effect on local economy:
Anticipated congressional interest, including names and districts of members to be notified:
Proposed unclassified press announcement or statement that no press announcement is planned:

Figure 2. Request for Coordination and Clearance of Announcement of Reduction of Contract Operations Within the United States

Contract Number, date of award, original date of termination and type of contract:

Name of Company:

Nature of contract or end item:

The reason for the termination:

Contract price of the items terminated:

Total number of contractors involved, including the Government's estimate of the number who may be discharged:

Statement of anticipated impact on the company and the community:

The area labor category, whether the contractor is a large or small business, and any known impact on hard core disadvantaged employment programs:

Total number of subcontractors involved and the impact in this area:

Proposed unclassified press announcement or statement that no press announcement is planned:

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ASD(LA)	Assistant Secretary of Defense for Legislative Affairs
ASD(PA)	Assistant Secretary of Defense for Public Affairs
BRAC	base realignment and closure
CFR	Code of Federal Regulations
DoDD	DoD Directive
DUSD(CPP)	Deputy Under Secretary of Defense for Civilian Personnel Policy
RIF	reduction in force
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
VERA	Voluntary Early Retirement Authority
VSIP	Voluntary Separation Incentive Payment

PART II. DEFINITIONS

competitive area. Defined in Reference (f).

local commuting area. Defined in Reference (f).